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CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 SANTA ANA

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7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10
 11 JAMEELAH MEDINA,
 12 Plaintiff,

11 CASE NO. **07-1600 VAP (OPx)**
 12 **COMPLAINT FOR DAMAGES**

13 v.

14 COUNTY OF SAN BERNARDINO,
 a political subdivision; GARY
 15 PENROD, in his individual and
 16 official capacities; DOES 1 through
 17 10, in their individual and official
 capacities; and CRAIG ROBERTS,
 in his individual and official
 18 capacities,

19 Defendants.

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1 Plaintiff JAMEELAH MEDINA alleges as follows:

2 **JURISDICTION AND VENUE**

3 1. This action arises under 42 U.S.C. § 1983, the laws and Constitution of
4 the United States, and the laws and Constitution of the State of California. This
5 Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C.
6 § 2000cc-2(a), and directly under the Constitution. This Court has supplemental
7 jurisdiction under 28 U.S.C. § 1367(a).

8 2. Venue is proper under 28 U.S.C. § 1391 because a substantial part of
9 the events or omissions giving rise to the claims occurred in this district.

10 **PARTIES**

11 **Plaintiff**

12 3. Plaintiff Jameelah Medina is a 29-year old woman who resides in San
13 Bernardino County with her husband. Ms. Medina works as a business trainer and
14 is a graduate student pursuing her PhD in education at Claremont Graduate
15 University, where she obtained her Master's degree.

16 4. Ms. Medina is a practicing Muslim and is and has been an adherent of
17 the Muslim religion since birth. In accordance with her religious beliefs and as a
18 part of the exercise of her religion, Ms. Medina wears a headscarf covering her hair,
19 ears, neck, and part of her chest when she is in public and when she is in the
20 presence of men who are not members of her immediate family.

21 **Defendants**

22 5. Defendant County of San Bernardino ("San Bernardino County") is a
23 political subdivision, organized under the laws of the State of California. At all
24 times relevant to this Complaint, Defendant San Bernardino County employed
25 Defendant Gary Penrod and unidentified defendants designated herein as Does 1-
26 10. The San Bernardino County Sheriff's Department ("SBSD") is a department of
27 San Bernardino County. On information and belief, the SBSB receives federal
28 financial assistance as well as financial assistance from the State of California.

1 6. Defendant Doe 1 was the supervising officer of the West Valley
2 Detention Center of the SBSB on December 7, 2005. In this capacity, he
3 supervised staff and operations at one of the largest county jails in California, with
4 a capacity of more than 3000 inmates. The web site of the West Valley Detention
5 Center boasts that inmates receive services including "religious services." See
6 <http://www.co.san-bernardino.ca.us/sheriff/detentions/WVDC.asp>. Because the
7 true name of Defendant Doe 1 is unknown to Plaintiff, Plaintiff sues that Defendant
8 through a fictitious name. Plaintiff will seek leave to amend this Complaint, if
9 necessary, to reflect Defendant Doe 1's true name once it has been ascertained.
10 Prior to and on December 7, 2005, Defendant Doe 1 acted within the scope of his
11 employment and under color of law. He is sued in both his individual and official
12 capacities.

13 7. Defendant Gary Penrod is the Sheriff-Coroner of San Bernardino
14 County. As such, he has overall supervisory responsibility for the patrol stations
15 and jails of San Bernardino County, including the West Valley Detention Center.
16 At all times relevant to this Complaint, he was acting within the scope of his
17 employment and under color of law. He is sued in both his individual and official
18 capacities.

19 8. Defendants Does 2 through 10 are persons who engaged in, were
20 aware of, participated in, and/or directed the acts alleged herein. Because the true
21 names and capacities of Defendants sued as Does 2 though 10 are unknown to
22 Plaintiff, Plaintiff sues those Defendants through fictitious names. Plaintiff will
23 seek leave to amend this Complaint, if necessary, to reflect their true names once
24 they have been ascertained. At all times relevant to this Complaint, Defendants
25 Does 2 through 10 were acting within the scope of their employment and under
26 color of law. Does 2 through 10 are sued in both their individual and official
27 capacities.

1 the *hadith* (or *ahadith*), oral traditions coming from the era of the Prophet
2 Mohammed, and other religious texts and interpretations. The word hijab comes
3 from the Arabic word “hajaba,” which means to hide or screen from view or to
4 cover.

5 13. As part of her religious faith and practice, Jameelah Medina wears a
6 headscarf, covering her hair, ears, neck, and part of her chest, when she is in public
7 and when she is at home, if she is in the presence of men who are not part of her
8 immediate family.

9 14. Ms. Medina has studied religious texts, thought deeply, and prayed
10 about her practice of covering her head and hair. To Ms. Medina, wearing a
11 headscarf is a reminder of her faith, of the importance of modesty in her religion,
12 and of her religious obligations, as well as a symbol of her own control over who
13 may see the more intimate parts of her body.

14 15. For Ms. Medina, to have her hair and neck uncovered in public –
15 particularly in the presence of men who are not part of her immediate family – is a
16 serious breach of faith and religious practice, and a deeply humiliating, violating,
17 and defiling experience that substantially burdens her religious practice.

18 **Arrest and Car Ride to West Valley Detention Center**

19 16. On the morning of December 7, 2005, Jameelah Medina boarded the
20 San Bernardino Line Metrolink train at the Fontana Station on her way to work,
21 with the Cal State LA Station as her destination.

22 17. When the train in which Ms. Medina was riding reached the Claremont
23 Station, two uniformed officers, possibly employed by Metrolink, who were on the
24 train asked to see her train ticket. She gave them her ticket. The officers
25 determined that her ticket was not valid, and they told Ms. Medina that she would
26 have to get off at the next stop, the Pomona Station, where an LASD officer would
27 be waiting for her.

1 18. At the Pomona Station, the two officers escorted Ms. Medina to an
2 LASD deputy, whom Ms. Medina later learned was defendant Craig Roberts.
3 Roberts arrested Ms. Medina at approximately 6:15 a.m. He asked Ms. Medina a
4 number of questions about her Metrolink ticket, took her to his car, gave her a blank
5 form, and told her to write out a statement on that form regarding her ticket.

6 19. Ms. Medina was never prosecuted for any crime or misdemeanor in
7 connection with her Metrolink ticket.

8 20. Roberts handcuffed Ms. Medina, made her sit in the back seat of his
9 marked police car, and drove away. As Roberts drove, he began asking Ms.
10 Medina questions. He asked her why she covered her hair. Ms. Medina explained
11 that she was a Muslim and preserved modesty in front of men. Roberts next asked
12 why Ms. Medina had chosen that "evil" religion. Ms. Medina answered that she
13 was born into the religion. Roberts asked whether Ms. Medina sympathized with
14 suicide bombers, and she answered that she did not. Ms. Medina attempted to
15 explain that not all Muslims are the same, just as not all Christians are the same.
16 Roberts asked Ms. Medina whether she sympathized with Saddam Hussein, and she
17 said that she did not. Ms. Medina felt uncomfortable and vulnerable during
18 Roberts' questioning, but she answered his questions in order to be cooperative.

19 21. Although Roberts is an LASD deputy, Roberts drove Ms. Medina to a
20 detention center in San Bernardino County, telling her that he did not want her in
21 his car all the way to Los Angeles. He spoke with someone on the telephone to get
22 directions to the West Valley Detention Center.

23 22. As he drove, Roberts made several offensive and bigoted statements
24 about Ms. Medina's religion. He accused Ms. Medina of being a terrorist and of
25 supporting terrorism. He stated that Muslims are evil, that their religion is evil, that
26 they spread evil, and that the United States was in Iraq at God's direction to squash
27 evil. Roberts had difficulty keeping his composure and, at one point, he removed
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1 his sunglasses and glared at Ms. Medina in the rearview mirror while yelling
2 accusations at her.

3 23. While Roberts accused Ms. Medina in increasingly angry tones, Ms.
4 Medina did not respond. She remained handcuffed in the back of the patrol car.
5 She felt intimidated and shocked, and she feared that Roberts might do something
6 to harm her physically.

7 **Defendants' Prohibition on Plaintiff's Wearing of a Religious Headcovering**

8 24. Once at the West Valley Detention Center, a large jail in San
9 Bernardino County, Roberts left Ms. Medina with a female officer and stood about
10 ten feet away from her, apparently filling out paperwork, with his back to Ms.
11 Medina. The female officer told Ms. Medina to take various items off, including
12 her jewelry, and she inventoried those items. The officer then told Ms. Medina to
13 take off her headscarf. Ms. Medina responded that she could not take it off and that
14 she wore it for religious reasons. In response, the female officer hesitated for a
15 moment but then told Ms. Medina again to take off the headscarf. Ms. Medina
16 repeated her response.

17 25. Roberts turned around to face Ms. Medina and said, "It's not religious.
18 It's just a fashion statement." This statement surprised Ms. Medina, because she
19 had explained to Roberts in the car that wearing the headscarf was a religious
20 practice. The female officer told Ms. Medina that she did not care what worked
21 "outside" and that Ms. Medina must take off the headscarf "in here." The officer
22 told Ms. Medina that "in here," she must do as she was told, and the officer
23 threatened that she could make sure that Ms. Medina was not processed or
24 fingerprinted and that, as a result, Ms. Medina would not be eligible for bail and
25 would not be released the same day.

26 26. In response, Ms. Medina allowed the officer to remove her headscarf.
27 Ms. Medina undid the pins holding the scarf in place and let the ends of the scarf
28 hang down. The female officer removed the scarf from Ms. Medina's head. As she

1 did so, Roberts made a point of staring at her. Ms. Medina felt violated, exposed,
2 and humiliated because she was forced to remove her headscarf in the presence of a
3 man, in violation of her religious beliefs and practices.

4 27. Ms. Medina was not given any explanation by the officer, or by
5 anyone else thereafter, for why she was not permitted to wear her headscarf.

6 28. The female officer required Ms. Medina to remove the hair scrunchie
7 she had been wearing under her headscarf, and she told Ms. Medina to shake her
8 hair. The officer then required Ms. Medina to stand facing a wall, and the officer
9 searched Ms. Medina in a pat-down. Ms. Medina hoped that she would get the
10 headscarf back once the search was over, but the officer did not return her scarf to
11 her. No contraband or weapon was found under the headscarf or anywhere else on
12 Ms. Medina.

13 29. The female officer finished searching Ms. Medina's person. She then
14 took Ms. Medina to a small holding area. Within a short time, the same officer
15 called Ms. Medina to be fingerprinted and then sent her to a holding area with the
16 other women. While in the holding cell, Ms. Medina removed a thermal
17 undershirt she was wearing and put it on her head in an attempt to cover herself.
18 Ms. Medina asked a different female officer if she could have her scarf back, and
19 that female officer returned it to her. When Ms. Medina received her scarf back,
20 she put it on her head right away and tied it at the chin.

21 30. Later in the day, officers lined up the female prisoners, including Ms.
22 Medina, to receive orange clothes. The female officer who had taken off Ms.
23 Medina's headscarf saw that Ms. Medina was again wearing her headscarf. She
24 told Ms. Medina to take it off, and Ms. Medina complied and gave the headscarf
25 back to the female officer, who took it away.

26 31. Ms. Medina then attempted to put the thermal undershirt on her head
27 again, but the officer told her that she was not allowed to put anything on her head.
28

1 Ms. Medina saw another inmate wearing a ponytail scrunchie, and no one required
2 that inmate to remove her scrunchie.

3 32. A male officer issued the women their prison clothes. He saw Ms.
4 Medina without her headscarf on. Again, Ms. Medina felt violated. Ms. Medina
5 and the others were sent eventually to cells, where she stayed until she was
6 released.

7 33. Ms. Medina believes that, at least, two or three male officers, including
8 Defendant Roberts, saw her exposed without her headscarf during the course of that
9 day. Even when Ms. Medina was sitting in a cell with only other women, she heard
10 men's voices and feared that more men saw her uncovered.

11 34. Later in the day, Ms. Medina received her headscarf and other personal
12 items and was released in the early evening after her family posted bond.

13 35. In the aftermath of the incident, Ms. Medina remained distressed by
14 what had happened, including being forced to remove her headscarf. She cried a
15 great deal and experienced humiliation, a sense of having had both her religious
16 beliefs and personal integrity violated, and shame. She felt that the male officers
17 had seen parts of her body that they should not have seen, according to her religious
18 beliefs.

19 **DEFENDANTS' CULPABILITY**

20 36. On information and belief, Defendants San Bernardino County and its
21 employees and agents prohibited Plaintiff from wearing her religious headcovering
22 pursuant to a San Bernardino County custom, practice, or official policy.

23 Alternatively, based on information and belief, Defendants San Bernardino County
24 and its employees and agents prohibited Plaintiff from wearing her religious
25 headcovering pursuant to a custom, practice, or official policy implemented by the
26 SBSB, Defendant Doe 1 (the person who supervised the West Valley Detention
27 Center on December 7, 2005), Defendant Penrod, or other officers employed by
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1 San Bernardino County and/or the SBSB, which was ratified by San Bernardino
2 County or which San Bernardino County failed to address.

3 37. Specifically, the SBSB has informed Plaintiff that it is the practice in
4 “all Type I and Type II jails managed by the San Bernardino County Sheriff’s
5 Department” to require all inmates “to remove any headcovering when they are
6 searched during the jail intake process,” and to receive this headcovering back,
7 whether “religious or otherwise,” only upon “that individual’s release from
8 custody.” No exception or accommodation is made for religious headcoverings.

9 38. In contrast to the SBSB policy, custom, or practice prohibiting the use
10 of religious headcovering, the Federal Bureau of Prisons has enacted a policy
11 regarding “religious headwear” providing that “[s]carves and headwraps (hijabs)
12 are appropriate for female inmates” U.S. Dep’t of Justice, Federal Bureau of
13 Prisons, Program Statement re: Religious Beliefs and Practices (Dec. 31, 2004),
14 available at http://www.bop.gov/policy/progstat/5360_009.pdf (last visited
15 December 5, 2007). The federal policy authorizes female Muslim inmates to wear
16 a “hijab,” and it states that such “[r]eligious headwear is worn throughout the
17 institution.” *Id.* The policy is intended to protect “the religious rights of inmates of
18 all faiths” while maintaining “the security and orderly running of the institution.”
19 *Id.*

20 39. In contrast to the policy, custom, or practice prohibiting the use of
21 religious headcovering in SBSB jails including the West Valley Detention Center,
22 other States have, like the Federal Bureau of Prisons, enacted policies regarding
23 religious headwear. The Kentucky Department of Corrections, for example,
24 permits “[s]carves and head wraps to be authorized for female inmates who have
25 identified a religious preference of Muslim, Jewish, Native American, Rastafarian,
26 and those of the orthodox Christian tradition.” This includes the “hijab.” Kentucky
27 Corrections, Policies and Procedures, Policy No. 23.1, at 5 (filed Jan. 9, 2007). The
28 New York Department of Correctional Services permits inmates to wear religious

1 headcoverings. Approved religious headcoverings include the “khimar” – a “cloth
2 headcovering (not to cover the face) for female members of the Islamic faith
3 measuring no more than 4 feet by 4 feet.” State of New York, Dep’t of
4 Correctional Servs., Directive No. 4202, at 6-7 (May 12, 2004, last revised April
5 24, 2007).

6 40. Defendants’ prohibition on Plaintiff’s use of a religious headcovering
7 pursuant to the above-described custom, practice, or policy violated Plaintiff’s right
8 to the free exercise of her religion, violated her rights under federal law, violated
9 her rights under the California Constitution and laws, and caused her extreme
10 mental and emotional distress.

11 41. On December 7, 2005, the day of the events that form the basis of this
12 Complaint, Defendants Doe 1 and Sheriff Penrod managed and supervised the
13 SBSB and the West Valley Detention Center of the SBSB and all officers working
14 therein, including the officers (Does 2 through 10) who had contact with Plaintiff at
15 the West Valley Detention Center on December 7, 2005.

16 42. On information and belief, Defendants Doe 1 and Penrod directed
17 officers, including Does 2 through 10, to prohibit the wearing of religious
18 headcoverings such as the hijab by inmates in the West Valley Detention Center of
19 the SBSB.

20 43. On information and belief, Defendants Doe 1 and Penrod, as
21 supervisors of the SBSB and the West Valley Detention Center of the SBSB, and
22 of all officers, including Does 2 through 10 working therein, were aware or should
23 have been aware that officers, including Does 2 through 10, engaged in the practice
24 of prohibiting the wearing of religious headcoverings such as a hijab, and that such
25 prohibition would violate Plaintiff’s right to free exercise of religion, violate her
26 rights under federal and state law, and cause her extreme mental and emotional
27 distress. Defendants Doe 1 and Penrod, however, failed to prevent officers,
28 including Does 2 through 10, from prohibiting Jameelah Medina from wearing her

1 religious headscarf, either by training those officers, exercising their control over
2 those officers, or adequately supervising those officers. Nor did Defendants Doe 1
3 and Penrod, having knowledge of those officers' prohibition on the wearing of
4 religious headcoverings, remediate or redress those officers' conduct.

5 44. Defendants had no reasonable basis to believe that their actions in
6 prohibiting Ms. Medina from practicing her religion were lawful. The right that she
7 sought to exercise and the fact that Defendants' actions violated that right were
8 clearly established and well settled law as of December 7, 2005. In particular, as
9 detention officials, Defendants Doe 1 and Penrod should have known about the
10 clearly established law prohibiting Defendants from imposing a substantial burden
11 on religious exercise in the absence of a compelling government interest.
12 Accordingly, defendants Doe 1 and Penrod should have known that causing or
13 allowing subordinate officers, including Does 2 through 10, to prohibit Plaintiff
14 from wearing her religious headscarf would violate Jameelah Medina's right to the
15 free exercise of her religion, violate her rights under federal and state law, cause her
16 extreme mental and emotional distress, and would subject them to liability in their
17 individual and official capacities.

18 45. In failing to adequately train, control, and supervise its officers and in
19 failing to implement a policy, such as the federal Bureau of Prisons Policy, that
20 safeguards the religious rights of inmates such as Plaintiff, Defendants Doe 1 and
21 Penrod demonstrated reckless indifference to Plaintiff's constitutional rights.

22 46. In verbally abusing Plaintiff on the basis of her religion, accusing her
23 of being a terrorist and supporting terrorism, declaring that Muslims are evil, and
24 asserting that her headscarf was just a fashion statement after Plaintiff had
25 explained to him that it was a religious practice to wear it, Defendant Roberts
26 demonstrated that he acted with an evil motive and with reckless indifference to
27 Plaintiff's constitutional rights. In requiring Plaintiff to remove her headscarf after
28 being told that Plaintiff wore the scarf for religious reasons, defendant SBSD

1 officers (Does 2 through 10) acted with reckless indifference to Plaintiff's
2 constitutional rights.

3 **FIRST CLAIM**

4 Violation of Religious Land Use and Institutionalized Persons Act

5 42 U.S.C. §§ 2000cc et seq.

6 (Against All Defendants)

7 47. Plaintiff incorporates the above paragraphs as though fully set forth
8 here.

9 48. Under the Religious Land Use and Institutionalized Persons Act of
10 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1, "No government shall impose a
11 substantial burden on the religious exercise of a person residing in or confined to an
12 institution . . . even if the burden results from a rule of general applicability, unless
13 the government demonstrates that imposition of the burden on that person – (1) is in
14 furtherance of a compelling governmental interest; and (2) is the least restrictive
15 means of furthering that compelling governmental interest."

16 49. By their actions described above, including by requiring Plaintiff to
17 remove her religious headscarf and by prohibiting Plaintiff from covering her head
18 with her headscarf, including in the presence of male officers, Defendants imposed
19 a substantial burden on Plaintiff's religious exercise in that they forced Plaintiff to
20 violate a fundamental tenet of her faith and a central component of her religious
21 practice. That substantial burden neither furthers a compelling governmental
22 interest nor is the least restrictive means of furthering a compelling governmental
23 interest.

24 50. Accordingly, Defendants have violated Plaintiff's rights under
25 RLUIPA. As a result of Defendants' conduct, Jameelah Medina suffered, and
26 continues to suffer, extreme shame, humiliation, mental anguish, and emotional
27 distress.

