

FILED

U. S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JUL 13 1989

UNITED STATES OF AMERICA,

Plaintiff,

v.

COUNTY OF CRITTENDEN, STATE OF
ARKANSAS; COUNTY OF CRITTENDEN
QUORUM COURT, Maggie Boals,
Ed Bogard, Joe Bill Boone, Tommy
Dickerson, Tecumseh Jones, Connie
Moore, Lillian Morris, Vickie
Robertson, Vera Simonetti, Buddy
Suiter, Bill Weaver;
BRIAN WILLIAMS, County Judge; and
RICHARD E. BUSBY, County Sheriff,

Defendants.

CARL R. BRENTS, CLERK

By: *Martha Fugate*
DEP. CLERK

Civil Action No.
JC89-141

Civil Rights

COMPLAINT

The UNITED STATES OF AMERICA, by and through its Attorney General, Dick Thornburgh, 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 incarcerated at the Crittenden County Jail (CCJ), Marion, Arkansas, of rights, privileges or immunities secured or protected by the United States Constitution. 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.

U.S. v. Crittenden Co.



JC-AR-002-003

2. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a. Attached hereto, and incorporated herein by reference, is the Certificate of the Attorney General required by 42 U.S.C. §1997b.

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

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

PARTIES

5. The COUNTY OF CRITTENDEN owns and operates CCJ.

6. Defendant COUNTY OF CRITTENDEN is responsible for the administration and operation of CCJ.

7. Defendant QUORUM COURT consists of Defendants Maggie Boals, Ed Bogard, Joe Bill Boone, Tommy Dickerson, Tecumseh Jones, Connie Moore, Lillian Morris, Vickie Robertson, Vera Simonetti, Buddy Suiter and Bill Weaver. The QUORUM COURT is the legislative body of Crittenden County and, in addition to its responsibilities regarding funding of county operations, has the authority under state law to fix the number and compensation of deputies and other county employees and provide for any service or performance of any function relating to county affairs, including the services at CCJ.

8. Defendant BRIAN WILLIAMS is the County Judge in Crittenden County and in this capacity, he heads the executive branch of county government.

9. Defendant RICHARD E. BUSBY is the Sheriff of the County of Crittenden. In this capacity, he serves as the chief administrator of CCJ and has responsibility for supervising the daily operations of CCJ.

10. The individual Defendants identified in paragraphs 7, 8 and 9 above are sued in their official capacities only.

FACTUAL ALLEGATIONS

11. Defendants are legally responsible, in whole or in part, for the operation of CCJ and for the conditions at CCJ and the health and safety of persons incarcerated there.

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. The Defendants are failing to protect inmates at CCJ from undue risk of harm from violence by other inmates.

14. The Defendants are failing to provide inmates at CCJ adequate access to medical and mental health care.

15. The Defendants are failing to protect inmates at CCJ from undue risks of harm from fires.

16. The Defendants are subjecting inmates at CCJ to undue risks of harm from unsanitary conditions of confinement.

17. The Defendants are subjecting inmates at CCJ to undue risks of harm from unsafe conditions of confinement, including, but not limited to, exposed electrical wires.

18. The Defendants are assigning inmates at CCJ to housing units on the basis of race.

19. The Defendants are failing to provide inmates at CCJ adequate access to the courts by failing to provide them access to law library facilities.

VIOLATIONS ALLEGED

20. The acts and omissions of Defendants alleged in each of paragraphs 11 through 19 constitute patterns or practices of resistance to the full enjoyment of rights, privileges or immunities secured or protected by the Constitution of the United States and deprive persons confined at CCJ of such rights, privileges or immunities.

21. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 11-19 above that deprive persons confined at CCJ of rights, privileges, or immunities secured or protected by the Constitution of the United States, and cause irreparable harm to CCJ inmates.

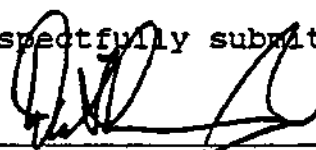
PRAYER FOR RELIEF

22. The Attorney General is authorized under 42 U.S.C. §1997 to seek only equitable 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, omissions and practices described at the Crittenden County Jail set forth in paragraphs 11-19 above and to require

Defendants to take such actions as will provide constitutional conditions of confinement to inmates at the Crittenden 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,

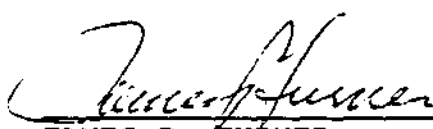

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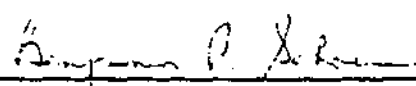
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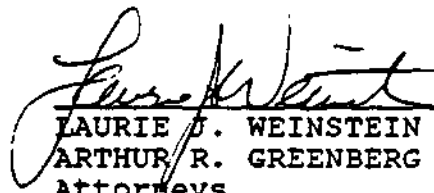
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CERTIFICATE OF THE ATTORNEY GENERAL

I, Dick Thornburgh, 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. Section 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. Section 1997b(a)(2). I further certify pursuant to 42 U.S.C. Section 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.

I further certify that I have the "reasonable cause to believe" set forth in 42 U.S.C. Section 1997a(a) to initiate this action. I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. Section 1997 have been met.

Pursuant to 42 U.S.C. Section 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. Section 1997b(b), I am personally signing this Certificate.

Signed this 5th day of July, 1989, at Washington,
D.C.

A handwritten signature of Dick Thornburgh, written in dark ink, is positioned above the printed name.

DICK THORNBURGH
Attorney General of
the United States