

U.S. v. Michigan



PC-MI-008-004

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

97 - 40053

UNITED STATES OF AMERICA,)
)
 PLAINTIFF)
)
 v.)
)
 STATE OF MICHIGAN;)
 JOHN ENGLER, Governor of)
 the State of Michigan; MICHIGAN)
 DEPARTMENT OF CORRECTIONS;)
 KENNETH MCGINNIS, Director of)
 Michigan Department of)
 Corrections ("MDOC");)
 SALLY LANGLEY, Warden of Crane)
 Correctional Facility ("CCF");)
 JOAN YUKINS, Warden of Scott)
 Correctional Facility ("SCF");)
 in their official capacities,)
)
 DEFENDANTS.)
)
 _____)

Case No. **PAUL V. GADOLA**

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COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. This complaint is filed by the Attorney General on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997 et seq., to enjoin the named Defendants from depriving persons incarcerated at Crane Correctional Facility, located in Coldwater, Michigan ("CCF") and Scott

Correctional Facility, located in Plymouth, Michigan ("SCF"), of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

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

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

4. The Attorney General has certified that all pre-filing 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 herein.

5. Venue in the Eastern District of Michigan, Southern Division, is proper pursuant to 28 U.S.C §§ 1391, 1392.

DEFENDANTS

6. Defendant STATE OF MICHIGAN owns and operates CCF and SCF, which are state correctional facilities for women located in Coldwater and Plymouth, Michigan, respectively.

7. Defendant JOHN ENGLER is sued in his official capacity as the Governor of the State of Michigan, which is responsible for the supervision and control of inmates at CCF and SCF.

8. Defendant MICHIGAN DEPARTMENT OF CORRECTIONS ("MDOC") is the agency charged with authority to maintain and operate CCF and SCF and is responsible for the

conditions of confinement and treatment of persons incarcerated in these facilities.

9. Defendant KENNETH MCGINNIS is sued in his official capacity as the Director of the Department of Corrections, which is the agency charged with the authority to maintain and operate CCF and SCF and is responsible for the conditions of confinement and treatment of persons incarcerated in these facilities.

10. Defendant SALLY LANGLEY is sued in her official capacity as Warden of CCF. Defendant Langley directly supervises and controls CCF.

11. Defendant JOAN YUKINS is sued in her official capacity as Warden of SCF. Defendant Yukins directly supervises and controls SCF.

12. Defendants are legally responsible, in whole or in part, for the operation of CCF and SCF, for the conditions there and the health and safety of persons confined or incarcerated there.

13. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

FACTUAL ALLEGATIONS

14. CCF and SCF are institutions within the meaning of 42 U.S.C. § 1997(1).

15. Persons confined to CCF and SCF are women sentenced to prison following conviction of various crimes in the Michigan state courts.

16. Defendants are failing to protect persons confined to CCF and SCF from sexual misconduct by correctional officers and staff. Inmates incarcerated at CCF and SCF 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 are failing to provide adequate medical care by, inter alia, failing to provide access to adequate care for serious medical needs.

18. Defendants are failing to provide adequate mental health care by, inter alia, failing to treat serious mental health needs of prisoners.

19. Defendants have been consciously aware of the factual allegations set forth in paragraphs 16-18 for a substantial period of time.

20. Defendants have failed to address adequately the abuses described in paragraphs 16-18 though they consciously knew of those abuses.

21. The harm or risk of harm to inmate health and safety set forth in paragraphs 16-18 have been obvious within CCF and SCF for a substantial period of time.

VIOLATIONS ALLEGED

22. The acts and omissions alleged in paragraphs 16-21 violate the rights, privileges, or immunities secured or protected by the Constitution of the United States of persons confined at CCF and SCF.

23. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 16-21 that deprive persons confined at CCF and SCF of their rights, privileges, or immunities secured or protected by the Constitution of the United States and cause them irreparable harm.


PRAYER FOR RELIEF

24. The Attorney General is authorized under 42 U.S.C. § 1997 et seq. 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, omissions, and practices set forth in paragraphs 16 through 21 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at

CCF and SCF. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

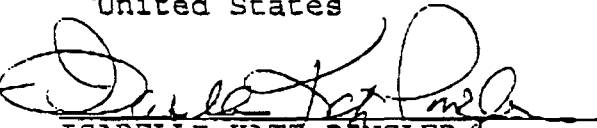
Respectfully submitted,



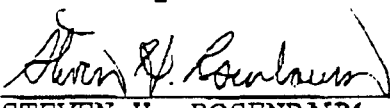
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United States




SAUL GREEN
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ISABELLE KATZ PINZLER
Acting Assistant Attorney General
Civil Rights Division



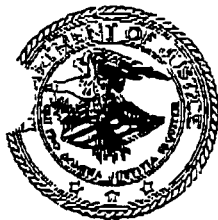
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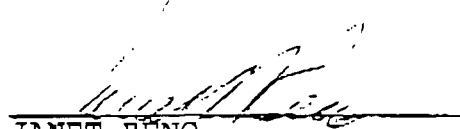
CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. The State of Michigan, 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 or laws 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 3 day of March, 1997, at
Washington, D.C.



JANET RENO
Attorney General
of the United States