

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION**

JANE DOE #1-2
C/O Attorney Larry Simon
Kentucky Home Life Building
239 South 5th Street
Louisville, KY 40202

: **Judge:** Senior Judge Joseph H. McKinley, Jr.

: **Case No:** 4:21-CV-93-JHM

:

Plaintiffs,

: **COMPLAINT AND JURY DEMAND**

vs.

:

WEBSTER COUNTY, KENTUCKY
Webster County Judicial Center
25 US Highway 41A South, PO Box 290
Dixon, KY 42409

:

:

and,

:

:

ARTHUR DALE COLLINS
312 North Willow Street
Providence, KY 42450
Individually and in his official capacity as an
employee of Webster County, KY

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:

:

and,

:

**JENNIFER REYNOLDS and
TABITHA WILLIS**
141 North Stegal Street, PO Box 300
Dixon, KY, 42409
Individually and in their official capacities as
employees of Webster County, KY

:

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:

:

and,

:

MORGAN MCKINLEY
141 North Stegal Street, PO Box 300
Dixon, KY 42409
Individually and in his official capacity as
Jailer of Webster County, KY

:

:

:

Defendants.

INTRODUCTION

1. This civil rights action challenges the sexual abuse of Plaintiffs Jane Doe #1 and 2¹ while they were incarcerated at the Webster County Detention Center. The sexual abuse they experienced was part of a flagrant pattern of misconduct by Defendants, including sexual coercion and exploitation, sexual harassment, and physical assault against numerous women prisoners by Defendant Arthur Dale Collins, a former control officer at the jail. Defendant Tabitha Willis actively participated in the abuse of prisoners with Defendant Collins. Defendant Jennifer Reynolds also knew of, and was complicit in, Defendant Collins's conduct.

2. Defendant Jailer Morgan McKinley was on notice about the ongoing abuse of women prisoners by Defendant Collins and allowed it to continue. While multiple prisoners complained about Collins, these complaints were ignored. None of the Defendants intervened or attempted to prevent the ongoing abuse of Plaintiffs or the other prisoners being abused. Defendants not only failed to protect Plaintiffs, but intentionally and recklessly enabled Defendant Collins to continue to abuse and harass women prisoners. Plaintiffs bring this case to secure fair compensation and to deter sexual abuse and other misconduct in Kentucky jails in the future.

JURISDICTION

3. Jurisdiction over claims arising from Defendants' violation of the Civil Rights Act is conferred upon this Court by 28 U.S.C. §§ 1331, 1343 (3) and (4).

4. Jurisdiction over Plaintiffs' state law claims is conferred upon this Court by 28 U.S.C. § 1367.

5. Venue is proper in this Division.

¹ To protect their privacy the plaintiffs are proceeding under pseudonyms. Declarations revealing their identities are available from Plaintiff's counsel.

PARTIES

6. Plaintiff Jane Doe #1 was at all times relevant to this action a resident of Bell County, Kentucky, and a citizen of the Commonwealth of Kentucky.

7. Plaintiff Jane Doe #2 was at all times relevant to this action a resident of Pike County, Kentucky, and a citizen of the Commonwealth of Kentucky.

8. Defendant Arthur Dale Collins was at all times relevant to this action an employee of Webster County, Kentucky, working as a control officer for the Webster County Detention Center. Defendant Collins is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law. He is sued in both his individual and official capacities.

9. Defendant Tabitha Willis was at all times relevant to this action an employee of Webster County, Kentucky, working as a sergeant and a shift supervisor at the Webster County Detention Center. Defendant Willis is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of state law. She is sued in both her individual and official capacities.

10. Defendant Jennifer Reynolds was at all times relevant to this action an employee of Webster County, Kentucky, working as a deputy at the Webster County Detention Center. Defendant Reynolds is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of state law. She is sued in both her individual and official capacities.

11. Defendant Morgan McKinley was at all times relevant to this action a Kentucky sworn state peace officer and the elected Jailer of Webster County, Kentucky. Defendant McKinley is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law. He is sued in his official capacity. He was a county policy maker with respect to customs, practices, policies, and procedures at the Webster County Detention Center.

12. Defendant Webster County, Kentucky is a unit of local government organized under the laws of the Commonwealth of Kentucky. Defendant Webster County is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law.

FACTS

A. Plaintiffs, as Prisoners at Webster County Detention Center, Were Vulnerable to Assault and Abuse by Corrections Officers Such as Defendant Collins

13. Plaintiff Jane Doe #1 was a prisoner at the Webster County Detention Center from August 14, 2020, through March 19, 2021.

14. Plaintiff Jane Doe #2 was a prisoner at the Webster County Detention Center from approximately September 2019 through January 2021.

15. As incarcerated persons, Plaintiffs were totally dependent on the individually named Defendants and the rest of the detention center staff for their health and safety.

16. Sexual abuse is a well-known risk to vulnerable prisoners in prisons and jails.

17. Effective 2003, the Federal Prison Rape Elimination Act (PREA) established a zero-tolerance mandate for sexual abuse of prisoners in the nation’s carceral facilities.

18. Detailed procedures must be implemented to comply with PREA and protect prisoners from this well-established risk of harm.

19. Webster County and the individual Defendants failed to fully implement PREA as required by federal laws and regulations, leaving Plaintiffs, and other similarly situated prisoners, especially vulnerable to sexual abuse.

20. Webster County and the individual Defendants also failed to fully implement Kentucky administrative regulations prohibiting personal relationships with prisoners, demeaning treatment of prisoners, and unnecessary force on prisoners. See 501 KAR 3:040 (6).

B. Harassment and Abuse of Plaintiffs and Other Women Prisoners by Collins

21. Defendant Collins, a control officer at Webster County Detention Center, abused his authority and used his control over the women incarcerated in Webster County to satisfy his own sexual urges and desires.

22. Defendants Willis and Reynolds were consistently assigned the same shift as Collins. Sergeant Willis was the shift supervisor, Reynolds was the woman deputy, and Defendant Collins was the control officer. Defendants Reynolds and Willis were frequently present when Defendant Collins harassed and abused Plaintiffs and other women prisoners.

23. Defendant Collins always carried his taser with him and regularly played with it during his shifts. He experienced sexual gratification from tasing women on the buttocks, and he tased many women incarcerated at Webster County for his own sexual enjoyment.

24. Defendant Willis participated in this taser sex play. Collins also tased Willis during their shifts. Defendant Willis teased prisoners that she needed to keep an eye on them because they enjoyed being tased by Collins.

25. As a control officer, Defendant Collins also had substantial access to and control over the jail surveillance and security systems. He persistently abused this control to sexually coerce, exploit, harass, intimidate, and abuse Plaintiffs and other women prisoners.

26. Defendant Collins frequently used the jail intercom to proposition women prisoners, to make sexually suggestive comments about them, and to describe the size of his penis.

27. On numerous occasions, Defendant Collins spoke over the loudspeaker in the women's cells and requested that the women prisoners dance provocatively for him in front of the camera and expose their breasts. If they did not do as he asked, Collins would turn off the TV and the phones in order to coerce them to comply.

28. Defendant Collins told Plaintiffs and the other women prisoners that nobody would find out about this conduct because he knew how to control the cameras and doors throughout the facility.

C. Allegations Specific to Plaintiffs

29. Around the week of October 25, 2020, Defendant Collins entered the cell that Plaintiff Jane Doe #1 shared with other women prisoners. He stood behind the door, pulled out a taser, and said “I’m gonna tase you.” He proceeded to drive-stun three of Jane Doe #1’s cellmates on their buttocks. He asked Plaintiff Jane Doe #1 and another women prisoner if they wanted to be shocked, too; they refused.

30. Defendant Collins then said to Plaintiff Jane Doe #1 and her cellmates, “I’ll be back later” and Defendant Willis told them, “I’m going to have to keep an eye on some of you all, some of you seem to enjoy being tased.”

31. Later that same day, Collins returned to the cell. He again tased some of Plaintiff Jane Doe #1’s cellmates. He then said to Plaintiff Jane Doe #1 “Let me grab your titties.” Plaintiff Jane Doe #1 said “No,” and Collins replied, “then I’m going to tase you too.” He then proceeded to grab her breasts through her shirt.

32. During the first week of November, Defendant Collins entered Plaintiff Jane Doe #1’s cell again and demanded “show your breasts or I’m going to make your life a living hell.” Under threat and afraid of retaliation, Plaintiff Jane Doe #1 then lifted her shirt and Defendant Collins grabbed her breasts with his hand.

33. On another occasion, Jane Doe #2 was out of her cell on work detail and Defendant Collins used his taser to shock her on the buttocks. Because Defendant Collins did not remove the cartridge before deploying his taser, both prongs pierced her skin. Defendant Willis removed the prongs and told Jane Doe #2 not to say anything about what happened.

D. This Abuse was Part of a Pattern of Abuse by Collins and Willis

34. Another incarcerated woman, who initially believed that Defendant Collins cared for her and that she was special, was asked by Defendant Collins to dance for him, and was tased by him on multiple occasions. Defendant Willis watched but did not intervene.

35. When this young woman was put in isolation for fighting, Defendant Collins told her “you help me, I’ll help you,” and asked her to show him her breasts. She did so, and in return, he gave her colored pencils.

36. However, word spread about the circumstances under which Defendant Collins gave the pencils to her and Defendant Collins asked Willis to take them back. Many prisoners saw Defendant Willis take the pencils back from this young woman. Willis told her she had a big mouth and to keep her mouth shut, because Defendant Collins could lose his job.

37. Afterwards, this woman realized that Defendant Collins did this to many of the prisoners and it was at that time that she “s[aw] the situation for what it really [was],” describing it as “abuse of power and authority.” She thought he targeted her because of her age and naivety. She complained about Defendant Collins’ behavior, writing that “I feel used and hurt that he has been able to do this repetitively to women here.”

38. Another woman incarcerated at the jail reported that Defendant Collins told her about internet pornography where women were tased on the vagina. She reported being afraid to shower or use the bathroom because Defendant Collins was watching. She had seen Collins asking prisoners to dance for him over the PA system and knew he tased prisoners.

39. Another woman incarcerated at the jail reported that she saw Defendant Collins ask another woman to dance for him and show him her breasts, which she did. She filed a complaint about Collins, but nothing was done.

40. Another woman incarcerated at the jail filed a complaint about Defendant Collins as well, but nothing was done in response to her complaint. She reported he used his authority to prey on prisoners and that she did “not feel safe or comfortable when he [was] on duty.”

41. Another woman incarcerated at the jail and who made complaints about Defendants Collins and Willis, felt “very uncomfortable” with Collins watching them on the cameras “knowing of his actions.” No action was taken based on her complaints.

42. Another woman incarcerated at the jail knew Defendant Collins touched Plaintiff Jane Doe #1’s breasts. She also reported that Collins pulled her hair and choked her in a sexual way, that she showed him her breasts, and that he had tased her on two occasions.

43. Another woman incarcerated at the jail knew that Defendant Collins tased people and reported that he would say dirty things over the loudspeakers. She also reported that Defendant Willis knew what was going on. Plaintiff Jane Doe #1 saw Defendant Collins ask to see this woman’s breasts.

E. Reynolds and Willis Did Not Intervene or Protect Prisoners from Collins

44. Defendant Willis participated in taser sex play with Defendant Collins at the jail.

45. Defendant Willis saw Collins tase prisoners, including, but not limited to, Jane Doe #2. She removed the prongs from Jane Doe #2’s buttocks and told her not to report the incident.

46. Defendant Willis told prisoners she would keep an eye on them because they liked to be tased.

47. Defendant Willis helped cover up Defendant Collins’ abuse, including when he asked her to take the pencils he gave to a prisoner in exchange for seeing her breasts, and telling the prisoner to keep her “big mouth” shut.

48. Defendant Reynolds also saw Defendant Collins tase prisoners, but did not take any action to intervene, and did not report his action to the Jailer. She heard rumors that he had sexually

assaulted prisoners by grabbing their breasts. She did not take any action based on this, either. She also knew he tased Defendant Willis at the jail.

49. Defendant Reynolds saw Defendant Collins harass and tase women prisoners in Plaintiff Jane Doe #1's cell.

50. On information and belief, Defendant Reynolds witnessed Defendant Collins tase Jane Doe #2.

51. Defendants Reynolds and Willis took no action to intervene or protect Plaintiffs and other women prisoners from abuse and harassment by Collins.

52. Defendants Reynolds and Willis failed to report Defendant Collins's misconduct, enabling him to continue openly harassing and abusing women prisoners from October 2020 through December 2020.

53. Because Defendants Reynolds and Willis failed to intervene, report, or otherwise protect against Defendant Collins's gross and repeated misconduct, Plaintiffs and others suffered additional abuse that could have been prevented.

F. Jailer McKinley and Webster County Failed to Supervise and Train His Officers, Including Defendant Collins Who Sexually Harassed Plaintiffs and Other Women Prisoners, Ratified Misconduct, and Had a Custom and Policy of Allowing Male Officers to Supervise Women Prisoners

54. On information and belief, Defendant McKinley was placed on notice about Defendant Collins's sexually abusive behaviors as early as April of 2020, when two women prisoners reported Collins's misconduct.

55. From at least August 2020, through December 30, 2020, there were repeated instances of Deputy Collins sexually harassing, physically assaulting, and engaging in other unwanted sexual touching and verbal abuse of many women prisoners. That conduct was open and obvious.

56. Defendant Collins regularly used the PA system to abuse the prisoners, including asking them to dance for him, making sexual comments, and talking about his penis.

57. Defendant Reynolds told other deputies about Defendant Collins' sexual abuse of prisoners.

58. Many women made complaints about Defendants Collins and Defendant Willis, but no action was taken until December 2020.

59. Defendants McKinley and the County had a policy and custom of permitting male officers to supervise women prisoners.

60. It is generally foreseeable that male officers would have opportunities to take advantage of women prisoners. By failing to supervise and discipline Collins and other officers, and through the policy and custom of permitting male officers—like Defendant Collins—to supervise women prisoners, Defendants McKinley and the County were deliberately indifferent to the safety of the women prisoners at the Webster County Detention Center and ratified the misconduct of the individual Defendants.

61. McKinley's failure to supervise and discipline Collins for sexual misconduct was a moving force behind the sexual harassment and abuse of Plaintiff, and other similarly situated women prisoners, perpetrated by Defendant Collins. It was also the moving force behind the failure to protect Plaintiffs by Defendants Reynolds and Willis. Likewise, Defendants McKinley's and the County's policy and custom of permitting male officers to supervise women prisoners was a moving force behind these violations.

62. At all times relevant to this case and with respect to all conduct alleged, Defendants Collins, Reynolds, Willis, and McKinley, acted unreasonably, intentionally, knowingly,

maliciously, recklessly, with deliberate indifference, negligently, willfully and in bad faith. Defendants knowingly violated the law and were plainly incompetent.

63. Defendants McKinley and Webster County, along with Defendants Collins, Reynolds, and Willis, violated Kentucky state law, including, but not limited to, the Kentucky Revised Statutes and Kentucky Administrative Regulations.

64. Defendant Webster County's written and unwritten policies, practices, customs, and usages, including training, supervision, ratification, acquiescence, and toleration of unconstitutional conduct were moving forces behind the violations of Plaintiffs' constitutional rights. Webster County ratified the violations of Plaintiffs' constitutional rights by the individual Defendants because they were consistent with Webster County policies, practices, customs, and usages.

G. Criminal Charges Brought Following Reports of Collins's Misconduct

65. In December of 2020, Plaintiff Jane Doe #1 made three written requests to be delivered by jail staff to Defendant McKinley, to inform him of the improper conduct of Defendant Collins and to request mental health services. Defendant McKinley sent a message back to Jane Doe #1, saying that he would meet with her about what she wrote, but never did.

66. On or about December 21, 2020, Plaintiff Jane Doe #1 submitted to Webster County Jail Deputy Kimberley Franklin a written statement about Collins's sexual harassment and other abusive behaviors. Deputy Franklin made copies of Plaintiff Jane Doe #1's statement. Franklin gave some copies back to Jane Doe #1 and delivered another copy to Defendant McKinley. When Defendant McKinley learned that Jane Doe #1 had her family send the letter to the Kentucky State Police, Defendant McKinley told her there was nothing he could do about her circumstances because she had made the report to law enforcement.

67. KSP initiated an investigation into the allegations against Defendant Collins. After the investigation began, Webster County finally terminated Defendant Collins.

68. On January 29, 2021, the Webster County District Court issued a warrant of arrest for Arthur Dale Collins. Collins was charged with four criminal offenses, including:

- a. Official Misconduct in the First Degree (misdemeanor),
- b. Video Voyeurism (felony),
- c. Assault in the Fourth Degree (misdemeanor), and
- d. Sexual Abuse in the First Degree (felony).

69. On January 30, 2021, KSP officers arrested Defendant Collins. On April 14, 2021, Collins was indicted by grand jury on all four counts.

70. Defendant Collins has pled not guilty and is awaiting trial.

H. Injury to Plaintiffs

71. As a result of the conduct of the Defendants, Plaintiffs have endured humiliation, embarrassment, substantial mental anguish, severe emotional distress, and physical injury, including pain and severe discomfort.

72. Defendant Webster County did not provide psychological or mental health services to Plaintiff or others while in custody. The detention center does not have a contract with a service provider.

73. Plaintiff Jane Doe #1's psychological and emotional injuries caused by Defendant Collins's harassment and abuse were exacerbated by Defendants' failure to provide psychological or mental health services upon Plaintiff's request.

74. Plaintiff Jane Doe #2 also experienced pain and physical injury when Defendant Collins tased her and pierced her skin with the taser prongs.

FIRST CAUSE OF ACTION - 42 U.S.C. 1983

75. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

76. Defendants, acting under color of state law, deprived Plaintiffs of their clearly established rights, privileges and immunities secured by the First, Eighth, and Fourteenth Amendment to the U.S. Constitution of which a reasonable person would have known. These rights include but are not limited to the right to be free from excessive force, the right to due process, the right to petition the government, the right to be free of cruel and unusual punishment, the right to equal protection under the law, the right to be protected from harm, and the right to be free from unwanted sexual advances, unwanted touching, sexual assault, and retaliation.

77. Despite having the opportunity and means to do so, Defendants Willis, Reynolds, and McKinley failed to intervene and stop the unconstitutional abuses inflicted upon Plaintiffs by Defendant Collins.

78. Defendant Jailer McKinley and Defendant Webster County were on notice of the obvious need to supervise and train Defendant Collins and other deputies with respect to the sexual harassment and abuse and protection of women prisoners and failed to adequately supervise them. Defendant Jailer McKinley and Defendant Webster County ratified the misconduct of the individual defendants. Their failures to supervise and train and their ratification of the misconduct described herein were moving forces behind the injuries to Plaintiffs in this case.

SECOND CAUSE OF ACTION - ASSAULT AND BATTERY

79. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

80. Defendant Collins intentionally, maliciously, and in bad faith applied and/or threatened to apply unlawful and unnecessary force against Plaintiffs, without consent and without privilege. Defendant Collins knowingly violated the law and was plainly incompetent.

THIRD CAUSE OF ACTION - NEGLIGENCE

81. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

82. Defendants Reynolds and Willis breached their respective duties of reasonable care and/or acted recklessly and with gross negligence causing injuries to Plaintiffs. These Defendants had a duty of reasonable care towards Plaintiffs and they breached that duty, causing Plaintiffs' injuries.

83. In breaching their duty, Defendants acted or failed to act with wanton or reckless disregard for Plaintiffs' safety. Defendants knowingly violated the law and were plainly incompetent.

FOURTH CAUSE OF ACTION - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

84. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

85. Defendants Collins and Willis acted intentionally or recklessly to the likely emotional distress his intentional acts would cause to Plaintiffs, because he knew or should have known that emotional distress would likely result.

86. Defendant Collins and Willis' conduct was outrageous and intolerable.

87. Defendant Collins and Willis' conduct proximately caused Plaintiffs' serious emotional injuries.

88. Plaintiffs suffered severe emotional distress.

FIFTH CAUSE OF ACTION – NEGLIGENT SUPERVISION

89. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

90. Defendants McKinley and Webster County knew or should have known of the risk that Defendant Collins posed and acted negligently, recklessly and with gross negligence in supervising and retaining Defendant Collins, causing injury to Plaintiffs.

91. Defendants McKinley and Webster County knew or had reason to know of the danger created by employees in engaging in sexual abuse of women prisoners, both specifically in regard to Defendant Collins and generally.

92. Plaintiffs were injured by employees of Defendant Webster County.

93. These injuries were proximately caused by these Defendants' failures to supervise and train employees.

94. These negligent acts were outside of the legislative and judicial realms of Defendant County.

JURY DEMAND

Plaintiffs hereby demand a trial by jury of all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

- A. Award Plaintiff compensatory damages in an amount to be shown at trial;
- B. Award punitive damages against all Defendants except Webster County in an amount to be shown at trial;
- C. Award Plaintiffs reasonable attorney's fees, costs, and disbursements;
- D. Award Plaintiffs pre and post judgment interest;
- E. Grant Plaintiffs such additional relief as the Court deems just and proper.

Respectfully submitted,

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(Pro Hac Vice Motion forthcoming)
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(Pro Hac Vice Motion forthcoming)
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