

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

DARRON BYRD,)	
)	Case No. 19 cv 3316
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER LAMONICA LEWIS,)	
OFFICER ALVIN JONES,)	
DANA V. STARKS,)	
DEBRA KIRBY,)	
KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Darron Byrd, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Lamonica Lewis, Officer Alvin Jones, Dana V. Starks, Debra Kirby, Karen Rowan and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Darron Byrd was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Byrd was arrested on April 11, 2007.

4. Mr. Byrd's arrest occurred when he was leaving a friend's apartment at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Byrd, of possessing drugs.

6. The type of encounters these police officers had with Mr. Byrd was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

7. Realizing that he faced no chance of winning at trial following his April 11, 2007 arrest, Mr. Byrd eventually pled guilty.

8. After Mr. Byrd had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Byrd alleges against them.

9. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

10. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

11. The scope of this misconduct cannot be overstated.

12. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

13. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

14. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

15. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

16. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

17. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Byrd), respectively.

18. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts crew members as witnesses “due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts.”

19. Through this lawsuit, Mr. Byrd seeks accountability and compensation for being deprived of his liberty as a result of Defendants’ misconduct.

Jurisdiction and Venue

20. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the Constitution of the United States.

21. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

22. Venue is proper under 28 U.S.C. § 1391(b). The injuries Plaintiff suffered occurred in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

23. Mr. Byrd is 40 years old. At all times relevant to the complained of events, he resided in Chicago, Illinois.

24. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Lamonica Lewis, and Alvin Jones were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

25. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

26. Defendants Kallatt Mohammed, Elsworth J. Smith, Jr., Lamonica Lewis, and Alvin Jones worked on Watts's tactical team.

27. At all relevant times, Defendant Dana V. Starks was the Superintendent of the Chicago Police Department.

28. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendants Kirby, Rowan and Starks are referred to as Defendant Supervisory Officers.

29. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

30. During the 2000s, Mr. Byrd's daughter lived in the Chicago Housing Authority's Ida B. Wells housing complex, and Mr. Byrd would visit her there. During this time, Mr. Byrd would also visit friends who lived in Ida B. Wells.

31. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

32. Watts and his tactical team members were well known to the residents of the Ida B. Wells area, including Mr. Byrd.

33. In fact, Defendant Mohammed's family lived near Mr. Byrd's family, and prior to his April 2007 arrest, Mr. Byrd had seen Mohammed around his neighborhood.

34. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

35. The Watts team's pattern of harassment continued with Mr. Byrd.

Mr. Byrd is Framed on April 11, 2007

36. On April 11, 2007, Mr. Byrd was with his friend Raynard Carter, visiting Raynard's cousin, Patricia, who lived in the Ida B. Wells complex.

37. Neither Mr. Byrd nor Mr. Carter was doing anything wrong and neither had any drugs.

38. As Mr. Byrd and Mr. Carter were leaving Patricia's apartment and walking towards the parking lot where Mr. Carter's car was parked, Defendant Watts and other officers, including Defendant Jones, stopped, handcuffed, and illegally searched Mr. Byrd.

39. Defendants did not find drugs or any other illegal items when they searched Mr. Byrd.

40. Defendant Watts and other defendant officers had detained and handcuffed a number of other people and had them lined up against a wall. Watts put Mr. Byrd and Mr. Carter at the end of that line.

41. Defendant Watts went down the line and asked each person in the line where he could find drugs. Defendant Jones then assaulted each person who denied knowing where to get drugs.

42. When Watts and Jones arrived at Mr. Byrd and Mr. Carter, Mr. Byrd and Mr. Carter tried to explain they were not involved with drugs and were not doing anything illegal.

43. Defendant Watts then asked for money and told Mr. Byrd that if Mr. Byrd paid him, he would let him go.

44. Mr. Byrd refused.

45. Defendant Watts replied by saying he would be arrested. Defendant Officers then took Mr. Byrd and Mr. Carter to the police station.

46. At the police station, Defendant Watts told Mr. Byrd that he would let Mr. Byrd go free if he gave Watts some drugs or some guns, or if Mr. Byrd could pay him.

47. Mr. Byrd told Watts he did not have anything to give him.

48. At some point while Mr. Byrd was at the police station, Defendant Mohammed approached Mr. Byrd. Defendant Mohammed told Mr. Byrd that he could get Mr. Byrd and Mr. Carter out of the arrest if they “just gave Watts what he wanted” or words to that effect.

49. Mr. Byrd told Defendant Mohammed that he did not have anything to give Watts.

Mr. Byrd is Prosecuted, Convicted, and Sentenced

50. The Defendant Officers prepared a false and fabricated police report related to this arrest.

51. On the basis of said false report, Mr. Byrd was prosecuted for a drug crime.

52. Even though Mr. Byrd was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Byrd accepted a plea deal.

53. Mr. Byrd was sentenced to 18 months in prison.

54. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Byrd’s arrest.

55. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers

fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Byrd, and his unlawful deprivation of liberty would not have been continued.

56. Given that the entirety of the State's case against Mr. Byrd rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Byrd's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

57. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Byrd accuses them.

58. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

59. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

60. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the heads of IAD and CPD Superintendent Dana Starks—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

61. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in

exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

62. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

63. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

64. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

65. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

66. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

67. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

68. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and

his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

69. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

70. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

71. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

72. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two

officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City’s “Code of Silence”

73. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

74. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

75. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don’t feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence.”

76. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. Byrd information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Byrd, he would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against him.

77. Also, consistent with this “code of silence,” the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either

ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

**The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding
are Nearly Ruined**

78. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

79. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

80. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

81. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

82. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

83. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

84. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

85. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

86. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

87. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

88. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Byrd, and yet the City did nothing to stop the misconduct.

89. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

90. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

91. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

92. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

93. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

94. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

95. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

96. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing

criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

97. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Byrd and continue to testify falsely against citizens like Mr. Byrd.

98. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Byrd could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

99. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

100. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

101. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that

police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony."

102. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

103. Following this decision, Mr. Rotert explained that "these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said."

104. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that "[t]he system owes an apology to the men who stand behind us."

105. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

106. In a Press Release, CCSAO Foxx stated that Watts's and his team's "pattern of misconduct" caused her "to lose confidence in the initial arrests and the validity of these convictions."

107. Referring to the exonerees as "victims," Ms. Foxx wished them "a path forward in healing and justice."

108. In February 2019, 14 victims, including Mr. Byrd, had 17 additional convictions voluntarily dismissed by the CCSAO.

109. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

110. All 63 of these men and women, including Mr. Byrd, have been found factually innocent of the charges and most, including Mr. Byrd, have been certified innocent.

111. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

112. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

113. On March 18, 2019, Mr. Byrd received a certificate of innocence for his 2007 conviction.

Mr. Byrd's Damages

114. Because of the Defendants' acts and omissions, Mr. Byrd was subjected to police harassment and unfair criminal proceedings.

115. For his conviction stemming from the 2007 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Byrd to a felony conviction and wrongful imprisonment before he was finally exonerated.

116. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Byrd was deprived of the everyday pleasures of basic human

life and his freedom was taken from him. Since then, Mr. Byrd has had to live with a felony record he did not deserve.

117. As a result of the foregoing, Mr. Byrd has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

118. Each paragraph of this Complaint is incorporated as if restated fully herein.

119. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

120. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

121. Likewise, in the manner described more fully above, Defendants Dana V. Starks, Debra Kirby, Karen Rowan and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Byrd and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

122. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

123. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Byrd— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Byrd's due process right to a fair trial deliberately and with reckless disregard for Mr. Byrd's rights.

124. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

125. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Byrd's clear innocence.

126. Defendants' actions were taken under color of law and within the scope of their employment.

127. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

128. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Byrd by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

129. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Byrd, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

130. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their

actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Byrd endured.

131. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

132. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

133. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

134. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

135. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

136. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

137. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

138. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

139. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

140. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

141. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

142. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has state, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

143. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

144. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

145. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Byrd was targeted by Defendant Watts and his crew.

146. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

147. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

148. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

149. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

150. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

151. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

152. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

153. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

154. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

155. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

156. Instead, Defendant City continues to inadequately investigate citizen complaints and fails to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

157. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

158. Each paragraph of this Complaint is incorporated as if restated fully herein.

159. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

160. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

161. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

162. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

163. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

164. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

165. The Defendants' actions were taken under color of law and within the scope of their employment.

166. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

167. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

168. Each paragraph of this Complaint is incorporated as if restated fully herein.

169. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

170. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

171. The Defendants' actions were taken under color of law and within the scope of their employment.

172. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

173. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

174. Each paragraph of this Complaint is incorporated as if restated fully herein.

175. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

176. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

177. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

178. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

179. The Defendants' actions were taken under color of law and within the scope of their employment.

180. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

181. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

182. Each paragraph of this Complaint is incorporated as if restated fully herein.

183. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

184. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

185. The Defendants' actions were taken under color of law and within the scope of their employment.

186. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

187. Each paragraph of this Complaint is incorporated as if restated fully herein.

188. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

189. The Defendants' actions were taken under color of law and within the scope of their employment.

190. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

191. Each paragraph of this Complaint is incorporated as if restated fully herein.

192. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

193. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

194. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

195. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

196. Each paragraph of this Complaint is incorporated as if restated fully herein.

197. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

198. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

199. Each paragraph of this Complaint is incorporated as if restated fully herein.

200. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

201. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Darron Byrd respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Elsworth J. Smith, Jr., Officer Lamonica Lewis, Officer Alvin Jones, Dana V. Starks, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Darron Byrd, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Theresa Kleinhaus
One of Plaintiffs' Attorneys

Jon Loevy
Arthur Loevy
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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

RAYNARD CARTER,)	
)	Case No. 19 cv 3317
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER MANUEL S. LEANO,)	
OFFICER ROBERT GONZALEZ,)	
OFFICER BRIAN BOLTON,)	
OFFICER DOUGLAS NICHOLS,)	
OFFICER LAMONICA LEWIS,)	
OFFICER ALVIN JONES,)	
PHILLIP J. CLINE,)	
DANA V. STARKS,)	
DEBRA KIRBY,)	
KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Raynard Carter, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Manuel S. Leano, Officer Robert Gonzalez, Officer Brian Bolton, Officer Douglas Nichols, Officer Lamonica Lewis, Officer Alvin Jones, Phillip J. Cline, Dana

V. Starks, Debra Kirby, Karen Rowan and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Raynard Carter was twice convicted of and incarcerated for crimes he did not commit.

2. These crimes never happened; they were completely fabricated by corrupt Chicago police officers.

3. Mr. Carter was arrested on February 17, 2006, and again on April 11, 2007. On both occasions, he was falsely charged with possessing drugs he did not possess.

4. Mr. Carter's February 17, 2006 arrest occurred when he and some friends were on their way to visit his friend's girlfriend at the Ida B. Wells housing complex.

5. Mr. Carter's April 11, 2007 arrest occurred when he was leaving his cousin's apartment, also at the Ida B. Wells housing complex.

6. During the 2000s, the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

7. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Carter, of possessing drugs.

8. The type of encounters these police officers had with Mr. Carter was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

9. Realizing that he faced no chance of winning at trial following his February 17, 2006 arrest, Mr. Carter eventually pled guilty.

10. For the same reason, Mr. Carter eventually pled guilty during the prosecution stemming from his April 11, 2007 arrest as well.

11. After Mr. Carter had completed his sentences, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Carter alleges against them.

12. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

13. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

14. The scope of this misconduct cannot be overstated.

15. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

16. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

17. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team “corrupt police officers” and “criminals” and chastising the City’s police disciplinary oversight body for doing “nothing to slow down the criminals” from their rampant misconduct and perjury.

18. On or around November 16, 2017, the Cook County State’s Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

19. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

20. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Carter), respectively.

21. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts crew members as witnesses “due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts.”

22. Through this lawsuit, Mr. Carter seeks accountability and compensation for being deprived of his liberty as a result of Defendants’ misconduct.

Jurisdiction and Venue

23. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the Constitution of the United States.

24. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

25. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

26. Mr. Carter is 33 years old. He currently resides in Chicago.

27. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Manuel S. Leano, Robert Gonzalez, Brian Bolton, Douglas Nichols, Lamonica Lewis, and Alvin Jones, were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

28. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

29. Defendants Kallatt Mohammed, Elsworth J. Smith, Jr., Manuel S. Leano, Robert Gonzalez, Brian Bolton, Douglas Nichols, Lamonica Lewis, and Alvin Jones worked on Watts's tactical team.

30. At all relevant times, Defendant Phillip J. Cline and Defendant Dana V. Starks were Superintendents of the Chicago Police Department.

31. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendants Kirby, Rowan, Cline and Starks are referred to as Defendant Supervisory Officers.

32. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

33. During the 2000s, Mr. Carter visited friends and family who lived in the Chicago Housing Authority's Ida B. Wells housing complex.

34. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

35. Watts and his tactical team members were well known to the residents of the Ida B. Wells area.

36. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

37. The Watts team's pattern of harassment continued with Mr. Carter.

Mr. Carter is Framed on February 17, 2006

38. On February 17, 2006, Mr. Carter was with friends on his way to visit his friend's girlfriend in the Ida B. Wells complex.

39. Mr. Carter was not doing anything wrong and did not have any drugs.

40. Mr. Carter and his friends were outside of the 540 E. 36th Street Ida B. Wells building when several cars police cars arrived at the building.

41. Several other people, unassociated with Mr. Carter, who were also standing outside the 540 Building, fled.

42. Mr. Carter did not run, as he had no reason to— he was not doing anything illegal and had no illegal drugs on him.

43. Nevertheless, Defendant Officers stopped, handcuffed, and illegally searched Mr. Carter.

44. Defendants did not find drugs or any other illegal items when they searched Mr. Carter.

45. Yet, Defendant Officers continued to detain Mr. Carter, and Defendant Officers took Mr. Carter into the 540 building.

46. Once inside the building, Defendant Watts put Mr. Carter and other detainees on their knees and asked for money.

47. Defendant Watts left Mr. Carter on his knees, with other Defendant Officers, while Defendant Watts went up the stairs of the building.

48. After approximately five minutes, Defendant Watts returned with several baggies of what appeared to drugs in his hands.

49. Defendant Watts approached Mr. Carter, slapped him on the side of the head, and asked Mr. Carter for money.

50. When Mr. Carter refused to give Defendant Watts money, Defendant Watts slapped Mr. Carter in the face several times.

51. Mr. Carter was transported to the police station.

52. At the police station, Defendant Mohammed approached Mr. Carter and told Mr. Carter that if he could get him some guns that he would let him go.

53. Mr. Carter refused.

**Mr. Carter is Prosecuted, Convicted, and Sentenced
on the February 17, 2006 Arrest**

54. The Defendant Officers prepared a false and fabricated police report related to this arrest.

55. On the basis of said false report, Mr. Carter was prosecuted for a drug crime.

56. Even though Mr. Carter was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Carter accepted a plea deal.

57. Mr. Carter was sentenced to a term of imprisonment.

58. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Carter's arrest.

59. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Carter, and his unlawful deprivation of liberty would not have been continued.

60. Given that the entirety of the State's case against Mr. Carter rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Carter's defense of his criminal charges.

Mr. Carter is Framed Again on April 11, 2007

61. On April 11, 2007, only a few weeks after his release from serving his sentence on the February 17, 2006 arrest, Mr. Carter was visiting his cousin Patricia with his friend Darron Byrd. Patricia lived in the Ida B. Wells complex.

62. Neither Mr. Carter nor Mr. Byrd were doing anything wrong and neither had any drugs.

63. As Mr. Carter and Mr. Byrd were leaving Patricia's apartment and walking towards the parking lot where Mr. Carter's car was parked, Defendant Watts and other officers, including Defendant Jones, stopped, handcuffed, and illegally searched Mr. Carter.

64. Defendants did not find drugs or any other illegal items when they searched Mr. Carter.

65. Defendant Watts recognized Mr. Carter and said, "I got something for you," or words to that effect.

66. Defendant Watts and other Defendant Officers had detained and handcuffed a number of other people and had them lined up against a wall. Watts put Mr. Carter and Mr. Byrd at the end of that line.

67. Defendant Watts went down the line and asked each person where he could find drugs. Defendant Jones then physically assaulted each person who denied knowing where to get drugs.

68. Mr. Carter tried to tell Defendants Watts and Jones that they were not involved with drugs and were not doing anything illegal. Defendant Watts replied by saying that Mr. Carter would be arrested.

69. Defendant Officers then took Mr. Carter to the police station.

**Mr. Carter is Prosecuted, Convicted, and Sentenced
on the April 11, 2007 Arrest**

70. The Defendant Officers prepared a false and fabricated police report related to this arrest.

71. On the basis of said false report, Mr. Carter was prosecuted for a drug crime.

72. Even though Mr. Carter was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Carter accepted a plea deal.

73. Mr. Carter was sentenced to 18 months in prison.

74. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Carter's arrest.

75. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they

would not have pursued the prosecution of Mr. Carter, and his unlawful deprivation of liberty would not have been continued.

76. Given that the entirety of the State's case against Mr. Carter rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Carter's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

77. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Carter accuses them.

78. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

79. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

80. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the heads of IAD and CPD Superintendents Phillip J. Cline and Dana V. Starks—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

81. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to

obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

82. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

83. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

84. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

85. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

86. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

87. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

88. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own

criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

89. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

90. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

91. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

92. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two

officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City’s “Code of Silence”

93. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

94. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

95. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don’t feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence.”

96. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. Carter information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Carter, he would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against him.

97. Also, consistent with this “code of silence,” the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

98. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

99. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

100. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

101. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

102. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

103. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

104. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

105. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

106. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

107. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

108. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Carter, and yet, the City did nothing to stop the misconduct.

109. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

110. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

111. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

112. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

113. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

114. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

115. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

116. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing criminal activity on the streets—extorting drug dealers and framing citizens for

crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

117. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Carter and continue to testify falsely against citizens like Mr. Carter.

118. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Carter could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

119. After Defendant Watts’s and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

120. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

121. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that police were not being truthful and we couldn’t have confidence in the integrity of their reports and their testimony.”

122. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

123. Following this decision, Mr. Rotert explained that "these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said."

124. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that "[t]he system owes an apology to the men who stand behind us."

125. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

126. In a Press Release, CCSAO Foxx stated that Watts's and his team's "pattern of misconduct" caused her "to lose confidence in the initial arrests and the validity of these convictions."

127. Referring to the exonerees as "victims," Ms. Foxx wished them "a path forward in healing and justice."

128. In February 2019, 14 more victims, including Mr. Carter, had 17 additional convictions voluntarily dismissed by the CCSAO.

129. As of today's date, 63 men and women have had 82 convictions vacated due to Watts's and his team's misconduct.

130. All 63 of these men and women, including Mr. Carter, have been found factually innocent of the charges and most, including Mr. Carter, have been certified innocent.

131. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

132. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

133. On March 18, 2019, Mr. Carter received a certificate of innocence for his 2007 conviction.

Mr. Carter's Damages

134. Because of the Defendants' acts and omissions, Mr. Carter was subjected to police harassment and unfair criminal proceedings.

135. For both his 2006 conviction stemming from the 2006 arrest and his 2007 conviction stemming from his 2007 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Carter to felony convictions and wrongful imprisonment before he was finally exonerated.

136. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Carter was deprived of the everyday pleasures of basic human

life and his freedom was taken from him. Since then, Mr. Carter has had to live with a felony record he did not deserve.

137. As a result of the foregoing, Mr. Carter has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

138. Each paragraph of this Complaint is incorporated as if restated fully herein.

139. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

140. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

141. Likewise, in the manner described more fully above, Defendants Phillip J. Cline, Dana V. Starks, Debra Kirby, Karen Rowan and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Carter and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

142. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

143. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Carter— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Carter's due process right to a fair trial deliberately and with reckless disregard for Mr. Carter's rights.

144. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

145. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Carter's clear innocence.

146. Defendants' actions were taken under color of law and within the scope of their employment.

147. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

148. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Carter by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

149. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Carter, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

150. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their

actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Carter endured.

151. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

152. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

153. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

154. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

155. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

156. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

157. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

158. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

159. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

160. Notably, Defendants Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

161. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

162. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has state, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

163. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

164. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

165. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Carter was targeted by Defendant Watts and his crew.

166. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

167. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

168. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

169. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

170. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

171. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

172. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

173. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

174. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

175. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate. Defendant City has not enacted any substantive measures to address that deficiency.

176. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

177. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

178. Each paragraph of this Complaint is incorporated as if restated fully herein.

179. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

180. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

181. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

182. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

183. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

184. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

185. The Defendants' actions were taken under color of law and within the scope of their employment.

186. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

187. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

188. Each paragraph of this Complaint is incorporated as if restated fully herein.

189. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

190. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

191. The Defendants' actions were taken under color of law and within the scope of their employment.

192. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

193. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

194. Each paragraph of this Complaint is incorporated as if restated fully herein.

195. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

196. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

197. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

198. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

199. The Defendants' actions were taken under color of law and within the scope of their employment.

200. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

201. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

202. Each paragraph of this Complaint is incorporated as if restated fully herein.

203. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

204. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

205. The Defendants' actions were taken under color of law and within the scope of their employment.

206. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

207. Each paragraph of this Complaint is incorporated as if restated fully herein.

208. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

209. The Defendants' actions were taken under color of law and within the scope of their employment.

210. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

211. Each paragraph of this Complaint is incorporated as if restated fully herein.

212. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

213. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

214. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

215. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

216. Each paragraph of this Complaint is incorporated as if restated fully herein.

217. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

218. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

219. Each paragraph of this Complaint is incorporated as if restated fully herein.

220. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

221. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Raynard Carter respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Elsworth J. Smith, Jr., Officer Manuel S. Leano, Officer Robert Gonzalez, Officer Brian Bolton, Officer Douglas Nichols, Officer Lamonica Lewis, Officer Alvin Jones, Phillip J. Cline, Dana V. Starks, Debra Kirby, Karen Rowan and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Raynard Carter, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Theresa Kleinhaus
One of Plaintiffs' Attorneys

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

GREGORY DOBBINS,)	
)	Case No. 19 cv 3322
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED,)	
OFFICER ROBERT GONZALEZ,)	
OFFICER CALVIN RIDGELL,)	
OFFICER BRIAN BOLTON,)	
OFFICER GEROME SUMMERS, JR.,)	
OFFICER DARYL EDWARDS ,)	
OFFICER KENNETH YOUNG, JR.,)	
OFFICER ALVIN JONES,)	
PHILIP J. CLINE,)	
KAREN ROWAN,)	
DEBRA KIRBY,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Gregory Dobbins, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Robert Gonzalez, Officer Calvin Ridgell, Officer Brian Bolton, Officer Gerome Summers, Jr., Officer Darryl Edwards, Officer Kenneth Young, Jr., Officer Alvin Jones, Philip J. Cline, Karen

Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Gregory Dobbins was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Dobbins was arrested on March 14, 2004.

4. Mr. Dobbins's arrest occurred outside of the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Dobbins, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Dobbins on several occasions prior to his 2004 arrest. Defendant Watts and his crew detained Mr. Dobbins and asked him for money or information and threatened to put a false case against him if he did not comply. Defendant Watts and other Defendant officers eventually did just that.

7. The type of encounters these police officers had with Mr. Dobbins was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Realizing that he faced no chance of winning at trial following his March 14, 2004 arrest, Mr. Dobbins eventually pled guilty.

9. After Mr. Dobbins had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Dobbins alleges against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Dobbins), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts crew members as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

20. Through this lawsuit, Mr. Dobbins seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

23. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located

here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

24. Mr. Dobbins is 40 years old. He currently resides in Chicago.

25. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Robert Gonzalez, Calvin Ridgell, Brian Bolton, Gerome Summers, Jr., Darryl Edwards, Kenneth Young, Jr., and Alvin Jones were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

26. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

27. Defendants Kallatt Mohammed, Robert Gonzalez, Calvin Ridgell, Brian Bolton, Gerome Summers, Jr., Darryl Edwards, Kenneth Young, Jr., and Alvin Jones worked on Watts's tactical team.

28. At all relevant times, Defendant Phillip J. Cline was Superintendent of the Chicago Police Department.

29. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendants Kirby, Rowan, and Cline are referred to as Defendant Supervisory Officers.

30. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

31. During the 2000s, Mr. Dobbins lived in the Chicago Housing Authority's Ida B. Wells housing complex.

32. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

33. Watts and his tactical team members were well known to Mr. Dobbins and the residents of the Ida B. Wells area.

34. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

Mr. Dobbins is Framed on March 14, 2004

35. On March 14, 2004, Mr. Dobbins was outside of the Ida B. Wells complex.

36. Mr. Dobbins was not doing anything wrong and did not have any drugs.

37. Defendant Watts drove up and stopped his car by Mr. Dobbins. Defendant Watts made eye contact with Mr. Dobbins before driving away.

38. Shortly after, Defendant Watts returned in his police car and with several other police cars full of other officers, including Defendant Mohammed. Defendant Watts's vehicle and another police vehicle parked near where Mr. Dobbins was sitting.

39. Defendant Watts and Defendant Mohammed jumped out of their police and approached Mr. Dobbins.

40. Defendants Watts and Mohammed had their guns drawn and pointed at Mr. Dobbins.

41. Defendant Mohammed grabbed Mr. Dobbins around the neck and placed him in handcuffs. The handcuffs were fastened too tightly.

42. Defendant Watts spoke to Mr. Dobbins and told him, "You know what time it is" or words to that effect. Defendant Watts then ordered Mr. Dobbins to go inside the Ida B. Wells building that Mr. Dobbins was sitting in front of.

43. Once inside the building, Defendant Watts illegally searched Mr. Dobbins.

44. Defendants did not find drugs or any other illegal items when they searched Mr. Dobbins.

45. After searching Mr. Dobbins and finding no drugs, Defendant Watts pulled a sandwich bag out of one of his own pockets. This sandwich bag contained what appeared to be drugs. Defendant Watts then told Mr. Dobbins, "You are dealing drugs again" or words to that effect.

46. Mr. Dobbins told Defendant Watts that the drugs that came from Defendant Watts's pocket were not his. Defendant Watts responded by telling Mr. Dobbins that if Mr. Dobbins gave him money he would let him go.

47. Mr. Dobbins told Defendant Watts that he did not have any money. Defendant Watts replied that he knew Mr. Dobbins had friends with money, and Defendant Watts commanded Mr. Dobbins to "call one of your friends and get me \$5000 or a gun" or words to that effect.

48. Mr. Dobbins told Defendant Watts that he could not get Defendant Watts money or a gun. Defendant Watts then arrested Mr. Dobbins.

49. Defendant Officers took Mr. Dobbins to the police station.

50. At the Station, Defendant Watts gave Mr. Dobbins a final chance to buy his way out of this false charge: Defendant Watts told Mr. Dobbins he could get out of this arrest if Mr. Dobbins could get Defendant Watts money before other officers on his crew, including other Defendant Officers, finished the paperwork for this arrest.

51. Mr. Dobbins again told Defendant Watts that he did not have any money to give him.

52. Mr. Dobbins was charged with two counts of delivery of heroin and possession of methamphetamine.

Mr. Dobbins is Prosecuted, Convicted, and Sentenced

53. The Defendant Officers prepared a false and fabricated police report related to this arrest.

54. On the basis of said false report, Mr. Dobbins was prosecuted for a drug crime.

55. Even though Mr. Dobbins was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Dobbins accepted a plea deal.

56. Mr. Dobbins was sentenced to a term of imprisonment.

57. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Dobbins's arrest.

58. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Dobbins, and his unlawful deprivation of liberty would not have been continued.

59. Given that the entirety of the State's case against Mr. Dobbins rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Dobbins's defense of his criminal charges.

Mr. Dobbins's Complaint is Ignored

60. While he was in custody, Mr. Dobbins asked his mother, Shirley Dobbins, to file a complaint about his interactions with Defendant Watts's team and his false arrest.

61. Though Shirley Dobbins did, in fact, try to contact CPD or other city officials on her son's behalf, the complaint was not accurately documented or investigated .

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

62. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Dobbins accuses them.

63. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

64. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

65. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

66. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

67. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

68. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

69. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

70. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

71. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

72. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

73. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing

drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

74. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

75. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

76. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

77. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City's "Code of Silence"

78. While the federal government was investigating Watts and his crew, a "code of silence" existed within the Chicago Police Department.

79. Under this code, police officers are expected to conceal each other's misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

80. As one CPD officer has explained, "[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don't think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don't feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence."

81. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Dobbins information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Dobbins, he would have used it to impeach the officers' accounts, which would have changed the outcome of the criminal proceedings instituted against him.

82. Also, consistent with this "code of silence," the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either

ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

**The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding
are Nearly Ruined**

83. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

84. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

85. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

86. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

87. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

88. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

89. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

90. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

91. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

92. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

93. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Dobbins, and yet, the City did nothing to stop the misconduct.

94. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

95. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

96. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

97. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

98. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

99. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

100. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

101. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing

criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

102. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Dobbins and continue to testify falsely against citizens like Mr. Dobbins.

103. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Dobbins could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

104. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

105. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

106. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that

police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony."

107. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

108. Following this decision, Mr. Rotert explained that "these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said."

109. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that "[t]he system owes an apology to the men who stand behind us."

110. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

111. In a Press Release, CCSAO Foxx stated that Watts's and his team's "pattern of misconduct" caused her "to lose confidence in the initial arrests and the validity of these convictions."

112. Referring to the exonerees as "victims," Ms. Foxx wished them "a path forward in healing and justice."

113. In February 2019, 14 more victims, including Mr. Dobbins, had 17 additional convictions voluntarily dismissed by the CCSAO.

114. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

115. All 63 of these men and women, including Mr. Dobbins, have been found factually innocent of the charges and most, including Mr. Dobbins, have been certified innocent.

116. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

117. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

118. On March 18, 2019, Mr. Dobbins received a certificate of innocence for his 2004 conviction.

Mr. Dobbins's Damages

119. Because of the Defendants' acts and omissions, Mr. Dobbins was subjected to police harassment and unfair criminal proceedings.

120. For his 2004 conviction stemming from the 2004 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Dobbins to a felony conviction and wrongful imprisonment before he was finally exonerated.

121. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Dobbins was deprived of the everyday pleasures of basic

human life and his freedom was taken from him. Since then, Mr. Dobbins has had to live with a felony record he did not deserve.

122. As a result of the foregoing, Mr. Dobbins has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

123. Each paragraph of this Complaint is incorporated as if restated fully herein.

124. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

125. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

126. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Dobbins and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

127. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

128. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Dobbins— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Dobbins's due process right to a fair trial deliberately and with reckless disregard for Mr. Dobbins's rights.

129. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

130. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Dobbins's clear innocence.

131. Defendants' actions were taken under color of law and within the scope of their employment.

132. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

133. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Dobbins by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

134. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Dobbins, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

135. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their

actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Dobbins endured.

136. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

137. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

138. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

139. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

140. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

141. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

142. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

143. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

144. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

145. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

146. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

147. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has state, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

148. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

149. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

150. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Dobbins was targeted by Defendant Watts and his crew.

151. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

152. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

153. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

154. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

155. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

156. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

157. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

158. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

159. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

160. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate. Defendant City has not enacted any substantive measures to address that deficiency.

161. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

162. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

163. Each paragraph of this Complaint is incorporated as if restated fully herein.

164. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

165. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

166. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

167. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

168. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

169. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

170. The Defendants' actions were taken under color of law and within the scope of their employment.

171. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

172. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

173. Each paragraph of this Complaint is incorporated as if restated fully herein.

174. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

175. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

176. The Defendants' actions were taken under color of law and within the scope of their employment.

177. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

178. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

179. Each paragraph of this Complaint is incorporated as if restated fully herein.

180. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

181. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

182. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

183. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

184. The Defendants' actions were taken under color of law and within the scope of their employment.

185. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

186. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

187. Each paragraph of this Complaint is incorporated as if restated fully herein.

188. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

189. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

190. The Defendants' actions were taken under color of law and within the scope of their employment.

191. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

192. Each paragraph of this Complaint is incorporated as if restated fully herein.

193. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

194. The Defendants' actions were taken under color of law and within the scope of their employment.

195. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

196. Each paragraph of this Complaint is incorporated as if restated fully herein.

197. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

198. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

199. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

200. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

201. Each paragraph of this Complaint is incorporated as if restated fully herein.

202. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

203. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

204. Each paragraph of this Complaint is incorporated as if restated fully herein.

205. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

206. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Gregory Dobbins respectfully requests that this Court enter a judgment in his favor and against the Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt

Mohammed, Officer Robert Gonzalez, Officer Calvin Ridgell, Officer Brian Bolton, Officer Gerome Summers, Jr., Officer Darryl Edwards, Officer Kenneth Young, Jr., Officer Alvin Jones, Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Gregory Dobbins, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Theresa Kleinhaus
One of Plaintiffs' Attorneys

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

SYDNEY HARVEY,)	
)	Case No. 19 cv 03324
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
OFFICER ROBERT GONZALEZ,)	
OFFICER ALVIN JONES,)	
OFFICER MANUEL LEANO,)	
OFFICER DOUGLAS NICHOLS, JR.,)	
OFFICER BRIAN BOLTON,)	
OFFICER C. IVY STAR #6455,)	
PHILIP J. CLINE,)	
DEBRA KIRBY, KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Sydney Harvey, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Robert Gonzalez, Officer Alvin Jones, Officer Manuel Leano, Officer Douglas Nichols, Jr., Officer Brian Bolton, Officer C. Ivy Star #6455, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Sydney Harvey was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Harvey was arrested on October 1, 2006.

4. Mr. Harvey's arrest occurred at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Harvey, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Harvey prior to his 2006 arrest. Defendant Watts and his crew detained Mr. Harvey and asked him for information about the drug trade at Ida B. Wells. Mr. Harvey told Watts that he did not know anything. Defendant Watts told Mr. Harvey that the next time Watts saw him, Mr. Harvey better have something for him, and if he didn't, Watts would arrest him.

7. The type of encounters these police officers had with Mr. Harvey was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Realizing that he faced no chance of winning at trial following his October 1, 2006 arrest, Mr. Harvey eventually pled guilty to the false arrest.

9. After Mr. Harvey had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Harvey had alleged against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Harvey), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts's crewmembers as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

20. Through this lawsuit, Mr. Harvey seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally,

the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

23. Mr. Harvey is 60 years old. He currently resides in Chicago.

24. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., Brian Bolton, and C. Ivy Star #6455 were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

25. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

26. Defendants Kallatt Mohammed, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., and Brian Bolton worked on Watts's tactical team.

27. At all relevant times, Defendant Phillip J. Cline was the Superintendent of the Chicago Police Department.

28. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendant Kirby, Defendant Cline, and Defendant Rowan are referred to as Defendant Supervisory Officers.

29. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

30. During the 2000s, Mr. Harvey lived in the Chicago Housing Authority's Ida B. Wells housing complex.

31. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

32. Watts and his tactical team members were well known to the residents of the Ida B. Wells area.

33. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

34. The Watts team's pattern of harassment continued with Mr. Harvey.

35. Watts approached Mr. Harvey prior to October 1, 2006 seeking information on the drug trade at the housing complex. Mr. Harvey explained he had no such information. Watts threatened Mr. Harvey saying that if he did not provide information the next time Watts saw him, Watts would arrest him.

Mr. Harvey is Framed on October 1, 2006

36. On October 1, 2006, Mr. Harvey was in the lobby of the 559 E. Browning building in the Ida B. Wells complex.

37. Mr. Harvey was not doing anything wrong and did not have any drugs on him.

38. Defendant Watts and other officers rushed into the building. Other people in the lobby started running, but Mr. Harvey did not have drugs or anything illegal in his possession so he did not run or try to get away.

39. Defendant Watts detained and searched Mr. Harvey. He did not find any drugs or other illegal items on Mr. Harvey.

40. Defendant Watts told Mr. Harvey that he better have information for him, or words to that effect. Mr. Harvey told Defendant Watts that he did not know anything or have anything to tell him.

41. Defendant Watts then pulled what appeared to be a bag of drugs out of his pocket and told Mr. Harvey that if he did not give him what he wanted, Watts was going to arrest him for possession of the drugs.

42. Mr. Harvey told Defendant Watts that he did not have any information for him.

43. Mr. Harvey was arrested and taken to the police station.

44. Mr. Harvey was charged with possession of drugs.

Mr. Harvey is Prosecuted, Convicted, and Sentenced

45. The Defendant Officers prepared false and fabricated police reports related to this arrest.

46. On the basis of the false report, Mr. Harvey was prosecuted for a drug crime.

47. On October 31, 2006, Defendant Mohammed testified against Mr. Harvey at a probable cause hearing.

48. During the hearing, Defendant Mohammed gave false testimony about the circumstances of Mr. Harvey's arrest, implicating Mr. Harvey in a crime that was completely fabricated by the Defendant Officers.

49. Defendant Mohammed did not disclose that the Defendant Officers arrested Mr. Harvey because he did not have information to give them. Nor did Defendant Mohammed disclose that the Defendant Officers had fabricated evidence and falsified police reports relating to Mr. Harvey's arrest.

50. Even though Mr. Harvey was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Harvey accepted a plea deal.

51. Mr. Harvey was sentenced to 54 months, or four and a half years, in prison.

52. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Harvey's arrest.

53. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Harvey, and his unlawful deprivation of liberty would not have been continued.

54. Given that the entirety of the State's case against Mr. Harvey rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Harvey's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

55. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Harvey accuses them.

56. Government officials, including City of Chicago employees, knew about Watts's and his crew's alleged misconduct as early as 1999.

57. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

58. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

59. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

60. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

61. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

62. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

63. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

64. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

65. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

66. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing

drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

67. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

68. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

69. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

70. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City's "Code of Silence"

71. While the federal government was investigating Watts and his crew, a "code of silence" existed within the Chicago Police Department.

72. Under this code, police officers are expected to conceal each other's misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

73. As one CPD officer has explained, "[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don't think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don't feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence."

74. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Harvey information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Harvey, he would have used it to impeach the officers' accounts, which would have changed the outcome of the criminal proceedings instituted against him.

75. Also, consistent with this "code of silence," the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either

ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

76. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

77. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

78. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

79. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

80. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

81. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

82. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

83. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

84. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

85. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

86. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Harvey, and yet, the City did nothing to stop the misconduct.

87. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor—no matter how many citizens came forward with the same type of complaint.

88. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

89. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

**The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct
that Emerged from Watts and His Crew**

90. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

91. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

92. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

93. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

94. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing

criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

95. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Harvey and continue to testify falsely against citizens like Mr. Harvey.

96. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Harvey could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

97. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (“Consolidated Petition”).

98. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

99. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that

police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony.”

100. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

101. Following this decision, Mr. Rotert explained that “these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said.”

102. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that “[t]he system owes an apology to the men who stand behind us.”

103. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

104. In a Press Release, CCSAO Foxx stated that Watts's and his team's “pattern of misconduct” caused her “to lose confidence in the initial arrests and the validity of these convictions.”

105. Referring to the exonerees as “victims,” Ms. Foxx wished them “a path forward in healing and justice.”

106. On February 11, 2019, and February 13, 2019, 14 more victims had 17 additional convictions voluntarily dismissed by the CCSAO.

107. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

108. All 63 of these men and women, including Mr. Harvey, have been certified innocent or have been ordered to be by the appellate court.

109. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

110. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

111. On March 18, 2019, Mr. Harvey received a certificate of innocence for his 2007 conviction.

Mr. Harvey's Damages

112. Because of the Defendants' acts and omissions, Mr. Harvey was subjected to police harassment and unfair criminal proceedings.

113. For his 2007 conviction stemming from the 2006 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Harvey to a felony conviction and wrongful imprisonment before he was finally exonerated.

114. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Harvey was deprived of the everyday pleasures of basic human

life and his freedom was taken from him. Since then, Mr. Harvey has had to live with a felony record he did not deserve.

115. As a result of the foregoing, Mr. Harvey has suffered emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

116. Each paragraph of this Complaint is incorporated as if restated fully herein.

117. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

118. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

119. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Harvey and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

120. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

121. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Harvey— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Harvey's due process right to a fair trial deliberately and with reckless disregard for Mr. Harvey's rights.

122. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

123. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Harvey's clear innocence.

124. Defendants' actions were taken under color of law and within the scope of their employment.

125. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

126. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Harvey by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

127. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Harvey, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

128. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their

actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Harvey endured.

129. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

130. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

131. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

132. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

133. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

134. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

135. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

136. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

137. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

138. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

139. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

140. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has stated, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

141. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

142. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

143. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Harvey was targeted by Defendant Watts and his crew.

144. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

145. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

146. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

147. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

148. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

149. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

150. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

151. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

152. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

153. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

154. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

155. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

156. Each paragraph of this Complaint is incorporated as if restated fully herein.

157. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

158. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

159. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

160. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

161. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

162. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

163. The Defendants' actions were taken under color of law and within the scope of their employment.

164. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

165. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

166. Each paragraph of this Complaint is incorporated as if restated fully herein.

167. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

168. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

169. The Defendants' actions were taken under color of law and within the scope of their employment.

170. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

171. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

172. Each paragraph of this Complaint is incorporated as if restated fully herein.

173. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

174. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

175. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

176. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

177. The Defendants' actions were taken under color of law and within the scope of their employment.

178. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

179. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

180. Each paragraph of this Complaint is incorporated as if restated fully herein.

181. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

182. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

183. The Defendants' actions were taken under color of law and within the scope of their employment.

184. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

185. Each paragraph of this Complaint is incorporated as if restated fully herein.

186. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

187. The Defendants' actions were taken under color of law and within the scope of their employment.

188. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

189. Each paragraph of this Complaint is incorporated as if restated fully herein.

190. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

191. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

192. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

193. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional

pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

194. Each paragraph of this Complaint is incorporated as if restated fully herein.

195. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

196. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

197. Each paragraph of this Complaint is incorporated as if restated fully herein.

198. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

199. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Sydney Harvey respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Robert Gonzalez, Officer Alvin Jones, Officer Manuel Leano, Officer Douglas Nichols, Jr., Officer Brian Bolton, Officer C. Ivy Star #6455, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Sydney Harvey, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Scott Rauscher
One of Plaintiffs' Attorneys

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

SYDNEY HARVEY,)	
)	Case No. 19 cv 03324
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
OFFICER ROBERT GONZALEZ,)	
OFFICER ALVIN JONES,)	
OFFICER MANUEL LEANO,)	
OFFICER DOUGLAS NICHOLS, JR.,)	
OFFICER BRIAN BOLTON,)	
OFFICER C. IVY STAR #6455,)	
PHILIP J. CLINE,)	
DEBRA KIRBY, KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Sydney Harvey, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Robert Gonzalez, Officer Alvin Jones, Officer Manuel Leano, Officer Douglas Nichols, Jr., Officer Brian Bolton, Officer C. Ivy Star #6455, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Sydney Harvey was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Harvey was arrested on October 1, 2006.

4. Mr. Harvey's arrest occurred at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Harvey, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Harvey prior to his 2006 arrest. Defendant Watts and his crew detained Mr. Harvey and asked him for information about the drug trade at Ida B. Wells. Mr. Harvey told Watts that he did not know anything. Defendant Watts told Mr. Harvey that the next time Watts saw him, Mr. Harvey better have something for him, and if he didn't, Watts would arrest him.

7. The type of encounters these police officers had with Mr. Harvey was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Realizing that he faced no chance of winning at trial following his October 1, 2006 arrest, Mr. Harvey eventually pled guilty to the false arrest.

9. After Mr. Harvey had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Harvey had alleged against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Harvey), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts's crewmembers as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

20. Through this lawsuit, Mr. Harvey seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally,

the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

23. Mr. Harvey is 60 years old. He currently resides in Chicago.

24. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., Brian Bolton, and C. Ivy Star #6455 were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

25. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

26. Defendants Kallatt Mohammed, Robert Gonzalez, Alvin Jones, Manuel Leano, Douglas Nichols, Jr., and Brian Bolton worked on Watts's tactical team.

27. At all relevant times, Defendant Phillip J. Cline was the Superintendent of the Chicago Police Department.

28. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendant Kirby, Defendant Cline, and Defendant Rowan are referred to as Defendant Supervisory Officers.

29. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

30. During the 2000s, Mr. Harvey lived in the Chicago Housing Authority's Ida B. Wells housing complex.

31. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

32. Watts and his tactical team members were well known to the residents of the Ida B. Wells area.

33. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

34. The Watts team's pattern of harassment continued with Mr. Harvey.

35. Watts approached Mr. Harvey prior to October 1, 2006 seeking information on the drug trade at the housing complex. Mr. Harvey explained he had no such information. Watts threatened Mr. Harvey saying that if he did not provide information the next time Watts saw him, Watts would arrest him.

Mr. Harvey is Framed on October 1, 2006

36. On October 1, 2006, Mr. Harvey was in the lobby of the 559 E. Browning building in the Ida B. Wells complex.

37. Mr. Harvey was not doing anything wrong and did not have any drugs on him.

38. Defendant Watts and other officers rushed into the building. Other people in the lobby started running, but Mr. Harvey did not have drugs or anything illegal in his possession so he did not run or try to get away.

39. Defendant Watts detained and searched Mr. Harvey. He did not find any drugs or other illegal items on Mr. Harvey.

40. Defendant Watts told Mr. Harvey that he better have information for him, or words to that effect. Mr. Harvey told Defendant Watts that he did not know anything or have anything to tell him.

41. Defendant Watts then pulled what appeared to be a bag of drugs out of his pocket and told Mr. Harvey that if he did not give him what he wanted, Watts was going to arrest him for possession of the drugs.

42. Mr. Harvey told Defendant Watts that he did not have any information for him.

43. Mr. Harvey was arrested and taken to the police station.

44. Mr. Harvey was charged with possession of drugs.

Mr. Harvey is Prosecuted, Convicted, and Sentenced

45. The Defendant Officers prepared false and fabricated police reports related to this arrest.

46. On the basis of the false report, Mr. Harvey was prosecuted for a drug crime.

47. On October 31, 2006, Defendant Mohammed testified against Mr. Harvey at a probable cause hearing.

48. During the hearing, Defendant Mohammed gave false testimony about the circumstances of Mr. Harvey's arrest, implicating Mr. Harvey in a crime that was completely fabricated by the Defendant Officers.

49. Defendant Mohammed did not disclose that the Defendant Officers arrested Mr. Harvey because he did not have information to give them. Nor did Defendant Mohammed disclose that the Defendant Officers had fabricated evidence and falsified police reports relating to Mr. Harvey's arrest.

50. Even though Mr. Harvey was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Harvey accepted a plea deal.

51. Mr. Harvey was sentenced to 54 months, or four and a half years, in prison.

52. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Harvey's arrest.

53. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Harvey, and his unlawful deprivation of liberty would not have been continued.

54. Given that the entirety of the State's case against Mr. Harvey rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Harvey's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

55. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Harvey accuses them.

56. Government officials, including City of Chicago employees, knew about Watts's and his crew's alleged misconduct as early as 1999.

57. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

58. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

59. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

60. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

61. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

62. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

63. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

64. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

65. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

66. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing

drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

67. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

68. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

69. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

70. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City's "Code of Silence"

71. While the federal government was investigating Watts and his crew, a "code of silence" existed within the Chicago Police Department.

72. Under this code, police officers are expected to conceal each other's misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

73. As one CPD officer has explained, "[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don't think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don't feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence."

74. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Harvey information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Harvey, he would have used it to impeach the officers' accounts, which would have changed the outcome of the criminal proceedings instituted against him.

75. Also, consistent with this "code of silence," the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either

ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

76. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

77. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

78. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

79. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

80. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

81. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

82. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

83. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

84. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

85. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

86. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Harvey, and yet, the City did nothing to stop the misconduct.

87. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor—no matter how many citizens came forward with the same type of complaint.

88. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

89. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

**The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct
that Emerged from Watts and His Crew**

90. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

91. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

92. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

93. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

94. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing

criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

95. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Harvey and continue to testify falsely against citizens like Mr. Harvey.

96. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Harvey could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

97. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (“Consolidated Petition”).

98. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

99. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that

police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony.”

100. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

101. Following this decision, Mr. Rotert explained that “these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said.”

102. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that “[t]he system owes an apology to the men who stand behind us.”

103. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

104. In a Press Release, CCSAO Foxx stated that Watts's and his team's “pattern of misconduct” caused her “to lose confidence in the initial arrests and the validity of these convictions.”

105. Referring to the exonerees as “victims,” Ms. Foxx wished them “a path forward in healing and justice.”

106. On February 11, 2019, and February 13, 2019, 14 more victims had 17 additional convictions voluntarily dismissed by the CCSAO.

107. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

108. All 63 of these men and women, including Mr. Harvey, have been certified innocent or have been ordered to be by the appellate court.

109. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

110. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

111. On March 18, 2019, Mr. Harvey received a certificate of innocence for his 2007 conviction.

Mr. Harvey's Damages

112. Because of the Defendants' acts and omissions, Mr. Harvey was subjected to police harassment and unfair criminal proceedings.

113. For his 2007 conviction stemming from the 2006 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Harvey to a felony conviction and wrongful imprisonment before he was finally exonerated.

114. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Harvey was deprived of the everyday pleasures of basic human

life and his freedom was taken from him. Since then, Mr. Harvey has had to live with a felony record he did not deserve.

115. As a result of the foregoing, Mr. Harvey has suffered emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

116. Each paragraph of this Complaint is incorporated as if restated fully herein.

117. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

118. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

119. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Harvey and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

120. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

121. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Harvey— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Harvey's due process right to a fair trial deliberately and with reckless disregard for Mr. Harvey's rights.

122. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

123. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Harvey's clear innocence.

124. Defendants' actions were taken under color of law and within the scope of their employment.

125. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

126. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Harvey by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

127. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Harvey, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

128. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their

actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Harvey endured.

129. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

130. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

131. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

132. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

133. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

134. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

135. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

136. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

137. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

138. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

139. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

140. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has stated, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

141. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

142. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

143. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Harvey was targeted by Defendant Watts and his crew.

144. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

145. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

146. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

147. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

148. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

149. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

150. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

151. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

152. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

153. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

154. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

155. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

156. Each paragraph of this Complaint is incorporated as if restated fully herein.

157. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

158. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

159. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

160. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

161. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

162. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

163. The Defendants' actions were taken under color of law and within the scope of their employment.

164. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

165. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

166. Each paragraph of this Complaint is incorporated as if restated fully herein.

167. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

168. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

169. The Defendants' actions were taken under color of law and within the scope of their employment.

170. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

171. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

172. Each paragraph of this Complaint is incorporated as if restated fully herein.

173. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

174. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

175. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

176. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

177. The Defendants' actions were taken under color of law and within the scope of their employment.

178. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

179. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

180. Each paragraph of this Complaint is incorporated as if restated fully herein.

181. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

182. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

183. The Defendants' actions were taken under color of law and within the scope of their employment.

184. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

185. Each paragraph of this Complaint is incorporated as if restated fully herein.

186. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

187. The Defendants' actions were taken under color of law and within the scope of their employment.

188. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

189. Each paragraph of this Complaint is incorporated as if restated fully herein.

190. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

191. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

192. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

193. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional

pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

194. Each paragraph of this Complaint is incorporated as if restated fully herein.

195. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

196. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

197. Each paragraph of this Complaint is incorporated as if restated fully herein.

198. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

199. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Sydney Harvey respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Robert Gonzalez, Officer Alvin Jones, Officer Manuel Leano, Officer Douglas Nichols, Jr., Officer Brian Bolton, Officer C. Ivy Star #6455, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Sydney Harvey, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Scott Rauscher
One of Plaintiffs' Attorneys

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

ZARICE JOHNSON,)	
)	Case No. 19-3326
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER ROBERT GONZALEZ,)	
OFFICER MANUEL LEANO,)	
OFFICER ALVIN JONES,)	
OFFICER DOUGLAS NICHOLS,)	
OFFICER BRIAN BOLTON,)	
PHILIP J. CLINE,)	
DEBRA KIRBY, KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Zarice Johnson, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer Alvin Jones, Officer Douglas Nichols, Officer Brian Bolton, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Zarice Johnson was convicted of and incarcerated for crimes he did not commit.

2. The crimes never happened; they were completely fabricated by corrupt Chicago police officers.

3. Mr. Johnson was arrested on July 24, 2006, and again on February 19, 2008.

4. Mr. Johnson's arrests occurred at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Johnson, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Johnson prior to his 2006 and 2008 arrests. Defendant Watts and his crew stopped, harassed, and detained Mr. Johnson and several other young men and threatened to plant drugs on them.

7. The type of encounters these police officers had with Mr. Johnson was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Realizing that he faced no chance of winning at trial, Mr. Johnson eventually pled guilty to these false arrests.

9. After Mr. Johnson had completed his sentences, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Johnson had alleged against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Johnson), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts's crewmembers as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

20. Through this lawsuit, Mr. Johnson seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

23. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

24. Mr. Johnson is 30 years old. He currently resides in Chicago.

25. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Alvin Jones, Douglas Nichols, and Brian Bolton were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

26. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

27. Defendants Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Alvin Jones, Douglas Nichols, and Brian Bolton worked on Watts's tactical team.

28. At all relevant times, Defendant Phillip J. Cline was the Superintendent of the Chicago Police Department.

29. At all relevant times, Defendant Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the head of its Internal Affairs Division (IAD). Collectively, Defendant Kirby, Defendant Cline, and Defendant Rowan are referred to as Defendant Supervisory Officers.

30. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

31. During the 2000s, Mr. Johnson lived with his mother in Chicago Housing Authority's Ida B. Wells housing complex.

32. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

33. Watts and his tactical team members were well known to Mr. Johnson and the residents of the Ida B. Wells area.

34. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

35. The Watts team's pattern of harassment continued with Mr. Johnson.

Mr. Johnson is Framed on July 24, 2006

36. On July 24, 2006, Mr. Johnson was visiting his girlfriend in the Ida B. Wells complex.

37. Mr. Johnson was not doing anything wrong and did not have any drugs on his person.

38. When Mr. Johnson left his girlfriend's apartment, he encountered Defendant Watts and other officers, including Defendant Gonzalez and an officer Mr. Johnson knew as "Doug," in the lobby of the building. Mr. Johnson now knows "Doug" to be Defendant Douglas Nichols.

39. Defendants had detained a man Mr. Johnson did not know, but who he later learned to be Maurice Harris, in the lobby.

40. Defendants stopped, handcuffed, and illegally searched Mr. Johnson.

41. Defendants did not find drugs or any other illegal items when they searched Mr. Johnson.

42. Defendants asked Mr. Johnson where the “clean up spot” was; Mr. Johnson understood “clean up spot” to be a reference to the drug trade. Mr. Johnson told the officers that he did not know and was just leaving his girlfriend’s apartment.

43. Defendant Watts and some of the officers went upstairs. They left Mr. Johnson with Mr. Harris and the other officers, including Defendant Gonzalez.

44. Mr. Johnson told Defendant Gonzalez that he did not have any information or drugs and that he was not doing anything illegal. Defendant Gonzalez responded that it was Watts’s case and that Mr. Johnson needed to talk to Watts.

45. When Defendant Watts and the other officers came back, Defendant Watts had a sock in his hand. Watts pulled a plastic bag stuffed with what appeared to be drugs from the sock and said that Mr. Johnson and Mr. Harris were going to jail.

46. Mr. Johnson told Defendant Watts that the drugs were not his. Defendant Watts told Mr. Johnson to be quiet, or words to that effect.

47. Mr. Johnson and Mr. Harris were taken to a police station.

48. At the station, Defendant Watts separated the drugs that he pulled from the sock in front of Mr. Johnson and Mr. Harris and informed them that they would each be charged with possession of a portion of the drugs.

49. Mr. Johnson was charged with possession of heroin and cocaine.

50. Mr. Johnson told his mother, Delores Allen, to file a complaint with the Office of Professional Standards (OPS) on his behalf regarding his encounter with Watts and his crew and his false arrest.

51. Ms. Allen did not file a complaint because she was scared. Ms. Allen had heard that Watts and his crew retaliated against people who reported their misconduct.

**Mr. Johnson is Prosecuted, Convicted,
and Sentenced on the July 24, 2006 Arrest**

52. The Defendant Officers prepared false and fabricated police reports related to this arrest.

53. On the basis of the false report, Mr. Johnson was prosecuted for a drug crime.

54. Even though Mr. Johnson was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Johnson accepted a plea deal.

55. Mr. Johnson was sentenced to two years of probation.

56. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Johnson's arrest.

57. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Johnson, and his unlawful deprivation of liberty would not have been continued.

58. Given that the entirety of the State's case against Mr. Johnson rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Johnson's defense of his criminal charges.

Mr. Johnson is Framed Again on February 19, 2008

59. On February 19, 2008, Mr. Johnson was visiting his cousin Willie Johnson at the Ida B. Wells complex.

60. Mr. Johnson and Willie Johnson, who uses a wheelchair, were in the hallway in front of Gwendolyn Johnson's apartment. Gwendolyn Johnson is Mr. Johnson's aunt and Willie's mother.

61. Defendant Watts and other officers, including Defendant Nichols, approached Mr. Johnson and Willie Johnson and said that they heard someone yell "clean up," or words to that effect.

62. Mr. Johnson and Willie Johnson told the officers that they did not have any drugs or anything illegal in their possession, but Defendants continued to question Mr. Johnson and Willie Johnson and accused them of selling drugs.

63. At some point, Gwendolyn Johnson began speaking with the officers. Defendant Watts told Gwendolyn Johnson that she would lose her apartment if he found drugs in her home. Gwendolyn Johnson told Defendant Watts that she did not have any drugs and allowed the officers to search her apartment.

64. Defendants Watts and the other officers searched Gwendolyn Johnson's apartment. Mr. Johnson, Willie, and Gwendolyn Johnson were not allowed in the apartment during the search.

65. Defendant Watts claimed to have found drugs under the kitchen sink. Gwendolyn Johnson became very upset, and Defendant Watts told her to calm down or she would lose her apartment.

66. Defendant Watts said he was going to arrest Mr. Johnson for the drugs.

67. Mr. Johnson denied that the drugs were his and reiterated that he did not have any drugs in his possession.

68. Defendant Nichols then claimed that the officers found the drugs in the foot of a baby's onesie near the apartment's front door.

69. Mr. Johnson tried to point out that Defendant Watts originally said that the officers found drugs under the kitchen sink and that the officers were changing their story to say that drugs were found in the onesie. The officers replied that they did not care where the drugs were found.

70. Defendant Nichols told Mr. Johnson that the only way to avoid being arrested was to give them information about who was selling guns in the building.

71. Mr. Johnson told the Defendant officers that he did not know anything about guns in the building.

72. Mr. Johnson was arrested, taken to the police station, and charged with possession of heroin.

**Mr. Johnson is Prosecuted, Convicted,
and Sentenced on the February 19, 2008 Arrest**

73. The Defendant Officers prepared a false and fabricated police report related to the February 19, 2008 arrest.

74. On the basis of the false report, Mr. Johnson was prosecuted for a drug crime.

75. Even though Mr. Johnson was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Johnson accepted a plea deal.

76. Mr. Johnson was sentenced to four years in prison.

77. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified a police report related to Mr. Johnson's arrest.

78. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Johnson, and his unlawful deprivation of liberty would not have been continued.

79. Given that the entirety of the State's case against Mr. Johnson rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Johnson's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

80. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Johnson accuses them.

81. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

82. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

83. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

84. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

85. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

86. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

87. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

88. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

89. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

90. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

91. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing

drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

92. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

93. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

94. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

95. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City's "Code of Silence"

96. While the federal government was investigating Watts and his crew, a "code of silence" existed within the Chicago Police Department.

97. Under this code, police officers are expected to conceal each other's misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

98. As one CPD officer has explained, "[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don't think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don't feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence."

99. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Johnson information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Johnson, he would have used it to impeach the officers' accounts, which would have changed the outcome of the criminal proceedings instituted against him.

100. Also, consistent with this "code of silence," the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either

ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

101. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

102. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

103. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

104. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

105. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

106. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

107. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

108. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

109. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

110. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

111. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of their civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Johnson, and yet the City did nothing to stop the misconduct.

112. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the

citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

113. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

114. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

115. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

116. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

117. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

118. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

119. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing

criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

120. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Johnson and continue to testify falsely against citizens like Mr. Johnson.

121. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Johnson could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

122. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

123. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

124. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that

police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony."

125. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

126. Following this decision, Mr. Rotert explained that "these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said."

127. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that "[t]he system owes an apology to the men who stand behind us."

128. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

129. In a Press Release, CCSAO Foxx stated that Watts's and his team's "pattern of misconduct" caused her "to lose confidence in the initial arrests and the validity of these convictions."

130. Referring to the exonerees as "victims," Ms. Foxx wished them "a path forward in healing and justice."

131. On February 11, 2019, and February 13, 2019, 14 more victims had 17 additional convictions voluntarily dismissed by the CCSAO.

132. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

133. All 63 of these men and women, including Mr. Johnson, have been certified innocent or have been ordered to be by the appellate court.

134. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

135. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

136. On March 18, 2019, Mr. Johnson received a certificate of innocence for his 2006 and 2008 convictions.

Mr. Johnson's Damages

137. Because of the Defendants' acts and omissions, Mr. Johnson was subjected to police harassment and unfair criminal proceedings.

138. As a result of his 2006 and 2008 convictions, the Defendant Officers' misconduct and false accusations subjected Mr. Johnson to two felony convictions and a wrongful imprisonment before he was finally exonerated.

139. Mr. Johnson was also forced to undergo years of probation, which included a curfew, being subject to frequent drug testing, having law enforcement

enter and search his home on a frequent basis, and regularly having to travel to visit his probation officer.

140. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Johnson was deprived of the everyday pleasures of basic human life and his freedom was taken from him. Since then, Mr. Johnson has had to live with a felony record he did not deserve.

141. As a result of the foregoing, Mr. Johnson has suffered emotional and physical damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

142. Each paragraph of this Complaint is incorporated as if restated fully herein.

143. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

144. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

145. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his

team would violate the rights of Mr. Johnson and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

146. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

147. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Johnson— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Johnson's due process right to a fair trial deliberately and with reckless disregard for Mr. Johnson's rights.

148. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

149. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Johnson's clear innocence.

150. Defendants' actions were taken under color of law and within the scope of their employment.

151. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

152. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Johnson by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

153. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Johnson, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

154. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police

officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Johnson endured.

155. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

156. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

157. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and

discipline misconduct by its police officers, but have failed to take action to remedy the problem.

158. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

159. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

160. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

161. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

162. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

163. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

164. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

165. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

166. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has stated, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

167. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

168. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

169. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Johnson was targeted by Defendant Watts and his crew.

170. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

171. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

172. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

173. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

174. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

175. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case were also in place was also in place during the times complained of herein.

176. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

177. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

178. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

179. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

180. Instead, Defendant City continues to inadequately investigate citizen complaints and fails to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

181. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

182. Each paragraph of this Complaint is incorporated as if restated fully herein.

183. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

184. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

185. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

186. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

187. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

188. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

189. The Defendants' actions were taken under color of law and within the scope of their employment.

190. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

191. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

192. Each paragraph of this Complaint is incorporated as if restated fully herein.

193. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

194. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

195. The Defendants' actions were taken under color of law and within the scope of their employment.

196. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

197. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

198. Each paragraph of this Complaint is incorporated as if restated fully herein.

199. Prior to each of Plaintiff's convictions, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

200. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

201. In furtherance of their conspiracies, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

202. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

203. The Defendants' actions were taken under color of law and within the scope of their employment.

204. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

205. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

206. Each paragraph of this Complaint is incorporated as if restated fully herein.

207. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

208. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

209. The Defendants' actions were taken under color of law and within the scope of their employment.

210. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

211. Each paragraph of this Complaint is incorporated as if restated fully herein.

212. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

213. The Defendants' actions were taken under color of law and within the scope of their employment.

214. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

215. Each paragraph of this Complaint is incorporated as if restated fully herein.

216. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for crimes he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

217. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

218. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

219. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, emotional

and physical pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

220. Each paragraph of this Complaint is incorporated as if restated fully herein.

221. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

222. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

223. Each paragraph of this Complaint is incorporated as if restated fully herein.

224. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

225. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Zarice Johnson respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer Alvin Jones, Officer Douglas Nichols, Officer Brian Bolton, Philip J. Cline, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Zarice Johnson, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Theresa Kleinhaus
One of Plaintiffs' Attorneys

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

DERRICK LEWIS,)	
)	Case No. 19-cv-3320
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER ROBERT GONZALEZ,)	
OFFICER MANUEL LEANO,)	
OFFICER DOUGLAS NICHOLS,)	
OFFICER GEROME SUMMERS, JR.)	
OFFICER CALVIN RIDGELL, JR.,)	
OFFICER ALVIN JONES,)	
OFFICER KENNETH YOUNG, JR.,)	
OFFICER DARYL EDWARDS,)	
OFFICER BRIAN BOLTON,)	
OFFICER JOHN RODRIGUEZ)	
PHILIP J. CLINE, DANA V. STARKS)	
DEBRA KIRBY, KAREN ROWAN,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Derrick Lewis, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer Douglas Nichols, Officer Gerome Summers, Jr., Officer Calvin Ridgell, Jr., Officer Alvin Jones, Officer

Kenneth Young, Jr., Officer Darryl Edwards, Officer Brian Bolton, Officer John Rodriguez, Philip J. Cline, Dana V. Starks, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Derrick Lewis was convicted of and incarcerated for crimes he did not commit.

2. The crimes never happened; they were completely fabricated by corrupt Chicago police officers.

3. Mr. Lewis was arrested on July 3, 2004, and September 24, 2007.

4. Mr. Lewis's arrests occurred at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Lewis, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Lewis on several occasions prior to his arrests. Defendant Watts and his crew detained Mr. Lewis several times and threatened to arrest him if he did not give them information, money, drugs, or guns.

7. The type of encounters these police officers had with Mr. Lewis was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Mr. Lewis went to trial in 2005 for his 2004 arrest. At the trial, Defendant Officers did not disclose that they had fabricated evidence and falsified a

police report relating to Mr. Lewis's arrest. Mr. Lewis was found guilty and convicted. Later, realizing that he faced no chance of winning at trial, Mr. Lewis eventually pled guilty to the 2007 false arrest.

9. After Mr. Lewis had completed his sentences, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Lewis had alleged against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team “corrupt police officers” and “criminals” and chastising the City’s police disciplinary oversight body for doing “nothing to slow down the criminals” from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State’s Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Lewis), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts’s crew members as witnesses “due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts.”

20. Through this lawsuit, Mr. Lewis seeks accountability and compensation for being deprived of his liberty as a result of Defendants’ misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

23. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

24. Mr. Lewis is 40 years old. He currently resides in Park Forest, Illinois.

25. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, Gerome Summers, Jr., Calvin Ridgell, Jr., Alvin Jones, Kenneth Young, Jr., Darryl Edwards, Brian Bolton, and John Rodriguez were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

26. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

27. Defendants Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, Gerome Summers, Jr., Calvin Ridgell, Jr., Alvin Jones, Kenneth Young, Jr., Darryl Edwards, Brian Bolton, and John Rodriguez worked on Watts's tactical team.

28. At all relevant times, Defendants Phillip J. Cline and Dana V. Starks were the Superintendents of the Chicago Police Department.

29. At all relevant times, Defendant Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendant Kirby, Defendant Cline, Defendant Starks, and Defendant Rowan are referred to as Defendant Supervisory Officers.

30. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

31. During the 2000s, Mr. Lewis lived in the Chicago Housing Authority's Ida B. Wells housing complex.

32. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

33. Watts and his tactical team members were well known to Mr. Lewis and the residents of the Ida B. Wells area.

34. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

35. The Watts team's pattern of harassment continued with Mr. Lewis.

Mr. Lewis is Framed on July 3, 2004

36. On July 3, 2004, Mr. Lewis was visiting his girlfriend Cierra Clark at her apartment in the Ida B. Wells complex.

37. Cierra's mother, Sandra Clark, and sister, Qiana Clark-Marble, were also present at the apartment.

38. Mr. Lewis was not doing anything wrong and did not have any drugs on his person.

39. Defendant Watts came to the apartment with other officers, including other Defendant Officers, and knocked on the door. Qiana answered and told Watts that she would not open the door unless he had a warrant.

40. Defendant Watts threatened to kick down the door.

41. No one in the apartment, including Mr. Lewis, had drugs or anything illegal in their possession, so they opened the door.

42. Defendant Watts pushed his way into the apartment and immediately handcuffed Mr. Lewis.

43. Defendants did not find drugs or any other illegal items when they searched Mr. Lewis.

44. Several other Defendant Officers searched the apartment but they did not find anything illegal.

45. Defendant Watts took Mr. Lewis to another building and put him with a group of others who had been detained. Defendant Officers took Mr. Lewis and the other detained individuals to the police station.

46. Mr. Lewis did not know why he was arrested or what he was being charged with.

47. At the police station, Mr. Lewis was handcuffed to a bench with the others who were arrested. Defendant Watts threw what appeared to be bags of drugs on the desk in front of Mr. Lewis and the other detained individuals and told them that the drugs belonged to them.

48. Defendant Watts told Mr. Lewis and the others that they all knew what Watts wanted, and that it was “easy to get out of handcuffs” if they gave him what he wanted, or words to that effect.

49. Mr. Lewis did not have anything to tell or give to Watts.

50. Mr. Lewis was charged with possession of crack cocaine.

51. Mr. Lewis told his mother, Winnie Lewis, that Defendant Watts framed him. Ms. Lewis contacted Operation Push on his behalf. On information and belief, Operation Push filed a complaint with OPS on Mr. Lewis’s behalf.

**Mr. Lewis is Prosecuted, Convicted,
and Sentenced on the July 3, 2004 Arrest**

52. The Defendant Officers prepared false and fabricated police reports related to this arrest.

53. On the basis of the false report, Mr. Lewis was prosecuted for a drug crime.

54. The case against Mr. Lewis proceeded to trial in July of 2005.

55. At no point in the criminal proceedings did the Defendant Officers ever disclose that they had falsified evidence.

56. Mr. Lewis was sentenced to a term of incarceration.

57. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Lewis's arrest.

58. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Lewis, and his unlawful deprivation of liberty would not have been continued.

59. Given that the entirety of the State's case against Mr. Lewis rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Lewis's defense of his criminal charges.

Mr. Lewis is Framed Again on September 24, 2007

60. Sometime after Mr. Lewis completed his sentence related to the July 3, 2004 false arrest, Defendant Watts approached Mr. Lewis again.

61. This time Defendant Watts asked Mr. Lewis to work for him, and told Mr. Lewis the only way he would not be arrested again was to work for Watts.

62. Mr. Lewis understood Defendant Watts's request to "work for" Watts to be a request that Mr. Lewis sell drugs for Watts and provide Watts with information on the drug trade at the Ida B. Wells complex, among other things.

63. Mr. Lewis refused to work for Defendant Watts.

64. On September 24, 2007, Mr. Lewis was visiting his friend Amanda Parker at her apartment in the Ida B. Wells complex.

65. Defendant Watts and other Defendant Officers, including Defendant Gonzalez, knocked on the door of the apartment.

66. When Ms. Parker and Mr. Lewis opened the door, Defendant Watts and the other officers pushed their way into the apartment. Defendant Officers did not find drugs or anything illegal in the apartment or on Mr. Lewis.

67. Defendant Officers handcuffed Mr. Lewis and took him into the hallway.

68. Defendant Watts, Defendant Gonzalez and another officer took Mr. Lewis around the corner and started beating him.

69. Defendant Gonzalez repeatedly punched and kneed Mr. Lewis in the stomach and groin.

70. Defendant Officers then took Mr. Lewis to the lobby. While Defendant Watts spoke with other people, Defendant Gonzalez and other Defendant Officers continued to beat Mr. Lewis.

71. Mr. Lewis was taken to Defendant Gonzalez's vehicle, and Defendants Watts and Gonzalez drove Mr. Lewis to another location. Defendants Watts and Gonzalez went into an apartment for approximately ten minutes, leaving Mr. Lewis handcuffed in the car.

72. Mr. Lewis was then taken to the police station.

73. At the police station, Defendant Watts told Mr. Lewis that if Mr. Lewis gave Watts the information he was looking for, he would let Mr. Lewis go.

74. Mr. Lewis told Defendant Watts that he did not have anything for him.

75. Mr. Lewis told Defendant Watts that he wanted to talk to his supervisor, and Watts responded that he was the supervisor.

76. Mr. Lewis was charged with possession of heroin and cocaine.

**Mr. Lewis is Prosecuted, Convicted,
and Sentenced on the September 24, 2007 Arrest**

77. The Defendant Officers prepared false and fabricated police reports related to the September 24, 2007 arrest.

78. On the basis of said false reports, Mr. Lewis was prosecuted for a drug crime.

79. Even though Mr. Lewis was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Lewis accepted a plea deal.

80. Mr. Lewis was sentenced to a term of incarceration.

81. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Lewis's arrest.

82. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Lewis, and his unlawful deprivation of liberty would not have been continued.

83. Given that the entirety of the State's case against Mr. Lewis rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Lewis's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

84. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Lewis accuses them.

85. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

86. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

87. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the heads of IAD and CPD Superintendents Philip J. Cline and Dana V. Starks—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

88. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to

obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

89. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

90. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

91. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

92. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

93. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

94. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

95. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own

criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

96. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

97. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

98. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

99. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two

officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City’s “Code of Silence”

100. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

101. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

102. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don’t feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence.”

103. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. Lewis information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Lewis, he would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against him.

104. Also, consistent with this “code of silence,” the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

105. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

106. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

107. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

108. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

109. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

110. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

111. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

112. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

113. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

114. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

115. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Lewis, and yet, the City did nothing to stop the misconduct.

116. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

117. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

118. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

**The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct
that Emerged from Watts and His Crew**

119. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

120. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

121. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

122. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

123. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

124. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Lewis and continue to testify falsely against citizens like Mr. Lewis.

125. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Lewis could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

126. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

127. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

128. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity

Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that police were not being truthful and we couldn’t have confidence in the integrity of their reports and their testimony.”

129. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

130. Following this decision, Mr. Rotert explained that “these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn’t occur or didn’t occur the way these police officers said.”

131. At a press conference where she stood with the 18 exonerated men, CCSAO elected State’s Attorney Kim Foxx stated that “[t]he system owes an apology to the men who stand behind us.”

132. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

133. In a Press Release, CCSAO Foxx stated that Watts’s and his team’s “pattern of misconduct” caused her “to lose confidence in the initial arrests and the validity of these convictions.”

134. Referring to the exonerees as “victims,” Ms. Foxx wished them “a path forward in healing and justice.”

135. On February 11, 2019, and February 13, 2019, 14 more victims had 17 additional convictions voluntarily dismissed by the CCSAO.

136. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

137. All 63 of these men and women, including Mr. Lewis, have been certified innocent or have been ordered to be by the appellate court.

138. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

139. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

140. On March 18, 2019, Mr. Lewis received a certificate of innocence for his 2005 and 2007 convictions.

Mr. Lewis's Damages

141. Because of the Defendants' acts and omissions, Mr. Lewis was subjected to police harassment and unfair criminal proceedings.

142. As a result of his 2005 and 2007 convictions, the Defendant Officers' misconduct and false accusations subjected Mr. Lewis to felony convictions and wrongful imprisonment before he was finally exonerated.

143. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Lewis was deprived of the everyday pleasures of basic human life and his freedom was taken from him. Since then, Mr. Lewis has had to live with a felony record he did not deserve.

144. As a result of the foregoing, Mr. Lewis has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

145. Each paragraph of this Complaint is incorporated as if restated fully herein.

146. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

147. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

148. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Dana V. Starks, Debra Kirby, Karen Rowan, and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Lewis and other residents and visitors of the

Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

149. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

150. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Lewis—specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Lewis's due process right to a fair trial deliberately and with reckless disregard for Mr. Lewis's rights.

151. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

152. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Lewis's clear innocence.

153. Defendants' actions were taken under color of law and within the scope of their employment.

154. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

155. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Lewis by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

156. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Lewis, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

157. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police

officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Lewis endured.

158. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

159. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

160. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and

discipline misconduct by its police officers, but have failed to take action to remedy the problem.

161. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

162. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

163. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

164. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

165. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

166. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

167. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

168. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

169. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has stated, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

170. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

171. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

172. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Lewis was targeted by Defendant Watts and his crew.

173. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

174. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

175. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

176. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

177. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

178. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

179. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

180. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

181. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

182. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

183. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

184. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

185. Each paragraph of this Complaint is incorporated as if restated fully herein.

186. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

187. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

188. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

189. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

190. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

191. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

192. The Defendants' actions were taken under color of law and within the scope of their employment.

193. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

194. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

195. Each paragraph of this Complaint is incorporated as if restated fully herein.

196. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

197. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

198. The Defendants' actions were taken under color of law and within the scope of their employment.

199. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

200. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

201. Each paragraph of this Complaint is incorporated as if restated fully herein.

202. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

203. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

204. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

205. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

206. The Defendants' actions were taken under color of law and within the scope of their employment.

207. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

208. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

209. Each paragraph of this Complaint is incorporated as if restated fully herein.

210. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

211. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

212. The Defendants' actions were taken under color of law and within the scope of their employment.

213. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

214. Each paragraph of this Complaint is incorporated as if restated fully herein.

215. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

216. The Defendants' actions were taken under color of law and within the scope of their employment.

217. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

218. Each paragraph of this Complaint is incorporated as if restated fully herein.

219. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

220. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

221. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

222. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

223. Each paragraph of this Complaint is incorporated as if restated fully herein.

224. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

225. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

226. Each paragraph of this Complaint is incorporated as if restated fully herein.

227. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

228. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Derrick Lewis respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer Douglas Nichols, Officer Gerome Summers, Jr., Officer Calvin Ridgell, Jr., Officer Alvin Jones, Officer Kenneth Young, Jr., Officer Darryl Edwards, Officer Brian Bolton, Officer John Rodriguez Philip J. Cline, Dana V. Starks, Debra Kirby, Karen Rowan, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Derrick Lewis, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Scott Rauscher
One of Plaintiffs' Attorneys

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

CORDERO PAYNE,)	
)	Case No. 19 cv 3325
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER ROBERT GONZALEZ,)	
OFFICER MANUEL LEANO,)	
OFFICER N.D. WILLIAMS (#7073),)	
OFFICER DOUGLAS NICHOLS,)	
OFFICER ALVIN JONES,)	
PHILIP J. CLINE,)	
DEBRA KIRBY, KAREN ROWAN)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Cordero Payne, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer N.D. Williams (#7073), Officer Douglas Nichols, Officer Alvin Jones, Philip J. Cline, Debra Kirby, Karen Rowan and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Cordero Payne was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Payne was arrested on December 1, 2005.

4. Mr. Payne's arrest occurred when he was leaving his grandmother's home at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Payne, of possessing drugs.

6. In fact, these corrupt officers victimized Mr. Payne on several occasions prior to his 2005 arrest. Defendant Watts and his crew detained Mr. Payne several times and threatened to arrest Mr. Payne if he did not give the officers money or information. On some of those occasions, Mr. Payne gave the officers money and they did not arrest him. Instead, the corrupt officers arrested the other individuals with Mr. Payne.

7. The type of encounters these police officers had with Mr. Payne was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

8. Realizing that he faced no chance of winning at trial following his December 1, 2005 arrest, Mr. Payne eventually pled guilty to the false arrest.

9. After Mr. Payne had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Payne had alleged against them.

10. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

11. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

12. The scope of this misconduct cannot be overstated.

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

14. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

15. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

16. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Payne), respectively.

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts's crewmembers as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

20. Through this lawsuit, Mr. Payne seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

21. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

22. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

23. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located

here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

24. Mr. Payne is 32 years old. He currently resides in Chicago. He is a family man who works and goes to school.

25. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, N.D. Williams (#7073), and Alvin Jones were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

26. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

27. Defendants Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, and Alvin Jones worked on Watts's tactical team.

28. At all relevant times, Defendant Phillip J. Cline was the Superintendent of the Chicago Police Department.

29. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendants Kirby, Rowan and Cline are referred to as Defendant Supervisory Officers.

30. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

31. During the 2000s, Mr. Payne visited his grandmother at her apartment in the Chicago Housing Authority's Ida B. Wells housing complex.

32. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

33. Watts and his tactical team members were well known to Mr. Payne and the residents of the Ida B. Wells area.

34. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community of harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

35. The Watts team's pattern of harassment continued with Mr. Payne.

Mr. Payne is Framed on December 1, 2005

36. On December 1, 2005, Mr. Payne was visiting his grandmother in the Ida B. Wells complex.

37. Mr. Payne was not doing anything wrong and did not have any drugs.

38. When Mr. Payne entered his grandmother's building, Defendant Watts and other officers, including Defendants Jones and Mohammed, stopped, handcuffed, and illegally searched Mr. Payne.

39. Defendants did not find drugs or any other illegal items when they searched Mr. Payne.

40. Defendants asked Mr. Payne where he had come from and what he had on him. Mr. Payne told the officers that he was visiting his grandmother's home, which was just a few steps down the hall on the first floor, and that he did not have any drugs.

41. One of the Defendants then put Mr. Payne against a wall and punched him in the ribs several times. The Defendant Officer asked Mr. Payne "what he had for him" and told Mr. Payne to "tell him where it was at," or words to that effect. Mr. Payne did not respond to the officer.

42. Defendant Watts told Mr. Payne that he was not stupid and knew what was going on at the building.

43. Defendant Watts told Mr. Payne, "If you don't have something for me, I have something for you," or words to that effect.

44. Mr. Payne did not have any drugs to give Watts and his crew; he was arrested and taken to a police station.

45. At the station, Defendant Watts told Mr. Payne it was his last chance: If Mr. Payne gave Watts something, Watts would let Mr. Payne go. Mr. Payne again told Defendant Watts that he did not have anything for him.

46. Mr. Payne was charged with possession of heroin and cocaine.

Mr. Payne is Prosecuted, Convicted, and Sentenced

47. The Defendant Officers prepared false and fabricated police reports related to this arrest.

48. On the basis of said false reports, Mr. Payne was prosecuted for a drug crime.

49. On December 21, 2005, Defendant Smith testified against Mr. Payne at a probable cause hearing.

50. During the hearing, Defendant Smith gave false testimony about the circumstances of Mr. Payne's arrest, implicating Mr. Payne in a crime that was completely fabricated by the Defendant Officers.

51. Defendant Smith did not disclose that the Defendant Officers arrested Mr. Payne because he didn't give them drugs or money. Nor did Defendant Smith disclose that the Defendant Officers had fabricated evidence and falsified police reports relating to Mr. Payne's arrest.

52. Even though Mr. Payne was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Payne accepted a plea deal.

53. Mr. Payne was sentenced to two years in prison.

54. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Payne's arrest.

55. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers

fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Payne, and his unlawful deprivation of liberty would not have been continued.

56. Given that the entirety of the State's case against Mr. Payne rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Payne's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

57. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Payne accuses them.

58. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

59. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

60. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

61. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in

exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

62. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

63. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

64. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

65. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

66. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

67. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

68. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and

his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

69. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

70. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,” specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

71. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

72. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two

officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City’s “Code of Silence”

73. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

74. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

75. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don’t feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence.”

76. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. Payne information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Payne, he would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against him.

77. Also, consistent with this “code of silence,” the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding are Nearly Ruined

78. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

79. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

80. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

81. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

82. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren's Life is Threatened

83. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

84. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

85. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

86. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

87. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

88. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Payne, and yet, the City did nothing to stop the misconduct.

89. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

90. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

91. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

92. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

93. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

94. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

95. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

96. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

97. Instead, the City officials let officers on Watts’s crew continue to pursue criminal charges against citizens like Mr. Payne and continue to testify falsely against citizens like Mr. Payne.

98. City officials withheld information they had about the officers’ pattern of transgressions—information that citizens like Mr. Payne could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

99. After Defendant Watts and his crew’s corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

100. On November 16, 2017, upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

101. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State’s Attorney’s Office’s Conviction Integrity

Unit Mark Rotert stated that, “In these cases, we concluded, unfortunately, that police were not being truthful and we couldn’t have confidence in the integrity of their reports and their testimony.”

102. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

103. Following this decision, Mr. Rotert explained that “these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn’t occur or didn’t occur the way these police officers said.”

104. At a press conference where she stood with the 18 exonerated men, CCSAO elected State’s Attorney Kim Foxx stated that “[t]he system owes an apology to the men who stand behind us.”

105. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

106. In a Press Release, CCSAO Foxx stated that Watts’s and his team’s “pattern of misconduct” caused her “to lose confidence in the initial arrests and the validity of these convictions.”

107. Referring to the exonerees as “victims,” Ms. Foxx wished them “a path forward in healing and justice.”

108. On February 11, 2019, and February 13, 2019, 14 more victims had and additional 17 convictions voluntarily dismissed by the CCSAO.

109. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

110. All 63 of these men and women, including Mr. Payne, have been certified innocent or have been ordered to be by the appellate court.

111. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

112. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

113. On March 18, 2019, Mr. Payne received a certificate of innocence for his 2006 conviction stemming from his 2005 arrest.

Mr. Payne's Damages

114. Because of the Defendants' acts and omissions, Mr. Payne was subjected to police harassment and unfair criminal proceedings.

115. For his 2006 conviction stemming from the 2005 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Payne to a felony conviction and wrongful imprisonment before he was finally exonerated.

116. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Payne was deprived of the everyday pleasures of basic human life and his freedom was taken from him. Since then, Mr. Payne has had to live with a felony record he did not deserve.

117. As a result of the foregoing, Mr. Payne has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

118. Each paragraph of this Complaint is incorporated as if restated fully herein.

119. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

120. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

121. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Payne and other residents and visitors of the Ida B. Wells

complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

122. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

123. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Payne— specifically information about Watts and his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Payne's due process right to a fair trial deliberately and with reckless disregard for Mr. Payne's rights.

124. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

125. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Payne's clear innocence.

126. Defendants' actions were taken under color of law and within the scope of their employment.

127. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

128. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Payne by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

129. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Payne, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

130. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police

officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Payne endured.

131. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

132. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

133. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and

discipline misconduct by its police officers, but have failed to take action to remedy the problem.

134. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

135. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

136. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

137. Despite municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

138. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

139. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

140. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

141. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

142. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has state, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

143. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

144. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

145. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Payne was targeted by Defendant Watts and his crew.

146. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

147. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

148. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

149. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

150. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

151. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

152. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

153. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

154. Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

155. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

156. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

157. Plaintiff’s injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named

Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

158. Each paragraph of this Complaint is incorporated as if restated fully herein.

159. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

160. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

161. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

162. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

163. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

164. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

165. The Defendants' actions were taken under color of law and within the scope of their employment.

166. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

167. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

168. Each paragraph of this Complaint is incorporated as if restated fully herein.

169. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

170. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

171. The Defendants' actions were taken under color of law and within the scope of their employment.

172. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

173. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

174. Each paragraph of this Complaint is incorporated as if restated fully herein.

175. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

176. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

177. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

178. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

179. The Defendants' actions were taken under color of law and within the scope of their employment.

180. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

181. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

182. Each paragraph of this Complaint is incorporated as if restated fully herein.

183. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

184. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

185. The Defendants' actions were taken under color of law and within the scope of their employment.

186. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

187. Each paragraph of this Complaint is incorporated as if restated fully herein.

188. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

189. The Defendants' actions were taken under color of law and within the scope of their employment.

190. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

191. Each paragraph of this Complaint is incorporated as if restated fully herein.

192. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

193. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

194. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

195. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

196. Each paragraph of this Complaint is incorporated as if restated fully herein.

197. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

198. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

199. Each paragraph of this Complaint is incorporated as if restated fully herein.

200. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

201. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Cordero Payne respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer

Elsworth J. Smith, Jr., Officer Robert Gonzalez, Officer Manuel Leano, Officer N.D. Williams (#7073), Officer Douglas Nichols, Officer Alvin Jones, Philip J. Cline, Debra Kirby, Karen Rowan and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Cordero Payne, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Scott Rauscher
One of Plaintiffs' Attorneys

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

KIM WILBOURN,)	
)	Case No. 19 cv 3327
Plaintiff,)	
)	
v.)	
)	
CITY OF CHICAGO, Former)	
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former)	
CHICAGO POLICE OFFICER)	
KALLATT MOHAMMED, OFFICER)	
ELSWORTH J. SMITH, JR.,)	
OFFICER MANUEL LEANO,)	
OFFICER DOUGLAS NICHOLS,)	
OFFICER ALVIN JONES,)	
PHILIP J. CLINE,)	
KAREN ROWAN,)	
DEBRA KIRBY,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	JURY TRIAL DEMANDED
)	
Defendants.)	

COMPLAINT

Plaintiff Kim Wilbourn, by his attorneys, Loevy & Loevy, hereby complains against Defendants, City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Manuel Leano, Officer Douglas Nichols, Officer Alvin Jones, Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department, and states as follows:

Introduction

1. Kim Wilbourn was convicted of and incarcerated for a crime he did not commit.

2. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

3. Mr. Wilbourn was arrested on September 6, 2006.

4. Mr. Wilbourn's arrest occurred when he was visiting family members who lived at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

5. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Wilbourn, of possessing drugs.

6. The type of encounters these police officers had with Mr. Wilbourn was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

7. Realizing that he faced no chance of winning at trial following his September 6, 2006 arrest, Mr. Wilbourn eventually pled guilty.

8. After Mr. Wilbourn had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Wilbourn had alleges against them.

9. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

10. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

11. The scope of this misconduct cannot be overstated.

12. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago," explaining that "Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie 'Training Day.'"

13. The Court of Claims Chief Justice explained that "[o]n many occasions when these residents [of public housing] refused to pay the extortive demands the Watts crew would fabricate drug charges against them."

14. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team "corrupt police officers" and "criminals" and chastising the City's police disciplinary oversight body for doing "nothing to slow down the criminals" from their rampant misconduct and perjury.

15. On or around November 16, 2017, the Cook County State's Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

16. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

17. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Wilbourn), respectively.

18. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts's crewmembers as witnesses "due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts."

19. Through this lawsuit, Mr. Wilbourn seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

Jurisdiction and Venue

20. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the Constitution of the United States.

21. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

22. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

The Parties

23. Mr. Wilbourn is 39 years old. He currently resides in Chicago.

24. At all times relevant to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Manuel Leano, Douglas Nichols, and Alvin Jones were police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as Defendant Officers.

25. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

26. Defendants Kallatt Mohammed, Elsworth J. Smith, Manuel Leano, Douglas Nichols, and Alvin Jones worked on Watts's tactical team.

27. At all relevant times, Defendant Phillip J. Cline was the Superintendent of the Chicago Police Department.

28. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendants Kirby, Rowan and Cline are referred to as Defendant Supervisory Officers.

29. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department (CPD) and is responsible for the policies, practices, and customs of the City and the CPD.

Factual Background

30. During the 2000s, Mr. Wilbourn visited family members who lived at the Chicago Housing Authority's Ida B. Wells housing complex.

31. During the times complained of, the Ida B. Wells complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

32. Watts and his tactical team members were well known to Mr. Wilbourn and the residents of the Ida B. Wells area.

33. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

34. The Watts team's pattern of harassment continued with Mr. Wilbourn.

35. In fact, Watts and his corrupt crew of officers had previously arrested his family members.

Mr. Wilbourn is Framed on September 6, 2006

36. On September 6, 2006, Mr. Wilbourn was visiting family members who lived at the 559 E. Browning building in the Ida B. Wells complex.

37. At the time, Mr. Wilbourn lived in Algonquin, Illinois, and he had come to Chicago to visit his family.

38. When he arrived at his family's building, Mr. Wilbourn entered the building and started walking to the elevator.

39. Mr. Wilbourn was not doing anything wrong and did not have any drugs.

40. Suddenly, Defendant Watts and another Defendant Officer came up behind Mr. Wilbourn.

41. Defendant Watts grabbed Mr. Wilbourn.

42. Defendant Watts shoved Mr. Wilbourn against the wall and handcuffed him.

43. Defendant Watts and the other Defendant Officers then illegally searched Mr. Wilbourn.

44. Defendants found no drugs or any illegal contraband of any kind when they searched Mr. Wilbourn.

45. Defendant Watts then asked Mr. Wilbourn his name and asked Mr. Wilbourn about who was selling drugs in the building.

46. Mr. Wilbourn told Defendant Watts his name. Mr. Wilbourn also told Defendant Watts that he did not live in the building and did not know who was selling drugs in the building.

47. Defendant Watts responded by hitting Mr. Wilbourn repeatedly on the top of his head while demanding Mr. Wilbourn tell him who was selling drugs in the building.

48. Defendant Watts then brought up Mr. Wilbourn's brothers, Vondell Wilbourn and Valentino Wilbourn.

49. Defendant Watts and others on Watts's crew had previously arrested Vondell Wilbourn two times. Vondell Wilbourn had also previously made sworn allegations against Defendant Watts in relation to those arrests.

50. Mr. Kim Wilbourn told Watts he did not know anything about drugs in the building.

51. Defendant Watts told Mr. Wilbourn that if he could not provide Watts with information, drugs, or a gun, Watts was going to "lock him up," or words to that effect.

52. Mr. Wilbourn again told Defendant Watts he did not have anything for him.

53. Defendant Watts replied by pulling a bag of drugs out of his own pocket and showing them to Mr. Wilbourn.

54. Defendant Watts told Mr. Wilbourn that the drugs were Mr. Wilbourn's drugs.

55. Defendant Watts arrested Mr. Wilbourn and took him to the police station.

56. At the station, while Mr. Wilbourn was being processed, he spoke out about his innocence.

57. Mr. Wilbourn was charged with possessing heroin and fentanyl.

Mr. Wilbourn is Prosecuted, Convicted, and Sentenced

58. The Defendant Officers prepared a false and fabricated police report related to this arrest.

59. On the basis of said false report, Mr. Wilbourn was prosecuted for a drug crime.

60. Even though Mr. Wilbourn was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Wilbourn accepted a plea deal.

61. Mr. Wilbourn was sentenced to two years in prison.

62. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Wilbourn's arrest.

63. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Wilbourn, and his unlawful deprivation of liberty would not have continued.

64. Given that the entirety of the State's case against Mr. Wilbourn rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Wilbourn's defense of his criminal charges.

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

65. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Wilbourn accuses them.

66. Government officials, including those with the City of Chicago, knew about Watts's and his crew's alleged misconduct as early as 1999.

67. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

68. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

69. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons.

70. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants named herein.

71. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

72. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

Watts and Mohammed are Charged with Federal Crimes

73. In 2012, after at least a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but who was actually an agent for the FBI.

74. The U.S. government subsequently charged Watts and Mohammed with federal crimes.

75. Watts and Mohammed each pled guilty to federal criminal charges and both were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

76. In its sentencing memorandum in the criminal case against Watts, the government explained that “[f]or years... the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

77. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the Ida B. Wells public housing complex on numerous occasions as part of their duties with the CPD.

78. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in throughout the course of his career as a police officer,”

specifically noting that during the federal investigation, Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Watts had him arrested on drug charges. And the source . . . felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

79. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay the magnitude of Watts’s criminal enterprise.

80. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, McCarthy was wrong.

The City’s “Code of Silence”

81. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

82. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

83. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you

go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don't feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence."

84. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Wilbourn information that Watts and his crew members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Wilbourn, he would have used it to impeach the officers' accounts, which would have changed the outcome of the criminal proceedings instituted against him.

85. Also, consistent with this "code of silence," the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either ignored or punished, while Watts and his crew continued to engage in misconduct with impunity.

**The Careers of CPD Officers Daniel Echeverria and Shannon Spaulding
are Nearly Ruined**

86. In 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding, learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

87. Officer Echeverria took the allegation seriously and reported it to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegation, and he directed Echeverria not to document the allegations.

88. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Echeverria and Spaulding began cooperating with the FBI and actively assisting the FBI with its investigation of Watts and his crew.

89. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

90. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

CPD Officer Michael Spaargaren’s Life is Threatened

91. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

92. Spaargaren observed that Watts did not inventory drugs and money that officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

93. In response, Watts threatened to plant a false case against Spaargaren and made veiled threats to kill him.

94. A CPD lieutenant in the chain of command—James Spratte—subsequently warned Spaargaren to keep his mouth shut or his life would be in danger.

95. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than continue to work under Watts.

Citizen Complaints Went Nowhere

96. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Wilbourn, and yet, the City did nothing to stop the misconduct.

97. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the citizen, and the City's policy was to resolve those disputes in the officers' favor— no matter how many citizens came forward with the same type of complaint.

98. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

99. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

100. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, on information and belief, the City never undertook its own investigation of the clear pattern that emerged.

101. As City officials were aware, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City's Police Department.

102. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

103. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

104. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing criminal activity on the streets—extorting drug dealers and framing citizens for crimes they did not commit—yet, City officials took no steps to prevent these abuses from occurring.

105. Instead, City officials let officers on Watts's crew continue to pursue criminal charges against citizens like Mr. Wilbourn and continue to testify falsely against citizens like Mr. Wilbourn.

106. City officials withheld information they had about the officers' pattern of transgressions—information that citizens like Mr. Wilbourn could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against them.

Exonerations

107. After Defendant Watts and his crew's corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgment and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 (Consolidated Petition).

108. On November 16, 2017, upon the State's motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the Consolidated Petition.

109. In commenting on the extraordinary decision to agree to vacate all of the convictions, head of Cook County State's Attorney's Office's Conviction Integrity Unit Mark Rotert stated that, "In these cases, we concluded, unfortunately, that police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony."

110. On September 24, 2018, 18 other similarly situated innocent victims were given a semblance of justice. Upon the State's motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prossed* all charges related to the convictions.

111. Following this decision, Mr. Rotert explained that "these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn't occur or didn't occur the way these police officers said."

112. At a press conference where she stood with the 18 exonerated men, CCSAO elected State's Attorney Kim Foxx stated that "[t]he system owes an apology to the men who stand behind us."

113. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

114. In a Press Release, CCSAO Foxx stated that Watts's and his team's "pattern of misconduct" caused her "to lose confidence in the initial arrests and the validity of these convictions."

115. Referring to the exonerees as "victims," Ms. Foxx wished them "a path forward in healing and justice."

116. In February 2019, 14 victims, including Mr. Wilbourn, had 17 additional convictions voluntarily dismissed by the CCSAO.

117. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his team's misconduct.

118. All 63 of these men and women, including Mr. Wilbourn, have been found factually innocent of the charges and most, including Mr. Wilbourn, have been certified innocent.

119. As a result, the CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

120. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

121. On March 18, 2019, Mr. Wilbourn received a certificate of innocence for his 2006 conviction.

Mr. Wilbourn's Damages

122. Because of the Defendants' acts and omissions, Mr. Wilbourn was subjected to police harassment and unfair criminal proceedings.

123. For his 2006 conviction stemming from the 2006 arrest, the Defendant Officers' misconduct and false accusations subjected Mr. Wilbourn to a felony conviction and wrongful imprisonment before he was finally exonerated.

124. The pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Wilbourn was deprived of the everyday pleasures of basic human life and his freedom was taken from him. During his wrongful incarceration, he spent time in segregation and deprived of human contact. Since then, Mr. Wilbourn has had to live with a felony record he did not deserve.

125. As a result of the foregoing, Mr. Wilbourn has suffered physical and emotional damages proximately caused by Defendants' wrongdoing.

Count I: 42 U.S.C. § 1983 – Due Process

126. Each paragraph of this Complaint is incorporated as if restated fully herein.

127. In the manner described more fully above, Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiff of his constitutional right to due process and a fair trial.

128. In the manner described more fully above, Defendant Officers deliberately withheld exculpatory evidence from Plaintiff and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecution of Plaintiff.

129. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan and other as-yet-unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. Wilbourn and other residents and visitors of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

130. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates' misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

131. In addition, Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Wilbourn— specifically information about Watts and

his team's pattern of misconduct. In this way, Defendant Supervisory Officers violated Mr. Wilbourn's due process right to a fair trial deliberately and with reckless disregard for Mr. Wilbourn's rights.

132. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

133. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Mr. Wilbourn's clear innocence.

134. Defendants' actions were taken under color of law and within the scope of their employment.

135. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiff's rights, and also because the actions of the final policymaking officials for Defendant City of Chicago and CPD were the moving force behind the violation of Plaintiff's rights.

136. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Wilbourn by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

137. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Wilbourn, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

138. As a matter of both policy and practice, Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. Defendant City's practices lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, directly encourage further abuses such as those that Mr. Wilbourn endured.

139. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any

legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

140. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

141. Indeed, municipal policymakers have long been aware of Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

142. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

143. In June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that "[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct."

144. In 2001, the Justice Coalition of Greater Chicago (JCGC), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the CPD lacked many of the basic tools necessary to identify, monitor, punish, and prevent police misconduct. The JCGC findings were presented to Mayor Richard Daley, Superintendent Hillard, and the Chicago Police Board.

145. Despite municipal policymakers' knowledge of the City's failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

146. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued to recommend discipline in a disproportionately small number of cases.

147. Indeed, by its own admissions, more than 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

148. Notably, Defendant Watts and his crew are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

149. For instance, in 2001, Chicago Police Officer Joseph Miedzianowski was convicted on federal crime charges, including racketeering and drug conspiracy. The jury found that Miedzianowski engaged in corruption for much of his 22-year police career, using street informants to shake down drug dealers and sell drugs.

150. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has state, the Defendant City “did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source.” The Defendant City deemed such complaints unfounded or not sustained.

151. Likewise, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

152. Finnigan was part of a group of officers in Defendant City’s Special Operations Section that carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

153. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Wilbourn was targeted by Defendant Watts and his crew.

154. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years, which Defendant City routinely deemed unfounded or not sustained.

155. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

156. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill), a federal jury found that, as of 1994, the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

157. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07 CV 2372 (N.D. Ill.), a jury found that, as of February 2007, “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

158. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

159. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

160. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City’s attempts to deal with police abuse and corruption have never been adequate.

161. The policies, practices, and customs set forth above were the moving force behind the constitutional violations in this case and directly and proximately caused Plaintiff to suffer the grievous and permanent injuries and damages set forth above.

162. Defendant City's investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

163. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City has not enacted any substantive measures to address that deficiency.

164. Instead, Defendant City continues to inadequately investigate citizen complaints and fail to take action against officers when necessary. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

165. Plaintiff's injuries were caused by CPD officers, agents, and employees of Defendant City of Chicago, including, but not limited to, the individually named Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

166. Each paragraph of this Complaint is incorporated as if restated fully herein.

167. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiff of criminal activity and exerted influence to initiate, continue, and

perpetuate judicial proceedings against Plaintiff without any probable cause for doing so and in spite of the fact that they knew Plaintiff was innocent.

168. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff's rights secured by the Fourth and Fourteenth Amendments.

169. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

170. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of his liberty.

171. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

172. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's clear innocence.

173. The Defendants' actions were taken under color of law and within the scope of their employment.

174. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

175. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count III: 42 U.S.C. § 1983 – Failure to Intervene

176. Each paragraph of this Complaint is incorporated as if restated fully herein.

177. In the manner described more fully above, during the constitutional violations described herein, Defendants stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity to do so.

178. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

179. The Defendants' actions were taken under color of law and within the scope of their employment.

180. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

181. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count IV: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

182. Each paragraph of this Complaint is incorporated as if restated fully herein.

183. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

184. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiff of his rights.

185. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

186. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

187. The Defendants' actions were taken under color of law and within the scope of their employment.

188. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

189. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago and by Defendants who were final policymakers for Defendant City of Chicago, in the manner described more fully above.

Count V: Illinois Law – Malicious Prosecution

190. Each paragraph of this Complaint is incorporated as if restated fully herein.

191. In the manner described more fully above, Defendants accused Plaintiff of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiff without any probable cause for doing so.

192. In so doing, these Defendants caused Plaintiff to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

193. The Defendants' actions were taken under color of law and within the scope of their employment.

194. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical

and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

195. Each paragraph of this Complaint is incorporated as if restated fully herein.

196. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

197. The Defendants' actions were taken under color of law and within the scope of their employment.

198. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VII: Illinois Law – Civil Conspiracy

199. Each paragraph of this Complaint is incorporated as if restated fully herein.

200. As described more fully in the preceding paragraphs, Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and

conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiff of his rights.

201. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

202. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiff's innocence.

203. As a result of Defendants' misconduct described in this Count, Plaintiff suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

Count VIII: Illinois Law – *Respondeat Superior*

204. Each paragraph of this Complaint is incorporated as if restated fully herein.

205. While committing the acts alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

206. Defendant City of Chicago is liable as principal for all torts committed by their agents.

Count IX: Illinois Law – Indemnification

207. Each paragraph of this Complaint is incorporated as if restated fully herein.

208. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

209. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff Kim Wilbourn respectfully requests that this Court enter a judgment in his favor and against the City of Chicago, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Officer Elsworth J. Smith, Jr., Officer Manuel Leano, Officer Douglas Nichols, Officer Alvin Jones, Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department, awarding compensatory damages, attorneys' fees and costs against each Defendant, punitive damages against each of the individual Defendants, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, Kim Wilbourn, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Scott Rauscher
One of Plaintiffs' Attorneys

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