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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STAT ES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

WHITLEY GOODSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: _____
	)	
J.C. POE, JR., individually and in his official capacity as Chief of the **JASPER POLICE DEPARTMENT**, a division of the City of Jasper, a municipal corporation; **DEBORAH JOHNSON**, individually and in her official capacity as Jail Supervisor of the **JASPER POLICE DEPARTMENT**, a division of the City of Jasper, a municipal corporation; **ALABAMA MUNICIPAL INSURANCE CORPORATION**, a domestic corporation; and **DR. MARCUS O'MARY, ROGER WILSON**, and **GILBERT JEAN**, in their official capacities as Members of the **JASPER CIVIL SERVICE BOARD**,	)	JURY DEMAND
	)	
Defendants.	)	

COMPLAINT

COMES NOW Plaintiff, Whitley Goodson, and for her Complaint against Defendants, J.C. Poe, Jr. ("Poe"), Deborah Johnson ("Johnson"), the City of Jasper, Alabama ("City"), the Alabama Municipal Insurance Corporation ("AMIC"), and Dr. Marcus O'Mary ("Dr. O'Mary"), Roger Wilson ("Wilson"), and Gilbert Jean

("Jean"), in their official capacities as members of the Jasper Civil Service Board, states:

Parties

1. Plaintiff, Whitley Goodson, is a female resident of the Jasper Division of the Northern District of Alabama and is a natural person over the age of 21 years.[1]

2. Poe is a male resident of the Jasper Division of the Northern District of Alabama and is a natural person over the age of 21 years. At all times relevant to this lawsuit, Poe was Chief of Police for the City of Jasper ("City").

3. Prior to becoming the Chief of Police for the City, Poe was the Chief Deputy for the Walker County Sheriff's Department. During his tenure as Chief Deputy, Poe was in charge of the day-to-day operations of the Walker County Jail.

4. Under Alabama law, Poe is legally responsible for supervising the Jasper Police Department ("JPD"), which includes its municipal jail ("Jail"). Ala. Code § 11-43-55.

5. At all times relevant to this lawsuit, Poe served as the highest-ranking law enforcement officer employed by the City. As such, he created policy for the JPD and the Jail and assumed legal and actual responsibility for all day-to-day operations for both the JPD and the Jail.

[1] Plaintiff is not seeking to proceed anonymously, as she no longer resides in Walker County, Alabama.

6. Poe served as a final policymaker and a final decision maker for all matters described herein necessary to establish municipal liability.

7. Johnson is a female resident of the Jasper Division of the Northern District of Alabama and is a natural person over the age of 21 years.

8. At all times relevant to this lawsuit, Johnson served as the day-shift supervisor at the Jail. Johnson received reports of and knew, or should have known, about the wrongs committed against the Plaintiff and other persons incarcerated in the Jail, as described herein, but did not take action to cause those wrongs to cease or otherwise to prevent them from happening in the first instance.

9. Johnson served as a final decision maker for purposes of whether to take action to protect Plaintiff. Johnson also served as a de facto policymaker for purposes of establishing municipal liability.

10. The City is a municipal corporation, duly organized and existing under the laws of the State of Alabama, situated within the Jasper Division of the Northern District of Alabama.

11. AMIC holds itself out as and is licensed as an Alabama domestic insurance corporation.

12. AMIC does business in the Jasper Division of the Northern District of Alabama.

13. From 2016 through the present, AMIC issued policies providing insurance coverage to the City, Poe and Johnson.

14. From 2016 through the present, AMIC issued policies of insurance providing insurance coverage to the Jasper Civil Service Board.

15. Dr. O'Mary, Wilson, and Jean are the current members of the Board, whose enabling legislation does not expressly authorize the Board to sue or be sued. Dr. O'Mary, Wilson and Jean are natural persons over the age of 21 years and are residents of the City situated in the Jasper Division of the Northern District of Alabama. Dr. O'Mary, Wilson and Jean are referred to collectively as the "Board."

16. The Board is not a pro forma organization, but instead has substantial duties operating effectively as a division of the City of Jasper.

17. Under Section 11 of Ala. Act No. 113 (1965), the Board "shall" examine candidates ". . . as to age, residence, health, height, weight, habits moral character, and other factors pertinent to ability to discharge the duties of the position . . ." for which they are employed. See Attachment 1 (Ala. Act 113 (1965)).

18. Under Section 14 of Ala. Act. No. 113 (1965), "any resident citizen" of the City may file charges against any employee of the City and the Board must hold a hearing and dismiss the employee if the charges are substantial and well-founded.

19. Thus, Dr. O'Mary, Wilson and Jean are de facto and de jure employees of the City.

20. As employees of the City, Dr. O'Mary, Wilson, and Jean are covered by AMIC's policies of insurance issued to the City.

21. The jurisdiction of this Court is invoked pursuant to 29 U.S.C. §§ 1331 and 1343(a)(3) and (4) to obtain remedies for the deprivation of rights guaranteed by the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States, pursuant to the Enforcement Acts as amended and codified at 42 U.S.C. §§ 1983, 1985, and 1986. This Court also has original jurisdiction to hear claims made pursuant to 18 U.S.C. § 1595.

22. The Plaintiff also invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367, for state law claims that arise from the same facts and circumstances from which Plaintiff's federal claims arise.

23. Plaintiff seeks relief under the Declaratory Judgment Act, 28 U.S.C. § 2201, et. seq. In the Circuit Court of Walker County, Alabama, AMIC commenced an action against a victim of misconduct perpetrated by some of the Defendants named herein; the issues, claims and parties in this action are sufficiently dissimilar, such that this Court should not abstain from exercising jurisdiction pursuant to *Brillhart v. Excess Ins*., 316 U.S. 491 (1942); however, a judgment adverse to the Defendants in this case would bind the Defendants in that case and in litigation related to that case.

24. Venue is proper pursuant to 28 U.S.C. § 1393(b), in that the events or occurrences giving rise to Plaintiff's claims occurred in the Northern District of Alabama, Jasper Division, and in that the acts and omissions about which Plaintiff complains occurred in Walker County, Alabama.

Facts

25. Plaintiff has suffered enormous tragedy in her life and, as a result of these personal struggles, Plaintiff began using drugs.

26. Although Plaintiff no longer uses illegal drugs, over the course of several years, Plaintiff's addiction and use of illegal drugs resulted in several misdemeanor convictions.

27. In the summer of 2017, Plaintiff was convicted of a misdemeanor drug offense in the Municipal Court of Walker County, Alabama. The Court ordered Plaintiff to attend a program at a long-term treatment rehabilitation ("rehab") facility.

28. Shortly after Plaintiff entered the rehab facility, she left against the recommendation of her health care provider; law enforcement arrested her again and charged her with contempt of court, then detained her in the Jail where she was held until trial.

29. At trial, the Jasper City Municipal Court sentenced Plaintiff to confinement in the JPD Jail for an additional 90 days, or until a bed in another long-term rehab facility became available, whichever occurred first.

30. After her sentencing, law enforcement officer, Jailer Rusty Boyd ("Boyd") transported Plaintiff back to the Jail, at which time Boyd informed Plaintiff that her continued confinement at the Jail was a "good thing" because he was going to have her assigned to the position of trustee.

31. As soon as they returned to the Jail, Boyd pulled Plaintiff out of her cell and assigned her to trustee duty.

32. Plaintiff's status as a trustee meant that she was not confined to her cell continuously, but was able to leave her cell for extended periods of time under the supervision of the jailers.

33. As a trustee, Plaintiff left her cell and cell block to perform unskilled labor, such as cooking, cleaning, and laundry, for the benefit of the City and the Jail's supervisors, employees, and inmates.

34. Inmates at the Jail coveted the position of trustee because it eased confinement, which would otherwise restrict them to their cells for as much as 23 hours a day.

35. In the Jail, both male and female jailers guarded the female prisoners.

36. The Jail routinely allowed male jailers to guard female prisoners outside the presence of and without any supervision from a female jailer, especially at night.

37. During Plaintiff's first night as trustee, Boyd made numerous vulgar sexual remarks, both to Plaintiff and around Plaintiff, that made her extremely uncomfortable.

38. Boyd continually made salacious remarks about female inmates in the presence of Plaintiff and others before, during and after Plaintiff's incarceration.

39. Approximately one week after becoming trustee, Boyd directed Plaintiff and another trustee to gather the trash from the Jail to haul to the dumpsters on the outside of the building.

40. During the trash run, while underneath the sally port area, Boyd pulled out his police issued taser and tazed Plaintiff in the buttocks.

41. Tasers are electroshock devices that are used by law enforcement to incapacitate violent inmates.

42. Plaintiff, who had never been tazed, , was shocked, scared and intimidated by this aggressive display of authority by Boyd.

43. Boyd did this to intimidate Plaintiff.

44. According to manufacturer warnings, the use of a taser on an individual may result in serious injury or even death.

45. Defendants Poe and Johnson failed to properly train Boyd with regard to the proper use of the police issued taser with which he was entrusted.

46. Boyd's taser would have recorded the incident where he tazed Plaintiff, but upon information and belief, neither Poe nor Johnson monitored or checked the jailers' police issued tasers to see if they had been discharged.

47. There were cameras in the sally port area, which would have recorded the incident, but upon information and belief, those video recordings were never reviewed and Boyd was never reprimanded for his unlawful intimidation tactics. In the alternative, these video recordings were reviewed and ignored.

48. Boyd laughed at Plaintiff's reaction to being tazed and asked the other trustee if she thought Plaintiff "could keep her mouth shut".

49. On another occasion, which took place shortly after the tazing incident, Plaintiff was in the laundry area of the Jail performing her duties as trustee when Boyd, without Plaintiff's consent, approached Plaintiff from behind, reached around her neck area with his arm, placing his elbow on her breast, then picked Plaintiff up off the floor and jerked and twisted her, ostensibly to illustrate to another jailer how he physically manhandled drunk inmates at the Jail. After the incident, which caused Plaintiff physical pain, Plaintiff felt both intimidated and scared.

50. After that incident, Plaintiff contacted her husband and conveyed to him that she was fearful and concerned about what was going to happen to her while she

was confined at the Jail. Sherequested that he attempt to get her transferred to the Walker County Jail.

51. Boyd showed Plaintiff pornographic images on his cell phone that depicted men eating breakfast cereal from the anus of a woman, whose orifice was held open by a speculum.

52. When Plaintiff, who was shocked and disgusted, attempted to leave, Boyd grabbed her pantleg and forced Plaintiff to watch the rest of the video. This incident occurred in the presence of one or more other jailers.

53. The City surveilled the Jail by video cameras, whose signals appeared on monitors located in the central office or "bullpen," where jailers monitored inmates and processed subjects for incarceration.

54. The areas surveilled by video cameras included the area where female prisoners showered.

55. Male jailers were routinely allowed to escort female inmates to and from the shower area, as well as view them during their shower time.

56. Throughout Plaintiff's incarceration at the Jail and for months before that time, Boyd watched female inmates shower.

57. Throughout Plaintiff's incarceration at the Jail and for months before that time, Boyd demanded that female inmates perform sexual acts with each other while he watched.

58. Upon information and belief, Plaintiff alleges that Boyd engaged in these behaviors throughout the time he was an employee of JPD, at least until Poe promoted him to the position of patrolman.

59. Other jailers, including Johnson, as well as Poe, knew that Boyd would make salacious remarks about female inmates, watch female inmates shower, demand that they perform sexual acts with each other while he observed, touch the breasts, buttocks, and crotches of female inmates, and engage in various sexual acts with female inmates.

60. Other jailers including, but not limited to, Poe and Johnson, observed Boyd engaging in some of these behaviors or heard Boyd or others discuss one or more of these behaviors.

61. Boyd's actions toward female inmates, including Plaintiff, infringed upon their constitutional rights.

62. The Jail premises included an outbuilding called the Connex.

63. The City failed to install video cameras in the Connex to allow surveillance of the entry, exit, and interior of the building.

64. On or about September 26, 2017, Boyd took Plaintiff out to the Connex, by herself, under the pretext of retrieving supplies.

65. While in the Connex, Boyd came up behind Plaintiff and forcefully grabbed her, pressing his pelvic area into Plaintiff's buttocks, then roughly forced his hand down the front of Plaintiff's pants and grabbed her genitals.

66. Boyd then unzipped his pants and grabbed Plaintiff by the hair, forcing her to perform oral sex on him.

67. Plaintiff, who had an upcoming court date, was terrified and believed that, if she forcefully resisted Boyd's sexual advances, Boyd would cause the extension of her detention.

68. Boyd then made Plaintiff stand up and bend over the stack of mats, where he pulled down Plaintiff's pants and proceeded to penetrate her vagina with his penis.

69. Johnson served as the delegee of Poe, concerning matters involving Jail supervision, training, and discipline.

70. Poe negligently hired Boyd for the position of jailer within the Jail.

71. Poe did not properly vet Boyd, or cause others to do so, before the City hired Boyd.

72. Poe negligently advised or informed the Board of the qualifications to perform the job of jailer at the Jail.

73. The Board negligently hired Boyd or caused him to be hired.

74. For example, the Board obtained psychological testing on candidates for the position of police officer, but required no testing, psychological or otherwise, for candidates for the position of jailer.

75. When Boyd was hired, the only required credential published or imposed by the Board for jailers was that the candidate had to be 19 years old.

76. Upon information and belief, another police department that previously employed Boyd terminated his employment because he engaged in sexual misconduct.

77. Upon information and belief, the State of Alabama suspended or revoked Boyd's Alabama Peace Officer Training Commission certification when or after his prior employer terminated him.

78. Poe and the Board should have known these facts prior to hiring Boyd.

79. Alternatively, Poe knew that Boyd had previously been terminated for inappropriate conduct, but negligently hired him or allowed him to be hired regardless of that knowledge.

80. From his service as Chief Deputy of the Walker County Jail, where male officers required female inmates to perform sexual acts while Poe was in charge of that facility, Poe had reason to know that allowing male jailers to have inappropriate access to female inmates would cause the female inmates to suffer bodily injury including, but not limited to, mental distress.

81. At least through the time Boyd was employed by the Jail, Poe and the Board adopted a policy, custom, or practice of not conducting thorough background checks before hiring Jail personnel.

82. Both Poe and the Board employed a policy or practice of hiring jailers who were not properly trained or certified.

83. Neither Poe nor the Board required jailers to undergo adequate training before working in the Jail.

84. Neither Poe nor the Board required jailers to obtain any certification before working in the Jail.

85. Neither Poe nor the Board required jailers to undergo adequate training after they began working in the Jail.

86. Neither Poe nor Johnson trained jailers to detect when inmates were forced to engage in sex with other jailers.

87. The Board did not require such training from job candidates for the position of jailer at the Jail.

88. Neither Poe nor Johnson trained jailers to deter sexual misconduct directed toward female inmates.

89. The Board did not require such training from job candidates for the position of jailer at the Jail.

90. Neither Poe nor Johnson trained jailers to periodically review video recordings including, but not limited to, recordings of areas around the First Floor Closet or the Second Floor Room.

91. Both Poe and Johnson failed to regularly review or to cause others to regularly review the surveillance video recordings at the Jail, regardless of any checklist purporting to require them to do so.

92. Neither Poe nor Johnson reported any instances of sexual misconduct, regardless of any checklist purporting to require them to do so.

93. Neither Poe nor Johnson required jailers to undergo "jail school", which was offered in connection with some or all peace officer certification training courses.

94. The Board did not require such training from candidates for the position of jailer at the Jail.

95. Neither Poe nor Johnson required the jailers to undergo any of the training directed toward jail operations or ethics offered by or through the Alabama League of Municipalities or its alter ego, AMIC.

96. The Board did not require such training from candidates for the position of jailer at the Jail.

97. Neither Poe nor Johnson trained, or caused others to train, jailers to prevent male jailers from making female inmates have sex with the male jailers; to

prevent male jailers from routinely observing female inmates while they were undressed; to prevent male jailers from making salacious remarks to female inmates; to prevent male jailers from unnecessarily touching the breasts, buttocks, and genitals of female inmates; to report such inappropriate conduct; to adopt and implement procedures allowing female inmates the ability to report such conduct; or adopt and implement procedures requiring jailers to act on reports of such inappropriate conduct when jailers received reports of this nature.

98. The Board did not require such training from candidates for the position of jailer at the Jail.

99. Neither Poe nor Johnson ever established any procedure whereby female inmates could safely report behavior of the sort described herein.

100. Neither Poe nor Johnson ever established any procedure whereby reports of behavior of the sort described herein could be made the subject of proper remedial action.

101. Poe caused inadequate video monitoring to occur in the Jail, e.g., the video cameras surveilled women in the shower area and the monitors allowed men to view images of female inmates in that area, but the cameras did not monitor the First Floor Closet, the Second Floor Room, or the Connex.

102. Poe and Johnson failed to adequately review and failed to cause others to adequately review such video recordings as were made and maintained prior to

the tapes being erased on a rotating basis upon expiration of a 30-day cycle; had they reviewed or caused others to review the recordings, the recordings would have shown, for example, the incident where Boyd used his police issued taser to intimidate Plaintiff.

103. The jailers, who were aware of "blind spots" in the Jail, could and did take female inmates into those spaces to make the inmates perform sexual acts because the jailers knew, and even bragged, that they could not be surveilled in those areas.

104. Neither Poe nor Johnson provided any mechanism to female inmates, or the family members of female inmates, or even other jailers, whereby complaints could be safely reported about jailers who made female inmates engage in sex, unnecessarily touched the breasts, buttocks, or genitals of female inmates, made sexual remarks to and about female inmates, made female inmates perform sexual acts with one another while the jailers watched the female inmates, or otherwise mistreated the female inmates.

105. When Plaintiff's spouse complained to a City employee, Poe or his staff scheduled a meeting with the spouse, but then later cancelled the meeting and failed or refused to reschedule it, so that the meeting never occurred.

106. No one from the City ever met or otherwise conferred with the spouse about his concerns,nor did anyone from the City ever meet with or confer with Plaintiff.

107. Another inmate informed a jailer about the fact that Boyd had forced her to engage in sexual acts with him. That jailer advised Johnson of the unlawful activity, but Johnson either did nothing to investigate the allegation, or communicate the allegation to Poe, and if she did communicate the allegation to Poe, Poe did nothing to investigate or remediate the complaint.

108. The necessity of taking precautions to prevent sexual misconduct in jails has been widely known since at least 2011, if not well before. See Attachment 2. The point is to not suggest Plaintiff has a private right of action under the Prison Rape Elimination Act, 42 U.S.C. § 15601, et seq., but to demonstrate that the necessity of preventing sexual misconduct was well-established long before Plaintiff was incarcerated.

109. Poe knew or should have known about the necessity of preventing sexual victimization of women in jail in light of the sexual misconduct occurring at the Walker County Jail when he was the Chief Deputy in charge of that facility.

110. Since at least 2014, when the United States Department of Justice provided its well-publicized investigative findings regarding on-going Eighth Amendment violations at the Tutwiler Prison for Women, the practices implemented

and/or avoided by Poe and/or his delegees have been widely acknowledged as, at best, recklessly indifferent to the bare minimum of constitutional rights of female prisoners who are supervised by male guards. See Attachment 3.

111. Since 2015, when the United States filed a Complaint pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, et seq., against the State of Alabama over conditions at Tutwiler Prison, at which time the United States and the State jointly filed a Settlement Agreement regarding the minimum measures necessary to protect a female prisoner's basic constitutional rights (especially when she is guarded by men), it has been a matter of official, judicial record that the customs and practices employed at the Jail, as such customs and practices are described in this Complaint, would likely result in sexual misconduct by male jailers. See Attachments 4 and 5.

112. The everyday practices at the Jail were the same practices found to amount to reckless indifference at Tutwiler, such that the practices at the Jail predictably led to the same outcomes observed at Tutwiler, i.e., repeated instances of inappropriate, unconstitutional punitive measures, demands for sexual activity and invasions of privacy. At the Jail, the same problems that existed at Tutwiler led to the same injuries suffered by female inmates at Tutwiler, including but hardly limited to poor video surveillance that led to blind spots that facilitated demands for sex, poor procedures that let male jailers watch women inmates while they were

nude or practically nude, poor procedures and training that led to inappropriate touching, and poor procedures that deprived women inmates of the ability to safely report inappropriate conduct by jailers.

113. From his experience as Chief Deputy of the Walker County Jail, Poe knew or should have known about the dangers that female inmates faced when authorities provided male jailers inappropriate access to them.

114. Poe delegated, or allowed others to delegate, Poe's supervisory responsibility and final policy-making authority to Johnson, which delegation itself constitutes negligence by Poe because he failed to train jailers and/or implement procedures necessary to protect female prisoners in the Jail. Upon information and belief, Johnson held no certification as a corrections officer by the Alabama Peace Officers Standards and Training Commission and had otherwise failed to complete appropriate training that qualified Johnson to assume supervisory duties over the Jail and her subordinates.

115. Plaintiff was not the only female inmate to have experiences broadly similar to that of Plaintiff. The following paragraphs describe events that occurred within several months of Plaintiff's detention in the Jail.

116. On one occasion, Boyd took another inmate to the Connex, where he put his hands down the front and back of the inmate's jail uniform.

117. Another inmate conveyed to a jailer that Boyd made another female inmate have sex with Boyd, but no action was taken to deter, intervene, investigate or stop Boyd's inappropriate activities.

118. None of the episodes of oral sex, vaginal sex, inappropriate touching, voyeurism, or inappropriate remarks were consensual.

119. When one female inmate was practically incapacitated from the stress and terror caused by Boyd's sexual demands, Boyd made another female inmate, who had befriended her cell-mate, engage in sexual activities with him.

120. Boyd coerced another female inmate trustee to have sex with him by indicating that, if she had sex with him, she would not be detained on an outstanding warrant or other legal process that required her to be transported from the Jail, to another correctional facility, upon completion of her municipal sentence,, but if she did not have sex with him, she would be immediately transferred to the other correctional facility upon her release from the Jail, due to her other outstanding warrants (e.g., the state equivalent of a detainer) in a neighboring jurisdiction. The inmate engaged in sex with Boyd and, as a result, JPD released her from the Jail without transporting her to the neighboring correctional facility, despite the existing "hold" for outstanding warrants or other legal process. Jail processes were such that Boyd would necessarily have required the cooperation from other JPD employees in

order to effect the release of the inmate without having her transferred to another facility.

121. Boyd coerced another inmate who served as a trustee and who openly lived as a lesbian to have sex with him.

122. Another jailer coerced a female inmate have sex with him by providing and/or withholding drugs and tobacco, knowing that the inmate was addicted to those substances.

123. Another male jailer engaged in sex with another female inmate at the Jail, while she remained incarcerated at the Jail. Upon information and belief, this sexual relationship was known, open, and notorious within the Jail.

124. Every day, male jailers subjected female inmates to sexual touching, sexually salacious remarks, and ogling (for example, in the shower area) while in states of partial or total undress, all while other jailers, including but not limited to Johnson, knew or should have known that these events were occurring.

125. Plaintiff expects discovery will show that sexual activity has been endemic at the Jail for all times relevant to this action.

126. All of the sexual activity recounted in this Complaint occurred in the Connex Building or in the Jail itself.

127. The harm and injury inflicted on Plaintiff was not merely that which was incidental to the sexual acts that Boyd made her perform. Boyd and other jailers

caused harm and injuries by imposing terror upon Plaintiff and other women in the Jail. Plaintiff was subjected not merely to unwanted sexual attention, but to peonage, with all the injuries and harm associated therewith.

128. Boyd and other jailers conspired together to cause Plaintiff and other female inmates to become trustees to deprive them of their constitutional rights as described herein.

129. Boyd and other jailers conspired to watch out for one another so that they might avoid detection as they violated the constitutional rights of Plaintiff and other female inmates, as described herein.

130. Boyd contacted Plaintiff when she was released from the Jail to discourage her from reporting his sexual activities with her while she was detained in the Jail.

131. Boyd has contacted other former female trustees with whom he had sex to discourage them from reporting his sexual activities with them while they were detained in the Jail.

132. After the JDP released Plaintiff from the Jail, she was transferred to the Walker County Jail.

133. Plaintiff was later released from the Walker County Jail into work release. During her time in work release, Boyd approached Plaintiff and offered her money to "buy" her silence.

134. Due to the traumatic events confronted by Plaintiff while she was incarcerated at the Jail, Plaintiff relapsed and again began using drugs.

135. As a result of the traumatic events visited upon Plaintiff while she was incarcerated at the Jail, Plaintiff became depressed, anxious and suicidal.

136. Subsequently, Plaintiff voluntarily checked herself into BMU-WBMC on two (2) separate occasions, and Grandview Acute Psychiatric Unit on one occasion, for treatment.

137. Prior to Plaintiff's incarceration, male jailers in the Jail engaged in sex with female prisoners confined there.

138. On at least one occasion, approximately two years before Plaintiff began her confinement, at least one female prisoner lodged an official complaint with Johnson.

139. The conditions and the staffing at the Jail did not conform to the standards prescribed by the Prison Rape Elimination Act of 2003.

140. For purposes of *Monell v. Department of Social Services*, 436 U.S. 658 (1978), as the City of Jasper Chief of Police, Poe, is the senior official responsible for adopting and implementing policy at the Jail. As such, he is responsible for the day-to-day operations of, the adoption of, and the implementation of all policies, practices, and customs in the Jail and, therefore, serves as the City's final policy-making authority over the City Jail.

141. On June 27, 2019, counsel for the plaintiff in a related suit inquired by email directed to counsel for Johnson and Poe whether AMIC wished to discuss a pre-litigation settlement of this matter.

142. While AMIC holds itself out as an insurance company with a license of insurance issued to AMIC by the State of Alabama Department of Insurance, the fact remains that the Alabama League of Municipalities ("League") administers AMIC, according to the web page maintained by or on behalf of the legal department for the League. AMIC issues policies only to members of the League. The City is a member of the League.

143. On June 29, 2019, AMIC filed a declaratory judgment action in the Circuit Court of Walker County, Alabama. The declaratory judgment named a former inmate as a party to the action. The Complaint in that declaratory judgment action included what was then that inmate's home address. That particular former inmate of the Jail also served as a trustee. As noted in the Complaint for declaratory judgment action, she has a civil rights action pending in this Court against some of the Defendants named herein. That former inmate had sought leave to proceed anonymously in her action filed in this Court, but the Court denied her motion. Notwithstanding, her address had not been publicly disclosed in court filings until AMIC filed its declaratory judgment action and thereby intentionally disclosed her address.

144. AMIC obtained service of its Complaint on the former inmate at her home.

145. The former inmate subsequently left her home to reside at an undisclosed location.

146. On or about June 23, 2019, the JPD arrested, handcuffed, and then severely beat another inmate's husband before jailing him.

147. Shortly before midnight on June 25, 2019, the JPD arrested Michele Pate, counsel for Plaintiff in this and a similar action, at her home, which is located approximately one-half mile from the JPD, on the same road.

148. The warrant itself cited a statute imposing penalties for a civil violation of a municipal ordinance for speeding in a motor vehicle (i.e., traffic ticket) in the municipality of Double Springs, Alabama.

149. Ms. Pate had received a traffic ticket in Double Springs in 2018.

150. The Jasper Police transported Ms. Pate to Winston County, where she spent the night in jail. She secured her release late the next morning.

151. On July 3, 2019, the Daily Mountain Eagle, a newspaper published in Jasper, printed a story on its front page to announce that Ms. Pate had been arrested and taken to jail, but failed to note the circumstances of her alleged offense or that she had been released from jail the morning after Double Springs booked her into the Winston County Jail.

152. Since her arrest, many people have inquired whether Ms. Pate was released from jail and why she had been incarcerated in the first place.

153. It is respectfully submitted that the totality of circumstances reasonably suggest Defendants are attempting to intimidate the women attempting to vindicate their civil rights in this Court, especially where such women are not married to a former peace officer, as Plaintiff is.

154. When the City has been sued in the past for civil rights violations committed by the JPD, the JPD has retaliated against the plaintiff by engaging in various retaliatory acts, such as menacing, issuing traffic tickets for violations that the City itself would later admit never occurred, stalking, and other such abusive conduct.

155. In the past, the JPD would not relent from retaliation unless and until the City received a release of all claims.

156. Plaintiff has the right to press her case free from retaliation and intimidation.

157. It is further submitted that these acts of retaliation and the conspiracy they suggest are directed at women and those who help them or who are legally related to them, all to keep the women from becoming parties to actions such as this one, or from pursuing vindication of their civil rights once the actions are filed.

158. Upon information and belief, AMIC issued Policy Number 0100264378182 (the Policy) to the City.

159. Upon information and belief, the Policy covers 2017. However, AMIC has also issued other policies that are germane to the claims made herein, because the bodily injury, including mental and emotional injury, to Plaintiff has continued to occur after 2017. *The Travelers Indemnity Co. v. Mitchell*, 2019 LEXIS App. 15915 (May 29, 2019).

160. Under the Policy, AMIC insures the City, Poe, Johnson, the Board, Boyd and other jailers against claims.

161. The Policy is an occurrence-based policy.

162. There is a real, substantial, and justiciable controversy between the parties concerning their relationship with respect to insurance coverage.

163. On June 29, 2019, AMIC filed a declaratory judgment action in the Circuit Court of Walker County. That action is styled *Alabama Municipal Insurance Company v. Dennis Buzbee, et al*., in the Circuit Court of Walker County, Alabama, Civil Action No. CV-64-2019-900233.00 (the Insurance Action). Note that the Insurance Action was filed in Walker County, despite the very well-established principal that venue for declaratory judgment actions is proper only in the county where the underlying action is pending. *Ex Parte International Refining and*

Manufacturing Co., 67 So.2d 870 (Ala. 2011); *Vulcan Materials Co. v. Alabama Ins. Guaranty Ass'n*, 985 So.2d 376 (Ala. 2007).

164. The Complaint in the Insurance Action purports to set forth relevant portions of the insurance agreement and the exclusions contained in the Policy.

165. Notwithstanding the exclusions set forth in the Complaint in the Insurance Action, AMIC is responsible for defending and indemnifying the Defendants in this action against the claims made and occurrence(s) alleged in this action and is responsible for paying Plaintiff the damages, costs, and attorneys' fees recoverable by her in this action.

166. Part of the relevance of the Insurance Action to this action is that the Complaint in the Insurance Action purports to set forth the pertinent language from the Policy.

167. Notwithstanding the plain language of the Policy and the matters set forth below, the City Attorney has answered for Poe and Johnson in the Insurance Action and admitted on behalf of each of them the material allegations set forth in AMIC's Complaint in the Insurance Action.

168. The exclusions set forth in the Policy do not apply to the claims made in this action, because the exclusions do not apply to claims for negligence.

169. The exclusions set forth in the Policy do not apply to any other claims made in this action.

170. Plaintiff was not injured only by Boyd's overtly sexual behavior, she was injured by his terrorizing her and by his ability to openly "own" her and to do whatever he wished without fear of reprisal, no matter how much he degraded and frightened her.

171. Without limitation of the foregoing, Plaintiff submits that her claims for sex trafficking are not excluded from coverage under the Policy.

A. Section 112 of the Victims of Trafficking and Violence Protection Act of 2000 imposed criminal penalties for certain sex trafficking activities. Section 112 of the Act stated:

> *(a) Whoever knowingly—*
>
> *(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or*
>
> *(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).*
>
> *(b) The punishment for an offense under subsection (a) is—*
>
> *(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or*
>
> *(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the*

time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

(c) In this section:

(1) The term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

(2) The term 'coercion' means

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term 'venture' means any group of two or more individuals associated in fact, whether or not a legal entity.

B. Thus, Section 112 of that Act imposed criminal liability on persons who benefitted from a venture "knowing" that it would be used for trafficking. The Victims of Trafficking and Violence Protection Act of 2000 did not expressly authorize trafficking victims to recover civil damages against persons who had benefitted from participation in a venture.

C. Section 4 of the Trafficking Victims Protection Reauthorization Act of 2003 gave victims of trafficking a civil remedy, codified at 18 U.S.C. § 1595. In pertinent part, Section 4 states: "An individual who is a victim of a violation of sections 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover

damages and reasonable attorney's fees." (Emphasis added). Before the statute was further amended in 2008, a plaintiff could not recover damages against a defendant for sex trafficking unless she showed that she was not only a victim of sex trafficking, but that the defendant was criminally liable for sex trafficking, i.e., that the defendant was a "perpetrator."

D. Section 221 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 amended 18 U.S.C. 1595 to remove the ''of section 1589, 1590, or 1591" requirement. Thus, to prove that she was a person entitled to recover civil damages, a victim merely had to prove that she was a victim of a violation of "this chapter." Section 222 of the Wilberforce Act stated: "Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581(a), 1592, or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section." (Emphasis added).

E. To incur liability under 18 U.S.C. § 1955, a defendant does not need to have had sex with a trafficking victim or even to have coerced that victim to engage in sex with someone else. The Wilberforce Amendment relieves Plaintiff of proving that the Defendants were themselves perpetrators. Defendants need only have knowingly benefitted from a venture, which Defendants knew or should have known

was engaged in sex trafficking, i.e., procuring commercial sex acts by fraud, coercion, etc. Defendants' liability does not arise from their actual participation, for example, in commercial sex acts, but rather from their financially benefitting from a venture whose involvement in trafficking the Defendants actually knew about or recklessly disregarded. Therefore, AMIC is obligated to defend and, in any event, to indemnify the City, Poe, Johnson, and the Board under the terms of the Policy, because the liability of these Defendants does not arise from sexual abuse or sexual molestation, but from their profiting from a venture whose engagement in such things as commercial sex acts was recklessly disregarded by or even actually, subjectively known to the Defendants.

F. To hold otherwise would mean that an insurance company could escape liability for claims arising from activities other than sex trafficking, merely because the victims pressing the claims were victims of sex trafficking. In that event, the Policy and AMIC would be illegal or contrary to public policy and, therefore, voidable.

172. AMIC has no employees and is merely the alter ego of the Alabama League of Municipalities, whose web page section regarding the legal department (which department presumably bears responsibility for maintaining the section) states that AMIC is "administered" by the League. The AMIC 2017 Report of Examination is attached hereto as Attachment 6.

173. AMIC has "reinsured" a substantial portion, if not all, of the coverage for Defendants under the Policies.

174. The Policy issued by AMIC is not a surplus lines policy.

175. AMIC is what is commonly called a "fronting" company in the insurance industry, except that AMIC is not a real company, with real employees.

176. Given that AMIC is a shell manipulated by the League and a front company for AMIC's so-called reinsurers, Plaintiff is entitled to an equitable decree assigning all of AMIC's rights under AMIC's reinsurance treaties or other agreements, such that Plaintiff can enforce such judgments as she may acquire against the Defendants directly against the reinsurers under such treaties or agreements.

COUNT I

UNLAWFUL DETENTION AND CRUEL AND UNUSUAL PUNISHMENT

42 U.S.C. § 1983

177. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

178. At all times relevant to this action, Poe and Johnson acted under color of state law.

179. Poe and Johnson are sued individually and in their official capacities, Poe as Chief of Police and Johnson as Jail Supervisor. They authorized, ratified,

and/or condoned the customs and practices arising to an official policy or policies, thereby causing the deprivation of Plaintiff's constitutional rights, which occurred when: Boyd tazed Plaintiff without cause; Boyd made Plaintiff view pornography; Boyd physically manhandled Plaintiff as if she were a drunken man; Boyd made Plaintiff engage in sex with him; when Boyd touched Plaintiff's breasts, buttocks, and genitals; when Boyd made salacious remarks about and to Plaintiff; when Boyd ogled Plaintiff while she was nude or partially undressed; and when Boyd otherwise made Plaintiff live in terror of mistreatment.

180. Poe and Johnson allowed a custom and practice to develop at the Jail arising to an official policy, thereby authorizing male jailers such as Boyd to coerce prisoners such as Plaintiff to engage in sexual activities with the jailers, submit to the jailers touching the breasts, buttocks, and genitals of the inmates, endure salacious remarks, suffer a loss of privacy when the jailers ogled the inmates as described herein, made the inmates live in terror, made inmates endure physical attacks (including but not limited to tazing), and placed inmates in lock-down without adequate justification and for improper purposes.

181. Poe and Johnson knew, or should have known, that female prisoners were vulnerable to the deprivation of their constitutional rights as described herein. Poe and Johnson failed and/or refused to implement measures to deter and stop such

infringements, but rather tolerated such infringements and fostered an environment making such infringements a practical certainty.

182. This actual or constructive knowledge was especially strong on the part of Poe, in light of the misconduct he knew or should have known occurred at the Walker County Jail, while he was in charge of that facility.

183. The practices described above were allowed due to the decisions and policies made and implemented by Poe and Johnson.

184. These practices constitute a custom or practice arising to an official policy, which were authorized, condoned and/or ratified by the City.

185. The customs and practices of the City violated Plaintiff's rights, as guaranteed by the Fourth and Eighth Amendments of the United States Constitution, as such amendments are made applicable to the States by the Fourteenth Amendment of the United States Constitution and made actionable by 42 U.S.C. § 1983.

186. As a result of the actions of Poe and Johnson, Plaintiff has suffered and continues to suffer bodily injuries, severe emotional distress and mental anguish, and other injuries.

187. Poe and Johnson acted with deliberate indifference to the Plaintiff's federally protected rights.

COUNT II

CONSPIRACY

42 U.S.C. § 1985

188. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

189. At all times relevant to this action, Poe, Johnson and the Board acted under color of state law.

190. Poe and Johnson are sued individually and in their official capacities (Poe as Chief of Police and Johnson as Jail Supervisor).

191. Poe, Johnson and the Board, while exercising positions of authority under color of state law, in their capacity as public law enforcement officials and representatives of the City and its Police Department, unlawfully conspired to and did, in fact, adopt customs and practices about which they knew or should have known, which caused the deprivation of the constitutional rights of female inmates.

192. In particular, and without limitation, Poe and the Board agreed to hire jailers without regard to qualifications other than age.

193. In particular, and without limitation, Poe and Johnson violated Plaintiff's constitutional rights by hiring Boyd despite his past behavior toward women, about which they knew or should have known; by allowing him to exercise undue influence over the selection of women to serve as trustees; by allowing him

and at least one other guard to accompany women into areas of the Jail that were inadequately surveilled; by suppressing complaints or measures to report complaints about the sexual activity described herein; by allowing male guards to make salacious remarks, as described herein; by allowing male guards inappropriately to touch women inmates; by making women inmates have sex with them; by allowing Boyd to manhandle Plaintiff as if she were a tackling dummy; by allowing Boyd to taze Plaintiff without cause; and by ogling women inmates while they were partially or fully nude, all while actually knowing and/or being charged with constructive knowledge of the fact that their agreement would lead to the deprivation of Plaintiff's constitutional rights as described herein.

194. The Board agreed with Poe to hire Boyd despite his lack of qualifications and without regard to his history of misconduct.

195. Poe, Johnson, and the Board allowed, authorized, ratified, and/or condoned Boyd's actions. Accordingly, Poe, Johnson, and the Board are co-conspirators who are likewise liable for the injuries Plaintiff suffered.

196. As a direct and proximate result of the conspiracy between Poe, Johnson, and the Board, as set forth above, Plaintiff suffered bodily injury and incurred severe mental anguish and emotional distress, all in violation of the Plaintiff's rights as, guaranteed by the Fourth and Eighth Amendments of the United States Constitution, as such amendments are made applicable to the States by the

Fourteenth Amendment of the United States Constitution and made actionable pursuant to 42 U.S.C. § 1985.

197. As a result of the actions of Defendants Poe, Johnson, and the Board, Plaintiff has suffered and continues to suffer bodily injuries, severe emotional distress and mental anguish, and other injuries.

198. Defendants Poe, Johnson, and the Board acted with deliberate indifference to the Plaintiff's federally protected rights. Poe and others have conspired to keep Plaintiff from prosecuting this action.

COUNT III

NEGLIGENT HIRING AND SUPERVISION

42 U.S.C. § 1983

199. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint as if fully set forth herein.

200. Poe and the Board are sued under this Count in their official and individual capacities only. Johnson is not sued under this Count.

201. Poe and the Board owed a duty to Plaintiff to conduct such due diligence as was necessary to ensure that law enforcement officers and their supervisors employed by the City's Police Department to serve as jailers in its Jail, were suitably prepared through education, training, experience, and temperament to protect the rights of the inmates they guarded.

202. There are publicly available databases that store information concerning whether officers, such as Boyd, have had their peace officer certifications suspended or revoked.

203. Upon information and belief, Boyd had once been certified as a peace officer, but that certification had been suspended or revoked before Poe and the Board hired Boyd to work at the Jail.

204. If Poe or the Board had checked the publicly available information about Boyd's certification, they would have known about the suspension or revocation.

205. Upon information and belief, Poe and the Board did not perform their due diligence and failed to check such information as was publicly available to them.

206. If Poe or the Board had merely inquired with Boyd's previous employer, they would have learned about the previous suspension or certificate revocation, but, upon information and belief, they failed to make any such inquiry.

207. In the alternative, Plaintiff alleges that Poe and the Board did make such inquiries, but hired Boyd despite learning that he was unfit to serve as a jailer or law enforcement officer.

208. As a direct and proximate result of their deliberate indifference to the rights of Plaintiff and other female inmates, Poe and the Board caused Plaintiff to suffer a deprivation of her constitutional rights and to suffer bodily injury, severe

mental anguish, emotional distress and other injuries, in connection with their negligent hiring of Boyd.

209. In light of the record of sexual misconduct that occurred at the Walker County Jail while Poe was the Chief Deputy in charge of that facility, Poe, Johnson, and the Board were negligent and recklessly indifferent to the constitutional rights of female inmates such as Plaintiff when the Board hired Poe and Boyd or caused them to be hired.

210. Defendants Poe, Johnson, and the Board acted with deliberate indifference to Plaintiff's federally protected rights.

COUNT IV

NEGLIGENT TRAINING

42 U.S.C. § 1983

211. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint as if fully set forth herein.

212. Poe and Johnson are sued under this Count in their official and individual capacities.

213. Poe and Johnson failed to properly train Boyd and other jailers, and the Board failed to require Boyd and other candidates for the jailer position to have proper training and, thereby, provided opportunity for Boyd to coerce Plaintiff to have sex with him, to inappropriately touch Plaintiff's breasts, buttocks, and

genitals, to make salacious remarks to and about Plaintiff, and to ogle Plaintiff in the shower area and otherwise when she was nude or partially undressed, to put Plaintiff in lock-down without cause, and to otherwise terrorize Plaintiff.

214. Poe and Johnson failed to train jailers to report sexually inappropriate behavior of the sort described herein.

215. Poe and Johnson failed to train jailers to review video recordings periodically to detect evidence of sexual misconduct on the part of jailers.

216. Poe and Johnson failed to train jailers to investigate and report incidents of sexual misconduct when the jailers received them.

217. Poe and Johnson failed to train jailers on the risks associated with improperly placed surveillance cameras, resulting in blind spots, in the video monitoring of Jail activities (including, but not limited to, activities occurring within the Connex building).

218. Poe and Johnson failed to train jailers on the risks associated with allowing jailers to make salacious remarks to and about female inmates.

219. Poe and Johnson failed to train jailers on the risks associated with allowing male jailers to routinely observe female prisoners nude or partially undressed in areas of the Jail, such as the shower area.

220. Poe and Johnson failed to train jailers on how to instruct and/or facilitate inmates or their families in reporting sexual misconduct at the Jail.

221. Poe, in particular, failed to train police on how to avoid intimidating witnesses in criminal trials.

222. Poe failed to train Johnson on the subjects described herein.

223. Poe and Johnson failed to train Boyd and other jailers on the appropriate use of lock-down and/or appropriate disciplinary measures when jailers used lock-down inappropriately.

224. As a direct and proximate result of their failure to train and, as a direct and proximate result of the Board not requiring Boyd and others to have appropriate training before they were hired, Poe, Johnson, and the Board caused Plaintiff to suffer bodily injury, severe mental anguish, and emotional distress.

225. Defendants Poe and Johnson acted with deliberate indifference to Plaintiff's federally protected rights.

COUNT V

OUTRAGE

226. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

227. Poe and Johnson are sued in their individual capacities only under this Count.

228. Poe and Johnson intentionally and/or recklessly caused Plaintiff to suffer great bodily injury and emotional distress and such other injuries and damages as alleged above.

229. The actions of Poe and Johnson were so outrageous and so extreme in degree as to go beyond all bounds of decency, are atrocious, and are utterly intolerable in a civilized society. In particular, and without limitation of the foregoing, when men and women charged with supervising the incarceration of female inmates hire guards with an easily discoverable disciplinary history, but never bother to check that history, or hire such guards despite that history, when they allow guards to take female inmates out of their cells and into areas that are not monitored by video cameras so that they can engage in sexual activities with female inmates, when they fail to provide a means for inmates to report infringements of constitutional rights and then ignore reports of such deprivations when made to them or the department they supervise, and when they do not even review, or cause others to review, such video recordings that were available and that would have raised an alarm about sexual activity, so that the male guards were freely allowed to behave in a manner identical to that which a United States District Court Judge has in another setting described as "gut wrenching and horrific" (see "Opinion," p. 4, in United States of America v. State of Alabama, in the United States District Court for the Middle District of Alabama, Northern Division; Civil Action Number 2:15-cv-

368-MHT (June 18, 2015)), Defendants have behaved in a manner that is so extreme as not to be tolerated in a civilized society, especially where, as in the Jail, such behavior leads to the injuries described herein over an extended period of time, to the detriment of several inmates including Plaintiff.

230. The emotional distress and bodily injury Poe, Johnson, and the Board inflicted upon the Plaintiff were so severe that no reasonable person could be expected to endure it.

COUNT VI

TRAFFICKING

18 U.S.C. § 1595

231. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

232. This is a claim for relief under 18 U.S.C. § 1595, not a criminal prosecution or other procedure under 18 U.S.C. § 1591.

233. Poe, Johnson and the Board are sued in their individual and official capacities. By virtue of Poe, Johnson, and the Members of the Board being named in their official capacities, the City is a Defendant in these claims brought pursuant to 18 U.S.C. § 1595, just as the City is a Defendant by virtue of these Defendants, or any of them, having been named in their official capacities with respect to other claims.

234. When Plaintiff became a trustee at the Jail, Plaintiff was "obtained" within the meaning of 18 U.S.C. § 1591, in that Plaintiff was segregated from the rest of the women in the Jail population, such that she would be alone with male jailers in areas of the Jail that were not surveilled by video camera or otherwise.

235. When Defendants made Plaintiff a trustee, they "enticed" Plaintiff within the meaning of 18 U.S.C. § 1591.

236. When Boyd tazed Plaintiff and then manhandled her as if she were a drunken male, she was "coerced" within the meaning of 18 U.S.C. § 1591.

237. Boyd and others participated in a venture whereby they obtained, enticed, and coerced Plaintiff and otherwise unlawfully required Plaintiff to perform commercial sex acts, as that term is defined at 18 U.S.C. § 1591.

238. Poe, Johnson and the Board participated in and profited from the venture, in that they ate the food that Plaintiff prepared, worked in the spaces Plaintiff cleaned, wore and/or worked with or around others who wore the clothes that she laundered, or otherwise benefitted economically from the fruits of her labor. Further, Defendants profited by not having to pay civilian workers to perform the tasks that Plaintiff was required to perform as a trustee.

239. Poe, Johnson and the Board knew the fact, or acted with reckless disregard to the fact, that the venture described above constituted an engagement in

trafficking and that they were obtaining, coercing, and enticing Plaintiff to perform commercial sex acts, as that term is defined in 18 U.S.C. § 1591.

240. In particular and without limitation of the foregoing, Poe, Johnson, and the Board possessed actual knowledge of, or acted in reckless disregard to, the fact that Plaintiff would be subjected to a scheme and/or pattern of conduct that would make Plaintiff believe that she would be subject to serious harm including, but not limited to, mental trauma, if she failed to perform one or more acts, such as the tasks required of a trustee, but also if she failed to perform one or more commercial sex acts, as that term is defined in 18 U.S.C. § 1591.

241. Poe, Johnson and the Board participated in a venture with Boyd and other jailers, whereby Plaintiff was obtained and/or enticed to work as a trustee and subjected to a scheme and/or pattern of conduct that made Plaintiff believe that she would be subject to serious harm including, but not limited to, emotional trauma if she failed to perform one or more acts, such as the tasks required of a trustee, but also if she failed to perform one or more commercial sex acts, as that term is defined in 18 U.S.C. § 1591.

242. Poe, Johnson and the Board financially benefited from and received things of value by virtue of Plaintiff having been coerced or enticed to serve as a trustee, whereby Plaintiff would be subjected to a scheme and/or pattern of conduct that would make Plaintiff believe that she would be subject to serious physical and

psychological harm including, but not limited to, emotional trauma if she failed to perform one or more acts, such as the acts of a trustee, but also if she failed to perform one or more commercial sex acts, as that term is defined by 18 U.S.C. § 1591. The financial benefit received by Defendants included the labor of Plaintiff and the fruits of that labor including, but not limited to, laundering clothes, laundering and folding towels, cleaning, and preparing meals that were consumed by Jail employees and/or other inmates, and by preserving Defendant's resources that otherwise would have necessarily required payment for this labor.

243. Poe, Johnson and the Board knew the fact, or in the alternative, acted in reckless disregard of the fact, that the venture in which they participated involved human sex trafficking and of the fact of the grave danger in which they placed the Plaintiff.

COUNT VII

INTIMIDATION

42 U.S.C. § 1985(2)

244. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

245. Intimidating parties and witnesses is unlawful. Section 1985(2) states:

> OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR.

> If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

246. Poe is sued in this Count in his official and individual capacities.

247. Together with other persons, some of whose identities are unknown to Plaintiff, Poe has conspired unlawfully to deter Plaintiff from proceeding in this case. In particular and without limitation, persons under Poe's supervision intimidated Plaintiff by taking such measures as have been described herein to intimidate Plaintiff and witnesses. In particular, Poe and others, whose identities are unknown to Plaintiff, (a) arrested Plaintiff's counsel in the middle of the night; (b) caused the local newspaper to print a story about that arrest without noting that the alleged grounds for the arrest was in retaliation by JPD for a traffic ticket or that Plaintiff's counsel was released; and (c) arrested, handcuffed, and beat the husband of another civil rights plaintiff currently before this Court Plaintiff's husband, all to intimidate Plaintiff in violation of § 1985(2).

248. Plaintiff is entitled to proceed, without unlawful interference by Poe, in his official or individual capacity, or others under his supervision acting in concert with him, or other individuals acting in concert with him.

COUNT VIII

NEGLIGENT FAILURE TO PREVENT CONSPIRACY

UNDER 42 U.S.C. § 1986

249. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

250. Under 42 U.S.C. § 1986, any person who has knowledge of a conspiracy actionable under 42 U.S.C. § 1985, and who has the capacity to hinder such conspiracy, but negligently fails to do so, is liable to such persons who are harmed by such conspiracy.

251. Poe, Johnson and others knew about the conspiracies alleged in Count II and Count VII of this Complaint.

252. However, Poe, Johnson and the Board negligently failed to prevent advancement of the conspiracy.

253. Poe, Johnson and the Board are sued in this count in their individual and official capacities.

COUNT IX

DECLARATORY JUDGMENT ACTION

254. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

255. AMIC has taken the position that a former inmate of the Jail is a proper party to a declaratory judgment action requesting interpretation of the City's Policy, where the former inmate has sued to recover damages for the deprivation of her constitutional rights in the Jail.

256. Plaintiff respectfully submits that the claims presented herein are covered by the clear terms of the Policy. Further, Plaintiff submits that the exclusions enumerated in the Policy do not exclude the claims herein, or provide Plaintiff adequate notice that the Policy purports to exclude these claims.

257. Plaintiff submits that subsequent policies would also cover the claims asserted herein, assuming those policies have the same language as the Policy quoted supra, because the damages and injuries inflicted on the Plaintiff have continued after the year 2017. For example, the outrage inflicted on Plaintiff has continued, as the Defendants have beaten Plaintiff's husband and arrested her counsel in a manner inconsistent with their usual policies and practices.

258. AMIC is obligated to defend and indemnify Dr. O'Mary, Wilson, and Jean, against the claims made herein against the Board.

259. AMIC is obligated to defend and indemnify Poe against the claims made herein against him.

260. AMIC is obligated to defend and indemnify Johnson against the claims made herein against her.

261. AMIC is obligated to defend and indemnify the City against the claims made herein against it.

COUNT X

CONTINGENT CLAIM FOR MONEY DAMAGES

262. Plaintiff adopts and incorporates by reference paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

263. Under Fed. R. Civ. P. 18, a party may join two claims even though one of them is contingent upon disposition of the other. Contrary to Ala. R. Civ. P. 18, there is no prohibition in U.S. District Court against trying a claim for recovery under a Liability Policy with a claim for injuries covered by that Policy.

264. Plaintiff is entitled to a money judgment against AMIC upon proof that she is entitled to damages against Poe, Johnson, the City, the Board, or any of them, on the claims made against those Defendants herein.

265. Because AMIC is a shell or sham corporation without employees and under the control of the City and other members of the Alabama League of Municipalities, Plaintiff respectfully requests that this Court declare that she is, as a

judgment creditor, an assignee of AMIC's rights under AMIC's reinsurance agreements or treaties, such that Plaintiff may have a recovery on a cut-through basis.

COUNT XI

NEGLIGENCE

266. Plaintiff adopts and incorporates by reference the allegations in paragraphs 1 through 176 of this Complaint, as if fully set forth herein.

267. Poe, Johnson and the Board were obligated to discharge certain non-discretionary duties which, in fact, they failed to discharge.

268. The non-discretionary duties included such things as reviewing, at least every 30 days, taped video recordings as were made of areas surveilled within the Jail.

269. The non-discretionary duties included such things as reviewing complaints made by female inmates or their family members about jailers who made those inmates have sex with male jailers, jailers who tasered female inmates unnecessarily, jailers who confined female inmates to lock-down without justification, jailers who made female inmates watch pornographic videos, and jailers who otherwise treated female inmates inappropriately.

270. If Poe, Johnson, the Board, or any of them, had discharged these non-discretionary duties with reasonable care, Plaintiff would not have suffered the injuries described in this Complaint.

WHEREFORE, Plaintiff respectfully prays judgment as follows:

A. For compensatory damages against Poe, Johnson, and the Board in their official capacities as representatives of the City, and against the Board, in an amount to be proven at trial;

B. For exemplary and punitive damages against Poe and Johnson in their individual capacities, in an amount to be proven at trial;

C. For injunctive relief against Poe, Johnson and the Board, as well as all those acting in concert with them, requiring them to exercise due diligence in hiring practices and to properly train, supervise, and discipline their jailers;

D. For the costs of this suit, including Plaintiff's reasonable attorneys' fees, costs, and expenses;

E. For a declaratory judgment holding that AMIC must defend and indemnify the other Defendants from the claims asserted herein against the other Defendants;

F. To enter judgment against AMIC for the damages, costs, and fees that Plaintiff is entitled to recover from Poe, Johnson, the Board, or any of them, on the claims made against those Defendants herein;

G. For a decree holding that Plaintiff is an assignee of all rights of AMIC against reinsurance companies; and,

H. For such further and other relief as the Court deems appropriate.

Plaintiff Demands a Trial by Jury on all issues so triable.

Respectfully submitted,

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