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PC-MP-001-003

1 JANET RENO
 Attorney General of the United States
 2 BILL LANN LEE
 Acting Assistant Attorney General
 3 Civil Rights Division
 STEVEN H. ROSENBAUM
 4 Chief, Special Litigation Section
 MELLIE H. NELSON
 5 Deputy Chief, Special Litigation Section
 ROBERT MOOSSY
 6 Trial Attorney, Special Litigation Section
 U.S. Department of Justice
 7 Civil Rights Division
 601 D Street, N.W., Rm. 5107
 8 Washington, D.C. 20004
 (202) 514-6247

9
 10 FREDERICK A. BLACK
 United States Attorney
 GREGORY BAKA
 11 Assistant United States Attorney
 District of the Northern Mariana Islands
 12 Horiguchi Building, 3d Floor
 Saipan, MP 96950
 13 (670) 234-9133
 Attorneys for the United States
 14 of America.

15 UNITED STATES DISTRICT COURT FOR
 16 THE NORTHERN MARIANA ISLANDS

| | | | |
|----|-----------------------------------|---|------------------|
| 17 | UNITED STATES OF AMERICA, |) | CIVIL ACTION NO. |
| | |) | |
| 18 | Plaintiff, |) | |
| | |) | |
| 19 | v. |) | COMPLAINT |
| | |) | |
| 20 | COMMONWEALTH OF THE NORTHERN |) | |
| | MARIANA ISLANDS, GOVERNOR OF THE |) | |
| 21 | NORTHERN MARIANA ISLANDS, |) | |
| | COMMISSIONER OF THE DEPARTMENT OF |) | |
| 22 | PUBLIC SAFETY, SECRETARY OF THE |) | |
| | DEPARTMENT OF LABOR AND |) | |
| 23 | IMMIGRATION, SECRETARY OF THE |) | |
| | DEPARTMENT OF COMMUNITY AND |) | |
| 24 | CULTURAL AFFAIRS, |) | |
| | |) | |
| 25 | Defendants. |) | |

26 THE UNITED STATES OF AMERICA alleges:

27 1. The Attorney General files this complaint on behalf of
 28 the United States of America pursuant to the Civil Rights of

1 Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, and
2 42 U.S.C. § 14141, to enjoin the named Defendants from depriving
3 persons incarcerated in the Commonwealth of the Northern Mariana
4 Islands ("CNMI") at the Saipan Prison Complex ("SPC"), the Saipan
5 Detention Facility ("SDF"), the Kagman Youth Facility on Saipan
6 ("KYF"), the Saipan Immigration Detention Facility ("SIDF"), the
7 Tinian Detention Facility ("TDF"), and the Rota Detention
8 Facility ("RDF"), of rights, privileges, or immunities secured
9 and protected by the Constitution of the United States.

10 JURISDICTION AND VENUE

11 2. This Court has jurisdiction over this action under
12 28 U.S.C. §§ 1331 and 1345, and 48 U.S.C. § 1822(a).

13 3. The United States is authorized to initiate this action
14 pursuant to 42 U.S.C. § 1997a, and 42 U.S.C. § 14141(b),
15 applicable to the CNMI through Section 105 of the Covenant to
16 Establish a Commonwealth of the Northern Mariana Islands in
17 Political Union with the United States of America (1978).

18 4. The Attorney General has certified that all pre-filing
19 requirements specified in 42 U.S.C. § 1997b have been met. The
20 Certificate of the Attorney General is appended to this Complaint
21 and is incorporated herein.

22 5. Venue is proper in the District of the Northern Mariana
23 Islands pursuant to 28 U.S.C. § 1391.

24 DEFENDANTS

25 6. Defendant CNMI owns and operates SPC, SDF, KYF, SIDF,
26 RDF, and TDF.

27 7. The Governor of the CNMI is sued in his official
28 capacity as the CNMI official ultimately responsible for the

1 operations of SPC, SDF, KYF, SIDF, RDF, and TDF.

2 8. The Commissioner of the Department of Public Safety is
3 sued in his official capacity as the official in charge of
4 supervising the operations of SPC, SDF, RDF, and TDF.

5 9. The Secretary of the Department of Labor and Immigration
6 is sued in his official capacity as the official supervising the
7 operations of SIDF.

8 10. The Secretary of the Department of Community and
9 Cultural Affairs is sued in her official capacity as the official
10 supervising the operations of KYF.

11 11. Defendants are legally responsible, in whole or in
12 part, for the operation of SPC, SDF, KYF, SIDF, RDF, and TDF, and
13 for the conditions in these facilities and the health and safety
14 of persons confined, detained, or incarcerated in them.

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

18 FACTUAL ALLEGATIONS

19 13. SPC, SDF, KYF, SIDF, RDF, and TDF are institutions
20 within the meaning of 42 U.S.C. § 1997(1).

21 14. Persons confined in SPC include adult pre-trial
22 detainees and adult post-conviction prisoners.

23 15. Persons confined in SDF are adult pre-trial detainees.

24 16. Persons confined in KYF are juvenile pre-trial
25 detainees, adjudicated status offenders, and juvenile post-
26 conviction inmates.

27 17. Persons confined in SIDF include adult and juvenile
28 CNMI Department of Immigration detainees.

1 18. Persons confined in RDF include adult and juvenile pre-
2 trial detainees and adult and juvenile post-conviction prisoners.

3 19. Persons confined in TDF include adult and juvenile pre-
4 trial detainees and adult and juvenile post-conviction prisoners.

5 20. The CNMI officers staffing SPC, SDF, SIDF, RDF, and TDF
6 are law enforcement officers. The CNMI staff at KYDF are
7 responsible for the administration of juvenile justice and the
8 incarceration of juveniles.

9 21. Defendants have engaged in, and continue to engage in,
10 a pattern or practice of failing to protect inmates at SPC, SDF,
11 KYF, SIDF, RDF, and TDF from undue risk of harm by, inter alia,
12 failing to provide adequate supervision, failing to provide
13 adequate security, failing to provide adequate inmate
14 classification, failing to provide adequate medical and mental
15 health care, and failing to ensure adequate environmental health,
16 sanitation, and fire safety.

17 22. Defendants have been aware of the factual allegations
18 set forth in paragraph 21 for a substantial period of time and
19 have failed to address adequately the conditions described
20 although they consciously knew of those inadequacies.

21 VIOLATIONS ALLEGED

22 23. The acts and omissions alleged in paragraphs 21 and 22
23 violate the rights, privileges, or immunities secured or
24 protected by the Constitution of the United States of persons
25 confined in SPC, SDF, KYF, SIDF, RDF, and TDF.

26 24. Unless restrained by this Court, Defendants will
27 continue to engage in the conduct and practices set forth in
28 paragraphs 21 and 22 that deprive persons confined in SPC, SDF,

1 KYF, SIDF, RDF, and TDF of their rights, privileges, or
2 immunities secured or protected by the Constitution of the United
3 States and cause them irreparable harm.

4 PRAYER FOR RELIEF

5 25. The Attorney General is authorized under 42 U.S.C.
6 § 1997 et seq. and 42 U.S.C. § 14141(b) to seek equitable and
7 declaratory relief.

8
9 WHEREFORE, the United States prays that this Court enter an
10 order permanently enjoining Defendants, their officers, agents,
11 employees, subordinates, successors in office, and all those
12 acting in concert or participation with them from continuing the
13 acts, omissions, and practices set forth in paragraph 21 above,
14 and that this Court require Defendants to take such actions as
15 will ensure constitutional conditions of confinement are afforded
16 to inmates at SPC, SDF, KYF, SIDF, RDF, and TDF.

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

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5 Respectfully submitted,

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9 JANET RENO
 Attorney General of the
 United States

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12 _____
13 FREDERICK A. BLACK
 United States Attorney

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28 ROBERT J. MOOSSY, JR.
 Attorney
 U.S. Department of Justice
 Civil Rights Division
 Special Litigation Section
 P.O. Box 66400
 Washington, D.C. 20035-6400

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. Commonwealth of the Northern Mariana Islands, 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 ____ day of _____, 1998, at Washington, D.C.

JANET RENO
Attorney General
of the United States