

battery, intentional infliction of emotional distress, and negligent supervision and training.

PARTIES

3. Plaintiff Taejon Vega is a twenty-year-old African American man who at all times relevant to this Complaint was a pre-trial detainee at the Broome County Correctional Facility in Dickinson, New York (“Jail”). Mr. Vega was incarcerated at the Jail from October 2019 to April 2, 2020.
4. Defendant Broome County is a municipal corporation duly incorporated and authorized under the laws of the State of New York pursuant to § C102 of the Broome County Charter. Broome County is authorized under the laws of the state of New York to maintain a Sheriff’s Department, which acts as its agent in the area of law.
5. Defendants Richard Hrebin and Corey Fowler are correctional officers employed by the Broome County Sheriff’s Office. They are sued in their individual capacity.
6. Daniel Weir is a correctional sergeant employed by the Broome County Sheriff’s Office. He is sued in his individual capacity.

JURISDICTION

7. This action is brought pursuant to 42 U.S.C. § 1983. This Court has jurisdiction over Mr. Vega’s federal claims pursuant to 28 U.S.C. §§ 1331 and 1343(a).
8. This Court has supplementary jurisdiction over Mr. Vega’s state law claims pursuant to 28 U.S.C. § 1367.
9. Venue is appropriate in this judicial district pursuant to 42 U.S.C. § 1391(b)(2), as a substantial part of the events giving rise to the claims occurred in the Northern District of New York.

FACTS

TAEJ'ON VEGA

10. Mr. Vega is a twenty-year-old African-American man and father of a two-year-old baby girl. He enjoys a close relationship with his mother, who he speaks with on a daily basis. In his spare time, he enjoys playing basketball and football.
11. Mr. Vega attended Johnson City High School in Broome County. He was classified as a student with a disability. Ninth grade was the last grade Mr. Vega completed.
12. Although he did not graduate high school, Mr. Vega has worked regularly since he was sixteen years old. He has worked at places like Burger King, Target, and Vines Gardens.
13. Mr. Vega is diagnosed with Attention Deficit Hyperactivity Disorder, Bipolar Disorder, and Oppositional Defiant Disorder. Prior to his incarceration he was prescribed Adderall, Geodon, and Lexapro, Risperdal to treat these conditions.
14. Despite the Jail being aware of his history of mental health issues, they failed to provide him with the medication he was receiving prior to being admitted to the jail on or about October 18, 2019

FEBRUARY 10, 2020 BEATING

15. The evening of February 10, 2020 Mr. Vega was waiting to take a shower when several correctional officers in riot gear entered his housing unit to conduct a “shakedown.” “Shakedowns” are random searches of the Jail’s housing units and cells performed by correctional staff. During “shakedowns” corrections officers enter the housing unit and order prisoners to get on the ground while they search the cells and the housing unit.

16. As the corrections officers ran onto the pod they ordered the prisoners to get down on ground. Mr. Vega complied with the officers' commands and laid down on his stomach on the floor.
17. As a few of the correction officers passed him during their search Mr. Vega asked them how their day is going. Defendant Hrebin then asked Mr. Vega "oh you think this is a joke?" Before he could respond Defendant Hrebin thrust his knee on the back of Mr. Vega's neck and pressed his thumb into his mandibular nerve on his neck.
18. Defendant Weir then ordered Defendants Hrebin and Fowler to take Mr. Vega to his cell. He further ordered them to search Mr. Vega's cell and perform a visual body cavity search. He did this to punish Mr. Vega for what he viewed as disruptive behavior.
19. Defendant Fowler handcuffed Mr. Vega. He and Defendant Hrebin then dragged Mr. Vega to his cell stretching his arms above his head as they moved him.
20. After entering Mr. Vega's cell Defendant Fowler threw Mr. Vega down on the bed and then held him there by his chest while Defendant Hrebin hit him with closed fist several times on the side of his body and lower back. Defendant Hrebin also struck Mr. Vega with an open hand several times in the face. Defendant Fowler also struck Mr. Vega in the head and body as he held him down.
21. Throughout the beating Defendants Fowler and Hrebin repeatedly called Mr. Vega a "nigger." And said "you're not so tough are you" and "I don't hear a peep out of you now."
22. Defendants Fowler and Hrebin then forced Mr. Vega to his feet and faced him toward his cell wall. They then un-cuffed Mr. Vega and Defendant Hrebin ordered him to remove his clothes by saying "strip nigger." As he was taking off his clothes he accidentally

dropped his jumpsuit on the floor. Defendant Hrebin then open hand slapped him across the face, grabbed him by throat so tight he couldn't breathe, shook him twice, and said "do what you're told nigger."

23. After Mr. Vega was completely naked, Defendant Hrebin proceeded to conduct a visual body cavity search. Defendant Hrebin ordered him to manipulate his genitals and bend over to expose his anus.
24. During the cavity search Defendant Fowler took all Mr. Vega's commissary items and personal items and threw them on the floor. He then crumbled up pictures of Mr. Vega's daughter that were hung on the cell wall.
25. After the cavity search was complete, both corrections officers took Mr. Vega's bed sheets and stuffed them into his cell's toilet. They then flushed the toilet repeatedly until the bed sheets were soaked with toilet water.
26. Mr. Vega was forced to undergo the highly intrusive visual body cavity search to punish, intimidate, and humiliate him.
27. After the humiliating search and assault, Defendants Hrebin and Fowler left Mr. Vega in his cell naked and traumatized. Mr. Vega then began to cough up blood and was suffering from extreme pain in his chest and abdomen.
28. Mr. Vega used the jails video-call system to speak with his mother, who was able to take screen shots of Mr. Vega's bruises all across his body and face. She encouraged him to seek medical attention for his injuries. Mr. Vega waited until the next shift to request to go to medical because he did not trust the officer on duty because he was present during the shakedown.

29. Mr. Vega was allowed to go to medical by the officer on duty because of the extent of his injuries. He spent the night in the medical unit but did not sleep because of the pain he was suffering from due to his injuries.
30. The other corrections officers involved in the shakedown of the pod witnessed the Mr. Vega get pounced on while lying face down on the floor, dragged away, and heard the beating in the cell. No corrections officer stopped Defendants Fowler and Hrebin from assaulting and battering Mr. Vega.
31. The assault and battery left Mr. Vega in severe pain, coughing up blood, and badly bruised on his neck, back, face, and arms.
32. Mr. Vega had knuckle prints on the lower end of his back from the assault, carpet rash and a thumb print under his right eye, scratches all around his neck, and bruises all along his chest.
33. Mr. Vega was only given Tylenol to deal with the pain. He and his mother made a number of requests for a high dosage of pain medication, but the Jail denied the requests.
34. For several weeks after the assault Mr. Vega had nightmares so vivid he had trouble sleeping through the night.
35. Mr. Vega continues to experience emotional distress, and traumatic thoughts related to the assault and strip search. He frequently thinks about the incident, and ruminates about it. He occasionally still has nightmares where he relives the traumatic experience.
36. The beating took a piece of Mr. Vega. He was not his usual cheerful self, and was left constantly looking over his shoulders, paranoid about the next beating.

TAEJ'ON VEGA EXHAUSTED HIS ADMINISTRATIVE REMEDIES

37. On February 12, 2020 Mr. Vega submitted an “Inmate Request Form” to requesting a grievance form to “grieve the two officers that attacked me last night during the pod raid.” That same day he received a grievance form and filed a grievance about the February 10, 2020 incident.
38. On February 14, 2020 Mr. Vega’s grievance was denied because the grievance coordinator found “no merit” to Mr. Vega’s claims after allegedly reviewing the evidence. Mr. Vega appealed the denial of his grievance and that appeal was forwarded to the Chief Administrative Officer (“CAO”).
39. The Chief Administrative Officer accepted Mr. Vega’s appeal in its entirety. This determination cannot be appealed further. Therefore Mr. Vega exhausted all his available administrative remedies.

FIRST CAUSE OF ACTION

Excessive Force-Fourteenth Amendment (Against Defendants Fowler and Hrebin)

40. Defendants Fowler and Hrebin used excessive and objectively unreasonable force in the manner described in detail *supra* in violation of the Fourteenth Amendment to the United States Constitution.
41. As a result of Defendants’ unlawful conduct, Mr. Vega suffered injuries hereinbefore alleged.

SECOND CAUSE OF ACTION

Unreasonable search- Fourth Amendment (Against Defendants Fowler, Hrebin and Weir)

42. Defendants Fowler and Hrebin performed a visual cavity search of Mr. Vega at the behest of Defendant Weir with the express intent to humiliate, intimidate and punish Mr. Vega in violation of his rights under the Fourth Amendment to the United States Constitution.
43. As a result of Defendants' unlawful conduct, Mr. Vega suffered injuries hereinbefore alleged.

THIRD CAUSE OF ACTION

Battery (Against all Defendants)

44. On February 10, 2020, by assaulting and battering Mr. Vega as described *supra* Defendants Fowler and Hrebin committed a willful, unlawful, intentional battery against him. Defendant County of Broome is liable for their conduct under *respondeat superior*.
45. Defendants Fowler and Hrebin undertook the battery within the scope of their employment, in furtherance of the interests of Broome County, and damaged Mr. Vega in the process.
46. Defendants Fowler and Hrebin battered Mr. Vega while performing a raid on the B-Pod, which is within the scope of their employment as correctional officers at the Jail.
47. Defendants Fowler and Hrebin furthered Broome County's interests to maintain control and order in the Jail when they battered Mr. Vega.
48. As a result of Defendants' unlawful conduct, Mr. Vega suffered injuries hereinbefore alleged.

FOURTH CAUSE OF ACTION

Assault
(Against all Defendants)

49. On February 10, 2020 by slapping Mr. Vega's clothing out of his hands, Defendants Fowler and Hrebin intentionally placed Mr. Vega in apprehension of imminent offensive contact. Defendant County of Broome is liable for their conduct under *respondeat superior*.
50. Defendants Fowler and Hrebin undertook the assault within the scope of their employment, in furtherance of the interests of Broome County, and damaged Mr. Vega in the process.
51. Defendants Fowler and Hrebin assaulted Mr. Vega while performing a raid on the B-Pod, which is within the scope of their employment as correctional officers at the Jail.
52. Defendants Fowler and Hrebin furthered Broome County's interests to maintain control and order in the Jail when they assaulted Mr. Vega.
53. Mr. Vega was not his usual upbeat self after the assault, he was more apprehensive and paranoid, worried he was going to be assaulted again if he spoke up.
54. As a result of Defendants' unlawful conduct, Mr. Vega suffered injuries herein before alleged.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress
(Against all Defendants)

55. Defendants knew or should have known that Mr. Vega did not want to be assaulted and battered.

56. Defendants Fowler and Hrebin committed the assault and battery with malice when they hurled racial epithets at Mr. Vega in an effort to demean and demoralize him.
57. Defendants Fowler and Hrebin conduct was extreme and outrageous. Defendants Fowler and Hrebin acted with reckless disregard for Mr. Vega's rights and feelings, and with deliberate indifference to the certainty that Mr. Vega would suffer emotional distress.
58. Throughout the beating Defendants Fowler and Hrebin repeatedly called Mr. Vega a "nigger." And said "you're not so tough are you," "I don't hear a peep out of you now," and "do what you're told nigger."
59. As a direct and proximate result of Defendants Fowler and Hrebin actions, Mr. Vega has suffered and will continue to suffer severe mental anguish, humiliation, pain, severe emotional distress, and physical distress.

SIXTH CAUSE OF ACTION

Negligent Supervision and Training (Against Defendant Broome County)

60. Upon information and belief, Defendants Fowler and Hrebin's supervisors were present during the February 10, 2020 raid.
61. Defendant Broome County failed to properly supervise and train Defendants Fowler and Hrebin on how to properly handle the raid. Defendants Fowler and Hrebin should have known of the repercussions of beating Mr. Vega while he was handcuffed, and using racial epithets when referring to inmates.
62. Defendant Broome County also failed to implement policy and practice that would prevent Defendants Fowler and Hrebin from beating a defenseless, handcuffed inmate such as Mr. Vega.
63. As a result, Mr. Vega suffered emotional and physical injuries.

Service and Notice of Claim Requirements

64. Mr. Vega has complied with the requirements of General Municipal Law § 50-e by serving a written notice of claim upon Broome County within ninety days of the date of the incident, which claim the Defendants have failed to adjust or pay.

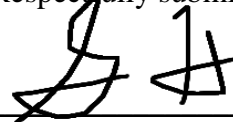
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- a. Enter a judgment for compensatory and punitive damages against the individual defendants in an amount to be determined at trial;
- b. Award reasonable attorney's fees and court costs to Plaintiff pursuant to 42 U.S.C. § 1988; and
- c. Such other relief as the Court finds appropriate in the interests of justice.

Date: June 11, 2021

Respectfully submitted,



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