

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NATALIE FORREST, individually and as
Next Friend of **J.F.**, *a minor*, and
JESSICA LARSON, individually,

Plaintiffs,

Case No.:
Magistrate
Hon.

v.

VICKY BARKSDALE, in her individual capacity,
ROBERT ROBBINS, in his individual capacity,
TYESHA HOLMAN, in her individual capacity,
JEANNINE STREET, in her individual capacity,
JALEN MALLOY, in his individual capacity,
JEREMY HOWARD, in his individual capacity,
JEREMY BUSH, in his individual capacity, and
HEIDI WASHINGTON, in her individual capacity,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs **NATALIE FORREST**, individually and as Next Friend of her minor son, **J.F.**, and **JESSICA LARSON**, individually, by and through their attorneys, **FLOOD LAW, PLLC**, state as follows:

NATURE OF THE ACTION

1. This is a civil rights and tort action arising from the unconstitutional, unlawful, and degrading presence, surveillance, and audiovisual recording of

Plaintiff Natalie Forrest while she underwent active labor, childbirth, and postpartum medical care at an outside public hospital while in the custody of the Michigan Department of Corrections (“MDOC”), the unlawful presence of correctional staff and their illegal recording of J.F.’s birth, the retaliatory threat made against Plaintiff Jessica Larson, and the subsequent institutional response to Plaintiff Forrest’s grievance concerning that conduct.

2. On March 6, 2025, Plaintiff Natalie Forrest gave birth to her son, J.F., at Trinity Health Ann Arbor Hospital while in MDOC custody. Plaintiff Jessica Larson, Ms. Forrest’s mother and J.F.’s maternal grandmother, was present at the hospital during Ms. Forrest’s labor, delivery, and the period immediately following J.F.’s birth.

3. Throughout Ms. Forrest’s labor, delivery, and postpartum recovery, MDOC corrections officers remained stationed inside her hospital room and, at times, an adjoining restroom, wearing operational body-worn cameras (“BWCs”) capable of capturing audiovisual data of Ms. Forrest while she was unclothed or in a state of undress.

4. This conduct occurred against a backdrop in which MDOC’s Director, Deputy Director of Correctional Facilities Administration, and Warden of Women’s Huron Valley Correctional Facility (“WHV”) had each received actual written notice - weeks before Ms. Forrest’s delivery - that recording incarcerated women’s bodies

while in states of undress with body-worn cameras violated Michigan's felony voyeurism statute, MCL 750.539j, and each failed to correct the practice before March 6, 2025.

5. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983 to redress violations of rights secured by the First, Fourth, Eighth, and Fourteenth Amendments to the United States Constitution and assert supplemental state-law claims for Invasion of Privacy (Intrusion Upon Seclusion) and Intentional Infliction of Emotional Distress under Michigan common law.

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction over Plaintiffs' federal claims under 28 U.S.C. §§ 1331 and 1343(a)(3) and 42 U.S.C. § 1983.

7. This Court has supplemental jurisdiction over Plaintiffs' state-law claims under 28 U.S.C. § 1367(a) because those claims arise from the same nucleus of operative fact as the federal claims and form part of the same case or controversy.

8. Venue is proper in this District and Division under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to the claims occurred at Trinity Health Ann Arbor Hospital and at WHV, both located in Washtenaw County, which lies within the Southern Division of the Eastern District of Michigan.

9. This Court has personal jurisdiction over each Defendant because each Defendant is employed by the State of Michigan and committed the acts and omissions alleged herein in Michigan.

10. Ms. Forrest was released from MDOC custody on parole on December 11, 2025, and was not a “prisoner” within the meaning of 42 U.S.C. § 1997e(h) when this action was filed.

PARTIES

11. Plaintiff Natalie Forrest is an adult woman who, at all times relevant to the events described herein, was incarcerated in MDOC custody at WHV. She was serving a sentence for a non-violent controlled-substance possession offense, held a minimum-security classification, and shortly after the events described herein was accepted into and completed a boot-camp program that resulted in a shortened sentence and her subsequent release on parole. Ms. Forrest is a survivor of sexual, physical, and emotional abuse that predated her incarceration. She brings this action individually and as Next Friend of J.F.

12. Plaintiff J.F. is the minor son of Ms. Forrest, born at Trinity Health Ann Arbor Hospital in March 2025. He was at no time in MDOC custody or subject to any order of confinement. He appears through his mother and Next Friend, Natalie Forrest, pursuant to Fed. R. Civ. P. 17(c), and is identified by his initials consistent with Fed. R. Civ. P. 5.2(a)(3).

13. Plaintiff Jessica Larson is an adult individual, the biological mother of Natalie Forrest, and the maternal grandmother of J.F. She was not incarcerated and was not subject to MDOC's custodial authority at any relevant time.

14. Defendant Vicky Barksdale was, at all relevant times, a corrections officer employed by the MDOC, acting under color of state law, who was present in Ms. Forrest's hospital room during labor and delivery on March 6, 2025, wearing an operational body-worn camera, while Ms. Forrest's genitals, buttocks, and breasts were exposed and while J.F. was unclothed with his genitals and buttocks exposed. Additionally, Defendant Barksdale threatened Ms. Larson in a way that prevented her from having a photograph of J.F. taken, as alleged in Section D. She is sued in her individual capacity.

15. Defendant Robert Robbins was, at all relevant times, a male corrections officer employed by MDOC, acting under color of state law, who was present in Ms. Forrest's hospital room during labor, delivery, and postpartum care on March 6, 2025, wearing an operational body-worn camera, while Ms. Forrest's genitals, buttocks, and breasts were exposed and while J.F. was unclothed with his genitals and buttocks exposed. He is sued in his individual capacity.

16. Defendant Jeannine Street was, at all relevant times, a corrections officer employed by MDOC, acting under color of state law, who, during Ms. Forrest's postpartum hospitalization at Trinity Health Ann Arbor Hospital between

March 6 and March 8, 2025, was present in Ms. Forrest's hospital room, wearing an operational body-worn camera that was not in sleep mode, while Ms. Forrest was in a state of undress with her genitals, buttocks, and breasts exposed. She is sued in her individual capacity.

17. Defendant Jalen Malloy was, at all relevant times, a male corrections officer employed by MDOC, acting under color of state law, who, during Ms. Forrest's postpartum hospitalization at Trinity Health Ann Arbor Hospital between March 6 and March 8, 2025, was present in Ms. Forrest's hospital room, wearing an operational body-worn camera that was not in sleep mode, while Ms. Forrest was in a state of undress with her genitals, buttocks, and breasts exposed. He is sued in his individual capacity.

18. Defendant Tyesha Holman was, at all relevant times, a corrections officer employed by MDOC, acting under color of state law, who conducted a strip search of Ms. Forrest inside the hospital room prior to her return to WHV on March 8, 2025, while wearing an operational body-worn camera that was not in sleep mode. She is sued in her individual capacity.

19. Defendant Jeremy Howard was, at all relevant times, the Warden of WHV, acting under color of state law, responsible for the overall operation of the institution, for ensuring humane treatment, and for responding to prisoner

grievances.¹ He received written notice on February 17, 2025, that MDOC's body-worn cameras were recording women in states of undress in violation of MCL 750.539j.² On February 18, 2025, he affirmatively told incarcerated women the cameras were not recording during strip searches,³ notwithstanding Defendant Bush's contemporaneous written description of passive recording taking place during strip searches.⁴ On June 30, 2025, he upheld the rejection of Ms. Forrest's grievance.⁵ He is sued in his individual capacity.

20. Defendant Jeremy Bush was, at all relevant times, Deputy Director of MDOC's Correctional Facilities Administration ("CFA"), acting under color of state law, responsible for the operation of all MDOC facilities; the Body Worn Camera Section sat within his chain of command.⁶ He received written notice of the practice on February 17, 2025,⁷ and on February 20, 2025, defended it in writing, invoking the Prison Rape Elimination Act ("PREA").⁸ He is sued in his individual capacity.

21. Defendant Heidi E. Washington was, at all relevant times, the Director of MDOC,⁹ acting under color of state law, whose approval is required to issue and

¹ Exhibit 1: Michigan Administrative Rule R791.2205.

² Exhibit 2: Peter Martel email to Defendants Bush & Howard, Feb. 17, 2025.

³ Exhibit 3: Representative Laurie Pohutsky email to Kyle Kaminski, Feb. 19, 2025.

⁴ Exhibit 4: Defendant Bush email to Peter Martel, Feb. 20, 2025.

⁵ Exhibit 5: Plaintiff Forrest Grievance, WHV 2505-1591-28E.

⁶ Exhibit 6: MDOC Policy Directive 01.01.101, "Department Organization and Responsibility," effective Dec. 9, 2024.

⁷ Ex. 2.

⁸ Ex. 4.

⁹ Ex. 6.

revise MDOC policy directives, including the body-worn camera policy.¹⁰ She received notice of the practice on February 18, 2025,¹¹ and March 19, 2025,¹² and did not approve a revised policy until March 24, 2025¹³ - eighteen days after Ms. Forrest's delivery. She is sued in her individual capacity.

22. Non-parties Kelly Hermanson and Jessica Lopez were, at all relevant times, the WHV Grievance Coordinator and an Assistant Deputy Warden, respectively. Ms. Hermanson rejected Ms. Forrest's grievance as untimely, and Ms. Lopez approved that rejection, as alleged in Section E.¹⁴

23. At all relevant times, each Defendant acted under color of state law, while exercising authority vested by MDOC.

FACTUAL ALLEGATIONS

A. Constitutional and Statutory Framework Governing Bodily Privacy in Custody

24. Under the Fourth Amendment, the reasonableness of a search of an incarcerated person is assessed by balancing "the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." *Bell v. Wolfish*, 441 U.S. 520, 559 (1979).

¹⁰ Exhibit 7: MDOC Policy Directive 04.04.160, "Body-Worn Cameras," effective July 29, 2024.

¹¹ Exhibit 8: Peter Martel email to Defendant Washington, February 18, 2025.

¹² Exhibit 9: Representative Laurie Pohutsky email to MDOC Legislative Liaison Kyle Kaminski and Defendants Bush & Washington, Mar. 19, 2025.

¹³ Exhibit 10: MDOC Policy Directive 04.04.160, "Body-Worn Cameras," effective Mar. 24, 2025.

¹⁴ Ex. 5.

25. Prisoners retain a clearly established right not to be subjected to a humiliating exposure of their bodies in view of others unless it is reasonably related to a legitimate penological interest, and even a valid reason for a search does not justify conducting it where others can see the prisoner naked absent an exigency. *Stoudemire v. Mich. Dep't of Corr.*, 705 F.3d 560, 572–75 (6th Cir. 2013).

26. A prisoner's expectation of bodily privacy is particularly strong where the claim involves "forced exposure to strangers of the opposite sex." *Cornwell v. Dahlberg*, 963 F.2d 912, 916 (6th Cir. 1992).

27. Michigan's criminal voyeurism statute, MCL 750.539j, makes it a felony to surveil, photograph, or record the unclad genitalia, buttocks, or breasts of an individual under circumstances in which that individual has a reasonable expectation of privacy, and to distribute or transmit any recording so obtained. MCL 750.539j(5) exempts "a peace officer of this state or of the federal government, or the officer's agent, while in the performance of the officer's duties."

28. MDOC corrections officers are not "peace officers" under MCL 750.539j(5). Michigan's Penal Code treats the two as distinct categories. See MCL 750.479b; MCL 750.231; MCL 750.215(5) (exhaustive definition of "peace officer" excluding corrections officers). The Michigan Attorney General has likewise opined that a corrections officer is a "peace officer" only if independently certified under the Michigan Commission on Law Enforcement Standards Act. 2003 Mich. OAG

No. 7135 (Mich. A.G.); 2003 WL 21695440. Upon information and belief, none of the officer Defendants held such certification.

29. The Body-Worn Camera Policy Directive in effect during the events of the complaint required body-worn cameras to be placed in sleep mode “[i]n any place where a reasonable expectation of privacy exists” (Paragraph S(1)) and requires employees in a hospital or other community setting to follow that setting’s local camera policy (Paragraph P).¹⁵

30. Upon information and belief, Trinity Health Birth Center’s rules allowing video recording in the labor/delivery area only with permission from the physician or midwife were in effect on March 6, 2025.¹⁶

31. Neither Ms. Forrest, nor Ms. Larson, nor any attending medical provider consented to defendants operating or positioning video recording devices capable of capturing Ms. Forrest’s or J.F.’s exposed body during labor, delivery, or postpartum care.

B. MDOC Received Actual Notice of the Illegality of This Practice Before Ms. Forrest’s Delivery

32. On February 17, 2025, Peter Martel, Deputy Director of the American Friends Service Committee, sent a written communication to Defendants Howard

¹⁵ Ex. 7.

¹⁶ Exhibit 11: Trinity Health Birth Center General Information, available at <https://www.trinityhealthmichigan.org/location/trinity-health-birth-center-ann-arbor-hospital/general-information> (last accessed Oct. 2, 2026).

and Bush stating that MDOC corrections officers were operating body-worn cameras with active recording indicators during strip searches at WHV, that this practice constituted a felony violation of MCL 750.539j, that corrections officers do not qualify as “peace officers” under the statute’s exception, citing MCL 750.215(5), and demanding that MDOC immediately cease the practice.¹⁷

33. On February 18, 2025, the day after receiving this notice, Defendant Howard convened a Warden’s Forum meeting at WHV and represented to incarcerated women that the body-worn cameras were not recording during strip searches.

34. This representation was misleading; Howard knew or should have known passive capture was taking place.¹⁸

35. Also on February 18, 2025, Peter Martel forwarded the February 17 communication directly to Defendant Washington, again copied to numerous legislators and advocates, requesting confirmation the practice had been halted.¹⁹

36. On February 19, 2025, State Representative Laurie Pohutsky separately notified MDOC Legislative Affairs Administrator Kyle Kaminski that Defendant

¹⁷ Ex. 2.

¹⁸ Ex. 3.

¹⁹ Ex. 8.

Howard's representation to incarcerated women that the cameras were not recording during strip searches was false.²⁰

37. On February 20, 2025, Defendant Bush responded in writing on behalf of MDOC, confirming that body-worn cameras operate in a "passive" recording mode throughout facility operations, including during strip searches, in which raw audiovisual data is continuously captured and is recoverable and extractable by authorized staff for approximately eighteen hours before being automatically overwritten, and defending the practice as consistent with PREA compliance and consistent with the practices of neighboring states.²¹

38. On February 20, 2025, Peter Martel responded in writing to Defendant Bush, rebutting each of MDOC's stated justifications, noting that Michigan's body-worn camera policy had been modeled on Ohio's policy but that MDOC had deliberately removed Ohio's explicit prohibition on recording individuals in states of undress, and renewing the demand that MDOC cease the practice.²²

39. On March 19, 2025, Representative Pohutsky sent a further written communication to Kaminski, copied to Defendants Washington and Bush, again

²⁰ Ex. 3.

²¹ Ex. 4.

²² Exhibit 12: Peter Martel email to Defendants Bush & Howard, Feb. 20, 2025

identifying MCL 750.539j as prohibiting the recording at issue and again explaining that corrections officers do not fall within the statute's peace-officer exception.²³

40. Not until March 24, 2025 - eighteen days after Ms. Forrest's delivery and J.F.'s birth - did Defendant Washington issue a new body-worn camera policy adding routine strip searches to the list of circumstances requiring cameras to be placed in "sleep mode," a mode in which data cannot be collected, extracted, or viewed.²⁴

41. Thus, from February 17 through March 24, 2025 - including on March 6, 2025 - Defendants Howard, Bush, and Washington each knew that the practice of recording incarcerated women in states of undress was ongoing and alleged to be a felony, and none corrected it.

C. Access to Body-Worn Camera Data

42. At all times relevant to this action, MDOC body-worn cameras operated by default in what MDOC calls a "passive" mode. In this mode, as Defendant Bush explained, "raw data is being collected" continuously while the camera remains powered on.²⁵ According to the MDOC's Body-Worn Camera policy in effect at the time of J.F.'s birth, the camera "can retrieve up to 18 hours of video with audio,"

²³ Ex. 9.

²⁴ Ex. 10.

²⁵ Ex. 4.

which may be recovered after the fact through “video recall.”²⁶ “Video with audio” data collected in passive mode is not saved as a video file unless approved staff extract it. If it is not extracted within roughly 18 hours of camera use, it is overwritten.²⁷

43. Defendant Bush has identified the circumstances in which passive-mode data is extracted and converted into a viewable video file: (a) staff activate the camera for a “qualifying event,” (b) staff determine that a camera should have been activated for a qualifying event but was not, or (c) an incarcerated person asks that the data be retained because of an alleged policy violation, grievance, or PREA complaint.²⁸ The policy directive adds that a supervisor may access passive-mode data not associated with a qualifying event for “any other incident . . . that may require an administrative review or where recordings may have evidentiary value,” after approval from the on-call Administrator.²⁹

44. Neither Defendant Bush’s explanation nor policy directive limits access to passive-mode data to an identified group. MDOC states that “approved staff (not the camera wearer)” may extract the data.³⁰ The policy directive refers to “an individual with appropriate permissions”³¹ and to supervisors with “the appropriate

²⁶ Ex. 7, Paragraph V.

²⁷ Ex. 4.

²⁸ *Id.*

²⁹ Ex. 7, Paragraph Y; *see also* Paragraphs J, W, and X.

³⁰ Ex. 4.

³¹ Ex. 7, Paragraph V.

permissions.”³² Neither document defines “approved” or “appropriate permissions,” and neither restricts who may be granted those permissions based on the sex of the person with access or of the person depicted.

45. MDOC’s Digital Evidence Management System contract provides that “Pro” licenses are issued to wardens, deputy wardens, assistant deputy wardens, inspectors, and specified central-office units on a statewide basis.³³ Pro licenses “provide access to advanced features such as Automated Redaction, Group Monitoring, Agency Analytics, Human Transcription Services, et al.”³⁴ Under this contract, of approximately 6,988 MDOC personnel with basic body-worn camera system access, 237 hold Pro licenses.³⁵ On information and belief, Pro licenses are the administrative tier of the system, which carries authority over system configuration, including the permissions assigned to other users.

46. At all times relevant to this action, the Warden, one Inspector, one Deputy Warden, and an unknown number of Assistant Deputy Wardens at WHV - a facility housing only women - were men holding Pro-level access to body-worn camera data with an opportunity to view such data.

³² *Id.*, Paragraph X.

³³ Exhibit 13: MDOC - Axon Contract CN 4, Paragraph 6, “User Type and Capacity.”

³⁴ *Id.*, Attachment 3 - Pricing Additions.

³⁵ *Id.*, Paragraph 6, “User Type and Capacity.”

47. MDOC's contract governing the deployment of its body-worn camera and Digital Evidence Management System states that its purpose is to "increase the safety and security of staff" and to "allow for easy collection, storage, case management, and distribution of evidence with MDOC partner agencies and respond to public information requests," a stated purpose unrelated to, and providing no justification for, the recording of incarcerated women's bodies during childbirth, medical care, or routine states of undress.³⁶

D. Labor, Delivery, and Postpartum Recording

48. On March 6, 2025, Ms. Forrest was transported under guard from WHV to Trinity Health Ann Arbor Hospital to have labor induced for the birth of J.F.

49. When Ms. Larson arrived at the hospital, Corrections Officer Westbrook told her she could not bring her cellular telephone inside and would not be permitted into Ms. Forrest's room until Ms. Forrest had been prepared for labor.

50. After Ms. Larson was permitted to enter, Defendants Barksdale and Robbins were assigned to the room. Defendant Robbins is male. Both wore operational body-worn cameras on their chests, positioned toward Ms. Forrest's hospital bed and lower body, and both remained inside the room - rather than outside the door or behind a privacy curtain - throughout cervical examinations, active labor,

³⁶ *Id.* Paragraph 3, "Purpose"

delivery, and periods of postpartum recovery, during which Ms. Forrest's genitals, buttocks, and breasts were exposed.

51. Less intrusive means of maintaining custody were readily available, including stationing officers immediately outside the room's single entrance, positioning officers behind the privacy curtain, using female officers only, and placing the cameras in sleep mode as MDOC policy required.

52. While in the room, Defendant Barksdale engaged Ms. Larson in unsolicited discussion of Defendant Barksdale's sex life, which Ms. Larson and Ms. Forrest found inappropriate, bizarre, and unrelated to any legitimate correctional purpose.

53. Ms. Larson observed the recording indicator lights on the officers' cameras and directly asked whether the cameras were recording. Defendant Barksdale confirmed: "Yes."

54. At no point did Defendant Barksdale place her camera in sleep mode, turn it off, or reposition it away from Ms. Forrest's exposed body during labor and delivery, notwithstanding MDOC Policy Directive 04.04.160's requirement that cameras be placed in sleep mode "[i]n any place where a reasonable expectation of privacy exists."³⁷

³⁷ Ex. 7, S(1).

55. At no point did Defendant Robbins place his camera in sleep mode, turn it off, or reposition it away from Ms. Forrest's exposed body during labor and delivery, notwithstanding MDOC Policy Directive 04.04.160's requirement that cameras be placed in sleep mode "[i]n any place where a reasonable expectation of privacy exists."³⁸

56. Ms. Forrest was a minimum-security prisoner serving a sentence for a non-violent controlled-substance possession offense. The delivery room was located on the third floor of the hospital, and its windows did not open. No legitimate penological or security justification existed for the continuous, camera-recorded presence of corrections officers throughout Ms. Forrest's labor, delivery, and postpartum care.

57. Following J.F.'s delivery, a nurse invited Ms. Larson to accompany her and J.F. to another room to obtain the infant's footprints and photograph J.F. While the nurse, Ms. Larson, and J.F. were in that separate, closed-door room preparing to do so, Defendant Barksdale entered without knocking or announcing and threatened that if a photograph were taken, Ms. Forrest would receive an additional two years on her sentence.

58. Defendant Barksdale had no lawful authority to impose or recommend any additional term of imprisonment on this basis. Frightened by the threat, neither

³⁸ *Id.*

Ms. Larson nor the nurse took the photograph, depriving Ms. Larson of any photographic record of her grandson's birth.

59. Before Ms. Forrest's discharge and return to WHV on March 8, 2025 - less than 48 hours since giving birth - Defendant Holman conducted a strip search of Ms. Forrest inside the hospital room while wearing an operational body-worn camera faced towards Plaintiff's exposed genitalia, not in sleep mode. Ms. Forrest had been under the continuous, in-room watch of corrections officers from the moment she left WHV, and no visitor had been permitted to bring any item into her room. Holman did not articulate what she was searching for nor give any reason why the search was conducted. There was no reasonable suspicion that she possessed contraband and no exigency requiring the search to be recorded. The search violated Policy Directive 04.04.160's sleep-mode requirement.

60. During Ms. Forrest's stay at Trinity Health (March 6-8, 2025), Defendant Street was stationed in her hospital room wearing an operational body-worn camera faced towards Plaintiff while she was in states of undress with her genitals, buttocks, and breasts exposed, as she recovered from childbirth, breastfed her newborn, and received postpartum care.

61. During Ms. Forrest's stay at Trinity Health (March 6-8, 2025), Defendant Malloy was stationed in her hospital room wearing an operational body-worn camera faced towards Plaintiff while she was in states of undress with her

genitals, buttocks, and breasts exposed, as she recovered from childbirth, breastfed her newborn, and received postpartum care.

62. As Defendant Bush confirmed in writing, body-worn cameras operating in passive mode continuously capture raw audiovisual data that can be extracted for approximately eighteen hours of camera use. During that period, the data could be accessed, extracted, and converted into permanent video files by “approved staff.”³⁹ Whether any such data was extracted or retained is information within Defendants’ exclusive possession and control.

63. Upon information and belief, MDOC’s Digital Evidence Management System keeps an audit trail that records each user who viewed, extracted, converted, or shared body-worn camera data, along with the date and time of each action. That audit trail, and any video files extracted from the cameras worn by Defendants Barksdale, Robbins, Holman, Street, and Malloy on March 6–8, 2025, are in Defendants’ exclusive possession.

E. Ms. Forrest’s Grievance and Its Rejection

64. On March 14, 2025, Ms. Forrest submitted a Step I grievance to Ms. Hermanson, stating in substance that on March 6, 2025, while giving birth at Trinity

³⁹ Ex. 4.

Health, Defendant Barksdale remained in the hospital room throughout with a recording camera, and that she felt uncomfortable and degraded by the experience.⁴⁰

65. Ms. Forrest's grievance, on its face, described conduct constituting sexual abuse as defined by the Prison Rape Elimination Act and MDOC's own policy directives governing sexual abuse⁴¹ and the mandatory referral of such allegations to the facility's PREA Coordinator rather than the ordinary grievance process.⁴²

66. Ms. Hermanson personally received and read Ms. Forrest's grievance. Rather than referring it to the PREA Coordinator, Ms. Hermanson processed it through the ordinary grievance channel and, on May 16, 2025 - beyond the response period prescribed by MDOC Policy Directive 03.02.130 - rejected it as "Untimely," stating that Ms. Forrest had identified no reasonable circumstance beyond her control excusing the delay.⁴³

67. Ms. Lopez personally reviewed and approved Ms. Hermanson's rejection before it issued to Ms. Forrest.⁴⁴

⁴⁰ Ex. 5.

⁴¹ Exhibit 14: MDOC Policy Directive 03.03.140, "Sexual Abuse and Sexual Harassment of Prisoners – Prison Rape Elimination Act (PREA)," Paragraphs N, S(8), effective Apr. 5, 2021.

⁴² *Id.*, Paragraph VV. Exhibit 15: MDOC Policy Directive 03.02.130, "Prisoner Grievances," Paragraph D, effective Oct. 21, 2024.

⁴³ Ex. 5.

⁴⁴ *Id.*

68. Although dated May 16, 2025, the rejection was not returned to Ms. Forrest until June 2, 2025.⁴⁵

69. On June 19, 2025, Ms. Forrest timely appealed, stating that the rejection had faulted her for identifying no reasonable circumstance beyond her control, when her grievance had plainly stated that she was in the hospital giving birth at the relevant time - a circumstance she expressly identified as beyond her control and preventing timely filing.⁴⁶

70. On June 30, 2025, Defendant Howard, having personally reviewed an appeal that expressly and specifically presented childbirth as the excusing circumstance, nonetheless upheld the rejection of Ms. Forrest's grievance as untimely at Step II, without referring the underlying allegation to the PREA Coordinator for investigation.⁴⁷

71. At the time each of Ms. Hermanson, Ms. Lopez, and Defendant Howard acted, each was aware, from the face of Ms. Forrest's own grievance and appeal, of specific factual allegations that Defendant Barksdale had recorded Ms. Forrest during childbirth, and each was aware of MDOC's own policy classifying such conduct as sexual abuse requiring mandatory referral for investigation rather than resolution through the ordinary technical-rejection grievance process.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

72. By rejecting Ms. Forrest's grievance as untimely despite her stated inability to file while hospitalized for childbirth, and by failing to refer it as policy required, Ms. Hermanson, Ms. Lopez, and Defendant Howard deprived Ms. Forrest of a PREA investigation which would have required the collection and retention of materials related to the claims herein.

COUNT I

42 U.S.C. § 1983 - Fourth Amendment (Unreasonable Presence and Observation)

(Plaintiff Natalie Forrest against Defendants Barksdale, Robbins, Street, and Malloy in their individual capacities)

73. Plaintiff realleges and incorporates by reference all preceding paragraphs.

74. At all relevant times, Defendants Barksdale, Robbins, Street, and Malloy acted under color of state law.

75. The Fourth Amendment protects incarcerated persons' bodily privacy against unreasonable, unjustified visual intrusion, assessed according to scope, manner, justification, and place. *Stoudemire*, 705 F.3d at 572–74; *Bell v. Wolfish*, 441 U.S. at 559.

76. On March 6, 2025, Defendants Barksdale and Robbins remained inside the delivery room throughout cervical examinations, labor, delivery, and periods of postpartum recovery while Ms. Forrest's genitals, buttocks, and/or breasts were exposed.

77. Each *Bell* factor weighs against Defendants Barksdale and Robbins. As to scope, observing a woman's genitals through cervical examinations, labor, and delivery is among the most extreme intrusions on bodily privacy, and it continued throughout. The manner aggravated the intrusion: Defendants Barksdale and Robbins wore an active camera aimed at Ms. Forrest's body, so the observation was captured and provided an opportunity for later viewing, and Defendant Barksdale confirmed her camera was recording. Worse, Defendant Robbins is male, making his observation forced exposure to a member of the opposite sex. As to justification, none existed: Ms. Forrest was a minimum-security prisoner convicted of a non-violent offense, in active labor, in a third-floor room whose windows did not open, and less intrusive means of maintaining custody were available. As to place, a hospital labor-and-delivery room carries the highest expectation of privacy, and less intrusive means were available, including standing at the head of the bed, behind the privacy curtain, or outside the room's only door.

78. Additionally, between March 6 and March 8, 2025, during Ms. Forrest's postpartum hospitalization, Defendants Street and Malloy were each stationed inside her hospital room wearing an operational body-worn camera faced towards Plaintiff while she was in states of undress with her genitals, buttocks, and breasts exposed, as she recovered from childbirth, breastfed her newborn, and received postpartum care.

79. Each *Bell* factor weighs heavily against Defendants Street and Malloy. As to scope, the exposure involved the same intimate areas of the body as during delivery and continued over a postpartum stay of up to two days. The manner aggravated the intrusion: Defendants were stationed in the room with active cameras that were not in sleep mode, so their observation was captured as it happened, and Defendant Malloy is male, making his observation forced exposure to a member of the opposite sex. As to justification, none existed: Ms. Forrest was a minimum-security prisoner convicted of a non-violent offense, and was recovering in a bed in a third-floor room whose windows did not open. As to place, a patient's hospital room is among the most private spaces in which a person can be unclothed.

80. No legitimate penological interest required Defendants' in-room observation of Ms. Forrest's exposed body. Ms. Forrest was a minimum-security prisoner convicted of a non-violent offense, she was in active labor and then recovering from childbirth, she was housed in a third-floor room whose windows did not open, and less intrusive means of maintaining custody were readily available.

81. Considering the scope, manner, justification, and place of the intrusion, each Defendant's observation of Ms. Forrest's exposed body was unreasonable and violated her clearly established Fourth Amendment right to bodily privacy.

82. As a direct and proximate result of Defendants' conduct, Ms. Forrest suffered, and continues to suffer, past, present, and future noneconomic damages,

including severe emotional distress, mental anguish, fright and shock, embarrassment, humiliation, and mortification from being observed, and on information and belief recorded, while exposed during labor, delivery, and postpartum recovery. She was denied the social pleasure and enjoyment of giving birth to and meeting her son free from state surveillance, an experience that can never be repeated or restored. Defendants' conduct also aggravated Ms. Forrest's preexisting emotional trauma as a survivor of prior abuse, re-traumatizing her.

COUNT II

42 U.S.C. § 1983 - Fourth Amendment (Unreasonable Recording)

(Plaintiff Natalie Forrest against Defendants Barksdale, Robbins, Street, Malloy, and Holman in their individual capacities)

83. Plaintiff realleges and incorporates by reference all preceding paragraphs.

84. Each of Defendants Barksdale, Robbins, Street, Malloy, and Holman wore body-worn cameras that, while in passive mode, captured audiovisual data of Ms. Forrest's exposed body and allowed others the opportunity to observe, as alleged above. Defendant Barksdale expressly confirmed to Ms. Larson that the cameras were recording, and Defendant Bush confirmed in writing that cameras in passive mode continuously capture recoverable audiovisual data.

85. None of these Defendants placed the camera in sleep mode, as MDOC Policy Directive 04.04.160 requires in any place where a reasonable expectation of privacy exists.

86. The recording is a separate intrusion, independent of the in-person observation alleged in Count I. A recording turns a momentary exposure into a reproducible image. That image can be viewed, replayed, copied, and shared by people who were never in the room, at times and places Ms. Forrest cannot know or control. By continuing to record, each Defendant exposed Ms. Forrest's body to more viewers than necessary, i.e., it gave an open-ended audience of additional viewers an opportunity to observe, beyond what the officers in the room personally saw.

87. Each *Bell* factor weighs against Defendants as to the recording itself. As to scope, the cameras captured Ms. Forrest's genitals, buttocks, and breasts during labor, delivery, postpartum recovery, and Defendant Holman's strip search, and, unlike observation, the data could be extracted and replayed by people who were never in the room. The manner aggravated the intrusion: the cameras were worn on Defendants' bodies and aimed at Ms. Forrest, in a default passive mode that collects data continuously whenever powered on, with no notice to Ms. Forrest and no consent from her or her providers. As to justification, none existed. MDOC's contract states the system's purpose is staff safety and evidence collection, which does not reach recording a birth or filming genitalia, and MDOC's own policy required sleep mode. As to place, labor-and-delivery and postpartum rooms are places where a reasonable expectation of privacy exists, and, upon information and

belief, Trinity Health permitted video recording in the labor and delivery area only with the permission of the physician or midwife, which was not given.

88. MDOC's own policy, the hospital's rules, and Michigan's criminal voyeurism statute, MCL 750.539j - whose peace-officer exception does not reach corrections officers, as alleged in the Statutory Framework section above - each prohibited this recording. Plaintiffs do not assert these provisions as independent bases for § 1983 liability. Rather, they show that no legitimate penological interest supported the recording and that Defendants knew it was impermissible.

89. Defendants' recording of Ms. Forrest while in a state of undress, without justification and in violation of MDOC's own policy and Michigan criminal law was an obvious constitutional violation and constituted an unreasonable search in violation of the Fourth Amendment.

90. As a direct and proximate result, Ms. Forrest suffered severe emotional distress, humiliation, and other damages stated herein.

COUNT III

42 U.S.C. § 1983 - Fourth Amendment (Unreasonable Presence and Observation)

(Plaintiff J.F., by and through his Next Friend Natalie Forrest, against Defendants Barksdale and Robbins, in their individual capacities)

91. Plaintiff realleges and incorporates by reference all preceding paragraphs.

92. J.F. was, at all times relevant to this Count, a private citizen who had never been and was never subject to any order of confinement, sentence, or lawful custodial authority of MDOC.

93. Unlike Ms. Forrest, J.F.'s Fourth Amendment rights are not subject to any diminished expectation of privacy arising from incarceration; his claim is governed by ordinary Fourth Amendment principles applicable to any private citizen.

94. Defendants Barksdale and Robbins remained present in the delivery room at the foot of the delivery bed, observing J.F.'s birth and his unclothed body, including his genitalia, in the moments during and immediately following delivery, without a warrant, without the consent, and without any exigency, security interest, or other lawful justification whatsoever for observing a newborn infant's birth and body.

95. During the delivery and the newborn assessment that followed, Defendants Barksdale and Robbins stood at the foot of the bed facing the delivery and remained in the room while J.F. was examined and weighed while unclothed with his genitals and buttocks exposed.

96. No legitimate governmental interest of any kind justified Defendants' presence and observation of J.F.'s birth and exposed body.

97. Defendants' observation of J.F. was not incidental to any legitimate custodial function; J.F. was not in custody. Guarding Ms. Forrest did not require the officers to stand where they could see the infant emerge and see his unclothed body. They could have stood at the head of the bed, behind the privacy curtain, or outside the room's only door.

98. Defendants' unjustified observation of J.F.'s unclothed body was an unreasonable search that violated his Fourth Amendment rights.

99. As a direct and proximate result, J.F. suffered a violation of his constitutional right to privacy, for which he is entitled to at least nominal damages, as well as compensatory and punitive damages.

COUNT IV

42 U.S.C. § 1983 - Fourth Amendment (Unreasonable Recording)
(Plaintiff J.F., by and through his Next Friend Natalie Forrest, against Defendants Barksdale and Robbins, in their individual capacities)

100. Plaintiff realleges and incorporates by reference all preceding paragraphs.

101. Defendants Barksdale and Robbins operated body-worn cameras that, in passive mode and positioned toward the foot of the delivery bed, captured audiovisual data of J.F.'s unclothed body during and immediately after his birth, without a warrant, consent, or any lawful justification. They could have stood at the head of the bed, behind the privacy curtain, or outside the room's only door.

102. Recording a minor's unclothed body and genitalia in these circumstances is prohibited by MCL 750.539j and by MDOC Policy Directive 04.04.160. As with Count II, Plaintiffs rely on these provisions only to show that no legitimate governmental interest supported the recording.

103. Defendants' recording of J.F.'s unclothed body and genitalia was an unreasonable search that violated the Fourth Amendment, aggravated by the fact that the data could be extracted, viewed, and distributed by "approved staff."

104. As a direct and proximate result, J.F. suffered a violation of his constitutional rights, for which he is entitled to at least nominal damages, as well as compensatory and punitive damages.

COUNT V

42 U.S.C. § 1983 - First Amendment Prior Restraint

(Plaintiff Jessica Larson against Defendant Barksdale, in her individual capacity)

105. Plaintiff realleges and incorporates by reference all preceding paragraphs.

106. Ms. Larson, a free citizen who was not subject to MDOC's custodial authority, engaged in constitutionally protected activity when she (a) questioned Defendant Barksdale about whether the officers' cameras were recording her daughter's labor, and (b) arranged, with the hospital nurse's invitation and consent and in a private hospital room, to photograph J.F., who was not in MDOC custody. The photo was of J.F. alone, not Ms. Forrest.

107. Making photographs is expressive activity protected by the First Amendment. The First Amendment also protects the creation of images and the gathering of information as a necessary step before speech.

108. In direct response to Ms. Larson's attempt to photograph J.F., Defendant Barksdale threatened that doing so would result in Ms. Forrest receiving an additional two years of imprisonment. Defendant Barksdale's threat was an adverse action of a kind that would deter a person of ordinary firmness from continuing to engage in that protected activity.

109. Defendant Barksdale's threat operated as an informal prior restraint. She made it before any photograph was taken; it was designed to prevent the image from ever being created, and it did, as it was backed by the threat of State punishment. When a government official threatens legal sanctions to suppress expression before it occurs, that threat is a prior restraint, and it carries a heavy presumption that it is unconstitutional. *See Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 66–72 (1963).

110. No legitimate governmental interest supported the restraint. J.F. was not in MDOC custody, the photograph was to be taken in a private room away from Ms. Forrest, and the image would have shown only a newborn infant.

111. Upon information and belief, no statute, MDOC policy, or hospital rule prohibited the photographing of a free-born infant, and Defendant Barksdale had no authority to impose or recommend additional prison time for such conduct.

112. In the alternative, if the threat is analyzed as retaliation, Defendant Barksdale was motivated at least in part by Ms. Larson's protected activity. Defendant Barksdale made the threat upon entering the room where the photograph was about to be taken, directed it specifically at preventing the photograph, and the threat was made after Ms. Larson had just questioned her about the recording of Ms. Forrest's labor.

113. As a direct and proximate result, Ms. Larson suffered fear, humiliation, emotional distress, and the permanent loss of any photographic record of her grandson's birth.

COUNT VI

42 U.S.C. § 1983 - Fourteenth Amendment Substantive Due Process (Bodily Privacy)

(J.F., by and through his Next Friend Natalie Forrest, against Defendants Barksdale and Robbins, in their individual capacities)

114. Plaintiff realleges and incorporates by reference all preceding paragraphs.

115. The Due Process Clause of the Fourteenth Amendment protects a fundamental interest in personal privacy, including privacy in one's unclothed body, in matters of a sexual and intimate nature, and in intimate medical information. *See*

Bloch v. Ribar, 156 F.3d 673, 684–86 (6th Cir. 1998); *Kallstrom v. City of Columbus*, 136 F.3d 1055, 1062–64 (6th Cir. 1998).

116. Defendants deliberately exposed and recorded J.F.’s unclothed body and genitalia during childbirth and intimate medical care. In doing so, they created audiovisual data of the most intimate moments of Plaintiff’s life that an unknown number of MDOC personnel had the opportunity to access. That conduct served no legitimate governmental interest. Defendants had ample time to deliberate, and their conduct shocks the conscience.

117. This Count is pleaded in the alternative to Counts III and IV. It applies to the extent the Court concludes that any part of the conduct alleged - including the creation, retention, and accessibility of the recordings after they were captured - is not a “search” governed by the Fourth Amendment.

118. As a direct and proximate result, J.F. suffered violations of his constitutional right to bodily privacy.

COUNT VII

42 U.S.C. § 1983 — Eighth Amendment (Cruel and Unusual Punishment)
(Plaintiff Natalie Forrest against Defendants Barksdale, Robbins, Street, Malloy, and Holman in their individual capacities)

119. Plaintiff realleges and incorporates by reference all preceding paragraphs.

120. The Eighth Amendment prohibits the unnecessary and wanton infliction of pain, including sexual humiliation and invasions of bodily privacy by

prison officials that serve no legitimate penological purpose. *See Rafferty v. Trumbull Cnty.*, 915 F.3d 1087, 1095–96 (6th Cir. 2019).

121. Subjecting Ms. Forrest to continuous camera-recorded observation during labor, delivery, and postpartum strip search, without penological necessity, constituted an objectively serious deprivation.

122. Subjecting Ms. Forrest - while in labor, during delivery, and within approximately two days of giving birth - to continuous camera-recorded observation of her genitals, buttocks, and breasts, including by male officers, constituted an objectively serious deprivation that offends contemporary standards of decency.

123. Additionally, subjecting Ms. Forrest to a recorded postpartum strip search without reasonable suspicion constituted an objectively serious deprivation that offends contemporary standards of decency.

124. Each Defendant was aware of Policy Directive 04.04.160 and knew it required sleep mode in any place where a reasonable expectation of privacy exists.⁴⁸ Defendant Barksdale admitted the cameras were recording.

125. Despite this knowledge, throughout Plaintiff's labor, delivery, and post-partum recovery, each Defendant recorded Ms. Forrest's exposed body without any security purpose and in callous indifference to Ms. Forrest's rights.

⁴⁸ Ex. 7, Paragraphs B, S(1).

126. While Ms. Forrest lay exposed in labor, Barksdale also engaged Ms. Larson in unsolicited discussion of Defendant Barksdale's sex life, indicating her conduct in the delivery room had a sexualized character and no correctional purpose.

127. As a direct and proximate result, Ms. Forrest suffered severe emotional, psychological harm, and other damages set forth more fully herein.

COUNT VIII

42 U.S.C. § 1983 - Failure to Intervene

(Plaintiff Natalie Forrest, individually and as Next Friend of J.F., against Defendants Barksdale, Robbins, Street, and Malloy, in their individual capacities)

128. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

129. A corrections officer who observes, or has reason to know, that a fellow officer is violating a person's constitutional rights is liable under § 1983 if the officer had a realistic opportunity and the means to prevent the harm, and failed to do so. *See Turner v. Scott*, 119 F.3d 425, 429 (6th Cir. 1997); *Durham v. Nu'Man*, 97 F.3d 862, 868 (6th Cir. 1996).

130. This Count is pleaded in the alternative to Plaintiffs' claims that each Defendant directly violated their rights. It applies to any Defendant whom the trier of fact finds did not personally observe or record Plaintiffs but was present while another Defendant did.

131. Each Defendant was physically present in Ms. Forrest's hospital room while at least one other Defendant observed and recorded Ms. Forrest's unclothed

body, genitalia, buttocks, and breasts. In the case of Barksdale and Robbins, the same is true of J.F.'s unclothed body and genitalia.

132. Defendants Barksdale and Robbins were present together for hours throughout labor and delivery. Each could see the other's activated camera and its recording indicator, and Barksdale confirmed aloud that the cameras were recording.

133. Defendants Street and Malloy were likewise stationed in, or rotated through, Ms. Forrest's room during periods when fellow officers' cameras were faced towards Plaintiff while she was in states of undress with her genitals, buttocks, and breasts exposed, as she recovered from childbirth, breastfed her newborn, and received postpartum care.

134. The violations were not split-second events; they continued for hours. Each Defendant had ample opportunity and the means to stop them. A Defendant could have asked a fellow officer to put the camera in sleep mode, as MDOC policy required, or to move or step outside the curtain, or could have reported the conduct to a supervisor. None did.

135. Additionally, at no point did Barksdale and/or Street ask the male officers – Robbins and Malloy – to step out of the room while Ms. Forrest's unclothed body and genitalia were exposed.

136. Each Defendant's failure to intervene was a proximate cause of the Fourth and Fourteenth Amendment violations alleged in Counts I through IV and VI.

137. As a direct and proximate result, Ms. Forrest and J.F. suffered the constitutional injuries described above, and Ms. Forrest suffered severe emotional distress and humiliation.

COUNT IX

42 U.S.C. § 1983 - Supervisory Liability (Implicit Authorization and Ratification)

(Plaintiff Natalie Forrest against Defendants Howard, Bush, and Washington, in their individual capacities)

138. Plaintiff realleges and incorporates by reference all preceding paragraphs.

139. A supervisory official may be held individually liable under § 1983 where the official at least implicitly authorized, approved, or knowingly acquiesced in the unconstitutional conduct of a subordinate through the official's own affirmative conduct. *Peatross v. City of Memphis*, 818 F.3d 233 (6th Cir. 2016); *Shehee v. Luttrell*, 199 F.3d 295 (6th Cir. 1999).

140. Defendant Bush, upon receiving written notice that MDOC's body-worn camera practice violated MCL 750.539j, personally and in writing defended the continuation of that practice, invoking PREA as a purported justification,

notwithstanding his position atop the CFA administration within which the Body Worn Camera Section was organized.

141. Defendant Howard, the day after receiving the same written notice, affirmatively represented to the population under his authority that the cameras were not recording during strip searches, thereby concealing the ongoing practice and permitting it to continue unchallenged.

142. Defendant Washington, as the MDOC official whose approval is required to issue and revise Department policy directives, personally approved and maintained the body-worn camera policy in effect at the time of the events giving rise to this complaint. After receiving notice on February 18, 2025, that the policy was being used to record women while unclothed, she affirmatively kept it in force and did not approve a revision until March 24, 2025.

143. The notice each Defendant received specifically described the recording of women during strip searches and other states of undress. Defendant Bush's February 20, 2025, response defended keeping cameras in passive recording mode during strip searches and "other encounters."

144. Defendants Barksdale, Robbins, Street, and Malloy used their supervisors' authorization and/or approval to keep their cameras recording during labor preparation, labor, delivery, and postpartum care where Ms. Forrest's genitalia were exposed.

145. Defendant Holman used this same authorization when she recorded a strip search of Ms. Forrest's unclothed body and genitalia.

146. Each supervisory Defendant's affirmative conduct authorized, approved, or knowingly acquiesced in that practice and was a proximate cause of its continuation through Ms. Forrest's March 6-8, 2025 hospitalization.

147. As a direct and proximate result, Ms. Forrest suffered damages, including severe emotional distress and humiliation from the recording of her unclothed body and genitalia over the course of days.

COUNT X

State-Law Invasion of Privacy (Intrusion Upon Seclusion)

(Plaintiff Natalie Forrest, individually and as Next Friend of J.F., against Defendants Barksdale, Robbins, Street, Malloy, and Holman)

148. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

149. Under Michigan law, Invasion of Privacy-Intrusion Upon Seclusion requires (1) the existence of a secret and private subject matter, (2) a right possessed by the plaintiff to keep that subject matter private, and (3) the obtaining of information about that subject matter through a method objectionable to a reasonable person. *Doe v. Mills*, 212 Mich. App. 73, 88 (1995).

150. Ms. Forrest's unclothed body and genitalia during labor, delivery, and postpartum medical care was a secret and private subject matter that she had a right to keep private.

151. Defendants Barksdale, Robbins, Street, and Malloy, intentionally obtained information about it by observing it and/or recording it with body-worn cameras, in violation of MDOC policy and hospital rules.

152. Defendant Holman intentionally obtained information about it by recording the strip search with a body-worn camera, in violation of MDOC policy and hospital rules.

153. J.F.'s unclothed body and genitalia in the moments of and immediately after his birth was likewise a secret and private subject matter that he had a right to keep private. Defendants Barksdale and Robbins intentionally obtained information about it by observing it and/or recording it without consent.

154. Each Defendant was aware of Policy Directive 04.04.160 and knew it required sleep mode in any place where a reasonable expectation of privacy exists.⁴⁹ Defendant Barksdale admitted the cameras were recording.

155. This intrusion was objectionable to any reasonable person.

156. Defendants are not entitled to governmental immunity for this intentional tort. Their conduct was not undertaken in good faith: they acted with malice or reckless indifference to Plaintiffs' rights, knowingly in violation of MDOC policy and Michigan criminal law. *See Odom v. Wayne Cnty.*, 482 Mich. 459, 480–81 (2008).

⁴⁹ *Id.*, Paragraphs B, S(1).

157. As a direct and proximate result, Ms. Forrest and J.F. suffered the injuries set forth above.

COUNT XI

State-Law Intentional Infliction of Emotional Distress

(Plaintiff Natalie Forrest against Defendants Barksdale, Robbins, Street, Malloy, and Holman)

158. Plaintiff realleges and incorporates by reference all preceding paragraphs.

159. The officer Defendants' conduct toward Ms. Forrest - knowingly recording her genitals, buttocks, and breasts during labor, childbirth, and postpartum care, including in the presence of male officers, and subjecting her to a recorded strip search within approximately two days of delivery without suspicion - was extreme and outrageous, exceeding all bounds of decency tolerated in a civilized community.

160. Defendants acted intentionally or recklessly, knowing that severe emotional distress would result.

161. As a direct and proximate result, Ms. Forrest suffered, and continues to suffer from, severe emotional distress, including humiliation, degradation, lasting distress associated with the birth of her son, and aggravation of her preexisting emotional trauma as a survivor of prior abuse that requires treatment.

162. Defendants are not entitled to governmental immunity because their intentional conduct was not undertaken in good faith but with malice or reckless indifference to Plaintiffs' rights. *Odom*, 482 Mich. at 480–81.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants as follows:

- a) Award compensatory damages in an amount to be proven at trial for mental anguish, emotional distress, humiliation, shock, and embarrassment;
- b) Award damages for each constitutional violation;
- c) Award punitive and exemplary damages against the individual Defendants to punish malicious, wanton, and oppressive misconduct and deter its repetition;
- d) Award Plaintiffs reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and other applicable law;
- e) Award pre-judgment and post-judgment interest as permitted by law; and
- f) Grant such other and further relief as this Court deems just, proper, and equitable.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all claims and issues so triable.

By: /s/ Todd F. Flood
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