



JC-MS-015-003

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SCOTT COUNTY, MISSISSIPPI;)
 WILLIAM RICHARDSON, Sheriff of)
 Scott County, in his official)
 capacity; JOHNNY DAVID OWENS,)
 President of the Scott County)
 Board of Supervisors, in his)
 official capacity; THOMAS EDWARD)
 WAGGONER, W. J. MEASELS, STEPHEN B.)
 LEE, and BUFORD PALMER, members)
 of the Scott 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 Scott County Jail in Forest, 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 Southern 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 Scott County, Mississippi, owns and operates the facility at issue in this action. Scott County is responsible for the conditions of confinement and treatment of persons detained or incarcerated in the Scott County Jail.

7. Defendant William Richardson, sued in his official capacity, is the Sheriff of Scott County, and is charged by state law with responsibility for the general supervision and control of the Scott County 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 Johnny David Owens is sued in his official capacity as the President of the Scott County Board of Supervisors. Defendants Thomas Edward Waggoner, W. J. Measels, Stephen B. Lee, and Buford Palmer are sued in their official capacities as members of the Scott County Board of Supervisors. Under Mississippi law, the Scott County Board of Supervisors has the authority to appropriate monies in the Scott County treasury and the responsibility to keep the Scott County Jail in good repair. The Board also has the obligation under Mississippi law to make contracts and plan for a new jail, if needed, and to ensure the completion of any needed remodeling, enlarging or repairing of the existing facility.

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

10. 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.

FACTUAL ALLEGATIONS

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

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

13. Defendants have failed to provide persons confined at the Scott County Jail adequate medical care by, inter alia, failing to provide adequate medical screening of inmates at intake, failing to provide inmates with adequate routine, follow-up, and emergency care, and failing to implement an adequate medication distribution system.

14. 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.

15. The Defendants have subjected inmates at the Scott County Jail to unsanitary and unsafe conditions. Defendants have subjected inmates to unsanitary conditions and practices with respect to, inter alia, hygiene, plumbing, ventilation, and food.

16. The Defendants have failed to protect the inmates in the facility from undue risk of fires.

17. The Defendants have failed to protect inmates at the Scott County Jail from physical harm by, inter alia, failing to provide adequate security and supervision, adequate staffing, an adequate classification system, and appropriate policies and procedures to safely operate the Jail. Such deficiencies endanger the lives of persons incarcerated or detained in the Jail.

18. The Defendants have failed to provide inmates at the Scott County Jail adequate access to the courts.

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

VIOLATIONS ALLEGED

20. The acts, practices and omissions of Defendants alleged in each of paragraphs 13 through 19 violate rights of persons confined at the Scott County Jail which are secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

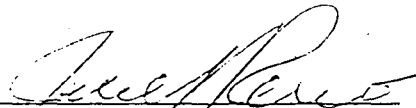
21. The Attorney General is authorized under 42 U.S.C. §1997 to seek only equitable relief.

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

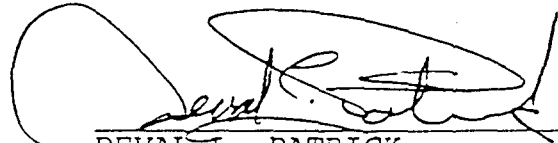
WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth herein and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

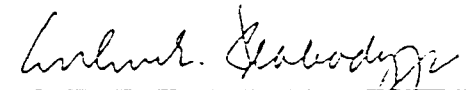


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