

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CELLO PETTIFORD,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 02 C 1777
MICHAEL SHEAHAN, COOK COUNTY)	
SHERIFF; COUNTY OF COOK, ILLINOIS;)	Judge Robert W. Gettleman
RICHARD REMUS; JAMES EDWARDS;)	
LEROY MOORE; TYRONE EVERHART;)	
ABRAHAM MARTINEZ; HENRY TROKA;)	
ALAN HAMPTON; OFFICER K. SOLECKI;)	
SAUL WEINSTEIN; and JOHN DOES 1-45,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

Plaintiff, Cello L. Pettiford, by and through his attorneys, complains against Cook County Sheriff Michael Sheahan, County of Cook, Illinois, Richard Remus, James Edwards, Leroy Moore, Tyrone Everhart, Abraham Martinez, Henry Troka, Alan Hampton, Officer K. Solecki, Saul Weinstein, and John Does 1-45, and states as follows:

PRELIMINARY STATEMENT

1. This lawsuit arises out of an unprovoked and malicious beating perpetrated by a special team of armed guards against Pettiford, a former detainee at the Cook County Department of Corrections (the "CCDOC" or "Cook County Jail"). Though Pettiford was seriously injured from the beating, Jail guards ignored his pleas for medical care, and continued to deny him appropriate medical treatment despite doctors' orders. Rather than abide by their obligations and responsibilities to safeguard Pettiford, Jail guards responded to his grievances by destroying his personal property, by continuing to assault him, and by denying him access to the law library. Employees of the Cook

County Sheriff's Office and Cook County attempted to conceal the guards' actions pursuant to an official policy of the Cook County Sheriff's Office and Cook County to cover up incidents of serious misconduct and abuse. Defendants' attempts to cover up their actions by intimidation, obstructing official investigations, consistently destroying Pettiford's property and impeding Pettiford's access to the court system constituted a pattern of racketeering activity in violation of federal law.

2. The lawsuit seeks damages for: (1) the use of excessive force in violation of the Fourteenth Amendment to the United States Constitution; (2) the denial of adequate medical care in violation of the Fourteenth Amendment to the United States Constitution; (3) the denial of access to the courts in violation of the First and Fourteenth Amendments to the United States Constitution; (4) the cover-up of the use of excessive force pursuant to an official policy of the Cook County Sheriff's Office and Cook County in violation of the Fourteenth Amendment to the United States Constitution; (5) conspiring to and conducting the affairs of a legitimate enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(c) and (d); and (6) committing the state law tort of intentional infliction of emotional distress.

JURISDICTION AND VENUE

3. This action is brought pursuant to 42 U.S.C. § 1983, the First and Fourteenth Amendments to the United States Constitution, and 18 U.S.C. § 1962. This Court has jurisdiction over Pettiford's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343(a), and 18 U.S.C. § 1964. This Court has supplementary jurisdiction over Pettiford's state law claim pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because the events giving rise to Pettiford's claims occurred in Cook County, Illinois, and pursuant to 18 U.S.C. § 1965.

PARTIES

5. Plaintiff Cello L. Pettiford was a pre-trial detainee at CCDOC at all relevant times herein. Pettiford was continuously incarcerated between the dates of April 4, 1995 and May 26, 2000 and from February 22, 2001 through November 25, 2002.

6. Defendant Michael Sheahan was, at all times relevant herein, the Sheriff of Cook County. As the duly elected Sheriff of Cook County, Sheahan operates in his official capacity as the Cook County Sheriff's Office (the "Sheriff's Office"). He is also the Warden of the CCDOC, where he was given custody and charge of Pettiford and was responsible for Pettiford's protection, as well as for the hiring, training and supervision of all personnel necessary to operate and maintain the CCDOC. He is sued in his official capacity.

7. Defendant County of Cook is a local public entity under the laws of the State of Illinois.

8. Defendant Richard Remus was, at all times relevant herein, the Superintendent of or an officer in CCDOC's Department of External Operations (the "DEO"), responsible for the training and supervision of all personnel therein, including, but not limited to, the Special Operations Response Team ("SORT"). He is sued in both his individual and official capacities.

9. Defendant James Edwards was, at all times relevant herein, a Divisional Superintendent, responsible for the day to day operation of Division 9, CCDOC, with responsibility

over the personnel employed therein, and over the detainees within the division. He is sued in both his individual and official capacities.

10. Defendant Henry Troka was, at all times relevant herein, a Divisional Superintendent, responsible for the day to day operations of Division 11, CCDOC, with responsibility over the personnel employed therein, and over the detainees within the Division. He is sued in both his individual and official capacities.

11. Defendant Leroy Moore was, at all times relevant herein, the Shift Commander in Division 9, CCDOC, responsible for the personnel employed on his shift and for the care, custody and security of Pettiford during his watch. He is sued in both his individual and official capacities.

12. Defendant Tyrone Everhart was, at all relevant times herein, a commander in charge of SORT. He is sued in his individual and official capacities.

13. Defendants Alan Hampton and Abraham Martinez were, at all relevant times herein, members of SORT. They are sued in both their individual and official capacities.

14. Defendant Officer K. Solecki was, at all relevant times herein, a shift officer for CCDOC, responsible for the immediate supervision and care of Pettiford during his shift. He is sued in both his individual and official capacities.

15. Defendant Saul Weinstein was, at all times relevant herein, employed as an investigator by the Sheriff. He was Chief of the Internal Affairs Division ("IAD") of CCDOC from 2001 until late 2002.

16. Defendant Deputies John Does 1-24 were, at all times relevant herein, members of the SORT. Any and all identifiable individuals, through discovery or otherwise, are sued in their individual and official capacities.

17. Defendants John Does 25-34 were, at all times relevant herein, employees of the Sheriff's Office who had administrative responsibility for investigating complaints of misconduct by employees at the Cook County Jail. Any and all identifiable individuals, through discovery or otherwise, are sued in their individual and official capacities.

18. Defendants John Does 35-45 were, at all times relevant herein, employees of Cook County with administrative responsibility for investigating complaints of misconduct by Cook County employees and for supervising medical personnel at Cermak Health Services of Cook County ("Cermak"), a subdivision of the County of Cook that provides medical services for detainees. Any and all identifiable individuals, through discovery or otherwise, are sued in their individual and official capacities.

19. All mentioned defendants were acting within the scope of their employment at the times of the incidents giving rise to the causes of action. All defendants have acted and continue to act under the color of law in the State of Illinois at all times relevant to this complaint. Their deprivations of Pettiford's constitutional rights are set forth in the following statements of facts and causes of action.

STATEMENT OF FACTS

The CCDOC and SORT

20. CCDOC is a department of the Sheriff's Office. It maintains several subsidiary units, including the DEO, which includes SORT. SORT is a specially equipped team of CCDOC officers trained and armed to respond to disturbances and disciplinary incidents.

21. On information and belief, both the DEO and the Sheriff's Office maintain legal and beneficial interests in property.

22. On information and belief, the Sheriff's Office affects interstate commerce and traffics in interstate commerce by running the Cook County Jail and by supervising the purchasing, procurement, salaries, mail systems, communications, distribution, and movement for all prisoners in the jail.

23. On information and belief, the DEO affects interstate commerce by purchasing specialized equipment for SORT team members, including batons, protective vests, and helmets with masks.

The February 24, 1999 Beating

24. On or about April 5, 1995, Pettiford was detained at the CCDOC pending trial.

25. In July of 1996, Pettiford was transferred to the Illinois Department of Corrections ("IDOC"), following a guilty finding on the charges against him. In May of 1998, the Illinois Court of Appeals reversed Pettiford's conviction and remanded Pettiford to CCDOC pending a new trial. Pettiford returned to CCDOC custody in August of 1998.

26. In February 1999, Pettiford resided in Division 9 of the CCDOC. On February 21, 1999, Jail officials placed Division 9 on "lockdown," thereby confining the inmates to their cells for 23 or 24 hours of the day.

27. In the early morning of February 24, 1999, members of SORT conducted a shakedown of Division 9. The SORT detail searched cells for weapons, drugs, and contraband. During that search, they disposed of prisoners' possessions and accosted prisoners. After an extensive search, the SORT officers left. The Division remained locked down after the search.

28. Later that day, as many as 40 SORT officers, accompanied by four unmuzzled guard dogs, returned to Division 9. The SORT detail was led by Defendant Remus and included at least Defendants Everhart, Hampton, and Martinez. After requiring the assigned tier officers, including Defendant Solecki, to unlock the cells, the SORT detail ordered those guards to leave.

29. In Tier 2H, three or four SORT officers, led by Defendant Martinez, entered Pettiford's cell and struck him in the face and body with gloved fists. Other SORT officers entered Pettiford's cell and beat him on his head, neck, and body as they forced him out of his cell. Defendant Remus struck Pettiford in the head with a gloved fist, and ordered Pettiford to go to the wall opposite his cell. Other detainees were thrown from their cells, repeatedly hit, and made to stand along the wall.

30. After Defendants forced Pettiford from his cell, they trashed his personal belongings, including his papers, legal materials, photographs of his children, and personal effects. SORT guards threw away or destroyed his possessions - some into the toilet - rendering them unusable.

31. Various SORT officers, including Defendant Hampton, hit Pettiford with their fists and with a wooden baton on his head, back and neck to the point that he urinated on himself. He was forced to recite profanities, including the phrase "SORT runs this motherfucker."

32. In the middle of the dayroom outside of Pettiford's cell, in front of at least one female K-9 officer, SORT officers ordered Pettiford to strip, ostensibly so SORT officers could check him for gang tattoos. Made to stand naked, Pettiford was threatened by unmuzzled guard dogs while SORT members laughed and shouted obscenities.

33. During the incident, Defendant Remus, the leader of the SORT detail, climbed on a table and loudly told Pettiford and others that "I get paid whether I come here or not. You can get paid when I leave, 'cause I don't give a damn about lawsuits. We're going to kick your ass every time we have to come here."

34. SORT officers ordered Pettiford to return to his cell but continued the attack, striking him in the back with a baton and knocking him to the floor of his cell as they locked him in. Besides the defendants named above, the SORT officers who beat Pettiford included John Does 1-24.

Defendants Deny Pettiford Medical Care

35. Seriously injured, Pettiford had a seizure and lost consciousness. His cellmate continually requested for medical care for him. Jail guards ignored the pleas.

36. Finally, after the shift change several hours later, Captain Maleck, Lieutenant Trebilco and the tier officer entered Pettiford's cell and found him semi-conscious and in tears.

37. Belatedly, the officers summoned paramedics from Cermak, a subdivision of Cook County that provides medical services for detainees. The paramedics took Pettiford to the Cermak medical facility, where Dr. Rami Deukky diagnosed him with blunt head trauma and a concussion. The paramedics transported him to the Cook County Hospital's Emergency Trauma Center. The Trauma Center confirmed the diagnosis and placed him under observation.

38. Cook County Hospital released him the next day with written follow-up instructions for medical care. Though Defendants Edwards and Moore, as well as other Jail personnel, were specifically informed of Pettiford's need for treatment, they did not comply with the care guidelines issued by the hospital.

39. Pettiford received no medical attention between February 25, 1999 and March 2, 1999. On or about March 2, 1999, Pettiford managed to get a message to Doctor Dunlop in the Division 9 dispensary that he required treatment for periods of severe headache, dizziness and frequent vomiting. Dr. Dunlop treated Pettiford for post-concussion syndrome and gave him an appointment card to be seen nightly and monitored for the next two weeks. The guards ignored Dr. Dunlop's orders.

Pettiford's Grievances Are Ignored

40. On or about February 27, 1999, Pettiford filed an emergency grievance concerning both the February 24, 1999 SORT attack and the subsequent lack of medical care. He received neither a response nor an acknowledgment from the Jail administration.

41. In desperation, on March 24, 1999, Pettiford filed a lawsuit in the Circuit Court of Cook County (the "State Court Action"). On April 15, 1999, Pettiford was interviewed for the first time by the Jail's Internal Affairs Division. With no further follow-up from the Jail, on March 22, 2000, Pettiford filed a second grievance about the February 24, 1999 incident.

42. On March 27, 2000, he received a written response informing him that Internal Affairs would investigate his grievance. That investigation had not been concluded at the time Pettiford was discharged from CCDOC more than two years later, on November 25, 2002.

SORT, the CCDOC, and the Sheriff's Office Retaliated Against Pettiford For Filing Grievances Concerning the February 24 Beating

43. By January 2000, Pettiford was assigned to Tier 1F in Division 9. On or about January 27, 2000, while he was sleeping, Pettiford's cell was electronically opened, and three SORT members entered his cell and hit and choked him.

44. Pettiford filed an institutional grievance complaining of the continued batteries inflicted upon him by Sheriff's deputies, but the grievance went unanswered.

45. Jail officers routinely destroyed Pettiford's legal materials, papers, and personal effects. Photocopied law cases, personal books, and legal assistance manuals were all confiscated or destroyed. Further, CCDOC guards denied Pettiford regular access to the law library, even after the courts ordered that he be permitted to use it. Defendants' pattern of activity persisted throughout 1999 and 2000.

46. On or about February 14, 2000, while assigned to Tier AH in Division 11, Jail officers again beat Pettiford, slamming his head into a wall and forcing him to strip naked. Defendant Troka was present during this assault, but did nothing to stop it.

47. Pettiford filed an institutional grievance complaining of the battery as well as the destruction of all his legal materials and documents. This grievance also went unanswered.

48. In April of 2000, still suffering from the repeated assaults, Pettiford accepted a plea agreement of time served and was subsequently transferred to IDOC where he was released on May 26, 2000.

49. On or about February 22, 2001, Pettiford was again detained and held at the Cook County Jail.

50. On or about August 23, 2001, while Pettiford was assigned to Tier CD, Division 11, Defendant Troka received a notice that Pettiford was to be deposed in connection with the State Court Action. Defendant Troka failed to forward the notice to Pettiford until the evening before the deposition was to be given, August 30, 2001. Pettiford proceeded to give his deposition at the scheduled time, but complained to the State's Attorney representing the defendants in the State Court Action about the tactics being employed against him, including the refusal by Defendant Troka and other Jail personnel to honor Court-ordered law library access and their attempts to thwart Pettiford's attempts to effectively litigate his claim.

Defendants Make a Concerted Effort to Cover Up the February 24, 1999 Beating and to Block a Truthful Investigative Report About the Beating

51. Defendants attempted to cover up or deny the February 24, 1999 incident as soon as it happened. Defendants Edwards and Solecki, in concert with others, altered or made incorrect entries in log books and records to give the appearance that the SORT unit was not in Division 9 on February 24, 1999 and that there were no incidents to report that day. Also, despite CCDOC's requirement that guards write reports when they use force against detainees, none of the

SORT members, including Defendants Remus, Everhart, Hampton, and Martinez, wrote reports regarding the February 24, 1999 incident in Division 9. Further, Defendants Edwards, Moore and others denied Pettiford and other victims necessary medical care in order to hide the incident.

52. Defendants operated in concert to try to conceal the February 24, 1999 beatings by SORT members from internal and external investigators and to attempt to keep the internal investigation from reaching resolution.

53. On information and belief, Jail personnel were aware that there would be legal consequences of the February 24, 1999 incident shortly after it happened. On or around March 1, 1999, the John Howard organization wrote a letter to Jail personnel requesting investigation into the February 24, 1999 incident.

54. Two days later, Investigator Charles Holman was directed by court order to photograph the injuries of detainee Bert Berrios, noting that Berrios had a black eye, extensive bruising, and what appeared to be rope burns around his neck.

55. On March 15, 1999, the investigation was assigned to Investigator Rudolpho Gomez. A month later, with little progress made, the investigation was reassigned to Holman, though the photographs of Berrios were not contained in the file. Instead, Holman received an undated letter from Defendant Edwards, saying that he had found only a small bruise on Berrios' right wrist.

56. Although Holman attempted to conduct the investigation, he was hampered by institutional resistance. Nevertheless, Holman interviewed more than 35 of the detainees who had been victims of the February 24 incident. Holman also reviewed officers' logs, finding discrepancies between the statements of SORT officers and those of the regular tier officers. Despite

discrepancies in the logs, the logs did confirm that SORT officers, accompanied by canine handlers, entered the Tier the evening of February 24, 1999, and that afterwards detainees had requested medical attention.

57. Holman completed his preliminary report on June 20, 1999. At the same time, the chief of operations for CCDOC contacted Holman's direct supervisor and questioned the basis of the report and the authority to conduct such an investigation. Though the report was promptly forwarded to the Sheriff's inspector general with a notation that further inquiries should be made, the investigation lay dormant for nearly two years.

58. In or around May of 2001, Holman was ordered to take a copy of the report to the Sheriff's inspector general. A few days later, the inspector general directed Holman to re-open the internal investigation. Upon recommencing his investigation, Holman interviewed more than 20 CCDOC employees who witnessed relevant events, nearly 50 CCDOC employees accused of participating in the beatings, and an additional 8 to 10 witnesses who had been detained at the Jail on February 24, 1999.

59. Cermak paramedics responsible for treating the inmates beaten on February 24, 1999, their supervisors, and Cook County administrators, including the inspector general and some Cook County employees whose names are unknown to Pettiford and who are identified here as John Does 35-45 attempted to hinder Holman's investigation. Despite Holman's request, the paramedics refused to participate in an interview with him. Cook County's inspector general and several supervisors at Cermak, including its medical director, refused to require the paramedics to cooperate with the investigation. The Cook County State's Attorney's Office declined to issue subpoenas to require the paramedics to appear for questioning.

60. Defendant Weinstein was chief of IAD and Holman's supervisor during the time that Holman was completing his final report. During this time, Weinstein and other Sheriff's Office employees worked to undermine and delay Holman's report. Weinstein pressured Holman to provide interviewees with his questions ahead of time, and urged him to downgrade the report's proposed charges. Other CCDOC employees who attempted to hinder Holman's investigation include John Does 25-34.

61. Nevertheless, Holman's report recommended charges against ten CCDOC employees and eight employees of Cook County who worked at the Cermak medical facility.

62. The report alleged twenty-nine violations against Remus, concluding that he had entered Division 9 "with the intention of administering corporal punishment," had failed to "enforce humane treatment . . . by directing his SORT supervisors and SORT Team Members to administer corporal punishment to detainees," and had personally administered corporal punishment to detainees, including Pettiford. The report also described violations by nine other CCDOC employees including Defendants Edwards, Troka and Everhart, for filing false reports covering up the incident, and bringing dogs into the detainees' living units. The report concluded that the violations by five of the officers and Defendant Remus were so serious that they should be fired.

63. The report also found that seven paramedics and a paramedic supervisor impeded the investigation by refusing to participate in the interview process, failing to initiate a triage and medical report for the detainees they treated, and refusing to render medical care for the detainees. Holman found that Cermak's medical director and its interim director of emergency medical treatment refused to have their personnel cooperate in his investigation. The report

concluded that the violations by the Cermak personnel were so serious that their conduct should be investigated by the Cook County inspector general.

64. Pettiford did not learn of the full extent of the attempted cover-up described above until late 2002, around the time that Holman's final report was completed.

65. Under Sheriff's Office procedures, the inspector general needed to approve Holman's report before Jail administrators would consider acting on its recommendations. The attempted cover-up continued, with the inspector general delaying any conclusion on the finished report. Had not the *Chicago Tribune* inquired about the February 24, 1999 incident in late February 2003, the pattern and practice of obstructing the report's publication and effect would have continued. Not until late February 2003, approximately four years after the beating, and under substantial media pressure, did the inspector general hurriedly finalize the report, sustaining charges against only five officers and one former CCDOC employee, and only for violating operating procedures but not for using excessive force. None of the employees was fired, as Holman's report had concluded some should be. In addition, while the report was pending, several of the employees whom Holman had recommended for discipline were promoted.

66. Pettiford is informed and believes that the Cook County inspector general did not investigate the charges about the Cermak personnel, and that none of those employees was disciplined.

67. While Holman's report was awaiting approval from the inspector general, Holman was harassed and intimidated by Sheriff's Office employees in an effort to discourage him from inquiring about the report or seeking to have it finalized. This effort included the appointment in October 2002 of Juan Frank Diaz as acting director of IAD, to succeed Defendant Weinstein.

Even though Diaz was one of the officers against whom Holman had recommended charges, Diaz was now assigned to be Holman's supervisor. Diaz continued as acting chief of IAD until the *Tribune* printed a story about Holman's report. Only then was he removed from this position. Today, Diaz remains employed by CCDOC as a sergeant, a promotion he received after the February 24, 1999 incident.

The Cover-Up Is An Official Policy of Defendants Sheahan and Cook County

68. The acts described above are part of an institutional practice or custom, constituting an official policy of the Sheriff's Office of covering up of instances of serious misconduct, especially the use of excessive force, by CCDOC guards, and of sanctioning repeated interference by guards into detainees' abilities to pursue their legal claims.

69. On information and belief, Defendants Sheahan and Cook County had prior notice of the propensity of Sheriff's Office and Cook County employees to cover-up excessive force by CCDOC correctional officers but took inadequate steps to train and supervise these employees, correct their abuse of authority, or implement meaningful procedures to discourage their unlawful abuse of power. The failure to properly supervise and/or train the employees included the failure to properly instruct them in applicable provisions of the Illinois Administrative Code, State Penal Law and proper investigative procedures.

70. On information and belief, Defendants Sheahan and Cook County tolerated, as institutional policy, practice, or custom, or authorized and ratified the systematic pattern by their employees of covering up the excessive use of physical force and destruction of personal property and legal materials by correctional officers, with the intention of and/or having the effect of

depriving Pettiford and other detainees of their rights and privileges afforded them by the United States Constitution.

71. The effect of this policy was to encourage CCDOC employees, including Defendants Remus, Everhart, Hampton, and Martinez, to use excessive force against detainees at the Jail and to destroy detainees' property. In so doing, the policy contributed to the physical assault on Pettiford and his resulting injury, as well as the loss of his personal property and legal materials.

72. The practice or custom includes the following tactics by the Sheriff's Office, which are used so frequently that they amount to an official policy of the Sheriff's Office:

- a. Responding to Pettiford's and other detainees' complaints of misconduct, including excessive use of force, with inadequate investigations and grievance responses calculated to mislead the public and which show a deliberately indifferent attitude towards official misconduct;
- b. Providing no protection for Sheriff's Office investigators such as Mr. Holman to conduct proper investigations of allegations of excessive force, but instead permitting harassment and intimidation of the investigators;
- c. Allowing correctional officers being investigated for serious charges of excessive force to continue working – and even receive promotions – while the investigations are ongoing;
- d. Failing to remove officers from assignments in which they come in contact with detainees while they are being investigated for serious charges such as the use of excessive force;
- e. Delaying investigations for months and even years, during which time the guards being investigated may receive promotions and may continue to work in situations where they are exposed to detainees, while the statute of limitations on criminal charges against the officers continues to run or expires;

- f. Providing no protection or incentives for employees who are witnesses to excessive force to cooperate with investigations by telling the truth about what they saw or to report instances of excessive force they learn about, and instead providing incentives for covering up excessive force;
- g. Creating an atmosphere where medical personnel at Cermak are discouraged from treating inmates' injuries from excessive force promptly and adequately, from documenting the injuries appropriately, and from cooperating with investigations by telling the truth about the injuries, and instead providing incentives for Cermak personnel to cover up excessive force;
- h. Failing to support investigators who conduct competent, thorough investigations and instead undermining their authority by refusing to sustain recommended charges or downgrading them; and
- i. Failing to provide serious punishment when charges of excessive force are sustained but instead providing trivial punishment that is not designed to act as a deterrent to the use of excessive force and in fact does not deter it.

73. The practice or custom includes the following tactics by Defendant Cook County, which are used so frequently that they amount to an official policy of Cook County:

- a. Providing no protection or incentives for medical personnel at Cermak to treat inmates' injuries from excessive force promptly and adequately and to document the injuries appropriately, and instead providing protection for medical personnel to refuse treatment and falsify or omit documentation of medical care;
- b. Providing no protection or incentives for Cermak medical personnel who have relevant information about excessive force to cooperate with investigations by telling the truth about what they saw or to report instances of excessive force they learn about, and instead providing incentives for covering up excessive force;
- c. Failing and refusing to require the Cook County inspector general and Cermak supervisors to institute procedures and

set up guidelines that would require Cermak medical personnel to cooperate with the Sheriff's Office's investigations of excessive force by CCDOC guards; and

- d. Failing to implement and utilize a valid investigative procedure by the County itself, instead of by the Sheriff's Office, for investigating possible misconduct by Cermak medical personnel at Cermak in dealing with injuries that may be caused by the use of excessive force by Jail guards.

Pettiford Continues To Suffer From Injuries Sustained In The Beating

74. Pettiford has sustained permanent physical and psychological trauma, has suffered great pain and discomfort and continues to experience physical and psychological damage, which has prevented him from being gainfully employed, leading to lost income. His personal property has been lost or irrevocably damaged. His legal materials were destroyed, and with them, his capacity to pursue his State Court Action and other potential legal claims.

COUNT I

Section 1983 Claim Against Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Does 1-24 for Use of Excessive Force

75. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

76. As described above, Defendants Remus, Hampton, Martinez, and John Doe 1-24 SORT members used excessive force against Pettiford on February 24, 1999, without provocation and without legitimate penal justification, and Defendants Everhart and Solecki failed to stop the unprovoked and unjustified excessive use of force against Pettiford.

77. The actions of Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Does 1-24 were performed under color of state law, and violated Pettiford's rights under the Fourteenth Amendment to the United States Constitution.

78. The acts of excessive force by Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Does 1-24 against Pettiford were the direct and proximate cause of serious and ongoing physical and psychological injuries to Pettiford.

79. The conduct of Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Does 1-24 was willful and exhibited a flagrant disregard for Pettiford's federally secured due process rights. Accordingly, these defendants are liable to Pettiford under 42 U.S.C. § 1983.

COUNT II

Section 1983 Claim Against Defendants Edwards and Moore for Deliberate Indifference to Medical Needs

80. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

81. As described above, Defendants Edwards and Moore failed to ensure that Pettiford received prompt and adequate medical care subsequent to the beating he received on February 24, 1999.

82. The actions of Defendants Edwards and Moore exhibited deliberate indifference to Pettiford's serious medical needs, were performed under color of state law, and violated Pettiford's rights under the Fourteenth Amendment to the United States Constitution.

83. As a direct and proximate result of the actions of Defendants Edwards and Moore in failing to ensure that Pettiford received prompt and adequate medical care, Pettiford was subjected to increased pain and the threat of serious physical injury.

84. The conduct of Defendants Edwards and Moore was willful and exhibited a flagrant disregard for Pettiford's federally secured rights. Accordingly, these defendants are liable to Pettiford under 42 U.S.C. § 1983.

COUNT III
**Section 1983 Claim Against Defendant Troka
for Denial of Access to Courts**

85. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

86. As described above, Defendant Troka delayed the forwarding of a deposition notice to Pettiford, repeatedly denied or modified Pettiford's court-ordered access to the Jail's law library and exhibited a completely indifferent attitude towards Pettiford's legitimate complaints and grievances.

87. Defendant Troka's actions were performed under color of state law, and violated Pettiford's due process rights under the Fourteenth Amendment to the United States Constitution, as well as his rights under the First Amendment to the United States Constitution.

88. As a direct and proximate result of Defendant Troka's actions, Pettiford was unable to pursue his legal rights, including certain lawsuits against Jail officials, and has suffered damages as a result.

89. The conduct of Defendant Troka was willful and exhibited a flagrant disregard for Pettiford's federally secured rights. Accordingly, this defendant is liable to Pettiford under 42 U.S.C. § 1983.

COUNT IV
**Section 1983 Claim Against Defendants Sheahan, Weinstein, Remus, Edwards,
Solecki, and John Does 25-34 for Cover Up By Sheriff's Office Employees**

90. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

91. As described above, the actions of Defendants Sheahan, Weinstein, Remus, Edwards, Solecki, and John Does 25-34 in covering up the use of excessive force by Defendants Remus, Everhart, Hampton, and Martinez pursuant to an official policy of the Sheriff's Office and of Cook County were performed under color of state law, and violated Pettiford's rights guaranteed under the Fourteenth Amendment to the United States Constitution.

92. The actions of Defendants Sheahan, Weinstein, Remus, Edwards, Solecki, and John Does 25-34 in covering up of acts of excessive force against Pettiford were the direct and proximate cause of serious and ongoing physical and psychological injuries to Pettiford.

93. The conduct of Defendants Sheahan, Weinstein, Remus, Edwards, Solecki, and John Does 25-34 was willful and exhibited a flagrant disregard for Pettiford's federally secured due process rights. Accordingly, these defendants are liable to Pettiford under 42 U.S.C. § 1983.

COUNT V
Section 1983 Claim Against Defendants Cook County
and John Does 35-45 for Cover Up By Cook County Employees

94. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

95. As described above, the actions of Defendants Cook County and John Does 35-45 in covering up the use of excessive force by Defendants Remus, Everhart, Hampton, and Martinez and John Does 1-25 pursuant to an official policy of the Cook County Sheriff's Office and of Cook County were performed under color of state law, and violated Pettiford's rights guaranteed under the Fourteenth Amendment to the United States Constitution.

96. The actions of Defendants Cook County and John Does 35-45 in covering up of acts of excessive force against Pettiford were the direct and proximate cause of serious and ongoing physical and psychological injuries to Pettiford.

97. The conduct of Defendants Cook County and John Does 35-45 was willful and exhibited a flagrant disregard for Pettiford's federally secured due process rights. Accordingly, these defendants are liable to Pettiford under 42 U.S.C. § 1983.

COUNT VI
Racketeer Influenced and Corrupt Organizations Act (RICO) § 1962(c) Claim
Against Defendants Remus, Edwards, Solecki, Weinstein, and John Does 1-45

98. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

99. This Count is against Defendants Remus, Edwards, Solecki, Moore, Weinstein, John Does 25-34, and John Does 35-45 (the "RICO Defendants").

100. The Sheriff's Office and the DEO are enterprises engaged in and whose activities affect interstate commerce. The RICO Defendants are employed by or associated with the Sheriff's Office and/or the DEO.

101. The RICO Defendants agreed to and did conduct and participate in the conduct of the Sheriff's Office's and/or the DEO's affairs through a pattern of racketeering activity. Specifically, the RICO Defendants corruptly endeavored to influence, obstruct or impede the due administration of justice, in violation of 18 U.S.C. § 1503, by engaging in the conduct described above. In addition, the RICO Defendants corruptly attempted to persuade others to withhold a record, document, or other object from an official proceeding and otherwise attempted to obstruct,

influence, or impede an official investigation, in violation of 18 U.S.C. § 1512, by engaging in the conduct described herein.

102. Pursuant to and in furtherance of their racketeering activities, the RICO Defendants committed multiple related acts of obstruction of justice and obstruction of an official investigation.

103. The acts set forth above constitute a pattern of racketeering activity pursuant to 18 U.S.C. § 1961(5).

104. The RICO Defendants have directly and indirectly conducted and participated in the conduct of the enterprise's affairs through the pattern of racketeering activity described above, in violation of 18 U.S.C. § 1962(c).

105. As a direct and proximate result of the RICO Defendants' racketeering activities and violations of 18 U.S.C. § 1962(c), Pettiford has suffered injury to his property, including without limitation the destruction of his legal papers and books, materials relating to his grievances, other personal property, and the inability to pursue various legal claims and/or lawsuits.

COUNT VII

Racketeer Influenced and Corrupt Organizations Act (RICO) § 1962(d) Claim Against Defendants Remus, Edwards, Solecki, Weinstein, and John Does 1-45

106. The allegations of paragraphs 1 through 74 and 98 through 105 are incorporated herein by reference.

107. As described above, the RICO Defendants agreed and conspired to violate 18 U.S.C. § 1962(c).

108. The RICO Defendants have intentionally conspired and agreed to directly and indirectly conduct and participate in the conduct of the affairs of the Sheriff's Office and the DEO

through a pattern of racketeering activity. The RICO Defendants knew that their predicate acts were part of a pattern of racketeering activity and agreed to the commission of those acts to further the schemes described above. That conduct constitutes a conspiracy to violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d).

109. As a direct and proximate result of the RICO Defendants' conspiracy, the overt acts taken in furtherance of that conspiracy, and violations of 18 U.S.C. § 1962(c), Pettiford has suffered injury to his property, including without limitation the destruction of his legal papers and books, materials relating to his grievances, other personal property, and the inability to pursue various legal claims and/or lawsuits.

COUNT VIII
Intentional Infliction of Emotional Distress Claim Against
Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Does 1-24

110. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

111. As described above, the conduct of Defendants Remus, Hampton, Martinez, Everhart, Solecki, and John Doe 1-24 SORT members on February 24, 1999 was extreme and outrageous, including without limitation using malicious and excessive force against Pettiford without provocation or justification, destroying his personal property, forcing Pettiford to recite profanities, causing Pettiford to urinate on himself, threatening Pettiford with unmuzzled guard dogs, and laughing and shouting obscenities at Pettiford while he was forced to stand naked.

112. Defendants either intended to inflict emotional distress upon Pettiford when engaging in this conduct, or knew that there was a high probability that such conduct would result in such distress.

113. Defendants' conduct caused Pettiford to suffer severe emotional distress that no reasonable person could be expected to endure.

COUNT IX
Indemnification Claim Against Defendant Cook County

114. The allegations of paragraphs 1 through 74 are incorporated herein by reference.

115. Pursuant to 745 ILCS 10/9-102 and 55 ILCS 5/46-3 and 5-1106, Defendant Cook County is empowered and directed to pay any tort judgment for compensatory damages (and any associated attorneys' fees and costs) for which an independently elected Cook County officer such as Defendant Sheahan or his deputies acting within the scope of their employment is found liable.

116. Defendant Cook County is liable for any judgment entered against Defendants Sheahan, Remus, Edwards, Troka, Moore, Everhart, Hampton, Martinez, Solecki, and Weinstein for compensatory damages and for the associated attorneys' fees and costs.

117. In the event a judgment for compensatory damages is entered against these defendants, Defendant County of Cook must pay the judgment, as well as the associated attorneys' fees and costs.

WHEREFORE Pettiford requests that this Court grant him the following relief, jointly and severally against the named defendants:

- A. judgment for compensatory damages against all defendants in an amount to be determined at trial;
- B. judgment for punitive damages against all defendants in an amount to be determined at trial;

- C. an award of the costs of this action against all defendants, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988 and/or 18 U.S.C. § 1964(c);
- D. an award of treble damages against the RICO Defendants, in accordance with 18 U.S.C. § 1964(c);
- E. an order requiring Defendant Cook County to pay any judgment for compensatory damages entered against Defendants Sheahan, Remus, Edwards, Troka, Moore, Everhart, Hampton, Martinez, Solecki, or Weinstein, as well as the associated attorneys' fees and costs; and

F. such other and further relief the court deems appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY.

DATED: July 2, 2003

Respectfully submitted,

Cello L. Pettiford

By: _____
One of his attorneys

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CERTIFICATE OF SERVICE

I, David I. Weissman, an attorney, state and depose that I caused a true and correct copy of the foregoing SECOND AMENDED COMPLAINT to be served on all counsel of record listed below, via U.S. Mail and/or Messenger Delivery, on this ____ day of June, 2003.

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David I. Weissman