

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

UNITED STATES OF AMERICA,

09-cv-0028DFH-WGH
Plaintiff,

v.

Civil Action No.

GEORGE MICHAEL DEATRICK, Sheriff of Harrison County,
Indiana (in his official capacity); HARRISON COUNTY BOARD
OF COMMISSIONERS; and HARRISON COUNTY COUNCIL,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant George Michael Deatrick ("Sheriff Deatrick"), the Sheriff of Harrison County, Indiana, is an elected official in the State of Indiana. Sheriff Deatrick is sued in his official capacity only.
4. Sheriff Deatrick has the responsibility for the employment of persons in the Harrison County Sheriff's Department ("HCSD"), including the hire, promotion and termination of employees in the HCSD.

5. Sheriff Deatrick is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer or agent of an employer within the meaning of 42 U.S.C. § 2000e(b).

6. Defendant Harrison County Board of Commissioners is a political subdivision of the State of Indiana. The Harrison County Board of Commissioners oversees the operation of county government and proposes methods for dispersing county tax income. The Harrison County Board of Commissioners is named as a party pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

7. Defendant Harrison County Council is a political subdivision of the State of Indiana. The Harrison County Council approves the annual budget for the county, and the salaries for county officials and employees, including employees in the HCSD. The Harrison County Council is named as a party pursuant to Rule 19(a) of the Federal Rules of Civil Procedure.

8. The Equal Employment Opportunity Commission ("EEOC") received two timely charges filed by Deana Decker against the HCSD (Charge Nos. 474-2008-00971 and 474-2008-01029). In Charge No. 474-2008-00971, filed with the EEOC on or about May 5, 2008, Decker alleged, among other things, that she was sexually harassed by Sheriff Deatrick. In Charge No. 474-2008-01029, filed with the EEOC on or about May 30, 2008, Decker alleged, among other things, that she was retaliated against by Sheriff Deatrick. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated Decker's charges, found reasonable cause to believe, among other things, that Decker was subjected to sexual harassment and retaliation in violation of Title VII, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the matters to the Department of Justice.

9. The EEOC received two timely charges filed by Melissa Graham against the HCSD (Charge Nos. 474-2008-00972 and 474-2008-01030). In Charge No. 474-2008-00972, filed with the EEOC on or about May 5, 2008, Graham alleged, among other things, that she was sexually harassed by Sheriff Deatrick. In Charge No. 474-2008-01030, filed with the EEOC on or about June 2, 2008, Graham alleged, among other things, that she was retaliated against by Sheriff Deatrick. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated Graham's charges, found reasonable cause to believe, among other things, that Graham was subjected to sexual harassment and retaliation in violation of Title VII, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the matters to the Department of Justice.

10. All conditions precedent to the filing of suit have been performed or have occurred.

11. Sheriff Deatrick has discriminated against Decker and Graham on the basis of their sex, female, in violation of § 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) Subjecting them to sexual harassment, thereby creating and maintaining a hostile work environment that adversely affected the terms, conditions and privileges of their employment; and
- (b) Failing or refusing to take appropriate action to prevent and promptly correct the discriminatory treatment and its effects.

12. The acts of sexual harassment to which Sheriff Deatrick subjected Decker and Graham consisted of, among other actions:

- (a) Directing sexually-charged comments at Decker and Graham with respect to their appearances, including the appearance of their breasts; and
- (b) Touching Decker and Graham in a sexual and offensive manner.

13. Sheriff Deatrick has discriminated against Decker and Graham in violation of § 704(a) of Title VII, 42 U.S.C. § 2000e-3, among other ways, by:

- (a) Retaliating against them because they filed charges with the EEOC in which they alleged they were sexually harassed by Sheriff Deatrick; and
- (b) Failing or refusing to take appropriate action to prevent and promptly correct the retaliatory treatment and its effects.

14. The acts of retaliation to which Sheriff Deatrick subjected Decker and Graham consisted of, among other actions, Sheriff Deatrick, on or about May 12, 2008, presenting himself in front of Decker and Graham, who at the time were in the dispatch area of the HCSD, and with a drawn gun that he brandished, staring at Decker and Graham, all in a manner designed to intimidate and frighten them.

WHEREFORE, the United States prays that the Court grant the following relief:

- (a) Award compensatory damages to Decker and Graham for mental and/or physical injuries and any other compensable losses that they incurred as a result of the sex discrimination and retaliation against them as alleged in this Complaint pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a;

(b) Enjoin Sheriff Deatrick from:

- (1) subjecting employees to sexual harassment;
- (2) subjecting employees to retaliation;
- (3) failing or refusing to develop and implement appropriate and effective policies designed to prevent and correct promptly any sexual harassment that occurs; and
- (4) failing or refusing to develop and implement appropriate and effective policies designed to prevent and correct promptly any retaliation that occurs.

(c) Enjoin Sheriff Deatrick, and the Harrison County Board of Commissioners and Harrison County Council as appropriate, from failing or refusing to provide the awards of compensatory damages to Decker and Graham prayed for in paragraph (1), above; and


(d) Award such additional relief as justice may require, together with plaintiff's costs and disbursements in this action.

JURY DEMAND

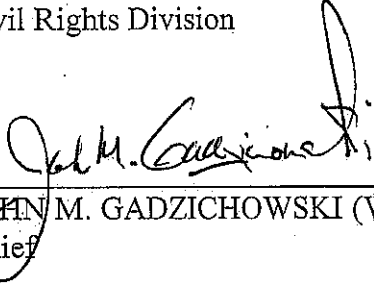
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

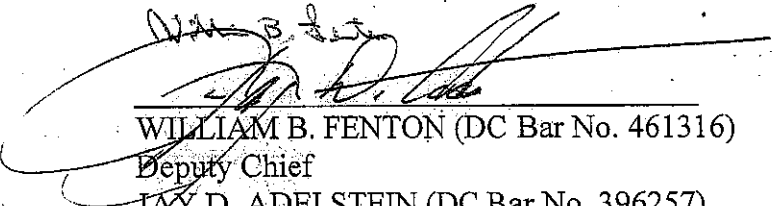
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