

**ROSEMARY MUNYIRI,**

Plaintiff,

v.

**PETER M. HADUCH, JR.**, in his individual capacity and in his official capacity as a Baltimore City Police Officer, 3131 Acton Road, Parkville, Maryland 21234-4712; and

**FREDERICK H. BEALEFELD**, in his individual capacity and in his official capacity as Baltimore City Police Commissioner, 601 East Fayette Street, Baltimore, Maryland 21202; and

**BALTIMORE CITY  
POLICE DEPARTMENT**  
601 East Fayette Street  
Baltimore, Maryland 21202; and

**MAYOR & CITY COUNCIL  
OF BALTIMORE**  
100 North Holliday Street  
Baltimore, Maryland 21202; and

**UNKNOWN MARYLAND  
CORRECTIONAL OFFICERS** in their individual capacities and their official capacities as Officers employed by the Maryland Department of Public Safety and Correctional Services, 300 East Madison Street, Baltimore, Maryland 21202; and

**GARY D. MAYNARD** in his individual capacity and in his official capacity as Secretary of the Maryland Department of Public Safety and Correctional Services, 300 East Joppa Road, Suite 1000, Towson, Maryland 21286; and

**NAOMI WILLIAMS**, in her individual capacity and in her official capacity as the Acting Warden of the Baltimore Central Booking & Intake Center, 300 East Madison Street, Baltimore, Maryland 21202,

Defendants.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MARYLAND**

Case No. \_\_\_\_\_

**COMPLAINT  
AND JURY TRIAL DEMAND**

1. Plaintiff, Rosemary Munyiri, by and through her attorneys, Robert D. Schulte, Alan J. Booth, and Schulte Booth, P.C., hereby sues the defendants herein to redress violations of her civil and legal rights under the United States Constitution and 42 USC § 1983. In support thereof, Plaintiff states as follows:

**Nature of the case**

2. Plaintiff, a Registered Nurse working at Johns Hopkins Hospital, was arrested following a routine traffic stop while traveling home on her daily commute by Baltimore City Police Officer Peter M. Haduch, Jr.

3. During the arrest, Plaintiff was forced at gunpoint to alight from her vehicle, ordered to lay face down on the wet pavement of northbound I-83, handcuffed, and placed in officer Haduch's patrol car for approximately 2 ½ hours.

4. Thereafter, Plaintiff was transported to Baltimore City's Central Booking & Intake Facility ("CBIF"), taunted by Officer Haduch, and subject to a humiliating strip and cavity search by CBIF personnel.

5. Plaintiff now suffers from diagnosed depression, fear, and sleeplessness and has lost days from work as a result.

6. This lawsuit is principally a civil rights action for money damages against the Baltimore City Police Department, the Baltimore City Police Commissioner, Frederick H. Bealefeld, Baltimore City Police Officer Peter M. Haduch, Jr., the Maryland Department of Safety and Correctional Services, its Secretary, Gary D. Maynard, the acting Warden of the CBIF, Naomi Williams, and as yet unknown Correctional Officers

employed by the Maryland Department of Public Safety and Corrections designated, for the purposes of this Complaint, as John and Jane Doe.

7. The arrest of Rosemary Munyiri on April 12, 2008 was without probable cause, and with excessive force and her subsequent strip search and visual body cavity search was done pursuant to customs, policies and practices adopted by the Mayor and City Counsel of Baltimore, the Baltimore City Police Department, the Maryland Department of Public Safety and Correctional Services and/or the CBIF but was otherwise initiated by Baltimore City Police Officer Peter M. Haduch, Jr. and conducted without any reasonable belief by State officers, agents and/or officials that the arrest of Rosemary Munyiri and subsequent strip and cavity search was without probable cause and/or constitutionally permissible.

#### **Jurisdiction & Venue**

8. This action is brought pursuant to 42 USC §§ 1983, 1988 and the Fourth, Fifth and Fourteenth Amendments to the United States Constitution.

9. Jurisdiction is founded upon 28 U.S.C. §§ 1331 & 1343.

#### **Parties**

10. At all times relevant, Plaintiff, an African female of Kenyan descent, was a resident of Baltimore County, State of Maryland, although all acts and omissions prompting this Complaint and Jury Trial Demand occurred in the City of Baltimore.

11. At all times relevant, Defendant, Peter M. Haduch, Jr., a Caucasian male, was a resident of the State of Maryland, an employee of the Baltimore City Police Department and, therefore, an employee of the State of Maryland. He is sued in his individual and official capacity.

12. At all times relevant, Defendants, John Doe and Jane Doe, were residents of the State of Maryland, employees of the Maryland Department of Public Safety and Correctional Services and, therefore, employees of the State of Maryland. They are sued in their individual and official capacities.

13. At all times relevant, Defendant, Baltimore City Police Commissioner Frederick H. Bealefeld was a resident of the State of Maryland and an employee of the Baltimore City Police Department. He is sued in his individual and official capacity.

14. At all times relevant, Defendant, Naomi Williams, the acting Warden of CBIF, was a resident of the State of Maryland and an employee of the State of Maryland. She is sued in her individual and official capacity.

15. At all times relevant, Defendant, the Baltimore City Police Department, was and is an agency of the State of Maryland, but otherwise a local government under Md. Code Ann. (2007) § 5-301(d)(21) of the Courts and Judicial Proceedings Article and subject to suit under 42 USC § 1983.

16. At all times relevant, Defendant, the Baltimore City Police Department, promulgated policies, practices, and procedures, employed by and/or relied upon by its police officers resulting in the conduct that led to the injuries complained of by Plaintiff in this Complaint.

17. At all times relevant, the Department of Public Safety and Correctional Services was and is an agency of the State of Maryland.

18. At all times relevant, the State of Maryland, through its agency, the Maryland Department of Public Safety and Correctional Services, promulgated policies,

practices, and procedures, employed by and/or relied upon by its correctional officers resulting in the conduct complained of by Plaintiff in this Complaint.

19. At all times relevant, Defendant Peter M. Haduch, Jr. was acting in his official capacity as a Baltimore City Police Officer and under color of State law.

20. At all times relevant, Defendant Frederick H. Bealefeld was acting in his official capacity as the Baltimore City Police Commissioner and under color of State law.

21. At all times relevant, Defendant Naomi Williams was acting in her official capacity as the acting warden of the CBIF and under color of State law.

22. At all times relevant, Defendants, John Doe and Jane Doe were acting in their official capacities as correctional officers employed by the Maryland Department of Public Safety and Correctional Services and under color of State law.

23. Defendant Mayor and City Council of Baltimore ("City of Baltimore" or "City") is a municipal corporation with power to sue or be sued in any court.

24. Defendant Baltimore City Police Department is, for the purposes of 42 USC § 1983, a local government entity.

25. Defendant Baltimore City Police Commissioner Frederick H. Bealefeld is appointed by the Mayor of the City of Baltimore; the organizational chart of the City of Baltimore lists the Baltimore City Police Department as a department of Baltimore City; the Baltimore City Police Department is under the control of Baltimore City; and officers of the Baltimore City Police Department perform police functions typical of a municipal, not state, government police department.

26. Defendant Baltimore City Police Department is, for all relevant legal and practical purposes herein, part of the government of the City of Baltimore. For the

purposes of this Complaint, Baltimore City Police Department is intended to include the Mayor and City Council of Baltimore and Baltimore City, both of whom have plenary control over the Baltimore City Police Department.

27. At all times relevant, all Defendants were acting under the color of the laws, statutes, ordinances, rules, regulations, customs and usages of the State of Maryland.<sup>1</sup>

28. At all times relevant, all Defendants had an affirmative duty, but otherwise failed, to protect Ms. Munyiri from harm, including and especially, the risk of violation of her constitutional rights.

### **Facts**

29. Plaintiff, Rosemary Munyiri, serves as a Registered Nurse with the Johns Hopkins Hospital System and works at the main campus facility located in the Broadway corridor of Baltimore City.

30. Ms. Munyiri regularly works a Twelve (12) hour shift, ordinarily beginning at 7 AM and ending at 7 PM.

31. On April 12, 2008, Ms. Munyiri worked her normal shift and left the hospital at approximately 7:35 PM anticipating her daily commute home to her residence in the Pikesville area of Baltimore County.

32. She was attired in her pink hospital scrubs at the time.

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<sup>1</sup> Although at present Plaintiff does not assert any State law claims, all notices required by Md. Code Ann. (2008) § 5-304 Courts and Judicial Proceedings Article and Md. Code Ann. (2008) § 12-106 of the State Government Article were given in person or by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, by the undersigned counsel to, respectively, the Baltimore City Solicitor and to the State Treasurer. Those notices and the attendant State procedural requirements are inapplicable to actions brought solely under 42 USC § 1983. See, e.g., *Felder v. Casey*, 487 U.S. 131 (1988).

33. Ms. Munyiri stands roughly five (5) feet two (2) inches tall and is very petite.

34. Leaving the hospital, she proceeded west on Madison Street.

35. Unbeknownst to Ms. Munyiri, an accident had occurred some time prior in the area of I-83 North and North Avenue.

36. As a result, a number of Baltimore city police officers were dispatched to block a number of entrance ramps to Northbound I-83.

37. One such officer was Defendant Baltimore City Police Officer Peter M. Haduch, Jr.

38. Officer Haduch had initially positioned his marked patrol car across the Madison Street entrance ramp to I-83 North (“the Madison Street Ramp”).

39. Shortly thereafter, a civilian vehicle attempted to bypass Officer Haduch’s Patrol Car by driving over a wide, low curb adjacent to and slightly behind where the Officer’s car was positioned.

41. Officer Haduch uneventfully turned the civilian vehicle away and did not arrest or otherwise cite the driver of that vehicle.

42. Thereafter, Officer Haduch repositioned his patrol car from the entrance ramp onto the wide, low curb immediately adjacent to it with his emergency lights activated and with his vehicle facing North and away from traffic which would otherwise be approaching the area.

43. According to Officer Haduch, he placed five (5) road flares across the Madison Street Ramp, which would have placed the flares to the left side of his patrol

car and his patrol vehicle between the flares and any vehicles approaching from the East on Madison Street.

44. On April 12, 2008, at about the time Officer Haduch was performing these functions, the weather was cloudy and there was considerable precipitation falling, with ambient temperatures around 50 degrees.

44. Approximately 25 minutes after Officer Haduch allegedly placed road flares across the Madison Street Ramp, Ms. Munyiri approached from the East the intersection of the Madison Street Ramp and East Madison Street.

45. She proceeded up the Ramp in the normal course as it was not blocked by Officer Haduch's Patrol Vehicle or by any other physical barrier.

46. Ms. Munyiri observed no road flares across the Madison Street Ramp.

47. Immediately thereafter, and with his emergency light still activated, Officer Haduch proceeded up the ramp with the intention to stop Ms. Munyiri's vehicle – a late model Toyota RAV4.

48. According to Officer Haduch, he intended to force Ms. Munyiri onto the shoulder of I-83 North and into the concrete barrier wall which runs along side the roadway.

49. Once Ms. Munyiri understood that Officer Haduch wished her to stop, she did.

50. The entire distance traversed by Ms. Munyiri's vehicle from the beginning of the Madison Street Ramp to the point where she stopped was 4/10th of one (1) mile.

51. The entire distance that Officer Haduch pursued Ms. Munyiri was less than 4/10th of one (1) mile.



52. The approximate distance from the beginning of the Madison Street Ramp to the point on I-83 North where the shoulder is sufficiently wide enough to pull a vehicle over outside the right hand lane of traffic is approximately 4/10th of one (1) mile.

53. According to Officer Haduch, once Ms. Munyri's vehicle was stopped, the Officer "stepped from [his] car . . . [with its] lights and siren [] still on."

54. He then proceeded to draw his service weapon for his "own safety" and proceeded to the rear of his vehicle to use "the trunk of [his] car for cover," all the while pointing his service weapon at Ms. Munyiri.

55. With his siren still wailing and from a position of "cover" behind his patrol car, Officer Haduch then "shouted orders [for Ms. Munyiri] to turn off the vehicle."

56. The Officer apparently had to shout his orders at least "10 times" before Ms. Munyiri complied.

57. While continuing to hold Ms. Munyiri at gunpoint, the Officer thrice ordered Ms. Munyiri to throw her keys from the vehicle, which she did.

58. Officer Haduch then ordered Ms. Munyiri to exit her vehicle and lay prone and face down on the ground, which she also did.

59. Thereafter, the Officer holstered his weapon, handcuffed Ms. Munyiri and placed her in his patrol car where she apparently sat for several hours in 50 degree weather with the windows down in her light and now wet work attire.

60. During their time together in the patrol car, Officer Haduch was rude, offensive, and repeatedly ridiculed Ms. Munyiri, including telling her that "after tonight you will not have a drivers' license" and that she would otherwise never drive again.

61. Subsequent to her arrest, Ms. Munyiri's person, purse and her vehicle were searched at the scene.

62. No weapons were found.

63. No contraband was found.

64. Ms. Munyiri was found to have no criminal record.

65. Ms. Munyiri was found to have no outstanding warrants.

66. Ms. Munyiri was found to have no points on her driver's license.

67. Ms. Munyiri was found to be possessed of a valid Maryland driver's license.

68. Ms. Munyiri was found to be possessed of a valid Maryland registration for her vehicle.

69. Officer Haduch confirmed Ms. Munyiri's identity at the time of her arrest.

70. Prior to April 12, 2008, Ms. Munyiri had never been arrested for any reason.

71. Officer Haduch charged Ms. Munyiri with three (3) misdemeanor traffic offenses – “negligent driving,” “failure of driver to curb upon signal by police vehicle,” and “attempt by driver to elude uniformed police by failing to stop.”<sup>2</sup>

72. After Officer Haduch completed his Statement of Probable Cause, he transported Ms. Munyiri to the Baltimore City Central Booking and Intake Center where she continued to suffer his and others' ridicule, including comments about what color

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<sup>2</sup> The bulk of the factual information contained in paragraph 29 through 71 of Plaintiff's Complaint is based upon Officer Haduch's own Statement of Probable Cause which he used to “justify” the stop, arrest, and detention of Rosemary Munyiri.

prison garb would look best on her and whether or not Ms. Munyiri's hair was her own or the product of "hair extensions."

73. As a former "liaison officer" between the Baltimore City Police Department and the CBIF operated by the Maryland Department of Public Safety and Correctional Services, Officer Haduch specifically knew what would happen to Ms. Munyiri at the CBIF and intended that she be subjected to the events that she was following her arrest, including an unconstitutional strip and body cavity search of her person.

74. Officer Haduch acted with malice towards Ms. Munyiri.

75. Upon entering the CBIF in the custody of Officer Haduch, Ms. Munyiri was greeted by a CBIF nurse who took her vital signs and who informed Ms. Munyiri that she would be "stripped."

75. Thereafter, Ms. Munyiri, in the presence of Officer Haduch, was informed of the charges against her.

76. A few minutes later, Ms. Munyiri was escorted by CBIF correctional officers Jane Doe and/or John Doe to a CBIF room, along with other prisoners and, in the presence of those other prisoners, was ordered to disrobe to the point where she was completely naked.

77. Ms. Munyiri then had her hair physically searched by Jane Doe and/or John Doe.

78. Ms. Munyiri was then ordered by Jane Doe and/or John Doe, in the presence of other CBIF personnel and other prisoners, to squat.

79. Ms. Munyiri was then ordered, in the presence of other CBIF personnel and other prisoners, to cough.

80. Ms. Munyuri was then ordered, in the presence of other CBIF personnel and other prisoners, to spread her buttocks exposing her anus and vaginal areas.

81. Thereafter, Ms. Munyuri was put in holding cell.

82. Approximately twenty-four (24) hours later, Ms. Munyuri was released on bond.

83. A friend of Ms. Munyuri posted bond on her behalf.

84. On July 2, 2008, the State entered a plea of *Nolle Prosequi* with respect to all charges against Ms. Munyuri after Officer Haduch, the State's only witness to Ms. Munyuri's alleged violations, failed to appear for trial.

#### **Count I – 42 USC 1983**

#### **Munyiri v. Maryland Department of Public Safety and Correction Services**

85. The Plaintiff repeats and realleges Paragraphs 1 through 84 of the Complaint as if more fully set forth herein.

86. The errant policy and/or custom and practice of the Maryland Department of Public Safety and Correctional Services of strip searching and conducting visual body cavity searches of all men and women taken into custody, including Plaintiff Rosemary Munyiri, violates the United States Constitution, the Constitution of the State of Maryland, and Federal and State Law.

87. By the actions described above, the Defendant has deprived the Plaintiff of her clearly established rights guaranteed by, among other things, the Constitution of the United States to be free from an unreasonable search and seizure.

88. The Defendant, Maryland Department of Public Safety and Correctional Services, by and through its agents, servants, and/or employees, knowingly and with deliberate indifference to the constitutional rights of Ms. Munyiri, maintained and

permitted official policies and customs permitting the occurrence of the types of wrongs set forth herein above. These policies and customs include, but are not limited to, the deliberately indifferent training of its employees in matters pertaining to strip searches and visual body cavity searches.

89. Plaintiff, on information and belief, alleges that such errant policies and/or customs and practices of the Maryland Department of Public Safety and Correctional Services were the moving force behind the violation of Plaintiff's rights and the Defendants, each of them, are liable for all of the injuries sustained by Ms. Munyiri as set forth herein above.

90. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, false arrest, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

**Count II – 42 USC 1983**  
**Munyiri v. Gary D. Maynard**

91. Plaintiff repeats and realleges Paragraphs 1 through 90 of this Complaint as if more fully set forth herein.

92. Defendant, Gary D. Maynard, is the Secretary of the Maryland Department of Public Safety and Correctional Services and is the policy maker for the agency and its constituent facilities, including the CBIF.

93. Defendant Maynard implemented and maintained a policy and practice of conducting strip searches and visual body cavity searches of all persons who were admitted to the CBIF, regardless of the nature of charges or the circumstances of the individual.

94. Defendant Maynard knew or should have known that the strip search policy and practice at the CBIF, as implemented by its personnel, would directly result in correctional officers conducting unconstitutional searches of every man and woman who was held in the jail, including Plaintiff.

95. Because of his supervisory role, Defendant Maynard knew or should have known that it was clearly established law that as of 1986, strip and cavity searches of those arrested for offenses not likely to involve weapons or contraband, without any individualized finding of reasonable suspicion, were constitutionally impermissible. *Smith v. Montgomery County*, 643 F. Supp. 435 (1986); *Jones v. Murphy*, 470 F. Supp. 2d 537 (2007).

96. The right to be free of such searches is clearly established in the law.

97. Defendant Maynard established and enforced the policy and practice of conducting routine strip searches and body cavity searches, without legal authority or any reason to believe the men and women so searched had anything concealed on their persons.

98. Defendant Maynard implemented and maintained this strip search policy and practice.

99. As a result of Defendant Maynard's conduct, Plaintiff was subjected to the strip search described above.

100. Even after Defendant Maynard had actual notice that the policy and practice of strip-searching women and men was unconstitutional, he continued to enforce that unconstitutional policy and practice or otherwise failed to properly train

those under his supervision to ensure citizens do not suffer the constitutional violations such as those prompting this Complaint.

101. Defendant Maynard acted with reckless indifference to the Constitutional Rights of the men and women detained by the CBIF, including Plaintiff, and as such, with malice.

102. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

**Count III – 42 USC 1983**  
**Munyiri v. Naomi Williams**

103. Plaintiff repeats and realleges Paragraphs 1 through 102 of this Complaint as if more fully set forth herein.

104. Defendant, Naomi Williams, is the acting Warden for the Baltimore Central Intake and Booking Facility and is, along with Defendant Gary Maynard, the policy maker for the CBIF.

105. Defendant Williams implemented and maintained a policy and practice of conducting strip searches and visual body cavity searches of all persons who were admitted to the CBIF, regardless of the nature of charges or the circumstances of the individual.

106. Because of her supervisory role, Defendant Williams knew or should have known that the strip search policy and practice at the CBIF, as implemented by its

personnel, would directly result in correctional officers conducting unconstitutional searches of every man and woman who was held in the jail, including Plaintiff.

107. Because of her supervisory role, Defendant Williams knew or should have known that as of 1986, strip and cavity searches of those arrested for offenses not likely to involve weapons or contraband, without any individualized finding of reasonable suspicion, were constitutionally impermissible. *Smith v. Montgomery County*, 643 F. Supp. 435 (1986); *Jones v. Murphy*, 470 F. Supp. 2d 537 (2007).

108. The right to be free of such searches is clearly established in the law.

109. Defendant Williams established and enforced the policy and practice of conducting routine strip searches and body cavity searches, without legal authority or any reason to believe the men and women so searched had anything concealed on his or her person.

110. Defendant Williams implemented and maintained this strip search policy and practice.

111. As a result of Defendant Williams's conduct, Plaintiff was subjected to the strip and cavity search described above.

112. Even after Defendant Williams had actual notice that the policy and practice of strip searching women and men was unconstitutional, she continued to enforce that unconstitutional policy and practice or otherwise failed to properly train correctional officers under her supervision to ensure citizens do not suffer constitutional violations such as those prompting this Complaint.



113. Defendant Williams acted with reckless indifference to the constitutional rights of the men and women detained by the CBIF, including Plaintiff, and as such, with malice.

114. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

**Count IV – 42 USC 1983**  
**Munyiri v. John and Jane Doe**

115. Plaintiff repeats and realleges Paragraphs 1 through 114 of this Complaint as if more fully set forth herein.

116. Defendants, John and Jane Doe, are correctional officers employed by the Maryland Department of Public Safety and Correctional Services.

117. Defendants John and Jane Doe engaged in the practice of conducting strip searches and visual body cavity searches of all persons who were admitted to the CBIF, regardless of the nature of charges or the circumstances of the individual.

118. Defendants John and Jane Doe knew or should have known that the strip search policy and practice at the CBIF, and as performed by them upon Plaintiff, were unconstitutional.

119. Defendants John and Jane Doe knew or should have known that it was clearly established law that as of 1986, strip and cavity searches of those arrested for offenses not likely to involve weapons or contraband without any individualized finding

of reasonable suspicion were constitutionally impermissible. *Smith v. Montgomery County*, 643 F. Supp. 435 (1986); *Jones v. Murphy*, 470 F. Supp. 2d 537 (2007).

120. The right to be free of such searches is clearly established in the law.

121. Defendants John and Jane Doe engaged in the practice of conducting routine strip searches and body cavity searches, without legal authority or any reason to believe the men and women so searched had anything concealed on their persons.

122. As a result of Defendants John and Jane Doe subjected Plaintiff to the strip search described above.

123. Defendants John and Jane Doe acted with reckless indifference to the constitutional rights of the men and women detained by the CBIF, including Plaintiff, and as such, with malice.

124. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

**Count V – 42 USC 1983**  
**Munyiri v. Peter M. Haduch, Jr.**

125. Plaintiff repeats and realleges Paragraphs 1 through 124 of this Complaint as if fully set forth herein.

126. Officer Haduch failed to properly communicate his intentions to block the Madison Street Ramp and failed to follow established police procedures in his attempt to do so.

127. Officer Haduch knew or should have known that his failure to do so created an unreasonable risk of harm to himself, Plaintiff, and others, including the potential for false arrest, false imprisonment, and a concomitant deprivation of Plaintiff's civil liberties and constitutional rights.

128. Plaintiff was unlawfully seized by Defendant Haduch without a warrant, probable cause or reasonable suspicion of any wrongdoing whatsoever and assaulted her with two (2) deadly weapons, his patrol vehicle and his service weapon.

129. Officer Haduch used unreasonable and excessive force during his unlawful arrest of Ms. Munyiri by attempting or preparing to attempt to ram Plaintiff's vehicle with the Officer's patrol car, by pointing his service weapon at Plaintiff without any reasonable justification, and by forcing her to lay prone in the roadway of Northbound I-83.

130. In addition, and as a former "liaison officer" between the Baltimore City Police Department and the CBIF, Officer Haduch, being intimately familiar with the internal operations of that Facility, specifically knew the fate that awaited Ms. Munyiri when she arrived at the CBIF, to which Officer Haduch had entrusted her – that is to say, a humiliating and unconstitutional strip and cavity search of her person.

131. The unconstitutional strip and cavity searching of arrestees charged with minor offenses is a pervasive, well documented and publicized problem within the Maryland Department of Public Safety and Correctional Services in general and in the CBIF in particular and has been so for some time.

132. Yet, even though Plaintiff was charged with minor traffic offenses by Officer Haduch who had the legal discretion not to arrest Ms. Munyiri, Officer

nonetheless Haduch transported Ms. Munyiri to the CBIF, thereby exercising his discretion in a manner which virtually guaranteed the constitutional deprivations of which Ms. Munyiri now complains.

133. Officer Haduch acted maliciously and/or was guilty of a wanton and reckless disregard for the rights, feelings and safety of Plaintiff.

134. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, false arrest, false imprisonment, intentional infliction of emotional distress, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

**Count VI – 42 USC 1983**  
**Munyiri v. Frederick H. Bealefeld, Baltimore City Police Department**  
**and**  
**The Mayor and City Counsel of Baltimore**

135. Plaintiff repeats and realleges Paragraphs 1 through 134 of this Complaint as if fully set forth herein.

136. At all times relevant, Defendant Bealefeld was the acting Commissioner of the Baltimore City Police Department, and was appointed to that post by the Mayor and City Counsel of Baltimore.

137. As such, he was ultimately responsible for directing the activities of the Baltimore City Police Department and its police officers, including developing, implementing, and maintaining training and other policies, including, but by no means limited to, policies with regard to when and under what circumstances arrestees are to be transported to the CBIF.

138. At all times relevant defendants Bealefeld, the Baltimore City Police Department, and the Mayor and City Counsel of Baltimore knew or should have known that Baltimore City Police Officers are ill-trained in the appropriate methods for effecting routine traffic stops, for blocking entrance ramps to freeways and similar activities which can and do lead to unnecessary conflict between officers of the Baltimore City Police Department and the citizens of the State of Maryland as well as unnecessary, if not false imprisonment of, and the visitation of violence upon, otherwise innocent individuals by the Baltimore City Police Department.

139. At all times relevant, defendants Bealefeld, the Baltimore City Police Department, and the Mayor and City Counsel of Baltimore knew or should have known that the unnecessary transportation of arrestees charged with minor traffic offenses not involving weapons, contraband, or a suspicion of either to the CBIF would result in an unconstitutional strip and cavity search of such arrestees, including Plaintiff.

140. Despite this, the Baltimore City Police Department continues to transport and encourages, if not instructs, its officers to transport and entrust those charged with minor traffic offenses not involving weapons or contraband to the CBIF, even though the Department has been sued on multiple occasions for such conduct, is well aware of the practices of the CBIF through the appointment of "liaison officers" between it and the CBIF, and has been a codefendant with CBIF and its supervisory personnel for the various offenses set forth in this Complaint.

141. As such, the Baltimore City Police Department has both a policy of transporting those charged with minor traffic violations to the CBIF when it otherwise

has a choice to merely instruct its officers to merely issue tickets and send drivers on their way with a promise to appear at any subsequent proceedings.

142. The unconstitutional strip and cavity searching of arrestees charged with minor offenses is a pervasive, well documented and publicized problem within the Maryland Department of Public Safety and Correctional Services in general and in the CBIF in particular and has been so for some time.

143. Accordingly, defendants Bealefeld, the Baltimore City Police Department, and the Mayor and City Counsel of Baltimore possessed actual or constructive knowledge that their subordinates were engaged in conduct that poses a pervasive and unreasonable risk of constitutional injury to the citizens of Maryland, and to Plaintiff in particular.

144. Defendants Bealefeld, the Baltimore City Police Department, and the Mayor and City Counsel of Baltimore's response to this knowledge was so inadequate as to constitute their respective deliberate indifference to or their tacit authorization of the aforementioned offensive and unconstitutional practices.

145. As a direct and proximate result of this conduct, Plaintiff has suffered injuries including, but not limited to: assault, battery, false arrest, false imprisonment, intentional infliction of emotional distress, negligent infliction of emotional distress, mental anguish, embarrassment, invasion of privacy, violation of constitutional rights, and deprivation of constitutional rights.

146. There exists a causal and affirmative link between defendant's failure to act and the constitutional injury of which Ms. Munyiri complains.

WHEREFORE, Plaintiff, Rosemary Munyiri, respectfully asks that this Court enter judgment in her favor and against the Defendants, both jointly and severally, on any or upon all of the Counts of this Complaint and as follows:

- A. Five Million Dollars (\$5,000,000.00) in compensatory damages;
- B. Five Million Dollars (\$5,000,000.00) in punitive damages;
- C. Reasonable attorneys fees; and
- D. For such other and further relief as the nature of this case may require.

**Jury Trial Demand**

Pursuant to Fed. R. Civ. P. 5(d) and 38, Plaintiff demands all issues in this matter be tried before a jury.

Respectfully submitted:

**SCHULTE BOOTH, P.C.**

By:   /s/    
Robert D. Schulte (FBN 24868)  
3001 Elliott Street  
Baltimore, Maryland 21224  
(410) 732-1315

rschulte@schultebooth.com

Attorneys for Plaintiff,  
Rosemary Munyiri