

First Name

→



Reading Eagle: Susan L. Angstadt |

FRIDAY DECEMBER 21, 2018 09:46 AM

Berks County Prison inmate lawsuit alleges gender discrimination

Theresa A. Victory claims that women on work release are treated differently than males in the same program.

WRITTEN BY [KAREN SHUEY \(/APPS/PBCS.DLL/PERSONALIA?ID=167\)](#)

PHILADELPHIA, PA. —

A female inmate at Berks County Prison has filed a federal class-action lawsuit against Berks County, alleging men on work release status are granted significantly greater freedom, privileges and opportunities.

In the lawsuit filed in U.S. Eastern District Court in Philadelphia on Friday, Theresa A. Victory alleges women on work release are unfairly confined to their prison cells while their male counterparts on work release status are housed in the adjacent Berks County Community Reentry Center. She alleges the only factor creating this unequal treatment is an inmate's gender. And despite the disparities, both men and women pay \$200 each month from their wages.

The county has not filed a response to the lawsuit.

County Commissioner Kevin S. Barnhardt, chairman of the prison board, said Monday that he has not seen the lawsuit and therefore has no comment on it. Barnhardt is among the 15 individuals named as defendants in the lawsuit.

The Pennsylvania Institutional Law Project, which is representing Victory in the lawsuit, said she filed the court action on behalf of herself and about 15 other female work release inmates. The website of the nonprofit organization says the Pennsylvania Institutional Law Project defends the civil and constitutional rights of incarcerated and institutionalized individuals in the state.

In the lawsuit, Victory alleges that by denying otherwise eligible female prisoners access to housing and services provided to male prisoners in the re-entry center, the defendants are discriminating on the basis of gender in violation of the 14th Amendment's guarantees to equal protection and due process.

Victory, who was sentenced in March to one to five years in the county prison after pleading guilty to drunken driving, alleges that all women committed to Berks County Prison — regardless of their assigned custody level — are housed in the prison while men with work release status are housed in the re-entry center that affords them more freedom and less direct supervision.

Victory says that those at the re-entry center have access to services that help them find work; spend less time confined to their cells; have unfettered access to laundry services; and are entitled to take furloughs after they have been there for one month.

Victory points out in the suit that men and women on work release are charged \$50 a week for room and board despite the extra benefits and privileges the men are afforded by being housed in the re-entry center.

The lawsuit also alleges that several correctional officers retaliated against Victory for filing grievances and threatened further punishment if she filed additional complaints in violation of her First Amendment rights.

Victory, who does her work release as a server at a restaurant, alleges that shortly after filing grievances about not being housed in the re-entry center she was moved from an overflow unit in the prison that houses 45 female inmates in dormitory housing to a general population block with locked cells. She says that she was told she was moved because she was too demanding.

She claims she has been subjected to at least eight lockdowns in the prison since July; that laundry services are unreliable, forcing her to wear the same clothing to work day after day; that she has missed work because correctional officers have refused to let her leave; and that her work release status has been threatened if she continues to file complaints.

Read the lawsuit

Victory v. Berks Complaint (https://www.scribd.com/document/395383780/Victory-v-Berks-Complaint#from_embed) by **Reading Eagle** (https://www.scribd.com/user/187966608/Reading-Eagle#from_embed) on Scribd

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS		DEFENDANTS	
Theresa Victory		Berks County, et al.	
(b) County of Residence of First Listed Plaintiff: Berks <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		County of Residence of First Listed Defendant: Berks <small>(IN U.S. PLAINTIFF CASES ONLY)</small>	
(c) Attorneys (If in Name, Address, and Telephone Number) Pennsylvania Institutional Law Project 718 Arch St., Suite 304S, Philadelphia, PA 19106 215-925-2966		Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<input type="checkbox"/> 1 Citizens of This State <input type="checkbox"/> 2 Citizens of Another State <input type="checkbox"/> 3 Citizens or Subject of a Foreign Country <input type="checkbox"/> 1 PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 4 PTF <input type="checkbox"/> 4 DEF	
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
Click here for: Nature of Suit Code Descriptions.			
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 191 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Consumer Label & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Pharmaceutical <input type="checkbox"/> 369 Personal Injury Product Liability <input type="checkbox"/> 380 Other Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 390 Other Labor Standards Act <input type="checkbox"/> 391 Labor/Management Relations <input type="checkbox"/> 390 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Writ/Award 28 USC 157 <input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 490 Other <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 IHA (1395d) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRWC/DWV (055(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a)) <input type="checkbox"/> 870: Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 <input type="checkbox"/> 890 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
V. ORIGIN (Place an "X" in One Box Only)			
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (Specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File			
VI. CAUSE OF ACTION			
Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity): 42 USC 1983, 14th Amendment Brief description of cause: Discrimination on the basis of sex by denying women access to same prison housing & programs as men			
VII. REQUESTED IN COMPLAINT:			
<input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.		<input checked="" type="checkbox"/> JURY DEMAND: Yes <input type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY			
BUDGET		DOCKET NUMBER	