

# EXHIBIT G

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

Keith Smith, )  
                  )  
                  )  
Plaintiff,     )  
                  )  
                  )  
-vs-            ) No. 18-cv-\_\_\_\_\_  
                  )  
                  )  
City of Chicago and Chicago Police ) (*jury demand*)  
Officers Ranita Mitchell and     )  
Herman Otero,     )  
                  )  
                  )  
Defendants.     )

**COMPLAINT**

Plaintiff, by counsel, alleges as follows:

1.     This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1333.
2.     Plaintiff Keith Smith is a resident of the Northern District of Illinois.
3.     Defendants Chicago Police Officers Ranita Mitchell and Herman Otero were, at all times relevant, acting under color of their offices as Chicago police officers.
4.     Defendant City of Chicago is an Illinois municipal corporation.
5.     On September 10, 2013, defendants Mitchell and Otero unlawfully stopped and searched a vehicle in which plaintiff was a

passenger and then arrested plaintiff. Plaintiff does not assert any claim of unlawful search, seizure, or false arrest.

6. Defendants Mitchell and Otero conspired, confederated, and agreed to frame plaintiff for criminal offenses to cover up their wrongful conduct.

7. In furtherance of this conspiracy, defendants Mitchell and Otero concocted the false story that they had observed plaintiff, while a passenger in an automobile, make a furtive movement.

8. Also in furtherance of this conspiracy, defendant Mitchell claimed to have found a bullet inside of the vehicle.

9. Defendants Mitchell and Otero put this fabricated story into official police reports and criminal complaints and communicated it to prosecutors.

10. As a result of the wrongful conduct of defendants, plaintiff was held in custody at the Cook County Jail for seven months before being released on bond in March 2014.

11. Plaintiff was exonerated at trial on July 21, 2016.

12. At all times relevant, the City of Chicago has known and encouraged a “code of silence” among police officers employed by the City of Chicago.

13. As summarized by the United States Department of Justice in its official report entitled “Investigation of the Chicago Police Department,” January 13, 2017, at 75:

- a. “One way to cover up police misconduct is when officers affirmatively lie about it or intentionally omit material facts.”
- b. “The Mayor has acknowledged that a ‘code of silence’ exists within CPD, and his opinion is shared by current officers and former high-level CPD officials interviewed during our investigation.”
- c. “Indeed, in an interview made public in December 2016, the President of the police officer’s union admitted to such a code of silence within CPD, saying ‘there’s a code of silence everywhere, everybody has it . . . so why would the [Chicago Police] be any different.’”

14. The United States Department of Justice concluded that “a code of silence exists, and officers and community members know it.” Report at 75.

15. Defendant City of Chicago’s “code of silence” was another cause of the conduct of Defendants Mitchell and Otero because they acted

pursuant to the "code of silence" when they concocted their false story and fabricated evidence.

16. As a result of the foregoing, plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendments.

17. Plaintiff hereby demands trial by jury.

Accordingly, plaintiff requests that appropriate compensatory and punitive damages be awarded against defendants Mitchell and Otero, that appropriate compensatory damages only be awarded against defendant City of Chicago, and that the Court grant reasonable fees and costs.

/s/ Kenneth N. Flaxman  
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