

DOCKETED
JUL 06 2001

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

FILED

JUL - 5 2001

Crystal Wilkes, Sharon Hollister)
Tonya Townsend, Sherrille Maynie,
Marvella Everett, and Kristine Ricks)

Plaintiffs)

vs.)

MICHAEL SHEAHAN,
SHERIFF OF COOK COUNTY,
in his official capacity,)

Defendant)

No. 01cv1592
MICHAEL W. DOBBINS
U.S. DISTRICT COURT
JUDGE
MAGISTRATE

AMENDED COMPLAINT

Now comes the Plaintiffs, by and through their attorneys, Thomas G. Morrissey, Ltd., and Robert H. Farley, Jr. Ltd., and complain of the Defendant as follows:

1. The plaintiffs in this case are former pretrial detainees at the Cook County Department of Corrections ("Jail"). As pretrial detainees at the Jail, plaintiffs were initially strip searched upon admission to the Jail, and after returning from court appearances and during random strip searches pursuant to the policies and practices at the Jail.

2. This is a Civil Action to redress deprivations under color of law of rights, privileges, and immunities secured under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and Title 42 U.S.C. Sections 1983 and 1988.

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3. Plaintiff Crystal Wilkes is a citizen of the United States and resident of the State of Illinois. Ms. Wilkes was an inmate at the Cook County Department of Corrections.

4. Plaintiff Sharon Davis Hollister is a citizen of the United States and a resident of the State of Illinois. Ms. Hollister was an inmate at the Cook County Department of Corrections.

5. Plaintiff Tonya Townsend is a citizen of the United States and a resident of the State of Illinois. Ms. Townsend was an inmate at the Cook County Department of Corrections.

6. Plaintiff Sherille Maynie is a citizen of the United States and resident of the State of Illinois. She was admitted to the Jail on March 19, 2001 and released on May 2, 2001.

7. Plaintiff Kristine Ricks is a citizen of the United States and a resident of the State of Illinois. She was admitted to the Jail on May 21, 2000 and released on May 22, 2000

8. Plaintiff Marvella Evertt is a citizen of the United States and a resident of the State of Illinois. She was an inmate at the Cook County Department of Corrections.

9. Defendant MICHAEL SHEAHAN (Sheahan) is an elected county official whose duties include implementing and executing policies concerning the operation of the Cook County Jail (Jail) pursuant to 55 ILCS 5/3-15003. At all times relevant hereto, Sheahan was acting under color of law.

10. On February 15, 2001, plaintiff Townsend was taken into custody of the Sheriff's Office at the Jail and placed in a bullpen in the Receiving Area of the Jail with approximately 38 other

women.

11. During the time period the plaintiff was in this bullpen, the canine unit entered the bullpen and the handlers for the dogs informed the women that the dogs would attack and bite the women if they detected any contraband. The dogs were then unleashed by the guards and proceeded to sniff and search each female inmate.

12. Plaintiff and the other women in the bullpen were then escorted by three or four female guards to a gymnasium area where the strip search was conducted. The gym is an open area with a balcony. It is not uncommon for male guards to enter the gym unannounced during strip searches.

13. Upon entering the gym, the plaintiff and the other women were ordered to form lines and rows with four inmates to a line. Pursuant to the standard policy and practice of the Sheriff, the plaintiff was required to submit to the following strip search:

(A) The plaintiff was ordered to remove all her clothing;

(B) After removing all her clothing, she was required to open her mouth, lift her breast, and to run her hands through her hair;

(C) While naked, the plaintiff was required to spread her buttock and bend and squat three times while coughing. Due to the fact that some of the women were unable to "properly" perform this task, the plaintiff was required to repeat the process nine times.

14. At the time of the strip search, Ms. Townsend was on her menstrual cycle. Regardless of this fact, she was required to remove her pad and perform the above stated strip search with no

protection. At least two other women in the group were also on their menstrual cycle, and as a result the plaintiff saw blood running down their legs on to the floor of the gym. When the strip searches were completed, these women were yelled at the by the guards to clean up their blood.

15. The strip searches were conducted under conditions which were unhealthy and unsanitary. Two of the women were sick and vomiting, presumable from withdrawal symptoms. There was a strong, nauseous odor in the gym during the strip search which was extremely unpleasant. The guards made frequent derogatory remarks about the lack of hygiene of the women and called them whores and bitches.

16. Plaintiff saw one of the guards violently kick and pull up one of the women who was sick and lying on the floor of gym.

17. Since entering the Jail, Plaintiff Townsend has been subjected to one other strip search in the day area of the tier under circumstances similar to the situations described in paragraphs 13-16.

18. On October 17,2000, Plaintiff Crystal Wilkes was taken into custody of the Sheriff's Office at the Jail and placed in a bullpen in the Receiving Area of the Jail with approximately 40 other women.

19. Plaintiff Wilkes was strip searched under conditions which provided no privacy.

20. On October 19,2000, Plaintiff Sharon Hollister was taken into custody of the Sheriff's Office at the Jail and placed in a

bullpen in the Receiving Area of the Jail.

21. Plaintiff Hollister was subsequently strip searched under conditions which provided no privacy.

22. Plaintiffs Sherrile Maynie, Kristine Ricks, and Marvella Everett were also strip searched while incarcerated at the Jail under conditions which provided no privacy.

COUNT ONE

1-22. Plaintiffs reallege paragraphs 1-22 above as paragraphs 1-22 of Count I.

23. At all times relevant to this complaint, the defendant, as Sheriff of Cook County has the duty to establish procedures and policies and to train deputy sheriffs and C.C.D.O.C. employees to prevent unreasonable body searches of individuals and to prevent strip searches of female inmates from being performed in an abusive fashion, under conditions which are unsanitary and provide no protection of privacy to the women during the searches.

24. Defendant SHEAHAN knew or should have known that female inmates are subjected to highly intrusive strip searches which afford no privacy to female inmates and which are conducted under unsanitary, filthy conditions, and are carried out by his deputies in an abusive manner.

25. Defendant SHEAHAN instituted, sanctioned, and approved the following policies, practices, customs, and procedures regarding the strip searching of female individuals who are in the custody of the Cook County Department of Corrections;

- A. Female inmates are routinely strip searched upon entry to the Jail, after returning from court appearances and during random strip searches in the housing divisions.
- B. The canine unit at the Jail makes random inspections of the newly admitted inmates to the Jail prior to and at the time while women are in the process of being strip searched. The guard dogs enter the bullpens where the female inmates are held without restraints and proceed to sniff and search female inmates for contraband, after the Sheriff deputies inform the women that the dogs will attack and bite the women if drugs are detected.
- C. The strip searches are conducted in groups of between 15 and 40 inmates which affords no privacy to the women.
- D. The areas in which the strip searches are administered by the Sheriff are dirty, foul smelling and subject to viewing by male guards and male inmates.
- E. The foul smell and odor in the areas where the women are strip searched is so retched and putrid that even the guards conducting the searches admit that it makes them nauseous and has caused one to almost vomit.
- F. The physical conditions under which the women are strip searched are unclean and unsanitary. In the bullpen areas, the toilets are frequently overflowing, there is urine, human excrement, blood, food and paper on the floors.
- G. Pursuant to the standard policy and practice of the

Sheriff, the plaintiff was required to submit to the following strip search under the above conditions:

- (1) The women are order to get in lines containing three or four inmates arms length apart;
- (2) The women are then ordered to remove all of their clothing;
- (3) After removing all their clothing, the women are required to open their mouths, lift their breasts, and to run their hands through their hair.

H. Regardless of whether women are on their menstrual cycle, they are required to remove their sanitary napkin and perform the strip search without any protection. Frequently women on their menstrual cycle are exposed to the embarrassment of having blood running down their legs and onto the floor. In addition, the other women in the group are subjected to potential infection from these bodily fluids.

I. During the strip searches of the female inmates, the guards frequently call the women derogatory names and single out women that are overweight or who have large breasts to lift the folds of their stomachs and breasts.

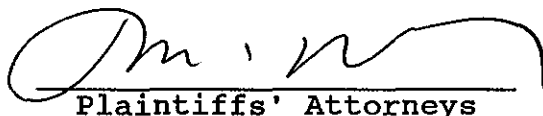
26. The Sheriff failed to establish appropriate procedures and practices to ensure that female inmates are not subjected to unreasonable body searches.

27. The Sheriff failed to properly train and supervise the deputy sheriffs and C.C.D.O.C. employees responsible for conducting body searches of inmates to prevent unreasonable body searches.

28. The strip search of plaintiffs under the above describe abusive conditions constitutes deliberate indifference to the rights of the plaintiffs in violation of the Fourth, Eighth and Fourteenth Amendments to the U.S. Constitution.

29. As a direct and proximate result of the Sheriff's policies, practices and procedures, in his official capacity, the defendant subjected the Plaintiffs and members of the class to unreasonable body searches which were demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, repulsive, signifying degradation and submission. The plaintiffs suffered great emotional pain, humiliation and embarrassment.

WHEREFORE, plaintiffs pray that this Court enter an order awarding monetary damages to plaintiffs in an amount in excess of fifty thousand dollars. In addition, award the plaintiffs and members of the class their costs and attorney's fees under Title 42 U.S.C. Sect. 1988.


Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Thomas G. Morrissey., an attorney, deposes and states that he served a copy the foregoing Amended Complaint on July 5, 2001 before 5:00 p.m.



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