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13 **UNITED STATES DISTRICT COURT**
14
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 JENNIFER HYATT,

17 *Plaintiff,*

18 vs.

19 COUNTY OF VENTURA; VENTURA
20 COUNTY SHERIFF'S OFFICE;
21 VENTURA COUNTY SHERIFF GEOFF
22 DEAN in his official capacity; DOES 1-15 in
23 each of their individual and official capacities

24 *Defendants.*
25

Case No.: 2:18-CV-3788

**COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF CIVIL RIGHTS
UNDER 18 U.S.C. § 1983 AND
SUPPLEMENTAL STATE-LAW
CLAIMS**

DEMAND FOR JURY TRIAL

1 **INTRODUCTION**

2 1. Plaintiff Jennifer Hyatt is a practicing Muslim American who was denied the
3 right to wear her religious headwear, *hijab*, by the Ventura County Sheriff's Office and its
4 deputies, as she was booked and detained at a Ventura County jail. While in the custody of
5 the County of Ventura, a sheriff's deputy yanked Ms. Hyatt's *hijab* from her head, told Ms.
6 Hyatt she was not permitted to wear a headscarf while in custody, and forced Ms. Hyatt to
7 remain uncovered in the presence of men who were not related to her, including officers,
8 inmates, and members of the public. Though Ms. Hyatt protested against the removal of
9 her religious headwear, Ventura County sheriff's deputies continued to prohibit her from
10 wearing any head-covering during her entire time in County custody, even though she had
11 been thoroughly searched and did not pose any valid security concerns. As a result of the
12 foregoing deprivations of the free exercise of her religion, Ms. Hyatt suffered severe
13 discomfort, humiliation, and emotional distress. By this Complaint, Ms. Hyatt seeks relief
14 from the substantial burdens that the County of Ventura, its officers, and its agents
15 unlawfully imposed on the practice of her religion.

16
17 **VENUE AND JURISDICTION**

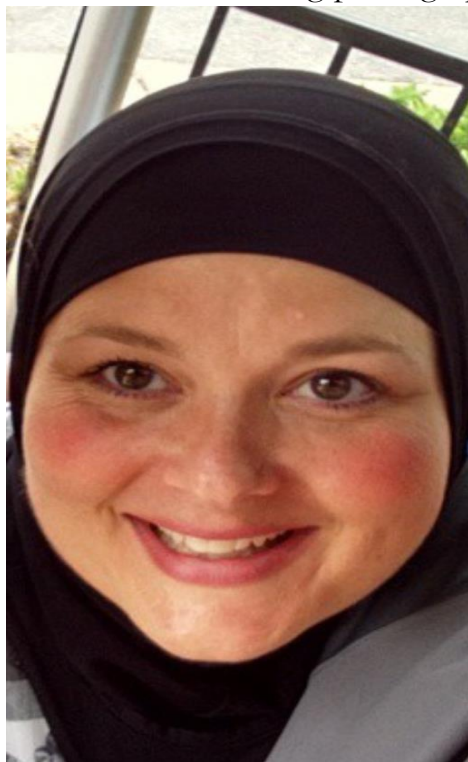
18 2. This action arises under 42 U.S.C. § 1983, the laws and Constitution of the
19 United States, and the laws and Constitution of the State of California. This Court has
20 subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. § 2000cc-2(a), and
21 directly under the Constitution. This Court has supplemental jurisdiction under 28 U.S.C. §
22 1367(a).

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

25
26 **PARTIES**

27 4. Plaintiff Jennifer Hyatt is 44 years-old and at all times relevant to this
28 complaint, resided in Newbury Park, California.

1 5. Ms. Hyatt is a practicing Muslim and an adherent of the Islamic faith. In
2 accordance with her religious beliefs and as a part of the exercise of her religion, Ms. Hyatt
3 wears a headscarf known as the *hijab*. The word *hijab* comes from the Arabic word
4 “hajaba,” which means to hide or screen from view or to cover. Ms. Hyatt’s *hijab* covers
5 her hair, ears, neck, and part of her chest when she is in public and when she is in the
6 presence of men who are not members of her immediate family. The type of hijab that Ms.
7 Hyatt normally wears, and the type of hijab she wore at all times relevant to this complaint
8 is demonstrated in the following photographs of her:



21 6. Defendant County of Ventura (also referred to as “the County”) is a legal and
22 political entity established under the laws of the State of California, with all of the powers
23 specified and necessarily implied by the Constitution and the laws of the State of California
24 and exercised by various government agents and officers. In this case, the County acted
25 through its agents, employees, and servants, including the policymakers for defendant
26 Ventura County Sheriff’s Office (“VCSO”), and through defendant Sheriff Geoff Dean
27 (“Dean”), the Sheriff of the VCSO. Defendant Dean is sued in his individual and official
28

1 capacity. Defendants County of Ventura and VCSO are collectively referred to as “the
2 entity defendants.”

3 7. At all relevant times, defendants County of Ventura, VCSO, Dean and each
4 of them, possessed the power and authority to adopt policies and prescribe rules,
5 regulations, and practices affecting all facets of the training, supervision, control,
6 employment, assignment and removal of individual deputies of the VCSO, including those
7 individual deputies of the VCSO charged with operating and overseeing the booking and
8 jailing of detainees and arrestees at the County’s jail facilities. Does 1 through 10, are the
9 VCSO deputies and supervising deputies who deprived Ms. Hyatt her right to wear a *hijab*
10 while in County custody. These individual defendants are charged with protecting the
11 health, safety, and Constitutional rights of detainees and arrestees at County of Ventura
12 detention facilities, including Ms. Hyatt, and to assure that said actions, policies, rules,
13 regulations, customs, practices and procedures of the VCSO complied with the laws and
14 constitutions of the United States and the State of California. At all relevant times, County
15 of Ventura was the employer of each of the individually named Doe defendants, and the
16 County of Ventura jail where Ms. Hyatt was detained was a County of Ventura-run facility.
17 On information and belief, the VCSO receives federal financial assistance as well as
18 financial assistance from the State of California.

19 8. The true names of defendants Does 1 through 15 are presently unknown to
20 Plaintiff, who therefore sues each of these defendants by such fictitious name; but upon
21 ascertaining the true identity of a defendant Doe, Plaintiff will amend this complaint or
22 seek leave to do so by inserting the true and correct name in lieu of the fictitious name.
23 Plaintiff is informed and believes, and on the basis of such information and belief alleges
24 that each defendant Doe herein is in some manner responsible for the injuries and
25 damages alleged herein. Each individually named Doe defendant, like each individually
26 named defendant, acted under color of law and within the scope of his or her agency and
27 employment with County of Ventura as a sheriff’s deputy, sergeant, detective, captain,
28 lieutenant, commander, supervisor, and/or civilian employee, and agent, policy maker and

1 representative of the County of Ventura. Each Doe is sued in both his/her official and
2 individual capacities.

3
4 **EXHAUSTION**

5 9. Pursuant to California Government Code § 910, Plaintiff presented to
6 defendant County of Ventura the appropriate claim for damages. The claim was rejected
7 and thereby denied. This action was filed timely.

8
9 **FACTS PERTINENT TO ALL CAUSES OF ACTION**

10 10. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1
11 through 9 of this complaint with the same force and effect as if fully set forth herein.

12 11. Plaintiff Jennifer Hyatt was arrested on January 1, 2017. On that day, Ms.
13 Hyatt, while at or near Thousand Oaks, California, was involved in a dispute with her
14 husband that was noticed by a law enforcement officer who placed Ms. Hyatt in the back
15 of a police car and called VCSO officers to the scene.

16 12. When defendant, Doe 1, a male VCSO deputy, arrived at the scene Ms. Hyatt
17 tried to explain to the deputy what had happened. Defendant Doe 1 quickly cut her off
18 and told her that she was under arrest for domestic violence. Ms. Hyatt asserted that she
19 had never touched her husband and told the arresting officer that her arm was hurting.
20 However, instead of checking her arm for injury, Doe 1 was dismissive and told her he had
21 already seen her arm. Not only had he not expressly checked her arm, it was not even
22 possible that he had inadvertently seen her arm, as Ms. Hyatt was wearing long sleeves at
23 the time. The officers had Ms. Hyatt sit in the back of the car and told her she was being
24 taken to the county jail in Ventura County. Despite her confusion, Ms. Hyatt cooperated
25 with the officers with whom she interacted.

26 13. Ms. Hyatt is a practicing Muslim and wears a *hijab* in accordance with her
27 sincerely-held religious beliefs. Many observant Muslim women follow an interpretation of
28 the Quran that makes it obligatory for women to cover their heads and much of their body

1 for the sake of dignity, modesty, and bodily integrity.

2 14. After reaching the detention center, Ms. Hyatt was searched by defendant
3 Doe 2, a female VCSO deputy. During the search, in violation of Ms. Hyatt's religious
4 beliefs, Doe 2 snatched one piece of Ms. Hyatt's two-piece hijab off of her head while male
5 VCSO deputies were in the room.

6 15. Ms. Hyatt was then taken to another holding room. Here she told another
7 VCSO Deputy, Doe 3, that she was a practicing Muslim woman and based on her faith she
8 could not be seen by other men without her *hijab*. Doe 3 rudely replied, "Not in here,
9 you're not." Despite having already been searched, and after Ms. Hyatt had clearly asserted
10 facts deserving of constitutional protection, Doe 3 retaliated to Ms. Hyatt's assertion of her
11 legal rights by violently yanking the second part of her *hijab* off, permitting any passerby to
12 see her head completely uncovered without her *hijab*.

13 16. Ms. Hyatt felt uncomfortable and asked Doe 3 for a blanket or some other
14 means of covering her head. This request was rudely denied by Doe 2, who forced Ms.
15 Hyatt to remain in an area easily viewed by male deputies and passersby.

16 17. Ms. Hyatt was not acting in any manner that justified the removal of her *hijab*.

17 18. While Ms. Hyatt's head was uncovered, Doe 4, a male VCSO officer, took
18 her fingerprints. Ms. Hyatt was then taken to another room. Despite having told Doe 1,
19 Doe 2, Doe 3, and Does 4 through 8 (other VCSO officers) multiple times that she wears
20 the *hijab* in accordance with her religious practice, VCSO officers ignored her pleas,
21 prohibited her from covering her head with any religious headwear or fabric, and denied all
22 of Ms. Hyatt's requests to cover her head.

23 19. Furthermore, Does 1 through 8 retaliated against Ms. Hyatt for asserting her
24 rights to complain to law enforcement and wear religious headwear, and these Doe
25 defendants made intimidating statements and actions against Ms. Hyatt in order to chill her
26 speech, including forcing Ms. Hyatt to wait in a room with a glass wall exposed to other
27 men without her *hijab* or any other headwear. Shamed by her treatment in County custody
28 and left powerless by her jailers, Ms. Hyatt attempted to cover her head with her hands.

1 headwear. As evidence of this customary policy, Defendant Does effectively stated that
2 Ms. Hyatt was not allowed to maintain her religious beliefs while in detention.

3 24. Defendants County of Ventura, the VCSO, Sheriff Dean, and Does 1
4 through 15, and its employees and agents caused the forcible removal of Ms. Hyatt's hijab,
5 and thereafter prohibited her from wearing religious headwear pursuant to a custom,
6 practice, or official policy promulgated and implemented by the County of Ventura, the
7 VCSO, Sheriff Dean, and Does 1 through 10, which was ratified by the County of Ventura
8 or which the County of Ventura failed to address.

9 25. As the entity defendants have no written policy forbidding its employees
10 from removing detainees' religious headwear or describing the certain scenarios when
11 detainees would be permitted to wear religious headwear, and since entity defendants,
12 Sheriff Dean and supervisory sheriff's deputies (certain Doe defendants) have not trained
13 VCSO officers to permit detainees to wear religious headwear while in County custody,
14 VCSO officers have filled this vacuum of a lack of training with a custom and practice of
15 denying detainees the right to wear religious headwear. As a consequence, Doe defendants
16 were free to exert their own personal religious prejudices and strip Ms. Hyatt of her right
17 to cover her head while in County custody.

18 26. In contrast to the VCSO policy, custom, or practice of effectively forcing
19 Muslim women to remove their religious headwear while in County custody, the Federal
20 Bureau of Prisons ("BOP") has enacted a policy accommodating "religious headwear"
21 providing that "[s]carves and head-wraps (*hijabs*) are appropriate for female inmates." *See*
22 U.S. Dep't of Justice, Federal Bureau of Prisons, Program Statement re: Religious Beliefs
23 and Practices (Dec. 31, 2004).¹ The federal policy authorizes female Muslim inmates to
24 wear a "*hijab*," and it states that such "[r]eligious headwear is worn throughout the
25 institution." *Id.* The policy is intended to protect "the religious rights of inmates of all
26 faiths" while maintaining "the security and orderly running of the institution." *Id.*

27
28

¹ http://www.bop.gov/policy/progstat/5360_009.pdf

1 27. The United States Department of State permits individuals to maintain their
2 religious headwear in official passport photographs. According to the Department of State
3 website, this accommodation should be granted to individuals who “submit a signed
4 statement that verifies that the hat or head covering in [the person’s] photograph is part of
5 recognized, traditional religious attire that is customarily or required to be worn in public.”²

6 28. As of 2012, the U.S. Citizenship and Immigration Services (“USCIS”) permits
7 religious headwear to be worn in photographs. Specifically, “USCIS will accommodate an
8 individual who wears headwear as part of their religious practices.”³ If the headwear casts a
9 shadow over the individual’s face making identification impossible, USCIS will “ask an
10 individual to remove or adjust portions of religious headwear that covers all or part of the
11 individual’s face.” *Id.* If the individual is asked to remove all or part of their religious
12 headwear, USCIS will offer a private room or screened area and a same gender
13 photographer. *Id.* If USCIS is unable to accommodate with a private room and same
14 gender photographer, USCIS will offer to reschedule the appointment until an
15 accommodation can be made. *Id.*

16 29. Like the BOP, State Department, and USCIS, other states have enacted
17 policies accommodating religious headwear. For example, the Kentucky Department of
18 Corrections permits “[s]carves and head wraps to be authorized for female inmates who
19 have identified a religious preference of Muslim, Jewish, Native American, Rastafarian, and
20 those of the orthodox Christian tradition.” This includes the *hijab*. *See* Kentucky
21 Corrections, Policies and Procedures, Policy No. 23.1, at 5 (filed Jan. 9, 2007). Similarly,
22 the New York Department of Correctional Services permits inmates to wear religious
23 headwear. *See* State of New York, Dep’t of Correctional Servs., Directive No. 4202,
24 Religious Programs and Practices at 9 (October 19, 2015).

25 30. In contrast to the County’s policy, custom, or practice prohibiting the use of
26

27 ² <https://ru.usembassy.gov/u-s-citizen-services/passports/photos>

28 ³ <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2012/August%202012/Accommodating%20Religious%20Beliefs%20PM.pdf>

1 religious headwear, counties neighboring the County of Ventura have enacted policies
2 accommodating religious headwear. For instance, following a lawsuit by a Muslim woman
3 forced by local deputies to remove her headwear while in custody in San Bernardino
4 County's West Valley Detention Center, San Bernardino County agreed in 2008 to adopt a
5 policy accommodating the right of Muslim women to wear headscarves in County jails.⁴

6 31. As another example, the Orange County Sheriff's Department, as of 2013,
7 does not require Muslim women in custody to remove their headscarves in front of male
8 officers, and provides temporary headscarves. This occurred following a suit by a Muslim
9 woman placed in North County Justice Center for several hours after being forced to
10 remove her headscarf.⁵

11 32. Additionally, after a 2016 lawsuit by a Muslim woman whose *hijab* was
12 removed while in custody overnight, the Long Beach Police Department has adopted
13 procedures permitting female arrestees and inmates to maintain their *hijab* at all times while
14 in custody, including during booking photos.⁶

15 33. These examples show a growing national consensus that there is no basis to
16 require the removal of religious headwear for official government photos, or while in
17 criminal custody.

18 34. The entity defendants, Dean, and Ventura County employees and agents,
19 Doe defendants, forced Plaintiff to take her booking photo without her religious headwear,
20 pursuant to a custom, practice, or official policy to disregard Muslim religious practices.

21 35. Federal legislation has been enacted to demonstrate our robust national
22 commitment to the free exercise of religion and to prohibit the government from placing a
23 substantial burden on religious beliefs. This legislation, which reflects an increased
24 awareness of and support for religious interests in practices like covering, "shall be
25 construed in favor of a broad protection of religious exercise, to the maximum extent

26 _____
27 4 <https://www.aclu.org/news/san-bernardino-county-agrees-allow-religious-head-scarves-county-jails>

28 5 <http://www.ocregister.com/articles/religious-495992-county-court.html>

6 www.presstelegram.com/2016/12/25/long-beach-police-change-policy-will-allow-muslim-women-to-wear-headscarves-while-in-custody/

1 permitted by ... the Constitution.” 42 U.S.C. § 2000cc-3(g). The statute, the Religious Land
2 Use and Institutionalized Persons Act (“RLUIPA”) even “may require a government to
3 incur expenses in its own operations to avoid imposing a substantial burden on religious
4 exercise.” 42 U.S.C. § 2000cc-3(c).

5 36. The Supreme Court has held that an Arkansas Department of Corrections
6 policy that prevented a Muslim inmate from wearing a tightly cropped beard substantially
7 burdened the prisoner’s religious exercise under RLUIPA. *See Holt v. Hobbs*, 135 S.Ct. 853
8 (2015). The Fifth Circuit has applied *Holt* to religious headwear, holding that a Texas state
9 prison could not carry its burden under RLUIPA with respect to its denial of a Muslim
10 inmate’s request to wear a *kefi* (a type of cap often worn by Muslim men) throughout a
11 Texas prison’s facilities. *See Ali v. Stephens*, 822 F.3d 776, 797 (5th Cir. 2016).

12 37. In contravention of RLUIPA and the tolerant, inclusive policies it embodies,
13 the VCSO’s booking policy has had an extensive and corrosive effect on Muslim-American
14 women in County of Ventura, and other County of Ventura residents who wear religious
15 head coverings and are arrested by the VCSO.

16 38. Moreover, the booking policy is a profound manifestation of insensitivity
17 towards religious practices and interests. In today’s politically polarized environment where
18 top-level public officials make disparaging comments about Muslims, and American
19 Muslims are often perceived as being non-American or un-American, it is incumbent on
20 the VCSO to increase awareness of and sensitivity towards the Muslim-American
21 community by setting an example in their arrest and booking practices, not further
22 perpetuate mistrust and disrespect.

23 39. Defendants’ forcible removal of Ms. Hyatt’s religious headwear pursuant to
24 the above-described custom, practice, or policy violated Ms. Hyatt’s right to the free
25 exercise of her religion, violated her rights under federal law, violated her rights under the
26 California Constitution and laws, and caused her extreme mental and emotional distress.

27 ///

28 ///

FIRST CAUSE OF ACTION

Violation of Religious Land Use and Institutionalized Persons Act

42 U.S.C. §§ 2000cc et seq.

(Against All Defendants)

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

41. At all relevant times, Plaintiff was in the custody of the VCSO, and in a jail operated by the County. At all relevant times Plaintiff was under the direct supervision and control of her jailers, deputies of the VCSO.

42. 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 – (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.” *See* 42 U.S.C. § 2000cc(1).

43. While in the custody of the VCSO, and in a jail operated by the County, an institution that receives federal funding, Defendants substantially burdened Ms. Hyatt's religious exercise by doing, encouraging, assisting, ratifying, and/or with deliberate indifference failing to prevent the following: (a) forcibly removing her religious headwear, in the presence of male officers and male inmates, when female officers were available to accommodate Plaintiff, (b) prohibiting her from covering her head for the duration of her detention, and (c) forcing her to take a publicly available booking photo without religious headwear.

44. By their actions described above, Defendants imposed a substantial burden on Plaintiff's religious exercise by forcing Plaintiff to violate a fundamental tenet of her faith and a central component of her religious practice. “A Muslim woman who must appear before strange men she doesn't know, with her hair and neck uncovered in a violation of her religious beliefs, may feel shame and distress. This is precisely the kind of

1 'mischief' RLUIPA was intended to remedy." *Khatib v. County of Orange*, 639 F.3d 898, 907
2 (9th Cir. 2011) (Gould, J., concurring). That substantial burden neither furthers a
3 compelling governmental interest nor is the least restrictive means of furthering a
4 compelling governmental interest.

5 45. Accordingly, Defendants have violated Plaintiff's rights under RLUIPA. As a
6 result of Defendants' conduct, Plaintiff suffered, and continues to suffer, extreme shame,
7 humiliation, mental anguish, and emotional distress.

8
9 **SECOND CAUSE OF ACTION**

10 **Violation of Civil Rights - 42 U.S.C. § 1983**

11 (First Amendment - Against All Defendants)

12 46. Plaintiff incorporates by reference each and every allegation contained in the
13 foregoing paragraphs as if re-alleged herein.

14 47. At all relevant times, Plaintiff was in the custody of the VCSO, and in a jail
15 operated by the County. At all relevant times Plaintiff was under the direct supervision and
16 control of her jailers, deputies of the VCSO.

17 48. The entity defendants, individual defendants, and Doe defendants, while
18 acting under color of law, deprived Plaintiff of her civil rights under the First Amendment
19 by acting and/or allowing each other to act in a threatening or violent manner and
20 otherwise engaging in conduct that inhibited Plaintiff's freedom of speech and right to
21 petition for redress of grievances and to complain about her treatment during the booking
22 process, and that such actions undertaken by defendants would chill a person of ordinary
23 firmness from continuing to engage in freedom of speech.

24 49. The above acts and omissions, while carried out under color of law, have no
25 justification or excuse in law, and instead constitute a gross abuse of governmental
26 authority and power that shock the conscience. They are fundamentally unfair, arbitrary,
27 and oppressive, and unrelated to any activity in which governmental officers may
28 appropriately and legally undertake in the course of protecting persons, or ensuring order.

1 The above acts and omissions were consciously chosen from among various alternatives.

2 50. The conduct of individual defendants, and Doe defendants was willful,
3 wanton, malicious, or done with reckless disregard for the rights and safety of Plaintiff.

4 51. Plaintiff specifically alleges that Defendants' complained of acts and/or
5 omissions were within each of their control, and within the feasibility of each of them, to
6 alter adjust, and/or correct so as to prevent some or all of the unlawful acts and injuries
7 complained of herein by Plaintiff.

8 52. As a direct and proximate result of the aforesaid acts, omissions, customs,
9 practices, policies and decisions of the defendants, Plaintiff suffered extreme and severe
10 mental anguish, and was injured as alleged above, entitling her to recover compensatory
11 and punitive damages (except as to the entity defendants) according to proof.

12
13 **THIRD CAUSE OF ACTION**

14 **Violation of Civil Rights - 42 U.S.C. § 1983**

15 (Fourteenth Amendment - Against Does 2 to 8)

16 53. Plaintiff incorporates by reference each and every allegation contained in the
17 foregoing paragraphs as if re-alleged herein.

18 54. At all relevant times, Plaintiff was in the custody of the VCSO, and in a jail
19 operated by the County. At all relevant times Plaintiff was under the direct supervision and
20 control of her jailers, deputies of the VCSO.

21 55. Defendant Doe 2, while acting under color of law, deprived Plaintiff of her
22 civil rights under the Fourteenth Amendment to the United States Constitution when she
23 yanked Plaintiff's headscarf off of her head. The force used to forcibly remove the
24 headscarf without permission was harmful, unwanted, and excessive. The harm persisted
25 when Doe 2 denied Ms. Hyatt's repeated requests for some type of head-covering. Does 2
26 through 8, while acting under color of law, then persisted in denying Ms. Hyatt any type of
27 head-covering while she was in VCSO custody.

28 56. Does 2 through 8's actions were unreasonable, unjustified, and offensive to

1 human dignity. It was also with deliberate indifference to the rights of Plaintiff.

2
3 **FOURTH CAUSE OF ACTION**

4 **Entity Liability – Deprivation of Civil Rights**

5 **42 U.S.C. § 1983**

6 (Against the County, VCSO, Sheriff Dean, and Certain Does)

7 57. Plaintiff incorporates by reference each and every allegation contained in the
8 foregoing paragraphs as if re-alleged herein.

9 58. Plaintiff is informed and believes, and thereon alleges that, at all times herein
10 mentioned, defendants County, VCSO, and the relevant policy makers Sheriff Dean and
11 certain County officials (unnamed certain Does) maintain or tolerate unconstitutional
12 customs, practices, and policies that facilitated the deprivation of Plaintiff's rights under
13 the First and Fourteenth Amendment, as alleged above.

14 59. Additionally, Plaintiff is informed and believes and thereon alleges that, at all
15 times herein mentioned, defendants County, VCSO, and the relevant policymakers Sheriff
16 Dean, and certain County officials and/or officers within the VCSI (certain Does), with
17 deliberate indifference, and conscious and reckless disregard to the safety, security and
18 constitutional rights of Plaintiff, maintained, enforced, tolerated, ratified, permitted,
19 acquiesced in, and/or applied, among others, the following policies, practices and customs:
20 (a) failing to adequately train, supervise, and control custodians of jail inmates/detainees in
21 properly permitting inmates/detainees to wear religious headwear; (b) failing to establish
22 policies and procedures to permit jail inmates/detainees to wear religious headwear; (c)
23 failing to adequately train, supervise, and control custodians of jail inmates in the proper
24 manner to remove religious headwear worn by jail inmates/detainees; (d) failing to
25 establish policies and procedures to protect arrestees, detainees, and inmates from being
26 stripped of their religious headwear; (e) failing to adequately train, supervise, and control
27 custodians of jail inmates from retaliating against those inmates who assert their right to
28 wear religious headwear; (f) failing to adequately train, supervise, and control custodians of

1 jail inmates in properly preventing male officers and inmates from viewing female inmates
2 who are uncovered, in violation of sincerely held religious beliefs.

3 60. The individual defendants and Doe defendants acted under color of law and
4 within the course and scope of their employment by the County and VCSO.

5 61. The individual and Doe defendants deprived Plaintiff of her particular rights
6 under the First Amendment, and Doe 2 through 8 deprived Plaintiff of her rights under
7 the Fourteenth Amendment, as alleged above.

8 62. The policies, customs, and practices described above are evidenced by the
9 treatment of Plaintiff by VCSO deputies, namely, that County officials: (a) forcibly
10 removed Plaintiff's *hijab*; (b) denied Plaintiff's requests for any type of head-covering (for
11 example, responding to Ms. Hyatt's statement that she was a practicing Muslim woman
12 and based on her faith she could not be seen by other men without her *hijab*, by telling her,
13 "Not in here, you're not"); (c) booked and photographed Plaintiff without religious
14 headwear, and; (d) forced Plaintiff to appear without head-covering in front of men not in
15 her family, as well as other inmates. The above actions are evidence of entity defendants'
16 systematic failure to comply with their constitutional obligations.

17 63. Defendants had either actual or constructive knowledge of the deficient
18 policies, practices, and customs alleged in the paragraphs above. Doe defendants,
19 individual County officials acted with deliberate indifference to the foreseeable effects and
20 consequences of these policies, practices, and customs with respect to the constitutional
21 rights of Plaintiff and other female arrestees and detainees similarly situated.

22 64. As a direct and proximate result of the aforesaid acts, omissions, customs,
23 practices, policies, and decisions of the aforementioned defendants, Plaintiff was injured
24 and sustained damages as alleged above. Accordingly, Plaintiff seeks compensatory
25 damages from all the entity defendants, and punitive damages from defendant Dean and
26 certain Does, in their individual capacities only.

27 ///

28 ///

1
2 **FIFTH CAUSE OF ACTION**

3 **Violation of the California Constitution – Article 1, Section 4**

4 (Against All Defendants)

5 65. Plaintiff incorporates by reference each and every allegation contained in the
6 foregoing paragraphs as if re-alleged herein.

7 66. Article I, Section 4 of the California Constitution provides: “Free exercise and
8 enjoyment of religion without discrimination or preference are guaranteed.”

9 67. By their actions described above, including that Doe defendants, VCSO
10 deputies: (a) yanked off Plaintiff’s hijab; (b) denied Plaintiff’s requests for any type of head-
11 covering (for example, responding to Ms. Hyatt’s statement that she was a practicing
12 Muslim woman and based on her faith she could not be seen by other men without her
13 *hijab*, by telling her, “Not in here, you’re not”); (c) booked and photographed Plaintiff
14 without any head-covering, and; (d) forced Plaintiff to appear in front of men not in her
15 family, as well as other inmates. In doing so, Defendants denied Plaintiff the right to free
16 exercise of her religion without discrimination, as guaranteed by Article I, Section 4 of the
17 California Constitution.

18 68. As a result of Defendants’ conduct, Plaintiff suffered, and continues to suffer
19 extreme humiliation, shame, mental anguish, and emotional distress.

20
21 **SIXTH CAUSE OF ACTION**

22 **Violation of Cal. Civ. Code § 52.1**

23 (Against All Defendants)

24 69. Plaintiff incorporates by reference each and every allegation contained in the
25 foregoing paragraphs as if re-alleged herein.

26 70. California’s Tom Bane Act, California Civil Code § 52.1, provides a civil
27 action for damages for a person whose enjoyment of federal or state rights has been
28 interfered with by a person who, whether or not acting under color of state law, interferes

1 with that right by threats, intimidation, or coercion. *See* Cal. Civ. Code § 52.1(a), (b).

2 71. Defendant Does, VCSO deputies: (a) yanked off Plaintiff's hijab; (b) denied
3 Plaintiff's requests for any type of head-covering (for example, responding to Ms. Hyatt's
4 statement that she was a practicing Muslim woman and based on her faith she could not be
5 seen by other men without her *hijab*, by telling her, "Not in here, you're not"); (c) booked
6 and photographed Plaintiff without any head-covering, and; (d) forced Plaintiff to appear
7 in front of men not in her family, as well as other inmates.

8 72. The above behavior, especially forcibly removing Plaintiff's headscarf, which
9 amounted to contact highly offensive to her bodily integrity, mean that Doe defendants
10 unlawfully interfered with Plaintiff's federal and state rights to the free exercise of her
11 religion in violation of California's Tom Bane Act. These rights are guaranteed to Plaintiff
12 by the First Amendment of the United States Constitution and by Article I, Section 4 of
13 the Constitution of the State of California.

14 73. As a result of Defendants' threats, coercion, or intimidation, Plaintiff was
15 harmed in that she was forced to be exposed to men not part of her immediate family in
16 violation of her religious beliefs, a public official took a publicly-available photograph of
17 her with her head uncovered, and Plaintiff was also harmed in that she suffered emotional
18 distress because of Defendants' actions described above.

19
20 **SEVENTH CAUSE OF ACTION**

21 **Violation of Cal. Civ. Code § 51.7**

22 (Against All Defendants)

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

24 75. California's Ralph Unruh Civil Rights Act, California Civil Code §§ 51.7,
25 52(b), protects individuals from hate violence on account of religion, including physical
26 assault, and provides civil remedies including actual damages, punitive damages, civil
27 penalties, and attorney's fees. *See* Cal. Civ. Code §§ 51.7, 52(b).

28 76. Doe defendants, VCSO deputies, battered, assaulted and threatened Plaintiff

1 in violation of California’s Ralph Unruh act in that they: (a) yanked off Plaintiff’s hijab; (b)
2 denied Plaintiff’s requests for any type of head-covering (for example, responding to Ms.
3 Hyatt’s statement that she was a practicing Muslim woman and based on her faith she
4 could not be seen by other men without her *hijab*, by telling her, “Not in here, you’re not”);
5 (c) booked and photographed Plaintiff without any head-covering, and; (d) forced Plaintiff
6 to appear in front of men not in her family, as well as other inmates.

7 77. As a result of Defendants’ threats, coercion, or intimidation, Plaintiff was
8 harmed in that she was stripped of an essential aspect of her religious practice, made to
9 stand uncovered in front of men not part of her immediate family (in violation of her
10 sincerely held religious beliefs), and suffered emotional distress due to the violation of her
11 Constitutional rights.

12 **PRAYER FOR RELIEF**

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

- 15 a. Compensatory damages in an amount to be proven at trial;
 - 16 b. Punitive damages against certain individual Doe defendants in an amount to
17 be proven at trial;
 - 18 c. Nominal damages;
 - 19 d. Costs and reasonable attorneys' fees;
 - 20 e. Such additional and further relief as the Court deems just and equitable.
- 21
22

23 **LAW OFFICES OF ERIN DARLING**

24 DATED: May 7, 2018

25 By: /s/ Erin Darling
26 Erin Darling
27 Attorney for Plaintiff,
28 JENNIFER HYATT

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DATED: May 7, 2018

**COUNCIL ON AMERICA-ISLAMIC
RELATIONS-CA (CAIR-CA)**

By: /s/ Marwa Rifahie
Marwa Rifahie
Attorney for Plaintiff,
JENNIFER HYATT

JURY DEMAND

Plaintiff Jennifer Hyatt hereby demands trial by jury on all issues so triable.

LAW OFFICES OF ERIN DARLING

DATED: May 7, 2018

By: /s/ Erin Darling
Erin Darling
Attorney for Plaintiff,
JENNIFER HYATT

**COUNCIL ON AMERICA-ISLAMIC
RELATIONS-CA (CAIR-CA)**

DATED: May 7, 2018

By: /s/ Marwa Rifahie
Marwa Rifahie
Attorney for Plaintiff,
JENNIFER HYATT