

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TOM WATERS, an individual,

Plaintiff,

v.

GRANT COUNTY, a political subdivision of
the State of Washington,

Defendant.

Case No. 1:25-cv-03218-TOR

**PLAINTIFF'S SECOND AMENDED
COMPLAINT FOR DAMAGES**

JURY OF TWELVE REQUESTED

COMES NOW the Plaintiff Tom Waters by and through his attorneys of record, Gregory Albert and Timothy J. Rosewell of Albert Law PLLC, and hereby alleges the following against the foregoing Defendant.

I. INTRODUCTION

This Complaint arises from the rape and sexual assault of Plaintiff Tom Waters ("Mr. Waters"), at the age of seventeen, when he was submitted to the Grant County Juvenile Detention Facility on April 4, 2013. The rape and sexual assault were specifically committed by two guards who worked at the Grant County Juvenile Detention Facility. This Complaint is amended for the purpose of removing the claim under the Washington Law Against Discrimination ("WLAD"), dismissing the original count of violation of 42 U.S.C. § 1983 arising under the Eighth Amendment, and asserting a new count of violation of 42 U.S.C. §

1 1983 arising under the Fourteenth Amendment, and to add the required *Monell* factors.

2 II. PARTIES

3 1. Tom Waters is the Plaintiff in this case. At all relevant times, Plaintiff was a
4 resident of Grant County.

5 2. Grant County is a defendant in this case. Defendant is a political subdivision of the
6 State of Washington, organized and existing under the laws of the State of Washington, and at
7 all relevant times operated and maintained various departments, including the Grant County
8 Juvenile Detention Facility.

9 III. JURISDICTION AND VENUE

10 3. Pursuant to 4.92.010(1), venue is proper in Grant County, Washington, where
11 Plaintiff resides.

12 4. On September 3, 2025, Plaintiff Tom Waters properly served on Defendant Grant
13 County a completed Tort Claim Form in compliance with state law. At least (60) days have
14 passed since the Tort Claim Form was served upon Defendant.

15 5. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part
16 of the events and omissions giving rise to Plaintiff's claims occurred within the Eastern District
17 of Washington, including Grant County, Washington. Defendant Grant County resides in this
18 District for purposes of venue and is subject to this Court's personal jurisdiction.

19 6. This Court has *in personam* jurisdiction and subject matter jurisdiction because all
20 the parties are residents of Washington State and all the causes of action arise out of Washington
21 law.

22 IV. FACTS

23 7. At the age of seventeen, law enforcement officers arrested Mr. Waters for
24 malicious mischief. Grant County authorities submitted Mr. Waters to the Grant County
25 Juvenile Detention Facility on April 4, 2013.

26 8. On Mr. Waters' first night, at the Grant County Juvenile Detention Facility, one of

1 the guards, a Caucasian man with glasses, shook him awake and told him to face the wall.

2 9. The guard ordered Mr. Waters to strip his clothes. Mr. Waters complied with the
3 guard's orders and began to undress.

4 10. The guard ripped off Mr. Waters' clothes because he was not removing them "fast
5 enough."

6 11. The guard physically pushed Mr. Waters' head down at a forty-five-degree angle.
7 He threatened that if Mr. Waters did not comply with his orders, then Mr. Waters "will face
8 more time."

9 12. The guard penetrated Mr. Waters anally with what Mr. Waters believed to be his
10 bare thumb. This penetration from the guard went on for at least a minute.

11 13. The guard then penetrated Mr. Waters with what Mr. Waters believed to be his
12 bare index finger. During the penetration, Mr. Waters heard very heavy breathing from the
13 guard.

14 14. The next night, the same guard with the glasses came into Mr. Waters' cell,
15 accompanied by another guard. The guard with the glasses was laughing with the second guard.

16 15. The two guards told Mr. Waters that they were doing strip searches that night.
17 There was no prior warning about the strip search.

18 16. The guard with the glasses threatened Mr. Waters to strip his clothes for him, and
19 penetrated Mr. Waters anally with his bare thumb. The second guard was standing by the door.

20 17. The second guard then penetrated Mr. Waters anally with what seemed to be a
21 large, gloved digit or similarly latex enwrapped appendage.

22 18. The Grant County Juvenile Detention Facility released Mr. Waters on May 9, 2013.

23 19. Grant County officials shut down The Grant County Juvenile Detention Facility in
24 December 2017.

25 20. Mr. Waters didn't immediately understand the psychological harm and long-term
26 side effects because of his time spent at Grant Juvenile Detention Facility until the year 2023.

1 21. Mr. Waters told his mother, Nickita Reyes, of the rape and sexual assault at Grant
2 County Juvenile Detention Facility.

3 22. Before he was submitted to Grant County Juvenile Detention Facility, Mr. Waters
4 had a very loving and stable life with his grandparents, his mother, and his three siblings.

5 23. The sexual abuse directly and proximately caused Mr. Waters' damages.

6 24. Defendant is a "person" within the meaning of 42 U.S.C. § 1983 and may be held
7 liable for constitutional deprivations caused by its official policies, practices, and customs.

8 25. At all relevant times, Defendant acted through final policymakers and through the
9 policies, practices, and customs governing operation of the Grant County Juvenile Detention
10 Facility, including those addressing staff -juvenile interactions, strip searches, supervision,
11 reporting and investigation of staff misconduct, and the protection of juveniles from sexual
12 abuse under the Prison Rape Elimination ("PREA").

13 26. The constitutional violations alleged herein were caused by one or more of the
14 following: (a) policies, practices, or customs that permitted, tolerated, or failed to meaningfully
15 deter staff sexual abuse and coercive strip-search practices; (b) a widespread practice of
16 inadequate supervision and monitoring of staff and juvenile interactions; (c) a custom of failing
17 to promptly report, investigate, discipline, and remediate staff and guard misconduct; and/or (d)
18 ratification by final policymakers of unconstitutional conduct, investigate and disciplinary
19 failures.

20 27. Defendant maintained policies, practices, and customs of inadequate hiring,
21 screening, training, supervision, and discipline regarding custodial sexual misconduct and the
22 constitutional limits on strip searches and use of force, with deliberate indifference to the known
23 or obvious consequences that juveniles would be subjected to sexual abuse and related
24 violations of bodily integrity and due process.

25 28. The sexual assaults and coercive strip-searches at the Grant County Juvenile
26 Detention Facility were the product of a permanent and well-settled practice, rather than isolated

1 misconduct, reflecting Defendant's enduring custom and deliberate indifference, and were the
2 moving force behind the deprivation of Plaintiff's Fourteenth Amendment rights.

3 29. As a direct and proximate result of Defendant's unlawful policies, practices, and
4 customs, Plaintiff suffered physical injury, severe emotional distress, psychological trauma,
5 humiliation, pain and suffering, and other damages in an amount to be proven at trial.

6 30. Plaintiff is entitled to recover compensatory damages, attorneys' fees and costs
7 pursuant to 42 U.S.C. § 1988, and all other relief the Court deems just and equitable.

8 **V. LEGAL ALLEGATIONS**

9 **COUNT ONE**
10 **NEGLIGENCE**

11 31. Plaintiff realleges and incorporates by reference the allegations set forth in
12 paragraphs 7 through 30.

13 32. Defendant owed duties, including duties based in their special relationship with
14 Plaintiff as defined under Washington law, to Plaintiff.

15 33. Defendant breached their duties to Plaintiff, including duties of ordinary care and
16 based in their special relationship with Plaintiff.

17 34. Defendant's breach of their duties, including breaches of duties based in their
18 special relationship with Plaintiff, proximately caused damages to Plaintiff.

19 **COUNT TWO**
20 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983 – FOURTEENTH**
21 **AMENDMENT)**

22 35. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

23 36. At all relevant times, Plaintiff was a juvenile in the custody of Defendant at the
24 Grant County Juvenile Detention Facility and was entitled to Fourteenth Amendment
25 protections, including the right to bodily integrity and to be free from punishment and from the
26 use of excessive force.

1 37. While acting under color of state law, Defendant's employees coerced Plaintiff,
2 exploited custodial authority and strip-search procedures as the means to sexually assault him,
3 and used threats and physical force to compel compliance.

4 38. The sexual assaults and coercive strip-search practices served no legitimate
5 governmental or custodial purpose, were objectively unreasonable, and deprived Plaintiff of
6 liberty without due process of law and in violation of the Fourteenth Amendment.

7 39. Defendant, through its policymakers and/or longstanding practices, knew or should
8 have known that juveniles in their custody were at substantial risk of sexual abuse by custodial
9 staff and that inadequate safeguards, supervision, and training would lead to constitutional
10 violations, yet failed to take reasonable measures to prevent such abuse.

11 40. Defendant's acts and omissions, including its failure to implement and enforce
12 adequate policies, training, supervision, reporting, investigation, and accountability measures
13 sufficient to protect juveniles from sexual abuse, constituted deliberate indifference to Plaintiff's
14 Fourteenth Amendment rights and were a moving force behind the constitutional violations
15 alleged herein.

16 41. As a direct and proximate result of Defendant's violations of 42 U.S.C. § 1983 and
17 the Fourteenth Amendment, Plaintiff suffered physical injury, severe emotional distress,
18 psychological trauma, humiliation, pain and suffering, and other damages in an amount to be
19 proven at trial.

20 42. Plaintiff is entitled to recover compensatory damages, attorneys' fees and costs
21 pursuant to 42 U.S.C. § 1988, and all other relief the Court deems just and equitable.

22 VI. DAMAGES AND PRAYER FOR RELIEF

23 WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

24 43. For judgment against the Defendant on all counts;

25 44. For general and special damages in an amount to be proven at trial;

26 45. For an award of attorney fees and other costs incurred during this action and/or to

1 the fullest extent allowed by law or equity;

2 46. For treble damages where allowed by statute and other applicable law;

3 47. For prejudgment and post-judgment interests to the maximum allowable rate; and

4 48. For such other relief as this Court deems just and equitable.

5
6 DATED July 31, 2026.

7
8 By: /s/ Timothy J. Rosewell

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DECLARATION OF SERVICE

On July 31, 2026, I caused to be served a true and correct copy of the foregoing document upon counsel of record, at the address stated below, via the method of service indicated:

Michael E. McFarland, Jr. #23000
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- ☐ Via Messenger
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DATED this 31st day of July 2026.

By: **Carmen Albert**