

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SERBENNIA CHASE
301 G Street, S. W.
Washington, D.C. 20024

Plaintiffs

v.

DISTRICT OF COLUMBIA
Serve: Tabatha Braxton
John A. Wilson Bldg.
1350 Pennsylvania Ave. N.W. # 419
Washington, D.C. 20001

Serve: Office of the Attorney General
Serve: Darlene Fields
441 4th St. N.W. 6th Fl. South
Washington, D.C. 20001

And

Corrections Corporation of America
Serve: CT Corporation System
1025 Vermont Ave. N.W.
Washington, D.C. 20005

Defendants

CASE NO:

Case: 1:10-cv-00261
Assigned To : Huvelle, Ellen S.
Assign. Date : 2/19/2010
Description: Civil Rights-Non-Employ



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, INVASION OF PRIVACY, AND ASSAULT

Comes now the Plaintiff, Serbennia Chase, (Chase), by and through undersigned counsel, and sues the Defendants stating:

JURISDICTION

1. This court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346 (a)(2), 1391 (b)(c), 2401, 2671, 42 U.S.C. § 1983, the Fourth, Fifth, and Eighth Amendments of the United States Constitution.

1

PARTIES

2. Chase is a former inmate. She was held in the District of Columbia Jail and one of its facilities, known as: Correctional Treatment Facility (CTF). She was, at all times relevant to this cause of action, a resident of the District of Columbia.

3. The Defendant, District of Columbia, (District), is a sovereign government operating as the District of Columbia Government. It was operating in that capacity at all times relevant to this cause of action. District's Metropolitan Police Department, (Police), employs individuals, as police officers, to enforce the District's laws and laws of the United States. Police is under the direction and supervision of District's chief executive, Adrian Fenty, District's duly elected Mayor. District's police officers are employees of District; and all acts alleged herein, were been done by them within the scope of their employment as District's agents, servants, and/or employees. District's Department of Corrections (Corrections) employs individuals, as correctional officers, to enforce the District's laws and the laws of the United States.

4. District hired the Defendant, Correction Corporation of America, CCA, to assist District operate its jail and CTF. The acts alleged herein, by District and CCA's staff, were been done by them within the scope of their employment as District's agents, servants, and/or employees to facilitate the operation of the District's jail and CTF, to enforce the District's laws and the laws of the United States, while acting under the color and pretense of District's laws and its rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District while executing, carrying out, and enforcing District's laws and the laws of the United States. It is those laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs that caused the harm

alleged in this complaint, while being enforced by the District's and CCA's agents, servants, and/or employees.

FACTS

5. Chase was arrested on September 8, 2008, and charged with Assault with intent to kill, while armed, aggravated assault, while armed, and with assault with significant bodily injury. She was arrested by members of District's Fifth District Police Precinct. After being arrested, she was handcuffed, her hands were placed behind her back, and she was taken into custodial interrogation room number 211, for interrogation, in District Fifth District Police Precinct.

6. While in that room, Chase was interrogated by Police's Detectives: Clingerman and Parker. Their interrogation was done while working within the scope of their employment, as District's agents, servants, and/or employees, and; while enforcing a long standing policy instituted and sanctioned, by the District, that required them to videotape their entire interrogation of Chase, without stopping it, until their interrogation of her was completed. Chase was not told that she was being videotaped. District admitted the allegations, in this paragraph, in its opposition to Chase's motion for a temporary restraining order that was held on July 14, 2009, before the Honorable Judge Eugene Hamilton, in the D. C. Superior Court's Civil Division. **Attachment # 1**. The temporary restraining order was granted. **Attachment # 2**.

7. During Chase's interrogation, Detective Clingerman told her that she would have to remove the clothes she was wearing, give them to the female officer, and change into the clothing he gave her. He asked her if she was wearing any under garments. She replied no. Detective Clingerman told her, as he was leaving the room, that he'd return after she changed her clothes. A female officer remained in the room while Chase changed clothes.

8. After Detective Clingerman left the room, the female officer told Chase to take off her clothes. Chase removed her blouse and asked the officer if she had to take off her bra. The officer said no. As Chase began to remove her under pants, she told the officer she was not wearing any underwear. The officer did not say anything and Chase proceeded to remove her pants, while the videotape continued recording. The videotape recorded Chase as she removed her pants exposing her naked vagina and naked buttocks. District admits that Chase's naked vagina and naked buttocks were videotaped and visible for approximately one minute. **Supra Attachment # 1.**

9. When Chase's interrogation was completed, District's Police made CD copies of the videotape with Chase's nude body on it. One was given to Assistant United States Attorney Karen A. Rich. She gave a copy of it to: Michael Madden, (Madden), Chase's then court appointed criminal defense attorney. Undersigned counsel received the CD, given to Attorney Madden, after Chase retained him to represent her, in her criminal case, in lieu of Attorney Madden. Undersigned counsel reviewed it, went to the jail, on June 21, 2009, and told Chase that she was being videotaped when Detectives Clingerman and Parker were questioning her, and that it shows her undressing, and that her naked buttocks and naked vagina are clearly shown on the CD, for approximately one minute. Chase was shocked, embarrassed, and felt shame, that her attorneys and other people saw her naked body.

10. Chase was held in CTF located near 1901 D Street, N.E. Washington, D.C. 20019. Her trial was set for August 4, 2009, before the Honorable Judge Bayly. While in District's jail, Chase took advantage of the programs offered there. She tried to better herself and make the best of a bad situation. She participated in the following programs:

- a. Anger management classes, in the DC Life Line Program; and

b. NA classes.

She also participated in daily group classes from: Monday-Friday, from approximately 6:00 am to 5:00 pm, did not get into any fights, and she was not disciplined for violating any of District's or CTF's rules, while incarcerated there.

11. Chase was visited in District's jail and CTF, by Madden, from March 2009-June of 2009. When a prisoner has a visitor, District's laws, rules and regulations require that the inmate be escorted, by one of District's or CTF's staffers. On a number of occasions, Chase was escorted by Lt. Harris. He did so while acting within the scope of his employment as District and CCA's agent, servant, and/or employee, and while acting under the color and pretense of District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District's police officer(s) and CCA's staff, while executing, carrying out, and enforcing District's laws and rule(s) and regulation(s) requiring that Chase be escorted to and from her meeting with her attorney and others that required her to be escorted.

• 12. Sometime between March of 2009 and May of 2009, Lt Harris while escorting Chase grabbed her buttocks. Chase immediately turned around with a look of surprise, shock, and amazement. Lt. Harris stood there looking at Chase and said something like: "I'll see you later." If she was not an inmate she would have would slapped his face. She could not; and was relegated to a look of shock and amazement. Chase did not consent to Lt. Harris touching her private body parts; she did not give him any reason (s) to believe that she wanted a sexual relationship, with him, or that she welcomed him touching her intimate body parts.

13. Chase wanted to report the incident but was afraid that Lt. Harris might retaliate and somehow use his authority to prevent her from participating in the programs she was participating,

put her in lock down, and, she felt, as an inmate, no one would believe her over CTF's staff. She hoped that Lt. Harris would not repeat what he did or that another officer would escort her.

•
14. Sometime between March of 2009 and May of 2009, Lt Harris again, for a second time, while escorting Chase, grabbed Chase's buttocks and grabbed her in vagina area. Chase was again shocked and amazed. Once again, Lt. Harris looked at Chase, and said something like: "I'll see you later." Chase did not give Lt. Harris any reason(s) to believe that she wanted a sexual relationship, with him, that she welcomed his sexual advances, or that she consented to him touching her intimate body parts.

~~15. Chase suffered emotional distress in addition to the stresses related to being an inmate. She was tormented about what to do. She could not control who escorted her, feared Lt. Harris might retaliate, if she reported him, but she did not want his illicit, unwelcomed, unsolicited sexually assaults, and improper touching of her intimate body parts to continue. She hoped and prayed that someone else would escort her.~~

•
16. Sometime between March of 2009 and May of 2009, Lt Harris again, for a third time, sexually assaulted Chase. However, this time he was bolder. While returning Chase, from a legal visit, Lt. Harris diverted and took Chase to a secreted back stair way. As Chase proceeded up the stairs he told her to stop. She stopped. He grabbed Chase's vagina and buttocks and said, "when are you going to let me put this dick in you". This sexual assault might have gone further but other people were coming down the steps; and Lt. Harris stopped sexually assaulting Chase.

17. After Lt. Harris' third sexual assault, Chase was emotionally drained, shocked, tormented, and afraid. She felt that he would not stop his sexual assaults, they were getting bolder, and she was afraid what he might do the next time. The emotional distress was too great. She decided that she had to report him and somehow deal with the repercussions and retaliation she expected after reporting him.

18. After Chase reported Lt. Harris' sexual assaults, her status, in CTF, changed immediately. She was prohibited from continued participation in the CTF's programs that she was participating in prior to reporting Lt. Harris' sexual assaults. She was transferred to a more restrictive CTF, jail unit, and on July 24, 2009, she was moved to the Rappahannock Regional Jail, in Stafford, Virginia. When she arrived there, she was immediately placed in twenty-four (24) total lock down. She was put in a cell, where her food was slid to her through an opening, she was only released to take a shower, and immediately after taking a shower, she was escorted back to her cell to continue her twenty-four (24) lock down.

19. The Rappahannock Regional Jail is in the Commonwealth of Virginia. On a good day, it is an hour drive, from CTF, with traffic it is a drive of approximately a two (2) hours or more. The legal visits there are restricted to 8am-8pm, Monday through Saturday and legal visits are not allowed on Sundays; whereas, in CTF an attorney may visit their client at anytime and at any hour.

20. Chase's transfer to the Rappahannock Regional Jail made it more difficult for legal visits, and for family and friends to visit her. The Rappahannock Regional Jail's policy on visitation for non legal visits was more restrictive than the visitation policies at CTF.

21. Chase was subsequently transferred further South from Rappahannock Regional Jail to Pamakey Regional Jail, in Pamakey, Virginia. It is a two and half hour drive from Washington, D.C. When she arrived there, she was placed in twenty-four (24) total lock down. She was put in a cell, where her food was slid to her through an opening, in her cell. She was only released to take a shower, and immediately after taking a shower, she was escorted back to her cell to resume her twenty-four (24) lock down.

COUNT I
VIOLATION OF CHASE'S CONSTITUTION RIGHTS

22. Chase incorporates, by reference, the allegations, in paragraphs 1 through 21, into this count, as fully as if pleaded herein

23. Title 42 U.S.C. § 1983 provides:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

Chase, while incarcerated, surrenders some of the rights she enjoyed prior to being incarcerated however, she retains her privacy rights. During Chase's interrogation, District's police officers did not find it necessary to strip search her or search her body cavities. They interrogated her for the sole and exclusive purpose(s) of obtaining information about the crime(s) for which she was arrested. In the absence of any demonstrated institutional need, institutional exigencies, or evidentiary need (s), to videotape Chase's naked body, videotaping her naked body was unnecessary and done in violation of her privacy rights, her rights under the Fourth Amendment of the Constitution; to be free from forced exposure of her naked vagina and naked buttocks. To do so is repugnant to all notions of decency, personal integrity, and fair play.

24. Chase, like most people, has a special sense of privacy in their genital and involuntary exposure of them is especially demeaning and humiliating and in violation of the Fourth Amendment's prohibition against unreasonable searches and seizures. The Fourth Amendment to the United States Constitution reads:

“...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.”

After Chase's naked body was videotaped, CD's of it were made and given to member(s) of District's police force, member(s) of the Office of the United States Attorney, for the District of Columbia, Chase's former attorney, and an unknown number of third parties; all in violation of her privacy rights and her rights under the Fourth Amendment of the United States Constitution's prohibition against unreasonable search and seizures.

25. As a direct and proximate cause of Detectives Clingerman and Parker's actions enforcing District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District's police officer(s) action(s); done while executing, and/or carrying out, District's laws and the laws of the United States, and done under the color of District's laws, Chase's rights under the Fourth Amendment to the United States Constitution were violated, her rights to privacy were violated, there was an intrusion into her seclusion, causing her naked buttock and naked vagina to be video taped and made available public for viewing, all of which Chase wanted to remain private and secluded.

26. Chase's constitutional rights would not have been violated but for Detective Clingerman and Parker's enforcement of the District's long standing policy instituted and sanctioned, by the District, that required them to videotape Chase's entire interrogation, without stopping it, until Chase's interrogation was completed.

27. As a further and direct result of: Detectives Clingerman and Parker's actions, done while enforcing the enforcement District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District's police officers, and; done while enforcing, executing, and carrying out District's laws and the laws of the United States; Chase's rights to privacy and her rights under the Fourth Amendment were violated; and as a result, she suffered emotional distress,

shame, embarrassment, and disgrace.

Wherefore, the premises considered. Chase demands \$10 million dollars in compensatory damages and \$10 million dollar, in punitive damages, against the Defendants, joint and several.

COUNT II
INVASION OF PRIVACY

28. Chase incorporates, by reference, the allegations, in paragraphs 1 through 27, into this count, as fully as if pleaded herein

29. Title 42 U.S.C. § 1983 provides:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

Chase, while incarcerated, surrenders some of the rights she enjoyed prior to being incarcerated, however, she retains her privacy rights. During Chase's interrogation, Detectives Clingerman and Parker did not find it necessary to strip search her or search her body cavities. They're sole and exclusive purpose(s) for interrogating Chase was to obtain information about the crime(s), for which she was arrested. In the absence of any demonstrated institutional need, institutional exigencies, or evidentiary need (s), to videotape Chase's naked body, videotaping her naked body was unnecessarily visited upon her and done in violation of her privacy rights, her rights under the Fourth Amendment of the Constitution; to be free from forced exposure of her naked vagina,

Clingerman and Parker to videotape Chase's entire interrogation, without stopping it, until Chase's interrogation was completed.

33. As a further and direct result of Detectives Clingerman and Parker's actions, done while enforcing District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District's police officers, and; done while enforcing, executing, and carrying out District's laws and the laws of the United States; Chase's rights to privacy and her rights under the Fourth Amendment were violated; and, as a result, Chase suffered emotional distress, shame, embarrassment, and disgrace.

Wherefore, the premises considered, Chase demands \$10 million dollars in compensatory damages and \$10 million dollar, in punitive damages, against the Defendants, joint and several.

COUNT III
VIOLATION OF CHASE'S CONSTITUTION RIGHTS

34. Chase incorporates, by reference, the allegations, in paragraphs 1 through 34, into this count, as fully as if pleaded herein.

35. Title 42 U.S.C. § 1983 provides:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

Chase, while incarcerated, surrenders some of the rights she enjoyed prior to incarceration, but she nevertheless retains her rights under the Eighth Amendment's prohibition against Cruel and unusual punishment.

36. The Eighth Amendment to the United States Constitution reads:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

The Eighth Amendment's Cruel and Unusual Clause guarantees Chase the constitutional right to be secure in her bodily integrity and free from sexual assaults from District's and CTF's staffers.

Chase's rights, under the Eighth Amendment's Cruel and Unusual Clause were violated when District's and CTF's Lt. Harris sexually assaulted her three (3) times. The assaults took place while he was escorting Chase; and, while he was acting within the scope of his employment as District's and CTF's agent, servant, and/or employee and while acting under the color of District's laws, its rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District and CTF while executing, carrying out, and enforcing District's laws, rule(s) and regulation(s) requiring that Chase be escorted to her meet with her attorney and other incidences that required her to be escorted.

37. Lt. Harris was employed by District and CTF. He was given certain responsibilities and act(s) to perform, within the scope of his employment as District and CTF's agent, servant, and/or employee. It was while he was acting under the color and pretense of the District's laws, its rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, governing District, and while executing, carrying out, and enforcing District's laws, rule(s) and regulation(s), that he violated that trust and abused his authority. His actions nonetheless constitutes a violation of Chase constitution rights under the Eighth Amendment's prohibition against Cruel and Unusual Punishment; and a

violation of Chase's rights under Title 42 U.S.C. § 1983.

38. As a further and direct result of the Lt. Harris' actions, done while enforcing District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, and; done while enforcing, executing, and carrying out District's laws and the laws of the United States; Chase suffered emotional distress, shame, embarrassment, and disgrace.

Wherefore, the premises considered, Chase demands \$10 million dollars in compensatory damages and \$10 million dollar, in punitive damages, against the Defendants, joint and several.

COUNT IV
VIOLATION OF CHASE'S CONSTITUTION RIGHTS

39. Chase incorporates, by reference, the allegations, in paragraphs 1 through 38 into this count, as fully as if pleaded herein.

40. Title 42 U.S.C. § 1983 provides:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

Chase, while incarcerated, surrenders some of the rights she enjoyed prior to incarceration, but she nevertheless retains her due process rights under the Fifth Amendment.

41. The Fifth Amendment to the United States Constitution, reads, in pertinent:

“No person shall be held to answer for a capital or otherwise infamous crime,....nor be deprived of life, liberty, or property, without due process of law.”

After Chase reported Lt. Harris' sexual assaults, her right to participate in CTF's internal programs was terminated immediately. She was transferred to a more restrictive jail cell in CTF, and on July 24, 2009, she was transferred to the Rappahannock Regional Jail, in Stafford, Virginia. When she arrived there, she was immediately placed back into twenty-four (24) total lock down. She was put in a cell, where her food was slid to her through an opening, in the door to her cell. She was only released to take a shower, and immediately after taking a shower, she was escorted back to her cell to resume her twenty-four (24) lock down.

42. The Rappahannock Regional Jail is in the Commonwealth of Virginia. On a good day, without traffic, it is an hour drive, from CTF, with traffic it is approximately a two (2) hour drive. The legal visits there are restricted to 8am-8pm, Monday through Saturday and legal visits are not allowed on Sundays; where as, in CTF any attorney may visit Chase at anytime and at any hour.

43. Chase's transfer to the Rappahannock Regional Jail made it more difficult for legal visits, and for family and friends to visit her. The Rappahannock Regional Jail's policy on visitation for non legal visits was more restrictive than the visitation policies at CTF.

44. Chase, as an inmate, loses some of her constitutional rights, when she was put in twenty-four (24) lock down and; as a result, she became a victim a second time, and subject to cruel and unusual punishment. Prior to reporting Lt. Harris' illicit sexual assaults, Chase participated in CTF's internal programs and was in the general prison population; but after reporting him she was placed in a more restrictive ward, in CTF, prevented from participating in the CTF programs, she enjoyed prior to reporting Lt. Harris, was removed from the general population, transferred to the Rappahannock and Pamakey Regional Jails, in the Commonwealth, where she was immediately placed in twenty-four (24) lock down, and where legal visits and visits from family and friends were made more difficult and in some cases visits were denied.

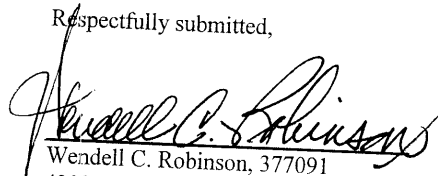
45. As a further direct result of Lt. Harris' actions, done while enforcing District's laws, rule(s), regulation(s) statute(s), ordinance(s), practice(s) and/or customs, and; done while enforcing, executing, and carrying District's laws and laws of the United States; Chase's rights to privacy were violated, her rights under the Fifth Amendment's due process clause were violated; Chase was subject to cruel and unusual punishment, in violation of the Eight Amendment, and Chase was deprived of life, liberty and property without due process of law, causing her to suffer emotional distress.

Wherefore, the premises considered, Chase demands \$10 million dollars in compensatory damages and \$10 million dollar, in punitive damages, against the Defendants, joint and several.

Jury Demand

46. Chase demands a trial by jury.

Respectfully submitted,



Wendell C. Robinson, 377091
4308 Georgia Ave. N.W.
Washington, D.C. 20011
202-223-4470