

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	
	)	Civil No. _____
KING COUNTY, WASHINGTON;	)	
	)	
and	)	
	)	
RON SIMS, King County	)	
Executive, in his official	)	
capacity only;	)	
	)	
DEFENDANTS.	)	
_____	)	

**COMPLAINT**

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America 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 in the King County Correctional Facility ("KCCF"), located in Seattle, Washington, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 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 Western District of Washington is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant KING COUNTY is an entity created under the laws of the State of Washington. King County maintains KCCF and is responsible for the conditions of confinement and health and safety of persons incarcerated at KCCF.

7. Defendant RON SIMS is sued in his official capacity as the King County Executive, the head of King County's executive branch. In his official capacity, Mr. Sims oversees King County's governmental operations, including the operation of KCCF.

8. Defendants are legally responsible, in whole or in part, for the operation and conditions of KCCF, and for the health and safety of persons incarcerated in KCCF.

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

11. Persons confined to KCCF include both pre-trial detainees and sentenced inmates.

12. Defendants have engaged in and continue to engage in a pattern or practice of failing to protect inmates at KCCF from serious harm and undue risk of serious harm by, inter alia, failing to protect inmates from harm, including physical harm and custodial sexual misconduct; failing to protect inmates from self harm; and failing to provide adequate medical care.

13. The factual allegations set forth in paragraph 12 have been obvious and known to Defendants for a substantial period of time; yet Defendants have failed to address adequately the conditions described.

VIOLATIONS ALLEGED

14. Through the acts and omissions alleged in paragraphs 12 and 13, Defendants have exhibited deliberate indifference to the health and safety of KCCF inmates, in

violation of the rights, privileges, or immunities of those inmates as secured or protected by the Constitution of the United States. U.S. Const. amend. VIII, XIV.

15. Unless restrained by this Court, Defendants will continue to engage in the acts and omissions set forth in paragraphs 12 and 13 that deprive persons confined in KCCF of rights, privileges, or immunities secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

16. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory 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 set forth in paragraphs 12 and 13 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at KCCF. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

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Respectfully submitted,

*/s/ Michael B. Mukasey*

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MICHAEL B. MUKASEY  
Attorney General of the  
United States

Date: January 14, 2009

*/s/ Jeffrey C. Sullivan*

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