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

10  
11 JAMEELAH MEDINA,

12 Plaintiff,

13 v.

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

22 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

1 Ranjana Natarajan (State Bar No. 230149)  
2 ACLU FOUNDATION OF SOUTHERN  
3 CALIFORNIA  
4 1616 Beverly Blvd.  
5 Los Angeles, CA 90026

6 Lenora M. Lapidus (*Pro Hac Vice* Pending)  
7 Ariela M. Migdal (*Pro Hac Vice* Pending)  
8 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
9 WOMEN'S RIGHTS PROJECT  
10 125 Broad Street, 18th Floor  
11 New York, NY 10004

12 Daniel Mach (*Pro Hac Vice* Pending)  
13 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
14 PROGRAM ON FREEDOM  
15 OF RELIGION AND BELIEF  
16 915 15th Street, NW  
17 Washington, DC 20005  
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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 SBSBD 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.

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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.

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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 SBSD, Defendant Doe 1 (the person who supervised the West Valley Detention  
27 Center on December 7, 2005), Defendant Penrod, or other officers employed by  
28

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](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.

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