



JC-MS-012-003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 COUNTY OF GRENADA, MISSISSIPPI;)
 W.H. BIRDSONG, Sheriff of)
 Grenada County, in his official)
 capacity; JIMMY D. BECK, President)
 of the Grenada County Board of)
 Supervisors, in his official)
 capacity; and HOMER D. TRUSSELL,)
 CHRISTOPHER COLUMBUS HANKINS, CECIL)
 SHELTON, and FRED CARVER, members)
 of the Grenada County Board of)
 Supervisors, in their official)
 capacities,)
)
 Defendants.)

Civil Rights No.

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 Grenada County Jail in Grenada, Mississippi,

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. Venue in the Northern District of Mississippi is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District.

5. 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.

DEFENDANTS

6. Defendant County of Grenada, Mississippi, owns and operates the jail facility at issue in this action. The County of Grenada is responsible for the conditions of confinement and treatment of the persons detained or incarcerated in the Grenada County Jail.

7. Defendant W.H. Birdsong, sued in his official capacity, is the Sheriff of Grenada County, and is charged by state law with responsibility for the general supervision and control of the County of Grenada Jail. He is responsible for, inter alia, the conditions of confinement in the facility, the policies and

procedures of the facility, and for the protection and safety of the persons detained or incarcerated therein.

8. Defendant Jimmy D. Beck is sued in his official capacity as President of the Grenada County Board of Supervisors. Defendants Homer D. Trussell, Christopher C. Hankins, Cecil Shelton, and Fred Carver, are sued in their official capacities as members of the Grenada County Board of Supervisors. Under Mississippi law, the Grenada County Board of Supervisors has the authority to appropriate monies in the Grenada County treasury and the responsibility to keep the Grenada County Jail in good repair. The Board also has the responsibility under Mississippi law to make contracts and plan for any new county jail to be constructed, and to ensure the completion of any needed remodeling, renovating, or repairing of the existing facility.

9. Defendants are legally responsible, in whole or in part, for the operation of the Grenada County Jail, its conditions of confinement, and the health and safety of persons detained or incarcerated therein.

FACTUAL ALLEGATIONS

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

11. Persons confined in the Grenada County Jail have included men and women, pre-trial detainees, convicted misdemeanants and felons, and juveniles.

12. Defendants have failed to provide persons confined in the Grenada County Jail adequate medical care by, inter alia,

failing to provide adequate medical screening of inmates at intake, failing to provide inmates with routine, follow-up, and emergency medical care, failing to implement an adequate medication distribution system, and failing to properly store medical supplies and medications.

13. Defendants have failed to provide adequate mental health care services by, inter alia, failing to provide mental health screening upon entry to the jail, failing to provide adequate access to mental health care professionals, and failing to implement suicide prevention measures.

14. The Defendants have subjected inmates at the County of Grenada Jail to unsanitary and unsafe conditions. Defendants have subjected inmates to unsanitary conditions and practices with respect to, inter alia, food services, facility plumbing, and inmate shower areas.

15. The Defendants have failed to provide inmates at the Grenada County Jail with an environment that is adequately fire safe.

16. The Defendants have failed to provide inmates at the County of Grenada Jail with adequate protection from harm by, inter alia, failing to provide adequate security and supervision, sufficient numbers of staff, adequate staff training, and appropriate policies and procedures to safely operate the Jail. Such deficiencies endanger the lives of persons incarcerated or detained in the Jail.

17. The Defendants have failed to provide inmates with adequate opportunity for out-of-cell/exercise time.

VIOLATIONS ALLEGED

18. The acts, practices and omissions of Defendants alleged in each of paragraphs 12 through 17 violate rights of persons confined at the Grenada County Jail that are secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

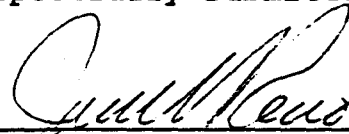
19. The Attorney General is authorized under 42 U.S.C. §1997, et seq. to seek equitable relief.

20. Unless restrained by this Court, persons confined at the County of Grenada 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 inmates at the Grenada 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,

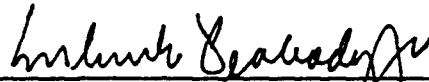


JANET RENO
Attorney General of
the United States

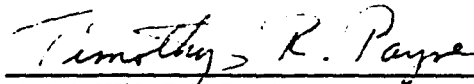


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CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. Grenada County, Mississippi, 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 31st day of October, 1994, at
Washington, D.C.

A handwritten signature in cursive script, appearing to read "Janet Reno", written over a horizontal line.

JANET RENO
Attorney General
of the United States