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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

LAURA GRIFFIN, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE

DEPARTMENT, a governmental entity¹, and DOE

LVMPD OFFICERS 1-10, in their individual

capacity,

Defendants.

Case No.: 2:24-cv-01209-CDS-EJY

Department:

**FIRST AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

**ARBITRATION EXEMPTION
CLAIMED: EQUITABLE,
INJUNCTIVE, AND
DECLARATORY RELIEF
REQUESTED**

¹NRS 12.105 State and local governmental agencies may be sued without naming members of their governing bodies; service. Any political subdivision, public corporation, special district, or other agency of state or local government which is capable of being sued in its own name may be sued by naming it as the party without naming the individual members of its governing body in their representative capacity. In addition to any other method which may be provided by statute or rule of court, service may be made upon the clerk or secretary of the political subdivision, corporation or agency.

Defendant Las Vegas Metropolitan Police Department (hereinafter referred to as “LVMPD”) serves as the largest law enforcement agency in Nevada. Though it serves millions of people and incarcerates thousands every year, LVMPD fails to maintain an adequate policy mandating compliance with both federal and state law as it pertains to religious accommodations. Moreover, LVMPD provides insufficient training with respect to religious accommodations, including for officers engaged in the transport of detainees or for those detained or otherwise within LVMPD’s custody. LVMPD lacks a policy with respect to religious accommodations for its detainees during detention and transport, including with respect to religious head coverings. LVMPD similarly lacks associated trainings with respect to compliance. LVMPD Policy 12.204.3, last revised on March 3, 2022, only seems to provide for LVMPD’s standard operating procedures upon entering its own detention center, Clark County Detention Center, and even then, reads, in pertinent part, as follows:

“Religious head coverings are not required to be removed but will be screened for security before entry is authorized.

1) The citizen will walk through the metal detector. If the detector alerts, the handheld wand will be used to locate the metal.

2) If the handheld metal detector alerts on the head covering, a booking sergeant will be called to respond.

3) The sergeant will determine the citizen’s business at the facility and will provide any necessary assistance.

4) If entry is still required, the citizen will be taken to a private area of the lobby, such as the restroom, by an officer or supervisor of the same gender to allow further inspection of the head covering.

5) If a visual inspection does not resolve the issue, and physical inspection is necessary, the citizen will be advised. The employee will use gloves when handling head coverings.

6) If the citizen refuses to allow a physical inspection of the head covering, the DSD Watch Commander will be contacted to respond.”

This policy makes denials of religious head coverings effectively discretionary and does not lay out the proper legal standards for those entitled to religious accommodations. The lack of a policy and training associated with religious accommodations for detainees in LVMPD’s custody poses

serious constitutional risks, particularly to people who have been impermissibly denied access to religious head coverings and harmed such as Ms. Griffin. Defendant LVMPD violated Plaintiff's rights under the Religious Land Use and Institutionalized Persons Act, the First Amendment of the United States Constitution pursuant to 42 U.S.C. § 1983, and Article 1, Section 4 of the Nevada Constitution resulting in harm to Plaintiff. Plaintiff now comes before this court seeking damages, injunctive relief, and declaratory relief.

II. PARTIES

1. Plaintiff, LAURA GRIFFIN, is, and was always relevant herein, a resident of the State of Nevada, County of Clark, who was detained by LVMPD on May 24, 2022, and was denied access to her religious head covering, despite making more than fifty requests for her religious head covering during all phases of her detention by LVMPD.
2. Defendant, LVMPD, is a governmental entity located in the State of Nevada.
3. Defendants DOE 1-10 are unknown officers, employees, or agents of Defendant LAS VEGAS METROPOLITAN POLICE DEPARTMENT, and were acting within the course and scope of their employment during the claims described herein. All Defendants DOE were, upon information and belief, residents of Clark County, Nevada. While the true names and capacities of Defendants DOE are unknown to Plaintiffs at this time, Plaintiff will amend this Complaint when such information becomes known. Plaintiff believes that each of these Defendants designated as a DOE is responsible in some manner for the damages suffered by Plaintiff.
4. LVMPD is responsible for the hiring, control, and supervision of all its police officers and agents.
5. LVMPD exercises control over the detention, arrest, and transportation of individuals within Clark County.

III. JURISDICTION AND VENUE

6. Plaintiff, LAURA GRIFFIN, previously provided a notice of claims to Defendant,

1 LVMPD, pursuant to NRS 41.036.

2 7. Plaintiff, Laura Griffin, filed her Complaint with the Eighth Judicial District Court,
3 Clark County, Nevada (A-24-893816-C) on May 22, 2024.

4 8. Defendant, LVMPD, filed its Notice of Removal to the United States District Court for
5 the District of Nevada on July 3, 2024.

6 9. This Court has original jurisdiction pursuant to 28 U.S.C. §1331, 28 U.S.C.
7 §1343(a)(3), and 28 USC §1343(a)(4) as this is a question raised pursuant to the First
8 Amendment of the United States Constitutions and the Religious Land Use and
9 Institutionalized Person Act brought pursuant to 42 U.S.C. §1983.

10 10. Venue is proper in this Court pursuant 28 U.S.C. § 1391 because Defendant LVMPD
11 is a governmental entity that operates primarily in Clark County, Nevada.

12 **IV. STATEMENT OF FACTS**

13 11. Plaintiff, LAURA GRIFFIN, (hereinafter referred to as “Plaintiff” or “Ms. Griffin”), has
14 been a practicing Muslim woman for thirteen years.

15 12. Plaintiff has worn her religious head covering, referred to as a “hijab”, during her
16 thirteen years as a Muslim when in public.

17 13. Plaintiff does not remove her religious head covering when around men, except those
18 who are biologically related to her.

19 14. Plaintiff maintains a sincere religious belief that wearing her religious head covering is
20 a part of her religion.

21 15. Plaintiff previously resided at 801 Starks Dr., Las Vegas, NV 89107.

22 16. On or about May 24, 2022, officers from the Las Vegas Constable and Defendant
23 LVMPD arrived at Plaintiff’s home to effectuate an eviction.

24 17. Upon their arrival, Plaintiff informed officers that the eviction was only pending as a
25 mediator was helping to resolve the eviction with the court.

26 18. Plaintiff stated she needed to contact a mediator and an attorney about this.

27 19. Plaintiff went into her bedroom to contact the mediation courts and was unable to reach

1 anyone.

2 20. After several minutes, LVMPD officers kicked in the door to remove Plaintiff from the
3 residence.

4 21. Plaintiff tried to find something to cover her hair with but was pulled by her hair by a
5 male officer attempting to remove her from the room.

6 22. Plaintiff promptly informed officers she was Muslim and needed her religious head
7 covering to cover her hair, but LVMPD denied her the ability to obtain her religious
8 head covering.

9 23. As she was being physically forced outside of the residence, Plaintiff continued
10 to request her religious head covering as she was physically removed from her residence
11 by a male officer and brought outside of the residence.

12 24. As she was forcefully restrained, Plaintiff again informed officers she was Muslim and
13 needed to cover her hair multiple times. An LVMPD officer then stated he would
14 provide her with a religious head covering if she put her hands behind her back.

15 25. Plaintiff's son brought her religious head covering outside, but LVMPD officers refused
16 to provide it to Plaintiff. Instead, LVMPD officers placed Plaintiff in handcuffs.

17 26. Plaintiff was then forced into a police car physically and an officer stated they wanted
18 to "hobble" her before Plaintiff stated "I don't need to be strapped down. I just want my
19 head covering please."

20 27. While continuing to demand her religious head covering and saying she is Muslim, an
21 LVMPD officer asked Plaintiff if she would be ok if he got her religious head covering
22 and Plaintiff replied affirmatively. That officer then asked a fellow officer if that was ok
23 with him, and the fellow officer replied negatively. The vehicle door was then shut
24 without Plaintiff being given her religious head covering.

25 28. Between her forcible removal from her house to the time the car door was closed as
26 described above, Plaintiff asked Defendants for her religious head covering more than
27 thirty times.

- 1 29. Moreover, Defendants' male officers physically touched Plaintiff's body, Defendants
2 failed to call a female officer to the scene and failed to ask a supervisor for their
3 obligations related to religious accommodations.
- 4 30. During Defendants transport of Plaintiff to the Las Vegas City Jail, Plaintiff continued
5 to ask "where is my scarf" and told the transporting officer "I asked my scarf" more than
6 a dozen additional times. Plaintiff was told by the transporting office "stop."
- 7 31. During that same transport, Plaintiff stated "I have a right to have my scarf on as a
8 Muslim woman. It is my constitutional right" and the transporting officer responded,
9 "Luckily we have body worn camera."
- 10 32. Plaintiff told the transporting officer "You don't know cultural diversity" and then said
11 "I need my scarf" more than a dozen more times.
- 12 33. The transporting officer said "we don't have to cover your head." Plaintiff then said
13 "Yes you do. I'm Muslim. I am Muslim."
- 14 34. Plaintiff then again stated "I asked for my scarf. My hair is not supposed to be seen in
15 front of a man" and the transporting officer told Plaintiff "We were following protocol."
- 16 35. In aggregate, Plaintiff asked for her religious head covering more than two dozen times
17 during her transport.
- 18 36. Coupled with the more than three dozen requests Plaintiff had while in LVMPD's
19 custody before being transported, Plaintiff asked Defendant LVMPD for her religious
20 head covering more than fifty times but was denied her religious head covering.
21 The transporting officer eventually transported Plaintiff to the Las Vegas City Jail, citing
22 her for resisting arrest, and upon arriving at the Las Vegas Detention Center, Plaintiff
23 asked the transporting officer again for her religious head covering saying "I need my
24 scarf" repeatedly.
- 25 37. Correctional staff then came outside of the jail, Plaintiff continued to ask for her
26 religious head covering repeatedly, and was denied, and the transporting officer failed
27 to make any mention or reference of Plaintiff's request for a religious head covering.

38. After an extensive period of being denied access to the same religious head covering, she had requested from Defendant LVMPD during her detention and transport, Plaintiff, ashamed and humiliated after continuously wearing her religious head covering for more than a decade, eventually took off her bra and used it as a head covering.

39. Throughout the entirety of this event, there was no basis to deny Plaintiff access to her religious head covering.

40. Plaintiff has suffered immense mental anguish because of Defendants' actions and continues to find it difficult to be around others without becoming anxious because of the trauma she experienced that day.

41. Plaintiff's life has been severely adversely impacted because of Defendants course of conduct as described herein.

42. Defendant still maintains no policies, protocols, or trainings with respect to religious head coverings for detainees that comply with the First Amendment, RLUIPA, or Article 1, Section 4 of the Nevada Constitution.

V. CLAIMS FOR RELIEF

A. FIRST CAUSE OF ACTION

Violation of 42 U.S.C. § 2000cc, "Religious Land Use and Institutional Persons Act" (42 U.S.C. § 1983)

43. Plaintiff repeats and realleges the above paragraphs as though they were fully set forth herein.

44. The Religious Land Use and Institutionalized Persons Act (hereinafter "RLUIPA") provides, in relevant part, the following: "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that the 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." 42 U.S.C. § 2000cc-1(a)(1)-(2).

- 1 45. RLUIPA defines "religious exercise" as "any exercise of religion, whether or not
2 compelled by, or central to, a system of religious belief." 42 U.S.C. § 2000cc-5(7)(A).
- 3 46. RLUIPA should "be construed in favor of a broad protection of religious exercise, to the
4 maximum extent permitted by [RLUIPA] and the Constitution." 42 U.S.C. § 2000cc-
5 3(g). *Paliotta v. State*, 133 Nev. 406, 412-413 (2017).
- 6 47. At all relevant times, Defendants met the definition of the term "government" under
7 RLUIPA. See 42 U.S.C. § 2000cc-5(4)(A)(i)-(iii).
- 8 48. As mentioned, Plaintiff is a devout Muslim and has been consistently wearing her
9 religious head covering for more than ten years in public. Plaintiff views the wearing of
10 her religious head covering as a core component of her faith.
- 11 49. By failing to permit Plaintiff access to her religious head covering during her detention,
12 transport, and arrest, Defendants violated Plaintiff's rights pursuant to RLUIPA.
- 13 50. Moreover, Defendant maintained a role with respect to Plaintiff's detention at all phases
14 of her detention.
- 15 51. Defendants' acts or omissions, policies, and customs substantially burdened Plaintiff's
16 religious exercise by expressly failing to provide her a religious head covering while
17 transported and during her arrest.
- 18 52. Defendants' acts or omissions, policies, and customs did not further a compelling
19 government interest.
- 20 53. As a direct and proximate result of Defendants' unlawful discriminatory conduct,
21 Plaintiff has sustained damages, and has suffered and continues to suffer mental anguish,
22 physical and emotional distress, humiliation, and embarrassment.
- 23 54. Such actions violated Plaintiff's civil rights pursuant to the Religious Land Use and
24 Institutionalized Persons Act (42 U.S.C. § 2000cc).
- 25
26
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B. SECOND CAUSE OF ACTION
Violation of the Free Exercise Clause of the First Amendment (42 U.S.C. § 1983)

55. Plaintiff repeats and realleges the above paragraphs as though they were fully set forth herein.
56. 42 U.S.C. § 1983 prohibits any person acting under color of state law, custom, or usage to deprive a citizen of rights secured by the Constitution.
57. At all relevant times, Defendants acted under color of state law.
58. Under the First Amendment of the Constitution of the United States of America, Plaintiff has the right to freely exercise her religion.
59. As mentioned, Plaintiff is a devout Muslim and has been wearing her hijab (religious head covering) for more than ten years in public consistently. Plaintiff views the wearing of her hijab as a core component of her faith.
60. By failing to permit Plaintiff access to her religious head covering during her detention, transport, and arrest, Defendants deprived Plaintiff of her right to freely exercise her religion in contravention of the First Amendment's Free Exercise Clause as incorporated and applied to the states by way of the Fourteenth Amendment to the Constitution of the United States.
61. At all times relevant hereto, Defendants acted pursuant to a policy or custom which denies detainees the Free Exercise of Religion.
62. Defendants failed to adopt clear policies and failed to properly train its officers as to the proper role of officers as it pertains to religious accommodations, including accommodations with respect to religious head coverings.
63. Defendants' policy or custom, and its failure to adopt clear policies and failure to properly train its officers, were a direct and proximate cause of the constitutional deprivation suffered by Plaintiff.
64. Plaintiff has sustained damages, and has suffered and continues to suffer mental anguish,

1 physical and emotional distress, humiliation, and embarrassment.

2 **C. THIRD CAUSE OF ACTION**
3 **Violation of Article 1, Section 4 of the Nevada Constitution**

- 4 65. Plaintiff repeats and realleges the above paragraphs as though they were fully set forth
5 herein.
- 6 66. At all relevant times, Defendants acted under color of state law.
- 7 67. Article 1, Section 4 of the Nevada Constitution specifically states “the free exercise and
8 enjoyment of religious profession and worship without discrimination or preference shall
9 forever be allowed in this State, and no person shall be rendered incompetent to be a
10 witness on account of his opinions on matters of his religious belief, but the liberty of
11 conscience hereby secured, shall not be so construed, as to excuse acts of licentiousness
12 or justify practices inconsistent with the peace, or safety of this State.”
- 13 68. Pursuant to Article 1, Section 4 of the Nevada Constitution, Plaintiff maintains the right
14 to freely exercise her religion.
- 15 69. By failing to permit Plaintiff access to her religious head covering during her detention,
16 transport, and arrest, Defendants deprived Plaintiff of her right to freely exercise her
17 religion in contravention of Article 1, Section 4 of the Nevada Constitution.
- 18 70. At all times relevant hereto, Defendants acted pursuant to a policy or custom which denies
19 detainees the Free Exercise of Religion pursuant to Article 1, Section 4 of the Nevada
20 Constitution.
- 21 71. Defendants failed to adopt clear policies and failed to properly train its officers as to the
22 proper role of officers as it pertains to religious accommodations, including
23 accommodations with respect to religious head coverings, were a direct and proximate
24 cause of the constitutional deprivation suffered by Plaintiff.
- 25 72. Plaintiff has sustained damages, and has suffered and continues to suffer mental anguish,
26 physical and emotional distress, humiliation, and embarrassment.
27

VI. INJUNCTIVE RELIEF

73. Injunctive relief is a historical equitable remedy that has been codified in Nevada via NRS 33.010, which states that an injunction may be granted:

1. When it shall appear by the complaint that the plaintiff is entitled to the relief demanded, and such relief or any part thereof consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.
2. When it shall appear by the complaint or affidavit that the commission or continuance of some act, during the litigation, would produce great or irreparable injury to the plaintiff.
3. When it shall appear, during the litigation, that the defendant is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights respecting the subject of the action and tending to render the judgment ineffectual.

74. As stated above, Ms. Griffin is entitled to relief regarding the egregious acts committed by Defendants.

75. Permitting LVMPD officers to summarily deny religious accommodations at their own discretion, including preventing access to a religious head covering upon request, created and continues to create harm for those, including Ms. Griffin, who may have contact with LVMPD.

76. Plaintiff seeks injunctive relief, preventing officers, employees, or agents of LVMPD, along with those acting in concert with them, from implementing and effectuating unlawful policies, practices, and acts that created and continue to create a substantial risk of harm to Ms. Griffin and others who wear religious head coverings as part of their sincerely held religious beliefs.

77. Plaintiff seeks injunctive relief, requiring LVMPD to develop and implement policies, procedures, and practices, and to train LVMPD officers, employees, or agents to ensure

that inmates maintain their right to wear their religious head coverings pursuant to both the First Amendment and Article 1, Section 4 of the Nevada Constitution and ensuring that all staff have the adequate knowledge, skill, and ability to comply with such requirements.

VII. DECLARATORY RELIEF

78. Under the Nevada Uniform Declaratory Judgments Act, NRS 30.010 to 30.160, this Court has the power to declare the rights, status and other legal relations of the parties whether further relief is or could be claimed, and a declaration may be either affirmative or negative in form and effect, and such declarations have the force and effect of a final judgment or decree.

79. Such declarations have the force and effect of a final judgment or decree.

80. This matter satisfies the four elements that must be met for declaratory relief to be granted, as described below.

81. The facts stated above herein reveal a justiciable controversy in which a claim of right is asserted against one who has an interest in contesting it.

82. The controversy is between persons whose interests are adverse.

83. Plaintiff has a legally protectable interest in the controversy.

84. The issue involved in the controversy is ripe for determination as Plaintiff's harm resulted from policies, practices, acts, and omissions of CCDC and its employees, staff, contractors, or agents.

85. Plaintiff seeks a declaratory judgment that the policies, practices, acts and omissions complained of herein violated Plaintiff's rights.

VIII. RELIEF REQUESTED

WHEREFORE, Plaintiff requests the following relief from this Court:

A. Non-economic damages in a sum more than \$50,000, or an amount to be determined at the time of trial;

B. Punitive damages in an amount sufficient to punish Defendants and deter others from

1 like behavior;

2 C. Injunctive relief as set forth above;

3 D. Declaration of rights as set forth above;

4 E. Award Plaintiff her reasonable attorney's fees and costs incurred in this action; and

5 F. Such other and further relief as the court deems just and equitable.

6 Dated this 8th day of October, 2024.

This document does **not** contain the Social Security number of any person.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

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10 **AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**

11 /s/ Athar Haseebullah, Esq.

12 ATHAR HASEEBULLAH, ESQ.

13 Nevada Bar No.: 13646

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22 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the forgoing **First Amended Complaint** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on October 8, 2024. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- ☒ CM/ECF
- ☐ Electronic Mail; or
- ☐ US Mail or Carrier Service

/s/ Suzanne Lara
Suzanne Lara
An employee of the ACLU of Nevada