

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LISA VALENTINE,

Plaintiff,

v.

CITY OF DOUGLASVILLE; OFFICER
LAURA MULLIS (in her official capacity);
OFFICER DAVID CAMP (in his official
capacity); and OFFICER JAMES MEINKE
(in his official capacity),

Defendants.

CIVIL ACTION NO. _____

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff, LISA VALENTINE (“Mrs. Valentine”) sues Defendants CITY OF DOUGLASVILLE, OFFICER LAURA MULLIS, in her official capacity, OFFICER DAVID CAMP, in his official capacity, and OFFICER JAMES MEINKE, in his official capacity (referred to collectively as “Defendants”) and states:

Plaintiff Mrs. Valentine seeks relief from the substantial burdens that the City of Douglasville, its officers, and its agents unlawfully imposed on the practice of her religion. Mrs. Valentine is a practicing Muslim American who accompanied her nephew to an appointment for a traffic hearing at the Douglasville Courthouse.

Mrs. Valentine was denied the right to wear her religious headcovering while accompanying her nephew to court, even though Defendants could have searched her in private and allowed her to continue wearing the headcovering following the search without any valid security concerns. When Mrs. Valentine verbally expressed her disappointment with being denied access to the Douglasville Courthouse, she was arrested, unlawfully detained, forced to remove her headcovering in violation of her religious beliefs, and prohibited by Defendants from wearing her headcovering while in custody. As a result of the foregoing deprivations of her First, Fourth, and Fourteenth Amendment rights, as well as her rights under the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc-2(a) (“RLUIPA”), Mrs. Valentine suffered severe discomfort, humiliation and emotional distress.

JURISDICTION AND VENUE

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

2. This Court has personal jurisdiction over Defendants in that they maintain systematic and continuous contacts with Georgia, reside in Georgia, do

business in the State of Georgia, committed illegal acts intended to and that did cause harm to Mrs. Valentine in the State of Georgia.

3. Venue is proper under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claims occurred in this District and at least one of the Defendants resides in this District.

PARTIES

4. Plaintiff Lisa Valentine is a Muslim American woman who resides in Douglas County. In accordance with her religious beliefs and as a part of the exercise of her religion, Mrs. Valentine wears a headscarf covering her hair, ears, neck and part of her chest when she is in public and when she is in the presence of men who are not members of her immediate family.

5. Defendant City of Douglasville is a corporate body, subject to suit, established by and operating pursuant to a City Charter permitted under the laws of the State of Georgia. On information and belief, the City of Douglasville receives federal financial assistance.

6. Defendant Officer Laura Mullis (“Officer Mullis”) was at all times pertinent hereto a law enforcement officer acting under color of law for purposes of 42 U.S.C. § 1983. At all times pertinent hereto Officer Mullis was employed by the City of Douglasville, Georgia, as a police officer. Officer Mullis is sued in her

official capacity.

7. Defendant Officer David Camp (“Officer Camp”) was at all times pertinent hereto a law enforcement officer acting under color of law for purposes of 42 U.S.C. § 1983. At all times pertinent hereto Officer Camp was employed by the City of Douglasville, Georgia, as a police officer. Officer Camp is sued in his official capacity.

8. Defendant Officer James Meinke (“Officer Meinke”) was at all times pertinent hereto a law enforcement officer acting under color of law for purposes of 42 U.S.C. § 1983. At all times pertinent hereto Officer Meinke was employed by the City of Douglasville, Georgia, as a police officer. Officer Meinke is sued in his official capacity.

FACTUAL ALLEGATIONS

Mrs. Valentine’s Religious Practice of Wearing a Headscarf

9. Many Muslim women wear a headscarf, also known as a hijab or khimar, in accordance with their religious beliefs that are based on their understanding of the Koran, the primary holy book of the Muslim religion; the *hadith*, oral traditions coming from the era of the Prophet Mohammed; and other religious texts and interpretations. The word hijab comes from the Arabic word “hajaba,” which means to hide or screen from view or to cover.

10. As part of her religious faith and practice, Mrs. Valentine wears a headscarf, covering her hair, ears, neck, and part of her chest, when in public and when she is at home, if she is in the presence of men who are not part of her immediate family.

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

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

Mrs. Valentine's Unlawful Arrest

13. On the morning of December 16, 2008, Mrs. Valentine accompanied her nephew to the Douglasville Courthouse for her nephew's traffic hearing before the Douglasville Municipal Court.

14. Mrs. Valentine entered the Douglasville Courthouse wearing her headscarf.

15. As Mrs. Valentine approached the metal detector at the courthouse, Officer Mullis, who was staffing the metal detector, told Mrs. Valentine that it is against court policy to allow headgear to be worn in the courtroom.

16. Mrs. Valentine told Officer Mullis that she could not remove her headscarf because it would be a violation of her faith.

17. Officer Mullis told Mrs. Valentine that the prohibition on headgear was the policy and that there were no exceptions. Officer Mullis reiterated that Mrs. Valentine would not be allowed into the courtroom wearing her headscarf.

18. Officer Mullis did not explain to Mrs. Valentine any alternative procedure that would allow her to wear her headscarf and attend her nephew's traffic hearing with him.

19. Mrs. Valentine verbally expressed to Officer Mullis that this policy was discriminatory. Mrs. Valentine also stated that "this is bullshit" and "it is my religion."

20. Officer Mullis responded by stating that Mrs. Valentine could discuss this matter with the judge.

21. Mrs. Valentine decided not to speak with the judge and attempted to leave the courthouse. Specifically, Mrs. Valentine said to Officer Mullis: "No, I'm leaving."

22. Instead of allowing her to leave, Officer Mullis stood in her way and insisted that Mrs. Valentine see the judge.

23. Mrs. Valentine stated that she wanted to leave the courthouse and when Officer Mullis tried to grab Mrs. Valentine to take her to the judge, Mrs. Valentine told Officer Mullis not to touch her.

24. Officer Mullis, then, called for another police officer to assist her in bringing Mrs. Valentine before the judge.

25. Officer Camp responded to Officer Mullis's call and approached Mrs. Valentine and Officer Mullis.

26. Officer Camp handcuffed Mrs. Valentine.

27. Officer Mullis explained to Officer Camp that she told Mrs. Valentine that Mrs. Valentine could not enter the courtroom wearing any headgear.

28. Officer Mullis told Officer Camp that Mrs. Valentine was wearing her headscarf for religious reasons.

29. Officer Mullis also told Officer Camp that Mrs. Valentine expressed her disappointment with the policy and stated that "this is bullshit." Officer Mullis then told Officer Camp that she wanted to take Mrs. Valentine to Judge Rollins but Mrs. Valentine wanted to leave.

30. After hearing Officer Mullis's version of the events, Officer Camp

escorted Mrs. Valentine, in handcuffs, to the booking area of the Police Department to wait for Judge Rollins.

31. After several minutes in the booking area, Officer Camp brought Mrs. Valentine into Judge Rollins's courtroom. At this time she was still wearing her headscarf.

32. Once inside Judge Rollins's courtroom, Officer Mullis testified that:

[Mrs. Valentine] came to the metal detector with the young man.... I advised her that she would not be able to go into the courtroom with her headdress on. She at that time said it was discrimination, I just told her that it was the judge's rulings. I can't let her in the courtroom, and she hollered at me that's bullshit. So, I advised her that she needed to come in and take that up with you. And she said that's discrimination and I know how the judge is. She did not want to come in the court room. And then of course she fought myself and Camps out in the hallway.

33. Officer Mullis was then asked to confirm that Mrs. Valentine "fought." Officer Mullis replied that Mrs. Valentine "[did not] want to comply in any way."

34. Mrs. Valentine did not fight with Officer Mullis or Officer Camp.

35. After hearing Officer Mullis's recollection of the events, Judge Rollins said to Mrs. Valentine: "Alright, I'll give you the opportunity to show me or tell me why you should not be held in contempt of court for your actions." Mrs. Valentine replied, "I was trying to leave, and I just stated my opinion. I didn't

know that they was gonna held me, what right does somebody just have to tell you to go see the judge, I didn't want to go see the judge, I was on my way out the door, and she blocked my way to getting to the door, and I didn't fight anybody.”

36. After Mrs. Valentine spoke, Judge Rollins sentenced Mrs. Valentine to jail for ten (10) days for contempt of court. Judge Rollins signed a “Contemp[t] Order for Direct Criminal Contempt,” and wrote, “Contemner created a disturbance in hallway adjacent to the courtroom by becoming boisterous and combative with police officer at metal detector. Contemner yelled that court rules precluding hats were ‘bullshit’ and that ‘this is bullshit,’ and had to fight with contemner.”

37. After Judge Rollins signed the Contempt Order, Officer Camp brought Mrs. Valentine to Officer Meinke, who was located in an office within the courthouse, to be processed.

38. Officer Meinke asked Officer Camp what Mrs. Valentine did to be held in contempt. Office Camp responded by stating she refused to remove her headdress and talked back to Officer Mullis. Officer Camp also told Officer Meinke that Mrs. Valentine could not wear her headscarf and would have to remove it.

39. After the brief conversation, Officer Meinke began processing Mrs.

Valentine. During the processing, Officer Meinke told Mrs. Valentine to remove her headscarf and Mrs. Valentine complied.

40. After Officer Meinke finished processing Mrs. Valentine, she was handcuffed and placed in a dark holding cell within the courthouse. Mrs. Valentine was confined to the holding cell and was not permitted to leave.

41. Mrs. Valentine waited in the dark holding cell there until a bus came to transport her to the Douglas County Jail. On the bus, Mrs. Valentine was chained to the other prisoners, including men.

42. In the holding cell, on the bus and during her detainment at Douglas County Jail, Mrs. Valentine was not permitted to wear her headscarf.

Mrs. Valentine's Release From Jail

43. Upon learning of Mrs. Valentine's imprisonment, the Senior Staff of the Police Department immediately instituted an investigation behind Mrs. Valentine's charge for contempt of court. The Senior Staff of the Police Department "determined that no fight took place, but that Mrs. Valentine's actions were primarily verbal and her resistance passive"

44. The Senior Staff conducted a meeting with "command staff" which included Judge Rollins, Chief Whisenant, Deputy Chief Womack, Deputy Chief Sparks, and Captain Shaw.

45. Chief Whisenant asked Judge Rollins to rescind his Contempt Order from earlier in the day.

46. Judge Rollins rescinded his Contempt Order.

47. At approximately, 6:00 p.m. on December 16, 2008, Mrs. Valentine was released from jail. Upon release, she was given back her headscarf, which she immediately wore.

Defendants' Post-Arrest Conduct

48. After Mrs. Valentine's unlawful arrest, on January 5, 2009, Chief Judge Rollins issued a local rule for the Municipal Court of the City of Douglasville which states:

No hats or head coverings shall be worn at any time in the Courtroom. No sunglasses or tinted glasses obscuring the eyes shall be worn at any time in the Courtroom with the exception of medically prescribed eyewear.

If anyone feels that they cannot remove their hat or headcovering for medical, health or religious reasons, they should be directed to Court personnel who can make special provisions for their case to be heard by the Judge.

49. After Mrs. Valentine's unlawful arrest, the City of Douglasville Police Department issued a "Headscarf Press Release." The report stated that:

The Officer acted in a reactive manner to the situation...rather than going the extra mile to be pro-active by seeking an accommodation that would preserve the spirit of the law.... [W]hile the Judge had an accommodation policy for his Courtroom, it appears the Officer did

not affirmatively provide information on that policy when encountered by a citizen whose religious practice included wearing the headscarf in public. It is also unclear how familiar this Officer was with the alternative procedure.

Defendants' Culpability

50. On information and belief, Defendant City of Douglasville and its employees and agents prohibited Mrs. Valentine from wearing her religious headcovering pursuant to a City of Douglasville custom, practice or official policy.

51. Alternatively, based on information and belief, Defendant City of Douglasville and its employees and agents prohibited Mrs. Valentine from wearing her religious headcovering pursuant to a custom, practice, or official policy implemented by the Defendant Officer Mullis or other officers employed by the City of Douglasville, which was ratified by the City of Douglasville or which the City of Douglasville failed to address.

52. Specifically, Officer Camp, knowing Mrs. Valentine wore a headdress for religious purposes, made her remove it and required her to be without her headdress while she was confined in a dark holding cell.

53. Upon information and belief, Officer Meinke, knowing Mrs. Valentine wore a headdress for religious purposes, required her to be without her headdress while she was confined in a dark holding cell.

54. The prohibition on Mrs. Valentine's use of a religious headcovering

pursuant to the above-described custom, practice, or policy violated her right to the free exercise of her religion, violated her rights under federal law, and caused her extreme mental and emotional distress.

55. On information and belief, the City of Douglasville was aware or should have been aware that officers engaged in the practice of prohibiting the wearing of religious headcoverings such as a hijab, and that such prohibition would violate Plaintiff's right to free exercise of religion, violate her rights under federal law and cause her extreme mental and emotional distress. Defendant City of Douglasville, however, failed to prevent officers from prohibiting Mrs. Valentine from wearing her religious headscarf, either by training those officers, exercising its control over those officers, or adequately supervising those officers. Nor did Defendant City of Douglasville, having knowledge of its officers' prohibition on the wearing of religious headcoverings, remediate or redress those officers' conduct.

56. Defendants had no reasonable basis to believe that their actions in prohibiting Mrs. Valentine from practicing her religion were lawful. The right that she sought to exercise and the fact that Defendants' actions violated that right were clearly established and well settled law as of December 16, 2008. In particular, Defendants should have known about the clearly established law prohibiting them

from imposing a substantial burden on religious exercise in the absence of a compelling government interest. Accordingly, Defendants should have known that causing or allowing officers to prohibit Mrs. Valentine from wearing her religious headscarf would violate Mrs. Valentine's right to the free exercise of her religion, violate her rights under federal law, causing her extreme mental and emotional distress, and would subject Defendants Mullis, Camp and Meinke to liability in their official capacities.

57. In failing to adequately train, control, and supervise its officers and in failing to implement a policy that safeguards the religious rights of individuals visiting a courthouse such as Mrs. Valentine, Defendant City of Douglasville demonstrated reckless indifference to Mrs. Valentine's constitutional rights.

58. In requiring Mrs. Valentine to remove her headscarf after being told that she wore the scarf for religious reasons, Defendants acted with reckless indifference to Mrs. Valentine's constitutional rights.

FIRST CLAIM

Violation of Religious Land Use and Institutionalized Persons Act
42 U.S.C. §§ 2000cc et seq.
(Against All Defendants)

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

59. Under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1, "No government shall impose a

substantial burden on the religious exercise of a person residing in or confined to an institution . . . even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person – (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”

60. While confining Mrs. Valentine in an institution that receives federal funding, Defendants substantially burdened the practice of her religion by requiring her to remove her headdress in the presence of strangers.

61. By their actions described above, including by requiring Mrs. Valentine to remove her religious headscarf and by prohibiting Mrs. Valentine from covering her head with her headscarf, including in the presence of male officers, Defendants imposed a substantial burden on Mrs. Valentine’s religious exercise in that they forced Mrs. Valentine to violate a fundamental tenet of her faith and a central component of her religious practice. That substantial burden neither furthers a compelling governmental interest nor is the least restrictive means of furthering a compelling governmental interest.

62. Accordingly, Defendants have violated Mrs. Valentine’s rights under RLUIPA. As a result of Defendants’ conduct, Mrs. Valentine suffered, and continues to suffer, extreme shame, humiliation, mental anguish, and emotional

distress.

63. The aforesaid acts of Defendants have injured Mrs. Valentine in an amount to be determined at trial.

SECOND CLAIM
Violation of the First Amendment
As Incorporated through the Fourteenth Amendment
42 U.S.C. § 1983
(Against All Defendants)

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

64. The First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

65. By their actions described above, including, but not limited to, denying entry into the Douglasville Courthouse while wearing a headscarf, forcing Mrs. Valentine to remove her headscarf and prohibiting Mrs. Valentine from covering her head with her headscarf, including in the presence of male officers, Defendants denied Mrs. Valentine the right to free exercise of religion and free expression, as guaranteed by the First Amendment to the Constitution of the United States and incorporated against the States through the Fourteenth

Amendment.

66. As a result of Defendants' conduct, Mrs. Valentine suffered, and continues to suffer, extreme humiliation, shame, mental anguish, and emotional distress.

67. The aforesaid acts of Defendants have injured Mrs. Valentine in an amount to be determined at trial.

68. The aforesaid acts of Defendants have caused, and unless restrained by this Court, will continue to cause irreparable damage, loss, and injury to Mrs. Valentine for which Mrs. Valentine has no adequate remedy at law.

69. Indeed, Mrs. Valentine will likely have to return to courthouse for a traffic or other type of hearing and may again suffer irreparable damage, loss, and injury as a result of Defendants' conduct.

70. Mrs. Valentine is entitled to a preliminary and thereafter a permanent injunction prohibiting Defendants from committing and continuing to commit their unlawful acts.

71. Mrs. Valentine is entitled to a preliminary and thereafter a permanent injunction requiring Defendant City of Douglasville to: (1) modify its current policy regarding the wearing of headgear so that it specifically allows headgear worn for religious purposes; and (2) provide appropriate training regarding the

modified policy.

THIRD CLAIM

Violation of the Fourth Amendment
As Incorporated through the Fourteenth Amendment
42 U.S.C. § 1983
(Against All Defendants)

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

72. The Fourth Amendment to the United States Constitution provides: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

73. There was no probable cause for Mrs. Valentine’s arrest.

74. Mrs. Valentine was arrested for using constitutionally-protected speech.

75. Mrs. Valentine’s speech does not fall under any exceptions to the First Amendment’s protection of free speech.

76. By arresting Mrs. Valentine without probable cause, Defendants violated her rights to protection from unreasonable seizures, as guaranteed by the Fourth Amendment to the Constitution of the United States and incorporated

against the States through the Fourteenth Amendment.

77. As a result of Defendants' conduct, Mrs. Valentine suffered, and continues to suffer, extreme humiliation, shame, mental anguish, and emotional distress.

78. The aforesaid acts of Defendants have injured Mrs. Valentine in an amount to be determined at trial.

PRAYER FOR RELIEF

Plaintiff, Lisa Valentine, therefore respectfully requests that the Court enter a judgment, including, but not limited to:

- a. Compensatory damages in an amount to be proven at trial;
- b. Punitive damages in an amount to be proven at trial;
- c. Nominal damages;
- d. Costs and reasonable attorneys' fees;
- e. Permanent injunctive relief against Defendants enjoining Defendants from engaging in the unlawful practices described in this Complaint;
- f. Such additional and further relief as the Court deems just and equitable.

PLAINTIFF HEREBY REQUESTS TRIAL BY JURY.

-and-

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