

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

STACY SMITH,)
)
)
Plaintiff,)
)
v.)
)
OFFICER LISA AMSTRONG,)
OFFICER COUCH,)
OFFICER MEGAN OLSEN,)
LIEUTENANT VARGAS,)
LACEY DOE, and)
OFFICER JOHN DOE 1,)
in their individual capacities,)
HENRY COUNTY SHERIFF,)
in his official capacity,)
)
Defendants.)

No. 1:24-cv-213

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

Introductory Statement

1. After suffering from an acute mental-health crisis, Stacy Smith was placed in the Henry County Jail. While there, corrections officers required her to strip and remove her used tampon in front of the security camera within the cell, present to facilitate suicide watch for inmates in serious mental-health distress, and then used that camera to capture images of Ms. Smith’s genitals. They then shared those images with staff and other inmates, and continually harassed Ms. Smith about the appearance of her genitals. Corrections officers also tormented Ms. Smith by encouraging and offering to pay another officer to tase Ms. Smith while she lay in her cell.
2. The actions of the defendants violated Ms. Smith’s Fourth Amendment right to be free from unreasonable searches, her Fourteenth Amendment due-process right to be free from conditions that amount to “punishment,” and her Fourteenth Amendment equal-protection right to

be free from gender-based discrimination. They also constitute torts under Indiana law. Ms. Smith is entitled to declaratory relief and damages, including punitive damages.

Jurisdiction, Venue, and Cause of Action

3. The Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331.

4. The Court has jurisdiction of plaintiff's supplemental tort claims pursuant to 28 U.S.C. § 1367 in that the claims are so related to plaintiff's constitutional claims that they form part of the same case or controversy under Article III of the United States Constitution.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

7. Plaintiff's federal claims are brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States, and her state-law claims are brought pursuant to Indiana law.

Parties

8. Stacy Smith is an adult resident of Henry County, Indiana.

9. At all relevant times, Officer Lisa Armstrong was a corrections officer employed by the Henry County Sheriff's Office.

10. At all relevant times, Officer Couch, whose first name is currently unknown, was a corrections officer employed by the Henry County Sheriff's Office.

11. At all relevant times, Officer Megan Olsen was a corrections officer employed by the Henry County Sheriff's Office.

12. At all relevant times, Officer John Doe 1, whose name is currently unknown, was a corrections officer employed by the Henry County Sheriff's Office.

13. At all relevant times, Lieutenant Vargas, whose first name is currently unknown, was a corrections officer employed by the Henry County Sheriff's Office.

14. At all relevant times, Lacey Doe, whose last name is currently unknown, was employed by the Henry County Sheriff's Office.

15. The Henry County Sheriff is the duly elected Sheriff of Henry County, Indiana. He is sued in his official capacity.

Factual Allegations

16. Ms. Smith has been diagnosed with generalized anxiety, depression, major depressive disorder, and post-traumatic stress disorder.

17. In February 2023, Ms. Smith experienced an acute mental-health crisis stemming from those mental-health conditions, and precipitated in part by alcohol intoxication. She attempted to self-harm by cutting her wrists. Fearing for Ms. Smith's safety, her mother called the police, who escorted Ms. Smith to a local hospital for mental-health evaluation.

18. At the hospital, Ms. Smith's mental-health condition continued to deteriorate, and she was ultimately arrested and detained due to an interaction with a hospital staff member.

19. Ms. Smith was transferred from the hospital to the Henry County Jail on Tuesday, February 28, 2023.

20. Ms. Smith was deemed a threat to herself upon arrival at the Jail, due to her mental-health crisis and intoxication.

21. As a result, Corrections Officers Lisa Armstrong and Megan Olsen placed Ms. Smith in the Jail's restraint chair.

22. This chair uses straps and belts to secure a person's feet, torso, and hands in an upright, sitting position.

23. Ms. Smith was restrained using two straps on each arm, a strap around her waist, a restraint system (similar to a vest) that held her torso, and two straps around each leg. This held her in an upright position in the restraint chair, and she was virtually unable to move. She could move her head, but she could not move any other parts of her body.

24. The chair was placed immediately inside the main entrance into the Jail, just outside an administrative office and near a control station, which appeared to be the hub of Jail staff activity.

25. Ms. Smith was first secured into the restraint chair following her admission on Tuesday, and she was informed that she would be required to stay in the restraint chair at least through Friday.

26. She was told that she was required to remain on suicide watch, in the chair, until the Jail's mental-health practitioner made her weekly visit, which happened only on Fridays.

27. While in the restraint chair, Ms. Smith's hands were freed from the restraints only to allow her to eat three meals a day.

28. She was removed from the chair for approximately fifteen minutes every two hours to move her body and for restroom breaks, escorted by an officer to a private restroom.

29. This extended confinement in the restraint chair was extremely uncomfortable. Ms. Smith could not move or shift her position, causing pain, cramping, numbness, and other physical discomfort. It was nearly impossible to sleep, as the chair was placed in a busy area, where there was almost always noise and where the lights were always on, although her discomfort and immobility would have made sleep nearly impossible regardless of where the chair was placed. It was also extremely cold.

30. On the evening of Wednesday, March 1, Ms. Smith started her period while strapped into the restraint chair.

31. This required that she request more frequent visits to the restroom, and she perceived that staff were annoyed that they were required to remove her from the chair and escort her more frequently to the restroom.

32. On the afternoon of Thursday, March 2, Ms. Smith was taken out of the restraint chair to attend her initial appearance in court. Following that appearance, she was returned to the Jail and strapped back into the restraint chair.

33. Later that afternoon, a corrections sergeant offered Ms. Smith the option to be removed from the restraint chair and housed instead in the Jail's padded cell.

34. Ms. Smith perceived this to be preferable to the restraint chair, as the chair caused her pain and discomfort, it was nearly impossible to sleep, and she was extremely cold.

35. She was suffering and exhausted, so she agreed to be moved to into the padded cell.

36. This cell did not have a toilet, sink, or fixed bed inside of it. It contained one piece of bedding similar to a sleeping bag.

37. A video camera was affixed to the ceiling in the upper corner of the cell.

38. Ms. Smith was escorted into the cell by Officer Armstrong and Jail employee Lacey Doe, who Ms. Smith understood to be a trainee under the supervision of Officer Armstrong. Officer Armstrong stood near the doorway of the cell, supervising the interactions between Ms. Smith and Lacey Doe.

39. Although to this point, Ms. Smith had been wearing a Jail-issued jumpsuit, Lacey Doe told Ms. Smith that she was required to change into a suicide smock, which is a sleeveless, gown-like garment that closes using velcro. Lacey Doe also informed Ms. Smith that she would not be permitted to wear underwear, and that she would be required to wear a diaper instead.

40. Ms. Smith asked to be escorted to the restroom, so that she could remove her tampon that had been in use for several hours. Lacey Doe refused that request.

41. Lacey Doe instructed Ms. Smith to undress, including removing her underwear. Ms. Smith was also instructed to remove the used pad from her underwear, which she did, although there was no trash receptacle, so she placed the pad on the ground. Lacey Doe then stated that Ms. Smith was required to remove the tampon from her vagina, and Ms. Smith did so and placed it on the ground.

42. She was required to do all of this while facing the video camera and without the benefit of a toilet or a sink. This was objectively unreasonable, and was extremely humiliating and unhygienic.

43. She was then given a suicide smock to wear—the Velcro closure on which was not functional—and her underwear was taken. She was given an adult diaper instead.

44. From that cell, Ms. Smith could hear the discussions being held by Jail staff in the control-station area, although she could not see the station from inside the cell.

45. Ms. Smith went to sleep almost immediately after being placed in the cell.

46. At some point, she woke up, and immediately heard Officer Couch discussing what she came to realize was an image or images of her genitals, apparently taken using the video camera in the cell while she was undressing and removing her tampon. They specifically discussed watching her taking out her tampon, and Ms. Smith was able to determine, from that and other comments, that the officers were discussing her. On information and belief, Officer Couch and/or other corrections officers used the surveillance camera in Ms. Smith's padded cell to zoom in on and to take a still image of her vagina. There was certainly no penological justification or purpose for these actions.

47. Officer Couch stated to another officer, John Doe 1, “Look—I’ve got a new one for the spank bank.” John Doe 1 then asked whether Ms. Smith shaved her pubic area to look “like a landing strip.”

48. A number of officers, who she could hear but could not see, then discussed the appearance of Ms. Smith’s genitals, making further extremely demeaning and degrading comments.

49. From the reactions of other individuals that Ms. Smith could hear, she deduced that the image or images of her genitals were being shown to or passed among other Jail staff and to inmates, who discussed and commented on the image(s).

50. Ms. Smith repeatedly shouted from her cell, asking that the staff members stop looking at and sharing the image(s), but the staff members continued their degrading commentary and discussions. In response to some of Ms. Smith’s shouts, at one point, at least one officer shouted back to her to stop yelling.

51. These actions were taken without penological purpose and were done with the purpose to harass and humiliate Ms. Smith and to cause her psychological pain, which they did.

52. While all of these activities occurred, Ms. Smith was on suicide watch.

53. Ms. Smith felt humiliated, degraded, and unsafe as a result of these comments, and any reasonable person would have as well.

54. The actions of the defendants in taking and sharing images of Ms. Smith’s genitals, and in harassing and mocking her about her genitals, were done on the basis of her gender.

55. Through conversations that Ms. Smith overheard, she understood that newly-hired Officer Megan Olsen had not “yet” deployed her taser against an inmate.

56. She repeatedly heard Officer Couch and Lieutenant Vargas offering Officer Olsen money to do so against Ms. Smith, even though no use of force whatsoever was appropriate. The amount

of money offered by the officers—in the form of a “pool”—ultimately reached \$250.

57. Officers Couch and Olsen, and Lieutenant Vargas, all knew that Ms. Smith heard the threats that were being made to tase her, because Ms. Smith repeatedly shouted from her cell in response to the efforts to persuade Officer Olsen to do so.

58. In response to these shouts, Officer Olsen said, “I don’t want to hurt you. I just want to make you cry.”

59. A male officer then yelled, “Are you ready, you dumb b****.”

60. During this time period, Ms. Smith was huddle in the corner of the cell. No officers gave her any instructions with which she even could have refused to comply, and there was no reason why any use of force or threatened use of force would have been appropriate.

61. Over the next several hours, Officer Olsen walked dozens of times to and in front of Ms. Smith’s cell. This caused Ms. Smith intense anxiety and fear, as she knew that Officer Olsen was being encouraged and offered money to tase Ms. Smith.

62. Ms. Smith reasonably perceived that Officer Olsen was attempting to work up the courage to tase her.

63. As Officer Olsen approached Ms. Smith’s cell, a currently unknown officer or officers would partially open the door of Ms. Smith’s previously locked cell to provide Officer Olsen with easier access to tase Ms. Smith.

64. All of this caused enormous anxiety and fear in Ms. Smith that she would indeed be tased while she merely sat or laid in her cell, and any reasonable person would have felt that way as well.

65. These actions were taken without penological purpose and were done with the purpose to harass and humiliate Ms. Smith and to cause her psychological pain.

66. Ultimately, Officer Olsen did not tase Ms. Smith.

67. After approximately 12 hours in the padded cell, on Friday, March 3, 2023, Ms. Smith was released from the Jail. She was never seen by a mental health professional in the Jail.

68. At all times the defendants acted under color of state law.

69. The defendants' conduct constituted a pattern of harassment intended to cause Ms. Smith psychological and physical harm.

70. As a result of the actions of the defendants, Ms. Smith experienced physical pain and suffering, as well as serious and severe emotional harm.

71. The defendants' actions were taken maliciously and with reckless or callous indifference to Ms. Smith's rights.

72. More than 90 days ago plaintiff provided notice as required by Indiana law, Ind. Code § 34-13-3, and no response has been received.

Legal Claims

73. The actions of the defendants in denying Ms. Smith the ability to remove her tampon and pad in a private restroom, as she had done during the preceding several days in the Jail, and instead requiring her to remove them in front of the video camera monitored by male staff, were objectively unreasonable in violation of the Fourth Amendment to the United States Constitution.

74. The actions of the defendants in capturing and sharing images of Ms. Smith's genitals, and in making sexually explicit and demeaning comments about them, violated the Fourteenth Amendment to the United States Constitution as amounting to "punishment."

75. The actions of the defendants in capturing and sharing images of Ms. Smith's genitals, and in making sexually explicit and demeaning comments about them, violated Ms. Smith's equal protection rights under the Fourteenth Amendment to the United States Constitution.

76. The actions of the defendants in subjecting Ms. Smith to the threat of the application of unwarranted physical force violated the Fourteenth Amendment to the United States Constitution as amounting to “punishment.”

77. The actions of the individual defendants constituted the torts of assault and intentional infliction of emotional distress, for which the Henry County Sheriff is also liable.

Jury Trial

78. The plaintiff demands a jury trial on all claims so triable.

Request for Relief

WHEREFORE, the plaintiff requests that this Court do the following:

1. Accept jurisdiction of this cause and set it for hearing.
2. Declare that the defendants violated the rights of the plaintiff and Indiana law for the reason(s) described above.
3. Following a jury trial, award the plaintiff nominal, compensatory, and punitive damages.
4. Award the plaintiff her costs and attorneys’ fees pursuant to 42 U.S.C. § 1988.
5. Award all other proper relief.

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