

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

SHANNON M. PETERS,  Plaintiff,  v.  WOODBURY COUNTY, IOWA; GLENN J. PARRETT, Individually and as Sheriff of Woodbury County, Iowa; and MICHELLE RISDAL, LEE BLANCHARD, JONATHON HATFIELD, CARLOS LUCERO, ANDREW VOGT, and ZACHARY LUX, Individually and as Deputy Sheriffs/Jailers of Woodbury County, Iowa,  Defendants.	Case No.: 5:12-cv-04070-MWB          <b>PLAINTIFF’S COMPLAINT AND JURY DEMAND</b>
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COMES NOW Plaintiff, Shannon M. Peters, individually, and for her Complaint against Defendants Woodbury County, Iowa, Glenn Parrett; Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux, and states to the Court as follows:

**INTRODUCTION**

1. This is an action brought to redress the deprivation – under color of policy, regulation, official decision, custom, or usage – of rights secured to Plaintiff by 42 U.S.C. §1983 arising under the First and Fourth Amendments, incorporated to the states through the Fourteenth Amendment to the United States Constitution, and the Constitution of the State of Iowa, Article I, Sections 7 and 8.

2. “Strip search” is used in this Complaint to refer to the visual inspection by a law enforcement officer or officers of a woman’s bare breasts, vagina and/or anus.

### **JURISDICTION**

3. The civil action brought individually to redress the deprivation - under color of policy, regulation, official decision, custom, or usage - of a right secured to the Plaintiff by 42 U.S.C. §1983 arising under the Fourth Amendment, incorporated to the states through the Fourteenth Amendment, to the United States Constitution; and pursuant to Article I, Sections 7 and 8 of the Iowa Constitution.

4. Jurisdiction is conferred to this Court through 28 U.S.C. §§1331 and 1343.

5. All the unlawful acts alleged herein occurred at the Woodbury County Jail in Sioux City, Woodbury County, Iowa.

6. Venue is appropriate in this district under 28 U.S.C. § 1391(b).

### **PARTIES**

7. Plaintiff Shannon M. Peters, hereinafter referred to as “Peters,” or “Plaintiff,” is now and was, at all times relevant hereto, a citizen and resident of Sioux City, Woodbury County, Iowa.

8. Peters brings this action individually.

9. Defendant Woodbury County, Iowa, is a municipality duly incorporated under the laws of the State of Iowa.

10. Defendants Glenn Parrett; Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux are citizens and residents of the state of Iowa, City of Sioux City, Woodbury County, Iowa, and/or employed as the Sheriff of Woodbury County or Deputy Sheriffs/Jailers of Woodbury County, Iowa.

**GENERAL FACTUAL BACKGROUND**

11. On May 27, 2012, Peters was arrested for Violation of a No Contact or Protective Order that she had previously sought and that restricted contact with her boyfriend, a simple misdemeanor. Peters believed that the protective order had previously been lifted at her request.

12. Peters had not consumed any alcoholic beverages or any illegal substances.

13. Peters spent the hours prior to her arrest fishing and swimming with her boyfriend and children. On the way home from the outing, Peters' boyfriend, Kelvin K. Rinzy, was stopped for speeding. Peters was a passenger in the car.

14. After her arrest, Peters was taken to the Woodbury County Jail to be booked. She was processed into the jail at approximately 5:00 to 6:00 PM.

15. Upon being arrested, Peters left her cell phone in the car.

16. Peters was minimally dressed, wearing rolled up sweat pants, underwear, a swimsuit bikini top and a tank top. The Defendant Jailers had no reason to suspect that Peters was concealing contraband or a weapon on her person.

17. Peters was cooperative during the booking process, but emotionally upset about the arrest. She responded "no," when asked if she wanted to hurt herself.

18. The Inmate Medical Screening Form, under the section "Admission Observations," identifies the following observations made by Defendant Jailer Hatfield as part of the intake process:

- a. Peters was not crying or tearful;
- b. Peters was not in need of medical attention;
- c. Peters was not loud and obnoxious;
- d. Peters did not show signs of violent behavior;

- c. Peters did not appear to be under the influence of alcohol/drugs
- d. Peters did not appear anxious, embarrassed or ashamed;
- e. Peters behavior did not suggest any risk of suicide; and
- f. The arresting/transporting officer did not believe Peters was a medical/mental/suicide risk.

19. Peters did insist, at times loudly, that she should not be arrested because the no contact order she had requested had been lifted at her request. Peters never made any physically aggressive moves toward any law enforcement officers.

20. Peters is a petite female standing five foot seven inches tall and weighing 130 pounds.

21. When Kelvin Rinzy was brought into the jail booking area, the Defendants stopped questioning Peters at the booking counter and took her to a holding cell where Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux beat her and stripped her completely naked.

22. Peters hesitated when ordered to take off all her clothes by Defendant Risdal, who was in the room, and while Defendants Blanchard, Hatfield and Lucero were standing outside the room with the door open and at least one of them watching.

23. Peters initially asked Risdal to leave the room while she changed clothing. Risdal refused to leave. Peters then said words to the effect, "can't I do that at least in front of only woman jailers." At that point, Defendant Risdal forcefully grabbed her arm and twisted Peters around. Defendants Hatfield, Blanchard, and Lucero rushed into the room and joined in the assault. All of Peters' clothes were ripped off such that the Defendants could view Peters' completely naked body.

24. At some point Defendants Lux and Vogt entered the room to assist in the assault and view Peters' naked body.

25. After the assault, Peters was left in the holding cell bruised and completely naked, without a mattress or blanket, and with only a sheet of paper the size of a small bath towel to cover herself.

26. When Peters was processed out of jail the next morning, her cell phone was in the bag with the rest of her belonging confiscated by the Defendants at the time she was booked into jail.

27. Peters was traumatized by the unlawful strip search of her body, and suffered a number of physical injuries including bruising around her left cheek and ear, a contusion above her right eye, broken blood vessels in her right eye, and bruising on her left upper arm.

28. Defendants engaged in the unlawful and unconstitutional strip search of Peters in part for retaliation for Peters' expression of her constitutional right to freedom of speech.

29. No weapons or contraband were found during the unlawful and forced strip search.

30. It was, and is, the duty of the Defendants to follow the Constitutions of the United States and the State of Iowa. Applicable case law on strip searches provided fair warning to Defendants that strip searching Peters without a reasonable suspicion that she was concealing contraband or a weapon, while using excessive force, and/or in retaliation for her exercising her right to freedom of speech, violated her constitutional rights.

31. The strip search conducted on Peters was demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive, and signified degradation and submission, damaging the Plaintiff.

**COUNT I**

**UNREASONABLE STRIP SEARCH IN VIOLATION OF THE FOURTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION and ARTICLE I, SECTION 8 OF THE  
IOWA CONSTITUTION AGAINST ALL DEFENDANTS**

32. Plaintiff incorporates paragraphs 1 through 31 above as though fully set forth herein.

33. The Woodbury County Sheriff's Department's strip search of Peters, without regard to the scope of the particular intrusion and the manner in which the strip search was conducted, was unlawful. None of the Defendants, not even female Defendant Risdal, needed to be present in the holding cell while Peters changed into a prison issue jumpsuit. Certainly male Defendants Blanchard, Hatfield and/or Lucero did not need to be standing just outside the cell watching.

34. Defendants established a policy, regulation, official decision, custom, or usage with reckless or in deliberate indifference to the rights of persons in the position of Peters.

35. Defendants have established, maintained, and enforced policies, regulations, official decisions, customs, or usages which unconstitutionally deprive its citizens of the right to be free of unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution, and Article I, Section 8, of the Iowa Constitution.

36. Woodbury County and its policymakers had actual or constructive knowledge of the improper use of strip searches conducted by its employees on certain pre-arraignment detainees.

37. Peters was subjected to this official policy, regulation, official decision, custom, or usage when she was unreasonably strip searched.

38. Defendants' policy, regulation, official decision, custom, or usage as against Plaintiff Peters was purposeful and intentional.

39. During all times mentioned herein, the unconstitutional searches performed on Peters at the Woodbury County Jail by Woodbury County jailers were executed under color of state law.

40. Defendants deprived Plaintiff of the rights guaranteed her under the Fourth Amendment to the United States Constitution, and Section I, Article 8, of the Iowa Constitution, in violation of 42 U.S.C. § 1983.

41. Plaintiff has been damaged as a direct and proximate result of Defendants' acts and omissions, as set out in this Complaint.

42. Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux acted with malice or reckless indifference to Peters' rights, subjecting them to punitive damages.

## **COUNT II**

### **VIOLATION OF FREEDOM OF SPEECH GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION and ARTICLE I, SECTION 7 OF THE IOWA CONSTITUTION AGAINST ALL DEFENDANTS**

43. Plaintiff incorporates paragraphs 1 through 42 above as though fully set forth herein.

44. The Defendants strip searched Peters in violation of both the Constitutions of the United States and the State of Iowa, as set out Count I above, and in violation of Iowa law, I.C.A. 804.30, at least in part in retaliation for her protesting the order that she strip naked in front of one female and several male jailers.

45. Defendants established a policy, regulation, official decision, custom, or usage with reckless or in deliberate indifference to the rights of persons in the position of Peters.

46. Defendants have established, maintained, and enforced policies, regulations, official decisions, customs, or usages which unconstitutionally deprive its citizens of the right to freedom of speech as guaranteed by the First Amendment to the United States Constitution, and Article I, Section 7, of the Iowa Constitution.

47. Woodbury County and its policymakers had actual or constructive knowledge of the improper use of strip searches conducted by its employees on certain pre-arraignment detainees.

48. Peters was subjected to this official policy, regulation, official decision, custom, or usage when she was unreasonably strip searched, at least in part in retaliation for verbally questioning an order to strip naked in front of one female and several male jailers

49. Defendants' policy, regulation, official decision, custom, or usage as against Plaintiff Peters was purposeful and intentional.

50. During all times mentioned herein, the unconstitutional deprivation of Peters' right to freedom of speech at the Woodbury County Jail by Woodbury County jailers was executed under color of state law.

51. Defendants deprived Plaintiff of the rights guaranteed her under the First Amendment to the United States Constitution, and Section I, Article 7, of the Iowa Constitution, in violation of 42 U.S.C. § 1983.

52. Plaintiff has been damaged as a direct and proximate result of Defendants' acts and omissions, as set out in this Complaint.



53 Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux acted with malice or reckless indifference to Peters' rights, subjecting them to punitive damages.

**WHEREFORE**, Plaintiff Shannon M. Peters prays for judgment against all Defendants in an amount which will fully and fairly compensate her for her injuries, for attorneys' fees, for interest and costs as allowed by law; for punitive damages against Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux; and for such other and further relief as the Court deems appropriate.

### **COUNT III**

#### **USE OF EXCESSIVE FORCE IN VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION and ARTICLE I, SECTION 8 OF THE IOWA CONSTITUTION AGAINST ALL DEFENDANTS**

54. Plaintiff incorporates paragraphs 1 through 53 above as though fully set forth herein.

55. The Defendants' use of excessive force in strip searching Peters was in violation of both the Constitutions of the United States, Fourth Amendment, and the State of Iowa, Article 1, Section 8. Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux all touched, shoved, grabbed hit and/or struck Peters in an unreasonable and unnecessary manner, causing her physical and emotional injury.

56. Defendants established a policy, regulation, official decision, custom, or usage of with reckless or in deliberate indifference to the rights of persons in the position of Peters.

57. Defendants have established, maintained, and enforced policies, regulations, official decisions, customs, or usages which unconstitutionally deprive its citizens of the right to

be free from the use of excessive while being detained by the State as guaranteed by the Fourth Amendment to the United States Constitution, and Article I, Section 8, of the Iowa Constitution.

58. Woodbury County and its policymakers had actual or constructive knowledge of the use of excessive force by its employees on certain pre-arraignment detainees.

59. Peters was subjected to this official policy, regulation, official decision, custom, or usage when she was assaulted for refusing to strip naked in front of one female and several male jailers.

60. Defendants' policy, regulation, official decision, custom, or usage as against Plaintiff Peters was purposeful and intentional.

61. During all times mentioned herein, the unconstitutional deprivation of Peters' right to be free from the use of excessive force at the Woodbury County Jail by Woodbury County jailers was executed under color of state law.

62. Defendants deprived Plaintiff of the rights guaranteed her under the Fourth Amendment to the United States Constitution, and Section I, Article 8, of the Iowa Constitution, in violation of 42 U.S.C. § 1983.

63. Plaintiff has been damaged as a direct and proximate result of Defendants' acts and omissions, as set out in this Complaint.

64. Defendants Michelle Risdal, Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux acted with malice or reckless indifference to Peters' rights, subjecting them to punitive damages.

**WHEREFORE**, Plaintiff Shannon M. Peters prays for judgment against all Defendants in an amount which will fully and fairly compensate her for her injuries, for attorneys' fees, for interest and costs as allowed by law; for punitive damages against Defendants Michelle Risdal,

Lee Blanchard, Jonathon Hatfield, Carlos Lucero, Andrew Vogt, and Zachary Lux; and for such other and further relief as the Court deems appropriate.

**JURY DEMAND**

The Plaintiff, Shannon M. Peters, respectfully requests a trial by jury on all legal claims raised by her Complaint.

Respectfully submitted,

**WILLEY, O'BRIEN, L.C.**

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