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**KC FILED**

MAY 01 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

ROBERT HARPER,

*Plaintiff,*

-vs-

SHERIFF OF COOK COUNTY,  
and COOK COUNTY, ILLINOIS

*Defendants.*

)  
)  
)  
) No. ~~07 CV 193~~  
)  
)  
) (*jury demand*)  
)

07CV2393  
JUDGE DARRAH  
MAGISTRATE JUDGE SCHENKIER

**COMPLAINT**

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Plaintiffs Robert Harper is a resident of the Northern District of Illinois.
3. Defendants are the Sheriff of Cook County and Cook County, Illinois. The Sheriff is sued in his official capacity only; the County is joined pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003).
4. On or about September 30, 2005, plaintiff Robert Harper was taken to the Criminal Courts Building at 2650 South California Avenue following his arrest without a warrant by a Chicago police officer.
5. At the criminal courts building, plaintiff appeared by remote viewing ("TV court"), before a judge who set bond and ordered that plaintiff be held in the custody of defendant Sheriff pending the posting of bond.

6. Members of plaintiff's family attended the bond hearing and immediately sought to post cash bond to obtain plaintiff's enlargement from custody.
7. In accordance with a policy and/or practice of defendant Sheriff that is so permanent and well-settled that it constitutes a custom or usage with the force of law, plaintiff was required to submit to the processing required by the Sheriff's policies of a person being admitted to the Cook County Jail while plaintiff's family members posted cash bond. This processing began with placement into an overcrowded and unsanitary animal cage, and included a chest x-ray, the non-consensual insertion of a swab into plaintiff's penis, the non-consensual taking of blood, and a strip search which was conducted in a manner calculated to embarrass and humiliate.
8. It has at all times relevant been the practice of the Sheriff of Cook County to excuse from this processing persons of wealth, clout, or political influence who, after bond has been set at "TV court," are ready, willing, and able to post cash bond.
9. As the direct and proximate result of the above referred policy, plaintiff, and all others persons subjected to the above referred policy, was embarrassed, humiliated, unreasonably deprived of his liberty, incurred pain and suffering, and was deprived of rights secured by the Fourth and Fourteenth Amendments.
10. Plaintiffs bring this action for a class of all persons who, following his or her arrest without a warrant, appeared on or after May 1, 2005 before a judge at "TV court" and, while persons acting on behalf of the arrestee sought to post cash bond, was required to submit to the processing required by the Sheriff's policies of a person being admitted to the Cook County Jail. The proposed class satisfies each of the requirements of Rule

23(a) of the Federal Rules of Civil Procedure. The relief sought is appropriate damages for each person subjected to the policy and class certification is appropriate under Rules 23(b)(3).

11. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered in his favor in an amount in excess of one hundred thousand dollars, that judgment be entered in favor of the proposed class, and that the Court grant such relief for each member of the proposed class as may be appropriate.

*/s/ Kenneth N. Flaxman*  


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