



JC-GA-011-002

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

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C. Sanders
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DOOLY COUNTY, GEORGIA;)
VAN PEAVY, Sheriff of)
Dooly County, in his official)
capacity; WAYNE WEST, Chairman)
Dooly County Commission, in)
his official capacity; A.C.)
DANIELS, MYRON MISON, TERRELL)
HUDSON, and HARRY WARD,)
members of the Dooly County)
Commission, in their official)
capacities)
)
Defendants.)

Civil No. 5:98-CV-4(HJ)

COMPLAINT

THE UNITED STATES OF AMERICA, Plaintiff, alleges that:

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 the Dooly County Jail (Jail) in Vienna, Georgia, of rights, privileges or immunities secured or protected by the United States Constitution.

JURISDICTION, STANDING, AND VENUE

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

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

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 Middle District of Georgia is proper pursuant to 28 U.S.C. § 1391. The claims set forth in this Complaint all arose in said District.

DEFENDANTS

6. Defendant DOOLY COUNTY owns the Dooly County Jail (Jail), a facility located in Vienna, Georgia. The existing Jail includes both an "old side" and a "new side."

7. Defendant VAN PEAVY, sued in his official capacity, is the Sheriff of Dooly County. Sheriff Peavy is responsible for the day-to-day operations of the Jail. In his official capacity, he has the custody, rule and charge of the Jail and Jail inmates.

8. Defendant WAYNE WEST is sued in his official capacity as the Chairman of the DOOLY COUNTY COMMISSION. Defendants A.C. DANIELS, TERRELL HUDSON, MYRON MISON, and HARRY WARD are sued in their official capacities as members of the Dooly County Commission. The Dooly County Commission is responsible for the

conditions of confinement in the Jail, and its members have the power to authorize monies in the Dooly County treasury.

9. Defendants are legally responsible, in whole or in part, for the operation of the Dooly County Jail, for its condition, and for the health and safety of persons detained or incarcerated within the Jail.

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

FACTUAL ALLEGATIONS

11. The Dooly County Jail is an "institution" within the meaning of 42 U.S.C. § 1997(1).

12. Persons confined in the Dooly County Jail include men and women, pre-trial detainees, misdemeanants, felons, and persons confined pursuant to Georgia law.

13. Defendants have violated the constitutional rights of Dooly inmates and exhibited deliberate indifference towards unconstitutional conditions in the Dooly County Jail.

14. Defendants have failed to provide adequate medical, dental, and mental health care (including suicide prevention) to persons confined at the Dooly County Jail.

15. The Defendants have subjected inmates at the Dooly County Jail to unsanitary, unhealthy, and unsafe conditions.

16. The Defendants have failed to protect inmates at the Dooly County Jail from undue risk of harm from fires.

17. The Defendants have failed to protect inmates at the Dooly County Jail from physical harm and the risk of harm by, inter alia, failing to provide adequate security and supervision, failing to provide adequate inmate housing and classification, failing to develop adequate incident reporting procedures, failing to provide adequate staffing and staff training, and failing to develop and implement appropriate policies and procedures to safely operate the Jail. Such deficiencies endanger the health and safety of persons incarcerated or detained in the Jail.

18. The Defendants have subjected inmates at the Dooly County Jail to overcrowding and living conditions that have exacerbated the health and safety deficiencies in the facility.

19. The Defendants have failed to provide Jail inmates with adequate access to the courts.

20. The Defendants have failed to provide Dooly County Jail inmates with adequate opportunity for exercise.

21. The Defendants have been consciously aware of the factual allegations set forth in paragraphs 14-20 for a substantial period of time and have failed to address adequately these conditions. The risk of harm to inmate health and safety from the conditions has been obvious for a substantial period of time.

VIOLATIONS ALLEGED

22. The acts, practices and omissions of Defendants alleged in each of paragraphs 13 through 21 violate rights of persons

confined at the Dooly County Jail which are secured or protected by the Constitution of the United States. U.S. Const. Amend. VIII, XIV.

PRAYER FOR RELIEF

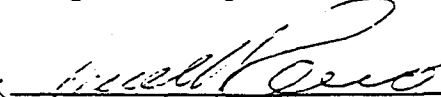
23. The Attorney General is authorized under 42 U.S.C. § 1997 to seek only equitable relief.

24. Unless restrained by this Court, persons confined at the Dooly County Jail will be deprived of rights secured or protected by the Constitution of the United States.

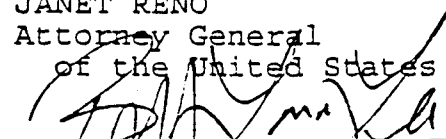
WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth herein, and to require Defendants to take such actions as will provide constitutional conditions of confinement to persons confined at the Dooly County

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

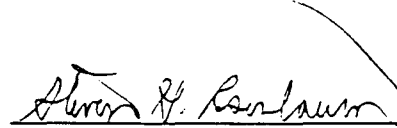
Respectfully submitted,



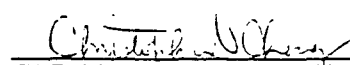
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Attorney General
of the United States



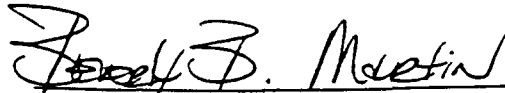
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