

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Rights No.
COUNTY OF HARRISON, MISSISSIPPI;)	
JOE PRICE, Sheriff of Harrison)	
County, in his official capacity;)	
RICK GASTON, Warden of Harrison)	
County Jail, in his official)	
capacity; ROBERT ELEUTERIUS,)	
President of the Harrison County)	
Board of Supervisors, in his)	
official capacity; and LARRY)	
BENEFIELD, DAVID LAROSA, C.T.)	
SWITZER, and ROBIN MIDCALF,)	
members of the Harrison County)	
Board of Supervisors, in their)	
official capacities,)	
)	
Defendants.)	
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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 Harrison County Jail in Gulfport,

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

7. Defendant Joe Price, sued in his official capacity, is the Sheriff of Harrison County, and is charged by state law with responsibility for the general supervision and control of the County of Harrison 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 Rick Gaston is sued in his official capacity as the Warden of the Harrison County Jail. The Warden has responsibility for the day-to-day supervision and control of the Harrison County Jail, including the conditions, practices, and implementation of policies and procedures at the Jail.

9. Robert Eleuterius is sued in his official capacity as President of the Harrison County Board of Supervisors. Defendants Larry Benefield, David LaRosa, C.T. Switzer, and Robin Midcalf, are sued in their official capacities as members of the Harrison County Board of Supervisors. Under Mississippi law, the Harrison County Board of Supervisors has the authority to appropriate monies in the Harrison County treasury and the responsibility to keep the Harrison County Jail in good repair. The Board also has the responsibility under Mississippi law to make contracts and plan for any new county jail facilities to be constructed, and to ensure the completion of any needed remodeling, renovating, or repairing of the existing facility.

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

FACTUAL ALLEGATIONS

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

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

13. Defendants have failed to provide persons confined in the Harrison County Jail adequate medical care by, inter alia, failing to provide sufficient medical staffing, 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.

14. Defendants have failed to provide adequate mental health care services by, inter alia, failing to provide adequate mental health staffing and access to mental health care professionals, failing to provide adequate mental health screening upon entry to the jail, failing to implement adequate suicide prevention measures, and failing to provide sufficient staff training regarding the identification of inmates with mental health needs and appropriate measures of protection and treatment to be undertaken for such inmates.

15. The Defendants have failed to provide inmates at the Harrison County Jail with adequate protection from harm by, inter alia, failing to provide adequate security and supervision, sufficient numbers of staff, adequate staff training, and implementation of appropriate policies and procedures to safely operate the Jail, including procedures for control of dangerous

materials. Such deficiencies endanger the lives of persons incarcerated or detained in the Jail.

16. The Defendants have failed to provide inmates with adequate access to the courts by, inter alia, failing to provide inmates with meaningful and effective access to law books and legal research materials.

VIOLATIONS ALLEGED

17. The acts, practices and omissions of Defendants alleged in each of paragraphs 13 through 16 violate rights of persons confined at the Harrison County Jail that are secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

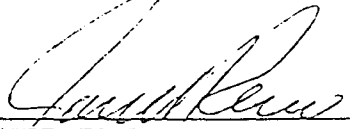
18. The Attorney General is authorized under 42 U.S.C. §1997, et seq., to seek equitable relief.

19. Unless restrained by this Court, persons confined at the County of Harrison 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 Harrison 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,

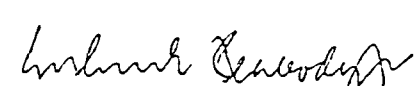


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