

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GAIL JOHNSON, BYRON TREADWELL)
and NATALIE MCFALL,)
)
Plaintiffs,)
)
v.)

No.

THE CITY OF CHICAGO; Chicago Police Officers)
SCOTT (Star No. 21266); NELSON (Star No.)
10528); WILLIAMS (Star No. 15226);)
BLACKLEDGE (Star No. 21203); GRAY (Star)
No. 20612); and HIGHTOWER (Star No. 21307);)
Chicago Police Officers JOHN DOE ONE through)
SIX; and Chicago Police Sergeants WALSH and)
HOWARD, all in their individual capacities,)
)
Defendants.)

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs GAIL JOHNSON, BYRON TREADWELL and NATALIE MCFALL, by their undersigned attorneys, for their complaint against defendants CITY OF CHICAGO; Chicago Police Officers SCOTT (Star No. 21266); NELSON (Star No. 10528); WILLIAMS (Star No. 15226); BLACKLEDGE (Star No. 21203); GRAY (Star No. 20612); and HIGHTOWER (Star No. 21307); Chicago Police Officers JOHN DOE ONE through SIX; and Chicago Police Sergeants WALSH and HOWARD, all in their individual capacities, allege as follows:

INTRODUCTION

1. This is a civil rights action pursuant to 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments to the United States Constitution seeking damages for injuries to the plaintiffs caused by the policy and practice of the City of Chicago's Police Department

(sometimes hereinafter referred to as the “Police”) of detaining Chicago citizens who are witnesses in a criminal investigation and then holding them for many hours against their will in Chicago police station interrogation rooms, even though the Police have no probable cause to suspect these persons of any criminal wrongdoing. The Police engage in this practice, principally in high profile or “heater” investigations, in order to coerce and intimidate these persons into providing information the Police believe they may have. The Police policy flagrantly disregards the Fourth Amendment rights of these citizens to be free of unreasonable search and seizure.

JURISDICTION AND VENUE

2. This is a civil action arising under 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b) because all defendants reside in this District.

PARTIES

3. Plaintiff Gail Johnson is an Illinois citizen and a resident of Chicago, Illinois.
4. Plaintiff Natalie McFall is an Illinois citizen and a resident of Chicago, Illinois.
5. Plaintiff Byron Treadwell is an Illinois citizen and a resident of Chicago, Illinois.
6. Defendant City of Chicago (the “City”) is an Illinois municipal corporation located within the Northern District of Illinois. The City operates the Chicago Police Department.
7. Defendant Chicago Police Officers Scott (Star No. 21266), Nelson (Star No. 10528), Williams (Star No. 15226), Blackledge (Star No. 21203), Gray (Star No. 20612) and Hightower (Star No. 21307) and Chicago Police Sergeants Walsh and Howard are all sworn officers of the Police who are sued in their individual capacities for actions they took by virtue of their authority as Police officers.

8. Defendant Chicago Police Officers John Doe One through Six are all sworn officers of the Police whose names and star numbers are not now known to plaintiffs. John Does One through Two are sued in their individual capacities for actions they took by virtue of their authority as Police officers.

9. All of the defendants named above were, at all times material to this Complaint, acting under color of state law and their actions constituted state action.

ALLEGATIONS OF FACT

The Detention of Gail Johnson

10. On or about December 17, 2001, one Michael Lockhart was murdered in the front room of an apartment at 6154 South Martin Luther King Drive in the City. At no time did any of the defendants have a warrant, or probable cause or any other basis to detain Ms. Johnson as a suspect in the murder of Lockhart or for any other reason.

11. At approximately 7:00 p.m. on December 17, defendants Nelson and Williams informed Ms. Johnson that it would be necessary for her to come to police headquarters for “a few minutes” for questioning as a witness to Lockhart’s murder. Defendants Nelson and Williams placed Ms. Johnson in a police car and transported her to Police Area 2 police headquarters.

12. At Area 2, Ms. Johnson was thoroughly searched. Her personal identification was removed from her pocket and the shoelaces were taken from her shoes. She was placed in a small, windowless interrogation room furnished only with a metal bunk bolted to the wall, which lacked a toilet or running water. The door to the room was locked from the outside.

13. Ms. Johnson remained in this interrogation room throughout the night of December 17-18 and through the day of December 18, until approximately 10:30 p.m. on December 18 – a total of approximately 27 hours.

14. During this time, Ms. Johnson was periodically interrogated by one or both of defendants Blackledge and Scott. Ms. Johnson repeatedly asked defendants Blackledge and Scott to allow her to leave, informing those defendants that she was tired and hungry and wanted to go home. The defendants refused. They told Ms. Johnson that she could not leave until an Assistant State's Attorney had conducted an interview of her.

15. After Ms. Johnson was taken to the Police headquarters, her brother called First Defense Legal Aid ("FDLA"), a non-profit legal aid organization that provides representation for indigent persons being detained at Police stations, and arranged for an attorney to represent Ms. Johnson. FDLA sent a volunteer attorney to Area 2 to meet with Ms. Johnson and advise her concerning her legal rights.

16. Defendant Sergeant Walsh and defendant Blackledge refused to permit the FDLA attorney to see or speak with Ms. Johnson. Those defendants falsely informed the FDLA attorney that Ms. Johnson "wanted to remain" at Police headquarters in order to give a statement.

The Detention of Natalie McFall

17. On or about October 27, 2002, one Walter Givens was murdered in the City of Chicago. At no time did any of the defendants have a warrant, or probable cause or any other basis to detain Ms. McFall as a suspect in the murder of Givens or for any other reason.

18. On or about October 28 at approximately 11:00 p.m., defendant Chicago Police Detectives John Doe One and John Doe Two appeared at Ms. McFall's home and told her that she would have to come with them for questioning concerning the murder. Does One and Two then transported Ms. McFall to the Area 5 police headquarters.

19. At Area 5, Ms. McFall was placed in a small, windowless interrogation room, furnished only with a metal bench and a metal bar, both fastened to the wall, that lacked a toilet or running water. The door to the room was locked from the outside.

20. Does One and Two interrogated Ms. McFall concerning the murder over the course of many hours. During breaks in the interrogation, Ms. McFall was locked alone in the room described in the preceding paragraph for lengthy periods of time; despite her pleas, the defendants refused to unlock the door in order to allow her to use the bathroom. Ms. McFall repeatedly told the defendants that she wanted to go home or at least to be permitted to call her mother. The defendants refused both requests.

21. After lengthy interrogation, the defendants transported Ms. McFall to the Harrison and Kedzie police headquarters and administered a polygraph. They told her she had failed the examination, placed her in handcuffs and informed her she would be charged as an accessory to murder unless she told them the truth. Ms. McFall was then returned to Area 5.

22. After Ms. McFall had been detained, her aunt called FDLA to arrange for an attorney to represent Ms. McFall. An FDLA attorney first telephoned and then went to Area 5 to speak with Ms. McFall. The attorney was advised that he could not speak with her because she was a “witness” whom the Police did not expect to charge.

23. Ms. McFall was not released until approximately 2:00 a.m. on Thursday, October 31 – approximately 51 hours after her initial detention.

The Detention of Byron Treadwell

24. On or about June 16, 2003, one Jesse Shepherd was killed during an altercation in front of 11743 South Union in the City of Chicago. At no time did any of the defendants have a warrant, or probable cause or any other basis to detain Mr. Treadwell as a suspect for any crime in connection with the homicide of Jesse Shepherd or for any other reason.

25. On or about June 16, 2003 at approximately 6:00 p.m., during the investigation of this homicide, defendant Chicago Police Officers John Does Three and Four handcuffed Mr. Treadwell and placed him in a paddy wagon. Thereafter, they released him from the handcuffs

and informed him that he would have to come to the police station for questioning concerning the homicide. Mr. Treadwell's shoes were removed and Does Three and Four transported Mr. Treadwell to the Area 2 police headquarters.

26. At Area 2, Mr. Treadwell was placed in a small, windowless interrogation room, furnished only with a metal bench and a metal bar, both fastened to the wall, that lacked a toilet or running water. Initially, Mr. Treadwell was handcuffed to the wall of the room. The door to the room was locked from the outside.

27. Chicago Police Detectives Gray, Hightower and John Does Five and Six interrogated Mr. Treadwell concerning the homicide intermittently over the course of many hours. During the interrogation, these defendants threatened Mr. Treadwell that he would be kept in jail unless he provided them with information concerning the homicide. They gave Mr. Treadwell nothing to eat until hours after his arrival at Area 2. Despite Mr. Treadwell's pleas that he was "slow" and that he wanted to go home, the defendants refused to allow him to leave, telling him that he would have to remain until they got to the bottom of what happened.

28. After Mr. Treadwell was detained, his mother called FDLA to arrange for a lawyer to represent him. An FDLA attorney went to Area 2 and requested to meet with Mr. Treadwell. Defendants Howard, Gray and Hightower refused to allow the attorney to meet with Mr. Treadwell, telling the attorney that he was a "witness" and had not requested to speak with counsel.

29. In the afternoon of June 17, the defendants transported Mr. Treadwell to the grand jury hearing room at the criminal courts building at 26th and California. The defendants finally allowed Mr. Treadwell to go home following his testimony before the grand jury – close to 24 hours following his initial detention.

The City of Chicago's Policy, Practice and Custom

30. The City maintains a policy, practice and custom of detaining persons whom the Police believe are witnesses to certain crimes for extended periods of time against their will and confining them in locked interrogation rooms at police stationhouses.

31. At a hearing conducted before a federal District Judge in *First Defense Legal Aid v. City of Chicago*, No. 01 C 9671, the federal court found, based primarily on admissions by high ranking members of the Police, that the City's policy includes the following:

- (a) Witnesses are taken to police stations for questioning and are thoroughly searched and are then "secured" by being locked in small, windowless interrogation rooms, which lack toilet facilities or running water and are typically furnished only with a metal bench bolted to the wall.
- (b) Witnesses typically remain in such rooms for many hours and in some cases for days.
- (c) Counsel for such witnesses who appear at the police station asking to speak with them are refused access to their clients.
- (d) Witnesses are confined in these conditions in order to "overcome their reluctance" to cooperate with the police.
- (e) Witnesses confined in these conditions are not free to leave the police stationhouses and are, in fact, confined there against their will.

32. The policy, practice and custom of the City described in the preceding paragraph is widespread, permanent and well-settled. This policy, practice and custom was vigorously defended by City attorneys in *First Defense Legal Aid v. City of Chicago*.

33. The policy, practice and custom of the City complained of herein caused the unlawful seizure and detention of Ms. Johnson and Ms. McFall and has caused the unlawful detention of numerous other citizens.

34. The City and the remaining defendants herein acted with deliberate indifference to the rights of the plaintiffs in maintaining and implementing the policy, practice and custom complained of herein.

COUNT I

(Plaintiff Johnson)

35. Plaintiff Gail Johnson repeats and realleges paragraphs 1 through 16 and 30 through 34 as if fully set forth herein.

36. Plaintiff Gail Johnson asserts this Count I against defendants Nelson, Williams, Blackledge, Scott and Walsh in their individual capacities and against the City. Count I arises under 42 U.S.C. § 1983.

37. The defendants named in the preceding paragraph violated plaintiff's right to be free of unreasonable seizures and detentions as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and her right to Due Process as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

38. As a direct and proximate result of the defendants' unlawful conduct as alleged herein, plaintiff suffered fear, humiliation, physical deprivation and other pain and suffering.

39. Defendants' actions were intentional, willful, and exhibited a conscious disregard or reckless indifference to Ms. Johnson's rights.

WHEREFORE, plaintiff Gail Johnson prays that this Court award damages in her favor and against the defendants named in this Count in an amount to be ascertained at trial sufficient to compensate her for her injuries as alleged herein; that this Court award punitive damages in

her favor and against the individual defendants in an amount to be ascertained at trial sufficient to punish those defendants for their wrongful and malicious conduct; that this Court enter an award of reasonable attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1988; and for such further and additional relief as this Court may deem just and proper.

COUNT II

(Plaintiff McFall)

40. Plaintiff Natalie McFall repeats and realleges paragraphs 1 through 8, 17 through 23, and 30 through 34 as if fully set forth herein.

41. Plaintiff Natalie McFall asserts this Count II against defendant Chicago Police Officers John Does One through Two in their individual capacities and against the City. Count II arises under 42 U.S.C. § 1983.

42. The defendants named in the preceding paragraph violated plaintiff's right to be free of unreasonable seizures and detentions as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and her right to Due Process as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

43. As a direct and proximate result of the defendants' unlawful conduct as alleged herein, plaintiff suffered fear, humiliation, physical deprivation and other pain and suffering.

44. Defendants' actions were intentional, willful, and exhibited a conscious disregard or reckless indifference to Ms. McFall's rights.

WHEREFORE, plaintiff Natalie McFall prays that this Court award damages in her favor and against the defendants named in this Count in an amount to be ascertained at trial sufficient to compensate her for her injuries as alleged herein; that this Court award punitive damages in her favor and against the individual defendants in an amount to be ascertained at trial sufficient to punish those defendants for their wrongful and malicious conduct; that this Court enter an

award of reasonable attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1988; and for such further and additional relief as this Court may deem just and proper.

COUNT III

(Plaintiff Treadwell)

45. Plaintiff Byron Treadwell repeats and realleges paragraphs 1 through 8 and 24 through 34 as if fully set forth herein.

46. Plaintiff Byron Treadwell asserts this Count II against defendant Chicago Police Officers Gray, Hightower and John Does Three through Four and Chicago Police Sergeant Howard in their individual capacities and against the City. Count II arises under 42 U.S.C. § 1983.

47. The defendants named in the preceding paragraph violated plaintiff's right to be free of unreasonable seizures and detentions as guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States and his right to Due Process as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

48. As a direct and proximate result of the defendants' unlawful conduct as alleged herein, plaintiff suffered fear, humiliation, physical deprivation and other pain and suffering.

49. Defendants' actions were intentional, willful, and exhibited a conscious disregard or reckless indifference to Mr. Treadwell's rights.

WHEREFORE, plaintiff Byron Treadwell prays that this Court award damages in his favor and against the defendants named in this Count in an amount to be ascertained at trial sufficient to compensate him for his injuries as alleged herein; that this Court award punitive damages in his favor and against the individual defendants in an amount to be ascertained at trial sufficient to punish those defendants for their wrongful and malicious conduct; that this Court

enter an award of reasonable attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1988; and for such further and additional relief as this Court may deem just and proper.

JURY DEMAND

All plaintiffs demand trial by jury.

Respectfully submitted,

**GAIL JOHNSON
NATALIE MCFALL
BYRON TREADWELL**

By: _____
One of their attorneys

Locke E. Bowman
Richard Schwartz, Law Student
MacArthur Justice Center
1111 East 60th Street
Chicago, Illinois 60637
(773) 753-4405

Craig B. Futterman
Mandel Legal Aid Clinic
University of Chic. Law Sch.
6020 S. University Avenue
Chicago, Illinois 60637
(773) 702-9611

Darron E. Bowden
First Defense Legal Aid
3645 W. Chicago Avenue
Suite 240
Chicago, Illinois 60651
(773) 826-6550