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District of Arizona  
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4000 U.S. Courthouse  
230 North First Avenue  
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(602) 514-7500



UNITED STATES DISTRICT  
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.

STATE OF ARIZONA; J. FIFE  
SYMINGTON, III, Governor of  
Arizona; TERRY L. STEWART,  
Director, Arizona Department of  
Corrections; DALE COPELAND,  
Warden, Arizona Center for Women  
and ASPC-Alhambra; JEFF HOOD,  
Warden, ASPC-PERRYVILLE; JOHN  
HALLAHAN, Warden, ASPC-Tucson,  
Defendant.

CIV 97- 476 PHX ROS

COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ARIZONA; J. FIFE  
SYMINGTON, III, Governor of  
Arizona; TERRY L. STEWART,  
Director, Arizona Department of  
Corrections; DALE COPELAND,  
Warden, Arizona Center for  
Women and ASPC-Alhambra;  
JEFF HOOD, Warden, ASPC-  
Perryville; JOHN HALLAHAN,  
Warden, ASPC-Tucson;

Defendants.

Civil Action No.

COMPLAINT

1. This action is brought by the Attorney General, on behalf of the United States, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq., to enjoin the named Defendants from depriving women residing in the facilities comprising the Arizona Department of Corrections women's prisons (hereinafter "ADOC"), of their rights, privileges and immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

3. The United States is authorized to bring this action pursuant to 42 U.S.C. § 1997a.

4. The Attorney General has certified that all prefiling requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated in this Complaint by reference.

5. Venue in the District of Arizona is proper pursuant to 28 U.S.C. § 1391. All claims set forth in the Complaint arose in said District.

#### DEFENDANTS

6. Defendant State of Arizona owns and operates the state prisons housing women prisoners within the State of Arizona, and is the governmental entity with ultimate authority and control over conditions within the state prison system.

7. Defendant J. Fife Symington, III is the Governor of Arizona and heads the Executive Branch of Arizona's government. He selects and appoints the Director of the Department of Corrections.

8. Defendant Terry L. Stewart is the Director of the Arizona Department of Corrections ("ADOC") and exercises administrative control of, and responsibility for, ADOC.

9. Defendant Dale Copeland is Warden of ADOC women's prison Arizona Center for Women and is Warden of ADOC women's prison ASPC-Alhambra.

10. Defendant Jeff Hood is Warden of ADOC women's prison ASPC-Perryville.

11. Defendant John Hallahan is Warden of ADOC women's prison ASPC-Tucson.

12. The individually named defendants in paragraphs 7, 8, 9, 10 and 11 above are sued only in their official capacities as officers and officials of the State of Arizona.

13. ADOC is an institution within the meaning of 42 U.S.C. § 1997(1).

14. Defendants are legally responsible, in whole or in part, for the operation of and conditions at ADOC.

15. At all relevant times, Defendants have acted or failed to act, as alleged herein, under color of state law.

#### FACTUAL ALLEGATIONS

16. Defendants are failing to protect ADOC women inmates from sexual misconduct by correctional officers and staff. ADOC women inmates are subjected to a variety of sexual misconduct from Defendants' employees, including sexual relationships, sexual assaults, sexual touching and fondling, and without good reason, frequent, prolonged, close-up and prurient viewing during dressing, showering and use of toilet facilities.

17. Defendants have been consciously aware of, but deliberately indifferent to, the factual allegations set forth in paragraph 16 for a substantial period of time.

18. Defendants have failed to address adequately the misconduct described in paragraph 16 though they consciously knew of that misconduct.

#### VIOLATIONS ALLEGED

19. The acts and omissions alleged in paragraphs 16 through 18 violate the rights, privileges and immunities of women

prisoners confined in ADOC prisons that are secured or protected by the Constitution of the United States and deprive those prisoners of such rights, privileges and immunities.

20. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 16 through 18 that deprive the women prisoners confined by ADOC of their rights, privileges or immunities secured or protected by the Constitution of the United States. Such conduct and practices have and will cause women prisoners confined by ADOC irreparable harm.

PRAYER FOR RELIEF

21. The Attorney General is authorized under 42 U.S.C. § 1997a to seek equitable and declaratory relief.


WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, practices and omissions set forth in paragraphs 16 through 18 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates in ADOC's women's prisons. The United States further prays that this Court grant such other and further

equitable relief as it may deem just and proper.

Respectfully submitted,




JANET RENO  
Attorney General of the  
United States




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JANET NAPOLITANO  
United States Attorney  
District of Arizona




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ISABELLE KATZ PINZIER  
Acting Assistant Attorney  
General  
Civil Rights Division



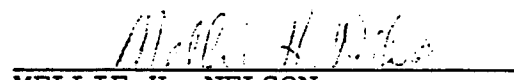
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STEVEN H. ROSENBAUM  
Chief  
Special Litigation Section



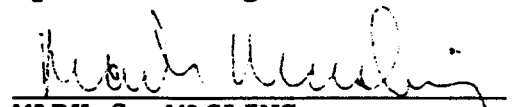
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Washington, D. C. 20530

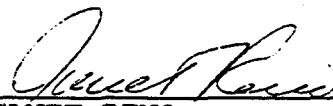
CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. The State of Arizona, et al., I have complied with all subsections of 42 U.S.C. § 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe" set forth in 42 U.S.C. § 1997a to initiate this action. Finally, I certify that all prerequisites to the initiation of this suit under 42 U.S.C. § 1997, et seq., have been met.

Pursuant to 42 U.S.C. § 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this 5 day of <sup>Feb</sup> February, 1997, Washington, D.C.

  
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JANET RENO  
Attorney General  
of the United States