

IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF THE VIRGIN ISLANDS;

Division of St. Croix

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE TERRITORY OF THE VIRGIN ISLANDS:
JUAN LUIS, Governor, Virgin
Islands; BUREAU OF CORRECTIONS:
EDWIN POTTER, Director, ISIDORE BELL,
Warden, Golden Grove Adult Correctional
Facility;

Defendants.

86-265

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DISTRICT COURT
ST. CROIX, VI.

COMPLAINT

The UNITED STATES OF AMERICA, by and through Attorney General, Edwin Meese III, brings this action pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. §1997, to enjoin the named defendants from depriving persons imprisoned at the Golden Grove Adult Correctional Facility ("Golden Grove") of rights, privileges or immunities secured or protected by the United States Constitution. Attached hereto, and incorporated herein by reference, is the Certificate of the Attorney General required by 42 U.S.C. §1997b. In support of its Complaint in this action, the United States alleges the following:

JURISDICTION, STANDING, AND VENUE

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

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PC-VI-002-001

2. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a.

3. Venue in the District of the Virgin Islands is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District, and each of the named Defendants resides in said District.

4. Golden Grove is an "institution" within the meaning of 42 U.S.C. §1997(1).

PARTIES

5. Defendant TERRITORY OF THE VIRGIN ISLANDS (hereinafter "Virgin Islands") is an unincorporated territory of the United States and is a "state" within the meaning of 42 U.S.C. §1997. The Virgin Islands owns and operates Golden Grove which is an adult correctional facility.

6. Defendant JUAN LUIS is the Governor of the Virgin Islands, and, in this capacity, heads the executive branch of the territorial government. He appoints the Director of the Bureau of Corrections.

7. Defendant BUREAU OF CORRECTIONS is responsible for the administration and operation of Golden Grove.

8. Defendant EDWIN POTTER is the Director of the Bureau of Corrections, and, in this capacity, has responsibility for the operation of Golden Grove. He appoints and supervises the Warden of Golden Grove.

9. Defendant ISIDORE BELL is the Warden of Golden Grove and, in this capacity, is the chief administrator of

Golden Grove and has responsibility for supervising the operations of Golden Grove.

10. The individual Defendants identified in paragraphs 6, 8, and 9 above are officers of the executive branch of the Virgin Islands and are sued in their official capacities.

FACTUAL ALLEGATIONS

11. Defendants are legally responsible, in whole or in part, for the operation of and the conditions at Golden Grove and the safety of persons imprisoned at that institution.

12. 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.

13. Defendants are failing to provide persons imprisoned at Golden Grove with minimally adequate medical care for their serious medical needs.

14. Defendants are failing to protect persons imprisoned at Golden Grove from unreasonable fire safety risks to their lives and safety.

15. Defendants are failing to provide such security and staff supervision to protect persons imprisoned at Golden Grove from wanton and reckless physical violence by other inmates or staff.

16. Defendants are failing to provide minimally adequate sanitation to protect inmates from unreasonable risks to their physical health.

VIOLATIONS ALLEGED

17. The acts and omissions of Defendants alleged in each of paragraphs 11 through 16 constitute patterns or practices of resistance to the full enjoyment of rights, privileges and immunities secured or protected by the Constitution of the United States and deprives persons confined at Golden Grove of such rights, privileges and immunities.

PRAYER FOR RELIEF

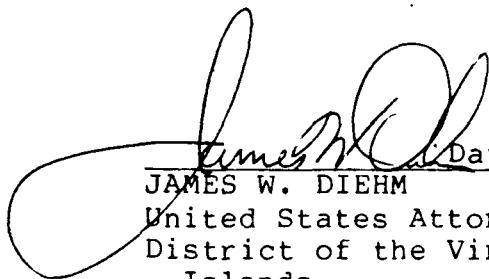
18. The Attorney General is not authorized to seek any remedy at law and is authorized under 42 U.S.C. §1997 to seek only equitable relief.

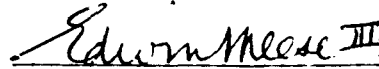
19. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in each of paragraphs 11 through 16 above that deprive persons imprisoned at Golden Grove of rights, privileges, or immunities secured or protected by the Constitution of the United States, and cause irreparable harm.


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 at Golden Grove set forth in each of paragraphs 11 through 16 above. The United States further prays that this Court grant such


other and further equitable relief as it may deem just and proper.


Respectfully submitted,

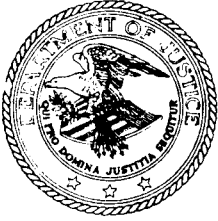

Date: 11/17/86
JAMES W. DIEHM
United States Attorney
District of the Virgin
Islands


Date: 23 Oct 86
EDWIN MEESE III
Attorney General
of the United States


Date:
~~WM. BRADFORD REYNOLDS~~
Assistant Attorney General
Civil Rights Division


Date: 11/30/86
ARTHUR E. PEABODY, JR.
Chief
Special Litigation Section


Date: 10/30/86
V. COLLEEN MILLER
Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530



Office of the Attorney General
Washington, D. C. 20530

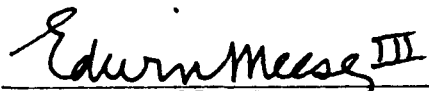
CERTIFICATE OF THE ATTORNEY GENERAL

I, Edwin Meese III, Attorney General of the United States, certify that with regard to the foregoing Complaint, 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 to be 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.

I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. §1997 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 23rd day of October, 1986, at
Washington, D.C.


EDWIN MEESE III
Attorney General of
the United States