

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

RICKY WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
THE CITY OF CHICAGO, a Municipal Corporation, and Commander GLENN EVANS,)	PLAINTIFF DEMANDS A TRIAL BY JURY
)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, RICKY WILLIAMS, by and through his attorneys, ROMANUCCI & BLANDIN, LLC, and for Plaintiff’s Complaint at Law against Defendants, CITY OF CHICAGO, a municipal corporation, and Commander GLENN EVANS, pleading hypothetically and in the alternative, states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331.
2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all incidents,

events, and occurrences giving rise to this action occurred in the City of Chicago, Illinois.

Moreover, upon information and belief, all or most of the parties reside in this Judicial District.

THE PARTIES

3. Defendant, CITY OF CHICAGO, is a municipal corporation organized under the laws of the State of Illinois.

4. On and before January 30, 2013, and at all relevant times, the Defendant, CITY OF CHICAGO, a municipal corporation, maintained, as a division of said municipal corporation, a certain police department, commonly referred to as the Chicago Police Department.

5. On and before January 30 2013, and at all relevant times, Defendant GLENN EVANS (“Defendant EVANS”) was a Chicago Police Officer employed by the Defendant CITY OF CHICAGO Police Department.

6. Defendant EVANS was a Commander who held a supervisory position within the CITY OF CHICAGO Police Department.

7. On and before January 30, 2013, and at all relevant times, when Defendant EVANS was engaging in the complained of conduct, he was acting under color of law and in the course of his employment as a City of Chicago Police Officer.

8. At all relevant times, Plaintiff RICKY WILLIAMS (“Plaintiff WILLIAMS”) was a citizen of the United States and a resident of Chicago, Cook County, Illinois.

GENERAL FACTS

A. The January 30, 2013 Incident

9. On January 30, 2013, in the late afternoon or evening, Plaintiff WILLIAMS, who was twenty-two years old at the time, was at or near a bus stop located at the corner of East 71st Street and South Eberhart Avenue in Chicago, Illinois.

10. At the aforesaid time and place, Defendant EVANS pulled up to the bus stop in EVANS’s squad car and began to stare at Plaintiff WILLIAMS as WILLIAMS waited at the bus stop.

11. After several minutes of staring, Plaintiff WILLIAMS became nervous and scared and ran into an abandoned home on South Eberhart Avenue.

12. Defendant EVANS, joined by numerous other police officers, pursued Plaintiff WILLIAMS.

13. Defendant EVANS and several other police officers kicked in the front door of the abandoned home and found Plaintiff WILLIAMS smoking a cigarette on the second floor.

14. Without just cause or provocation, Defendant EVANS immediately and aggressively grabbed, pushed, and battered Plaintiff WILLIAMS, eventually throwing WILLIAMS to the floor.

15. Plaintiff WILLIAMS was not resisting arrest and did not constitute any threat of harm to Defendant EVANS or any other person in the home.

16. While one CITY OF CHICAGO police officer had his knee on WILLIAMS's torso and his hand on the back of WILLIAMS's neck, Defendant EVANS began to coercively interrogate and torture Plaintiff WILLIAMS.

17. Defendant EVANS placed a Taser gun or stun gun to WILLIAMS's groin area and demanded to know where WILLIAMS "put the guns."

18. Defendant EVANS then jammed the barrel of his service revolver deep into WILLIAMS's mouth, touching his throat, and said "I should kill you right now."

19. During the incident, Defendant EVANS threatened to put WILLIAMS in jail for a "long time" by bringing gun charges against him.

20. Defendant EVANS also threatened to set a \$3 to \$4 million bond, knowing WILLIAMS could not pay the amount to get out of jail.

21. Despite the coercive interrogation and torture, Plaintiff WILLIAMS insisted he did not know where any guns were located.

22. Plaintiff WILLIAMS was then handcuffed and taken out of the home.

23. While WILLIAMS was led out of the home, WILLIAMS asked if he could spit. The CITY OF CHICAGO police officers said “no,” and then WILLIAMS spit out blood, which was caused by the service revolver being aggressively shoved deep into WILLIAMS’s throat.

24. Defendant EVANS and the other police officers present never searched Plaintiff WILLIAMS for any weapons or drugs. In fact, WILLIAMS was put into the holding pen at the police station with his cell phone still in his pocket.

25. Plaintiff WILLIAMS was then charged with reckless conduct, a misdemeanor.

B. Plaintiff’s Charge Dismissed, IPRA Recommendation

26. The reckless conduct charge was dismissed several months later.

27. Within a few days of the incident, Plaintiff WILLIAMS filed a complaint with the Independent Police Review Authority (IPRA), the City agency that investigates complaints of excessive police force. IPRA initiated an investigation into Defendant EVANS’s conduct on January 30, 2013.

28. During IPRA’s investigation, a DNA test revealed that Plaintiff WILLIAMS’s DNA was identified on Defendant EVANS’s service revolver.

29. In April 2014, after conducting its investigation into the WILLIAMS incident described above, IPRA recommended that Defendant EVANS be stripped of his police powers.

30. Upon information and belief, a memo was sent from IPRA, signed by IPRA Chief Administrator Scott Ando, to Chicago Police Superintendent Garry McCarthy. The IPRA memo pointed out the DNA match and recommended that the police department relieve Defendant EVANS of his police powers and “evaluate” the Commander’s assignment.

31. After receiving the DNA results, IPRA referred the WILLIAMS case to the Cook County State’s Attorney’s Office.

32. Despite IPRA's findings and recommendations, Chicago Police Superintendent McCarthy, Chicago Mayor Rahm Emmanuel, and other City supervisors permitted Defendant EVANS to remain in his post as a District Commander. It was not until late August 2014, after criminal charges were filed and the case gained widespread media attention, that Defendant EVANS was stripped of his police powers.

33. To date, Defendant EVANS has been charged with one count of aggravated battery and one count of official misconduct as it relates to his treatment of Plaintiff WILLIAMS.

C. The Chicago Police Department's History of Failing to Discipline Police Officers who Coercively Interrogate and/or Torture suspects, including Commander Evans

34. At all relevant times, the Defendant CITY OF CHICAGO was aware of Defendant EVANS's long history of citizen complaints regarding excessive force. In fact, Defendant EVANS has been investigated numerous times by IPRA and IPRA's predecessor, the Office of Professional Standards (OPS).

35. Further, according to records released by the City of Chicago in 2014, between approximately May 2001 and May 2006, Defendant EVANS had over 10 misconduct complaints filed against him in that time period alone. None of these complaints resulted in discipline.

36. According to records released by the City of Chicago in 2014, hundreds of CITY OF CHICAGO Police Officers had more than 10 misconduct complaints filed against them during the time period from approximately May 2001 to May 2006.

37. To date, Defendant EVANS has also been named a civil defendant in at least five other lawsuits pursuant to his role as a Chicago police officer, including, but not limited to: *Simmons v. City of Chicago*, 08 C 2769 (excessive force against a City of Chicago Water

Department employee attempting to provide Evans with notice of overdue water bills) and *Simmons v. Officer E.O. Nwagwu et. al.* 08 C 3146 (Defendant Evans allegedly punched and proceeded to Taser plaintiff's groin area in a police interrogation room).

38. Despite the numerous citizen complaints and subsequent OPS and IPRA investigations regarding excessive force, in August 2012, Defendant EVANS was promoted by Superintendent McCarthy to a District Commander position.

39. On March 20, 2014, during a Chicago Police Board Public Meeting, despite the numerous complaints against Defendant EVANS and the ongoing RICKY WILLIAMS investigation by IPRA, Superintendent McCarthy continued to praise EVANS as "probably the most aggressive district commander in the Chicago Police Department" and one of his "best guys," while explaining his decision to move EVANS to the head of the Chicago Police Department's Harrison District.

COUNT I – 42 U.S.C. §1983—Excessive Force
(Ricky Williams v. Glenn Evans)

40. Plaintiff RICKY WILLIAMS hereby adopts and re-alleges Paragraphs 1 through 39 as and for Paragraphs 1 through 39 of Count 1 as though fully set forth herein.

41. At all times relevant, Defendant EVANS was an authorized officer, agent, and/or employee of the CITY OF CHICAGO Police Department, and was acting in the course of his employment and under color of state law.

42. At all times relevant, it was the duty of Defendant EVANS, individually and as an officer, agent and/or employee of the CITY OF CHICAGO Police Department, to refrain from using unreasonable excessive force against others, including Plaintiff WILLIAMS.

43. On January 30, 2013, in breach of said duty, Defendant EVANS used unreasonable and excessive force in violation of the United States Constitution by engaging in the following acts or omissions:

- a) Defendant used a level of force that Defendant knew, or should have known, was excessive when he, among other things, threatened to Taser Plaintiff WILLIAMS's groin area, jammed a gun into WILLIAMS's mouth, and/or made threats to pin unfounded gun charges on WILLIAMS and send WILLIAMS away to prison for "a long time";
- b) Used the threat of deadly force against WILLIAMS when Defendant was not in fear of death or great bodily harm by WILLIAMS;
- c) Defendant used an unreasonable amount of force in relationship to the threat of force posed by WILLIAMS, who was not resisting arrest or threatening any police officers;
- d) Defendant used excessive force in violation of the Chicago Police Department's policy which expressly prohibits use of excessive force;
- e) Defendant failed to use less dangerous means of restraint; and/or
- f) Defendant failed to follow proper police procedures and adhere to a use of force continuum consistent with that used by law enforcement agencies in Illinois.

44. At all times relevant, the aforementioned conduct of Defendant, GLENN EVANS, constituted unreasonable excessive force in violation of the United States Constitution.

45. The actions of Defendant EVANS were objectively unreasonable and were undertaken intentionally with willful indifference to Plaintiff WILLIAMS's constitutional rights.

46. The actions of Defendant EVANS would not be considered reasonable by a reasonably competent police officer in the circumstances presented at the time that Defendant EVANS used such force.

47. The actions of Defendant EVANS were undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff WILLIAMS.

48. As a proximate cause of Defendant's unreasonable and excessive use of force, RICKY WILLIAMS experienced injuries, including physical and psychological pain and suffering.

WHEREFORE, Plaintiff, RICKY WILLIAMS, respectfully requests that this Court enter judgment against Defendant, GLENN EVANS, awarding compensatory damages, attorneys' fees, punitive damages, and for any further relief this Court deems just.

COUNT II – 42 U.S.C. §1983—Malicious Prosecution
(Ricky Williams v. Glenn Evans)

49. Plaintiff RICKY WILLIAMS hereby adopts and re-alleges Paragraphs 1 through 38 as and for Paragraphs 1 through 39 of Count II as though fully set forth herein.

50. Defendant GLENN EVANS initiated legal proceedings against Plaintiff, RICKY WILLIAMS, and/or caused these legal proceedings to continue against him, without just cause.

51. With malice, willfulness, and/or reckless indifference to Plaintiff WILLIAMS's rights, Defendant EVANS created false and/or inaccurate police reports, and falsely charged WILLIAMS with reckless conduct.

52. In addition, Defendant EVANS gave false accounts regarding the incident/investigation to other police officers and/or prosecutors and/or fabricated evidence.

53. The legal proceedings against Plaintiff WILLIAMS for reckless conduct were terminated in his favor, in a manner indicative of innocence.

54. As a direct and proximate result of Defendant's malicious prosecution, Plaintiff WILLIAMS was deprived of his liberty and suffered damages.

55. The actions of the Defendant EVANS in maliciously prosecuting Plaintiff WILLIAMS were in violation of WILLIAMS's rights under the Fourteenth Amendment of the

United States Constitution to be free from malicious prosecution and his right under the Fourteenth Amendment of the United States to due process of law.

WHEREFORE, Plaintiff, RICKY WILLIAMS, respectfully requests that this Court enter judgment against Defendant, GLENN EVANS, awarding compensatory damages, attorney's fees, punitive damages, and any further relief this Court deems just.

COUNT III – 42 U.S.C. §1983—Ratification
(Ricky Williams v. City of Chicago)

56. Plaintiff RICKY WILLIAMS hereby adopts and re-alleges Paragraphs 1 through 39 as and for Paragraphs 1 through 39 of Count III as though fully set forth herein.

57. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF CHICAGO's Police Department, including Defendant EVANS, were acting under the color of state law.

58. The employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, including Defendant EVANS, deprived RICKY WILLIAMS of his rights, privileges, and immunities secured by the Fourth and Fourteenth Amendments of the United States Constitution, including the right to be secure in his person against unreasonable seizures and use of excessive force.

59. A final policy maker, such as Chicago Police Superintendent McCarthy and/or Chicago Mayor Rahm Emmanuel, acting under color of law, who had final policymaking authority and disciplinary authority concerning the acts of Defendant EVANS, ratified Defendant EVANS's acts and the bases of them in regards to the RICKY WILLIAMS incident described above.

60. The final policymaker knew of and specifically approved of Defendant EVANS's acts described above, which permitted Defendant EVANS to remain in his post until the case gained widespread media attention and criminal charges were filed.

61. A final policy maker has determined that the acts of Defendant EVANS were "within policy," which permitted GLENN EVANS to remain in his post until the case gained widespread media attention and criminal charges were filed.

62. As a direct and proximate result of the Constitutional violations caused by the employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, and its policymakers, Plaintiff WILLIAMS was deprived of his liberty and suffered damages.

WHEREFORE, Plaintiff, RICKY WILLIAMS, respectfully requests that this Court enter judgment against Defendant, CITY OF CHICAGO, awarding compensatory damages, attorney's fees, and any further relief this Court deems just.

**COUNT IV – 42 U.S.C. §1983—Policy and Custom of Failing to Discipline and Punish
Police Officers**
(Ricky Williams v. City of Chicago)

63. Plaintiff RICKY WILLIAMS hereby adopts and re-alleges Paragraphs 1 through 39 as and for Paragraphs 1 through 39 of Count IV as though fully set forth herein.

64. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF CHICAGO's Police Department, including Defendant EVANS, were acting under the color of state law.

65. The employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, including Defendant EVANS, deprived RICKY WILLIAMS of his rights, privileges, and immunities secured by the Fourth and Fourteenth Amendments of the United

States Constitution, including the right to be secure in their persons against unreasonable seizures and use of excessive force.

66. As outlined above, Defendant CITY OF CHICAGO has a widespread practice of failing to discipline and/or punish police officers for the use of excessive force, including Defendant EVANS. This *de facto* policy encourages Chicago police officers to engage in misconduct with impunity and without fear of official consequences.

67. Moreover, Defendant CITY OF CHICAGO has a well-settled, widespread “code of silence” that exists within the Chicago Police Department whereby officers conceal each other’s misconduct in contravention of their sworn duties.

68. This *de facto* policy and code of silence is evidenced and caused by the CITY OF CHICAGO’s failure to: (1) sufficiently investigate allegations of police misconduct; (2) accept citizen complaints against police officers; (3) promptly interview suspected officers or take witness statements and preserve evidence; and/or (4) properly and sufficiently discipline officers, including those that use coercive interrogation techniques and torture on suspects.

69. This *de facto* policy encourages Chicago police officers to engage in misconduct with impunity and without fear of official consequences. Further, this *de facto* policy and code of silence results in officers’ failure to report instances of misconduct of which they are aware, despite their obligation to do so as police officers.

70. Defendant CITY OF CHICAGO Police Department also created and/or allowed a policy, custom, or usage wherein its police officers failed to intervene to stop other officers from using excessive force in detaining suspects, including RICKY WILLIAMS.

71. The aforementioned policies, usages, and/or customs of the Defendant CITY OF CHICAGO proximately caused a culture and attitude throughout the CITY OF CHICAGO

Police Department that officers are “above the law” – and may act in violation of law and the United States Constitution without fear of consequence. Further, and as a result of the aforementioned policies, usages, and/or customs, the employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, including GLENN EVANS, deprived Plaintiff WILLIAMS of his rights, privileges, and immunities secured by the Fourth and Fourteenth Amendments of the United States Constitution, including the right to be secure in his person against unreasonable seizures and use of excessive force.

72. As a direct and proximate result of the Constitutional violations caused by the employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, Plaintiff WILLIAMS was deprived of his liberty and suffered damages, including physical and emotional injuries.

WHEREFORE, Plaintiff, RICKY WILLIAMS, respectfully requests that this Court enter judgment against Defendant, CITY OF CHICAGO, awarding compensatory damages, attorney’s fees, and any further relief this Court deems just.

COUNT V – 42 U.S.C. §1983—Unconstitutional Customs, Policies, and Practices
(Ricky Williams v. City of Chicago)

73. Plaintiff RICKY WILLIAMS hereby adopts and re-alleges Paragraphs 1 through 39 as and for Paragraphs 1 through 39 of Count V as though fully set forth herein.

74. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF CHICAGO’s Police Department, including GLENN EVANS, were acting under the color of state law.

75. At all relevant times, the employees, agents, and/or officers of Defendant CITY OF CHICAGO’s Police Department, including GLENN EVANS, were acting pursuant to an

expressly adopted official policy or a longstanding practice or custom of the Defendant CITY OF CHICAGO Police Department.

76. Upon information and belief, Defendant CITY OF CHICAGO Police Department, including its agents, employees, and/or officers, together with other City of Chicago policymakers and supervisors maintained, *inter alia*, the following unconstitutional customs, practices, and/or policies:

- a) Using excessive force while detaining suspects;
- b) Conducting physically, psychologically, or otherwise illegal or improperly coercive interrogations of witnesses, suspects, and/or arrestees, including the use of torture techniques to obtain confessions or get information;
- c) Providing inadequate training regarding how to detain suspects and the proper amount of force that can be used in various circumstances;
- d) Employing and retaining as police officers individuals, such as Defendant EVANS, who the Defendant CITY OF CHICAGO knew or reasonably should have known had dangerous propensities for abusing authority and for using excessive force on suspects and other citizens;
- e) Inadequately supervising, training, controlling, assigning, and disciplining CITY OF CHICAGO police officers and other personnel, including Defendant EVANS, who Defendant CITY OF CHICAGO knew or in the exercise of reasonable care should have known had the aforementioned propensities and character traits;
- f) Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining, and controlling misconduct by CITY OF CHICAGO police officers, including Defendant EVANS;
- g) Failing to adequately discipline CITY OF CHICAGO police officers for the above-referenced categories of misconduct, including providing “slaps on the wrist” discipline that is so slight as to be out of proportion to the magnitude of the misconduct, and other inadequate discipline that is tantamount to encouraging misconduct;
- h) Even where police officer misconduct is determined to be unlawful by IPRA or the Cook County State’s Attorney’s Office, refusing to discipline, terminate, or retrain officers involved;

- i) Encouraging, accommodating, or facilitating a “blue code of silence,” “blue shield,” “blue wall” or simply “code of silence,” pursuant to which police officers do not report other officers’ errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another officer, while following the code, the officer being questioned will claim ignorance of the other officer’s wrongdoing.
- j) Maintaining a policy of inaction and an attitude of indifference towards increasing numbers of excessive use of police force complaints, including by failing to discipline, retrain, investigate, terminate, and recommend officers for criminal prosecution who participate in excessive use of police force.

77. Defendant CITY OF CHICAGO Police Department, together with various other officials, whether named or unnamed, had either actual or constructive knowledge of the deficient policies, practices and customs alleged above. Despite having knowledge of the above, these Defendants condoned, tolerated and through their own actions or inactions thereby ratified such policies.

78. Such Defendants also acted with deliberate indifference to the foreseeable effects and consequences of these policies with respect to the constitutional rights of Plaintiff RICKY WILLIAMS, as well as its detrimental impact on the confidence the public has in the police force that serves it.

79. As a direct and proximate result of the Constitutional violations caused by the employees, agents and/or officers of the Defendant CITY OF CHICAGO Police Department, and other policymakers, Plaintiff RICKY WILLIAMS was deprived of his liberty and suffered damages, including physical and emotional injuries.

WHEREFORE, Plaintiff, RICKY WILLIAMS, respectfully requests that this Court enter judgment against Defendant, CITY OF CHICAGO, awarding compensatory damages, attorney’s fees, and any further relief this Court deems just.

Respectfully Submitted,
ROMANUCCI & BLANDIN, LLC

/s/ Antonio M. Romanucci
Attorney for Plaintiff

Antonio M. Romanucci
Angela P. Kurtz
ROMANUCCI & BLANDIN, LLC
321 North Clark Street, Suite 900
Chicago, Illinois 60654
(312) 458-1000
(312) 458-1004 *facsimile*
Attorney No.: 35875