

# Police Misconduct

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## 1. Excessive Force

### ***Thurman v. Milwaukee (2002)***

Clarence Thurman was shot and killed by an off-duty police officer. The case was settled after the district court denied the defendants' motion for summary judgment.

[Plaintiff's Memorandum in Opposition to Motion for Summary Judgment](#)

### ***Risper v. City of Chicago (1995)***

George Risper, an African-American middle school student, was waiting for a bus with other members of his school basketball team. George was the only African-American child in the group. A Chicago police officer came upon the children and verbally harassed and pushed George. The case settled shortly after the complaint was filed.

[Complaint, Risper v. Chicago](#)

### ***Turnbow v. City of Chicago (2002)***

Dewey, Lawrence, and Ronald Turnbow were installing flooring tile inside a dwelling when they refused to permit police officers to enter. The officers allegedly used excessive force in their interaction with the Turnbows. The lawsuit was settled.

[Plaintiffs' Complaint](#)

### ***Green v. Flowers (2003)***

Charles Green was being processed at the Kane County Jail when Officer Flowers allegedly used excessive force and broke Green's arm. The lawsuit is

pending.

[Plaintiff's Complaint](#)

## 2. False (or Wrongful) Arrest

### ***Paige v. Magana: Harvey Loitering Policy (2003)***

Police officers of the City of Harvey, Illinois believe that they have to power to arrest persons who "loiter" or "linger" in areas known for drug dealing or prostitution. This policy is challenged in *Paige v. Magana*. Plaintiff's [motion for class certification](#) is pending.

### ***Villareal v. Gallett ((1990)***

After Chicago police shot and killed a man named Jose Villareal, several witnesses were detained at a police station while the shooting was investigated. The detentions were unjustifiable and the case settled quickly.

[Plaintiffs' Complaint](#)

### ***Julien v. City of Chicago (2003)***

This is one of five lawsuits filed against the same police officer, who allegedly arrests persons he suspects of being drug dealers and plants drugs if he is unable to find anything. All of the cases against this officer, save for [Wiley v. Jones](#), (pending on appeal) have been settled.

[Plaintiffs' Complaint](#)

## 3. Unreasonable Search of the Person

### ***Doe v. Calumet City (1995)***

The police department of Calumet City, Illinois believed that it was reasonable to strip search every woman who was arrested for a misdemeanor or ordinance violation, even though the illegality of this practice had been established years before in challenges to the Chicago strip search policy. *Mary Beth G. v. City of Chicago*, 723 F.2d 1263 (7th Cir. 1983).

The case was certified as a class action for "all women who were arrested on misdemeanor or ordinance violation charge in Calumet City, Illinois between April 16, 1982 and March 31, 1988." The case was settled for a sum slightly in excess of six million dollars after the district court granted summary judgment in favor of the plaintiff class on liability.

The distribution formula adopted in the litigation (set out in the [Notice of Hearing on Settlement of Class Action](#)) has been used as the model for settlement of other multi-party strip search class actions.'

#### 4. Unreasonable Search of the Home

***Carruthers v. Macklin (1993)***

Police officers, armed with a search warrant, entered the Carruthers' residence searching for drugs. The officers found two adults in the home: Sharon Carruthers was in the bathtub; the officers forced her to get out of the bath and refused to allow her to cover herself. Clarence Austin was not as lucky: one officer kicked Austin while another pointed a firearm and threatened to kill Austin if he moved. No drugs were found. One of the allegations in the lawsuit was that the police had lied to obtain the search warrant.

The case settled shortly after the district court denied the defendants' motion for summary judgment. Plaintiffs' [Memorandum in Opposition to Summary Judgment](#) is available.

#### 5. Wrongful Prosecution

***Ferguson v. Breen (pending)***

Pierre Ferguson was a witness to a motor vehicle accident in front of his home in Chicago. He was arrested when he tried to share his observations with the police officers who responded to the accident. Ferguson was required to make nine court appearance before the case was dropped.

Ferguson's civil rights complaint alleges that the arresting officers made up the charges and that officers at all times knew that Ferguson had not committed either disorderly conduct, resisting arrest, or battery. The [amended complaint](#) is available.

***Wiley v. City of Chicago (pending)***

Reginald Wiley was arrested in 2000 by a Chicago police officer. Wiley alleges that the officer had framed him by planting drugs. All charges were dismissed in July of 2002 and Wiley filed suit in August of 2002, more than two years after he had been arrested. The district court held that the lawsuit was barred by the two year statute of limitations that applied to civil rights cases in Illinois.

The appeal is scheduled for oral argument in November, 2002. Available here are [Plaintiffs' Opening Brief](#) and [Plaintiff's Reply Brief](#).