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

SHARON LYONS and TIMOTHY LYONS, on behalf of his minor child, LILLIE SAVAGE,	)	
Plaintiffs,	)	Case No.
v.	)	Judge
THE CITY OF CHICAGO; Chicago police officers CRAIG M. HAMMERMEISTER (star #4831); CONCAMMON (#7314); COZMA (#4223); L. MILLER (#10424); SMITH (#6749); VETTESE (#9630); and approximately 10 other CURRENTLY UNKNOWN CHICAGO POLICE OFFICERS,	)	Magistrate Judge
Defendants.	)	Jury Demanded

COMPLAINT

Summary

1. Plaintiffs, by and through their attorney, The Law Offices of Al Hofeld, Jr., LLC, bring this action against defendants City of Chicago and Chicago police officers pursuant to 42 U. S. C. § 1983 and Illinois state law for needlessly traumatizing a young child and her grandmother and violating their Constitutional rights, alleging as follows:

2. Shortly after 6:00PM on Wednesday, February 26, 2020, 55-year-old Sharon Lyons, her 4-year-old granddaughter Lillie Savage, and other family members were at home sick with colds and flu. Lillie was napping in her grandmother's bed. Ms. Lyons, who is disabled and in poor health, was talking on the phone and standing in her kitchen just inches front the front entry door to her second-floor apartment.

3. Without knocking or announcing their office, Chicago police officers broke open the building's first-floor entry doors, charged up the steps to the second floor, and rammed Ms. Lyon's apartment door once, causing it to break and fly open. Officers had a search warrant for Ms. Lyon's address but not for any person in particular.

4. Pointing rifles and machine guns at Ms. Lyon's face and head, officers screamed, "GET DOWN! GET THE F--- DOWN! GET DOWN!" Fearing for her life, Ms. Lyons instantly complied, dropping to the floor directly in front of her bedroom door (which is next to the apartment front door).

5. In the ensuing minutes, approximately 16 plain-clothed officers entered the apartment, some with "Ninja"-type masks covering their faces below the eyes.

6. Shortly after entry, one after the other, two officers entered Ms. Lyons' bedroom and pointed their guns directly at four-year-old Lillie who, awakened by the noise, was sitting up in her grandmother's bed, crying and screaming. Ms. Lyons was terrified Lillie was going to be shot, even accidentally. Officers also left Lillie sequestered in the bedroom by herself in terror for approximately 30 minutes. They refused to allow her to go to her grandmother or her grandmother to go to her, and they took no steps to calm or comfort her.

7. At all times, officers' guns were loaded, and their fingers were on the triggers. Ms. Lyons and her family followed all officer instructions from the moment of entry. They did not pose any apparent, actual or possible threat to the officers whatsoever at any time. They repeatedly asked the officers what was going on. Officers ignored their questions. They refused to show or provide a copy of the search warrant until the moment they departed. They were rude, sarcastic, disrespectful, patronizing and laughed at the family's expense. They did not apologize.

8. Officers also trained their guns on and handcuffed several of Ms. Lyon's family members and detained them on the living room couch while they tossed and searched the family's personal property in every room of the apartment for approximately an hour.

9. On information and belief, none of the officers were wearing body cameras, except for two patrol officers who entered the apartment too late to capture officers' violent entry when they pointed guns at plaintiffs.

10. In the end, the terror and stress of this innocent family was all for naught – officers did not find heroin or any of the other items referenced in the warrant, and they did not arrest anyone. In other words, this was another in a series of bad search warrants by Chicago police that has traumatized yet another innocent, law-abiding family of color, destroying their trust in the Chicago police.

11. Officers failed to conduct their own investigation in order to independently verify or corroborate information received from an informant that a person named "Blondie" was selling drugs from plaintiffs' apartment.

12. Officers' actions toward Ms. Lyons and her family were the completely avoidable product of another sloppy search warrant investigation, and their display of excessive force violated the family's Fourth Amendment constitutional rights. Officers' display of excessive force was not a rogue or isolated event: it was undertaken pursuant to the City of Chicago's systemic, unofficial policy of using excessive police force against children, youth and their families in the minors' presence, as elaborated below.

13. As a direct result of this incident, Ms. Lyons and her granddaughter Lillie now suffer severe, long-term, emotional and psychological distress, including symptoms of Post-Traumatic Stress Disorder.

JURISDICTION AND VENUE

14. This action arises under 42 U. S. C. § 1983 and *Monell v. Department of Social Services of the City of New York*, 436 U. S. 658 (1978). This Court has jurisdiction pursuant to 28 U. S. C. §§ 1331 and 1343. The Court has supplemental jurisdiction of plaintiffs' state law claims.

15. Venue is proper pursuant to 28 U. S. C. § 1391(b). The underlying events occurred within the Northern District of Illinois; defendant City of Chicago is a municipal corporation located within the District; and all parties reside in the District.

PARTIES

16. At the time of all relevant events, plaintiff Sharon Lyons was a 55-year-old, disabled mother and grandmother residing in her apartment at 4937 S. Justine Avenue, second floor apartment, in Chicago. On the incident date, Ms. Lyons had lived in her apartment for at least 8 years. Ms. Lyons had never been arrested or had guns pointed at her. Police had never been to her home.

17. At the time of all relevant events, plaintiff Lillie Savage was a 4-year-old girl visiting her father (Timothy Lyons) and grandmother (Sharon Lyons) at 4937 S. Justine Avenue, apartment 2, in Chicago.

18. Plaintiffs are African-American.

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

20. At the time of all relevant events, defendant officer Craig M. Hammermeister (star # 4831) was an undercover Chicago police officer assigned to the Narcotics Division, Bureau of Organized Crime. He was the affiant of the complaint for search warrant for 4937 S. Justine, second floor apartment, and he led the investigation that resulted in

the complaint for search warrant and the search warrant. Additionally, officer Hammermeister, along with approximately 13 other members of the same narcotics unit, entered plaintiffs' apartment and executed the search warrant.

21. At the time of all relevant events, on information and belief defendants Concammon (#7314), Cozma (#4223), Smith (#6749) and Vettese (#9630) were undercover Chicago police officers assigned to the Narcotics Division, Bureau of Organized Crime. Along with defendant Hammermeister, they also entered plaintiffs' apartment and executed the search warrant and otherwise assisted in its execution.

22. In addition to the named officers, at least nine other Chicago police officers – at least seven members of the same Narcotics unit plus at least two members of the Patrol Division - also entered plaintiffs' apartment and executed the search warrant. However, despite plaintiffs' inquiry, CPD has so far refused to identify the names or star numbers for these officers.[1] As soon as plaintiffs obtain sufficient information identifying the remaining officers, they will name them as defendants in an amended complaint.

23. On information and belief, most of the officers who participated in the execution of the search warrant on February 26, 2020, were Caucasian.

24. When Chicago police officers executed their search warrant at 4937 S. Justine Avenue, second floor apartment, they were at all times acting under color of law and

[1] In response to plaintiffs' FOIA request, on March 30, 2020 CPD produced the Search Warrant Data sheet that contains the names and general roles of all officers who participated in executing the search warrant, *but CPD completely redacted all but four of the officers' names*. During the February 26, 2020 raid, the undercover officers were not wearing badges and nameplates and, when asked by plaintiffs, most refused to provide their names and badge numbers. In addition, COPA has confirmed that body camera video of the raid exists, but CPD has also declined plaintiffs' request to produce that. Finally, in order to facilitate identification of the officers who committed specified conduct, plaintiffs will request the official CPD photos of the officers involved in the raid.

within the scope of their employment as officers of the Chicago Police Department ("CPD") for the City of Chicago.

Overview: CPD's M. O. is Excessive Force, Including Against and in the Presence of Children and Youth

25. Chicago police officers have a *de facto* policy, widespread practice or *M. O.* of using unnecessarily or excessive force against citizens of color, including children and youth, and against their adult family members in front of the children, which traumatizes them.

26. The 2017 United States Department of Justice investigation of the CPD concluded, among other things, that CPD has a pattern and practice of using excessive force against citizens, including children. https://www.justice.gov/opa/file/925846/download at 34. DOJ also found that CPD's uses of force, whether reasonable or unreasonable, disproportionately involve Chicago's citizens and youth of color, especially African-Americans. (Id. at various). DOJ also found that CPD's excessive force runs the gamut of specific types of force and includes pointing guns at citizens. (Id.).

27. In addition, the 2016 report of the mayoral-appointed Chicago Police Accountability Task Force ("PATF") contained similar or parallel conclusions. Among other things, it concluded that most CPD officers are not trained or equipped to interact with youth. https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_4_13_16-1.pdf at 55. PATF recommended a number of specific reforms, including training, in order to improve police interactions with youth so as not to traumatize them. (Id.)

28. Despite clear, actual notice of these findings, CPD and the City did not subsequently implement any changes in CPD policy, procedure or training in order to remedy or otherwise address officers' practice of using excessive force against or in the presence of children. Further, none of the reforms and new training that CPD did undertake in the wake of

the DOJ and PATF reports addressed Chicago police officers' use of excessive force against children.

29. For instance, following the release of the DOJ report in 2017, CPD revised its use of force policy, GO3-02, but did not include any changes that expressly require officers not to refrain from pointing guns at or using force against or in the presence children, when possible, or to otherwise use a trauma-informed approach to the use of force in situations where children are present. Nor did CPD's 16-hour officer training that accompanied implementation of the new use of force policy include any instruction regarding the use of force and children or the pointing of guns at them or others.

30. Similarly, through 2019, CPD did not revise its search warrant policy, SO9-14, or its search warrant training to include any requirements or instruction that officers refrain from pointing guns at or using force against or in the presence children, when possible, or use a trauma-informed approach to the use of force in situations where children are present.

31. Moreover, in the federal consent decree the City agreed to with the State of Illinois and that was entered by Judge Dow in January, 2019 in *State of Illinois v. City of Chicago*, 17-cv-6260, the City did not commit to any reforms to remedy the problem. http://chicagopoliceconsentdecree.org/wp-content/uploads/2019/02/FINAL-CONSENT-DECREE-SIGNED-BY-JUDGE-DOW.pdf

32. Further, unlike other major U.S. metropolitan police departments - such as New York, Cleveland, Indianapolis, Charlotte, Baltimore and San Francisco - CPD still does not have any policy or provide any training on policing children and youth in ways that are trauma-informed and that avoids exposing them to police violence.

33. In addition, the traumatic and long-lasting impact on children's health from exposure to violence is well-established scientifically and well-understood by the City of Chicago. Indeed, until approximately 2012 the Chicago Department of Public Health had a program, Chicago Safe Start, that trained officers in two police districts about the impact on young children of exposure to violence. Nevertheless, the City cut and effectively terminated this training and failed to replaced it, even after receiving actual notice of the above findings regarding police and children in the DOJ and PATF reports.

34. In other words, despite the City's extensive knowledge, *via* Chicago Safe Start, that exposure to violence has a traumatic impact on children, CPD never implemented any policy or training to prevent officers themselves from harming children by pointing guns at them or using other unnecessary or excessive force against or in the presence of children.

35. It is also widely known by CPD, which extensively patrols "high crime" neighborhoods in Chicago, that many poor children of color have already been exposed to violence and trauma in their neighborhoods. Therefore, in such neighborhoods CPD officers *expect* to encounter children with a preexisting history of trauma. Nevertheless, despite this knowledge and expectation, CPD failed to require or train officers to avoid pointing guns at and otherwise using excessive or unnecessary force against and in the presence of children, with the result that their continued use of excessive force has compounded the trauma of the children they encounter.

36. On January 3, 2020, in response to over a year of lawsuits and media coverage regarding officers pointing guns at and handcuffing children, CPD revised its search warrant policy and training to nominally require officers to "maintain a sensitive approach and use due care to safeguard the physical and emotional well-being" of any children present "to

minimize trauma following the execution of a search warrant." (SO-19 VIII. E. 3.). However, both the nebulous policy and the officer training done on the new policy during January and February, 2020, fails to require officers to refrain from pointing guns at or otherwise using excessive or unnecessary force against or in the presence of children. Moreover, CPD has failed to enforce its new policy through appropriate discipline.

FACTS RELATING TO ALL COUNTS

Chicago Police Obtain a Search Warrant for Plaintiffs' Apartment Without Corroborating Alleged Drug Sales There

37. At approximately 3:36PM on February 26, 2020, defendant officer Hammermeister swore out and obtained two search warrants. One authorized a search of the premises at 4937 S. Justine Street, 1st floor apartment. The other authorized a search of the premises at 4937 S. Justine Street, 2nd floor apartment. There are only two units in the building. The warrant for the 1st floor apartment authorized the seizure of cocaine. The warrant for the 2nd floor apartment authorized the seizure of heroin. Neither warrant named any individual person as a target, even though Hammermeister, in the body of the complaints for search warrant, provided a detailed physical description of the person allegedly selling drugs out of both apartments.

38. Officer Hammermeister's complaints for the two search warrants were identical with the sole exceptions of the apartment number and the type of drug sought to be seized. The complaint stated, erroneously and on the basis of unverified information from a criminally active confidential informant ("CI"), that "Blondie," an African-American transgendered woman wearing a blond wig, sold heroin out of the 2nd floor apartment at 4937 S. Justine and sold crack cocaine out of the 1st floor apartment. It was not true that anyone sold illegal drugs out of plaintiffs' second floor apartment.

39. As the complaints for search warrant indicate, officer Hammermeister did not independently verify or corroborate the CI's representation that Blondie was actually selling drugs from plaintiffs' 2nd floor apartment or that she had any connection with plaintiffs or their apartment. Neither did any other officer who assisted Hammermeister in the investigation that led to the two search warrants.

40. Defendant Hammermeister claims to have purchased drugs earlier the same day, before obtaining the warrant, from a person named "Blondie" in the alley behind Ms. Lyon's apartment. This is a far cry from selling drugs out of plaintiffs' apartment. In fact, this person had no actual or apparent connection with Ms. Lyons, her family, or their apartment. Ms. Lyons and her family never saw and do not know who this person is.

41. The facts that a Chicago police officer alleges in a sworn complaint for search warrant are required to be "credible and reliable." (CPD SO4-19, VI.B.a.). To this end, a Chicago police officer presenting a complaint for search warrant to a judge is required to "thoroughly conduct[]" the "investigation leading up to the need for a search warrant." (CPD SO4-19).

42. As the sworn applicant for the warrant, officer Hammermeister had a duty to use diligence to discover and to disclose in good faith to the issuing warrant judge, Judge William H. Hooks, that he had identified the correct apartment or place to be searched (instead of the residence of an innocent citizens, like plaintiffs). This was required because the law respects citizens' Fourth Amendment rights, including those of innocent citizens who are not criminal suspects.

43. In direct violation of both CPD policy and the Fourth Amendment, on information and belief neither officer Hammermeister nor other officers involved in obtaining

and approving the two search warrants performed *any* independent investigation and surveillance in order to verify or corroborate that "Blondie" was selling drugs from, resided or could be found at 4937 S. Justine, 1st or 2nd floor, as the CI represented.

44. They could have taken simple steps to spare plaintiffs, an innocent family, the trauma of a violent police raid. They could have performed surveillance of the building. They could have attempted to conduct a controlled drug buy from plaintiffs' apartment. They did neither – or anything else.

45. Officer Hammermeister and other officers totally neglected to verify or corroborate, as required by SO4-19. They simply trusted what the criminally active CI told them was true about "Blondie" and her connection to 4937 S. Justine, 2nd floor apartment.

46. Consequently, officer Hammermeister's sworn complaints for search warrant were fundamentally inaccurate about who was inside 4937 S. Justine, 2nd floor apartment, and what was actually taking place there. In spite of what he swore to before Judge Hooks, Ameristar did not have probable cause to believe that anyone was selling drugs there and, therefore, to enter and search of plaintiffs' apartment.

47. Because officer Hammermeister and other officers failed in their minimal duty to independently investigate and corroborate the CI's representation that a "Blondie" was selling drugs from plaintiffs' apartment, theirs was not a good faith error.

48. In addition, on information and belief, the CPD lieutenant who approved and signed officer Hammermeister's complaints for search warrant simply "rubberstamped" them without ensuring, as he was obligated to do, that officer Hammermeister or others had conducted any independent investigation to corroborate the CI's representations. By signing, he

was falsely representing that the applicants had conducted an investigation and that there was probable cause.

49. On February 26, 2020, defendant officer Hammermeister and other officers reasonably knew or should have known that no one was selling drugs at 4937 S. Justine, 2nd floor apartment.

50. Finally, as is customary, defendant officers, before obtaining and executing the search warrant for plaintiffs' apartment, took no steps to: determine whether any minors resided in plaintiffs' apartment; if so, to determine what times they were unlikely to be at home; to avoid entering at times when they were likely to be present; to plan their method of entry so as not to traumatize children; or to deescalate their force tactics if they unexpectedly encountered children in the apartment. As a result, officers injured plaintiff Lillie Savage.

Officers Point Guns at 4-Year-Old Lillie and Her Grandmother

51. On Wednesday evening, February 26, 2020, Sharon Lyons and her family were all sick with colds and flu and resting inside their second-floor apartment, as they had been all day long. They had not had any visitors.

52. Shortly after 6:00PM, Ms. Lyons was standing in the kitchen a couple of feet from the front entry door (which opens into the kitchen) and talking on her cell phone to a neighbor. She heard two loud booms (which, she later learned, were officers entering her neighbor's apartment and her downstairs front door) followed by people running up the inside stairs towards her apartment.

53. Next, all in one instant, there was a hard blow to Ms. Lyon's apartment door, the door flew open, a piece of panel or doorframe flew to the floor, the microwave crashed

down to the floor, and three or four plain-clothes men pointed flashlights and rifles in Ms. Lyon's face and screamed, "GET DOWN! GET THE F--- DOWN! GET DOWN!"

54. Ms. Lyons did not know at first that the men were police officers because they did not "knock and announce" or say "POLICE" or "SEARCH WARRANT" at any point before they broke in and thrust guns in her face.

55. Approximately 15 plain-clothes officers rushed into Ms. Lyons' apartment, some of them with "Ninja"-type masks covering their faces below the eyes. Officers entered simultaneously through both the front and back doors of the apartment.

56. In the first moments of entry, Ms. Lyons saw multiple rifles and machine guns and no handguns. At least one of the guns pointed directly at her was a rifle with a light on it; the light was pointed directly in her eyes, like a flashlight. When officers broke open the door, their guns were about three feet from Ms. Lyons' body and pointed directly at her face and head.

57. Ms. Lyons feared for her life. She immediately complied with officers' orders and got down onto the kitchen floor directly in front of her bedroom door (her bedroom opens to the kitchen). A female officer snatched her phone out of her hand and through it on the kitchen table.

58. When officers first entered the apartment, Ms. Lyons' 4-year-old granddaughter, Lillie, was napping in Ms. Lyons' bedroom. The bedroom door was closed. In response to the commotion outside the bedroom door, Lillie woke up and began crying and screaming for her grandmother.

59. Officers asked Ms. Lyons who was in the bedroom and the age of her granddaughter; she told them. Officers then repeatedly screamed at her to "MOVE!" out of the

way so that they could enter the bedroom. When Ms. Lyons was physically unable to get up, two officers lifted her off the floor and set her in a chair near the bedroom door. When officers opened the bedroom door, Ms. Lyons was seated in a chair at the head of the kitchen table near her bedroom and could see both her granddaughter and the officers who entered the bedroom.

60. Officers were not prepared to deal with a young child.

61. One of the officers opened Ms. Lyons' bedroom door and entered the bedroom with his handgun drawn and, holding it up in both hands, aimed it straight at Lillie who was sitting up in bed, crying. The gun was pointed directly at her chest. The bed is about 5 feet from the bedroom door. Lillie began to scream and cry more intensely for her grandmother as the gun was pointed at her. The officer then panned or swept his gun around the bedroom before exiting the room.

62. Ms. Lyons, who in this moment was devastated and feared for Lillie's life, immediately asked the officer to stop pointing his gun at Lillie. Officers did not stop.

63. Next, a second officer entered Ms. Lyons' bedroom with his gun drawn and pointed his gun at Lillie in the same way, looked around the room and exited the room.

64. Despite Lillie's continued crying and screaming for her grandmother, officers refused to allow Ms. Lyons to go and get Lillie at this point. Ms. Lyons felt lifeless when she was unable to go help Lillie. Officers also refused to allow Lillie to exit the bedroom and go to Ms. Lyons in the kitchen.

65. Officers forced Lillie to cry and scream in terror alone in Ms. Lyons' bedroom with the door mostly closed for approximately 25-30 minutes.

66. During the time that Lillie was alone in Ms. Lyons' bedroom, none of the officers made any effort to comfort, calm or re-assure Lillie. Nor did they do so at any time during the raid.

67. Later, when a third officer wanted to enter Ms. Lyons' bedroom in order to search it, he had a female officer bring Lillie to Ms. Lyons, who held her on her lap for the duration of the raid, as Ms. Lyons sat on the kitchen chair.

68. Officers also pointed guns at Julius, Ms. Lyons' autistic son. He was crying and hysterical. Officers did not seem at all prepared to deal with an autistic person.

69. Simultaneous with officers' initial entry and in response to the commotion, two of Ms. Lyon's sons and her nephew, who live with her, came towards the kitchen from the living room. Officers pointed guns at them and ordered them to get face-down on the floor. They immediately complied. While they were lying face-down, officers put their guns in their faces, kneed them hard in the back and neck and handcuffed them. The tip of one officer's handgun was touching James Lyons' temple.

70. Next, one after the other, officers took James and Ms. Lyons' nephew, Jerry, alone into a bathroom and questioned them. They asked for their names, who lives in the apartment, where the drugs are, and about someone named "Blond" or "Blondie" in the back alley. They told officers they don't know anyone with that name, they do not sell drugs, everyone is sick, and that officers had the wrong address.

71. At no point did officers say they saw "Blondie" inside Ms. Lyons' apartment or that they saw any member of Ms. Lyons' family outside the apartment that day.

72. Officers then took the males into the living room and detained them on the couch while at least two officers as guards. Officers pulled a third son, Timothy, out his

bedroom where he was asleep in bed, sick, handcuffed him, questioned him, and brought him to the living room. Officers continued to detain Ms. Lyons in the kitchen. They questioned her throughout the detention.

A Fruitless Search

73. Multiple officers searched throughout the apartment in all of the rooms, including the bedrooms, the living room, the enclosed back porch, and the pantry. Officers focused on the back porch, the back bedroom and the pantry (all in the vicinity of the apartment back door).

74. Officers did not find any heroin or other items listed in the search warrant, and they did not find Blondie. Officers did not arrest or charge anyone.

75. Officers also entered and searched the 1st floor apartment and did not find any contraband or arrest anyone there.

76. Officers damaged Ms. Lyons' apartment. Ms. Lyons herself had to pay for two new locks to replace the locks that officers broke, including the lock on the downstairs front entry door leading to her unit. The officers did not give Ms. Lyons any information about how to report the damage to the City or how to ask the City to make or pay for repairs.

77. From the first moment officers entered, Ms. Lyons repeatedly asked officers what was going on. They would not give her any information other than saying they had a search warrant. At one point, an officer mockingly and sarcastically shouted in her face, "Oh, I made a sale out of here earlier today by the gate."

78. Officers were inside Ms. Lyons' apartment for approximately 60 minutes.

79. Officers did not show or give Ms. Lyons the search warrant until moments before they left.

80. Along with the search warrant, officers gave Ms. Lyons a blank Evidence Recovery Log with a diagonal line drawn through it (indicating that nothing was found).

81. None of the plain-clothed officers who entered plaintiffs' apartment wore body cameras. At least two uninformed patrol officers who were wearing body cameras entered plaintiffs' apartment but not until *after* Ms. Lyons' sons were already detained on the living room couch, so the cameras did not capture officers' violent entry and their pointing guns at plaintiffs.

82. Throughout the raid, officers spoke to Ms. Lyons in a patronizing tone, as if she and her family were stupid. They screamed and shouted in her face. They cursed, were sarcastic, rude and disrespectful. They treated the family as though they were convicted criminals. Officers also laughed and giggled at times. Two officers joked and laughed in front of her about the broken doorframe from their forced entry. "Damn! Thick-ass panel!"

83. Before they left, officers did not explain that they had made a mistake. They did not apologize.

Officers' Use of Excessive Force Against Ms. Lyons and 4-Year-Old Lillie Was Totally Unnecessary

84. Plaintiffs presented absolutely no threat, real or apparent, at any time to any of the defendant officers who entered and searched their home. They did not resist, flee, or look anything like "Blondie."

85. Officers quickly discovered – within seconds of entering - that no one in the apartment looked anything like the "Blondie" person whom Hammermeister physically described in the search warrant.

86. Even though plaintiffs presented no threat, defendant officers repeatedly pointed their guns at them, and any who did not point their guns at plaintiffs did not intervene to ask those pointing guns at plaintiffs to stop.

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

Officers' Unnecessary Uses of Force Traumatized Ms. Lyons and 4-Year-Old Lillie

88. Chicago police officers' terrorizing conduct towards plaintiffs caused them immediate, serious and lasting emotional and psychological distress.

89. Prior to February 26, 2020, Ms. Lyons and Lillie were happy and healthy people in a close, loving family. They had never had guns pointed at them. They had never suffered any kind of emotional or psychological trauma of any kind. This all changed with defendants' actions.

90. Throughout their encounters with police, both were terrified. Ms. Lyons was terrified, crying and physically shaking throughout the raid. Lillie was crying and screaming. Based upon officers pointing guns directly at them, Ms. Lyons and 4-year-old Lillie were both afraid they were going to be shot.

91. Ever since the incident, they have continued to re-live, in various ways, how terrified they were that day.

92. Ms. Lyons no longer feels safe in her apartment. She could not sleep the night of the incident. Though she previously had no difficulty sleeping, she has not been able to sleep well since the incident and wakes up several times each night. She is hypervigilant, paranoid. She lives with a sense of personal violation. She does not leave the apartment, except

for the grocery store. During the incident, Ms. Lyons felt helpless and powerless to protect Lillie. She understands that the gun could have gone off when it was pointed at Lillie. Since the incident, Ms. Lyons finds herself crying twice a day. Involuntarily, she goes over the incident again and again in her mind, reliving the scenes and the emotions.

93. Since the incident, 4-year-old Lillie, who sleeps in the bed with her grandmother, has been jumping in her sleep and cannot be still. She's also been having bad dreams. Prior to the incident, she slept peacefully and rarely had bad dreams. So far, she refuses to talk about the incident with her family and acts withdrawn.

94. Plaintiffs now feel nervous, jumpy, and "on edge."

95. Plaintiffs continue to experience and exhibit, unabated, these and other signs of serious emotional and psychological trauma and distress.

96. On information and belief, plaintiffs have, or have many of the symptoms of, Post-Traumatic Stress Disorder.

97. As a direct result of officers' conduct, plaintiffs are now being medically assessed for trauma inflicted by the Chicago police.

98. On information and belief, plaintiffs will require counseling in order to cope with the long-term, psychological injuries inflicted by defendants' display of excessive force.

99. Officers' shocking actions of repeatedly pointing and training loaded guns at close range on a 4-year-old child and her granddaughter constituted serious abuses of power and authority.

100. Officers' actions – including their inaction in the form of failing to intervene to request that fellow officers stop using excessive force - were directed towards a 4-

year-old child and a disabled grandmother. Plaintiffs' sensitivity and vulnerability to such trauma-inducing violence was or should have been known to officers.

101. Officers' conduct was undertaken pursuant to and is part of a long-standing and widespread pattern and practice, *de facto* policy or *MO* of excessive force noted above, which includes the use of excessive force against and/or in the presence of children of color.

COUNT I – 42 U. S. C. § 1983 *MONELL* POLICY CLAIM
AGAINST THE CITY OF CHICAGO
(Minor Plaintiff Lillie Savage)

102. Minor plaintiff Lillie Savage re-alleges all paragraphs 1-101 above, including the *Monell*-related allegations of paragraphs 25-36 and 101 above, and incorporates them into this count. She asserts this claim, through her father, against defendant City of Chicago.

103. Defendant officers' use of excessive force against Lillie was directly and proximately caused by one or more of the following four, specific, long-standing, interrelated, *failures* of official policy, *lack* of official policy, and *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 citizens, including children and youth; 2) a failure to have any policy about when it is appropriate for officers to draw their guns and point them at citizens, including children; 3) a systemic failure to investigate and discipline and/or otherwise correct allegations/incidents of officer excessive force against citizens, including children and youth and/or their close relatives in the minors' presence; and 4) an absence of official policy and training for officers to refrain from pointing guns at or otherwise using excessive or unnecessary force against or in the presence of children. Each of these policies existed for more than six

years prior to February 26, 2020 ("the *Monell* period") and was the moving force behind the officers' conduct that resulted in the violation of Lillie's constitutional rights and the direct causal link between the City's actions/inaction and the deprivation of her rights.

104. 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 against citizens, including children and youth.

105. Of the hundreds of citizen misconduct complaints filed with BIA, IPRA and COPA during the *Monell* period that involved allegations of officer excessive force against a young child or youth, including pointing guns at them, none were sustained, none resulted in any officer discipline, and the vast majority of complaints were not even investigated. Moreover, as the DOJ found, all excessive force complaints, including those involving the unjustified pointing of guns, were inadequately investigated, rarely sustained, and even more rarely disciplined.

106. This set of City's widespread practices or customs directly encouraged, sanctioned, authorized and was the moving force behind officers' conduct towards Lillie. The City's historical failure, leading up to February 26, 2020, to properly intervene in, investigate and discipline officer excessive force, especially excessive force against or in the presence of children and youth, sent officers the clear message that they had a general freedom and license to engage in excessive force, including excessive force against children, without fear of being corrected, investigated or disciplined. This caused defendant officers to act without appropriate restraints towards Lillie.

107. The City had actual and constructive notice during the *Monell* period of each of these failures of official accountability from a) a long-standing, continual stream of citizen excessive force misconduct complaints to IPRA and COPA that were not properly

investigated as well as from b) the specific conclusions reached by and the data contained in the 2017 DOJ and the 2016 PATF reports (see *supra*).

108. Second, contrary to commonly accepted standards and best practices in law enforcement, CPD failed to have any official policy, guidance or training regarding when it is appropriate for officers to draw their service weapons, have their guns out, and point them at citizens, including and especially children. In fact, CPD has long refused and still refuses to refer to an officer pointing a gun at someone as "a use of force." These failures gave officers official legal sanction and free reign to point their guns at citizens, including children like Lillie, without any official restraint or consequences.

109. Third, defendant officers' conduct towards and in the presence of Lillie was undertaken as a direct consequence of defendant City of Chicago's long-standing failure to have *any* affirmative, official policies and/or training explicitly requiring officers to refrain from pointing guns at and otherwise avoiding the use of excessive or unnecessary force against or in the presence of children or youth when possible.

110. Even after the DOJ and PATF findings regarding force and children were known to final City policy makers in 2016 and 2017 – constituting actual notice to the City - the City failed to implement any reforms to remedy the pattern and practice of excessive force against or in the presence of children and youth. This failure amounted to a deliberate and conscious choice not to take action to prevent future violations of people's constitutional rights, including Lillie's. In other words, in the wake of the DOJ and PATF findings, the City opted not to adopt any reforms despite the known and obvious risk that the pattern of excessive or unnecessary force noted by DOJ and PATF would lead to constitutional violations in the future. The City knew that, without reforms, children's rights would continue to be violated. Thus, the

City's failure to implement reforms was a foreseeable cause of Lillie's injuries. In particular, the City's decisions not to reform official policies and training include, without limitation:

a. The continued absence of any provision in CPD's official use of force policy that would require or guide officers to refrain from pointing guns at or using excessive or unnecessary force against or in the presence of children and youth or to use a trauma-informed approach to the use of force in situations where minors are present and some force may necessary;

b. CPD's continued failure to add, in its official use-of-force training curriculum and/or its on-the-job training and supervision of officers, any explicit requirement or guidance that officers should refrain from pointing guns at or otherwise avoid using excessive or unnecessary force against or in the presence of children and youth or to use a trauma-informed approach to the use of force in situations where minors are present and some force may be necessary;

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 minors reside in the residence, (ii) to avoid entry and search at times when minors are likely to be present (iii) to plan manner of entry and force tactics based on whether minors are expected to be present; (iv) to de-escalate themselves or change tactics when they unexpectedly encounter children or youth, and/or (v) to take other precautions to avoid traumatizing minors and their close relatives, such as avoiding pointing guns at or placing parents and caretakers 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 to provide or draft model use-of-force policies that included explicit provision for avoiding excessive or unnecessary use of force against and in the presence of children;

e. City's refusal or failure, despite its extensive knowledge, *via* Chicago Safe Start, of the traumatic effect of exposing children to community violence, to continue, expand, or reinstate any training to prevent officers themselves from harming children by pointing their guns at them or otherwise using excessive or unnecessary force against them or in their presence;

f. City's and CPD's refusal or failure to propose or commit to, in the consent decree it negotiated and is now implementing in *State of Illinois, v. City of Chicago*, 17-cv-6260, any explicit protections for children from officers who would point their guns at them or otherwise not refrain from using excessive or unnecessary force against them and any provisions requiring a trauma-informed approach to policing children.

111. The continual streams of excessive force complaints to IPRA and COPA, including those in which children were complainants or victims, also constituted actual and constructive notice to the City of a pattern and practice of excessive force that required remedial action.

112. Fourth, the City's lack of official policies to protect citizens, including children from officers pointing guns at them and other excessive or unnecessary force, combined with its failure to hold accountable officers who use excessive force, have resulted in a *de facto* City policy and practice of using unreasonable force against citizens, including children and youth, as concluded by DOJ and PATF. This widespread practice was the moving force and

direct causal link behind the officers' pointing of guns at Lillie on February 26, 2020. The excessive force used against Lillie was an example of and result of this *de facto* policy.

113. Similar incidents of excessive force against children are the direct and foreseeable result of the same set of City policies. For example, on August 29, 2013, Chicago police officers of the Area Central Gun Team executed a search warrant at 930 N. Keystone Avenue in Chicago for a person with no connection to the residence and pointed a rifle with a laser light directly at the chest of 3-year-old Davianna Simmons and pointed a handgun at her grandmother Emily Simmons' head in front of Davianna when neither presented any threat to officers. The Simmons are African-American. The officers were never investigated or disciplined for the incident.

114. On January 29, 2015, while executing a search warrant at 1856 S. Lawndale, 2nd floor apartment, in Chicago for a person who had long been incarcerated, Chicago police officers of Narcotics Unit 189 and the SWAT Alpha team pointed their assault rifles directly at brothers Justin and Jeremy Harris and Jaden Fields, ages 4, 6 and 11, respectively, and at their mother, Jolanda Blassingame, when the family did not pose any apparent threat to officers. Ma. Blassingame and her children are African-American. The officers were never investigated or disciplined for the incident.

115. On November 7, 2017, while executing a search warrant at 3557 S. Damen Avenue, 2nd floor, in Chicago for a target who actually lived in the building's 3rd floor apartment, a group of patrol officers pointed a handgun and an assault rifle directly at 5- and 9-year-old Jack and Peter Mendez and their parents, Hester and Gilbert Mendez, when none of them presented any apparent threat to officers. The Mendez family is Latino. The officers have not been investigated or disciplined for the incident.

116. On August 9, 2018, while executing a search warrant at 5033 S. Hermitage, 1st floor apartment, in Chicago for a person with no connection to the apartment or the residents (he was apprehended next door), members of the Area South Gun Team and the Alpha SWAT team pointed assault rifles at a 4-year-old girl, Lakai'Ya Booth, her 8, 11 and 13-year-old siblings, and their mother and grandmother, Ebony Tate and Cynthia Eason, when none of them presented any apparent threat to officers. Ms. Tate, her children and mother are African-American. The officers have not been investigated or disciplined for the incident.

117. On March 15, 2019, while executing a search warrant at 8914 S. Laflin in Chicago, members of the 7th District Tactical Team and the SWAT Alpha Team pointed assault rifles at 6, 8, and 9-year-old Royalty, Royal and Roy Smart and their mother, Domonique Wilson, as they walked from their house to the street with their hands up and then handcuffed 8-year-old Royal for approximately 40 minutes when none of them presented any apparent threat to officers. Ms. Wilson and her children are African-American. The officers have not been investigated or disciplined for the incident.

118. On December 25, 2019, while investigating a robbery in Rogers Park, Chicago patrol officers entered a family's condominium at 1227 West Albion Avenue in Chicago without authorization and pointed handguns at 13-year-old Lazerick James, handcuffed one of his wrists, and dragged him through the apartment for several minutes before realizing their mistake, apologizing and departing. Lazerick is African-American. The officers have not been investigated or disciplined for the incident.

119. Through their combined failures above, before and after actual and constructive notice, to enact official reforms that protect children from excessive and unnecessary force and to hold accountable officers who use excessive force against them or in

their presence, the City has led police officers to be confident that such actions are acceptable and will not be challenged, investigated or disciplined by CPD, CPD's Bureau of Internal Affairs ("BIA"), the Chicago Police Board, the Independent Police Review Authority ("IPRA"), the Civilian Office of Police Accountability ("COPA") or the City of Chicago Inspector General ("IG"). These past failures directly authorized, encouraged and emboldened defendant officers' conduct against and in the presence of Lillie, providing them a general license to use excessive force, including excessive force against minors, whenever it suited them.

120. Thus, through their combined failures, before and after actual notice, to enact official policies protecting citizens, including children, from excessive or unnecessary force and to hold accountable officers who use excessive force against or in the presence of children, final City of Chicago policy-makers – including the Superintendent of police, the Administrator of IPRA (now COPA), the head of CPD's BIA, the IG, the Mayor, and the Chicago City Council – condoned, approved, authorized, facilitated, encouraged and perpetuated a *de facto* City policy and practice of unnecessary or excessive force against or in the presence of children and youth.

121. Finally, during all times relevant to the incident involving plaintiffs, 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 and youth and/or their close relatives in the minor's presence. Defendant officers' conduct toward Lillie, including their failure to intervene and failure to report the actions of their colleagues, was the direct and foreseeable result of the long-standing and systematic code of silence at work in the City's police investigative and disciplinary systems.

122. By means of its pervasive customs and practices above and its failures, after notice, to remedy officers' use of excessive or unnecessary force, including against or in the presence of children and youth, defendant City of Chicago has manifested conscious and deliberate indifference to the deprivation of Lillie's constitutional rights.

123. One or more of these four official policies, failures of official policy, practices and customs collectively, were the moving force behind defendant officers' conduct that directly and proximately caused the violations of Lillie's constitutional rights set forth above and below, such that the City of Chicago is liable for officers' conduct.

The City of Chicago's De Facto Policies Resulted in Violations of Plaintiff's Constitutional Right to be Free of Excessive Force

124. Officers' conduct toward plaintiff constituted excessive force, in violation of her rights under the Fourth and Fourteenth Amendments to the U. S. Constitution.

125. Under the circumstances, officers' pointing of guns at Lillie and other displays of force against and in the presence of Lillie were totally unnecessary, unreasonable and unjustifiable.

126. Under the circumstances, officers' uses of force against and in the presence of Lillie, undertaken in the presence of and witnessed by other plaintiffs, were totally unnecessary, unreasonable and unjustifiable.

127. Officers' misconduct was objectively unreasonable and was undertaken intentionally with willful indifference to Lillie's constitutional rights.

128. Officers' misconduct was undertaken with malice, willfulness, and recklessness indifference to the rights of others.

129. The officers' misconduct was undertaken pursuant to and as the direct, foreseeable and proximate result of the Defendant City of Chicago's *de facto* policy, failures of

official policy, absences of affirmative policy, and pervasive, long-standing practices and customs, as set forth above, such that defendant City of Chicago is liable for officers' use of excessive force against and in the presence of Lillie.

130. Further, no officer present on the scene intervened to stop officers from pointing guns at Lille. One or more officers had a reasonable opportunity to prevent or stop the violations of Lillie's constitutional rights but stood by and failed to take any action.

131. 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.

132. Officers' inactions in this respect were objectively unreasonable and undertaken intentionally, with malice and reckless indifference to plaintiff's constitutional rights.

133. As the direct and proximate result of officers' misconduct, Lillie has suffered and continue to suffer severe, long-term emotional and mental distress and trauma, including lasting or permanent psychological injury.

COUNT II – UNLAWFUL SEARCH – INVALID WARRANT - 42 U. S. C. § 1983
(All Plaintiffs)

134. Plaintiffs re-allege paragraphs 1-24 and 37-101 above and incorporate them into this count. They assert this claim against defendant officer Hammermeister, the CPD lieutenant who approved the search warrant, and any other defendant officers known and unknown who participated in obtaining the search warrant for their apartment.

135. These defendant officers unreasonably approved, obtained and executed a search warrant for a person who, officers knew or should have known, had no connection with plaintiffs' address, a fact which invalidated the warrant from the start, prior to execution.

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

137. As the sworn applicant for the warrant, officer Hammermeister and those who assisted him 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.

138. Officer Hammermeister, the CPD lieutenant who approved the search warrant, and other defendant officers reasonably knew or should have known that the intended target(s) of the warrant would not be found at plaintiffs' address.

139. Officer Hammermeister and the other officers had an official duty to reasonably investigate and verify information they received from the felonious John Doe about the target's whereabouts.

140. Such an inquiry was so simple to make by means of the sources listed above. Officer Hammermeister and other officers had multiple sources of information available to them at the time, had they bothered to use them.

141. But, on information and belief, officer Hammermeister and others recklessly did not conduct any investigation or verification or failed to conduct a reasonable one. The CPD lieutenant who approved the search warrant failed to verify that officer Hammermeister had performed an adequate independent investigation such that probable cause existed.

142. Consequently, in his complaint for search warrant defendant Hammermeister identified the wrong address, plaintiffs' address, a place he never had probable

cause to enter and search. Because defendant officers recklessly and utterly failed to independently investigate and verify the place to be searched, theirs was not a good faith error.

143. The CPD Lieutenant who approved officer Hammermeister's application for search warrant did so without ensuring that she and other officers had performed the due diligence required by CPD Special Order S04-19.

144. Officers' actions in these respects were objectively unreasonable and were undertaken intentionally, with malice and reckless indifference to plaintiffs' constitutional rights.

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

Defendant Officers' Conduct Was Willful and Wanton or Grossly Negligent

146. Defendant officers' conduct under this count merits an award of punitive damages to plaintiffs. Defendant officers' shocking inaction in failing to perform required and basic reasonable due diligence to verify the correct location for a search warrant before raiding and searching citizens' residence constituted an abuse of power and authority. Defendant officers' actions – of relying solely on location information provided by a criminally active confidential informant and not conducting their own investigation and surveillance - were directed towards honest, hard-working citizens who were totally innocent of all criminal conduct.

147. 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.

148. In light of the character of defendant officers' actions toward plaintiffs and the lasting or permanent psychological injury that defendants' conduct has caused plaintiffs, defendants' conduct merits an award of punitive damages.

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

149. Plaintiffs re-allege paragraphs 1-24 and 37-101 above and incorporate them into this count. They assert this claim against all defendant officers known and unknown who entered and/or searched their apartment.

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

151. For example, when these officers entered plaintiffs' apartment, they forcefully entered plaintiffs' building and apartment without knocking and announcing themselves and their office in circumstances where it was required, they screamed and cursed at plaintiffs, they intentionally damaged or destroyed plaintiffs' personal property, and they did nothing to arrange for repair of the damage.

152. Further, it was unreasonable for officers to detain plaintiffs in handcuffs for two hours, an unreasonable length of time and in an unreasonable and humiliating manner.

153. Officers' manner of entry and search was objectively unreasonable in these and other ways and was undertaken intentionally, with malice and reckless indifference to plaintiffs' constitutional rights.

154. Under the circumstances, officers had reasonable alternative law enforcement techniques available to them for effective entry and search.

155. As the direct and proximate result of officers' misconduct, plaintiffs suffered and continue to suffer injury and harm.

Defendant Officers' Conduct Was Willful and Wanton or Grossly Negligent

156. Defendant officers' conduct under this count merits an award of punitive damages to plaintiffs. Defendant officers' shocking displays of force against a totally unarmed family constituted an abuse of power and authority. Defendant officers' actions set forth above were directed towards unarmed citizens who were fully compliant and cooperative and innocent of all criminal conduct.

157. 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.

158. In light of the character of defendant officers' actions toward plaintiffs and the lasting or permanent psychological injury that defendants' conduct has caused plaintiffs, defendants' conduct merits an award of punitive damages.

COUNT IV – UNCONSTITUTIONAL SEIZURE OF PROPERTY - 42 U. S. C. § 1983
(Plaintiff Sharon Lyons Only)

159. Plaintiff Sharon Lyons incorporates paragraphs 1-24 and 37-101 above and asserts this claim against defendant officers known and unknown who participated in the search of plaintiff's residence and the destruction of their personal property.

160. As set forth above, defendant officers unnecessarily and willfully 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 damage or destruction they caused.

161. 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.

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

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

164. As a result of defendant officers' misconduct described in this Count, plaintiffs have suffered injury, including deprivation of their right to property, financial harm and emotional distress.

COUNT V – ASSAULT – STATE LAW
(All Plaintiffs)

165. Plaintiffs re-allege and incorporate paragraphs 1-24 and 37-101 above in this count. They assert this claim against all defendant officers known and unknown who entered plaintiffs' apartment.

166. The actions of the defendant officers set forth above, including pointing guns at close range at the plaintiffs, created reasonable apprehensions in plaintiffs of immediate harmful contact to plaintiffs' persons.

167. The officers intended to bring about apprehensions of immediate harmful contact in plaintiffs or knew that their actions would bring about such apprehensions.

168. In the alternative, 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.

169. The conduct of defendants in entering and executing a residential search warrant and pointing guns at the residents is 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.

170. The officers' actions were the direct and proximate cause of plaintiffs' apprehensions.

171. Plaintiffs have been seriously harmed by officers' actions.

COUNT VI - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – STATE LAW (All Plaintiffs)

172. Plaintiffs re-allege and incorporate paragraphs 1-24 and 37-101 above in this count and assert this claim against all defendant officers known and unknown who entered plaintiffs' apartment.

173. The actions, omissions and conduct of defendant officers set forth above – including but not limited to pointing guns at plaintiffs, including Lillie - were extreme and outrageous and exceeded all bounds of human decency.

174. Officers' actions, omissions and conduct above were undertaken with the intent to inflict and cause severe emotional distress to plaintiffs, with the knowledge of the high probability that their conduct would cause such distress, or in reckless disregard of the probability that their actions would cause such distress.

175. Officers, who occupied positions of special trust and authority, knew, had reason to know or believed that plaintiffs' family, which included a young child, were especially vulnerable and fragile.

176. 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.

177. In the alternative, 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.

178. The conduct of defendants in entering and executing a residential search warrant and pointing guns at residents 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.

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

COUNT VII - TRESPASS – STATE LAW
(All Plaintiffs)

200. Plaintiffs re-allege paragraphs 1-24 and 37-101 above and incorporate them in this count. Plaintiffs assert this claim against all defendant officers known and unknown who entered plaintiffs' apartment.

201. By obtaining and executing the search warrant when officers did not have independent probable cause to believe that drugs were being sold from plaintiffs' apartment,

officer Hammermeister and other defendant officers physically invaded plaintiffs' right to and enjoyment of exclusive possession of their residence.

202. In the alternative, 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.

203. 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.

204. Officers' actions caused a physical invasion of plaintiffs' residence.

205. Plaintiffs were harmed by officers' physical invasion of their residence.

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

206. Plaintiffs re-allege paragraphs 1-24, 37-101 and 165 – 205 above and incorporate them into this count. Plaintiffs assert this claim against defendant City of Chicago.

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

208. 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 IX – INDEMNIFICATION – STATE LAW
(All Plaintiffs)

209. Plaintiffs re-allege and incorporate paragraphs 1-24, 37-101 and 165 – 205 above. Plaintiffs assert this count against defendant City of Chicago.

210. Illinois law, 745 ILCS 10/9-102, directs public entities to pay any common law tort judgment for compensatory damages for which employees are held liable within the scope of their employment activities.

211. Defendant officers were and are employees of the City of Chicago who acted within the scope of their employment when committing the actions and omissions detailed above.

PRAYER FOR RELIEF (ALL COUNTS)

WHEREFORE, plaintiffs respectfully request that the Court enter judgment in their favor and against defendant on each count for:

a. Compensatory damages;

b. Punitive damages where pled in the counts above;

c. Reasonable attorney's fees and litigation costs and expenses; and

d. Such other or further relief as the Court deems just.

Respectfully submitted,

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

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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 June 11, 2020, 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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