



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. § 1997c.

4. Venue in the Eastern District of Virginia, Norfolk Division, 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 Paul D. Fraim is sued in his official capacity as the Mayor of the City of Norfolk. The City of Norfolk has the authority to fund the operation of the Norfolk City Jail and is responsible for maintaining the Norfolk City Jail in good order.

7. Defendant Robert McCabe is sued in his official capacity as Sheriff of the City of Norfolk. In his official capacity, Sheriff McCabe is responsible for the operation of the Norfolk City Jail. The Sheriff directly supervises and controls daily operation of the Norfolk City Jail and is responsible for the conditions of confinement and treatment of persons incarcerated there.

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

9. 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

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

11. Persons confined to the Norfolk City Jail include pre-trial detainees and post-conviction inmates.

12. Defendants are failing to protect inmates at the Norfolk City Jail from undue risk of harm by, inter alia, failing to protect inmates from assaults by other prisoners, failing to ensure adequate environmental health and safety conditions, and by subjecting prisoners to excessively crowded conditions.

13. Defendants are failing to provide adequate medical care to persons confined at the Norfolk City Jail by, inter alia, failing to provide access to adequate routine and emergency care.

14. Defendants are failing to provide adequate fire safety conditions to persons confined at the Norfolk City Jail.

15. Defendants are failing to provide adequate opportunities for exercise to persons confined at the Norfolk City Jail.

16. Defendants are failing to provide adequate access to the courts to persons confined at the Norfolk City Jail

VIOLATIONS ALLEGED

17. The acts, practices and omissions of Defendants alleged in each of paragraphs 12 through 16 violate rights of persons confined at the Norfolk City Jail that are secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

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

19. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 12 through 16 above that deprive persons confined at Norfolk City Jail of rights secured or protected by the Constitution or laws of the United States and continue to cause harm to the inmates of the Norfolk City Jail.

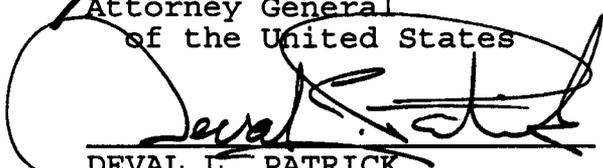
WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions and practices set forth in paragraphs 12 through 16 above and to require Defendants to take such actions as will

ensure lawful conditions of confinement to inmates at the Norfolk City 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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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. The City of Norfolk, 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 16 day of Sept., 1996, at  
Washington, D.C.

  
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JANET RENO  
Attorney General  
of the United States