

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

UNITED STATES OF AMERICA, Plaintiff

v.

COLUMBUS CONSOLIDATED CITY/COUNTY GOVERNMENT; RALPH JOHNSON, Sheriff of
Muscogee County, in his official capacity; BOBBY G. PETERS, Mayor of Columbus, in his official
capacity, Defendants

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 Muscogee County Jail (Jail) in Columbus, 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 is authorized 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 COLUMBUS CONSOLIDATED CITY/COUNTY GOVERNMENT (Columbus) is a government entity encompassing the City of Columbus, Georgia and Muscogee County, Georgia. The Muscogee County Jail (Jail) is a facility located in, operated for, and owned by Columbus. The existing Jail includes three facilities - the "new jail" or "tower," the "old jail," and the "stockade."

7. Defendant Ralph Johnson is sued in his official capacity as the acting Sheriff of Muscogee County. Sheriff Johnson 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 BOBBY G. PETERS is sued in his official capacity as the Mayor of Columbus. He is the chief executive of the consolidated government and has the power to submit budgets to the City Council.

9. Defendants are legally responsible, in whole or in part, for the operation of the Muscogee 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 Muscogee County Jail is an "institution" within the meaning of 42 U.S.C. § 1997(1).
12. Persons confined in the Muscogee County Jail include men and women who are pre-trial detainees, misdemeanants, or felons confined pursuant to Georgia law.
13. The Muscogee County Jail houses more than 800 inmates in three separate facilities built in the 1890's, 1930's, and 1980's respectively.
14. The Defendants have failed to protect inmates at the Muscogee 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 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.
15. Defendants have failed to provide adequate medical, dental, and mental health care (including suicide prevention) to persons confined at the Jail.
16. The Defendants have subjected inmates at the Jail to unsanitary, unhealthy, and unsafe conditions.
17. The Defendants have failed to protect inmates at the Muscogee County Jail from undue risk of harm from fires.
18. The Defendants have failed to provide Jail inmates with adequate access to the courts.
19. The Defendants have failed to provide Muscogee County Jail inmates with adequate opportunity for exercise.
20. The United States has notified the Defendants of alleged deficiencies through a letter of official findings dated June 1, 1995.
21. Despite notice from the United States, recommendations from the United States, the results of a local grand jury investigation, actual knowledge of deficiencies, and the obviousness of deficiencies, the Defendants have violated and continue to violate the constitutional rights of Muscogee County Jail inmates.
22. Defendants' deliberate indifference to the constitutional rights of Muscogee County Jail inmates has deprived those inmates of basic life necessities, exposed them to unsafe and unhealthy conditions, and placed them at undue risk of harm.

VIOLATIONS ALLEGED

23. The acts, practices and omissions of Defendants alleged in each of paragraphs 13 through 22 violate rights of persons confined at the Muscogee County Jail secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

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

25. Unless restrained by this Court, persons confined at the Muscogee 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 Muscogee 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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