

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. SHERRY ENGLAND,)
2. KATRINA ROGERS,)
3. CYNTHIA CRAIG, and)
4. MARIE WATSON, all individuals,)
)
) Plaintiffs,)
)
) vs.)
)
) SHERIFF OF DELAWARE COUNTY,)
) in his official capacity,)
)
) Defendant.)

09 CV - 407 JHP TLW
CASE NO.

JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED

COMPLAINT

Plaintiffs Sherry England, Katrina Rogers, Cynthia Craig, and Marie Watson (herein referred to individually by name or collectively as "Plaintiffs"), by and through their attorneys, R. Thomas Seymour and Scott A. Graham of Seymour & Graham, LLP, and Gregory Williams and D. Mitchell Garrett of Garrett Law Office, P.C., and for their claims against the Defendant, allege and state as follows:

1. At all material times Jay Blackfox has been the Sheriff of Delaware County, Oklahoma (hereafter "Sheriff").
2. Delaware County, Oklahoma is a political subdivision of the State of Oklahoma (hereafter "County").
3. Except as otherwise indicated, all acts and omissions referred to herein occurred within the two years prior to the filing of this Complaint.
4. This Complaint arises under the Civil Rights statutes of the United States, specifically 42 U.S.C. § 1983.
5. Pursuant to 42 U.S.C. § 1983, this Court has jurisdiction.

6. All material allegations herein occurred within the Northern District of Oklahoma, thereby making venue proper in this Court.

7. The Sheriff is the final policy maker for all material conduct of the Sheriff of Delaware County and of the Sheriff's Office of Delaware County. There is no person who has authority over the Sheriff of Delaware County, acting in his capacity as sheriff. Both as to his own conduct and as to the conduct of his employees, because of his position as Sheriff of Delaware County, the Sheriff of Delaware County's acts, customs, policies, practices, failure to train and failure to supervise his employees alleged herein are attributable to the County as well as to the Sheriff in his official capacity.

8. Sheriff Blackfox is sued herein in his official capacity, for his own acts and those of his predecessor, if any, in his official capacity.

9. All of the conduct alleged herein of the Sheriff of Delaware County and of his identified employees was the exercise of state authority within the meaning of 42 U.S.C. § 1983.

10. Recognizing the extraordinary vulnerability of persons who are inmates of a county jail for any reason and the extraordinary opportunities of sheriffs and of employees of sheriffs to prey upon the vulnerability of such persons, the statutes of the State of Oklahoma specifically protect such persons by mandating that any state, federal, county, municipal or political subdivision employee who has sexual intercourse with a person under the supervision of the Sheriff's Office of Delaware County is guilty of the crime of rape. 21 O.S. § 1111 (A) (7). Just as is the case for sexual intercourse with underage persons, consent is no defense to the crime of rape as described therein.

11. Recognizing the extraordinary vulnerability of persons who are inmates of a county jail for any reason and the extraordinary opportunities of sheriffs and of employees of sheriffs to

prey upon the vulnerability of such persons, the statutes of the State of Oklahoma specifically protect such persons by mandating that any state, federal, county, municipal or political subdivision employee who commits sodomy on a person under the supervision of the Sheriff's Office of Delaware County is guilty of the crime of forcible sodomy. 21 O.S. § 888 (B) (4). Just as is the case for sexual intercourse with underage persons, consent is no defense to the crime of forcible sodomy as described herein.

12. Recognizing the extraordinary vulnerability of persons who are inmates of a county jail for any reason, as well as of persons under the supervision of the Drug Court, and the extraordinary opportunities of sheriffs and employees of sheriffs to prey upon the vulnerability of such persons, the statutes of the State of Oklahoma specifically protect such persons by mandating that any state, federal, county, municipal or political subdivision employee who commits sexual battery on a person under the supervision of the Sheriff's Office of Delaware County is guilty of the crime of sexual battery. 21 O.S. § 1123 (B). Just as is the case for sexual intercourse with underage persons, consent is no defense to the crime of sexual battery as described herein.

13. Sheriff Blackfox has established as the policy, custom, usage and practice of (a) the Sheriff of Delaware County, (b) the Sheriff's Office of Delaware County, and (c) (by virtue of his position as Sheriff of Delaware County) Delaware County, Oklahoma, that the employees of the Sheriff of Delaware County are permitted to engage in rape, sodomy, sexual battery and blackmail as described herein, as the policy, custom, usage and practice of the Sheriff of Delaware County, the Sheriff's Office of Delaware County, and of Delaware County, Oklahoma.

14. Sheriff Blackfox has further established as the policy, custom, usage and practice of (a) the Sheriff of Delaware County, (b) the Sheriff's Office of Delaware County, and (c) (by virtue

of his position as Sheriff of Delaware County), Delaware County, Oklahoma, that the employees of the Sheriff's Office of Delaware County may, as a matter of the policy, custom, usage and practice of the Sheriff of Delaware County and of Delaware County, Oklahoma and/or as a matter of Sheriff Blackfox's failure to train and failure to supervise those employees, commit sexual battery on inmates of the Delaware County jail as well as commit all of the outrageous sexual advances, sexual harassment and sexual humiliation described herein.

15. These acts of rape, sodomy, sexual battery and blackmail described herein and committed by employees of the Sheriff of Delaware County deprived the identified Plaintiffs of their rights under the Fourth and Fourteenth Amendments to the Constitution of the United States to be free from unreasonable searches and seizures, their rights under the Fifth and Fourteenth Amendments to the Constitution of the United States to be afforded due process of law, and their rights under the Fifth and Fourteenth Amendments to the Constitution of the United States to have equal protection of the law and thereby not suffer the sexual degradation described herein. A reasonable person would have known that these acts of rape, sodomy, sexual battery and blackmail described herein deprived the identified Plaintiffs of their Constitutional rights as set forth in the preceding sentence.

16. The acts of sexual battery, outrageous sexual advances, sexual harassment and sexual humiliation committed by Sheriff Blackfox's employees as described herein deprived the identified Plaintiffs of their rights under the Fourth and Fourteenth Amendments to the Constitution of the United States to be free from unreasonable searches and seizures, and their rights under the Fifth and Fourteenth Amendments to the Constitution of the United States to be afforded equal protection and due process of law. A reasonable person would have known that Sheriff Blackfox's employees' acts of sexual battery, outrageous sexual advances, sexual

harassment and sexual humiliation described herein and/or his failure to train and failure to supervise his employees deprived the identified Plaintiffs of their Constitutional rights as set forth in the preceding sentence.

17. The identified employees' sexually degrading acts described herein were committed with deliberate indifference to the Constitutional rights of Plaintiffs set forth herein, and were the direct and proximate cause of Plaintiffs' damages. A reasonable person would have known these Constitutional rights were being violated as a result of the alleged conduct.

18. Plaintiff Sherry England was incarcerated in the Delaware County Jail from June 25, 2007 through July 7, 2007 on a charge of public intoxication.

19. During this time, she was housed in a cell block designed to hold 10 inmates, having only 3 cells and 10 beds. At times, there were as many as 20 women held in the cell block. It was summertime, and the conditions were hot, crowded and deplorable.

20. Also during this time, the Delaware County jailers would "bargain" with the female inmates to show their breasts in exchange for cigarettes, cupcakes, snacks, candy, personal items, and other things they could not obtain for themselves while in the Delaware County jail.

21. The jailers would listen over the intercom and when they knew female inmates were in the showers or using the toilet, the jailers would come in and watch the women come out of the shower and/or using the toilet.

22. While Ms. England was taking a shower, the jailers would just come in. The jailers would "bargain" with the female inmates to drop their towels to the floor in exchange for being taken outside for cigarettes and other favors. Ms. England began taking her clothes with her and getting dressed in the shower.

23. There were no female jailers at night. At night, the jailers would come into the cells in

the pods and grope the female inmates. Almost all of the male jailers were involved, including but not limited to, Bill Sanders, “Head Jailer Lonnie”, “Leon”, “Damen”, “Don”, “Carlos”, “Lane”, and a policeman from the City of Spavinaw who worked part-time at night as a Delaware County jailer.

24. At night the male jailers would bring T-shirts and boxer shorts into the pods for the female inmates to wear in the hot cells in exchange for “favors”.

25. Sometimes when female inmates would be called out of their cells to go to the front to get their medications, the jailers would grope and/or kiss them.

26. Ms. England refused to show her breasts and rejected the jailers’ advances. In retaliation and with deliberate indifference to her medical needs, the jailers withheld her medications and would not let her see the doctor.

27. Ms. England is an epileptic and requires prescription medication to prevent seizures. Ms. England had her prescription medication with her when she was booked into the Delaware County Jail and the jailers took it away from her. Due to the jailers’ deliberate indifference to Ms. England’s medical needs and refusing her medication, Ms. England began suffering bad seizures while in the Delaware County Jail.

28. Ms. England repeatedly asked to see the doctor and her requests were ignored by the jailers with deliberate indifference to her medical needs. The jailers told Ms. England that she didn’t have any rights because she was in jail.

29. Ms. England had at least 5 bad seizures during those 18 days she was in the Delaware County Jail.

30. The depravity set forth in Paragraphs 18 through 29 violated Ms. England’s Constitutional rights as set forth herein.

31. The depravity set forth in Paragraphs 18 through 29 subjected Ms. England to severe emotional distress and/or psychological damage and/or significant pain and suffering and/or personal humiliation.

32. Plaintiff Katrina Rogers was an inmate in the Delaware County Jail from January 11, 2008 through January 23, 2008.

33. Ms. Rogers was housed in the women's pod where there were only 2 cells with 4 beds per cell. Female inmates were sleeping in the shower because it was so crowded in the cells. There were at least 12-13 women in a cell at one time. There were cameras in the shower and Ms. Rogers knew the male jailers watched the female inmates while they showered.

34. Ms. Rogers was 5 months pregnant during this time so she put in a medical request to see the doctor. Deputy Bill Sanders ("Sanders") came to her cell personally within 2 hours of her request for a doctor. Sanders told Ms. Rogers that he had gotten her an appointment with a doctor the following day and would take her to the appointment himself.

35. The following morning as Ms. Rogers and Sanders were getting in the car at the Sheriff's office in Jay, Oklahoma, Sanders asked her, "Would you like to go see your mom?" Ms. Rogers indicated that she would as her mother's home was close to Dr. Hopper's office in Grove. As the car pulled away from the Sheriff's office, Sanders began groping Ms. Rogers' breasts as he was driving. Sanders also attempted to put his hand down Ms. Rogers' pants and kiss her. Sanders grabbed Ms. Rogers' hand and tried to put it on his penis.

36. Ms. Rogers was afraid to tell the doctor because she was terrified of the retaliation that Sanders threatened. After the doctor's appointment, Sanders stopped on the way back to the jail at the S&S Stop gas station on Highway 59 to get them something to eat. Sanders then said, "Since I did this for you, then you can pay me back" Sanders began rubbing Ms. Rogers' again,

and again attempted to put her hand on his penis. Sanders did this throughout the drive back, including stopping at the smoke shop to buy cigarettes for the female inmates.

37. Sanders told Ms. Rogers that he needed her mother's phone number so that he could call her about her doctor's appointments. Ms. Rogers gave Sanders the phone number.

38. Sanders told Ms. Rogers that she could not tell anybody about anything he did, because if she did, he could make her time in jail worse and that once she got out of jail, he would see to it that Ms. Rogers got into more trouble. Sanders told Ms. Rogers, "[w]hen you get out, you need to come to my house and do this for me---I need to be with a woman. I need to have an orgasm and I want you to be the one to do it. You need to promise you're going to do this." Ms. Rogers did promise because she was intimidated into doing so. Ms. Rogers felt like she didn't have a choice. Sanders told Ms. Rogers that he only wanted oral sex from her because she was pregnant.

39. While Ms. Rogers was in her cell at the Delaware County Jail, she heard Sanders ask another female inmate, Kori White, to show him her breasts and her crotch. Ms. White did show Sanders her breasts. Other female inmates saw this as well. Ms. Rogers spoke with Ms. White about telling on Sanders. Ms. White said that probably wasn't a very good idea because she didn't want Ms. Rogers to get into any more trouble and didn't want anything to happen to Ms. Rogers.

40. Sanders told a female inmate that he would let her show him herself but he wouldn't touch her because she was too fat. This inmate was so embarrassed and hurt that she cried.

41. Sanders kept telling Ms. Rogers, "I'm trying to get you out of here quicker. I've been talking to the Sheriff. But if I get you out of here, you need to make sure you come to my house and orgasm."

42. After Ms. Rogers was released from the Delaware County Jail on January 23, 2008, Sanders would call her every day, telling her that he loved her and he wanted her to love him. Sanders continually asked her, “[w]hen are you going to come and do those things you promised me you would do when you were in jail?”

43. Sanders began not only calling Ms. Rogers every day, but began coming to her house repeatedly and offering her things. Approximately four or five days after her release, Sanders showed up at Ms. Rogers’ house and demanded she go with him. Ms. Rogers’ 3 year-old protested so Ms. Rogers said her daughter had to go with her if she was going anywhere. The daughter fell asleep sitting between them in Sanders’ truck. Sanders then began to grope Ms. Rogers, trying to kiss her and making her grope him *over her daughter*. Sanders drove around the county roads for an hour and a half telling Ms. Rogers never to say anything about the incident because if he got into trouble, he would make sure she got into trouble at least as bad. Finally Ms. Rogers’ daughter woke up and had to go potty, which made Sanders take them home.

44. Sanders continued to show up at Ms. Rogers house (she lived with her mother) and if Ms. Rogers wasn’t home, he would sit and wait. Sanders would wait for long periods of time talking to Ms. Rogers’ mother. Sanders brought gifts to the mother, Ms. Rogers’ children and Ms. Rogers.

45. As a result of the conduct of Deputy Sanders set forth above, Ms. Rogers has suffered severe emotional distress and/or psychological damage and/or significant pain and suffering and/or personal humiliation.

46. Plaintiff Cynthia Craig was an inmate at the Delaware County Jail from April 23, 2008 through July 15, 2008. Ms. Craig is mentally disabled.

47. Ms. Craig was held in a holding tank for 2-3 days, then put in general population.

48. Sanders told Ms. Craig that she looked good, that he liked her, and he wanted her to be “daddy’s girl”. Ms. Craig said she wasn’t interested and Sanders then began to come to her cell, get “handsy” with her and ask to see her crotch. Sanders would insert a finger inside Ms. Craig’s vagina and she would push him away.

49. Sanders took Ms. Craig to doctor appointments and wanted her to “play with him” when he was driving his patrol car in uniform. Ms. Craig would fight him off of her and Sanders would unzip his zipper and show his penis while he was driving. He told Ms. Craig to fondle him but she refused. On two occasions, Sanders pulled off the road in secluded areas and made Ms. Craig kiss him and then he began masturbating while he kissed her. These episodes lasted about a half an hour each, both on the way to the doctor’s office and on the way back to the jail.

50. Sanders told Ms. Craig that if she told anyone about it, that she would regret it and he would make sure she would go to the penitentiary by making up stories that she tried to escape or he had problems with her.

51. When Sanders returned to the Delaware County Jail, he forced Ms. Craig to answer questions like “nothing happened, right?; You know I was good to you?” Only later did Ms. Craig realize the reason Sanders was doing this was he was recording it.

52. Sometime between April 23, 2008 and June 2, 2008, Ms. Craig went to the Oklahoma Forensic Center for about 2 weeks for mental evaluation. There she was diagnosed as having Post Traumatic Stress Disorder. When she returned to the Delaware County Jail, she was placed into a protective holding cell after she had demanded to talk to Sheriff Blackfox. Sanders then entered the protective cell, put Ms. Craig in the shower, turned it on so that nobody could hear her, made her take her clothes off and put his fingers inside her vagina. Sanders started kissing

Ms. Craig and then raped her vaginally and anally several times alternately. Ms. Craig was terrified to scream because Sanders told her he would send her down the river. When he was finished, Sanders made Ms. Craig scrub herself in front of him and he took her clothes with him and brought her back a new regulation orange jumpsuit. Sanders came back for more but Ms. Craig refused, saying she didn't care what happened to her but he was not going to touch her again.

53. As a result of Sanders' conduct set forth above, Ms. Craig has suffered severe emotional distress and/or psychological damage and/or significant pain and suffering and/or personal humiliation.

54. Plaintiff Marie Watson was an inmate at the Delaware County Jail from May 20, 2008 through July 11, 2008.

55. During this time, the jail was overcrowded. At one time, there were 26 female inmates housed in a 2 cell pod with one toilet in each cell. The toilets were so overused that they backed up and the women were forced to stand in ankle-deep raw sewage for hours. This made some of the female inmates succumb to the jailers' demands to show their breasts or be groped in order to get out of the hot, grotesque conditions for any amount of time.

56. Sanders began approaching Ms. Watson after watching her get out of the shower. One Sunday, Sanders came to Ms. Watson and asked if she would like to go see her sister. She said she would and Sanders took her. On the way back to the jail, Sanders said, "every once in awhile, show me", while motioning for her to lift her shirt. He told he would give her cigarettes if she flashed him.

57. Sometime after that incident, Ms. Watson requested a doctor's visit for a bad ear infection. Sanders showed up to take Ms. Watson to the Indian Clinic in Jay, Oklahoma. On that occasion, Sanders rubbed her leg and tried to hold her hand.

58. Suddenly whereas it used to take up to one month to secure a doctor visit, Ms. Watson found herself with a doctor's appointment more and more frequently until she was actually going twice a week. Each time, Sanders would take her, then he would pull off the road in a secluded area and grope her, lift up her shirt, and kiss and suck on her breasts. This would go on for an hour or more at a time. Sanders was always in his uniform and driving a white "police car" when these acts occurred.

59. The last time Sanders did this to Ms. Watson, he had tobacco juice all around his mouth and he tried to kiss her. When Ms. Watson refused the kiss, Sanders grabbed her by the hair, violently pulled her over to him and shoved his tongue down her throat. He then put his hands down her pants and inserted his finger into her, hurting her really badly. Ms. Watson was in leg shackles and couldn't run and couldn't fight him so she began screaming that she would tell everyone. Sanders then threatened Ms. Watson that he would have sent her to prison or killed if she ever mentioned what happened.

60. Sanders told Ms. Watson that she better not tell anyone because he knew where she lived and showed her a copy of her booking sheet with her address on it. Sanders told her that he had the last girl sent to prison and could have her sent there too. Sanders also told Ms. Watson that his family was in law enforcement in Disney or Langley and if she said a word, they would get rid of her. Sanders took the booking sheet and told Ms. Watson that he would carry it with him just in case.

61. Each time they would return from one of these “visits”, Sanders would have Ms. Watson talk into his microphone and tell the dispatcher that nothing happened between them. Ms. Watson asked Sanders why he did this and he said another girl had turned him in before so he was protecting himself.

62. Ms. Watson told Sheriff Blackfox about Sanders’ threat on her life. Sheriff Blackfox promised to get the booking sheet back if Ms. Watson wrote out a statement. Ms. Watson wrote a statement but Sheriff Blackfox did not get the booking sheet back. This is why Ms. Watson lives in fear for her life in an undisclosed location.

63. As a result of Sanders’ conduct and that of Sheriff Blackfox set forth above, Ms. Watson has suffered severe emotional distress and/or psychological damage and/or significant pain and suffering and/or personal humiliation.

64. Sheriff Blackfox and his identified employees were deliberately indifferent to the Constitutional rights of Plaintiffs set forth herein, by and through their identified acts and omissions.

65. Upon information and belief, Sanders had been previously either fired or suspended for sexual improprieties with female inmate.

66. Despite such prior conduct Sanders was re-hired and/or re-engaged by Sheriff Blackfox.

67. Female inmates wrote a letter or letters to Sheriff Blackfox complaining of Sanders’ conduct in approximately June, 2007. The Sheriff then had the women write out separate statements and promised confidentiality.

68. The jailers then retaliated against the female inmates by screaming at them using terms directly from their “confidential” statements, putting 15 women in a four-person cell, turning the air-conditioning system off during the day and turning it on full blast at night, and turning off the

water so that the women couldn't shower and denying access to medication all with deliberate indifference to the Plaintiffs Constitutional rights.

69. The Sheriff told the female inmates that they had been investigating Sanders for sexual improprieties with female inmates and his conduct for nine months already at the time their statements were written.

70. Despite the Sheriff's knowledge of Sanders' conduct prior to Sheriff Blackfox's administration and after it began, Sanders was allowed to remain employed at the Delaware County Jail until he died in November 2008.

71. Pursuant to 57 O.S. § 47, a Sheriff "shall have charge of the county jail of his county and of all persons by law confined herein..." It is the Sheriff's duty both statutorily and under the Constitution of the United States to make sure that the Constitutional rights of those whom he imprisons are not violated. Sheriff Blackfox violated this duty owed to Plaintiffs with deliberate indifference to their Constitutional rights by hiring, failing to train and failing to supervise and/or Sanders and other employees.

72. Pursuant to 57 O.S. § 54, "[t]he Sheriff shall in all cases be liable for the negligence and misconduct of the jailers as of other deputies..."

73. Sheriff Blackfox failed to train Sanders and other jailers and deputies how to treat female inmates. This policy, custom, and usage of the Sheriff of Delaware County to fail to train the jailers and deputies was deliberately indifferent to Plaintiffs' Constitutional rights and was a proximate cause of the violation of Plaintiffs' Constitutional rights and the damages therefrom.

74. Sheriff Blackfox failed to properly supervise Sanders and other jailers and deputies while they were in charge of female inmates. This policy, custom, and usage of the Sheriff of Delaware County to fail to properly supervise and/or control the jailers and deputies was

deliberately indifferent to Plaintiffs' Constitutional rights and was a proximate cause of the violation of Plaintiffs' Constitutional rights and the damages therefrom.

FIRST CAUSE OF ACTION

75. Paragraphs 1-74 are re-alleged.

76. Pursuant to 42 U.S.C. § 1983 the Sheriff of Delaware County is liable for damages to each of the Plaintiffs, as determined by a jury, as well as for attorney fees, costs of this action, interest as provided by law, and such other relief as is just and proper.

WHEREFORE, Plaintiffs pray for judgment against the Defendant, as follows:

- A. For an award of compensatory damages in an amount to be determined by a jury.
- B. For reasonable attorney fees, the costs of this action, interest as provided by law and for all other relief this Court deems just and proper.



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