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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOPE STEFFEY

[REDACTED]

Salem, Ohio 44460,

and

GREG STEFFEY

[REDACTED]

Salem, Ohio 44460,

Plaintiffs,

-vs-

TIMOTHY A. SWANSON
STARK COUNTY SHERIFF
4500 Atlantic Blvd. NE
Canton, Ohio 44705-3800,

and

STARK COUNTY COMMISSIONERS
Todd Bosley
Tom Harmon
Jane Vignos
110 Central Plaza South
Canton, Ohio 44702,

and

RICHARD T. GURLEA, JR.
Stark County Sheriff's Office
4500 Atlantic Blvd. NE
Canton, Ohio 44705-3800,

and

John and Jane Does 1-15
(names and addresses unknown and
unavailable),

Defendants.

CASE NO.

5 : 07CV3226

JUDGE:

JUDGE DOWD

COMPLAINT
(JURY DEMAND ENDORSED
HEREON)

INTRODUCTION

1. This case is about the events surrounding the assault, battery, unreasonable seizure and deliberate indifference in the failure to provide adequate medical care to Hope Steffey (“Hope”) on October 20-21, 2006. It is also about that period of time during which Stark County Deputy Sheriff Richard T. Gurlea, Jr., badge # 28 (“Gurlea”) initially met Hope and transported her to the Stark County Jail. This case is also about how Hope’s jailers were deliberately indifferent to her medical needs during the period of time she was in the custody of the staff of the Stark County Jail and how her jailers failed to follow the institution’s strip search policy and policy for female prisoners. This case is also about the damage incurred by Hope and her husband Greg Steffey (“Greg”) as a result of the unreasonable governmental actions of the Defendants. Finally, this case is about a failure to adequately train Gurlea and John and Jane Does 1-15 (“John and Jane Does”). Defendants’ actions caused serious and permanent personal and emotional injuries to Hope and have far reaching consequences for her family.

JURISDICTION

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 over this action brought to enforce the provisions of the Constitution and laws of the United States. This Court also has jurisdiction over the claims brought pursuant to 28 U.S.C. §§ 1343 (1), (3) and (4), and 42 U.S.C. §§ 1983 and 1988. This is an

action for compensatory and punitive damages and attorneys' fees authorized by law which is commenced by citizens of the United States to redress deprivations under color of law of rights, privileges and immunities secured by the Constitution and laws of the United States. Venue is proper in this Division.

PARTIES

3. Hope brings this action as the victim of Fourth, Eighth and Fourteenth amendment violations of the United States Constitution. She has suffered a deprivation of her constitutional rights under 42 U.S.C. §1983. She was also deprived of her constitutionally protected right to adequate medical care.

4. Greg, Hope's husband, has suffered a loss of consortium as a result of the Defendants' acts and omissions.

5. Defendant Timothy A. Swanson, Stark County Sheriff ("Sheriff"), is charged with the responsibility of maintaining the public peace and protecting the lives and property of all citizens of Stark County. The Sheriff is the chief law enforcement officer of Stark County. The Sheriff has caused a habit, policy, pattern and practice to occur inside the institution in which strip search policies and policies relating to female prisoners are not followed by the staff.

6. Defendant Stark County Commissioners ("Commissioners") oversee the promulgation and ultimately the enforcement of the policies within the Sheriff's Office.

7. Gurlea is a Stark County Deputy Sheriff who committed some of the acts and omissions described in this Complaint.

8. John and Jane Does 1-15 (“John and Jane Does”) are those deputy sheriffs, jail employees and staff, entities and other persons who acted negligently, willfully, wantonly and recklessly and whose names and addresses are unknown and presently undiscoverable at this time and who include, but are not limited to: (a) policymakers, (b) those persons or other entities participating or contributing to the events which resulted in Hope’s injuries as described in this lawsuit (or who failed to prevent those injuries), despite a duty to do so, (c) those persons or other entities who failed to implement, formulate and enforce adequate Sheriff’s policies, procedures and training curricula, including the training of Gurlea and the John and Jane Does, (d) those persons or other entities who failed to adequately develop and implement ongoing post-academy training for Gurlea and the John and Jane Does, (e) those persons or other entities who failed to require adequate competency testing and performance evaluation of the skills of Gurlea and the John and Jane Does, and (f) those persons or other entities who failed to provide adequate psychological testing of Gurlea and the John and Jane Does to determine emotional fitness and their suitability to work in various capacities for the Sheriff. The actions of these John and Jane Does directly and proximately caused damage to Hope and Greg.

FACTS

9. On October 20, 2006, at approximately 7:54 p.m., Hope was assaulted by Leann Preston ("Leann") near 1154 Weimer Dr., SE in Stark County, Ohio. Incident report #06-012470 was completed by the Stark County Sheriff's Office, which listed Scott Preston as the "Reportee," living at the above address.

10. Upon notification to the Sheriff, Gurlea was dispatched and responded to the scene of the incident.

11. Upon Gurlea's arrival he questioned Hope and asked her for her identification. Hope then mistakenly gave Gurlea the driver's license of her deceased sister, which Hope had been keeping close to her as a personal memento and reminder of her sister.

12. Hope immediately noticed her mistake and asked Gurlea to return Hope's sister's license, but Gurlea refused. Hope explained to Gurlea that it was the license of her deceased sister, not her own license, and begged Gurlea for the return of her sister's license. Gurlea still refused to return Hope's sister's license to Hope.

13. Hope then gave Gurlea her own license. Gurlea took Hope's license to run a computer check on Hope. While Gurlea was running his computer check, Hope's cousin and friend, Trinetta Zorger ("Trinette"), who was present at the scene when Gurlea arrived, noticed a bald spot on Hope's head where Hope's

hair had been pulled out by Leann. Trinette then reminded Gurlea that Hope was the victim in the assault. Trinette also informed Hope of the hair loss and Hope became visibly upset. Despite having knowledge that Hope had been injured by Leann, Gurlea failed to call for medical assistance.

14. Because Hope was visibly upset, Gurlea warned her to calm down. Hope told Gurlea she was upset and could exercise her freedom of speech. Trinette once again reminded Gurlea that Hope was the victim and that was the reason the Sheriff was called in the first place. Trinette explained to Gurlea that Hope had literally been knocked unconscious by Leann and that Hope was acting uncharacteristically loud and upset.

15. Gurlea still refused to acknowledge Hope's injuries or call for medical help, despite being told that Hope had been victimized. Gurlea, ignoring Trinette, simply instructed Hope to stand by his cruiser.

16. After searching Hope's car, Gurlea returned to Hope and Trinette and stood between them, facing Trinette. Gurlea started to question Trinette when Hope asked for her sister's license back, again. Gurlea turned and angrily responded "shut up about your dead sister." Hope then pointed her finger at her sister's license, which was in Gurlea's shirt pocket, and said "she was here, she was someone."

17. Gurlea suddenly exploded into a rage, and, without provocation turned towards Hope and physically slammed Hope's face into his cruiser,

breaking one of Hope's teeth. Gurlea then pinned Hope up against his cruiser with his pelvic area and said "are you going to stop?" Gurlea twisted Hope's arm high up behind her back, causing Hope to react in pain.

18. Gurlea then picked Hope up off the ground and slammed her, face-first, into the dirt road, causing Hope's nose to hit hard against the ground and causing cuts and bruises. Hope's chest and lungs were jammed into the ground by the entire weight of Gurlea's body and knees. Blood began streaming down Hope's face and neck. With his knees in Hope's back, Gurlea once again asked "are you going to stop, are you going to be good?" At this point, Hope could not breathe because her lungs and chest were compressed against the ground. Hope was unable to answer, but managed to turn her head so Trinette could see Hope's desperation.

19. Trinette saw the look on Hope's face and screamed "she can't breathe, let her go, you're hurting her!" Gurlea motioned, with one arm, for Trinette to stay back, or he would arrest her as well. His movement made it possible for Hope to let out a cry for help. Hope was handcuffed and told to sit in the back of the cruiser.

20. At this point, Gurlea called for backup. Despite the fact that Hope was obviously physically injured, Gurlea still deliberately failed to obtain medical assistance for Hope.

21. Gurlea drove to the Sheriff's office with Hope in the back seat of his cruiser. On arrival at the Sheriff's office, Gurlea left Hope in his cruiser for about 5 minutes and spoke with another deputy. Gurlea then returned and told Hope to answer the Sheriff's questions and that she would then probably be going home that evening.

22. Hope was taken into a room by Sheriff's staff and told to face the wall. Approximately 6 of the Sheriff's deputies/guards/staff, some male, surrounded Hope in a small room. Hope was asked if she had any weapons or sharp objects. Hope told them no and was led into another room.

23. Still in the Sheriff's custody, Hope was then told to stand on a line, face the front and answer nurse's questions. Hope was asked: "have you thought of harming yourself?" Immediately after Hope asked, "now or ever?" she heard someone beside her, and as she turned to look at that person, Hope's legs were knocked out from under her and her face was jammed hard into the floor. No warning was given and no words were spoken by Hope's assailants. Written authorization for the strip search of Hope Steffey, pursuant to law and policy, was never obtained by the Sheriff's Office or by any of the John or Jane Does.

24. Hope's head was being held into the ground by someone who was grabbing the hair on the back of her head. A person's knees were in Hope's back. A person's hands were on each side of Hope's head holding Hope down.

25. Hope then realized her underwear and pants were being violently stripped from her body, without warning. Hope begged and pleaded with her still unknown assailants from the Sheriff's deputies/guards/staff to stop.

26. The assailants each grabbed one of Hope's limbs, while Hope's head was being held down (to avoid Hope from being able to identify them) and Hope was carried into a cell where she was flopped on the ground, now totally naked.

27. Hope was left inside the jail cell for six hours, naked, without even a blanket with which to cover herself. In order to try to keep warm and regain her dignity, Hope wrapped herself in toilet paper to prevent the Sheriff's deputies/guards/staff from seeing her naked.

28. Hope was not permitted access to a telephone, nor was she "booked" for six hours. Reasonable medical attention was withheld for over six hours.

29. Hope repeatedly called out for help. No one provided Hope clothing. Eventually, Hope was told by a guard that she was being charged with resisting arrest and disorderly conduct.

30. Hope, physically and emotionally brutalized by Sheriff's deputies/guards/staff and the John and Jane Does, spent the entire night in jail, naked. Gurlea and the John and Jane Does, recognizing their misconduct, sought charges against Hope in order to cover up their unreasonable acts and omissions.

FIRST CLAIM FOR RELIEF

(42 U.S.C. §1983)

31. Paragraphs 1 through 30 are incorporated as if fully rewritten.

32. The actions of Gurlea, the Sheriff, the Commissioners and the John and Jane Does were performed under color of law and deprived Hope of her federally protected rights, in violation of Title 42 U.S.C. § 1983.

33. Defendants deprived Hope of her right to be free from unreasonable seizures by the use of force in violation of the Fourth and Fourteenth Amendments of the United States Constitution and violated her right of access to adequate medical care. Defendants have also violated Hope's Eighth Amendment rights.

34. The actions of Gurlea, the Sheriff, the Commissioners and the John and Jane Does were committed intentionally, maliciously and/or in a gross, wanton, unreasonable, and/or reckless manner.

35. As a direct and proximate result of the misconduct of Gurlea and the John and Jane Does, Hope suffered permanent injuries and damages as set forth in the Complaint and, in addition, Hope and Greg have incurred medical treatment, bills and they will be forced to incur additional medical bills and treatment indefinitely into the future.

SECOND CLAIM OF RELIEF

(Governmental Liability-Failure to Train and Supervise)

36. Paragraphs 1 through 35 are incorporated as if fully rewritten.

37. The Sheriff and the Commissioners have failed to adequately train and supervise its police officers, including Gurlea and the John and Jane Does, concerning proper police procedures and constitutional limitations relative to the use of force and the proper procedures and constitutional limitations for assessing, planning and executing citizen apprehensions, detention, seizures and the provision of medical care. These failures are a proximate cause of the constitutional violations set forth in this Complaint, and the failure to obtain official authorization for a strip search demonstrates that a habit, pattern and practice of violating official policies exists within the offices of the Sheriff.

38. The Sheriff and the Commissioners have failed to institute and enforce adequate policies and procedures for reality based training (RBT) governing the use of force, apprehension, detention, seizures and provision of medical care to citizens. The policies, procedures, and failures just mentioned exhibit the Sheriff's and the Commissioners' deliberate indifference to the constitutional rights of Ohio's citizens, including Hope.

THIRD CLAIM OF RELIEF

(Willful, Wanton, and Reckless Conduct of Gurlea and the John and Jane Does)

39. Paragraphs 1 through 38 are incorporated as if fully rewritten.

40. Gurlea and the John and Jane Does failed to exercise due care and acted in a willful, wanton, and reckless manner while engaged in police functions and activities culminating in Hope's detention, arrest and incarceration. Gurlea

and the John and Jane Does either did not care, did not use, or were not provided with proper equipment to properly and lawfully seize Hope. Gurlea and the John and Jane Does failed to professionally and tactically assess the events that were unfolding and violated policy and training. Gurlea and the John and Jane Does did not exercise any other reasonable options that were immediately available to him. Gurlea and the John and Jane Does were not skillfully, mentally and safely prepared, nor were they willing or able to properly handle Hope's seizure, detention, arrest and incarceration. In the end, it was Gurlea and the John and Jane Does who acted willfully, wantonly and recklessly. Gurlea and the John and Jane Does turned what would have been an otherwise safe arrest (if it had been conducted by a well-trained and skillful Sheriff's deputies and other Sheriff's employees) into chaos. Gurlea and the John and Jane Does forced these events into unsafe, tense, uncertain and violent situations which resulted in needless injuries to Hope. This would not have occurred had Gurlea and the John and Jane Does performed in the manner in which they should have been trained and/or retrained.

41. Such negligent, reckless, wanton, and willful conduct proximately caused Hope's permanent physical and emotional injuries and the damages specified in this Complaint.

FOURTH CLAIM FOR RELIEF
(Assault and Battery)

42. Paragraphs 1 through 41 are incorporated as if fully rewritten.

43. Gurlea's and the John and Jane Does's use of force was excessive, disproportionate under the circumstances, and unjustifiable. The force used was deliberate and intentional and unnecessarily thrust upon Hope without her consent.

44. This unlawful use of force proximately caused Hope's permanent physical and emotional injuries and constitutes an assault and battery.

FIFTH CLAIM FOR RELIEF
(Spoliation)

45. Paragraphs 1 through 44 are incorporated as if fully rewritten herein.

46. Public records are the portal through which people observe their government, ensuring it's accountability, integrity and equity while minimizing sovereign mischief and malfeasance. In this case Plaintiff's counsel sought, prior to the filing of this lawsuit, the complete public records of this incident including a videotape of the strip search.

47. The Sheriff has, in all fairness, produced thousands of pages of requested records, but has specifically failed to produce the videotape of the strip search of Hope Steffey. The available public records indicate the videotape camera that would have captured the incident was functioning.

48. Plaintiffs assert, upon information and belief, therefore, that the failure to turn over all public records upon presentation of a valid public records request means that the records have been destroyed, mutilated, removed, transferred, disposed of, concealed or damaged by the Sheriff.

49. Plaintiffs, upon information and belief, assert that agents of the Sheriff intentionally and willfully interfered with, destroyed and/or spoliated the videotape knowing that litigation by Hope and Greg was probable. Defendants' conduct was willful and was executed with the intent to disrupt Hope's and Greg's probable case. As a direct and proximate result of Defendants' conduct, Hope's and Greg's case was disrupted. Each Defendant was at all times pertinent herein acting under color of state law.

SIXTH CLAIM FOR RELIEF
(Loss of consortium)

50. Paragraphs 1 through 49 are incorporated as if fully rewritten herein.

51. Greg, Hope's husband, has lost the love, society, affection and consortium of his wife as a direct and proximate result of the actions and inactions of the Defendants.

DAMAGES

52. Paragraphs 1 through 51 are incorporated as if fully rewritten.

53. As a direct and proximate result of the actions and inactions described above, Hope and Greg were permanently injured. Their injuries are permanent and each has been forced to seek medical care, incur bills and each will be forced to incur medical treatment and incur further bills indefinitely into the future.

DEMAND FOR RELIEF

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for:

(A) Compensatory and consequential damages for all the injuries identified in an amount to be determined by the Court in excess of the Court's jurisdictional minimum amount;

(B) Punitive damages in an amount to be determined at trial for the willful, callous and malicious conduct of Gurlea;

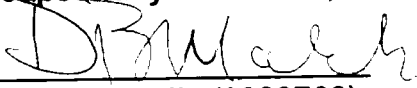
(C) Equitable relief, including, without limitation, that the Sheriff be ordered to adopt, implement and enforce appropriate policies and practices to prevent future instances of the type of misconduct described in this lawsuit;

(D) Attorneys' fees and the costs of this action and other costs that may be associated with this action; and

(E) Any and all other relief that this Court deems equitable, necessary, and just.

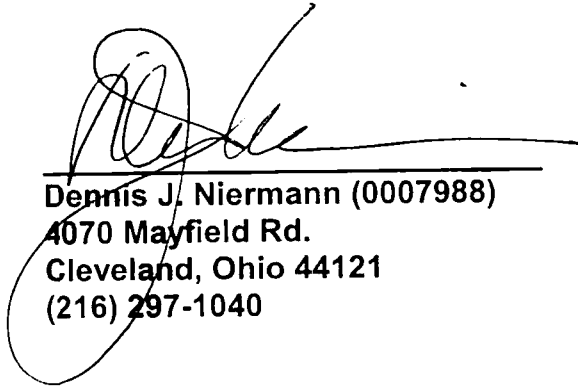
A JURY IS REQUESTED TO HEAR THIS MATTER.

Respectfully submitted,



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