

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

**SANDRA ETTERS, RONDA)
SINGLETARY, DEVEN DEAL,)
and LOURETHA KING on behalf)
of themselves and all others)
similarly situated,)
Plaintiffs,)**

v.)

**CLASS ACTION COMPLAINT
JURY TRIAL DEMANDED**

**SECRETARY BOYD BENNETT,)
SECRETARY ALVIN KELLER,)
ADMINISTRATOR ANNIE)
HARVEY, ADMINISTRATOR)
TIMOTHY KIMBLE, UNIT MANAGER)
MOORE, ASSISTANT UNIT)
MANAGER FORD, CORRECTIONAL)
OFFICER WIGGINS,)
CORRECTIONAL OFFICER SIMS,)
NURSE BARBOSA, UNIT)
MANAGER BLALOCK,)
CORRECTIONAL OFFICER)
JESSICA JONES,)
Defendants.)**

PRELIMINARY STATEMENT

Plaintiffs are women presently confined in the custody of the North Carolina Department of Correction (“DOC”). Defendants include officers who have engaged in the sexual assault, abuse and harassment of women prisoners, including forcible rape, sexual intercourse, anal intercourse, oral sexual acts, sexual touching, voyeurism, invasion of personal privacy, demeaning sexual comments, and intimidation to deter women prisoners from reporting such sexual misconduct. Defendants also include supervisors in these facilities and at the highest levels of DOC (“supervisory defendants”) who maintain policies and practices which enable staff to engage in the sexual assault, abuse, and harassment of women prisoners. Plaintiffs bring this

action pursuant to 42 U.S.C. § 1983 for injunctive and declaratory relief, and for money damages, to redress defendants' violations of their rights under the First, Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

Each paragraph in this complaint incorporates, repeats and realleges every other paragraph in this complaint.

JURISDICTION AND VENUE

1. The jurisdiction of this Court over the claims of Plaintiffs is conferred by 28 U.S.C. §1331, in that the claims arose under the Constitution of the United States; and by 28 U.S.C. §1343. The matters in controversy arise under the Civil Rights Act, 42 U.S.C. Section 1983. Plaintiffs seek declaratory relief pursuant to 28 U.S.C. § 2201.

2. Venue is appropriate in this Court, pursuant to 28 U.S.C. §1391(b), because many Defendants are located within the Eastern District of North Carolina, and a substantial part of the events and omissions giving rise to Plaintiffs' claims occurred, and continue to occur, within the Eastern District of North Carolina.

PARTIES

PLAINTIFFS

3. Plaintiffs Sandra Eppers, Ronda Singletary, Deven Deal and Louretha King are prisoners in DOC custody and were so at all times referred to in this complaint.

CORRECTIONAL STAFF DEFENDANTS

4. The defendants listed below were at all times referred to in this complaint correctional officers or sergeants employed by the DOC, assigned to women's prisons, and acting under color of state law. These defendants are sued in their individual capacities for compensatory and punitive damages:

- a. Officer Sims, while employed at North Carolina Correctional Institution for Women, sexually assaulted, abused and harassed Sandra Eppers.
- b. Nurse Barbosa, while employed at North Carolina Correctional Institution for Women, sexually assaulted, abused and harassed Deven Deal.
- c. Unit Manager Blalock, while employed at Southern Correctional Institution sexually harassed Deven Deal.
- d. Officer Wiggins, while employed at North Carolina Correctional Institution for Women, sexually assaulted, abused and harassed Ronda Singletary.
- e. Unit Manager Moore, while employed at North Carolina Correctional Institution for Women sexually harassed Ronda Singletary.
- f. Assistant Unit Manager Ford, while employed at North Carolina Correctional Institution for Women sexually harassed Ronda Singletary.
- g. Officer Jessica Jones, while employed at North Carolina Correctional Institution for Women, sexually assaulted, abused and harassed Louretha King.

SUPERVISORY DEFENDANTS

5. Defendant Alvin Keller was appointed Secretary for the North Carolina Department of Correction on January 12, 2009. As Secretary he is responsible for the care, custody and control of all inmates housed in DOC facilities. He is responsible, consistent with the legal mandates governing DOC, for the management and control of all state prisons, and for all matters relating to the selection, training, assignment, placement, promotion, and discipline of the uniformed staff of the prisons where women prisoners are confined. He is responsible for the system of complaint and investigation of staff misconduct, including sexual harassment and abuse, and for setting the standards by which such complaints are reviewed to determine the actions, if any, to be taken against staff. He is responsible for the policies and practices as set

forth below that have resulted in the deprivation of plaintiffs' rights under federal law and has failed to take necessary and appropriate actions to prevent such deprivations. He is sued in his official capacity, for prospective injunctive and declaratory relief for his failure to protect women prisoners from sexual harassment and abuse.

6. Defendant Boyd Bennett was Secretary for the North Carolina Department of Correction until January 12, 2009. As Secretary he was responsible for the care, custody and control of all inmates housed in DOC facilities. He was responsible, consistent with the legal mandates governing DOC, for the management and control of all state prisons, and for all matters relating to the selection, training, assignment, placement, promotion, and discipline of the uniformed staff of the prisons where women prisoners are confined. He was responsible for the system of complaint and investigation of staff misconduct, including sexual harassment and abuse, and for setting the standards by which such complaints are reviewed to determine the actions, if any, to be taken against staff. He was responsible for the policies and practices as set forth below that have resulted in the deprivation of plaintiffs' rights under federal law and has failed to take necessary and appropriate actions to prevent such deprivations. He is sued in his individual capacity for damages.

7. Defendant Annie Harvey is the Administrator at North Carolina Correctional Institution (NCCIW). She is responsible for the management and control of NCCIW, and for the selection, training, assignment, placement, promotion, and discipline of the uniformed staff of NCCIW. She is sued in her individual capacity for damages and official capacity, for prospective injunctive and declaratory relief for her failure to protect women prisoners from sexual harassment and abuse.

8. Defendant Timothy Kimble is the Administrator at Southern Correctional Institution (SCI). He is responsible for the management and control of SCI, and for the selection, training, assignment, placement, promotion, and discipline of the uniformed staff of SCI. He is sued in his individual capacity for damages and official capacity, for prospective injunctive and declaratory relief for his failure to protect women prisoners from sexual harassment and abuse.

FACTUAL ALLEGATIONS

SUPERVISORY DEFENDANTS KNOW THAT WOMEN PRISONERS ARE AT SUBSTANTIAL RISK OF SEXUAL MISCONDUCT BY DOC'S STAFF BUT FAIL TO TAKE NECESSARY AND APPROPRIATE ACTION.

9. Due to the coercive nature of a prison setting, women prisoners cannot consent to sexual activity with correctional staff. This incapacity to consent is recognized by North Carolina law. N.C. Gen. Stat. 14-27.7(a)

10. DOC correctional staff subject women prisoners to recurrent and ongoing acts of sexual misconduct. These include forcible rape, sexual intercourse, anal intercourse, oral sexual acts, sexual touching, voyeurism, invasion of personal privacy, demeaning sexual comments, and intimidation to deter women prisoners from reporting such sexual misconduct.

11. Supervisory defendants are responsible for the care, custody and control of women prisoners, and, through their acts and omissions, supervisory defendants perpetuate the sexual harassment and abuse of women prisoners.

12. Supervisory defendants know that by failing to adequately supervise staff in areas of NCCIW and SCI that are isolated and removed from view they place women prisoners at substantial risk of experiencing sexual misconduct; that sexual misconduct by staff is ongoing and recurrent; that victims of sexual abuse or harassment in a correctional setting are unlikely to come forward with complaints of such misconduct; and that defendants' policies and practices

are grossly inadequate to prevent and remedy sexual misconduct. Despite the obvious nature of these risks and despite the recurrent incidence of sexual abuse and harassment of women prisoners, supervisory defendants have failed to take reasonable, necessary and appropriate steps to prevent and remedy such misconduct.

**SUPERVISORY DEFENDANTS KNOW THAT WOMEN PRISONERS ARE AT
SUBSTANTIAL RISK OF SEXUAL MISCONDUCT BY DOC'S STAFF.**

13. As many as 60-80% of women prisoners were sexually or physically abused prior to their incarceration. These women are at a heightened risk for the recurrence of such abuse and, when subjected to such abuse, they are more vulnerable to its consequences.

14. Supervisory defendants are aware that there are obvious risks of sexual activity when women inmates are supervised by correctional staff and that the absolute disparity in power between staff and women prisoners renders sexual activity between staff and female prisoners inherently coercive.

a. Awareness of the risk and incidence of sexual abuse in a prison setting has led to the promulgation of standards to analyze the incidents and effects of prison rape and to provide information, resources, recommendations, and funding to protect inmates from prison rape. Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79).

b. Awareness of the risk and incidence of sexual abuse in a prison setting led North Carolina to enact a statute criminalizing any sexual contact between prisoners and correctional staff. In enacting this statute, North Carolina recognized that correctional staff wield almost absolute power over all aspects of the daily lives of women prisoners so that women frequently believe that they cannot refuse demands for sexual activity.

15. Supervisory defendants are aware of the substantial risk of sexual misconduct by staff upon women prisoners given DOC's actual experience. In the past five years the DOC has

paid in excess of 100,000 to women, represented by undersigned counsel, who were victimized by sexual predators employed by the DOC. Upon information and belief, other women have brought claims against the DOC for acts of sexual abuse perpetrated by DOC staff. Additionally, the DOC has received numerous complaints and grievances from within women's prisons.

16. Despite these known risks and incidence of sexual misconduct by staff, supervisory defendants, through their policies and practices, have recklessly disregarded these risks, and have failed to protect the women prisoners in their custody from harm.

SUPERVISORY DEFENDANTS FAIL APPROPRIATELY TO SCREEN, ASSIGN, TRAIN, AND SUPERVISE STAFF.

17. Supervisory defendants fail to screen staff for employment so as to prevent sexual misconduct by staff. On information and belief, despite the availability of screening tools that are available to identify male staff for psychological tendencies to abuse women, supervisory defendants fail to use such tools either during the initial hiring phase or at any time before or after assigning staff to work in a women's prison. Supervisory defendants assign correctional staff to guard women prisoners without adequate safeguards to prevent sexual harassment and abuse.

a. The design and layout at both NCCIW and SCI provide numerous hallways, closets, and other isolated areas that are not supervised by camera or by sight. Supervisory defendants failed to account for entry and exit into these areas or provide visual supervision of isolated areas at all times.

b. Supervisory defendants assign staff to posts in which they have the opportunity for unmonitored contact with women prisoners. This includes, for example, the assignment of sole staff to laundry and kitchen areas with no supervision of the staff.

18. Supervisory defendants fail to ensure the training of staff so as to prevent sexual misconduct by staff.

a. Upon information and belief, the training of staff about issues of sexual misconduct is perfunctory and fails to focus on the special issues of women prisoners, including that a significant proportion are unlikely to report sexual misconduct, are at a heightened risk to experience sexual harassment and abuse, and are particularly vulnerable to its consequences.

b. Upon information and belief, the training of staff fails to emphasize the importance of recognizing signs of sexual misconduct between staff and women prisoners and the importance of reporting such signs to supervisory officials. Staff have not been trained adequately to report such misconduct either when such conduct is observed or when they have reason to believe it has occurred, such as officers and female inmates observed together in locations where they are not permitted or engaging in behavior suggestive of an inappropriate relationship.

19. Supervisory defendants fail to implement and enforce appropriate supervision by and of its staff so as to prevent and remedy staff sexual misconduct.

a. Upon information and belief, supervisory defendants have failed to enact adequate rules and policies to protect women prisoners from sexual innuendoes, vulgarity, degrading sexual comments, and propositioning and to enforce those rules and policies that exist. For example, staff are not disciplined for violating these rules. As a result, such behavior by staff is commonplace, resulting in a hostile and sexualized atmosphere in which sexual harassment and abuse of women prisoners is more likely to occur.

b. Upon information and belief, supervisory defendants have failed to enact appropriate rules and policies to protect the privacy of women prisoners and to enforce those rules and policies that exist, resulting in violations of their privacy. For example, at times male officers watch women in showers and bathroom areas and watch women dress and undress. In addition, even when male staff have been instructed to announce their presence in female prisoners' housing areas prior to their entry, they often fail to do so and are not disciplined or reprimanded for such misconduct.

c. Officers engaging in sexual misconduct leave their assigned posts, allow inmates into areas where inmates are not permitted, and engage in obvious behavior that is suggestive of inappropriate relationships. Supervisory defendants have failed to take sufficient action when such activities are observed or to enforce policies intended to identify, address and prohibit these activities.

d. Supervisory defendants often permit officers and staff virtually unfettered access to private, unmonitored areas such as kitchen store rooms, storage closets, and laundry areas where sexual abuse of women prisoners is more easily accomplished.

e. Supervisory defendants fail to increase the supervision of correctional staff about whom they have received complaints of sexual misconduct by women prisoners. Such staff are still permitted unmonitored contact with women prisoners, often still with virtually unfettered access to private unmonitored areas and without additional staff being assigned to observe their actions.

**SUPERVISORY DEFENDANTS' SYSTEM FOR REPORTING
AND INVESTIGATING COMPLAINTS OF SEXUAL MISCONDUCT
IS GROSSLY INADEQUATE.**

20. Supervisory defendants' system for the reporting and investigation of sexual misconduct is grossly inadequate to prevent and remedy ongoing sexual misconduct because it

relies almost completely upon women prisoners to come forward and report the misconduct; it deters women prisoners from reporting sexual misconduct; it fails to utilize reasonable and available investigative tools; it is biased; and it fails to take appropriate action against perpetrators if and when women do come forward. The effect of this system is to allow sexual misconduct by staff to continue virtually unabated.

21. Supervisory defendants know that women prisoners are unlikely to come forward with complaints of sexual abuse by staff.

a. Victims of sexual abuse, in general, are unlikely to come forward with complaints of such misconduct, due to embarrassment and humiliation and a fear that such complaints will be greeted with skepticism.

b. These concerns are exacerbated in a correctional setting, where the persons to whom such complaints are to be made are colleagues of the perpetrator(s) of the abuse, putting the victim at risk of retaliation; where complaints of such abuse are not maintained in a confidential fashion; and where there is a well-founded belief by women prisoners that such complaints will be greeted with skepticism, and will not result in any action against the perpetrator.

c. Women prisoners who were subjected to physical or sexual abuse prior to their incarceration, particularly those who complained to no avail, may face difficult psychological and emotional obstacles in complaining of sexual misconduct while in prison. These women are unlikely to come forward with such complaints while in prison.

22. Supervisory defendants know that, given this reluctance, having a complaint and investigative system that relies primarily on women prisoners to come forward with complaints

of sexual abuse is insufficient to prevent and remedy this misconduct. Nonetheless, supervisory defendants rely on such a system and fail to utilize other means to root out sexual misconduct.

23. Supervisory defendants do not adequately inform women prisoners of the procedures for reporting sexual misconduct by staff, and indeed provide ambiguous information.

a. Women prisoners in DOC custody receive PREA training and are told to report any sexual misconduct to an officer, without regard to the fact that the woman must continue to live with the retaliation of other officers and inmates for reporting such abuse.

b. Women prisoners have been given ambiguous, incomplete and/or insufficient information concerning the time in which they must complain about sexual misconduct, and if or how they may respond to findings or a lack of findings.

24. Upon information and belief there is no confidential administrative mechanism to attempt to remedy complaints by women prisoners of sexual misconduct by staff. Grievances from victims of sexual misconduct are routinely not responded to and the victims are rarely provided any information about the course or scope of investigation into their complaints.

25. Pursuant to supervisory defendants' policies and/or practices, complaints concerning sexual misconduct by staff are not maintained confidentially, deterring women prisoners from coming forward with complaints. If the grievance system is used, other inmates can immediately become aware of the details of the complaint. Because staff do not conduct investigations into complaints of sexual misconduct in a confidential manner, the perpetrators of misconduct or their colleagues learn of the investigations and inflict harassment or retaliation upon women prisoners. When staff promise confidentiality to women prisoners, they often violate their commitment.

26. Supervisory defendants fail to take steps sufficient to protect women prisoners who complain of experiencing sexual misconduct by staff from retaliation or intimidation.

27. Pursuant to supervisory defendants' policies and/or practices, women prisoners who complain of sexual misconduct by staff or who are questioned in the course of an investigation are often questioned in a hostile, demeaning and threatening manner.

28. Supervisory defendants fail to employ obvious measures to reduce the risk of sexual misconduct between staff and women prisoners, such as heightened monitoring of situations indicative of ongoing sexual misconduct or inappropriate relationships, surveillance cameras, electronic recording devices.

29. Supervisory defendants' policies and/or practices treat complaints by women prisoners of sexual misconduct by staff in a systematically biased fashion. An allegation of sexual misconduct based exclusively or primarily on the statement of a woman prisoner will not be given credence, will not be found to be substantiated, and will not result in any action being taken against the staff person, even if credible and even if supported by other witnesses. Supervisory defendants' investigations do not give adequate weight to indicia of sexual misconduct short of physical evidence. Such indicia include staff persons being seen out of place; staff persons allowing inmates into areas where inmates are not permitted; staff persons engaging in behavior suggestive of an inappropriate relationship; and staff giving contradictory statements to investigators.

30. Supervisory defendants' policies and/or practices allow staff to engage in sexual misconduct virtually without fear of repercussions. As a result of these policies and/or practices, staff against whom credible complaints of sexual misconduct have been lodged are not moved away from contact with women prisoners; rather, they are left in a position where they can

continue to sexually harass and abuse other women prisoners, exposing other women prisoners to an unnecessarily high risk of sexual misconduct.

31. Under the policies and practices of supervisory defendants, women may be charged with disciplinary offenses for having sexual relations with staff, despite the fact that sexual acts by prisoners with staff are involuntary as a matter of state law. The result may be placement in segregation under harsh, isolating and punitive conditions which means the loss of participation in all program and job assignments, as well as drug and alcohol treatment. Because disciplinary history, placement in segregation, and program and job assignments are considered by the classification committees and parole board, a woman who complains about sexual misconduct risks making her incarceration more restrictive or lengthening her incarceration.

32. Supervisory defendants do not consistently conduct investigations into claims of sexual harassment and abuse in a prompt manner, potentially subjecting both the woman who has complained and other women prisoners to continued abuse. Once a woman prisoner notifies defendants that she has been subjected to abuse, weeks can pass before an investigation is begun. Once it is begun, even when unambiguous proof of misconduct is offered, action may not be promptly taken against staff.

**THE NAMED PLAINTIFFS HAVE SUFFERED REPEATED
AND UNNECESSARY SEXUAL ABUSE.**

33. Sandra Eppers is an inmate in the custody of the DOC.

a. Ms. Eppers has been confined at NCCIW at all times relevant to this Complaint.

b. Ms. Eppers was raped repeatedly by Defendant Sims from late summer 2007 through the fall of 2007. Ms. Eppers worked in the laundry in Dorm H on third shift at NCCIW.

c. Whenever Defendant Sims' schedule coincided with Ms. Etters', and the Sergeant was sleeping, Defendant Sims would force Ms. Etters to have intercourse with him. He raped her repeatedly, at times handcuffing her so tightly during his assault that her wrists were left bleeding.

d. Defendant Sims told Ms. Etters he would have her transferred if she reported his abuse; he also threatened write ups.

e. During the time Ms. Etters was raped there was generally another officer posted outside a long hallway that led to the conference room. This officer spent her nights sleeping instead of watching the area where Ms. Etters worked, allowing her to be raped time and time again.

f. Ms. Etters was sexually abused as a child and an adult and was physically abused as an adult prior to her incarceration.

g. As a result of the abuse by Defendant Sims, Ms. Etters has suffered severe psychological and emotional distress including depression, difficulty sleeping and eating, and bouts of crying.

h. As a result of the abuse by Defendant Sims, Ms. Etters has suffered physical injury.

34. Ronda Singletary is an inmate presently confined at SCI. She was an inmate at NCCIW at all times relevant to this Complaint.

a. In December 2006 Ms. Singletary was working in the canteen. Defendant Wiggins approached her and exposed his penis to her. Another staff member came into view and Defendant Wiggins retreated.

b. Ms. Singletary immediately reported the sexual harassment to Defendants Moore and Ford.

c. Defendants Moore and Ford told Ms. Singletary she would have to again place herself in a position of vulnerability with Defendant Wiggins so that NCCIW could verify her allegations.

d. Ms. Singletary had no choice but to act as bait for the Defendants' scheme and was left in a room with Defendant Wiggins while Defendants Moore and Ford watched.

e. Defendant Wiggins again sexually propositioned Ms. Singletary, dropped his pants and put his penis in Ms. Singletary's hand.

f. It was not until Defendant Wiggins had touched Ms. Singletary with his penis that Defendants Moore and Ford finally intervened.

g. As a result of the abuse by Defendant Wiggins, Ms. Singletary has suffered severe psychological and emotional distress.

35. Deven Deal is an inmate presently confined at NCCIW.

a. In September or October of 2008 Ms. Deal was working as a janitor in the Mental Health Hospital at NCCIW.

b. On the day at issue Ms. Deal was working and observed that there was no one in the area except for her and Defendant Barbosa. Defendant Barbosa cornered Ms. Deal in a locked supply closet that only he had keys to. Defendant Barbosa asked Ms. Deal to show him something and Ms. Deal lifted her shirt and bra. Defendant Barbosa fondled Ms. Deal and put his mouth on her breast. Defendant Barbosa asked her to show him something else and she pulled her pants open. Nurse Barbosa looked at her genitals.

c. After assaulting Ms. Deal, Defendant Barbosa left the supply closet and permitted Ms. Deal to follow him. They remained the only people in the area. There were no other correctional staff anywhere near the supply closet to supervise Defendant Barbosa.

d. Ms. Deal was sexually and physically abused as a child and as an adult prior to her incarceration.

e. As a result of the abuse of Defendant Barbosa Ms. Deal suffered severe psychological and emotional distress.

36. In October of 2007 Ms. Deal was incarcerated at SCI and was housed in segregation completing a short period of disciplinary time.

a. Defendant Blalock, a unit manager, escorted Ms. Deal to and from her showers. After returning her to her cell he would walk away from her door for a moment and then return and watch her dress.

b. Ms. Deal reported this harassment to Officers Lowe and Hudson but both officers told Ms. Deal that Defendant Blalock had been engaging in these types of harassment for so long that nothing could be done.

c. Ms. Deal then reported the harassment to Sergeant Hamilton who again indicated that she had evidence of this type of harassment by Defendant Blalock involving many other women inmates, but that nothing could be done.

d. Ms. Deal then reported the harassment to Captain McCoy who interviewed Ms. Deal on two separate occasions about the harassment.

e. Upon information and belief, Defendant Blalock was transferred to the men's unit at SCI but immediately returned to his post at the women's prison as soon as Ms. Deal completed her disciplinary sentence and was transferred back to NCCIW.

f. As a result of the abuse of Defendant Blalock Ms. Deal suffered severe psychological and emotional distress.

37. Louretha King is an inmate presently confined at NCCIW.

a. In September of 2008, Defendant Jessica Jones began verbally propositioning and harassing Ms. King. Defendant Jones continued her verbal harassment of Ms. King, telling her on numerous occasions that if Ms. King did not participate in the verbal harassment that Defendant Jones would retaliate against her.

b. In addition to the actions of Defendant Jones there were two male officers assigned to Ms. King's housing unit that would act as lookouts. Never once did either man report the activities of Defendant Jones. Defendant Jones began sending Ms. King money through the mail and she required Ms. King to call her home when Defendant Jones was not working. Defendant Jones told Ms. King that she would make calls to lawyers to help Ms. King get out of prison early.

c. Ms. King reported the sexual harassment on to Deputy Warden Harris. Harris promised Ms. King that she would no longer have to see or participate in the abuse that Defendant Jones had inflicted upon her.

d. On May 29, 2009 Ms. King was crossing a foot bridge outside of NCCIW to go to work. Ms. King looked at the watch tower and saw Defendant Jessica Jones aiming a rifle straight at her.

e. As a result of the abuse of Defendant Jones Ms. King suffered severe psychological and emotional distress. She is fearful of retaliation.

CLASS ACTION ALLEGATIONS

38. Plaintiffs Sandra Eppers, Ronda Singletary, Deven Deal and Louretha King bring this action on behalf of all present and future women prisoners in DOC custody. This action is brought pursuant to the Federal Rules of Civil Procedure, Rules 23(a), (b)(1), and (b)(2). The class meets the requirements of Rule 23 as follows:

a. There are approximately 2900 women prisoners at any one time confined in DOC women's prisons, who are subject to the risk of sexual abuse or harassment. The membership of the class continually changes, rendering joinder of all members impracticable. On information and belief, complaints of sexual harassment and abuse are filed each year. Many more incidents go unreported.

b. The questions of law and fact presented by the named plaintiffs are common to all members of the class. Such questions include whether the failures to adequately supervise and train correctional staff; the failure to create institutional and physical facilities to protect women from sexual abuse; and punitive measures against women who report sexual abuse subject women prisoners in DOC custody to a substantial and unreasonable risk and experience of sexual harassment, abuse and assault by correctional staff.

c. The violations suffered by the named plaintiffs are typical of those suffered by the class. The entire plaintiff class will benefit from the injunctive and declaratory relief sought.

d. Plaintiffs Sandra Etters, Ronda Singletary, Deven Deal and Louretha King are presently incarcerated within institutions operated by DOC. These named plaintiffs will fairly and adequately protect the interests of the class.

e. North Carolina Prisoner Legal Services, Inc. (NCPLS) is a law firm experienced in litigating class actions and individual lawsuits on behalf of prisoners across the state of North Carolina.

f. The defendants have acted, or failed to act, on grounds generally applicable to the class, thereby making appropriate injunctive relief with respect to the class as a whole.

CLAIMS FOR RELIEF

CLAIMS ON BEHALF OF THE PLAINTIFF CLASS

FIRST CAUSE OF ACTION Cruel and Unusual Punishment

39. Supervisory defendants, through their policies, practices, acts and omissions, exhibit deliberate indifference to the sexual harassment and abuse of the plaintiff class of women prisoners, in violation of the right of these women to be free from cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

40. Supervisory defendants, through their policies, practices, acts and omissions, subject the plaintiff class of women prisoners to the unnecessary and wanton infliction of pain, and emotional and physical injury in violation of the Eighth Amendment of the United States Constitution.

41. With deliberate indifference to the substantial risk of serious harm to the plaintiff class, supervisory defendants fail appropriately to train, assign, and supervise staff, subjecting the plaintiff class to sexual abuse and harassment by staff, to retaliation for reporting staff sexual

misconduct, to verbal abuse, and to violations of privacy in violation of the Eighth Amendment of the United States Constitution.

42. With deliberate indifference to the substantial risk of serious harm to the plaintiff class, supervisory defendants fail appropriately to investigate and act upon complaints of sexual misconduct, subjecting the plaintiff class to sexual abuse and harassment by staff, to retaliation for reporting staff sexual misconduct, to verbal abuse, and to violations of privacy in violation of the Eighth Amendment of the United States Constitution.

43. With deliberate indifference to the substantial risk of serious harm to the plaintiff class, supervisory defendants fail to offer and provide adequate mental health treatment to women who report sexual harassment, abuse and trauma, subjecting the plaintiff class to serious emotional and mental injury in violation of the Eighth Amendment of the United States Constitution.

SECOND CAUSE OF ACTION

Violations of the Right to Be Free From Sexual Abuse and Harassment and of the Right to Bodily Integrity and Privacy Without Due Process of Law

44. By their policies, practices, acts and omissions, supervisory defendants deprive the plaintiff class of their right to be free from sexual abuse and harassment and of their rights to bodily integrity and privacy, without due process of law, in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

THIRD CAUSE OF ACTION

Violations of the Right to Freedom of Speech

45. Supervisory defendants, through their policies, practices, acts and omissions, subject the plaintiff class to retaliation for reporting staff sexual misconduct, in violation of their

rights to freedom of speech and to seek the redress of grievances under the First and Fourteenth Amendments to the United States Constitution.

FOURTH CAUSE OF ACTION

Violations of the Right to Equal Protection of the Laws

46. Supervisory defendants, through their policies, practices, acts and omissions are deliberately indifferent to the sexual abuse and harassment of women prisoners by the officers under their supervision, and supervisory defendants thus subject the plaintiff class to harassment and abuse because of their gender in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

NAMED PLAINTIFFS' INDIVIDUAL CLAIMS FOR DAMAGES

47. For violation of her right to be free from cruel and unusual punishment, sexual abuse, unwanted touching, verbal abuse, threats, and for violations of her right to privacy and bodily integrity, and equal protection of the laws, as set forth above, plaintiff Sandra Etters seeks compensatory and punitive damages against defendant Officer Sims in amounts to be determined.

48. For violation of her right to be free from cruel and unusual punishment, sexual abuse, unwanted touching, verbal abuse, threats, and for violations of her right to privacy and bodily integrity, and equal protection of the laws, as set forth in above, plaintiff Deven Deal seeks compensatory and punitive damages against defendant Nurse Barbosa in amounts to be determined.

49. For violation of her right to be free from cruel and unusual punishment for violations of her right to privacy and bodily integrity, and equal protection of the laws, as set forth, above, plaintiff Deven Deal seeks compensatory and punitive damages against defendant Unit Manager Blalock in amounts to be determined.

50. For violation of her right to be free from cruel and unusual punishment, sexual abuse, unwanted touching, verbal abuse, threats, and for violations of her right to privacy and bodily integrity, participation in a lawsuit, and equal protection of the laws, as set forth above, plaintiff Ronda Singletary seeks compensatory and punitive damages against defendants Officer Wiggins, Unit Manager Moore and Assistant Unit Manager Ford.

51. For violation of her right to be free from cruel and unusual punishment, verbal abuse, threats, and for violations of her right to privacy and bodily integrity, and equal protection of the laws, as set forth above, plaintiff Louretha King seeks compensatory and punitive damages against defendant Officer Jessica Jones in amounts to be determined.

52. For acting with deliberate indifferent to the sexual abuse and harassment of women prisoners by the officers under their supervision and facilitating the violation of their rights to be free from cruel and unusual punishment, sexual abuse, unwanted touching, verbal abuse, threats, and for violations of their rights to privacy and bodily integrity, and equal protection of the laws, as set forth above, plaintiffs Sandra Eppers, Ronda Singletary, Deven Deal and Louretha King seek compensatory and punitive damages against defendants Secretary Keller, Secretary Bennett, Administrator Harvey and Administrator Kimble.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

53. In accordance with 42 U.S.C. §1997e, Sandra Eppers has exhausted her administrative remedies by filing a grievance setting forth Defendants' deliberate indifference. A copy of the response of the Grievance Appeal is attached hereto as Exhibit A.

54. In accordance with 42 U.S.C. §1997e, Ronda Singletary has exhausted her administrative remedies by filing a grievance setting forth Defendants' deliberate indifference. A copy of the response of the Grievance Appeal is attached hereto as Exhibit B.

55. In accordance with 42 U.S.C. §1997e, Deven Deal has exhausted her administrative remedies by filing a grievance setting forth Defendants' deliberate indifference. A copy of the response of the Grievance Appeal is attached hereto as Exhibit C.

55. In accordance with 42 U.S.C. §1997e, Louretha King has exhausted her administrative remedies by filing a grievance setting forth Defendants' deliberate indifference. A copy of the response of the Grievance Appeal is attached hereto as Exhibit D.

PRAYER FOR RELIEF

As a result of defendants' policies, practices and acts, plaintiffs have suffered and will continue to suffer irreparable injury, including sexual assault, abuse and harassment, pain, shame, humiliation, degradation, emotional distress, embarrassment and psychological distress.

WHEREFORE, plaintiffs respectfully request this court as follows:

1. Declare that the continuing policies, practices, actions and omissions of the supervisory defendants, as described above, violate the rights of the plaintiff class under the First, Fourth, Eighth and Fourteenth Amendments to the United States Constitution.
2. Enjoin supervisory defendants and their successors, agents, servants, employees, and those in active concert or participation with them from subjecting women prisoners in the custody of DOC to verbal and physical sexual abuse and the threat of sexual abuse, and require these defendants to formulate a remedy to end the pattern of sexual misconduct in all women's prisons operated by DOC. Such a remedy should include measures which would address continuing deficiencies in the assignment, selection, training and supervision of uniformed staff; in the DOC's complaint and investigatory practices; deficiencies in training for women prisoners, and supervision of isolated areas within women's' prisons.

3. Award plaintiffs Sandra Ethers, Ronda Singletary, Deven Deal and Louretha King compensatory and punitive damages in an amount to be determined against defendants Secretary Keller, Secretary Bennett, Administrator Harvey, Administrator Kimble, Unit Manager Moore, Assistant Unit Manager Ford, Officer Wiggins, Officer Sims, Nurse Barbosa, Unit Manager Blalock and Officer Jones in their individual capacities on their federal causes of action as set forth above.

4. Retain jurisdiction in this case until the unlawful conditions, practices, policies, acts and omissions complained of herein no longer exist and this court is satisfied that they will not recur.

5. Award plaintiffs the costs of this action, including reasonable attorneys' fees.

6. Trial by jury for all issues so triable; and

7. Grant such other and further relief as this court deems just and proper.

This the 18th day of November, 2009

/s/ Elizabeth Albiston
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Attorney for Plaintiffs

I, Sandra Etters, have reviewed the factual allegations contained in this Complaint. The allegations which pertain to transactions involving me are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 21 day of October, 2009.

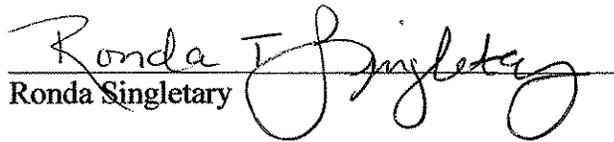


Sandra Etters

I, Ronda Singletary, have reviewed the factual allegations contained in this Complaint.
The allegations which pertain to transactions involving me are true to the best of my
knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 28 day of October, 2009.


Ronda Singletary

I, Deven Deal, have reviewed the factual allegations contained in this Complaint. The allegations which pertain to transactions involving me are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

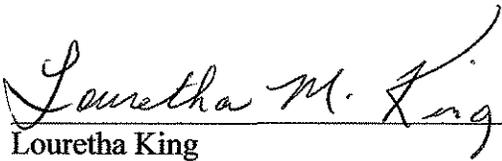
Executed this the ~~27~~ day of October, 2009.


Deven Deal

I, Louretha King, have reviewed the factual allegations contained in this Complaint. The allegations which pertain to transactions involving me are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 21st day of October, 2009.



Louretha King