

3. Defendant Raible is not an outlier, rather he is an example of the systemic abuse that Supervisory Defendants allow corrections officers to inflict with impunity on people incarcerated in ACJ. Under the Supervisory Defendants' administration, ACJ's reported annual uses of force by correctional officers on incarcerated individuals has skyrocketed, going from 414 in 2015 to a staggering **720** in 2019. For that year, ACJ uses of force on incarcerated individuals was double rate that of all other jails in Pennsylvania on a per capita basis.

4. As a result of the egregious and unchecked overuse of force against individuals with disabilities at ACJ, Plaintiffs, and countless others, have suffered serious injury and long-lasting emotional trauma.

JURISDICTION AND VENUE

5. This case is brought pursuant to the Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202, the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a), and Pennsylvania state law.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(a)(3)-(4), and 1367(a).

7. This Court is the appropriate venue pursuant to 28 U.S.C. § 1391(b)(2) because the events and omissions giving rise to the claims occurred in Allegheny County, in the Western District of Pennsylvania.

PARTIES

8. Plaintiff April Walker is a 27-year-old resident of Allegheny County and a mother of two. She was formerly incarcerated at ACJ as a pretrial detainee. She has asthma and psychiatric disabilities, including bipolar disorder, anxiety, depression, and post-traumatic stress

disorder (“PTSD”). Defendant Raible brutally assaulted Ms. Walker on at least two occasions, the first of which occurred when Ms. Walker was two months pregnant and resulted in her hospitalization after Defendant Raible repeatedly sprayed her with Oleoresin capsicum (“OC”), commonly known as “pepper spray,” and slammed her face into the floor. Defendant Raible assaulted Ms. Walker again about a year later when he slammed her face into a concrete wall and assisted in placing her in a restraint chair in response to her non-threatening conduct arising from a depressive episode.

9. Plaintiff LaVonna Dorsey is a 35-year-old resident of Allegheny County who enjoys babysitting her nephews. She was formerly incarcerated at ACJ as a pretrial detainee. She has physical and psychiatric disabilities, including chronic asthma, severe anxiety, depression, and PTSD. Defendant Raible repeatedly sprayed OC on Ms. Dorsey’s naked body while she was locked in a strip cage; he then strapped Ms. Dorsey in a restraint chair, causing her severe injuries.

10. Plaintiff Alexis Diggs is a 25-year-old resident of Allegheny County. She was formerly incarcerated at ACJ as a pretrial detainee. She has psychiatric disabilities, including bipolar disorder, depression, anxiety, and complex PTSD. While she was a pretrial detainee at ACJ, she would regularly console the other women on the acute mental health pod where she was housed. Defendant Raible locked Ms. Diggs in an enclosed steel strip cage and shot her with multiple OC pellets without warning, because she allegedly possessed a flexible pen. Defendant Raible then assisted other officers with strapping Ms. Diggs in a restraint chair without first allowing her to be decontaminated, resulting in her skin burning from the OC for several hours while she was strapped into the torturous device.

11. Defendant John Raible is and was at all relevant times, an employee of Allegheny County, serving as a sergeant at ACJ. For years, he has served in supervisory positions and without reprimand, despite numerous excessive force incidents and grievances against him for unreasonably and unnecessarily assaulting incarcerated people such as the Plaintiffs by using of aerosol OC, OC pellets, and restraint chairs. Defendant Raible was at all relevant times acting under the color of state law.

12. Defendant Orlando Harper is and was at all relevant times the Warden at ACJ and as such is responsible for the oversight, operation and administration of ACJ, including security and use-of-force policies and practices, staff training, and ensuring accommodations for incarcerated people with physical or psychiatric disabilities. Defendant Harper was at all relevant times acting under the color of state law.

13. Defendant David Zetwo is and was at all relevant times the Chief Deputy Warden at ACJ. He is responsible for oversight and administration of the investigation and discipline of corrections officers for uses of force on incarcerated people confined at ACJ. Defendant Zetwo was at all relevant times acting under the color of state law.

14. Defendant Jason Beasom is and was at all relevant times the Deputy Warden of Operations at the ACJ. He is responsible for oversight and administration of corrections officers for uses of force on incarcerated people confined at ACJ. Defendant Beasom was at all relevant times acting under the color of state law.

15. Defendant Jamie Merlino is and was at all relevant times a Captain at ACJ. Defendant Merlino was Defendant Raible's supervisor when he physically assaulted Ms. Walker in December 2019, in which Defendant Merlino participated, directed, and assisted.

16. Defendant Allegheny County is a county government organized and existing under the laws of the Commonwealth of Pennsylvania. Allegheny County is in possession and control of ACJ.

STATEMENT OF FACTS

17. At all relevant times, the Allegheny County Jail has had the highest number—by a substantial margin—of uses-of-force by corrections officers on incarcerated individuals of all the county jails in Pennsylvania, accounting for nearly 15% of the statewide total.

18. In 2019, ACJ had the most uses of the restraint chair, 339 times, which was more than twice that of the county with the second highest number of instances.

19. Likewise, ACJ had the highest number of taser and stun gun use on incarcerated individuals nearly five times that of the second highest county.

20. ACJ officers have routinely and wantonly exerted force on the population of individuals with psychiatric disabilities incarcerated at ACJ, more than 80% of whom are pretrial detainees who have not been convicted of a crime.

21. Because of the unmet need for mental healthcare at ACJ, ACJ staff frequently ignore or deny requests for help from incarcerated individuals with psychiatric disabilities and subject those individuals to repeated use of brutal force.

22. ACJ's officers, excessively and without penological justification, deploy OC spray, OC pellet shooting guns, tasers, stun shields, blunt physical force, forced nudity, and immobilization for hours on end in a restraint chair against people with disabilities at ACJ.

23. In 2019, ACJ officers used chemical agents on incarcerated people 122 times. ACJ's officers systematically deploy OC spray from canisters or guns that fire explosive balls or

pellets of OC in order to subdue incarcerated individuals.

24. ACJ officers use OC spray excessively, in instances where it is not necessary to maintain order or safety but is instead being deployed in place of necessary mental healthcare. For instance, officers have frequently fired OC spray into a cell holding a person with a psychiatric disability simply because that person did not immediately comply with the officer's instructions, often for a reason tied to their psychiatric disability.

25. In that same time period, officers used tasers 146 times, approximately 12 times more on a per capita basis than all other jails in the state. That is, in Pennsylvania, which has 67 jails, ACJ alone accounted for a full **50%** of all uses of tasers in 2019.

26. Officers routinely tase people with psychiatric disabilities in response to their need for psychiatric care. This has occurred without oversight, and often in situations where the person being assaulted has already been subdued.

27. Officers routinely tase patients in the acute mental health units, including those with severe psychoses, who cannot understand directions and are in need of immediate psychiatric care.

28. In 2019, ACJ used the restraint chair 339 times, which was almost **four times** more per capita than **all** other jails in Pennsylvania. In contrast, all four Philadelphia jails combined did not use the restraint chair on a single occasion in 2019.

29. This gratuitous use of the restraint chair is the result of Supervisory Defendants' policies and practices which allow officers to use the restraint chair for nearly any issue: following a use of force incident; in lieu of mental health care for someone experiencing thoughts of self-harm; in response to an attempt at self-harm; as a consequence for non-compliance with an order; and sometimes for no identifiable reason at all, in a purely punitive

and vindictive manner.

30. ACJ officers immobilize individuals by strapping their shoulders, arms, and legs to the chair, and sometimes covering their head with a spit mask. The officers then secure the chair to the floor, frequently in a room where the individual is left alone facing a blank wall.

31. ACJ officers commonly use the restraint chair without any oversight or care from mental health or medical care staff and without adequate health safeguards.

32. Individuals are also commonly deprived of food, water, medications, and bathroom breaks while in the restraint chair, often for up to 8 hours.

33. ACJ policies recognize two use-of-force situations: planned and unplanned. A planned use of force refers to a situation where the incarcerated person “does not pose an immediate risk” of harm to himself or others and “he[] is secured in a location allowing supervisory staff the time to plan the use of force.” One common example of a planned use of force is a cell extraction, which could involve moving an incarcerated person to a different cell or taking him to be strip-searched. An unplanned use of force refers to “[s]ituations in which immediate force is used to prevent injury” to the incarcerated person and others.

34. With planned uses of force, officers have time to seek medical or mental health assistance or consultation for the incarcerated person and consider alternatives to force, because these routine interactions are not urgent. Nevertheless, ACJ officers rarely if ever do so because Supervisory Defendants do not reprimand correctional officers for failing to seek such consultations.

35. ACJ officers frequently use force in response to non-emergency, non-violent situations, often involving an incarcerated person with psychiatric disabilities. Officers routinely use force on people with psychiatric disabilities as a method of first response without seeking

intervention from mental health staff, even when the persons involved did not present a risk of harm to themselves or others.

36. At all relevant times, ACJ officers used force without effective oversight. The Supervisory Defendants condoned virtually all uses of force by officers, rarely if ever disciplined officers for their use of force, and failed to properly investigate allegations of physical abuse.

Lack of Training for Interacting with Individuals with Psychiatric Disabilities

37. Defendants have failed to provide necessary training to officers, including Defendant Raible, on a myriad of issues relating to use of force and individuals with psychiatric disabilities.

38. This training is essential as ACJ officers are frequently required to respond to mental health crises and have near-total discretion over the types of force they are permitted to use.

39. For example, Defendants have failed to ensure that officers are trained in the following areas:

- How to interact with and respond to individuals with serious mental health concerns;
- How to de-escalate and respond to situations where a person with a psychiatric disability is decompensating or is being non-compliant or disruptive.
- How and when it is appropriate to use force against an individual with a psychiatric disability; and
- How to properly adhere to a use-of-force spectrum that seeks to resolve conflict without force in the first instance, and with the least amount of force whenever it is used.

40. Supervisory Defendants have failed to train and failed to implement policies and practices requiring ACJ officers obtain the assistance of mental health staff when an incarcerated person is manifesting signs of a mental illness in need of intervention.

41. As a result of Supervisory Defendants' failure to implement appropriate policies or to train officers at ACJ, requests for mental health intervention from incarcerated individuals are frequently ignored, misinterpreted, and/or result in officers exacerbating the issue by giving commands and threats to people seeking mental health care.

42. As a consequence of Supervisory Defendants' lack of policies and training on use of force with respect to people with psychiatric disabilities, officers routinely and wantonly seek to enforce compliance through brutal assaults.

Defendant John Raible's Pattern of Assaulting Incarcerated People

43. Defendant Raible is a sergeant at ACJ and has been employed as a correctional officer since 2009.

44. At all relevant times, Defendant Raible was assigned to oversee the women's housing pods on level four and the women's acute mental housing pod on 5MD.

45. Upon information and belief, Defendant Raible's position authorized him to use and approve the use of force on these women, residing on these housing pods, most of whom had a psychiatric and/or physical disability.

46. Defendant Raible has also served part-time on ACJ's Special Emergency Response Team ("SERT"), a corrections tactical squad responsible for responding to riots, escapes, hostage situations, and incarcerated persons experiencing a mental health crisis at ACJ. Supervisory Defendants require SERT officers to be present for these medical encounters and have authorized them to use force on patients.

47. Despite having specific responsibility for responding to mental health crises of incarcerated persons, SERT officers receive no additional or specialized training on addressing such mental health crises.

48. Both prior to December 2018 and at the time of Plaintiffs' incidents, numerous incidents and use-of-force reports described Defendant Raible's conduct, and reflected that he repeatedly used unnecessary and unreasonable force on people with psychiatric disabilities at ACJ. These incidents include but are not limited to the following:

- In 2017, Defendant Raible, on at least one occasion, repeatedly tased a woman with psychiatric disabilities, who was housed on the acute mental housing pod because she allegedly refused to take her medication. Defendant Raible then authorized and assisted in placing her in a restraint chair for about two hours.
- Around April 2018, Defendant Raible shot approximately five OC pellets at an asthmatic individual with psychiatric disabilities who, while complying with Defendant Raible's order to get on the ground, asked if he could place the legal paperwork he was holding on his desk. Defendant Raible did not obtain prior medical clearance to use chemical agents on the asthmatic individual or arrange for a breathing treatment for him after the assault.
- Around September 2018, Defendant Raible used force on a woman who had been diagnosed with several psychiatric disabilities and had been recently found by ACJ mental healthcare staff to be exhibiting psychotic behaviors. While she was experiencing a mental health crisis, she had flooded her cell and was pacing around the room naked. Defendant Raible entered her cell and without warning,

sprayed her with OC, tased her, and authorized or aided in placing her in a restraint chair.

- Around October 2018, Ms. Diggs was housed on the women's acute mental health pod. Defendant Raible, while serving on SERT, came with several other SERT officers to Ms. Diggs' cell and ordered her to disrobe without explanation. Without warning, the officers used a stun shield to press Ms. Diggs against a wall and immobilize her; they claimed that they needed to cut off her clothes because she was suicidal. Defendant Raible threatened to tase Ms. Diggs if she moved. He stared at Ms. Diggs' naked body as the officers cut off her clothes.
- Around February 2019, Defendant Raible pinned a naked woman with psychiatric disabilities to the floor because he suspected she had drugs. After examining her, Defendant Raible sprayed her with OC for no reason.
- Around October 2019, Defendant Raible assaulted a woman with psychiatric disabilities, who was housed on the acute mental health housing pod. Defendant Raible pepper sprayed, tased, and placed her in a restraint chair because she allegedly had refused to clean her cell.
- Around October 2019, Defendant Raible applied pain compliance techniques—a use-of-force method, in which an officer applies increasing pressure on sensitive body parts of the incarcerated person to achieve compliance—on a woman with psychiatric disabilities, while officers cut off her clothes because they claimed she was suicidal. Defendant Raible caused the woman severe pain by using pressure points on her nose while he restrained her body. Defendant Raible then assisted in

placing the naked woman in a restraint chair. He stared at her body while securing the chair's straps.

49. At the time Defendant Raible assaulted them, all of these individuals had psychiatric disabilities, which were documented in their ACJ medical records.

50. Defendant Raible was aware of their psychiatric disabilities.

51. Upon information and belief, when Defendant Raible used force on these individuals, they did not present a threat of harm to Defendant Raible or others.

52. These incidents of use of force by Defendant Raible were documented and reported to command staff at ACJ, including Defendants Harper, Zetwo, and Beasom.

53. Upon information and belief, Defendant Raible's victims also notified Defendants Harper, Beasom, and Zetwo of these incidents and Defendant Raible's proclivity for excessive force, through oral and written complaints and requests for internal investigations of the incidents.

54. Upon information and belief, there were no investigations into Defendant Raible's use of force incidents or if there were, they were conducted in a superficial manner as to be meaningless.

55. Defendant Raible was not disciplined for unreasonable force or otherwise reprimanded.

56. Defendant Raible was not required to receive additional training on interacting with persons with psychiatric disabilities, mental health intervention, de-escalation or using alternative measures to force.

57. Upon information and belief, Defendant Raible's acts were condoned by Supervisory Defendants as he was not subjected to discipline, he kept his rank as sergeant, and

Defendant Harper appointed Defendant Raible to serve as a SERT Commander, where he was responsible for overseeing, training, and directing subordinate SERT officers on using force.

April Walker

58. Ms. Walker is asthmatic and has psychiatric disabilities, including bipolar disorder, anxiety, and depression, all of which were documented in her ACJ medical record.

59. In December 2018, Ms. Walker was two months pregnant and was being held as a pretrial detainee at the ACJ on the women's acute mental housing unit, 5MD.

60. Around December 12, 2018, an officer ordered Ms. Walker to move to a different cell on the general population housing pod that had not been cleaned or disinfected since its last occupant, the sink was covered with dirt, and there was no mattress to sleep on.

61. Ms. Walker was handcuffed while she stood outside the cell. She peered into the room and saw a garbage bag filled with trash and stale food, milk cartons, and other detritus covered the floor.

62. Ms. Walker told the officer that she was reluctant to move into the cell because she feared that the unsanitary conditions could endanger the health of herself and her baby.

63. Upon information and belief, the officer escorting Ms. Walker, interpreted her response as noncompliance. The officer stated, "Fuck this shit. I'm done dealing with this shit. I'm calling Raible."

64. The officer then radioed Defendant Raible and reported that Ms. Walker was refusing to lock in.

65. About a minute later, Defendant Raible came on the housing pod. Defendant Raible did not seek mental health intervention for Ms. Walker before resorting to force. Defendant Raible did not attempt to de-escalate the situation or to use any alternative measures

to force, such as allowing the cell to be cleaned.

66. Without warning, Defendant Raible sprayed OC in Ms. Walker's face for several seconds even though she was not combative and merely expressed a health concern.

67. The OC aggravated Ms. Walker's asthma. She coughed profusely, and because her hands were cuffed behind her back, she was unable to effectively prevent herself from inhaling the OC.

68. While she was coughing from the OC, Defendant Raible slammed Ms. Walker's face into the ground. She could not brace herself because her hands were cuffed.

69. Defendant Raible then, without warning, sprayed Ms. Walker with OC for a second time.

70. While Defendant was brutally assaulting Ms. Walker, incarcerated observers yelled at Defendant Raible that Ms. Walker was pregnant and to stop hurting her.

71. Defendant Raible then placed Ms. Walker in a shower while she was fully clothed and turned on the faucet.

72. Ms. Walker emerged from the shower drenched. Defendant Raible did not allow Ms. Walker to dry off or provide her with dry clothes. Instead, he forced her to continue to wear soaked and OC coated clothes.

73. By refusing to allow Ms. Walker to dry off, Defendant Raible endangered Ms. Walker's safety as she repeatedly slipped while Defendant Raible escorted Ms. Walker back to 5MD.

74. Upon information and belief, Defendant Raible did not obtain prior clearance from the medical staff to spray Ms. Walker with OC, even though she had asthma and was pregnant.

75. Defendant Raible did not arrange for Ms. Walker to have a breathing treatment after spraying her with OC.

76. An ACJ healthcare provider came to the pod 5MD and told Defendant Raible that spraying a pregnant person with OC spray was “unacceptable” and ordered Ms. Walker to be taken to a hospital.

77. Ms. Walker was sent to the Allegheny General Hospital for treatment and to assess the condition of her pregnancy.

78. On July 4, 2019, Ms. Walker gave birth to her daughter. Afterwards she experienced postpartum depression as a result of being separated from her daughter.

79. In late 2019, Defendant Raible again assaulted Ms. Walker while she was housed on the women’s acute mental health pod, 5MD.

80. Around December 1, 2019, when Ms. Walker was having a no-contact visit with her daughter’s father, ACJ terminated the visit prematurely, causing Ms. Walker to experience a depressive episode.

81. Ms. Walker was placed in handcuffs and told she was being taken back to her housing pod.

82. Defendant Raible and several officers approached Ms. Walker outside the visiting room. Without warning or justification, Defendant Raible pinned Ms. Walker against the wall and held her there while Defendant Merlino tased Ms. Walker’s armpit.

83. Defendant Raible and several officers then took Ms. Walker to an elevator. While in the elevator, Ms. Walker repeatedly asked Defendant Raible why he and the other officers had assaulted her.

84. Ms. Walker also informed Defendant Raible that she was experiencing

postpartum depression and that her mental health symptoms had been worsening.

85. Immediately upon exiting the elevator, Defendant Raible dragged Ms. Walker to the salleyport where there were no cameras. Once there, Defendant Raible slammed Ms. Walker's head into a concrete wall and then the floor.

86. While Defendant Raible held Ms. Walker on the ground, Defendant Merlino and another correctional officer tased her in the back for several seconds.

87. Defendant Merlino radioed for a restraint chair, claiming that Ms. Walker, who was already handcuffed, beaten, and subdued, was being combative.

88. Upon information and belief, Defendant Raible aided in placing Ms. Walker into a restraint chair for an unjustifiable reason.

89. Ms. Walker was in extreme pain for approximately six or more hours while she was kept in the restraint chair. During that time, officers placed shackles—designed to be placed on a person's ankle—around Ms. Walker's calves.

90. For both use of force incidents against Ms. Walker, no form of a medical or mental health assessment was conducted on Ms. Walker before Defendant Raible used force on her.

91. Nor was any attempt made to de-escalate either situation. To the contrary, Defendant Raible escalated both incidents.

92. Ms. Walker filed grievances against Defendant Raible for both of these use of force incidents. Ms. Walker also reported Defendant Raible spraying her with OC directly to a captain at ACJ.

93. Ms. Walker suffered physical injuries and emotional distress from Defendant Raible's use of force.

94. Upon information and belief, Supervisory Defendants did not investigate Ms. Walker's excessive force claims against Defendant Raible or performed such superficial investigations that effectively nothing was done to remedy Defendant Raible's unreasonable or unlawful use of force.

95. Upon information and belief, Supervisory Defendants knew the details of the December 12, 2018 use of force by Defendant Raible against Ms. Walker while she was pregnant.

96. Pennsylvania Act 45 of 2010, requires all correctional facilities, including county jails, report incidents where an officer has used restraints on a pregnant detainee. The reporting requirement requires that the jail administrator make written findings, noting the type of restraint used, the trimester of pregnancy, and the justification for the use of the restraints. Around January 2019, Supervisory Defendants reported the use of force on Ms. Walker, confirming that she was handcuffed and pregnant when Defendant Raible sprayed her with OC.

LaVonna Dorsey

97. In August 2019, Ms. Dorsey was being held at ACJ as a pretrial detainee for a technical violation of her probation.

98. At all relevant times, Ms. Dorsey has had physical and psychiatric disabilities, including chronic asthma, depression, post-traumatic stress disorder, schizoaffective disorder, and manic-depressive bipolar disorder, all of which were documented in her ACJ medical record.

99. Defendant Raible knew that Ms. Dorsey had psychiatric disabilities.

100. In August 2019, Ms. Dorsey was housed on pod 4F on Restricted Housing Unit ("RHU") status—i.e. solitary confinement—after returning from the hospital.

101. Because she was on RHU status, Ms. Dorsey could not enjoy congregate meals

and instead had to eat her meals while locked in her cell. This left Ms. Dorsey completely dependent on the inmate worker responsible for distributing the meal tray to her cell.

102. On August 17, an inmate worker taunted Ms. Dorsey for several minutes, refusing to give her a meal tray. Ms. Dorsey asked CO Fitzwilliams, the officer who was supervising the inmate worker, to intervene but she refused to assist. Eventually, the worker gave Ms. Dorsey the meal tray.

103. Exasperated, hungry, and suffering from the deprivations of solitary confinement and deteriorating mental health symptoms, Ms. Dorsey told the worker she considered spitting on her in response to her taunting—although Ms. Dorsey never actually attempted to do so.

104. Upon hearing this, CO Fitzwilliams screamed at Ms. Dorsey and issued her a misconduct ticket.

105. The next day CO Fitzwilliams notified Ms. Dorsey that she was being moved to a different cell on the same housing unit. The cell Ms. Dorsey was moved to is viewed as a punishment because the cell is much colder than others and prevents the incarcerated person from seeing the housing pod.

106. Upon information and belief, CO Fitzwilliams then contacted Defendant Raible to escort Ms. Dorsey to her new cell.

107. Ms. Dorsey agreed to move to the new cell and began packing up her belongings.

108. While she was packing, Defendant Raible entered Ms. Dorsey's cell and ordered her to get on the ground. Although Ms. Dorsey complied, Defendant Raible pressed his knee onto her back. Ms. Dorsey told Defendant Raible that he was hurting her as he then pulled her arms back to cuff them. Defendant Raible continued to cause Ms. Dorsey extreme pain by

pulling her up by her cuffs to a standing position.

109. CO Fitzwilliams then put a spit mask over Ms. Dorsey's head, covering her eyes, nose, and mouth.

110. Defendant Raible led Ms. Dorsey to a strip cage, which is a shower stall enclosed within a locked steel cage that has a slot.

111. After locking Ms. Dorsey in the cage by herself and removing her handcuffs and the spit mask, the officers ordered Ms. Dorsey to strip naked.

112. Ms. Dorsey obeyed; she removed her clothing and passed it to an officer through the strip cage slot.

113. CO Fitzwilliams then ordered Ms. Dorsey to "throw me your bra and panties." Ms. Dorsey complied. She tossed her bra through the slot to CO Fitzwilliams; it landed on an officer's boot, who was standing nearby. Upon seeing the bra, CO Fitzwilliams screamed, "Assault on an officer!"

114. Immediately, Defendant Raible opened the strip cage slot and sprayed OC on the naked Ms. Dorsey's face and breasts. Defendant Raible paused for a few seconds and then sprayed Ms. Dorsey's buttocks.

115. Ms. Dorsey screamed from the burning OC spray, which covered her body and her genitalia. Defendant Raible provided no means to decontaminate Ms. Dorsey.

116. Desperate for relief, Ms. Dorsey twisted a shower knob and was sprayed with hot water, which increased the burning sensation. Ms. Dorsey screamed that her vagina was burning.

117. Defendant Raible stared at Ms. Dorsey as she stood naked in a locked strip cage in terrible discomfort. Defendant Raible then sprayed Ms. Dorsey for a third time.

118. Ms. Dorsey asked Defendant Raible why he was repeatedly spraying her when she had not engaged in violent conduct. Ms. Dorsey then asked for something to cover up her naked body. Defendant Raible continued to stare at her body and provided no relief.

119. A corrections officer who was present asked if they could get a blanket to cover Ms. Dorsey. Defendant Raible refused.

120. Defendant Raible then cuffed Ms. Dorsey's wrists through the slot and threatened to pepper spray her in the mouth if she spat at him, even though she had not threatened nor attempted to spit at any of the officers. Officers again put a spit mask on Ms. Dorsey's head.

121. Upon information and belief, Defendant Raible ordered a restraint chair for Ms. Dorsey.

122. Defendant Raible put Ms. Dorsey, naked save for the spit mask and covered with pepper spray, into a restraint chair. Defendant Raible put his body weight on Ms. Dorsey, causing her to crouch over in pain. As he did, Defendant Raible pulled Ms. Dorsey's cuffed arms over her head, hyper-extending them, to re-cuff them in front of her..

123. CO Fitzwilliams strapped Ms. Dorsey's arms to the chair. Due to a lack of flexibility in her left shoulder, CO Fitzwilliam strapped Ms. Dorsey's right shoulder tighter than her left. Upon hearing from CO Fitzwilliams that Ms. Dorsey's left shoulder strap was looser but could not be tightened any further, Defendant Raible decided to tighten it anyway. Defendant Raible and CO Fitzwilliams pulled the strap tighter and tighter as Ms. Dorsey screamed in agony. She pleaded with Defendant Raible to stop because the strap was hurting her shoulder. As Defendant Raible and CO Fitzwilliam ignored her pleas, Ms. Dorsey felt like her shoulder fractured.

124. Defendant Raible then sbapped Ms. Dorsey's head back while the straps over her chest were secured.

125. Correctional officers wheeled Ms. Dorsey, still naked, in the restraint chair to ACJ's intake room. The room has an observation window allowing staff and incarcerated people to see her.

126. A nurse asked Defendant Raible if she could use a wipe to remove the OC from Ms. Dorsey's body to stop the burning. Defendant Raible refused, providing no explanation for his decision.

127. Ms. Dorsey was naked while she was confined in the restraint chair for approximately seven hours. At some point, an officer placed a blanket on top of Ms. Dorsey's body, but it fell off; officers did not attempt to recover her.

128. Throughout much of this time, officers and other inmates were able to view her naked body as they passed the room. She pleaded for someone to cover her up, but no one responded.

129. While in the restraint chair, Ms. Dorsey was denied food, water, medicine, bathroom breaks, and her inhaler. No one checked the tightness of the restraint chair straps.

130. Upon information and belief, Defendant Raible did not obtain prior clearance from the medical staff to spray Ms. Dorsey with OC, even though she had asthma.

131. Defendant Raible did not arrange for Ms. Dorsey to have a breathing treatment after spraying her with OC.

132. Following the incident, Ms. Dorsey filed grievances and notified ACJ administrative and healthcare staff about Defendant Raible's use of force on her.

133. Ms. Dorsey suffered physical injuries to her shoulder, bruises from the chair's

straps, and burns on her body from the OC, and experienced considerable physical pain and emotional distress. Ms. Dorsey continues to have nightmares, reliving Defendant Raible's assault.

134. Defendant Raible did not conduct any form of medical or mental health assessment on Ms. Dorsey before he forcibly restrained and assaulted her. Defendant Raible did not attempt to achieve compliance without force or use de-escalation tactics.

135. Upon information and belief, Supervisory Defendants did not investigate Ms. Dorsey's excessive force claims against Defendant Raible or performed such superficial investigations that effectively nothing was done to remedy Defendant Raible's unreasonable or unlawful use of force.

Alexus Diggs

136. Ms. Diggs is five feet tall. She has psychiatric disabilities, including bipolar disorder, depression, anxiety, and complex PTSD. She has been hospitalized for treatment of these disabilities. Her psychiatric disabilities were documented in her ACJ medical record.

137. Defendant Raible knew that Ms. Diggs had psychiatric disabilities.

138. In 2019, Ms. Diggs was incarcerated at ACJ as a pretrial detainee for a technical violation of her probation and for a misdemeanor charge.

139. During this time, Ms. Diggs was housed on the women's acute mental health housing pod, 5MD, and wrote grievances about ACJ's denial of mental healthcare, use of force, and the conditions of her confinement.

140. 5MD is the only housing pod at ACJ where incarcerated people are prohibited from using a writing utensil in their cell.

141. In December 2019, Defendant Raible and about four SERT officers, approached

Ms. Diggs' cell door. She was ordered to cuff up, which she did without objection.

142. As Defendant Raible led Ms. Diggs to the strip cage, she asked him and the SERT officers what she had done and why was she being taken to the strip cage. Defendant Raible refused to answer.

143. Ms. Diggs later learned that they suspected she possessed a pen, which she had been using to write grievances.

144. After being locked in the strip cage by herself, Ms. Diggs continued to ask why she had to strip naked. The SERT officers refused to respond.

145. Moments after asking, Defendant Raible, without giving any warning, shot about six OC pellets at Ms. Diggs at close range.

146. The OC pellets were so potent that Ms. Diggs could barely breathe. The pellets burned her skin and severely irritated her eyes. She was temporarily blinded.

147. Ms. Diggs took off her clothes that were coated with the OC, but was forced to remain in the cell with the potent haze of the OC spray.

148. Ms. Diggs was taken to a shower, but the water made her skin burn more. No other efforts were taken to decontaminate Ms. Diggs.

149. Ms. Diggs was brought back to her cell and was forced to put on the OC-contaminated clothing.

150. About an hour after the incident, Ms. Diggs was feeling very depressed, so she covered her cell door window.

151. Soon thereafter, Defendant Raible and Sgt. Randy Justice appeared at Ms. Diggs' cell door with a restraint chair. Sgt. Justice explained that she was being put in the chair because she "obstructed" her window.

152. Defendant Raible and Sgt. Justice forced Ms. Diggs to crawl backwards out of her cell for their amusement.

153. Defendant Raible held Ms. Diggs in the restraint chair while Sgt. Justice tightened the straps, which caused pain and left marks on her skin.

154. Ms. Diggs' body burned while she was kept in the restraint chair for approximately eight hours in the same OC-contaminated clothing.

155. A spit mask was put on her head even though she had never even suggested that she might spit on anyone.

156. She was denied food, water, medicine, and bathroom breaks.

157. Ms. Diggs' skin burned for hours after she was released from the restraint chair.

158. Ms. Diggs has sought therapy because she experiences severe anxiety symptoms when she recalls Defendant Raible's use of excessive force on her.

159. Ms. Diggs filed grievances about Defendant Raible shooting OC pellets at her and placing her in a restraint chair.

160. For both the December 2019 incidents, Defendant Raible did not conduct any form of medical or mental health assessment on Ms. Diggs before he forcibly restrained and assaulted her. Defendant Raible did not attempt to achieve compliance without force or use de-escalation tactics.

161. Upon information and belief, Supervisory Defendants did not investigate Ms. Diggs' excessive force claims against Defendant Raible or performed such superficial investigation that effectively nothing was done to remedy Defendant Raible's unreasonable or unlawful use of force.

Supervisory Defendants' Involvement in Use of Force Policies and Practices

162. As Warden, Defendant Harper is, and at all relevant times was, responsible for the oversight of ACJ, which included promulgating and enforcing policies, practices, and procedures concerning mental health, disciplinary, use-of-force, officer training, and ensuring accommodations for incarcerated people with physical or psychiatric disabilities. Defendant Harper also has the authority to discipline officers.

163. As Chief Deputy Warden, Defendant Zetwo is, and at all relevant times was, responsible for promulgating and enforcing policies, practices, and procedures concerning use-of-force. He also oversees the investigation and discipline of corrections officers for use of force on incarcerated people confined at ACJ.

164. As the Deputy Warden of Operations, Defendant Beasom is, and at all relevant times was, responsible for the oversight and administration of correctional officers and for promulgating and enforcing policies, practices, and procedures concerning use-of-force and officer training. Defendant Beasom also has the authority to discipline officers.

165. Due to Supervisory Defendants Harper's, Zetwo's, and Beasom's policies and practices, Plaintiffs were subjected to unconstitutional force by Defendant Raible.

166. Defendants are aware of, and have failed to prevent ACJ officers' routine use of force, such as deployment of OC and other chemical agents, tasers, physical force and restraint chairs to punish people with psychiatric disabilities for requesting mental health care and for non-violent acts that are manifestations of their serious mental illness.

167. When ACJ correctional officers used force on incarcerated persons, including those with psychiatric disabilities, Supervisory Defendants learned of those incidents in detail in various ways, including through use-of-force reports and videos recording the incident, written

and oral complaints by the incarcerated person against whom force was used, ACJ's internal affairs investigations, and by state mandated reporting requirements on ACJ's use-of-force data .

168. For every incident where an officer uses force, including physical assaults, use of OC and other chemical agents, tasers, restraint chairs, or control techniques and pain compliance, ACJ policy requires the officer who applied the force and every officer who witnessed or was involved in the use of force to submit a written report of the incident by the end of their shift.

169. ACJ policy requires officers to include in their written report pertinent information about the incident necessary to allow the reviewer to assess the appropriateness of the force used, including the date, time, and location of the incident, an account of the events leading to the use of force, a complete description of the incident and reasons for employing force, a description of the method by which force was applied, including security equipment and weapons used, a description of the incarcerated person's resulting injuries, and other relevant information. The ACJ shift commander and/or immediate supervisor assembles all reports into a packet and forwarded them, along with a video of the incident and other materials, to the ACJ majors, internal affairs, which includes Defendant Zetwo, and to Defendants Harper and Beasom.

170. As the Deputy Warden of Operations, Defendant Beasom reviewed and determined if the officer's use force was reasonable and whether any remedial measures needed to be taken, including discipline of the officer(s) involved. Upon information and belief, Defendants Harper, Zetwo, and Beasom reviewed use-of-force incidents and participated in determining whether to take corrective action for subordinate officer's conduct.

171. The Pennsylvania Department of Corrections ("PA DOC") administrative code and ACJ's statistical reporting policy requires that ACJ document and report monthly the

number times officers used any type of force to the PA DOC and the Allegheny County Bureau of Corrections Department.

172. Since 2015 and under Defendant Harper, Zetwo, and Beasom's administration, the number of uses-of-force dramatically increased in nearly every category—physical assaults, tasers and stun guns, chemical agents, and restraint chairs—while the jail's population decreased.

173. Upon information and belief, Supervisory Defendants reviewed ACJ's use of force statistics, which included figures that showed ACJ had twice the use of force incidents per capita in comparison to all other county jails in the state. Supervisory Defendants reviewed these statistics when preparing their mandatory reporting.

174. Upon information and belief, Defendant Harper reviewed these statistics when preparing his mandatory Warden's Report to the Allegheny County Jail Oversight Board, which convenes monthly. These statistics unquestionably evidence systemic use of excessive force at ACJ.

175. ACJ's grievance process also provided notice to Supervisory Defendants of officers' use of excessive force. Many incarcerated persons subjected to use of force by an officer filed a formal complaint about the incident. Upon information and belief, most complaints identified the accused offending officer(s), described the type(s) force used, and explained why the force or amount of force used was unreasonable. ACJ assigned a complaint officer to review and respond to every complaint filed. If the complaint officer did not respond or found the complaint invalid, then the incarcerated person was permitted to appeal. Per ACJ policy, Defendant Harper, either directly or through a designee, was required to review all appeals and render a final decision in writing. Upon information and belief, dozens of appeals concerning Defendant Raible and other correctional officers using excessive force against

incarcerated individuals with disabilities were submitted in accordance with the grievance policy and provided notice to Defendant Harper.

176. ACJ policy required that Defendant Harper receive a monthly report summarizing all complaints, appeals, and their dispositions for that month including instances of the use of force. ACJ policy required Defendant Harper to review the report “to ascertain patterns and problem areas” in ACJ “and to facilitate intervention in those areas.”

177. ACJ’s internal affairs investigations also informed Supervisory Defendants of officers using excessive force. Upon information and belief, ACJ’s Internal Affairs program was required to investigate allegations where a correctional officer used force against incarcerated individuals. Investigations were triggered if the incarcerated person reported the incident in a written complaint or orally to ACJ staff or by submitting an inmate request form, among other means. Upon information and belief, numerous incarcerated persons requested internal affairs investigations for excessive force by Defendant Raible and other correctional officers by submitting inmate request forms and by filing complaints.

178. The PA DOC administrative code required Defendant Harper to visit incarcerated people on their housing pods every month. At all times relevant to this complaint, incarcerated persons directly requested internal investigations of Defendant Raible and other correctional officers to Defendant Harper when he made his monthly cell-door visits on the housing pods.

179. Upon information and belief, when learning of the alleged excessive force, Defendant Harper documented the name of the aggrieved incarcerated person, the name of the accused officer(s), the details of the incident and the date it occurred.

180. Upon information and belief, the outcomes of internal affairs investigations were reported to and reviewed by Defendant Zetwo who then reported the outcomes to Defendants Harper and Beasom.

181. At all times relevant to the Complaint, Defendants Harper, Zetwo, and Beasom were aware of Defendant Raible and other officers using excessive force on people with psychiatric disabilities based on the use-of-force reports provided to them following each officer use of force on an incarcerated person.

182. Supervisory Defendants Harper, Zetwo, and Beasom were aware, from speaking with incarcerated people at ACJ and reviewing their grievances, that there were many legitimate, first-party complaints against Defendant Raible for using excessive force.

183. Upon information and belief, despite these reports of excessive force against people with psychiatric disabilities, none of the Supervisory Defendants took any effective actions to supervise, train, or discipline Defendant Raible, thereby failing to prevent him from unnecessarily and unreasonably assaulting people with physical and psychiatric disabilities.

184. Upon information and belief, when incarcerated individuals with psychiatric or physical disabilities reported that Defendant Raible or other correctional officers used force on them because of their disabilities, the Internal Affairs program did not investigate these allegations or conducted such superficial investigations that they were meaningless.

185. Defendants have refused to change ACJ's policies and practices in a way that prevents or ameliorates the unnecessary and inappropriate use of force against those with psychiatric disabilities.

186. Defendants have failed to provide training to officers as to how to interact with individuals with psychiatric disabilities, and failed to inform the officers that force should not be

used to punish them for requesting mental health care or for non-violent acts that are manifestations of their serious mental illness.

187. Defendants have acted and continue to act wantonly, willfully and in reckless disregard of the Plaintiffs' rights.

COUNT I: Fourteenth Amendment – Excessive Use of Force – Against Defendants Raible and Merlino

188. Plaintiffs incorporate by reference the allegations set forth in paragraph 1 through 187 of this Complaint as though set forth fully herein.

189. Defendant Raible's actions in repeatedly spraying mace on Ms. Walker and physically assaulting her while she was handcuffed, pregnant, and had asthma when she did not present any threat of harm and while she was expressing her concerns regarding the unsanitary condition of a cell constituted objectively unreasonable force in violation of the Fourteenth Amendment.

190. Defendant Merlino's decision to tase Ms. Walker's arm pit when Ms. Walker was handcuffed and did not present any threat of harm, rather than attempt an alternative lesser means of force or de-escalation technique or seek mental health intervention, constituted force that was objectively unreasonable in violation of the Fourteenth Amendment.

191. Defendant Raible's decision to physically assault Ms. Walker when she was experiencing symptoms of her psychiatric disabilities because ACJ had prematurely cancelled her family visit, while she was handcuffed and did not present any threat of harm, rather than attempt an alternative lesser means of force or de-escalation technique or seek mental health intervention, constituted force that was objectively unreasonable in violation of the Fourteenth Amendment.

192. Defendant Raible's and Defendant Merlino's decision to place Ms. Walker in a restraint chair for approximately six hours for an unjustifiable purpose during which time she suffered excruciating pain and was denied food, water, her medication, and bathroom breaks, constituted objectively unreasonable force in violation of Ms. Walker's Fourteenth Amendment rights.

193. Defendant Raible's decision to repeatedly spray Ms. Dorsey with OC in her face, breast, and genital region even though she has chronic asthma, was locked in a strip cage by herself, and presented no threat of danger rather than attempting alternative lesser force or seeking mental health consultation first, his failure to ensure Ms. Dorsey's skin was decontaminated of OC and his failure to ensure a breathing treatment was provided to her after she was sprayed, was objectively unreasonable force in violation of Ms. Dorsey's Fourteenth Amendment rights.

194. Defendant Raible's decision to place Ms. Dorsey in a restraint chair, without first decontaminating her, for approximately seven hours for an unjustifiable purpose while she was naked, covered with OC that was burning her skin, and restrained with straps Defendant Raible tightened to the point it caused Ms. Dorsey to suffer substantial injuries, and during which time she was denied her inhaler, food, water, medicine, and bathroom breaks, constituted objectively unreasonable force in violation of the Fourteenth Amendment.

195. Defendant Raible's decisions to shoot Ms. Diggs with OC pellets while she was locked in a strip cage by herself in lieu of attempting alternative measures or procuring mental health intervention because he suspected that she had a writing utensil was objectively unreasonable in violation of the Fourteenth Amendment.

196. Defendant Raible's decisions to authorize and assist in the use of the restraint chair on Ms. Diggs in clothes coated with OC for approximately eight hours because she covered her cell window due to feeling depressed and from symptoms of her complex PTSD, without attempting alternative measures or procuring mental health intervention for Ms. Diggs, was objectively unreasonable in violation of the Fourteenth Amendment.

**COUNT II: Fourteenth Amendment – Excessive Force-
Against Defendants Harper, Zetwo, and Beasom**

197. Plaintiffs incorporate by reference the allegations contained in the above paragraphs 1 through 187 of this Complaint as if fully set forth herein.

198. Supervisory Defendants Harper, Beasom, and Zetwo are liable for their personal involvement in failing to train, supervise, and discipline Defendant Raible and other corrections officers who assaulted incarcerated individuals with disabilities and resulted in the deprivation of Plaintiffs' rights to be free from cruel and unusual punishment under the Fourteenth Amendment to the Constitution.

199. Supervisory Defendants were aware that a high proportion of the jail's population are individuals with psychiatric disabilities.

200. At all times relevant to the Complaint, Supervisory Defendants were aware of Defendant Raible's and other corrections officers' pattern of abusing individuals with psychiatric disabilities

201. Supervisory Defendants were aware that under their administration, uses of force nearly doubled from 414 in 2015 to 720 in 2019 even though the jail's average daily population decreased.

202. Supervisory Defendants Harper, Zetwo, and Beasom have acted with objective unreasonableness and/or deliberate indifference to the need to train ACJ officers, including

Defendant Raible, on how to manage and interact with individuals with psychiatric disabilities despite knowing that the lack of train causes serious risks of harm to those with psychiatric disabilities.

203. The training that Supervisory Defendants failed to provide to officers and Defendant Raible included but was not limited to:

- a. Training to ensure force was only used when necessary, and was not used excessively, unreasonably, or in situations that could be resolved without the use of force;
- b. Training on how to recognize behaviors and patterns of behavior that are indicative of psychiatric disability;
- c. Training on how to determine when conduct may be a manifestation of an incarcerated person's psychiatric disability, and thus require treatment rather than punishment;
- d. Training on how to de-escalate conflict with individuals who have psychiatric disabilities; and
- e. Training on the importance and necessity of consulting with mental health staff when an incarcerated person with psychiatric disability was engaging in problematic behavior, rule violations, or was manifesting symptoms of their serious mental health condition that suggested the need for intervention.

204. Defendants' failure to train officers, including Defendant Raible, caused the unlawful assaults on Plaintiffs and caused Plaintiffs to be deprived of their constitutional rights to be free from cruel and unusual punishment under the Fourteenth Amendment of the Constitution of the United States.

205. Supervisory Defendants acted with deliberate indifference and/or objective unreasonableness to the obvious consequences by failing to train and prevent officers, including Defendant Raible, from using excessive force on individuals with psychiatric disabilities, despite their knowledge of the extensive history of correctional officers using unreasonable force on this population, and that it was highly likely and predictable that untrained officers would continue to use excessive force on individuals with disabilities on a daily basis without further training, supervision, or discipline.

206. Supervisory Defendants acted with objective unreasonableness or deliberate indifference in failing to supervise, investigate, and discipline Defendant Raible for prior uses of excessive force on psychiatrically disabled people.

207. Supervisory Defendants' failures to supervise Defendant Raible and to address the risk of a constitutional violation caused the violation of Ms. Walker, Ms. Dorsey's, and Ms. Diggs' right to be free from cruel and unusual punishment under the Fourteenth Amendment to the Constitution.

COUNT III: Battery-Against Defendant Raible

208. Plaintiffs hereby incorporate by reference the allegations contained in the above paragraphs 1 through 187 of this Complaint as if fully set forth herein.

209. Defendant Raible intentionally touched Ms. Walker, Ms. Dorsey, and Ms. Diggs in harmful or offensive manner.

210. Ms. Walker, Ms. Dorsey, and Ms. Diggs did not consent to Defendant Raible's touching.

211. Defendant Raible's touching constituted battery under Pennsylvania law.

**COUNT IV: Americans with Disabilities Act, 42 U.S.C. §12132-
Against Defendant Allegheny County**

212. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs 1 through 187 of this Complaint as if fully set forth herein.

213. Defendant Allegheny County is a public entity within the meaning of 42 U.S.C. §12131.

214. Plaintiffs are qualified individuals with disabilities within the meaning of Title II of the Americans with Disabilities Act (“ADA”).

215. Defendant Allegheny County, and its employees, knew that Plaintiffs were individuals with disabilities covered by the protections of the ADA.

216. Despite this knowledge, Allegheny County and its employees failed to provide Plaintiffs with any reasonable accommodation for their disabilities.

217. Such reasonable accommodations for Plaintiffs’ psychiatric disabilities include but are not limited to, the provision of training to ACJ staff on recognizing when a person’s behavior is a manifestation of their psychiatric disability, how to interact with people who have psychiatric disabilities so as to de-escalate situations, and the contraindications of use of force on individuals with psychiatric disabilities as well as enacting policies mandating the intervention of mental health staff before the use of any force or discipline on individuals with psychiatric disabilities.

218. Allegheny County further failed to provide reasonable accommodation to Ms. Walker and Ms. Dorsey by not preventing the use of OC spray against them despite their physical disability, asthma.

219. Allegheny County acted with deliberate indifference to the risk of violating Plaintiffs’ federally protected rights under the Americans With Disabilities Act by permitting,

authorizing, acquiescing in, and otherwise enabling staff to use force against Ms. Walker, Ms. Dorsey, and Ms. Diggs, each of whom has psychiatric disabilities, in response to non-violent and non-threatening behavior that were manifestations of their mental health conditions.

220. Defendant Allegheny County further discriminated against Plaintiffs by repeatedly substituting the restraint chair for mental health treatment in violation of the ADA.

221. Allegheny County and its employees further discriminated against Ms. Diggs on the basis of her disabilities by denying her access to and discriminating against her in connection with ACJ's grievance program, a benefit ACJ provides to incarcerated people without disabilities. Defendant Allegheny County unlawfully deprived Ms. Diggs the benefits of the grievance program by denying her access to writing utensil on the basis of her disability and by authorizing staff to use force for allegedly possessing a writing utensil.

222. At all relevant times, Allegheny County was aware that the ACJ's Internal Affairs department acted in an unlawfully discriminatory manner by refusing to investigate complaints by incarcerated individuals with disabilities who alleged that correctional officers assaulted them because of their disabilities. ACJ's Internal Affairs program investigated complaints against officers for violating the law or ACJ regulations that did not concern an incarcerated person's disability such as the unlawful distribution of controlled substances. For years prior to, and at the time when Defendant Raible assaulted Plaintiffs, Allegheny County was aware from victims' complaints, ACJ's internal reports and use-of-force data that it was substantially likely that correctional officers were assaulting incarcerated individuals based on their disabilities, but ACJ internal affairs program failed to adequately respond to the pattern of past occurrences of injuries that were like Plaintiffs. This created a culture that made ACJ correctional officers think it was permissible to use excessive force on incarcerated persons

because of their disabilities.

223. As a direct and proximate result of the aforementioned acts, including but not limited to Defendant Allegheny County's deliberate indifference to the violations of Plaintiffs' federally protected rights, Plaintiffs have suffered and continue to suffer great pain, humiliation, and mental and emotional distress.

**COUNT V: Rehabilitation Act 29 U.S.C. §794-
Against Defendant Allegheny County**

224. Plaintiff hereby incorporates by reference the allegations contained in the above paragraphs 1 through 187 of this Complaint as if fully set forth herein.

225. At all relevant times, Defendant Allegheny County received federal funding for the ACJ.

226. Plaintiffs are qualified individuals with disabilities within the meaning of the Rehabilitation Act.

227. Defendant Allegheny County, and its employees, knew that Plaintiffs were individuals with disabilities covered by the protections of the Rehabilitation Act.

228. Despite this knowledge, Allegheny County and its employees failed to provide Plaintiffs with any reasonable accommodation for their disabilities.

229. Such reasonable accommodations for Plaintiffs' psychiatric disabilities include but are not limited to, the provision of training to ACJ staff on recognizing when a person's behavior is a manifestation of their psychiatric disability, how to interact with people who have psychiatric disabilities so as to de-escalate situations, and the contraindications of use of force on individuals with psychiatric disabilities as well as enacting policies mandating the intervention of mental health staff before the use of any force or discipline on individuals with psychiatric disabilities.

230. Allegheny County further failed to provide reasonable accommodation to Ms. Walker and Ms. Dorsey by not preventing the use of OC spray against them despite their physical disability, asthma.

231. Allegheny County acted with deliberate indifference to the risk of violating Plaintiffs' federally protected rights under the Rehabilitation Act by permitting, authorizing, acquiescing in, and otherwise enabling staff to use force against Ms. Walker, Ms. Dorsey, and Ms. Diggs, each of whom has psychiatric disabilities, in response to non-violent and non-threatening behavior that were manifestations of their mental health conditions.

232. Defendant Allegheny County further discriminated against Plaintiffs by repeatedly substituting the restraint chair for mental health treatment in violation of the Rehabilitation Act.

233. Allegheny County and its employees further discriminated against Ms. Diggs on the basis of her disabilities by denying her access to and discriminating against her in connection with ACJ's grievance program, a benefit ACJ provides to incarcerated people without disabilities. Defendant Allegheny County unlawfully deprived Ms. Diggs the benefits of the grievance program by denying her access to writing utensil on the basis of her disability and by authorizing staff to use force for allegedly possessing a writing utensil.

234. At all relevant times, Allegheny County was aware that the ACJ's Internal Affairs department acted in an unlawfully discriminatory manner by refusing to investigate complaints by individuals with disabilities who alleged that correctional officers assaulted them because of their disabilities. ACJ's Internal Affairs program investigated complaints against officers for violating the law or ACJ regulations that did not concern an incarcerated person's disability such as the unlawful distribution of controlled substances. For years prior to, and at the

time when Defendant Raible assaulted Plaintiffs, Allegheny County was aware from victims' complaints, ACJ's internal reports and use-of-force data that it was substantially likely that correctional officers were assaulting incarcerated individuals based on their disabilities, but ACJ internal affairs program failed to adequately respond to the pattern of past occurrences of injuries that were like Plaintiffs. This created a culture that made ACJ correctional officers think it was permissible to use excessive force on incarcerated persons because of their disabilities.

235. As a direct and proximate result of the aforementioned acts, including but not limited to Defendant Allegheny County's deliberate indifference to the violations of Plaintiffs' federally protected rights, Plaintiffs have suffered and continue to suffer great pain, humiliation, and mental and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant the following relief:

- A. Award Plaintiffs compensatory and punitive damages on all claims;
- B. Grant attorneys' fees and costs;
- C. Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs request a trial by jury with respect to all matters and issues properly triable by a jury.

Respectfully submitted,

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