

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

JAVAR CALVIN AND)
WILLIAM VIRBLE MOORE,)

Plaintiffs,)

-vs-)

SHERIFF OF WILL COUNTY AND)
WILL COUNTY, ILLINOIS,)

Defendants.)

No. 03 CV 3086

(Judge Gettleman)

DOCKETED
AUG 11 2003

FILED

AUG 08 2003

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

AMENDED COMPLAINT

Plaintiffs, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343.
2. Plaintiff Javar Calvin is a resident of the Northern District of Illinois.
3. Plaintiff William Virble Moore is a resident of the Northern District of Illinois.
4. Defendant Sheriff of Will County is sued in his official capacity.
5. Defendant Will County, Illinois is an Illinois municipal corporation joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947, 948 (7th Cir. 2003).

Javar Calvin

6. In October of 2002, plaintiff Calvin was enlarged on bond in a misdemeanor case pending in the state court in Joliet, Illinois.

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7. On October 19, 2002, a police officer of the City of Bolingbrook, Illinois arrested plaintiff Calvin because records maintained by defendant mistakenly indicated that a warrant had been issued for plaintiff's arrest.
8. Plaintiff Calvin was brought to the Will County Jail on October 20, 2002 at about 4:00 a.m. While at the jail, plaintiff repeatedly insisted that he had been arrested by mistake and that he was not sought in any outstanding warrant. Calvin's protestations were ignored by jail personnel.
9. Calvin was scheduled to appear before a judge in the morning of Monday, October 21, 2002. Calvin determined that he was not among the prisoners who were being taken to court and complained to jail officials. The jail officials responded to Calvin's complaint by placing him in disciplinary segregation.
10. Shortly after 9:00 a.m. on October 21, 2002, a judge reviewed Calvin's bail status, concluded that Calvin was being held in error, and ordered plaintiff's release. Jail personnel ignored this order until 1:00 p.m., when they took Calvin from disciplinary segregation and brought him before the judge. The judge reaffirmed his order that plaintiff should be immediately released.
11. After the judge ordered that plaintiff should be immediately released, jail personnel maintained Calvin in handcuffs and shackles and returned him to the jail.
12. At the jail, Calvin was strip searched and returned to disciplinary segregation, where he remained until he was released at about 7:30 p.m. that night.

William Moore

13. On May 18, 2003, a police officer of the City of Chicago Ridge, Illinois arrested plaintiff Moore because records maintained by defendant mistakenly indicated that a warrant had been issued for plaintiff's arrest.
14. Moore was brought to the Will County Jail on May 18, 2003 at about 9:00 a.m.
15. While at the jail, Moore repeatedly insisted that he had been arrested by mistake and that he was not sought in any outstanding warrant.
16. Moore's protestations were ignored by jail personnel who, in accordance with the policies of defendant, held plaintiff overnight at the jail.
17. In accordance with the policies of defendant, Moore was handcuffed, shackled and taken before a judge at about 1:30 p.m. on May 19, 2003. The judge ordered that plaintiff was to be released immediately.
18. After the judge ordered that plaintiff be released immediately, in accordance with the policies of defendant, plaintiff was held in handcuffs and shackles and taken back to the jail where he was strip searched and placed in a cell.
19. Plaintiff was released from the cell after about ten minutes of additional incarceration.

CLASS ALLEGATIONS

20. The above described shacklings and strip searches were undertaken in accordance with a policy of defendant Sheriff of Will County.
21. This "strip search/shackling" policy is uniformly applied to all persons after they have appeared in court, irrespective of any court order that they

be immediately released.

22. Plaintiffs contend that as a result of this "strip search/shackling" policy, they, and others whose immediate release has been ordered by a judge, were deprived of rights secured by Fourth and Fourteenth Amendment.
23. The refusal of jail personnel to take any action to investigate plaintiff's protestations that they were being held in error was the result of the failure of defendant Will County to have adopted a policy to require the speedy investigation of such claims.
24. The absence of such a policy has resulted in numerous persons being wrongfully detained at the Will County jail.
25. Plaintiffs bring this action individually and for the following two sub-classes:
 - i. All persons who, at any time on and after two years preceding the filing of this lawsuit to the date of entry of judgment, were held in handcuffs and shackles at the Will County Jail and strip searched after a judge ordered their immediate release from custody and before being released.
 - ii. All persons who, in the two year period preceding the filing of this lawsuit to the date of entry of judgment, were held at the Will County Jail on a recalled or already executed warrant issued after having complained that they were being wrongfully held in custody.
26. Each proposed sub-class satisfies each of the prerequisites of Rule 23(a) of the Federal Rules of Civil Procedure and class certification for each sub-class is appropriate under Rule 23(b)(3).

27. As the direct and proximate result of the above described unlawful detention, plaintiffs were deprived of their liberty, incurred personal injuries, and lost wages.
28. Plaintiffs hereby demand trial by jury.

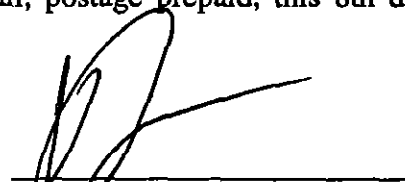
WHEREFORE, plaintiffs pray that the Court order that this case may proceed as a class action, that judgment be entered in favor of plaintiffs and each member of the plaintiff class for appropriate damages in an amount in excess of twenty five thousand dollars as compensatory damages and that the costs of this action, including reasonable attorneys' fees, be taxed against defendants.



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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing to be served on Jeffrey S. Pavlovich, Esq., Leahy, Eisenberg & Fraenkel, Ltd., 161 N Clark St, Ste 1325, Chicago, IL 60601-3288, by first class mail, postage prepaid, this 8th day of August, 2003.



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