

original for court*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

DEC 06 2013

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Tylon Hudson

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

13cv8752

JUDGE SHADUR

MAGISTRATE JUDGE KIM

Toni Preckwinkle, d/B/a

Cook County, IL Tom Dart,

Sheriff/Warden, K. Sankay,

Mr. Wynerkeyh, Mr. Nelepq, Mr.

Mundt, S. Brattien, Mr. Clemons,

Mr. Johnson, Theresa Olson, MS Lewis,

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

Mr. Kolnecki,

MS Crump, Mr. Appleberry,
and Coyer.

CHECK ONE ONLY:

X

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

①

I. Plaintiff(s):

- A. Name: Tylon Hudson
- B. List all aliases: N/A
- C. Prisoner identification number: # 2009-1120252
- D. Place of present confinement: Cook Cnty Dept. of Corr.
- E. Address: 2950 S. California, Chgo, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Toni Preckwinkle
Title: President, Cook County Board of Comm.
Place of Employment: Cook County, IL
- B. Defendant: Thomas Dart
Title: Sheriff, Cook Cnty., IL, Warden, County Jail
Place of Employment: Cook County, IL
- C. Defendant: S. Bratlien
Title: Supt., Cook Cnty Dept. of Corr.
Place of Employment: Cook Cnty Dept of Corr.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

I. Plaintiff(s):

- A. Name: (1)
- B. List all aliases: " "
- C. Prisoner identification number: " "
- D. Place of present confinement: " "
- E. Address: " "

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Mr. Clemons
Title: Commander, Cook Cnty Dept. of Corr.
Place of Employment: Cook County Dept. of Corr.
- B. Defendant: Mr. Johnson
Title: Lieutenant, Cook Cnty. Dept. of Corr.
Place of Employment: Cook Cnty. Dept. of Corr.
- C. Defendant: Theresa Olson
Title: Director, Cook Cnty. Dept. of Corr.
Place of Employment: Cook Cnty. Dept. of Corr.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

I. Plaintiff(s):

- A. Name: _____
- B. List all aliases: _____
- C. Prisoner identification number: _____
- D. Place of present confinement: _____
- E. Address: _____

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Ms. Lewis
Title: F/d/b/a. Sergeant
Place of Employment: Cook Cnty Dept. of Corr.
- B. Defendant: Mr. Kolneck
Title: Sergeant
Place of Employment: Cook Cnty Dept. of Corr.
- C. Defendant: Ms. Crump
Title: Sergeant
Place of Employment: Cook Cnty Dept. of Corr.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

I. Plaintiff(s):

- A. Name: _____
- B. List all aliases: _____
- C. Prisoner identification number: _____
- D. Place of present confinement: _____
- E. Address: _____

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Mr. Wynerkeyh
Title: Officer (deputy)
Place of Employment: Cook Cnty Dept. of Corr.
- B. Defendant: MR. Nalapa
Title: Sergeant
Place of Employment: Cook Cnty Dept. of Corr.
- C. Defendant: Mr. Mundt
Title: Lieutenant
Place of Employment: Cook Cnty Dept. of Corr.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

(5)

I. Plaintiff(s):

- A. Name: _____
- B. List all aliases: _____
- C. Prisoner identification number: _____
- D. Place of present confinement: _____
- E. Address: _____

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Krystal Sankey
Title: Library asst.
Place of Employment: Cook Cnty Dept. of Corr.
- B. Defendant: Mr. Coyle
Title: Correctional officer
Place of Employment: Cook Cnty Dept. of Corr.
- C. Defendant: Mr. D. Appleberry
Title: Correctional officer
Place of Employment: Cook Cnty Dept. of Corr.

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

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III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tylen Hudson v. County of Cook, et al., 11 C 06075
- B. Approximate date of filing lawsuit: 2011
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tylen Hudson
- D. List all defendants: Sgt. Galvin, Captain Plexico, Thomas Darty, Ofcs, Evans, Ramos, Rafferty, Rajoski, Sgt. Green, Lt. Galan, and Salvador Gobinet
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Casref, Kim, PC
- G. Basic claim made: deliberate indifference, etc.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settlement
- I. Approximate date of disposition: April 2014

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tylen Hudson v. Douglas J. Simpson, 11-C-7382
- B. Approximate date of filing lawsuit: Oct. 2011
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tylen Hudson
- D. List all defendants: Douglas J. Simpson
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Samuel Der-Yeghiayan
- G. Basic claim made: conspiracy
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): dismissed
- I. Approximate date of disposition: Nov. 2011

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tylon Hudson v. County of Cook, et al., 12 C 5589
- B. Approximate date of filing lawsuit: July 2012
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tylon Hudson
- D. List all defendants: Todd Strasser, etc.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Blanche Manning
- G. Basic claim made: deliberate indifference, etc.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): dismissed
- I. Approximate date of disposition: 2012

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tylen Hudson v. County of Cook
et al., 11 CV 01756
- B. Approximate date of filing lawsuit: 2011
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tylen Hudson

- D. List all defendants: Thomas J. Dart, Scott Kurtovich,
D. Howell

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Casref, Kim, PC
- G. Basic claim made: deliberate indifference, etc.

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settlement

- I. Approximate date of disposition: April 2012

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

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III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tybo Hudson v. Mueller, et al,
12-C-50603
- B. Approximate date of filing lawsuit: 2012
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tybo Hudson

- D. List all defendants: John Mueller, et al. [I do not possess info
determining all the defendants]

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Fed. Ct.
- F. Name of judge to whom case was assigned: Milton I. Shadur
- G. Basic claim made: Denial of religious rights

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): dismissed

- I. Approximate date of disposition: June 2013

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

(21)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tybon Hudson v. Ofc Vose, et al.
12 C 4276
- B. Approximate date of filing lawsuit: 2012
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tybon Hudson

- D. List all defendants: Ofc. Vose and Jenus

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Milton J. Shadur
- G. Basic claim made: deliberate indifference, etc.

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): dismissed

- I. Approximate date of disposition: 2013

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tyler Hudson v. Dept et al,
10 cv 08253
- B. Approximate date of filing lawsuit: 2010, March
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Thomas
Dept, Lt. Bryant, Ofc Bryant and Davis
- D. List all defendants: Tyler Hudson
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Federal Court
- F. Name of judge to whom case was assigned: Kim, PC
- G. Basic claim made: deliberate indifference, etc.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Settlement
- I. Approximate date of disposition: April 2011

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tylon Hudson v. W. Williams and
ofc. K. Black 12 MG 4564
- B. Approximate date of filing lawsuit: Approx. Feb. 2013
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Tylon Hudson
- D. List all defendants: Vashawn Williams, Jr. 20080017916
ofc Kendra Black, star 9206
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): State Court
- F. Name of judge to whom case was assigned: Hon. Camille E. Willis
- G. Basic claim made: Assault and battery, one failure to protect,
ETC.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Pending
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Tyler Hudson v. Nicola Woolfolk
12 L 4541
- B. Approximate date of filing lawsuit: May 2, 2012
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: Nicola R. Woolfolk
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): State Court
- F. Name of judge to whom case was assigned: _____
- G. Basic claim made: Fraud
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): dismissed for want of prosecution
- I. Approximate date of disposition: APP Nov 2012 (Appox)

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

Preliminary Statement

1. This action stems from an attack on the plaintiff by detainee Michael Morgan (Morgan), a well-known punting member of the "Notorious Vice Lords street gang."

2. Ofc Campbell past/present makes death threats, etc... to the plaintiff. Ofc. Campbell (Campbell) says because of Plaintiff's alleged murder and domestic battery of his relatives. The plaintiff is currently charged with said offenses. Campbell says that he will effectuate his threats via the "Vice Lords," officers, etc...

3. Morgan threatened and assaulted the plaintiff, and alleged that his actions are petitioned by Campbell. Officers failed to intervene. The plaintiff for fear of his life requested protective custody. While in protective custody, the plaintiff submitted several grievances, involving, including but not limited to, plaintiff realleges 1-3, and informed officers and civilian staff of the same.

4. Also, the plaintiff's relatives via telephone, grievances, etc... informed the sheriff, officers of various ranks, etc..., the plaintiff realleges 1-3 and requested protection for the plaintiff. In an oval Morgan was allowed to attack the plaintiff causing him facial punctures, lacerations, swollen face and mouth, etc...

5. The sheriff, officers, etc. (some who publicly announce their contempt for the plaintiff for the alleged offenses against Campbell's family) possessed personal knowledge that Morgan posed a substantial threat to plaintiff's safety, and that the risk of violence to the plaintiff was/is pervasive, but instead acted with deliberate indifference, sadistically and maliciously allowed the plaintiff to be attacked, or aided and abetted the attack on the plaintiff, etc. which caused plaintiff's injuries.

FACTS

6. Approx. April 08, 2007, July 24, August 16 of 2012, etc. defendant Campbell engaged the plaintiff, threatening that he will cause harm/death on the plaintiff via officers, "Vice Lords" street gang, etc.

7. On August 03, 2012, defendant Johnson relocated the plaintiff to a different housing unit because of "death threats" on plaintiff's life; the plaintiff requested to file state law charges for threats, but is denied. The plaintiff requested from defendant Bartleson and Ivie keep the same, to no avail.

8. Shortly after (within hours) being relocated to the housing unit, i.e., the plaintiff, detainees Michael Morgan (Morgan) and Anthony Davis (Davis) from the same unit as the plaintiff were relocated to the same unit.

as the plaintiff. Subsequently, Morgan and Davis threatened the plaintiff, (while the plaintiff was detained in his cell) and sometime thereafter Morgan assaulted the plaintiff, and threatened to finish his assault later, etc.

9. Defendant Gonzalez observed the above assault, however failed to intervene.

10. The plaintiff requested and received protective custody, fearing harm/death.

11. While in protective custody, the plaintiff submitted approx. 15 grievances primarily stating, the plaintiff replaces paragraphs 6 to 10, etc.... Additionally, the plaintiff informed Morgans street-gang association (which is well-known) and his assertion that: "Ofc Campbell told us" Vice lords (a street-gang) what plaintiff did to his family members, and Defendant Campbell's continuing threats to the plaintiff.

12. Additionally, while in protective custody, the plaintiff learned that like the plaintiff, Morgan purposely (to have personal access to the plaintiff) acquired a court order for additional law library privileges. (all court orders attend the library together.)

13. Also, while in protective custody, the plaintiff had occasion to speak with defendant Kolbecki (on approx. Aug. 12, '12); defendant Lewis (on approx. Aug. 16, '12); Commander Johnson (on approx. Aug. 13, '12); N. Johnson, CRW (social worker) (on approx. Aug. 13, '12); Teresa Jones, law library asst. (on approx. Aug. 07 and Aug. 14, '12); defendant Johnson, lieutenant (on approx. Aug. 13, '12). The plaintiff informed these jail employees, Repleads paragraphs 6-12.

14. Further, while in protective custody, the plaintiff informed his relatives, Repleads 6-13, and on information and belief, plaintiff's relatives via telephone, etc., contacted: ^① Defendant Dart (on 8/27/12 at approx. 2:45 p.m., speaking w/ Malinda, Darts assistant; and on 8/28/12 at approx. 3:18 p.m., speaking w/ Deputy Sanders, ^② Defendant Crump, on 8/27/12 at approx. 11:21 a.m.; ^③ Defendant Wyner-Keyh, on 8/27/12 at approx. 5:16 p.m.; ^④ Defendant Bretlien, about 8/28/12 at approx. 3:15 p.m.; ^⑤ Defendant Nelepa, about Sept. 03, '12, at approx. 2:15 p.m.; ^⑥ Defendant Johnson, on 9/8/12 at approx. 3:30 p.m.; ^⑦ Defendant Clemons, on 8/27/12 at approx. 11:21 a.m.; ^⑧ Defendant Mundt, about 9/10/13, etc., and inform all the above-defendants, Repleads 6-13. And emphasized that if/when the plaintiff is returned to general population, that Morgan may attack the plaintiff in the library. See # 12 herein.

15. On Aug. 16 '12, the day the plaintiff left protective custody, he informed Defendant Lewis, realleges 6-14.

16. From Aug 16 '12 - Sept. 9, the plaintiff informed Defendant Crump, Johnson, Nalepa, etc., realleges 1-15.

17. On Sept. 09, '12, the plaintiff had occasion to speak w/ Commander Johnson; Johnson was informed of plaintiff realleges 1-16, however Johnson explained that he had no authority to keep separated plaintiff and Morgan during their law library privileges, but instead he made an order keeping the plaintiff on a special unit at division 10. See Exh. 1.

18. Approx. on Sept. 10 '12, the plaintiff was sent to the law library; also Morgan, the plaintiff informed Defendant Caylor and Wilson, plaintiff realleges 1-17, and a grievance the plaintiff authored regarding the on-going threat to my personal safety, to no avail. See Exh.

19. Approx. On Sept. 11 '12, the plaintiff was sent to the law library; also Morgan, the plaintiff again informed Defendant Caylor, Wilson and also Defendant Senkey, etc., plaintiff realleges 1-17, to no avail.

20. On Tuesday, Sept. 18, '12, the plaintiff was sent to the law library; plaintiff recalls 19. And Morgan attacked the plaintiff causing him facial punctures, bruises, etc.

Addendum

21. Defendant Olson was sent a missive via CDCR internal mail on Aug 07, '12 detailing the plaintiff recalls approx. 1-15, however Olson did not respond until about July 2013. (on this issue and others).

22. Also Olson was contacted via telephone, by plaintiffs family on about 9/8/12, but to no avail, Olson turned a blind-eye.

23. On approximately 9/15, 12, the plaintiff informed Defendant Appleberry, the plaintiff recalls Par 1 to 5 as if fully stated herein. And regarding Morgans participation in the law library and the plaintiffs fear for his personal safety, etc., to no avail Appleberry turned a blind-eye.

Monell Claim

1. Sheriff Dart has established a custom, policy, and practice that fails to properly protect inmates housed at the Cook County Jail (CCJ).

2. On information and belief, and plaintiffs own experiences Sheriff Dart has established a custom, policy, and practice that fails to properly protect inmates housed at CCJ.

3. This information is based, in part, on the July 11, 2008 Department of Justice ("DOJ") Findings letter addressed to Cook County and Sheriff Dart. See DOJ, Civil Rights Div. Findings letter addressed to Cook County and Sheriff Dart at 9.

4. On May 13, 2012, the United States filed suit against Cook County and Sheriff Dart alleging that they have (1) repeatedly and consistently disregarded known or serious risks of harm to inmates at CCJ; (2) repeatedly failed to take reasonable measures to prevent staff from inflicting serious harm on inmates, even in the face of the obvious

and substantial risk that staff will inflict such harm and the multiple occasions on which CCJ staff in fact have inflicted harm, (3) repeatedly failed to take reasonable measures to protect inmates against the serious harm inflicted on them by other inmates, even in the face of the obvious and substantial risk that inmates will inflict ^{error error} on ~~them by other inmates~~ such harm and the multiple occasions in which CCJ inmates have in fact inflicted such harm. Please see excerpts of Findings letter attached hereto as exhibit A

WHEREFORE, the plaintiff demands compensatory damages against defendant Dart and Preckwinkle in an amount to be determined at trial

Respectfully Submitted

Tylen Hudson

Tylen Hudson

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff requests that he receive appropriate compensatory damages against all defendants, as well as punitive damages against the individual defendants. Plaintiff also requests that the cost of this action, including attorneys fees be taxed against defendants.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 24 day of Nov., 20 13

Tylon Hudson
(Signature of plaintiff or plaintiffs)

Tylon Hudson
(Print name)

2009-1120252
(I.D. Number)

P.O. Box 089000
chgo, IL 60608
(Address)

⑬

FYI:

At the filing of this action, I filed another action in State Court, for which I have not received any information, i.e., Case no., etc. This action is for, inter alia, failure to protect. Thank you.

~~Tylen Hudson~~

Tylen Hudson

To the best of my ability and knowledge I have listed all prior and pending law suits state or federal

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Tylon Hudson

v.

Thomas Dart, et al.

Proof of Service

To: United States District

Court, Northern Dist of Illinois

Eastern Div. Attn. Prisoners Correspondence

212 S Dearborn

Chgo, IL 60604

*

Please forward to me 9 stamped

filed copy of the enclosed action, a
copy of which is enclosed

x3. The copy service here

only allowed for 3 copies
this day

Please Take Notice that on Nov 27, 2013, I deposited in the
out-going mail depository (T. Jones) 1 Federal civil action w/
an attached exhibit (S) addressed to the party listed above, along
with 3 additional copies of the same.

Date: Nov. 27, 13

/s/ Tylon Hudson
Tylon Hudson



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 11 2008

Todd H. Stroger
Cook County Board President
118 N. Clark Street
Room 537
Chicago, IL 60602

Thomas Dart
Cook County Sheriff
Richard J. Daley Center
50 W. Washington Street
Room 704
Chicago, IL 60602

Re: Cook County Jail
Chicago, Illinois

Dear President Stroger and Sheriff Dart:

We write to report the findings of the investigation of Civil Rights Division and the United States Attorney's Office into conditions at the Cook County Jail ("CCJ"). On February 16, 2007, we notified the Cook County Board of Commissioners ("County") of our intent to conduct an investigation of CCJ pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997. As we noted, CRIPA gives the Department of Justice authority to seek a remedy for a pattern or practice of conduct that violates the constitutional rights of inmates in adult detention and correctional facilities.

On June 18-22, 2007, and July 23-27, 2007, we conducted on-site inspections at CCJ with expert consultants in corrections, use of force, custodial medical and mental health care, fire safety, and sanitation.¹ We interviewed

¹ Our fire safety and sanitation experts accompanied us only on the July on-site visit.

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1995). Where restraints are used, the inmate should be properly monitored and the length of restraint-time should be limited to ensure the inmate's safety. French, 777 F.2d at 1253-54. Restraints imposed by correctional officers that are medically unjustifiable and have no adequate security rationale infringe on an inmate's due process rights. Wells v. Franzen, 777 F.2d 1258, 1263 (7th Cir. 1985) (restraint of a suicidal inmate).

III. FINDINGS

We find that CCJ fails to adequately protect inmates from harm and serious risk of harm from staff and other inmates; fails to provide inmates with adequate medical and mental health care; fails to provide adequate suicide prevention; fails to provide adequate fire safety precautions; and fails to provide safe and sanitary environmental conditions.

A. INADEQUATE PROTECTION FROM HARM

Corrections officials must take reasonable steps to guarantee inmates' safety and provide "humane conditions" of confinement. Farmer, 511 U.S. at 832. Providing humane conditions requires that a corrections system must satisfy inmates' basic needs, such as their need for safety. Additionally, jail officials have a duty to take reasonable steps to protect inmates from physical abuse.

To ensure reasonably safe conditions, officials must take measures to prevent the use of unnecessary and inappropriate force by staff. Officials must also take reasonable steps to protect inmates from violence at the hands of other inmates. In addition, officials must provide adequate systems to investigate incidents of harm, including staff misconduct and alleged physical abuse of inmates. Finally, a jail has an obligation to protect vulnerable inmates from harm, such as those who are at risk of suicide or at risk from other inmates. For the reasons set forth below, CCJ fails to meet constitutional standards in all of these regards.

1. Inappropriate and Excessive Use of Force

Although the violence present in a correctional setting necessarily permits the appropriate use of force, the Constitution forbids excessive physical force against inmates. A determination of whether force is used appropriately requires an evaluation of the need for the use of force, the relationship between that need and the amount of force used, the seriousness of the threat reasonably believed to exist, and efforts made to temper the severity of a forceful response. Hudson v. McMillian,

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503 U.S. 1, 7 (1992). Generally accepted correctional practices provide that appropriate uses of force in a given circumstance should include a continuum of interventions, and that the amount of force used should not be disproportionate to the threat posed by the inmate. Absent exigent circumstances, lesser forms of intervention, such as issuing disciplinary infractions or passive escorts, should be used or considered prior to more serious and forceful interventions.

We found that inmates at CCJ are regularly subjected to inappropriate and excessive uses of physical force. CCJ officers too often respond to inmates' verbal insults or failure to follow instructions by physically striking inmates, most often with the active assistance of other officers, even when the inmate presents no threat to anyone's safety or the security of the facility. Moreover, even in cases in which the initial use of force is reasonable, officers sometimes continue to engage in physical force after the inmate has been brought under control or is effectively restrained.

A top security administrator frankly acknowledged to us the existence of "a culture of abusing inmates" when he came to CCJ in October 2006. While senior management has taken steps to reduce the use of force, such as requiring Use of Force Reports and by subjecting these documents to greater scrutiny, the excessive and inappropriate use of force has not been brought under control. We believe that, despite management's efforts, a culture still exists at CCJ in which the excessive and inappropriate use of physical force is too often tolerated.

Our investigation included an intensive examination of documents provided by CCJ concerning the incidents listed below and a host of others occurring between January 2006 and July 2007. We also conducted a great many staff and inmate interviews. In some cases, our findings of inappropriate or excessive uses of force are in accord with CCJ's own conclusions.

a. Use of Force in Response to Verbal Altercations

The use of force, while sometimes necessary in a corrections setting, must be appropriate to the given circumstances and proportionate to the threat posed. A verbal taunt from an inmate to an officer is a rule violation and may appropriately result in disciplinary action, but it should not require a physical response. As the examples below demonstrate, verbal altercations with inmates too often provoke physical responses from CCJ officers:

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1. In July 2007, following his hour of exercise, Alberto P.⁶ refused to return to his cell and a female officer locked the cell doors while Alberto remained outside. He called the officer a "b----." When Alberto came out with his property to be moved to disciplinary segregation for insulting the officer, he was beaten by a number of officers. One officer later told Alberto that he had tried to stop the beating, but he just "didn't have enough juice" (apparently explaining his inability to control the other officers). CCJ records confirm that Alberto was transferred to segregation and taken to Cermak for his injuries.
2. In June 2007, Dennis L. returned to his cellblock after a psychological evaluation. An officer refused to give Dennis a dinner tray. Dennis got into a verbal altercation with the officer and threw a cup of liquid at him. A number of officers attacked Dennis in his cell. Emergency Room records indicate that Dennis suffered blunt trauma to his head and body, three teeth knocked loose, and a laceration to his lower lip from this incident.
3. In April 2007, Billy D. wanted to exit his cell and was accused of pushing his way out. He had a "heated" verbal altercation with the officer. One officer struck Billy in the face and other officers joined in. Medical records show that Billy required internal and external stitches to close a one-inch laceration that punctured his lip.
4. In September 2006, an officer was handing out extra lunches to inmates. Malcolm W. asked for one, but was refused. Malcolm and the officer exchanged verbal insults. A mental health staff member and another inmate witnessed the officer slap Malcolm's face and drag him from the dorm. CCJ's Internal Affairs Division ("IAD") sustained allegations of abuse, and recommended that the officer be suspended for 29 days. The officer was "dedeputized" and prohibited from carrying a firearm or effecting arrests.

⁶ To protect privacy, we have used pseudonyms to identify inmates and officers listed in this letter. Upon request, we will provide the County with a schedule that cross-references the pseudonyms with the proper names, where appropriate.

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investigatory technique that calls into question the credibility of the information gathered by CCJ investigators.¹¹

iii. Videocameras and Overhead Cameras

When properly utilized, cameras in a correctional setting can augment inmate safety and security and provide essential information for investigations. Certainly video surveillance should never be used to substitute for direct officer supervision of inmates, but it often is helpful to supplement supervision and for incident reconstruction. CCJ has limited and antiquated live feed overhead cameras in some divisions, but the cameras do not have the critical capability to record and replay, and most do not capture activities outside of the housing unit dayrooms. Moreover, while there are two small monitors in the RCDC intake area, we discovered that the officers in the Security Office were unaware that the monitors could view various parts of the intake area. The cameras, installed to monitor activity in a part of CCJ that had experienced among the highest number of allegations of excessive and inappropriate uses of force, were not being used.

Procedures at CCJ require that a handheld videocamera be brought to the scene of any use of force and that the use of force be recorded. While this policy is helpful for review of cell extractions and other planned uses of force, it is not surprising that the use of handheld videocameras has not been an effective means of oversight for unplanned uses of force. None of the numerous videotapes we reviewed captured an unplanned use of force in progress. Improvements and additions to CCJ's video surveillance system, including the ability to record for retrieval following an incident, would be a much more effective oversight mechanism.

2. Deficient Inmate Safety and Supervision

CCJ does not provide adequate inmate supervision, which exposes inmates and staff to unsafe conditions. Lack of adequate

¹¹ Title VI of the Civil Rights Acts requires that recipients of federal funds take reasonable steps to provide meaningful access to limited English proficient communities. Given Cook County's growing Hispanic population, CCJ should ensure that some investigators and correctional officers are familiar with rudimentary Spanish. In addition, CCJ staff would benefit from receiving diversity training. See Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

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security staff, insufficient direct supervision in the majority of the housing units, a dilapidated physical plant, inadequate policies and procedures, and an overcrowded environment combine to result in an unsecure facility that is dangerous for everyone on the premises. On April 9, 2007, the John Howard Association found that the rates of injuries to CCJ inmates and staff have increased significantly in the past decade, despite a substantial decrease in inmate population.¹² In 2006, inmate injuries occurred at the highest rate since the John Howard Association began gathering data, and staff injuries reached the third highest rate since 1991.¹³ Our review of CCJ documents revealed that between January 1, 2007 and June 19, 2007, IAD opened approximately 254 cases involving inmate assault and/or battery and five cases of sexual assault. In 2006, IAD opened approximately 357 cases involving inmate assault, battery, or sexual assault.

Insufficient inmate supervision has been a serious problem at CCJ for decades. Inmate supervision is seriously compromised by chronic overcrowding and under-staffing. The federal district court monitoring the Duran Consent Decree has repeatedly cited CCJ for failing to provide adequate security staff to ensure safe and secure conditions at the facility.¹⁴ In September 2006, then-Sheriff Michael Sheahan admitted that the Jail is "severely understaffed."¹⁵ The John Howard Association's April 9, 2007 report found that CCJ would require an additional 189 new correctional officers and suitable replacements for the 130 to

¹² Court Monitoring Report, Duran v. Dart, No. 74-C-2949, at 115-16 (N.D. Ill. Apr. 9, 2007) ("2007 Court Monitoring Report"). Monthly averages for staff injuries have risen from 6.6 in 1996 to 28.3 staff injuries per month in 2006.

¹³ Id. at 116. Monthly averages for inmate injuries increased from 14.7 injuries per 1000 inmates in 1996 to 27.8 injuries per 1000 inmates in 2006.

¹⁴ Leonard N. Fleming, "Federal Judge Warns County to Fix Overcrowding at the Jail," Chicago Sun Times, Dec. 1, 2007; Jonathan Lipman, "Judge Blasts Staffing at Jail," Daily Southtown, Dec. 29, 2005.

¹⁵ Joint Status Report, Duran v. Dart, No. 74-C-2949, at 8 (N.D. Ill. Sept. 29, 2006).

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152 correctional officers on inactive status¹⁶ to comply with the Duran Consent Decree and "good correctional practices."¹⁷ CCJ's Post Analysis Reports and Divisional Staffing Reports for April through June 2007 revealed that at least 172 correctional officer positions at CCJ were vacant or inactive. Although the External Operations Unit, which is responsible for the security of the CCJ perimeters, the Emergency Response Team, the Canine Unit, and the transportation of 800 to 1500 inmates to and from court daily, has an authorized security staffing complement of 420 positions, on May 1, 2007, the actual External Operations manpower availability comprised 352 positions. Our expert consultant found that the level of correctional staff available to supervise housing units at CCJ is woefully inadequate.

The lack of adequate staff is magnified by the fact that CCJ is chronically overcrowded. In fact, every day from June 2006 through April 2007, numerous inmates were required to sleep on the floor of two-person cells that housed three inmates.¹⁸ Divisional reports for the period of February 26, 2007 through June 17, 2007 reflect that an average of 485 inmates were forced to sleep on the floor each night. During our site visit on July 23, 2007, Division VI held 1268 inmates in space with a rated capacity of 992 inmates.¹⁹ Dormitory Four in Division II is operating at twice its design capacity.²⁰ However, we did not observe any increase in security staffing levels or enhanced supervision practices within the overcrowded divisions.

Overcrowding has an impact on security at CCJ. For example, the week of March 19, 2007, CCJ had more inmates sleeping on the floor (591) than any other week in the four-month period of March through June 2007. During that week, CCJ also had the most fights (35), the most uses of force (27), and found the third most "shanks" (homemade knives) (34) and second most weapons

¹⁶ Correctional officers on "inactive status" include persons on disability, suspension, leave of absence, military leave, or leave for a duty injury.

¹⁷ 2007 Court Monitoring Report at 84.

¹⁸ Id. at 12.

¹⁹ The actual capacity of Division VI was much lower than 992 on July 23, 2007, due to numerous cell closures because of maintenance problems, which further exacerbated the overcrowding.

²⁰ 2007 Court Monitoring Report at 15.

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(12), of any other week during the same period.²¹ On November 30, 2007, Judge Virginia Kendall for the United States District Court for the Northern District of Illinois apparently chastised the County and Sheriff's Office for failing to ease overcrowding at CCJ, stating: "This is no longer a budget problem. It is a constitutional violation."²² Despite the fact that CCJ has been subject to the Duran Consent Decree for 25 years, the County and the Sheriff's Office have been unable to solve the problems of overcrowding and inadequate supervision at CCJ.

CCJ has taken some unusual steps to try to deal with the problems of overcrowding and inadequate staffing. The practice of cross watching, discussed below, is an unacceptable and dangerous approach. A recently instituted policy of extended lockdowns is similarly unacceptable. In the spring of 2007, CCJ implemented extended lockdown periods for all general population inmates. Under this system, only half of the inmates in each housing tier were allowed out of their cells during each shift. Generally, this meant that half of the inmates were allowed out of their cells for a period in the morning, half of the inmates were allowed out of their cells for a period in the afternoon and evening, and all of the inmates were locked in their cells during the night. Because the groups of inmates rotated on a shift by shift basis, the result was that every other day each group of inmates spent a continuous 26-hour period locked inside the cells. This practice was applied indiscriminately to all general population inmates, except those housed on the medical units. As discussed in further detail below, in addition to constituting an unjust restriction on pre-trial detainees, the extended lockdown practice interfered with medical and mental health care, programs, and the grievance system. Moreover, deficient maintenance in many cells (no lighting, plumbing failures, etc.) resulted in inhumane conditions for an extended lockdown. Therefore, as a result of CCJ's inadequate supervision, inmates are subjected to unjustified, prolonged periods of in-cell confinement. Following our July 2007 visit, the Sheriff's Office informed us that CCJ had revised the lockdown policy to decrease the length of the in-cell periods. This would be an improvement

²¹ Weekly averages for March through June 2007 were: 23.5 fights, 17 uses of force, 23.5 shanks, and 6.6 weapons.

²² Staff Writer, "Judge Orders Cook County to Fix Jail Overcrowding," PR Newswire Europe, Nov. 30, 2007; Leonard N. Fleming, "Federal Judge Warns County to Fix Overcrowding at the Jail," Chicago Sun Times, Dec. 1, 2007; Notification of Docket Entry, Duran v. Dart, No. 74-C-2949 (N.D. Ill. Nov. 30, 2007).