

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
COUNTY OF MARICOPA; JOSEPH)
ARPAIO, Sheriff of Maricopa)
County; DON STAPLEY,)
Chairman, Maricopa County)
Board of Supervisors; MARY ROSE)
WILCOX, Maricopa County Board of)
Supervisors; FULTON BROCK,)
Maricopa County Board of)
Supervisors; JAN BREWER,)
Maricopa County Board of)
Supervisors; and ANDY KUNASEK,)
Maricopa County Board of)
Supervisors;)
)
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 inmates residing in the facilities comprising the Maricopa County jails (hereinafter "the Jail"), 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.

U.S. v. Maricopa Co.



JC-AZ-002-002

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 County of Maricopa owns and operates the Jail and is the governmental entity with ultimate authority and control over conditions within the Jail.

7. Defendant Joseph Arpaio is the Sheriff of Maricopa County and exercises administrative control of, and responsibility for, the Jail.

8. Defendant Don Stapley is the Chairman of the Maricopa County Board of Supervisors, the governmental entity with ultimate authority and control over conditions within the Jail.

9. Defendant Mary Rose Wilcox is a member of the Maricopa County Board of Supervisors, the governmental entity with ultimate authority and control over conditions within the Jail.

10. Defendant Fulton Brock is a member of the Maricopa County Board of Supervisors, the governmental entity with ultimate authority and control over conditions within the Jail.

11. Defendant Jan Brewer is a member of the Maricopa County Board of Supervisors, the governmental entity with ultimate authority and control over conditions within the Jail.

12. Defendant Andy Kunasek is a member of the Maricopa County Board of Supervisors, the governmental entity with ultimate authority and control over conditions within the Jail.

13. The individually named defendants in paragraphs 7-12 are sued only in their official capacities as officers and officials of Maricopa County.

14. The Jail is an institution within the meaning of 42 U.S.C. § 1997(1).

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

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

FACTUAL ALLEGATIONS

17. Jail inmates are subject to use of excessive force and use of excessive and improper mechanical restraints by Jail employees, and Defendants fail to protect Jail inmates from such actions.

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

19. Defendants have failed to address adequately the misconduct described in paragraph 17 though they consciously knew of that misconduct.

VIOLATIONS ALLEGED

20. The acts and omissions alleged in paragraphs 17 through 19 violate the rights, privileges and immunities of inmates

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

21. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 17 through 19 that deprive the inmates confined in the Jail of their rights, privileges or immunities secured or protected by the Constitution of the United States. Such conduct and practices have and will cause inmates confined in the Jail irreparable harm.

PRAYER FOR RELIEF

22. 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 17 through 19 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are

afforded to inmates in the Jail. 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

JANET NAPOLITANO
United States Attorney
District of Arizona

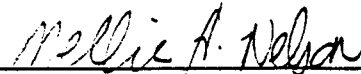


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October 30, 1997

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. County of Maricopa, 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 30 day of October, 1997, Washington, D.C.


JANET RENO

Attorney General
of the United States