

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

JERROD PALMER;

Plaintiff,

V.

**W. SUNDAY, Sergeant;
MICHAEL HALEY, Corrections Officer;
JOHN DOES #1-6, Corrections Officers;
WALTER MAUST, Sergeant;
ERIC GAMBOA, Sergeant;
DWAYNE LARDIN, Sergeant; ORLANDO
HARPER, Warden of Allegheny County Jail;
SHANE DADY, Interim Warden; DAVID
ZETWO, Chief Deputy Warden; JASON
BEASOM, Deputy Warden; ALLEGHENY
COUNTY**

Defendants.

Case No.

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff Jerrod Palmer, a formerly incarcerated man with well-documented psychiatric disabilities, brings this lawsuit to assert his constitutional and human rights.

On November 14, 2023, corrections officers at the Allegheny County Jail (“ACJ”), brutally assaulted Mr. Palmer several times while he was handcuffed and experiencing severe and apparent mental health symptoms.

2. Supervisory Defendants Warden Orlando Harper, Interim Warden Shane Dady, Deputy Warden David Zetwo, and Deputy Chief Deputy of Operations Beasom (“Supervisory Defendants”) failed to adequately train, supervise and discipline ACJ correction officers for such conduct, which has resulted in the rampant use of unlawful and unconstitutional force on people incarcerated at ACJ.

3. As a result of the egregious and unchecked overuse of force against individuals with disabilities at ACJ, Mr. Palmer has suffered serious injury and long-lasting emotional trauma.

JURISDICTION AND VENUE

4. This case is brought pursuant to the Eighth Amendment of the United States Constitution, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202, the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, and Pennsylvania state law.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(a)(3)-(4), and 1367(a).

6. This Court is the appropriate venue pursuant to 28 U.S.C. § 1391(b)(2) because the events and omissions giving rise to the claims occurred in Allegheny County, in the Western District of Pennsylvania.

PARTIES

7. Plaintiff Jerrod Palmer was an incarcerated prisoner at ACJ, and two days from being released, when corrections officers repeatedly assaulted him sadistically and maliciously while he was restrained without any penological justification. Corrections officers also used excessive force on Mr. Palmer because of manifestations of his psychiatric disabilities, which include bipolar disorder, schizophrenia, anxiety, and PTSD. Prior to these assaults, Mr. Palmer had never received any misconducts during his incarceration and had never been convicted of a physical assault. During his incarceration at ACJ, Mr. Palmer was an exemplary kitchen worker who was responsible for feeding correctional officers, medical workers and other staff at ACJ. In this capacity, Mr. Palmer would have regular interactions with the commissary personnel. Defendant Healy and other officers assaulted Mr. Palmer maliciously, intentionally injuring him when he was handcuffed and for non-

violent behavior.

8. Defendant Michael Haley is and was at all relevant times an employee of Allegheny County, serving as a pod officer at ACJ. Defendant Haley was at all relevant times acting under the color of state law. Defendant Haley is sued in his individual capacity.

9. Defendant W. Sunday is and was at all relevant times an employee of Allegheny County, serving as a sergeant at ACJ. Defendant Sunday was at all relevant times acting under the color of state law. Defendant Sunday is sued in his individual capacity.

10. Defendant Walter Maust is and was at all relevant times an employee of Allegheny County, serving as a sergeant at ACJ. Defendant Maust was at all relevant times acting under the color of state law. Defendant Maust is sued in his individual capacity.

11. Defendant Eric Gamboa is and was at all relevant times an employee of Allegheny County, serving as a sergeant at ACJ. Defendant Gamboa was at all relevant times acting under the color of state law. Defendant Gamboa is sued in his individual capacity.

12. Defendant Dwayne Lardin is and was at all relevant times an employee of Allegheny County, serving as a sergeant at ACJ. Defendant Lardin was at all relevant times acting under the color of state law. Defendant Lardin is sued in his individual capacity.

13. Defendants John Does #1-6 were at all relevant times, employees of Allegheny County, serving as corrections officers at ACJ. At all relevant times, Defendants John Does #1-6 were acting under color of state law, and in accordance with the policies, customs, and/or practices of Allegheny County. They are sued in their individual capacities.

14. Defendant Orlando Harper was at all relevant times the Warden at ACJ up to September 2023 and as such is responsible for the oversight, operation and administration of ACJ, including security and use-of-force policies and practices, staff training, and ensuring

accommodations for incarcerated people with physical or psychiatric disabilities. At all relevant times, Defendant Harper was acting under color of state law, and in accordance with the policies, customs, and/or practices of Allegheny County. He is sued in his individual capacity.

15. Defendant Shane Dady was the Warden at ACJ between September 2023 and November 2024 and as such is responsible for the oversight, operation and administration of ACJ, including security and use-of-force policies and practices, staff training, and ensuring accommodations for incarcerated people with physical or psychiatric disabilities. At all relevant times, Defendant Dady was acting under color of state law, and in accordance with the policies, customs, and/or practices of Allegheny County. He is sued in his individual capacity.

16. Defendant David Zetwo was at all relevant times the Chief Deputy Warden of Operations at ACJ. He is responsible for oversight and administration of the investigation and discipline of corrections officers for uses of force on incarcerated people confined at ACJ. At all relevant times, Defendant Zetwo was acting under color of state law, and in accordance with the policies, customs, and/or practices of Allegheny County. He is sued in his individual capacity.

17. Defendant Jason Beasom was at all relevant times the Deputy Warden of Operations at ACJ. He is responsible for oversight and administration of corrections officers for uses of force on incarcerated people confined at ACJ. At all relevant times, Defendant Beasom was acting under color of state law, and in accordance with the policies, customs, and/or practices of Allegheny County. He is sued in his individual capacity

18. Defendant Allegheny County is a county government organized and existing under the laws of the Commonwealth of Pennsylvania. Defendant Allegheny County is in possession and control of ACJ.

STATEMENT OF FACTS

ACJ's Culture of Violence Against Individuals with Psychiatric Disabilities

19. More than 60% of the people incarcerated in ACJ have a serious mental illness or psychiatric disability.

20. Prior to 2023, the National Commission on Correctional Health Care ("NCCHC") repeatedly found that ACJ failed to provide adequate treatment plans, screening, monitoring and other evidence-based mental health procedures that was compliant with correctional healthcare standards, which affected individuals with psychiatric disabilities.

21. Documentation regarding medication distribution is notoriously unreliable. On numerous occasions, mental health staff could easily determine that patients had not received their medication, even though medication was marked as distributed on the patient's chart.

22. Mental health staff were regularly discouraged from including in the record anything critical of the care patients were being offered. And sometimes when critical mental health care events were recorded in the patient's medical record or incident report, Supervisory Defendants have ignored or disregarded them.

23. For years, ACJ has infamously outpaced all other jails in Pennsylvania for its uses of force, deployment of weapons, deaths, and use of solitary confinement per capita. These horrendous statistics were and are, in part, a product of the unmet need for mental healthcare at ACJ.

24. Chronic staffing vacancies exacerbated and impeded the admission of healthcare to people incarcerated in ACJ.

25. ACJ staff frequently ignore or deny requests for help from incarcerated individuals with psychiatric disabilities and subject those individuals to repeated use of brutal force.

26. ACJ's officers routinely assaulted people with psychiatric disabilities in response to their need for psychiatric care. This has occurred without oversight, and often in situations where the person being assaulted has already been subdued or restrained.

27. Rather than contacting mental health staff, a pattern and practice has existed at ACJ of using force in response to mental health needs. Even ACJ's past policies that recognized the need for mental health intervention have been inconsistent and disregarded by officers and officials, including when there was no urgent need for force between officers and incarcerated individuals.

28. ACJ policies identified two use-of-force situations for corrections officers: planned and unplanned. A planned use of force refers to a situation where the incarcerated person does not pose an immediate risk of harm to himself or others and he is secured in a location allowing supervisory staff the time to plan the use of force. An unplanned use of force refers to situations in which immediate force is used to prevent injury to the incarcerated person and others.

29. Corrections officers were required to seek the assistance of medical or mental healthcare professionals to help de-escalate and use non-force alternatives to avoid the use of excessive force. Later investigations revealed that even for planned uses of force, the majority of the time, there were little to no adequate de-escalation efforts used by healthcare or corrections staff.

30. ACJ officers frequently used force in response to non-emergency, non-violent situations, often involving an incarcerated person with psychiatric disabilities. Officers routinely used force on people with psychiatric disabilities as a method of first response without seeking intervention from mental health staff, even when the people involved did not present a risk of

harm to themselves or others.

31. At all relevant times, ACJ officers used force without effective oversight. The Supervisory Defendants condoned virtually all uses of force by officers, rarely if ever disciplined officers for their use of force and failed to properly investigate allegations of physical abuse.

- In 2019, several times, correction officers unlawfully used force on Ms. Kimberly Andrews, who has a psychiatric disability and was experiencing a mental health crisis. But the officers, including Defendant Radaci were not disciplined. In one incident, Ms. Andrews was thrown to the floor while she was already restrained by four officers for non-violent behavior. Another time, Ms. Andrews was handcuffed as she was tased after just returning from a hospital for a suicide attempt.¹
- Bradford Hanson, an expert in uses of force and a former warden, found corrections officers and their supervisors at ACJ engaged in a pattern and practice of using physical force and weapons excessively and without penological justification for dozens of incidents that occurred between 2017 and 2021.² Mr. Hanson also served as an expert in a class action case involving excessive force at the ACJ. Mr. Hanson reviewed use of force reports, watched surveillance footage

¹ Bradford Hansen Report at 14-16, 30-34, *Andrews v. Harper*, No. 2:19-cv-00670-CWW (Aug. 4, 2021), ECF. 106-1; Paula Ward, *Pittsburg-area Woman Decries Use of Force at Allegheny County Jail*, TRIBLIVE (July 23, 2021, 11:00 AM), <https://triblive.com/local/pittsburgh-area-woman-decries-use-of-force-at-allegheeny-county-jail/>.

² Bradford Hansen Expert Report, *Howard v. Williams*, No. 2:20-cv-01389-LPL (Feb. 15, 2023), ECF. 97; An-Li Hering, Class-Action Lawsuit Alleges Abuse of Allegheny County Jail Inmates with Psychiatric Disabilities, WESA (Sept. 15, 2020), <https://www.wesa.fm/identity-justice/2020-09-15/class-action-lawsuit-alleges-abuse-of-allegheeny-county-jail-inmates-with-psychiatric-disabilities>; Bradford Hansen Report, *Walker v. Raible*, No. 2:28-cv-01868 (Jan. 31, 2023); Claudia Lauer, Female Ex-Inmates Allege Excessive Force At Allegheny County Jail, WESA, (Dec. 2, 2020, 2:47 PM EST), <https://www.wesa.fm/identity-justice/2020-12-02/female-ex-inmates-allege-excessive-force-at-allegheeny-county-jail>.

of uses of force, and reviewed records concerning incarcerated people's psychiatric diagnoses. Mr. Hanson concluded that nearly all incarcerated persons who were a victim of force had psychiatric disability and that the force used was excessive. In many of these instances, the incarcerated person was already restrained or subdued when the officers used force on them.

- Around July 2023, Mr. Kush Wilkerson was assaulted by several officers and tased by Sgt. Sarver.³

32. Over the years, Supervisory Defendants failed to prevent unlawful assaults by not conducting adequate investigations of Defendant officers' uses of force. Additionally, the County failed to adequately train, supervise, or discipline Supervisory Defendants', thus condoning their practice of inadequate investigation.

33. Although dozens of grievances, use of force packets, and surveillance videos blatantly showed that Defendant officers used force excessively, the County and Supervisory Defendants refused to train, supervise, or discipline them despite knowing there would be more times where Defendant officers would encounter incarcerated persons with psychiatric disabilities and use unwarranted force against them.

34. Ultimately, the unjustifiable discrimination against people with psychiatric disabilities at the ACJ culminated in a class action lawsuit *Howard v. Williams* in 2020. The *Howard* case successfully challenged these unlawful force, solitary confinement, and mental health policies, practices, and procedures that were entrenched in ACJ.

35. In 2021, a county referendum was passed, which banned most forms of solitary confinement at the ACJ as well as the use of several weapons, including chemical agents and the

³ Complaint, *Wilkerson v. Sarver*, No. 2:25-cv-00919 (July 2, 2025), ECF. 1.

restraint chair.

36. In an overt expression of ableism and in defiance of 170,000 citizens who voted for the Referendum, the ACJ enacted a Mental Health Tier system created to discriminate against incarcerated persons with disabilities. The system defied correctional care standards because the policy permitted keeping people with psychiatric disabilities in cell by themselves even if they were not exhibiting suicidal or self-harm behavior.

37. Although the Mental Health Tier system ranges 1-5 with the 5th tier having the most deprivations, the reality is all tier patients are denied conditions and privileges, including recreation, exercise, visits, calls to family and friends, and meaningful social interaction. To date, jail officials have failed to present any scientific-based evidence to support the system, which likely violates the Referendum and the Consent Order in *Howard v. Williams*.

38. Shortly after the Referendum's passage, another effort arose to undermine the citizen created law and to discriminate against incarcerated people with disabilities. Former Warden Harper and the County contracted Corrections Special Application Unit ("CSAU") a militaristic training program for correction officers that was directed by disgraced charlatan Joseph Garcia.

39. Mr. Garcia had been hired to train officers who were deployed to respond to incarcerated persons experiencing a mental health crisis. Assessments by corrections experts, lawsuits, and former trainees confirmed that Mr. Garcia provided no meaningful training on de-escalation and in fact teaches aggression and intimidation techniques

40. Experts, investigators, and journalists found that Garcia improperly taught officers to profile incarcerated people and determine which mental health condition they have. Mr. Garcia also taught officers to use inappropriate terminology by referring to incarcerated person

with an intellectual disability as “mentally retarded.”⁴ In addition, Mr. Garcia ingrained the idea that disabled individuals are violently mentally ill and that officers should gain compliance through aggression and shouting oral commands instead of using a calming tone and building a conversation with the persons.⁵ Mr. Garcia trained officers to view pretrial detainees as “enemies” and to see it as their job to engage in “combat”, “fight”, and “going to battle with” so-called “enemies,” i.e. detainees.⁶ Mr. Garcia taught officers that incarcerated persons, who are predominantly African-American, are intent on provoking a “racial war” against corrections officers, who are predominantly White.⁷ Additionally, lawsuits and a Department of Justice investigation revealed that Mr. Garcia’s training heavily influenced corrections officers even after the training program ended.

41. So too after the County’s contract with CSAU and Mr. Garcia was rescinded, the unconstitutional use of force tactics, including guns that shoot concussive grenades and rubber bullets, have remained in the jail and are still used by officers to this day.

42. These and other efforts to use violence and dehumanize incarcerated people have resulted in physical and emotional injuries from instilling a belief that corrections controls healthcare. This repugnant perspective defies correctional standards and has become deep-seated in the minds of Defendants, officers, and medical professionals, and has caused or contributed to the assaults at ACJ, including those on Mr. Palmer.

43. After Mr. Garcia’s departure, Allegheny County and Supervisory Defendants

⁴ Gary Raney, USE OF FORCE ANALYSIS RELATED TO THE DEATH OF JAMAL SUTHERLAND, at 11, July 24, 2021 (*hereinafter* RANEY REPORT), <https://www.counton2.com/wp-content/uploads/sites/7/2021/07/raney-use-of-force-analysis-ref-jamal-sutherland-07262021.pdf>.

⁵ *Id.* at 21-27.

⁶ Complaint Rustgi v. Reams at 65, No. 1:20-cv-00945 (D. Colo Apr. 3. 2020), ECF No. 1.

⁷ Tactical Life Magazine, Aug/Sept. 2020.

changed the CSAU team to the CRU. The CRU has operated at the ACJ ever since that time, and several CRU officers, Defendant John Does, participated in the unlawful assaults on Mr. Palmer.

44. Corrections and healthcare staff knew that any incarcerated person at ACJ they engaged with may have a serious mental illness and/or psychiatric disability, given jail administrators' repeated internal and public acknowledgements that ACJ consistently has a substantial population of people with a serious mental illness.

45. In 2023, jail staff, including all Defendants, knew that the majority of ACJ's population had a psychiatric disability.

46. Even though the use of chemical agents and the restraint chair had been banned from ACJ since the Winter of 2021, ACJ continues to have one of the highest rates of use of force per capita out of all 67 jails in the state.

47. At ACJ, incarcerated individuals with a psychiatric disability felt the brunt of inappropriate and excessive force. Corrections staff had a practice of not using de-escalation or force avoidance techniques and wrongfully resorted to improper force, especially in response to people experiencing mental health symptoms or in the throes of a mental health crisis. ACJ mental health staff rarely attempted to de-escalate or prevent these unwarranted uses of force or stop them even if contraindicated to the incarcerated person's health.

48. ACJ administrative, healthcare, and corrections staff, including defendants, were readily aware that incarcerated people with a psychiatric disability were kept on all housing units at ACJ, including general population and restricted housing pods.

49. ACJ policy does not condone or permit corrections officers to use of force in response to an incarcerated person cursing or yelling at corrections or healthcare staff member.

50. ACJ policy does not condone or permit corrections officers to use of force on an incarcerated person who is handcuffed or restrained.

First Assault – Pod 2B

51. Mr. Palmer has asthma, hypertension, a substance use disorder, and has psychiatric disabilities, including bipolar disorder, schizophrenia, anxiety, PTSD, and a serious mental illness designation, all of which were documented in his ACJ medical record prior to and at the time of the assaults in November 2023.

52. Bipolar disorder is a serious mental illness and/or psychiatric disability recognized in the DSM-V. Symptoms of bipolar disorder include, but are not limited to, episodes of mania or hypomania alternating with depression, feelings of worthlessness, a loss of interest in activities, sleep disturbances, fatigue, difficulty concentrating or making decisions, recurrent thoughts of death or suicide, functional impairment that causes noticeable disruption daily activities or self-care, among other symptoms.

53. Post traumatic stress disorder is a serious mental illness and/or psychiatric disability recognized in the DSM-V. Symptoms of PTSD include, but are not limited to, intrusive thoughts, physical reactions when reminded of the trauma, difficulty concentrating or making decisions, persistent feelings of fear, irritability or outbursts of anger, being easily startled, difficulty sleeping, among other symptoms.

54. Prior to and at the time of the use of force incidents, Mr. Palmer was exhibiting apparent telltale mental health signs and symptoms including, depression, mood swings, irritability, outbursts of anger, persistent feelings of fear, being easily startled, difficulty concentrating and making decisions, among other symptoms, which were observed by healthcare and corrections staff, including defendants.

55. In November 2023, Mr. Palmer was an incarcerated prisoner at ACJ.

56. On November 14, 2023, Mr. Palmer told a commissary worker that he was scheduled to be released to a court ordered inpatient program on November 16th— in just two days.

57. The commissary worker told Mr. Palmer that she would check if there were any extra hygiene products and clothing that could be donated to him.

58. At the time, Mr. Palmer was a kitchen worker and housed on 2B.

59. Around 3pm that same day, the commissary worker went to pod 2B to give Mr. Palmer the donated items.

60. When the commissary worker arrived at the housing pod, she informed Defendant Healy, the pod officer, that she had come to drop off the donated items to Mr. Palmer.

61. She brought Mr. Palmer about four sets of thermal tops and bottoms, six white shirts, six pairs of socks, and six pairs of boxer shorts contained in a see-through bag.

62. Defendant Healy carefully searched the items, after which he called Mr. Palmer, who was sitting at a table, to retrieve them. At no time did Defendant Healy tell the commissary worker or Mr. Palmer that Mr. Palmer was not permitted to receive donated items. Nor did Defendant Healy attempt to confiscate the items, which he had the authority and opportunity to do so.

63. After collecting the donated items, Mr. Palmer returned to his cell.

64. At around 8pm that day, Mr. Palmer was standing outside his cell when he was accosted by several correctional officers, including Defendants Healey, Sgts. Sunday and Maust.

65. These defendants immediately restrained Mr. Palmer by cuffing his hands behind his back. Then they proceeded to search Mr. Palmer's cell.

66. They admitted to seeing the commissary worker hand Mr. Palmer the donated clothing on surveillance cameras earlier that day.

67. They confiscated the donated clothing along with \$2 Mr. Palmer had found.

68. When Mr. Palmer expressed that he was depressed about having his donated clothing confiscated and was anxious about not having any clothes when he's released, he became emotionally dysregulated, a symptom of his psychiatric disability, and uncontrollably shouted at Defendants Haley, Sunday, and Maust and said that he had not done anything wrong.

69. Defendants Sunday, Haley, and Maust yelled at Mr. Palmer, accusing him of fraternizing with the commissary worker by accepting the donated items that Defendant Haley had approved of earlier that day. These defendants demanded Mr. Palmer tell them about his interaction with her even though they already knew that Mr. Palmer acceptance of the donated clothing was innocuous and did not endanger the safety or welfare of anyone.

70. Nevertheless, Defendants Haley, Sunday, and Maust immediately resorted to using force on the cuffed Mr. Palmer for his non-violent conduct and without attempting de-escalation, interpersonal communication skills, or other force avoidance techniques in violation of correctional standards. Instead, they needlessly escalated the situation by exacerbating Mr. Palmer's mental health symptoms.

71. Defendant Healy pushed the cuffed Mr. Palmer up against the pod wall near his cell.

72. Then, Defendant Sunday, who weighed over 300bs, grabbed Mr. Palmer, threw him to the ground, landed on top of his body, and then threw two closed fist punches to Mr. Palmer's face, seriously bruising him and chipping his left front tooth, all while he was handcuffed.

73. Defendants Maust and Haley joined in on the assault, punching and kicking Mr. Palmer while he remained handcuffed.

74. During this first assault, the defendants had a duty and opportunity to intervene and stop Defendants Sunday, Haley, and Maust from injuring Mr. Palmer, but instead they chose to continue the unlawful assault.

75. After the cuffed Mr. Palmer was beaten mercilessly on the pod, approximately 4 heavily armed CRU team members, Defendants John Doe CRU officers, arrived. They continued beating Mr. Palmer in the pod's sallyport.

The Second Assault- Hallway & Elevator

76. Defendants John Doe CRU officers with the help of Defendants Lardin and Gamboa escorted the cuffed Mr. Palmer down the hallway toward the elevator to take him to level 5 and place him in solitary confinement.

77. While escorting Mr. Palmer, these defendants continued to assault him.

78. As they walked down the hallway, Defendant John Doe CRU officer, slammed the cuffed Mr. Palmer into the wall near the elevator.

79. While in the elevator, Mr. Palmer suffered yet another assault while handcuffed. Defendant John Doe CRU officer told Mr. Palmer "I got something for you," as he slammed Mr. Palmer's head into the elevator wall. Then Defendants John Doe CRU officers and a corrections officer exited the elevator and took Mr. Palmer to be cleared for and placed in solitary confinement.

80. During this second assault, defendants had a duty and opportunity to intervene and stop their fellow CRU and corrections officers and sergeants from injuring Mr. Palmer, but instead they chose to continue the unlawful assault.

81. Per ACJ policy, incarcerated people must receive a medical and mental health clearance before they can be placed in solitary confinement.

82. While in the level 5 hallway, a nurse quickly assessed whether Mr. Palmer was medically and mentally fit to be placed on ACJ's restricted housing unit, 8E.

83. These defendants forced Mr. Palmer to face a wall while the nurse examined him, documenting that Mr. Palmer was bleeding from his mouth.

84. Mr. Palmer told the nurse he was suicidal. He also told the nurse that the defendant officers punched him in his face twice.

85. Based on her assessment, the nurse recommended that Mr. Palmer be admitted to the men's health unit on pod 5C.

Third Assault-Pod 5D

86. ACJ policy required that men on suicide watch, like Mr. Palmer, were to be immediately housed on the men's acute mental health pod on 5C.

87. Although Defendants John Doe CRU and Defendants Lardin and Gamboa were aware of this policy and knew that a mental health nurse had just determined that Mr. Palmer was suicidal and in the throes of a mental health crisis, these defendants didn't take Mr. Palmer to 5C for suicide observation. Instead, they took Mr. Palmer to a cell on pod 5D with the intent to assault him because he cursed at them and for his other mental health behaviors.

88. These defendants took Mr. Palmer to the examination room on 5D. Once in the room, they slammed the cuffed Mr. Palmer on a bed, put him in a reverse fetal position, and proceeded to tase and punch him. With their tasers, Defendants Gamboa and/or Lardin delivered a prolonged drive stun to Mr. Palmer's hamstring and then tased his buttocks with electrifying prongs.

89. Mr. Palmer was forced to rip the prongs out of his body.

90. As soon as the taser prongs were removed, Defendants John Doe CRU officers and corrections officer, and Sgts. Lardin and Gamboa continued to punch and kick the restrained Mr. Palmer.

91. The tasing caused Mr. Palmer to defecate on himself.

92. These defendants refused Mr. Palmer's requests to clean himself off, denying him a shower for days and sufficient hygiene products.

93. Collectively, these assaults of Mr. Palmer on levels 2 and 5 lasted over an hour. When it finally ended, Mr. Palmer was stripped naked and forced to wear a suicide smock. His hands and wrists were swollen and scratched from the overly tightened cuffs. His face and body were bruised. He had a laceration above his right eye that was bleeding. And he was sitting in his feces.

94. During this third assault, defendants had a duty and opportunity to intervene and stop Defendants John Doe CRU officers, Lardin, and Gamboa from injuring Mr. Palmer, but instead they chose to continue the unlawful assault.

Inadequate Medical Examination

95. With an intent to intimidate Mr. Palmer and deny him medical care in violation of ACJ policies and laws, including HIPAA, Defendants John Doe CRU officers, corrections officer, and Sgts. Lardin and Gamboa, who had just assaulted him, remained in the cell while two healthcare providers attempted to examine Mr. Palmer's injuries.

96. Despite Mr. Palmer's obvious need for medical treatment, these defendants improperly interfered with his examination and receipt of medical care. Defendants' presence had

its intended effect by deterring Mr. Palmer from discussing the assault and the severity of his injuries with the healthcare providers.

97. Fearing the defendants' reprisal, Mr. Palmer said he was "ok" and then whispered to the healthcare providers that the defendants CRU and corrections officers and sergeants had assaulted him. The healthcare providers were unable to assess the extent of Mr. Palmer's injuries because the officers required Mr. Palmer's hands to remain cuffed behind his back during the examination.

98. These defendants also listened while the healthcare providers discussed Mr. Palmer's protected medical information. When one of the healthcare providers ordered that Mr. Palmer be x-rayed, Defendant John Doe officer said that Mr. Palmer shouldn't receive any diagnostic testing because he allegedly reached for an officer's taser while he was handcuffed.

99. Even though Defendant John Doe officer's false allegation was entirely irrelevant to a determination of what medical testing or treatment Mr. Palmer needed, he was denied an x-ray and further medical treatment for the non-medical reason. Several days later, a healthcare provider again recommended Mr. Palmer be x-rayed, but he did not receive one.

Solitary Confinement

100. After the inadequate medical examination, Mr. Palmer was placed in an observation cell on 5C. Mr. Palmer, still covered in feces, spent the next 24 hours in a cold cell with nothing but a toilet and a metal slab to sleep on. Mr. Palmer did not receive adequate medical or mental healthcare on 5C or afterwards.

101. The next day, Mr. Palmer was transferred to the restricted housing unit on 8E where he resided until his release from ACJ. Shockingly, Mr. Palmer was being held in solitary confinement at ACJ even though he was cleared for release from the jail on November 16 and

was not charged with any new crimes. He was held in solitary until November 21.

Failure to Discipline Defendants Involved in Assaults

102. On November 28, 2023, an Internal Affairs (“IA”) officer interviewed Mr. Palmer about the ACJ officers’ assaults. The IA officer admitted that surveillance footage showed that Defendant Sunday punched Mr. Palmer twice in the face while he was handcuffed. Despite the apparent illegal conduct, the IA officer attempted to mitigate Defendant Sunday’s actions, saying “they weren’t full body punches.” Throughout the interview, the IA officer acknowledged that the ACJ officers had failed to comply with jail policies, but he still unlawfully discriminated against Mr. Palmer and blamed him for being assaulted.

103. Defendants Sunday and Gamboa filed misconducts against Mr. Palmer to conceal their unlawful assaults. However, Defendants Sunday and Gamboa admitted in their written misconducts that they and the other defendants involved in the assaults, repeatedly punched, kicked, and tased Mr. Palmer while he was handcuffed and in response to non-violent conduct.

104. Subsequently, ACJ held an internal disciplinary hearing concerning the misconducts. The hearing lasted less than 10 minutes. At this hearing, no evidence was presented by the ACJ or jail staff in support of the accusations in the misconducts. Even though surveillance footage unequivocally showed the Defendants involved in the assaults used excessive force on the cuffed Mr. Palmer, the ACJ hearing officer, Capt. Bessmer, found Mr. Palmer guilty of the alleged misconducts.

105. Capt. Bessmer also misled Mr. Palmer about one of the misconduct charges he was accused of. Capt. Bessmer told Mr. Palmer that the contraband charge only concerned the \$2 Mr. Palmer found, not the donated clothing he was given. Based on Capt. Bessmer’s

representation, Mr. Palmer accepted a guilty plea to that charge.

Supervisory Defendants' Involvement in Use of Force Policies and Practices

106. As Warden, Defendant Harper at all relevant times was responsible for the oversight of ACJ, which included promulgating and enforcing policies, practices, and procedures concerning mental health, disciplinary, use-of-force, officer training, and ensuring accommodations for incarcerated people with physical or psychiatric disabilities. Defendant Harper also has the authority to discipline officers.

107. As Interim Warden, Defendant Dady was from September 2023 to November 2024, and at all relevant times, responsible for the oversight of ACJ, which included promulgating and enforcing policies, practices, and procedures concerning mental health, discipline, use-of-force, officer training, and ensuring accommodations for incarcerated people with physical or psychiatric disabilities. Defendant Dady also has the authority to discipline officers.

108. As Chief Deputy Warden, Defendant Zetwo is, and at all relevant times was, responsible for promulgating and enforcing policies, practices, and procedures concerning use-of-force. He also oversees the investigation and discipline of corrections officers for use of force on incarcerated people confined at ACJ.

109. As the Deputy Warden of Operations, Defendant Beasom is, and at all relevant times was, responsible for the oversight and administration of correctional officers and for promulgating and enforcing policies, practices, and procedures concerning use-of-force and officer training. Defendant Beasom also has the authority to discipline officers.

110. Due to the Supervisory Defendants' policies and practices, Plaintiff was subjected to unconstitutional force by Defendants Healy and Sunday as well as by other officers.

111. Defendants are aware of, and have failed to prevent, ACJ officers' routine use of force, such as brutal force and assaults to punish people with psychiatric disabilities for requesting mental health care and for non-violent acts that are manifestations of their serious mental illness.

112. When ACJ correctional officers used force on incarcerated persons, including those with psychiatric disabilities, Supervisory Defendants learned of those incidents in detail in various ways, including through use-of-force reports and videos recording the incident, written and oral complaints by the incarcerated person against whom force was used, ACJ's internal affairs investigations, and by state mandated reporting requirements on ACJ's use-of-force data.

113. For every incident where an officer uses force, including physical assaults, use of OC and other chemical agents, tasers, restraint chairs, or control techniques and pain compliance, ACJ policy requires the officer who applied the force and every officer who witnessed or was involved in the use of force to submit a written report of the incident by the end of their shift.

114. ACJ policy requires officers to include in their written report pertinent information about the incident necessary to allow the reviewer to assess the appropriateness of the force used, including the date, time, and location of the incident, an account of the events leading to the use of force, a complete description of the incident and reasons for employing force, a description of the method by which force was applied, including security equipment and weapons used, a description of the incarcerated person's resulting injuries, and other relevant information. The ACJ shift commander and/or immediate supervisor assembles all reports into a packet and forwarded them, along with a video of the incident and other materials, to the ACJ majors, internal affairs, which includes Defendant Zetwo, and to Defendants Harper, Dady, and Beasom.

115. As the Deputy Warden of Operations, Defendant Beasom reviewed and

determined if the officer's use of force was reasonable and whether any remedial measures needed to be taken, including discipline of the officer(s) involved. Upon information and belief, Defendants Harper, Zetwo, and Beasom reviewed use-of-force incidents and participated in determining whether to take corrective action for subordinate officer's conduct.

116. The Pennsylvania Department of Corrections ("PA DOC") administrative code and ACJ's statistical reporting policy requires that ACJ document and report monthly the number of times officers used any type of force to the PA DOC and the Allegheny County Bureau of Corrections Department.

117. Upon information and belief, when incarcerated individuals with psychiatric or physical disabilities reported that Defendants John Doe CRU and corrections officers, Officer Haley, and Sgts. Sunday, Maust, Lardin, and Gamboa or other correctional officers used force on them because of their disabilities, the Internal Affairs program did not investigate these allegations or conducted such superficial investigations that they were meaningless.

118. Defendants have refused to change ACJ's policies and practices in a way that prevents or ameliorates the unnecessary and inappropriate use of force against those with psychiatric disabilities.

119. Defendants have failed to provide training to officers as to how to interact with individuals with psychiatric disabilities, and failed to inform the officers that force should not be used to punish them for requesting mental health care or for non-violent acts that are manifestations of their serious mental illness.

120. Defendants have acted wantonly, willfully and in reckless disregard of the Mr. Palmer's rights.

COUNT I: Eighth Amendment – Excessive Use of Force – Against Defendants Haley, Sunday, Maust, Lardin, Gamboa, and John Does.

121. All paragraphs are incorporated herein.

122. Defendants Haley and Maust sadistically and maliciously assaulted Mr. Palmer while he was handcuffed, mentally distressed, and did not present any threat to the safety or security of anyone. Defendants Haley's and Must's unlawful use of force and caused Mr. Palmer physical injuries in violation of the Eighth Amendment.

123. Defendant Sunday's decision to slam and punch Mr. Palmer in the face when Mr. Palmer was handcuffed and did not present any threat of harm, rather than attempt an alternative lesser means of force or de-escalation technique or seek mental health intervention, severely bruising his face and chipping his front tooth, constituted a malicious use of force in violation of the Eighth Amendment.

124. Defendants John Does, CRU and corrections officers, used excessive force against Mr. Palmer maliciously and sadistically by punching and kicking him, slamming his head into an elevator wall, and assaulting him in a reverse fetal position while he was restrained and without penological justification, which caused Mr. Palmer physical injuries in violation of the Eighth Amendment.

125. Defendants Lardin and Gamboa used force maliciously and sadistically on Mr. Palmer by punching, kicking and tasing him while he was restrained and mentally distressed without penological justification, which caused Mr. Palmer physical harm in violation of the Eighth Amendment.

**COUNT II: Eighth Amendment – Failure to Intervene –
Against Defendants Haley, Maust, Sunday,
Lardin, Gamboa, and John Does.**

97. All paragraphs are incorporated herein.

98. Mr. Palmer had a right under the Eighth Amendment to be free of malicious and sadistic excessive force by corrections officers.

99. Defendants Haley and Maust had a duty and a reasonable opportunity to intervene to prevent or stop the use of sadistic and malicious excessive force on Mr. Palmer by fellow Defendants John Does and Sunday, which involved punching and kicking Mr. Palmer while he was restrained and without provocation, but failed to intervene.

100. Defendants John Does had a duty and a reasonable opportunity to intervene to prevent the use of sadistic and malicious excessive force on Mr. Palmer by fellow Defendants John Does, Haley, Sunday, Maust, Lardin, and Gamboa, which involved punching, kicking, and tasing Mr. Palmer while he was restrained and without provocation, but they failed to intervene.

101. Defendant Lardin a duty and a reasonable opportunity to intervene to prevent the use of sadistic and malicious excessive force on Mr. Palmer by fellow Defendants John Does and Gamboa, which involved punching, kicking and tasing Mr. Palmer while he was restrained and without provocation, but failed to intervene.

102. Defendant Gamboa a duty and a reasonable opportunity to intervene to prevent the use of sadistic and malicious excessive force on Mr. Palmer by fellow Defendants John Does and Lardin, which involved punching, kicking and tasing Mr. Palmer while he was restrained and without provocation, but failed to intervene.

COUNT III: Eighth Amendment – Conditions of Solitary Confinement

103. All paragraphs are incorporated herein.

104. Mr. Palmer had serious mental illnesses that Defendants and jail officials were actually aware of prior to and while he was wrongfully held in solitary confinement following each of the officers' assaults in 2023.

105. Defendants knew from Mr. Palmer's complaints, medical records, OMSE system and other sources that keeping Mr. Palmer in solitary confinement where he was denied out-of-cell time, social interaction, basic necessities like hygienic items and private psychiatric treatment were contraindicated to Mr. Palmer's mental health needs.

106. Defendants knew they and/or jail officials were failing to comply with Allegheny County Referendum banning solitary confinement as it applied to Mr. Palmer.

107. Defendants were deliberately indifferent to the risk of Mr. Palmer's serious mental health needs, including mentally decompensating, PTSD, depression while in solitary, which exacerbated his mental health symptoms and caused him harm in violation of the Eighth Amendment.

**COUNT IV: Eighth Amendment – Supervisory Liability
Against Harper, Dady, Zetwo, and Beasom**

108. All paragraphs are incorporated herein.

109. Supervisory Defendants Harper, Dady, Zetwo, and Beasom are liable for their personal involvement in failing to train, supervise, and discipline Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa, who assaulted incarcerated individuals with disabilities, resulting in the deprivation of Mr. Palmer's right to be free from cruel and unusual punishment under the Eighth Amendment of the Constitution.

110. Supervisory Defendants were aware that a high proportion of the jail's population are individuals with psychiatric disabilities.

111. Supervisory Defendants have acted with objective unreasonableness and/or deliberate indifference to the need to train ACJ officers, including Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa, on how to manage and interact with individuals with psychiatric disabilities, despite knowing that the lack of training

causes serious risks of harm to those with psychiatric disabilities.

112. The training that Supervisory Defendants failed to provide to corrections officers, including Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa included but was not limited to:

- Training to ensure force was only used when necessary, and was not used excessively, unreasonably, or in situations that could be resolved without the use of force;
- Training on how to recognize behaviors and patterns of behavior that are indicative of psychiatric disability;
- Training on how to determine when conduct may be a manifestation of an incarcerated person's psychiatric disability, and thus require treatment rather than punishment;
- Training on how to de-escalate conflict with individuals who have psychiatric disabilities; and
- Training on the importance and necessity of consulting with mental health staff when an incarcerated person with psychiatric disability was engaging in problematic behavior, rule violations, or was manifesting symptoms of their serious mental health condition that suggested the need for intervention.

113. Defendants' failure to train officers, including Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa, caused the unlawful assaults on Mr. Palmer and caused Mr. Palmer to be deprived of his constitutional rights to be free from cruel and unusual punishment under the Eighth Amendment of the Constitution of the United States.

114. Supervisory Defendants acted with deliberate indifference and/or objective unreasonableness to the obvious consequences by failing to train and prevent officers, including Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa, from using excessive force on individuals with psychiatric disabilities, despite their knowledge of the extensive history of correctional officers using unreasonable force on this population, and that it was highly likely and predictable that untrained officers would continue to use excessive force on individuals with disabilities on a daily basis without further training, supervision, or discipline.

115. Supervisory Defendants' failures to supervise Defendants John Doe CRU and corrections officers, Haley, Sunday, Maust, Lardin, and Gamboa and to address the risk of a constitutional violation caused the violation of Mr. Palmer's right to be free from cruel and unusual punishment under the Eighth Amendment of the Constitution.

COUNT V: Americans with Disabilities Act, 42 U.S.C. §12132- Against Defendant Allegheny County

116. All paragraphs are incorporated herein.

117. Defendant Allegheny County is a public entity within the meaning of 42 U.S.C. §12131.

118. Plaintiff is a qualified individual with disabilities within the meaning of Title II of the Americans with Disabilities Act ("ADA"). Plaintiff is diagnosed with bipolar disorder, schizophrenia, anxiety, PTSD, and other psychiatric disabilities.

119. Defendant Allegheny County, and its employees, knew that Mr. Palmer was an individual with disabilities covered by the protections of the ADA.

120. Despite this knowledge, Allegheny County and its employees failed to provide

Plaintiff with any reasonable accommodation for his disabilities.

121. Such reasonable accommodations for Mr. Palmer's psychiatric disabilities include but are not limited to, the provision of training to ACJ staff on recognizing when a person's behavior is a manifestation of their psychiatric disability, how to interact with people who have psychiatric disabilities so as to de-escalate situations, and the contraindications of use of force on individuals with psychiatric disabilities as well as enacting policies mandating the intervention of mental health staff before and during the use of any force or discipline on individuals with psychiatric disabilities.

122. Allegheny County further failed to provide reasonable accommodation to Mr. Palmer by not preventing excessive use of force against him because of his psychiatric disability.

123. Allegheny County acted with deliberate indifference to the risk of violating Mr. Palmer's federally protected rights under the Americans with Disabilities Act by permitting, authorizing, acquiescing in, and otherwise enabling staff to use force against Mr. Palmer, who has psychiatric disabilities, in response to non-violent and non-threatening behavior that were manifestations of his mental health conditions.

124. As a direct and proximate result of the aforementioned acts, including but not limited to Defendant Allegheny County's deliberate indifference to the violations of Mr. Palmer's federally protected rights, he has suffered and continues to suffer great pain, humiliation, and mental and emotional distress.

**COUNT VI: Eighth Amendment – Section 1983 Municipal Liability
Claims Against Allegheny County**

125. All paragraphs are incorporated herein.

126. Defendant Allegheny County was deliberately indifferent to a continued pattern of the County's handling of complaints and/or grievances after corrections officers use force on

incarcerated persons with psychiatric disabilities like Mr. Palmer.

127. Defendant Allegheny County policymakers knew or should have known that supervisor-level officers would be confronted with corrections officers using excessive force on incarcerated persons, whether firsthand or via grievances and/or complaints and reports from others, and that the wrong choice—failure to report or admonish—would lead to the sort of behavior that occurred in this matter.

128. The need for more or different training for supervisors was obvious, and the failure to provide that was very likely to result in a violation of constitutional rights.

129. Supervisory Defendants were policymakers for ACJ.

130. Policymakers were aware of the disproportionately high number of uses of force at Allegheny County Jail.

131. Policymakers were aware that unreasonable and excessive force was routinely used at the Allegheny County Jail against incarcerated individuals.

132. Policymakers were aware that unreasonable and excessive force was routinely used at the Allegheny County Jail against people with psychiatric disabilities.

133. Prior lawsuits were filed against Allegheny County before the 2023 assaults alleging excessive uses of force, including lawsuits alleging supervisory liability and class action claims regarding widespread patterns of excessive force.

134. Policymakers were deliberately indifferent to the highly predictable fact that unreasonable and excessive force would continue to be used at the Allegheny County Jail, including against individuals with psychiatric disabilities.

135. Policymakers made a deliberate choice to adopt policies concerning the use of force that they knew may cause a violation of the federal rights of incarcerated persons with disabilities

at ACJ.

136. Policymakers knew or should have known of a widespread and well-settled practice of corrections officers using excessive force and/or fellow or superior officers failing to intervene.

137. The absence of an official policy for de-escalation and/or intervention caused Defendants to violate Mr. Palmer's right to be free of excessive force.

138. The inadequate policy, practice, training, and/or supervision was taken with deliberate indifference to the known and obvious consequences. They were the cause and moving force behind the violation of Mr. Palmer's right to be free from cruel and unusual punishment under the Eighth Amendment to the Constitution.

139. Municipality's training program for officers and/or supervisors was inadequate to train them in carrying out their duties.

140. Municipality failed to adequately supervise corrections officers and/or supervisors.

141. Municipality's failure to adequately train corrections officers and/or supervisors amounted to deliberate indifference to the fact that inaction would obviously result in a violation of incarcerated person's right to be free from cruel and unusual punishment under the Eighth Amendment to the Constitution.

142. Municipality's failure to adequately train and/or adequately supervise proximately caused the deprivation of Mr. Palmer's right to be free from cruel and unusual punishment under the Eighth Amendment to the Constitution.

143. Policymaking officials knew corrections officers or supervisors would confront situations that they had a history of mishandling. Policymakers knew or should have known the wrong choice by a corrections officer and/or supervisor will frequently cause a deprivation of an incarcerated person's right to be free from cruel and unusual punishment under the Eighth

Amendment to the Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- A. Award Plaintiff compensatory damages, special damages, and punitive damages on all claims;
- B. Grant attorneys' fees and costs;
- C. Such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury with respect to all matters and issues properly triable by a jury.

Respectfully submitted,

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