

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIRANDA BARBOUR,

Plaintiff,

V.

KENNETH JONES;

WENDY NICHOLAS, Superintendent;:

STEPHEN PETERSHEIM,

PREA Coordinator;

DAVID RADZIEWICZ,

PREA Coordinator;

ANGEL BAEZ-SPRAGUE,

PREA Compliance Manager;

JAMES SAVAGE, Security Captain;

ROHLAND, Security Lieutenant;

KNIGHT, Lieutenant;

VALERIE GORDNER, Counselor;

GABRIELLA CUOZZO, Counselor;

DAVID SPRING, Social Worker;

WARTMAN;

DOE;

Defendants.

COMPLAINT

Every 68 seconds an American is sexually assaulted.¹ In 2003, the “high incidence of sexual assault in prisons” led Congress to pass the Prison Rape Elimination Act, which noted that “experts have conservatively estimated that at

¹ RAPE, ABUSE & INCEST NATIONAL NETWORK, <https://rainn.org/statistics/victim-sexual-violence> (last visited February 27, 2025).

least 13 percent of the inmates in the United States have been sexually assaulted in prison.”² Twenty years later, sexual abuse in prison continues to be rampant not only throughout the country but in Pennsylvania specifically.³ Even more troublingly, this abuse is frequently perpetrated by the staff charged with protecting incarcerated individuals.⁴ No individual who has worked in prisons could plausibly be unaware of the pervasive risk of sexual assault to incarcerated women. Pennsylvania has also recognized that the power dynamics of prison mean that an incarcerated individual can never consent to sexual relations with staff.⁵

For over a year, Miranda Barbour suffered near daily sexual abuse from a parole agent, Defendant Jones, at the State Correctional Institution at Muncy. These brazen assaults occurred with the office door open while numerous staff were

² 34 U.S.C. § 30301(2).

³ See e.g., Richard Winton, *Women victimized in ‘rape club’ at California prison get record \$116-million settlement*, L.A. TIMES, Dec. 17, 2024, <https://www.latimes.com/california/story/2024-12-17/feds-agree-to-pay-116-million-to-victims-of-sexual-assault-by-employees-at-shuttered-dublin-federal-prison>; Tim Hahn, *Former Prison officer accused of sexually assaulting inmates*, ERIE TIMES-NEWS, Aug. 1, 2024, <https://www.goerie.com/story/news/crime/2024/08/01/former-sci-cambridge-springs-corrections-officer-accused-sexually-assaulting-inmates/74620559007/>; *Former Huntingdon DOC Employee Pleads Guilty to Institutional Sexual Assault*, FRANKLIN COUNTY FREE PRESS, Apr. 14, 2023, <https://fcfreepresspa.com/former-huntingdon-doc-employee-pleads-guilty-to-institutional-sexual-assault/>; Matthew Haag, *7 Prison Guards in Pennsylvania Charged With Sexually Abusing Inmates*, N.Y. TIMES, Feb. 16, 2018, <https://www.nytimes.com/2018/02/16/us/pennsylvania-prison-guards-sexual-abuse.html>.

⁴ *Id.*

⁵ See 18 Pa. Code § 3124.2.

nearby. Defendant Jones has admitted to repeatedly sexually assaulting Ms. Barbour because he “liked the attention.”⁶ He now faces 20 counts of institutional sexual assault, along with additional related charges, while Ms. Barbour must put together the pieces of her life in the very institution that failed to protect her from this devastating abuse.

The abuse by Defendant Jones only stopped after Ms. Barbour gave up her prison job and reported inappropriate behavior multiple times. Even after Ms. Barbour was separated from Defendant Jones, he continued to stalk, harass, and threaten her, and even accessed her protected medical and mental health records to use against her. Numerous staff, including the PREA Compliance Manager, the individual supposedly responsible for enforcing the protections of the Prison Rape Elimination Act, were aware of Defendant Jones’ actions, yet failed to intervene and failed to protect her.

This abuse was further enabled by the failure of prison officials to implement appropriate policies and practices to prevent sexual abuse, to adequately train staff to report abuse, and to supervise staff despite already being aware of multiple recent incidents of other correctional staff at SCI Muncy similarly abusing incarcerated

⁶ Brett Crossley, *Inmate Reveals Relationship With Employee, Accuses Them of Stalking*, NORTHCENTRALPA.COM, Jul. 19, 2024, https://www.northcentralpa.com/news/inmate-reveals-relationship-with-employee-accuses-them-of-stalking/article_5e3b5da4-451a-11ef-97ca-fb123dfc031d.html.

women. Ms. Barbour’s abuse, which started in 2023 and continued into 2024, violated Ms. Barbour’s constitutional rights guaranteed by the Eighth and Fourteenth Amendments of the U.S. Constitution, and Pennsylvania state law.

JURISDICTION AND VENUE

1. Plaintiff brings this action pursuant to 42 U.S.C. § 1983. The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3)–(4).

2. The Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) to adjudicate Plaintiff’s state law claims.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because the events and omissions giving rise to the claims occurred in Lycoming County, Pennsylvania, which is in the Middle District of Pennsylvania.

PARTIES

4. Plaintiff Miranda Barbour, a thirty-year-old woman, is currently incarcerated at the Pennsylvania State Correctional Institution at Muncy (“SCI Muncy”) and was incarcerated there at all times relevant to this complaint.

5. Defendant Kenneth Jones was employed by Pennsylvania, in the Pennsylvania Department of Corrections, as a parole agent at all times relevant to this complaint.

6. Defendant Wendy Nicholas is the Superintendent at SCI Muncy. She is responsible for the oversight, operation, and administration of SCI Muncy.

7. Defendant Stephen Petersheim is the statewide PREA Coordinator for the Pennsylvania Department of Corrections, including during times relevant to this complaint.

8. Defendant David Radziewicz was the statewide PREA Coordinator for the Pennsylvania Department of Corrections during times relevant to this complaint.

9. Defendant Angel Baez-Sprague is the PREA Compliance Manager at SCI Muncy.

10. Defendant James Savage is the Security Captain at SCI Muncy.

11. Defendant Rohland is a Security Lieutenant at SCI Muncy.

12. Defendant Knight is a Lieutenant at SCI Muncy.

13. Defendant Valerie Gordner is a corrections counselor at SCI Muncy.

14. Defendant Gabriella Cuzzo is a corrections counselor at SCI Muncy.

15. Defendant David Spring is a social worker at SCI Muncy.

16. Defendant Wartman is an employee at SCI Muncy.

17. Defendant Doe was employed by or was a contractor for the DOC at all times relevant to this case. Between April 2023 and March 2024, Defendant Doe provided Defendant Jones with access to Ms. Barbour's medical and mental health records.

18. All defendants are sued in their individual capacities and acted under color of state law.

FACTS

Defendant Jones' Sexual Abuse, Harassment, and Sexual Assault of Ms. Barbour

19. SCI Muncy is a Pennsylvania state prison designated for women and comprised of a number of separate buildings, including housing units for incarcerated people and administrative offices.

20. The Counseling Services Building is a single-story building constructed in the shape of a horseshoe, with approximately six staff offices, about three classrooms that can be subdivided to create additional classrooms, and other shared rooms, all of which are situated on a single hallway.

21. At all times relevant to this Complaint, the Counseling Services Building had cameras in the hallway, but no cameras in the offices.

22. Even when office doors were open, areas of the offices were not visible to the hallway cameras.

23. In 2022, while incarcerated at SCI Muncy, Ms. Barbour began working as a peer support assistant for Defendant Gordner, a corrections counselor.

24. In early 2023, Ms. Barbour's job duties included helping facilitate group classes for incarcerated people, performing administrative tasks for Defendant Gordner and cleaning the staff offices in the Counseling Services Building.

25. On numerous occasions, Ms. Barbour's cleaning duties caused her to be alone in an office with a staff person.

26. Defendant Gordner told Ms. Barbour that Ms. Barbour's job included helping all staff members in the building and keeping all staff members happy.

27. In or around February 2023, Defendant Jones began to take a personal interest in Ms. Barbour and encouraged her to spend time in his office.

28. Defendant Jones began to engage in grooming behaviors common to sexual predators, using tactics such as complimenting Ms. Barbour's writing skills, telling her she was smart, and suggesting that they had a lot in common.

29. Ms. Barbour was initially flattered by his attention and began to seek his approval.

30. As this pattern continued, Defendant Jones started making sexual comments, including remarks about Ms. Barbour's body and questions about her sexual preferences.

31. In or around April 2023, Defendant Jones kissed Ms. Barbour while she was alone with him in his office.

32. In the days that followed, Defendant Jones continued to kiss Ms. Barbour whenever she entered his office and began demanding that she have sex with him.

33. Ms. Barbour did not feel that she could say no to him.

34. Defendant Jones continued to pressure her every time she was in his office until she performed oral sex on him.

35. Thereafter, Defendant Jones took it for granted that Ms. Barbour would provide him with oral and vaginal sex whenever he asked for it.

36. Ms. Barbour continued to feel that she could not say no.

37. Defendant Jones told Ms. Barbour that if anyone found out he was having sex with her, he would say it was her fault and that everyone would believe him because she was incarcerated.

38. Ms. Barbour was afraid that if she told anyone about Defendant Jones' actions, she would lose her job, be placed in restricted housing, and transferred to a different prison.

39. Beginning in the summer of 2023 through the first week of November 2023, Defendant Jones demanded sex from Ms. Barbour almost every day of the work week, and sometimes multiple times a day.

40. When Defendant Jones sexually assaulted Ms. Barbour, he typically left his office door open.

41. On one occasion, when Ms. Barbour tried to refuse vaginal sex because she was raw from his demands the previous day, Defendant Jones forced her to submit to anal sex.

42. When Ms. Barbour tried to refuse sex or avoided Defendant Jones, he became angry and erratic.

43. In October 2023, Ms. Barbour's period was three weeks late and she told Defendant Jones she was worried she was pregnant.

44. Defendant Jones urged Ms. Barbour to fall down the stairs or instigate a fight with another incarcerated person so that she would miscarry.

**Employees Who Shared an Office Building with Defendant Jones
Failed To Intervene and Failed to Protect Ms. Barbour**

45. Defendants Jones, Cuzzo, Gordner, Spring, and Wartman all had offices in the Counseling Services Building during the months that Defendant Jones was sexually harassing and assaulting Ms. Barbour.

46. Defendant Jones' office was located between the offices of Defendants Cuzzo and Wartman, sharing a wall with each of their offices.

47. Interior walls in the Counseling Services Building are thin and offered minimal soundproofing, so that sound carried from one office to another.

48. For example, on one occasion when Defendant Jones was sexually assaulting Ms. Barbour, both Defendant Jones and Ms. Barbour heard Defendant Wartman move her desk chair in her office next door, and Defendant Jones immediately pushed Ms. Barbour away.

49. Also, when Ms. Barbour was in Defendant Jones' office, she could hear Defendants Cuzzo and Wartman typing on their computer keyboards.

50. Consequently, when Defendants Cuzzo and Wartman were in their offices, they would have been able to hear sounds from Defendant Jones' office, including the sounds he made while assaulting Ms. Barbour.

51. Defendant Jones' office in the Counseling Services Building was across the hallway from the computer room, copy room and staff bathroom, which were common areas used by several different staff.

52. Defendants Cuzzo, Gordner, Spring, and Wartman regularly walked past Defendant Jones' office in order to reach the common areas, including when Ms. Barbour was alone with Defendant Jones in his office.

53. Between February 2023 to November 2023, Defendants Cuzzo, Gordner, Spring, and Wartman repeatedly saw Ms. Barbour in Defendant Jones' office and would have overheard multiple conversations between Ms. Barbour and Defendant Jones.

54. In or around Fall 2023, Defendants Cuzzo, Gordner, Spring, and Wartman each made several remarks to Ms. Barbour to the effect that she should not be alone with Defendant Jones in his office, or be off camera with him for such extended periods of time because it looked bad.

55. Recognizing the high risk of sexual assault in carceral settings, the Prison Rape Elimination Act ("PREA"), 42 U.S.C. § 30301, *et seq.*, was enacted by

Congress to prevent sexual abuse in prisons and requires prisons to adopt and implement policies designed to prevent sexual assault.

56. Both PREA regulations and DOC policy require that DOC staff immediately report any knowledge, suspicion, or information of sexual abuse of an incarcerated person and staff neglect or violation of responsibilities that may have contributed to such abuse.

57. Furthermore, the Department of Correction's Code of Ethics prohibits "fraternization" or private relationships between staff and incarcerated people.

58. Despite this, Defendants Cuzzo, Gordner, Spring, and Wartman failed to make reports regarding potential misconduct or abuse by Defendant Jones and failed to take other appropriate actions that would have stopped the sexual abuse.

**The PREA Compliance Manager and Security Staff
Failed to Intervene and Failed to Protect Ms. Barbour**

59. Under Pennsylvania law, it is a felony for an employee or agent of the Department of Corrections to have sexual intercourse with an incarcerated person, whether or not it occurs with the consent of the incarcerated person. *See* 18 Pa. Code § 3124.2.

60. As SCI Muncy's PREA Compliance Manager, Defendant Baez-Sprague, was tasked with overseeing SCI Muncy's compliance with PREA regulations and ensuring that incarcerated people at SCI Muncy were not subjected to sexual abuse and harassment.

61. According to the PREA Regulations and DOC policy, sexual activity between a staff member or contractor and an incarcerated person constitutes sexual abuse, whether or not the incarcerated person consents.

62. Upon information and belief, in spring or summer 2023, Defendant Baez-Sprague suspected that there was improper sexual contact between Ms. Barbour and a staff person.

63. During this time, Defendant Baez-Sprague, who was not a member of medical staff and was not involved in routine medical care, ordered Ms. Barbour to report to the medical department for a pregnancy test.

64. Being held in a women's prison for over a year, Ms. Barbour's only contact with men who could get her pregnant were prison employees and contractors.

65. Aside from ordering a pregnancy test, Defendant Baez-Sprague made no substantive attempt then or in the following months to ask or investigate whether there was any improper sexual misconduct.

66. Even though as PREA Compliance Manager, Defendant Baez-Sprague had a responsibility to ensure that "when Department staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, appropriate and immediate action shall be taken to protect that inmate," DC-ADM 008, Section 1(A)(3)(o), Defendant Baez-Sprague did not separate Defendant Jones from Ms. Barbour.

67. In or around August 2023, Ms. Barbour informed Defendant Baez-Sprague that because of her cleaning duties, she was sometimes alone in the Counseling Services Building with Defendant Jones, hoping that Defendant Baez-Sprague would intervene, but instead, Defendant Baez-Sprague told Ms. Barbour that it was fine for her to be alone with Defendant Jones.

68. In or around October 2023, Defendant Savage, the Security Captain, and Defendant Rohland, a Security Lieutenant, summoned Ms. Barbour to the security office and told her that a report had been made about inappropriate activity between her and a staff member.

69. Ms. Barbour was afraid to tell Defendants Savage and Rohland about Defendant Jones' abuse because she felt that they were meeting with her to tell her that she had done something wrong and was in trouble.

70. Defendants Savage and Rohland made little or no attempt to inform or reassure Ms. Barbour that she would not get in trouble for reporting sexual abuse.

71. The meeting with Ms. Barbour lasted for only a few minutes.

72. DOC policy requires that security staff separate an alleged victim and alleged abuser during the initial response to an allegation that an incarcerated person was being subjected to sexual abuse.

73. Despite having received a report of possible inappropriate activity, Defendants Savage and Rohland did not separate Defendant Jones from Ms. Barbour.

74. Upon information and belief, Defendant Baez-Sprague would have also received this report as the PREA Compliance Manager.

75. Around this time in October 2023, Defendant Baez-Sprague began walking through the Counseling Services Building multiple times a week.

76. Defendant Jones sometimes had Ms. Barbour alone in his office when Defendant Baez-Sprague was in the Counseling Services Building, but Defendant Baez-Sprague never checked in or intervened.

77. On one occasion, the hallway and both neighboring offices were empty, yet Defendant Baez-Sprague walked right past Defendant Jones' office while Ms. Barbour was there with him, instead going to chat with Defendant Gordner in her office down the hall.

78. Almost immediately afterwards, Defendant Jones insisted that Ms. Barbour perform oral sex on him, even while Defendant Baez-Sprague was still in the building.

79. Around October 2023, Defendant Knight, a corrections Lieutenant, also began patrolling the Counseling Services Building one to two times per week.

80. On one occasion, Ms. Barbour heard Defendant Knight tell Defendant Gordner that “you’re going to be seeing more of me. If certain staff members would keep their dicks in their pants I wouldn’t have to be here.”

81. Defendant Knight was present in the building at times that Ms. Barbour was alone with Defendant Jones in his office, but Defendant Knight took no action nor did he intervene when he saw Ms. Barbour alone with Defendant Jones.

Ms. Barbour Attempts To Protect Herself

82. In November 2023, Ms. Barbour became desperate to escape Defendant Jones’ escalating sexual and emotional demands because the abuse was causing her near constant anxiety, guilt, and terror.

83. During this time period, Ms. Barbour requested a meeting with Defendants Savage and Rohland.

84. She came to that meeting prepared to tell Defendants Savage and Rohland about Defendant Jones’ sexual abuse, even if it meant she got in trouble.

85. Ms. Barbour began her meeting with Defendants Savage and Rohland by asking to be removed from her job in the Counseling Services Building.

86. This request should have raised concerns with Defendants Savage and Rohland as job assignments are not typically handled by security staff and the job of peer assistant is a very desirable assignment.

87. Ms. Barbour also specifically requested that they not tell anyone that she had requested to be moved from her job because she was frightened of what Defendant Jones would do if he knew.

88. When Defendant Savage asked Ms. Barbour why she wanted to be removed from her job, she told Defendants Savage and Rohland that she was in an inappropriate situation with Defendant Jones.

89. Defendants Savage and Rohland did not ask Ms. Barbour what she meant by “inappropriate situation.”

90. Ms. Barbour believes that Defendants Savage and Rohland knew what she meant, but did not want her to say anything further that would require them to take action against Defendant Jones.

91. This meeting lasted only a few minutes.

92. After the meeting, Defendant Savage removed Ms. Barbour from her job in the Counseling Services Building.

93. Ms. Barbour’s position as a peer assistant in the Counseling Services Building provided her with a sense of purpose and satisfaction, and allowed her to feel that she was helping other incarcerated people.

94. After she was removed from her job, Ms. Barbour was assigned to a cleaning job on her residential unit, including scrubbing showers, mopping and sweeping the common area.

95. Losing her job as a peer assistant caused her to experience sadness and depression, but Ms. Barbour believed that there was no other way for her to escape Defendant Jones' sexual abuse.

96. Defendants Savage and Rohland took no action aside from reassigning her to a new job.

97. Defendant Baez-Sprague also took no action to further investigate.

Defendant Jones Stalks and Harasses Ms. Barbour

98. After Ms. Barbour was reassigned jobs, Defendant Jones began stalking and harassing Ms. Barbour.

99. From about November 2023 through March 2024, Defendant Jones regularly accessed the "call-out" schedule at SCI Muncy, which included the times and locations of Ms. Barbour's appointments, and then frequently lingered outside the locations of Ms. Barbour's appointments so that she was forced to see him.

100. Ms. Barbour became scared to leave her housing unit because she was afraid of encountering Defendant Jones.

101. Defendant Jones sent Ms. Barbour numerous emails through the DOC's email system, sometimes multiple emails a day, and whenever Ms. Barbour blocked Defendant Jones' email address from her email account, Defendant Jones created a new email account and resumed sending her emails.

102. As Security Captain, Defendant Savage was responsible for detecting and monitoring inappropriate emails, but failed to flag, inquire, or stop the inappropriate emails sent from Defendant Jones to Ms. Barbour.

103. In or around December 2023 or January 2024, Defendant Jones told Ms. Barbour that he knew she had asked to be removed from her job in the Counseling Services Building.

104. As a result of this information, Defendant Jones sent threatening emails to Ms. Barbour, expressing anger and jealousy.

105. Defendant Jones also made numerous threats to harm himself and told Ms. Barbour that she would be responsible if he did.

106. She blamed herself for Defendant Jones' abuse and became deeply insecure about her judgment and perceptions of other people.

107. She began to socially isolate herself, became depressed, and had trouble sleeping.

108. Despite knowing or suspecting that Defendant Jones had sexually abused Ms. Barbour, from November 2023 through March 2024, Defendants Baez-Sprague and Savage failed to prevent Defendant Jones from stalking Ms. Barbour and using DOC communications systems to harass Ms. Barbour.

Ms. Barbour Attempts Again to Protect Herself

109. On March 28, 2024, Ms. Barbour requested a meeting with Defendant Savage.

110. During that meeting, Ms. Barbour made a formal PREA report to Defendants Savage and Rohland, and disclosed Defendant Jones' sexual abuse and the ongoing stalking and harassment.

111. During the meeting, Ms. Barbour asked Defendant Savage why he did not do anything sooner to stop the abuse.

112. Defendant Savage responded by telling her that "we were waiting for you to hang yourself."

113. Ms. Barbour also asked Defendant Savage how Defendant Jones found out that Ms. Barbour had asked to be removed from her job.

114. Defendant Savage admitted that he shared that information with a friend and co-worker of Defendant Jones, despite Ms. Barbour's specific request that the information be kept confidential.

115. On March 29, 2024, Defendant Jones was suspended without pay, pending the outcome of the PREA investigation.

116. On July 12, 2024, Defendant Jones was arraigned on criminal charges relating to his sexual abuse of Ms. Barbour.

117. The criminal charges against Defendant Jones include twenty felony charges of institutional sexual assault of Ms. Barbour. *See Commonwealth v. Kenneth Jones*, CR-1087-2024 (Court of Common Pleas of Lycoming County, Pennsylvania).

118. Upon information and belief, Defendant Jones will be entering a guilty plea.

Defendants Jones and Doe Violated Ms. Barbour's Right to Privacy

119. From April 2023 through March 2024, Defendant Jones frequently made references to personal information about Ms. Barbour, including information that could only be found in her medical and mental health records.

120. On more than one occasion, Defendant Jones alluded to Ms. Barbour's specific mental health diagnoses and mental health history, information that Ms. Barbour had not shared with him.

121. Defendant Jones used this information to suggest to Ms. Barbour that she was crazy and nobody would believe her if she reported his sexual abuse.

122. Defendant Jones made numerous references to having made sure Ms. Barbour did not have any sexually transmitted diseases before he had sex with her.

123. Ms. Barbour had not shared information with Defendant Jones regarding test results for sexually transmitted diseases.

124. In or around October 2023, Defendant Jones told Ms. Barbour that he had read her entire DOC file, including her medical and mental health records.

125. Shortly after Ms. Barbour met with her mental health counselor on October 16, 2023, Defendant Jones told Ms. Barbour that he had read her mental health counselor's notes from the visit.

126. Ms. Barbour's counselor's notes stated that Ms. Barbour had requested help processing an issue she was having with a peer, which Defendant Jones interpreted as Ms. Barbour asking for help regarding her relationship with him.

127. Defendant Jones then became angry with Ms. Barbour and told her that if she disclosed their relationship to her mental health counselor, he would make sure that she was the only one who got in trouble.

128. From November 2023 through March 2024, Defendant Jones' emails and phone calls to Ms. Barbour included references to people who visited her, people who sent her money, and what she bought at commissary, which was information that he learned by accessing her DOC inmate trust account records, commissary record, and visiting list.

129. Upon information and belief, the medical and mental health records of incarcerated people are only available to DOC staff and contractors who require that information to perform their duties.

130. As a parole agent not assigned to Ms. Barbour, Defendant Jones had no duties that required him to access Ms. Barbour's medical or mental health records.

131. Either intentionally or through a failure to adequately safeguard the medical and mental health information of incarcerated people, Defendant Doe provided Defendant Jones with access to Ms. Barbour's medical and mental health records.

132. Defendant Jones' access to Ms. Barbour's medical and mental health records caused Ms. Barbour anxiety and fear, and made her reluctant to seek help to escape his abuse.

SCI Muncy's Inadequate Practices, Training, and Investigation of Staff Sexual Assault of Incarcerated People Caused Harm to Ms. Barbour

133. PREA regulations and DOC Policy mandate training regarding a zero-tolerance policy against sexual abuse for all DOC staff and contractors who have contact with incarcerated people.

134. Defendant Nicholas in her capacity as Superintendent at SCI Muncy, Defendants Petersheim and Radziewicz in their capacity as statewide PREA Coordinator, Defendant Baez-Sprague in his capacity as PREA Compliance Manager, and Defendant Savage in his capacity as Security Captain were responsible for implementation of PREA requirements, related training, and supervising staff to ensure adherence to PREA's "zero tolerance" standard and other requirements.

135. Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage were aware that SCI Muncy's policies and practices were insufficient to protect incarcerated women housed there from staff sexual abuse.

136. In the three years directly preceding Defendant Jones' sexual abuse of Ms. Barbour, at least two other male employees at SCI Muncy took advantage of inadequate policies and practices to sexually abuse incarcerated women.

137. For example, in 2020 and 2021, Brian Scott used his position as a corrections officer to sexually abuse multiple incarcerated women at SCI Muncy by improperly and illegally eliciting sexual favors.⁷

138. Scott used areas at SCI Muncy that were not visible to security cameras; relied on the reluctance and purposeful avoidance of other staff at SCI Muncy to report his ongoing and obvious abuse; and took advantage of the reluctance of investigatory and security staff to take appropriate action, even when staff were actively investigating allegations against Scott.⁸

139. Upon information and belief, in 2022, an individual employed as a teacher/instructor at SCI Muncy (identified here as "T.W.") used his position to

⁷ See Mike Reuther, *Former Muncy SCI Prison Guard Sentenced*, WILLIAMSPORT SUN GAZETTE, Mar. 3, 2020, <https://www.sungazette.com/news/2022/03/former-prison-guard-sentenced/>.

⁸ See *Fazenbaker v. SCI Muncy, et al.*, 22-cv-1442 (M.D. Pa.), **ECF 33**; *Henry v. Scott, et al.*, 22-cv-1391 (M.D. Pa.), **ECF 13**.

sexually abuse one or more incarcerated women, taking advantage of a lack of cameras in his classroom, along with other inadequate policies and practices at SCI Muncy that enabled him to abuse others.⁹

140. Defendants Nicholas, Baez-Sprague, Savage, Petersheim, and Radziewicz, were involved in and/or were aware of the investigations of Scott's and T.W.'s sexual abuse of incarcerated women and the practices at SCI Muncy that enabled that abuse.

141. Many of the failures in policies and practices at SCI Muncy that allowed Scott and T.W. to sexually abuse women also facilitated Defendant Jones' abuse of Ms. Barbour, including but not limited to a lack of video cameras, inadequate staff training and supervision, and poor investigative practices.

142. The DOC oversees parole supervision, and therefore also oversees parole agents like Defendant Jones.

143. At least half of staff-on-inmate sexual victimization incidents occur in an area not under video surveillance.¹⁰

⁹ Upon information and belief, T.W. committed suicide shortly after leaving his employment at SCI Muncy so no criminal charges were brought against him.

¹⁰ Emily D. Buehler, Bureau of Justice Statistics, *Sexual Victimization Reported by Adult Correctional Authorities, 2016-2018* (June 2021), <https://bjs.ojp.gov/library/publications/sexual-victimization-reported-adult-correctional-authorities-2016-2018>.

144. Despite knowing that areas invisible to security cameras enable sexual abuse, Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage failed to ensure that the Counseling Services Building had sufficient security cameras.

145. PREA regulations and DOC policy require DOC staff and contractors to receive training on sexual abuse prevention, including but not limited to information about the dynamics of sexual abuse in confinement, common reactions of sexual abuse victims, how to detect signs of sexual abuse, and the duty to report knowledge or suspicion of sexual abuse.

146. Despite being aware of the historical reluctance of staff at SCI Muncy to report sexual abuse and the pervasive culture of impunity, victim-blaming, and purposefully turning a blind eye, Defendants Nicholas, Petersheim, Radziewicz, and Baez-Sprague failed to ensure that staff were adequately trained and supervised.

147. Defendants Nicholas, Petersheim, Radziewicz, and Baez-Sprague failed to provide proper training and supervision to ensure that employees at SCI Muncy understood their responsibilities to detect and report Ms. Barbour's sexual abuse, and to take those responsibilities seriously.

148. Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage failed to enforce and comply with the minimum requirements of the DOC's

policies and procedures relating to investigations of sexual assault of incarcerated people.

CAUSES OF ACTION

COUNT I

Deprivation of the Eighth Amendment Right to Be Free from Cruel and Unusual Punishment (Against Defendant Jones)

149. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

150. Defendant Jones violated Ms. Barbour's right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution by repeatedly sexually harassing, sexually abusing, and sexually assaulting her.

COUNT II

Deprivation of the Eighth Amendment Right to Be Free from Cruel and Unusual Punishment (Against Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, Savage, Rohland, Knight, Cuzzo, Gordner, Spring and Wartman)

151. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

152. Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage's failures to implement adequate policies and practices with regard to the prevention of sexual abuse of incarcerated people constitute violations of Ms. Barbour's right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

153. Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage's failures to properly train and supervise staff with regard to the prevention of sexual abuse of incarcerated people constitute violations of Ms. Barbour's right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

154. Defendants Baez-Sprague, Savage, Rohland, Knight, Gordner, Spring, Cuozzo, and Wartman's failures to protect Ms. Barbour from Defendant Jones' sexual abuse, harassment, and sexual assault constitute violations of Ms. Barbour's right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

155. Defendants Baez-Sprague, Savage, Rohland, Knight, Gordner, Spring, Cuozzo, and Wartman's failures to intervene in Defendant Jones' ongoing sexual abuse, harassment, and sexual assault constitute violations of Ms. Barbour's right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

COUNT III

Deprivation of the Fourteenth Amendment Right to Privacy (Against Defendants Jones and Doe)

156. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

157. In directly accessing, or providing Defendant Jones with access to, Ms. Barbour's medical and mental health records, Defendants Jones and Doe violated Ms. Barbour's right to privacy under the Fourteenth Amendment.

Count IV
Battery under Pennsylvania Law
(Against Defendant Jones)

158. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

159. Defendant Jones' intentional touching of Ms. Barbour in a sexual manner, where she did not consent to the sexual touching, and the sexual touching was harmful and offensive, constitutes battery under Pennsylvania law.

Count V
Intentional Infliction of Emotional Distress under Pennsylvania Law
(Against Defendant Jones)

160. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

161. Defendant Jones' acts and conduct were so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized society, as to cause intentional infliction of emotional distress.

Count VI
Negligence under Pennsylvania Law
(Against Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, Savage, Rohland, Knight, Cuozzo, Gordner, Spring and Wartman)

162. The allegations set forth in each of the preceding paragraphs are incorporated herein by reference.

163. Defendants owed a duty of care to Ms. Barbour when she was in the care, custody, and control of the DOC.

164. Defendants Nicholas, Petersheim, Radziewicz, Baez-Sprague, and Savage breached their duty to Ms. Barbour by failing to implement policies and practices and to properly train and supervise staff with regard to the prevention of sexual abuse of incarcerated people.

165. Defendants Baez-Sprague, Savage, Rohland, Knight, Gordner, Spring, Cuozzo, and Wartman breached their duty to Ms. Barbour by failing to protect her from Defendant Jones' sexual abuse, harassment, and sexual assault, and failing to intervene in Defendant Jones' ongoing abuse, harassment, and sexual assault.

166. But for the unreasonable acts and omissions of Defendants, Defendant Jones would not have sexually assaulted, sexually harassed, and sexually abused Ms. Barbour for a period of several months.

167. The unreasonable acts and omissions of Defendants were a substantial factor in bringing about Ms. Barbour's injuries.

REQUESTED RELIEF

WHEREFORE, Plaintiff Miranda Barbour respectfully requests that the Court grant the following relief:

- A. An award of compensatory damages against all Defendants;
- B. An award of punitive damages against all Defendants;
- C. An award of nominal damages on any claim on which no compensatory damages are awarded;
- D. Reasonable attorney's fees and costs; and
- E. Such other relief the Court deems just and proper.

/s/ Evangeline Wright
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DATE: February 28, 2025