

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

|   |   |                      |
|---|---|----------------------|
|   | ) |                      |
| KRYSTAL ARCHIE, for herself and           | ) |                      |
| on behalf of her minor children, SAVANNAH | ) |                      |
| BROWN, TELIA BROWN, and JHAIMARION        | ) |                      |
| JACKSON,                                  | ) |                      |
|   | ) |                      |
| Plaintiffs,                               | ) | No.                  |
| v.  | ) |                      |
|   | ) | District Court Judge |
| THE CITY OF CHICAGO; Chicago police       | ) |                      |
| officers SCOTT P. WESTMAN (star #18472);  | ) | Magistrate Judge     |
| B. R. ANDERSON (#15660); CRAIG            | ) |                      |
| BROWN (#14136); and presently unnamed     | ) |                      |
| officers,                                 | ) |                      |
|   | ) | Jury Demanded        |
| Defendants.                               | ) |                      |
|   | ) |                      |

**COMPLAINT**

**INTRODUCTION**

1. Plaintiffs, by and through their attorney, The Law Offices of Al Hofeld, Jr., LLC, bring this action against defendant City of Chicago pursuant to 42 U. S. C. § 1983 for traumatizing three young children with excessive force and violating their Constitutional rights and those of their mother, and state as follows:

2. In the space of just five months this year, defendant officers have illegally raided and searched plaintiffs’ apartment *three* separate times, each time violating plaintiffs’ fundamental Fourth Amendment rights to be secure in their home and free of illegal searches and excessive force.

3. On Friday evening, February 8, 2019, Chicago police officers chased the target of a search warrant into plaintiffs’ apartment. Officers did not have a search warrant for

(mom's) food preparation business, which uses to supplement her single-parent income.

Plaintiffs had to literally dig out of the mess that officers created and left everywhere in their apartment.

8. On Friday afternoon, May 17, 2019, Ms. Archie had just finished cleaning up the monumental mess officers left after the second raid, when officers executed a third search warrant for plaintiffs' apartment, the wrong apartment again, because officers failed to verify that the target actually resided in or had physical access to plaintiffs' apartment. Officers searched plaintiffs' entire apartment and did not find narcotics or other contraband. Officers did not arrest or charge any plaintiff or anyone connected with plaintiffs; officers even told plaintiffs they knew they were not looking for them. And officers did not find the target in plaintiffs' apartment.

9. Officers did not knock and announce before bashing the back door open. Officers pointed pistols at Ms. Archie and her friend, shouted profanity at them, ordered them to the floor and kept them handcuffed for 45-60 minutes.

10. While Ms. Archie was reduced to tears because police had now raided her home a third time and she felt violated and powerless, officers cracked jokes and laughed the whole time.

11. In none of the three raids did Ms. Archie or her children pose any apparent, actual or possible threat whatsoever to the officers. Officers did not explain or apologize for their actions. Their actions toward the presence of the children were not just the products of avoidable mistakes and sloppy police work; they displayed force that was excessive, unnecessary, unreasonable, and without lawful justification. And this was not an isolated incident but one undertaken pursuant to the City of Chicago's systemic, unofficial policies of 1)

18. At the time of all relevant events, plaintiff Krystal Archie (“Ms. Archie”) was Savannah, Telia and Jhaimarion’s natural mother. She resided with her children at 68 ■ S. Dorchester, first floor, in Chicago, where they have lived for approximately one year. Ms. Archie is a single mother who works evenings as a bartender near her home. She also runs a small food preparation business out of her home to supplement her income. For this purpose, her kitchen contains cooking and food packaging equipment.

19. Ms. Archie is a law-abiding citizen with no history of any drug, weapon or felony arrests or charges.

20. Plaintiffs are African-American.

21. Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois.

22. At the time of all relevant events, defendant Scott P. Westman was a Chicago police officer assigned to the Bureau of Patrol, Third District. He was the affiant of the complaint for search warrant 19 SW 4872. He and presently unnamed, defendant Chicago police officers participated in executing this search warrant on February 8, 2019. A presently unnamed, Chicago police lieutenant approved the complaint for search warrant before it was presented to a judge.

23. At the time of all relevant events, defendant B. R. Anderson was a Chicago police officer assigned to the Bureau of Patrol, Third District. He was the affiant of the complaint for search warrant 19 SW 7535. He and presently unnamed, defendant Chicago police officers participated in executing search warrant 19 SW 7535 on April 25, 2019. (He was also an arresting officer at plaintiffs’ address on February 8, 2019.). A presently unnamed, Chicago police lieutenant approved the complaint for search warrant before it was presented to a judge.

30. None of the reforms that CPD has implemented or announced to date purport to remedy or address the identified problems.

31. The federal consent decree agreed to by the City of Chicago and the State of Illinois in 2018 does not address them.

32. CPD's recently revised use of force policy, GO3-02, does not expressly require officers to avoid using unnecessary force against or in the presence of young children whenever possible and does not require officers to use a trauma-informed approach to the use of force in situations where some police force is necessary. CPD's search warrant policy, SO9-14, was not revised to incorporate these or similar changes.

33. Unlike other major U.S. metropolitan police departments - such as Cleveland, Indianapolis, Charlotte, Baltimore, San Francisco and others - CPD still does not provide any training or supervision to officers concerning youth brain development or the importance of preventing trauma to young children by utilizing a trauma-sensitive approach to the use-of-force in situations where children are present.

34. The connection between trauma and child development and between trauma and mental and physical health is well-established.

35. It is also well-known that many poor children of color have already been subjected to multiple traumas in the neighborhoods and circumstances in which they live and, therefore, police should be mindful that their use of unnecessary force against or in the presence of poor, children of color would compound and deepen their trauma.

**FACTS RELATING TO ALL COUNTS**

**Raid #1 of Plaintiffs' Apartment: February 8, 2019**

41. Officers came to the front door of plaintiffs' apartment, began knocking and said they would kick down the door if they didn't open it. Officers then bashed the door two times, broke it down and entered. On information and belief, officers were wearing body cameras and recorded the events that took place in plaintiffs' apartment.

42. Officers quickly arrested the two men who fled into plaintiffs' apartment.

43. When officers rushed inside and reached Savannah's bedroom, where all of the children were, they pointed assault rifles at all of the children. They pointed assault rifles with scopes point-blank at Savannah's face and neck as she sat on her bed. They pointed guns at Telia from approximately 2-3 feet away as she stood next to Savannah's bed. They told them to put their hands up and get on the floor. Jhaimarion was sitting on the floor playing with a tablet. Officers kept the children herded in Savannah's bedroom.

44. Officers were making jokes.

45. Police would not allow Savannah to call her mother. Ms. Archie was working nearby while 14-year-old Savannah watched her younger siblings.

46. Savannah hid her phone and snuck a call to her mother at 8:03PM but was unable to speak due to shock, so she put another adult on the phone. Ms. Archie rushed home.

47. Police declined to show Ms. Archie any search warrant. In response to officers' question whether she had any guns in the house, Ms. Archie told officers she was a legal gun owner with a current FOID card and a gun in the house. She led officers to the gun and showed them the FOID card and her driver's license. (Ms. Archie has a gun because she is a petite woman who sometimes comes home from work alone and late in the evening. She always stores the magazine in a separate location.)

55. At approximately 6:39PM on Thursday April 25, 2019, defendant officer Anderson swore out and obtained search warrant 19 SW 7535 authorizing a search of a Ronald Anderson with a nickname of “Peanut,” who was “a Male Black, 48 yrs old, 5’8,” 180 lbs, bald, Brown Eyes, Medium Complexion,” and the premises at “6 [REDACTED] S. Dorchester Ave 1<sup>st</sup> floor....” The warrant authorized the seizure of “Heroin... any paraphernalia...money and records” and any residency documents.

56. No plaintiff knew a male person with this name or who fit this physical description. In fact, no male of any kind resided, stayed or spent time in plaintiffs’ apartment in April, 2019.

57. The complaint for search warrant stated, based on information from a John Doe confidential informant, an admitted narcotics user, that Ronald Anderson was selling narcotics on the back porch outside plaintiffs’ apartment.

58. Defendant officers simply assumed that Ronald Anderson resided in or had access to plaintiffs’ apartment without properly corroborating this assumption or without verifying through other sources that Anderson resided or could be found in plaintiffs’ apartment. In fact, the first-floor back porch is small enough that, if a person walks down the building’s common back stairs and stops on the first level, he is directly in front of the back door to plaintiffs’ apartment.

59. The facts that a Chicago police officer alleges in a complaint for search warrant are required to be “credible and reliable.” (CPD SO4-19, VI. B. a.). To this end, a Chicago police officer swearing out a search warrant under oath before a judge is required to “thoroughly conduct[]” the “investigation leading up to the need for a search warrant.” (CPD SO4-19).

65. Consequently, in his complaint for search warrant officer Anderson provided the court with an incorrect address for the target, 68 [REDACTED] S. Dorchester Ave, 1<sup>st</sup> floor. Officer Anderson did not have probable cause to believe that Ronald Anderson resided or could be found inside plaintiffs' apartment and, therefore, to enter and conduct a search at that address.

66. Because officers failed in their official duty to independently investigate and verify the particular place to be searched, theirs was not a good faith error.

67. Similarly, the CPD lieutenant who approved the complaint for search warrant, pursuant to CPD procedure, simply gave rubberstamp approval to officer Anderson's application for search warrant, without taking any steps to ensure that he or other officers had performed the due diligence required by CPD Special Order S04-19. Taking such vital steps was something he was officially required to do.

68. On April 25, 2019, defendant officers reasonably knew or should have known that it was highly unlikely that the intended target of the warrant resided or could be found in plaintiffs' apartment.

69. Moreover, as is customary in Chicago, the defendant officers, in the course of obtaining and executing this search warrant, took no steps to first determine whether children resided in the first floor apartment, to avoid entering at times when children were likely to be present, or to deescalate their tactics when they unexpectedly encountered young children at 68 [REDACTED] S. Dorchester, 1<sup>st</sup> floor. As a result, officers injured Savannah, Telia and Jhaimarion.

70. Between approximately 7:45 and 8:15PM on the evening of April 25, 2019, plain-clothed Chicago police officers executed the search warrant at plaintiffs' apartment. The children's uncle, Ms. Archie's brother, had been babysitting the children and had just left five minutes earlier. Ms. Archie would soon be home from work.

80. The same officer also joked, “the next time we come back, we’ll give you a call.”

81. Plaintiffs noticed some of the officers were wearing body cameras that did not appear to be on and recording.

82. Next, while the children were confined on the living room couch, officers tossed and searched plaintiffs’ entire apartment, unnecessarily making a huge mess in every room and damaging and destroying plaintiffs’ personal property. They searched for approximately 45-60 minutes.

83. Officers did not find any narcotics, related paraphernalia, cash or records of transactions in plaintiffs’ apartment. Officers did not arrest or charge any plaintiff or any person connected with any plaintiff. They did not find the intended target of the search warrant in plaintiffs’ apartment.

84. Police dumped all the family’s belongings that were neatly stored in totes and boxes – papers, receipts, hair rollers, keepsakes, etc. They unnecessarily dumped out approximately 15-20 bottles of Ms. Archie’s cooking spices and seasonings, and they took sausage, shrimp and other meat out of the freezer and left them out; Ms. Archie had to throw them away. Baking powder was all over the kitchen. Ms. Archie has a small, home food preparation business that helps her earn additional income on the side. Officers’ cruel actions caused her to lose several hundred dollars’ worth of materials for her business and prevented her from earning income for several weeks.

85. Officers also took out and tossed around plaintiffs’ furniture and personal belongings, including a new nightstand and a bathroom drawer. Both the front and back doors were damaged. Officers unnecessarily broke even the plates of light switches on the wall. They



action against her if she filed a complaint about officers. He implied CPD was targeting her house because she had a connection to her second-floor neighbors, which she did not.

**Raid #3 of Plaintiffs' Apartment: May 17, 2019**

92. At approximately 11:23AM on Friday May 17, 2019, defendant officer Brown wore out and obtained search warrant 19 SW 8090 authorizing a search of an "Unknown male black, known as aka 'Lord T' who is approximately 40-45 years old, 5'10"-6'00" in height, 220-225 lbs., with a medium complexion," and the premises at "68 [REDACTED] S. Dorchester Ave 1<sup>st</sup> floor...." The warrant authorized the seizure of "Heroin... any paraphernalia...money and records" and any residency documents.

93. No plaintiff knew a male person with this name or who fit this physical description. In fact, no male of any kind resided, stayed or spent time in plaintiffs' apartment in May, 2019.

94. Officer Brown's complaint for search warrant stated, based on officer surveillance of a controlled narcotics purchase by the RCI on May 14, that the RCI walked inside the rear door of the first-floor apartment and emerged again less than one minute later after purchasing narcotics.

95. No such person entered plaintiffs' apartment, and no person fitting the description of "Lord T" was inside plaintiffs' apartment. It is possible that Ms. Archie's children left the security gate unlocked on May 14, as they sometimes do, and that the RCI met someone who had entered that area, but that is not the inside of plaintiffs' apartment.

96. Moreover, officers told Ms. Archie that the informant entered her *front* door, not the *back* door. The building's front door is a common door leading to a vestibule; it does not lead directly into plaintiffs' apartment.

102. Between approximately 1:00 and 1:15PM on Friday, May 17, 2019, defendants executed search warrant 19 SW 8090 in plaintiffs' apartment. Officers did not "knock and announce"; they simply broke open the back door to the apartment with 3-6 big blows. On information and belief, officers were not wearing body cameras.

103. Some of the same officers were at plaintiffs' apartment for the third raid.

104. Officers rushed into plaintiffs' apartment, pointed pistols at Ms. Archie and her friend, who were sitting and talking in the living room, and shouted, "SHUT THE FUCK UP!" and "GET THE FUCK DOWN ON THE FLOOR!" Officers then handcuffed Ms. Archie and her friend and confined them to the living room couch. They were kept in handcuffs for approximately 45-60 minutes.

105. In tears, Ms. Archie asked officers why they had come to her house a third time when she does not know the people they are looking for. An officer replied, "SHUT THE FUCK UP!"

106. Ms. Archie felt completely violated, powerless and in despair because this was happening to her yet again.

107. Officers then began tearing apart and searching plaintiffs' entire apartment again. Ms. Archie had just, days earlier, finished getting her apartment back in order before the third raid took place.

108. Crying, Ms. Archie told officers it was not right for them to be back in her apartment again. In response, officers just laughed and joked. While Ms. Archie cried during the entire raid, officers joked and laughed the whole time they were in her apartment.

109. For example, when Ms. Archie mentioned this was the third raid in a short time, an officer quipped, "Well, you can see that these are not the same officers."

119. Even though they presented no threat, officers repeatedly pointed their guns at them and/or handcuffed them, and other officers did not ask their fellow officers to stop pointing guns at them or to remove the handcuffs.

120. Moreover, plaintiffs posed no threat to officers after they quickly discovered that the intended target of the warrants was not inside plaintiffs' apartment.

121. Plaintiffs have been harmed by officers' repeated unnecessary pointing of guns, unlawful detention, unlawful search of their persons and home, and destruction of their property.

***Officers' Unnecessary Uses of Force Traumatized Plaintiffs, Especially the Children***

122. Chicago police officers' terrorizing conduct toward Savannah, Telia, JJ Ms. Archie caused them immediate, severe and lasting emotional and psychological distress and injury.

123. In addition to witnessing uses of force and threats of imminent violence against themselves, the children were also subject to officers breaking down doors, shouting commands, cruelly cracking jokes during their distress, and promising to return. This made for unforgettable scenes of totally unnecessary terror.

124. Prior to February 8, 2019, Savannah, Telia and JJ were happy, healthy children in a close, loving family. Prior to this date, they had suffered no emotional or psychological trauma of any kind in their lives. That changed on February 8 and again on April 25, 2019 with defendants' actions.

125. Throughout their encounters with police, Savannah, Telia and JJ were terrified and crying. Based upon what they witnessed, each child was afraid his or her siblings were going to be shot. Savannah thought she was going to be killed.

133. On information and belief, they now require high quality, long-term, costly, psychological care and counseling in order to cope with the long-term, psychological injuries caused by defendants' terrorizing display of unnecessary force.

134. Ms. Archie is also suffering mental distress as a result of officers' conduct. She was unable to return to work for at least one week following the May 17 raid.

135. She has also suffered financial distress, due to her inability to work and the destruction of her cooking spices. She has been unable to use her kitchen to supplement her income.

136. Officers' shocking actions of repeatedly pointing and training loaded guns at close range on young children constituted serious abuses of power and authority.

137. Officers' actions – including their inaction in the form of failing to intervene to request that fellow officers stop using excessive force - were directed towards *seven-, twelve- and fourteen-year-old children*. The children's sensitivity and vulnerability to such trauma-inducing violence was or should have been known to officers.

138. Officers' conduct was undertaken pursuant to and is part of a long-standing and widespread pattern and practice, *de facto* policy or *MO* of Chicago police officer use of excessive force that includes the use of unnecessary force against and/or in the presence of children, especially minority children.

139. Plaintiffs are highly likely to be the victims of unlawful or unreasonable home entry and search and excessive force by Chicago police again in the near future.

140. Police have unlawfully and unreasonably entered and searched plaintiffs' home and directed unreasonable force against plaintiffs three times in the last six months. In the weeks since the last raid in May, 2019, Chicago police have returned to plaintiffs' block several

three, specific, long-standing, interrelated, *failures* of official policy, *lack* of official policy, *de facto* policies, widespread practices, and/or customs of the City of Chicago: 1) a pattern and practice of using unnecessary or excessive force against children (ages 0-14); 2) a systemic failure to investigate and discipline and/or otherwise correct allegations/incidents of officer excessive force against children; and 3) an absence of official policy and training to avoid the unnecessary or excessive use of force against and in the presence of children. Each of these policies existed for more than six years prior to May 17, 2019 (“the *Monell* period”).

147. First, defendant City of Chicago has a long-standing, pervasive practice and custom of failing to adequately investigate, intervene with and discipline or otherwise correct officers for the use of excessive force involving children (ages 0-14), including unnecessary force directed at children and/or at adult family members in the presence of children.

120. This set of City’s widespread practices or customs directly encouraged, authorized and caused officers’ conduct toward Savannah, Telia and JJ. The City’s historical failure, leading up to May 17, 2019, to properly intervene in, investigate and discipline officer excessive force, especially excessive force against or in the presence of young children, caused officers to act without appropriate restraints in the presence of Savannah, Telia and JJ.

121. This was facilitated by unjustified exemptions from the bodycam mandate and a complete lack of official disciplinary consequences for officers who do not wear or do not turn on their bodycams.

122. The City was on notice of each of these failures of official policy from the specific conclusions reached by and the data contained in the 2017 U. S. Department of Justice investigative and the PATF reports (citations above).

c. CPD's continued failure to require officers seeking residential search warrants to make reasonable efforts before obtaining and/or executing the warrant to determine, through investigation and surveillance, (i) whether children reside in the residence, (ii) to avoid entry and search at times when children are likely to be present (iii) to de-escalate themselves or change tactics when they unexpectedly encounter young children, and/or (iv) to take other precautions to avoid traumatizing children, such as avoiding placing parents and grandparents in handcuffs in the children's presence;

d. CPD's rebuff, both before and since the U. S. Department of Justice and PATF reports were released, of national and local legal and/or community organizations that have offered to provide training on trauma-informed policing with children and/or offered model use-of-force policies that included explicit provision for avoiding the unnecessary use of force against and in the presence of children; and

e. City's and CPD's refusal or failure to propose or agree to any explicit protections for children from excessive force or any provisions requiring a trauma-informed approach to policing children in the federal consent decree it negotiated with the State of Illinois.

125. Third, the City's lack of official policies to protect children from unnecessary officer use of force, combined with its failure to hold accountable officers who use unnecessary force involving children, have resulted in a *de facto* City policy and practice of using unnecessary or unreasonable force against young children and/or in their presence, as concluded by the U. S. Department of Justice investigation into the Chicago Police Department and the PATF. The excessive force used against or in the presence of Savannah, Telia and JJ was an example of and the result of this *de facto* policy.

129. CPD fails to investigate, discipline and otherwise hold accountable officers who apply for and execute residential search warrants based on inaccurate, unreliable and unverified information.

130. Nor does CPD audit, monitor or track residential search warrants in the aggregate, even on a sample basis, in order to identify police practice issues (such as whether officers are doing enough to verify the current or correct address for the target) and improve practices, including investigative and use of force practices, despite the fact that such measures could boost “positive” warrant results and inflict less trauma on innocent bystanders, including young children.

131. During all times relevant to the incident involving Savannah, Telia and JJ, a “code of silence” pervaded the police accountability system in Chicago, including CPD’s BIA, the Chicago Police Board, IPRA and COPA, contributing to these agencies’ collective failure to properly investigate and discipline officer excessive force, including excessive force against children. Unjustified exemptions from the bodycam mandate and a complete lack of official discipline and accountability for officers who do not wear or do not turn on their bodycams reinforce the code of silence. Defendant officers’ conduct toward Savannah, Telia and JJ, including their failure to intervene and failure to report the actions of their colleagues, was the direct result of the long-standing and systematic code of silence at work in the City’s police investigative and disciplinary systems.

132. By means of its pervasive customs and practices above and its failures, after notice, to remedy officers’ use of unnecessary force against and/or in the presence of young children, defendant City of Chicago has manifested and manifests deliberate indifference to the deprivation of Savannah, Telia and JJ’s constitutional rights.

141. As the direct and proximate result of officers' misconduct, plaintiffs Savannah, Telia and JJ have suffered and continue to suffer severe, long-term emotional and mental distress and trauma, including lasting or permanent psychological injury.

142. One or more officers had a reasonable opportunity to prevent or stop the violations of Savannah, Telia and JJ's constitutional rights but stood by and failed to take any action.

143. Officers' inactions in this respect were objectively unreasonable and undertaken intentionally, with malice and reckless indifference to Savannah, Telia and JJ's constitutional rights.

144. As set forth above, the officer misconduct was undertaken pursuant to the *de facto* policies, long-standing and pervasive practices and customs of defendant City of Chicago, such that the City of Chicago is also liable for officers' failure to intervene.

145. As the direct and proximate result of officers' misconduct, Savannah, Telia and JJ suffered and continue to suffer injury and harm.

**COUNT II – UNLAWFUL SEARCH WITHOUT CONSENT – 42 U. S. C. § 1983**  
**(All Plaintiffs)**

146. Plaintiffs Savannah Brown, Telia Brown, JJ Jackson, and Krystal Archie re-allege paragraphs 1 – 144 above and incorporate them into this count. They assert this claim against defendant officers and any as yet unknown officers who participated in executing the search warrant in their apartment on February 8, 2019.

147. As set forth above, on this date defendants thoroughly searched plaintiffs' apartment, damaging their personal property.

148. Defendants did not have a search warrant for plaintiffs' apartment on February 8, did not have probable cause, plaintiffs did not give their consent for officers to



especially Savannah Brown, Telia Brown, and JJ Jackson, defendants' conduct merits an award of punitive damages.

**COUNT III - UNLAWFUL SEARCH – INVALID WARRANTS - 42 U. S. C. § 1983**  
**(All Plaintiffs)**

155. Plaintiffs Savannah Brown, Telia Brown, JJ Jackson, and Krystal Archie re-allege paragraphs 1 – 144 above and incorporate them into this count. They assert this claim against defendant officers and any as yet unknown officers who participated in obtaining the April 25 and May 17, 2019 search warrants for their apartment.

156. Defendant officers unreasonably approved and/or obtained search warrants for plaintiffs' apartment, the wrong location for the target, a fact which invalidated the warrants from the start, prior to execution.

157. Officers' subsequent unauthorized entry and search of plaintiffs' apartment violated plaintiffs' Fourth Amendment right to be free from unreasonable searches of their persons and homes.

158. As the sworn applicants for the warrants, defendant officers Anderson and Brown each had an official duty to discover and disclose to the issuing magistrate whether he had identified the correct address or place to be searched and not the residence of an innocent third party.

159. Defendant officers reasonably knew or should have known that the intended target(s) of the warrants did not reside in plaintiffs' apartment or have physical access to plaintiffs' apartment such that he could be found there.

160. Defendant officers had an official duty to reasonably investigate and verify information they received from the John Doe CI and the RCI about where the target(s) resided or could be found.

and searching citizens' residence constituted an abuse of power and authority. Defendant officers' actions – of relying solely on location information provided by a John Doe CI and an RCI - were directed towards honest, hard-working citizens who were totally innocent of all criminal conduct.

168. Defendant officers' conduct toward plaintiffs was undertaken with willful and wanton disregard for the rights of others. Officers acted with actual intention or with a conscious disregard or indifference for the consequences when the known safety and health of plaintiffs was involved. Defendant officers acted with actual malice, with deliberate violence, willfully or with such gross negligence as to indicate a wanton disregard of the rights of others.

169. In light of the character of defendant officers' actions toward plaintiffs and the lasting or permanent psychological injury that defendants' conduct has caused plaintiffs, especially Savannah Brown, Telia Brown, and JJ Jackson, defendants' conduct merits an award of punitive damages.

**COUNT IV – UNLAWFUL SEARCH – UNREASONABLE  
MANNER OF ENTRY AND SEARCH – 42 U. S. C. § 1983  
(All Plaintiffs)**

170. Plaintiffs Savannah Brown, Telia Brown, JJ Jackson, and Krystal Archie re-allege paragraphs 1 – 144 above and incorporate them into this count. All plaintiffs assert this claim against all defendant officers who entered and/or searched their apartment on February 8, April 25, and May 17, 2019.

171. The manner in which officers conducted their entry into and search of plaintiffs' apartment were objectively unreasonable, in violation of Plaintiffs' Fourth Amendment rights.

deliberate violence, willfully or with such gross negligence as to indicate a wanton disregard of the rights of others.

178. In light of the character of defendant officers' actions toward plaintiffs and the lasting or permanent psychological injury that defendants' conduct has caused plaintiffs, especially Savannah Brown, Telia Brown, and JJ Jackson, defendants' conduct merits an award of punitive damages.

**COUNT V – FALSE ARREST AND FALSE IMPRISONMENT – 42 U. S. C. § 1983**  
**(Plaintiff Krystal Archie)**

179. Plaintiff Krystal Archie re-alleges paragraphs 1 – 144 above and incorporates them into this count. She asserts this claim against the defendant officer(s) who handcuffed her.

180. Officers arrested and imprisoned plaintiff when, (a) without a warrant for her arrest and without probable cause to arrest her, they handcuffed and/or confined Ms. Archie for a prolonged period when she did not present any security concern.

181. Officers' actions constituted a violation of plaintiff's Fourth Amendment right to be free from unreasonable searches and seizures.

182. When officers handcuffed and/or confined plaintiff for an unreasonably long period, they unlawfully deprived her of their liberty to move about, despite the facts that she had not done anything illegal and that officers had no probable cause for her arrest and imprisonment or reasonable concern about security. This violated plaintiffs' rights under the Fourth and Fourteenth Amendments to the U. S. Constitution.

183. One or more officers had a reasonable opportunity to prevent or stop the violations of plaintiff's constitutional rights but stood by and failed to take any action.

191. Plaintiffs Savannah Brown, Telia Brown, JJ Jackson, and Krystal Archie incorporate paragraphs 1 – 144 above and assert this claim against defendant officers who participated in the search of plaintiffs’ residence.

192. As set forth above, defendants officer unnecessarily and willfully converted, damaged or destroyed plaintiffs’ personal property during the course of their search. Defendant officers took these actions without any lawful basis and without ever returning plaintiffs’ property to them or paying them compensation for a taking/loss, damage or destruction they caused. Defendant officers also intentionally damaged or destroyed plaintiffs’ property out of spite.

193. Defendant officers’ actions constituted an unreasonable seizure of plaintiffs’ property, in violation of their rights under the Fourth Amendment and Fourteenth Amendments to the U. S. Constitution, as well as a deprivation of property without due process of law, in violation of their rights under the Fourteenth Amendment.

194. Defendants’ misconduct was objectively unreasonable and was undertaken intentionally with willful, malicious and reckless indifference to plaintiffs’ constitutional rights.

195. Defendants’ misconduct was undertaken with malice, willfulness, and recklessness indifference to the rights of others.

196. As a result of defendant officers’ misconduct described in this Count, plaintiffs have suffered injury, including emotional distress and financial harm.

**COUNT VII – ASSAULT – STATE LAW**  
**(All Plaintiffs)**

197. Plaintiffs Savannah Brown, Telia Brown, JJ Jackson, and Krystal Archie re-allege and incorporate paragraphs 1 – 144 above in this count. They assert this claim against defendant City of Chicago.

was a minor and not a threat or a target of the search warrant, brought about harmful and offensive physical contacts to plaintiffs' persons.

206. The officers intended to bring about harmful and offensive physical contact to plaintiffs' persons.

207. In the alternative, the conduct of defendant was willful and wanton and constituted a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others and/or their property.

208. The conduct of defendants in entering and executing a residential search warrant are generally associated with a risk of serious injuries. Numerous prior injuries have occurred to civilians in this context. Officers failed to take reasonable precautions after having knowledge of impending danger to plaintiffs.

209. The officers' actions were the direct and proximate cause of harmful and offensive physical contact to plaintiffs' persons.

210. Plaintiffs were seriously harmed by officers' actions.

**COUNT IX – FALSE ARREST AND FALSE IMPRISONMENT– STATE LAW**  
**(Plaintiff Krystal Archie)**

211. Plaintiff Krystal Archie re-alleges paragraphs 1 – 144 above and incorporates them into this count. Plaintiff asserts this claim against defendant City of Chicago.

212. Officers arrested and imprisoned plaintiff when, (a) without a warrant for her arrest and without probable cause to arrest her or a security concern to detain her for a prolonged period, they (a) handcuffed and/or confined Ms. Archie in the living room for approximately 45-60 minutes.

213. Officers' actions restrained plaintiff and confined her to bounded areas.

probability that their conduct would cause such distress, or in reckless disregard of the probability that their actions would cause such distress.

222. Officers, who occupied positions of special trust and authority, knew, had reason to know or believed that plaintiffs, who were young children, were especially vulnerable and fragile.

223. As a direct and proximate result of officers' extreme and outrageous conduct, plaintiffs suffered and continue to suffer long-term, severe emotional distress and trauma.

224. In the alternative, officers owed plaintiffs a duty of care that they breached when they pointed guns at them and damaged, destroyed and/or converted plaintiffs' property. Plaintiffs are direct victims of officers' negligent infliction of emotional distress.

225. In the alternative again, the conduct of defendants was willful and wanton and constituted a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others and/or their property.

226. The conduct of defendants in entering and executing a residential search warrant are generally associated with a risk of serious injuries. Numerous prior injuries have occurred to civilians in this context. Officers failed to take reasonable precautions after having knowledge of impending danger to plaintiffs.

214. Officers' conduct was a proximate cause of plaintiffs' injuries and their extreme, severe, long-term emotional distress and trauma.

**COUNT XI - TRESPASS – STATE LAW**  
**(All Plaintiffs)**

Archie's lawfully owned gun. Defendant officers wrongfully and without authorization assumed control, dominion, and/or ownership of plaintiffs' personal property and did not pay any compensation for their theft, damage or destruction.

223. Plaintiffs, a poor family, had and have a right to their personal property. They had and have an absolute, unconditional right to the immediate possession of that property.

224. In connection with the filing of this lawsuit, plaintiffs made a demand to the defendant officers for the possession of their personal property.

225. The conduct of defendants in converting the personal property of plaintiffs, obviously a poor family, was willful and wanton and constituted a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others and/or their property.

226. As a direct and proximate result of defendants' misconduct described in this Count, plaintiffs have suffered injury, including emotional distress and financial harm.

**COUNT XIII – RESPONDEAT SUPERIOR – STATE LAW (All Plaintiffs)**

227. Plaintiffs re-allege paragraphs 1-144 and 197 – 226 above and incorporate them into this count. Plaintiffs assert this claim against defendant City of Chicago.

228. In committing the acts and omissions alleged above, officers were at all times members and agents of CPD and the City of Chicago and were acting within the scope of their employment.

229. Defendant City of Chicago is, therefore, liable as principal for all common law torts committed by its agents within the scope of their employment.

**COUNT XIV – INDEMNIFICATION – STATE LAW (All Plaintiffs)**

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**JURY DEMAND**

Plaintiffs demand trial by jury.

s/Al Hofeld, Jr.  
Al Hofeld, Jr.

**NOTICE OF LIEN**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards.

s/Al Hofeld, Jr.  
Al Hofeld, Jr.

**NOTICE OF FILING AND CERTIFICATE OF SERVICE BY ELECTRONIC MEANS**

I, Al Hofeld, Jr., an attorney for plaintiffs, hereby certify that on July 19, 2019, filing and service of the foregoing **Complaint** was accomplished pursuant to ECF as to Filing Users, and I shall comply with LR 5.5 and the Federal Rules of Civil Procedure as to service on any party who is not a Filing User or represented by a Filing User.

s/Al Hofeld, Jr.  
Al Hofeld, Jr.

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