

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

LARISSA WALSTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2023-cv-50295
	)	
SHERIFF OF WINNEBAGO COUNTY,	)	Honorable Iain D. Johnston
WINNEBAGO COUNTY, OFFICER	)	
MCKINNEY, #9155, OFFICER	)	Magistrate Lisa A. Jensen
VURNOVAS, #7557, OFFICER	)	
RYDEBERG, #6958, and SERGEANT	)	
STEWART, #6436	)	
	)	
Defendants.	)	

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT**

NOW COME the Defendants, Sheriff of Winnebago County, Winnebago County, Officer McKinney, Officer Vurnovas, Officer Rydeberg, and Sergeant Stewart, by and through their attorney, Assistant State's Attorney Charlotte A. Hoss, and for their Answer to Plaintiff's Complaint, respectfully state 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. § 1343 and § 1367.

ANSWER: Defendants admit the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2. Plaintiff Larissa Walston is a resident of the Northern District of Illinois.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. Defendant Sheriff of Winnebago County is sued in his official capacity.

ANSWER: Defendants admit the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. Defendant Winnebago County is joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7<sup>th</sup> Cir. 2003).

ANSWER: Defendants admit the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Defendants Officer McKinney, #9155, Officer Vurnovas, #7557, Officer Rydeberg, #6958, and Sergeant Stewart, #6436 ("correctional officer defendants"), were, at all relevant times, acting under color of their authority as correctional officers employed by the Sheriff of Winnebago County.

ANSWER: Defendants admit the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. On November 15, 2022, plaintiff engaged in a public protest at a meeting of the Rockford District 205 School Board.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Police officers of the Rockford Police Department arrested plaintiff for the misdemeanor offense of criminal trespass to real property. Plaintiff does not raise any complaint about her arrest in this action.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Under Illinois law in effect on November 15, 2022, plaintiff had a right to be

released on bail by posting cash bond following her arrest.

ANSWER: No answer is necessary as Paragraph 8 states a legal conclusion. To the extent an answer is necessary, Defendants admit to the best of their knowledge and belief that under Illinois law in effect on November 15, 2022, plaintiff had a right to be released on bail by posting cash bond, but only after she completed the Winnebago County Jail booking process.

9. All persons arrested by the Rockford Police Department on misdemeanor offenses are transported to the Winnebago County Jail where they are permitted to post bond without being placed into the Jail's general population.

ANSWER: Defendants admit to the best of their knowledge and belief that all persons arrested by the Rockford Police Department on misdemeanor offenses are transported to the Winnebago County Jail where, prior to September 18, 2023, they were permitted to post bond without being placed into the Jail's general population after completing the Winnebago County Jail booking process.

10. The arresting officers took plaintiff to the Winnebago County Jail for processing at about 8:45 p.m. on November 15, 2022.

ANSWER: Defendants admit the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. Each correctional officer defendant was personally involved in processing plaintiff at the Jail.

ANSWER: Defendants deny the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. When she arrived at the jail, plaintiff was ready, willing, and able to immediately

post cash bond.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. The correctional officer defendants knew that plaintiff was ready, willing, and able to immediately post bond.

ANSWER: Defendants deny the allegations contained in Paragraph 13 of Plaintiff's Complaint, but admit that Plaintiff advised them that she could post bond.

14. The correctional officers knew that, upon posting bond, plaintiff would be released without entering the general population of the Jail.

ANSWER: Defendants admit that if Plaintiff was able to post bond after completing the booking process, she would be released without being placed in the general population of the Jail.

15. In November of 2022, the law was clearly established that reasonable suspicion was required before jail officials could strip search an arrestee who was not entering the general population of the Jail.

ANSWER: No answer is necessary as Paragraph 15 states a legal conclusion. To the extent an answer is necessary, Defendants admit the allegations contained in Paragraph 15 of Plaintiff's Complaint are accurate to the best of their knowledge and belief.

16. Shortly after plaintiff arrived at the Jail, one or more of the correctional officer defendants strip-searched plaintiff, and each of the other correctional officer defendants failed to intervene to prevent the violation of plaintiff's rights.

ANSWER: Defendants deny the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. None of the correctional officer defendants had reasonable suspicion to strip search of plaintiff.

ANSWER: Defendants admit the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. Rather than permitting plaintiff to post bond, the correctional officer defendants placed plaintiff in a holding cell, where she remained until about 8:00 a.m. on November 16, 2022, when plaintiff was finally allowed to bond out of the Jail.

ANSWER: Defendants admit that Plaintiff remained in the Jail until about 8:00 a.m. on November 16, 2022, when she was allowed to bond out after agreeing to complete the booking process. Defendants deny the remaining allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. As a result of the foregoing, plaintiff suffered physical and emotional harm, was deprived of rights secured by the Fourth Amendment to the Constitution of the United States, and was subjected to the Illinois tort of battery for which defendant Sheriff of Winnebago County is liable under the doctrine of *respondeat superior*.

ANSWER: Defendants deny the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Plaintiff hereby demands trial by jury.

ANSWER: No answer to Paragraph 20 is necessary.

**Demand for Trial by Jury**

Defendants hereby demand a trial by jury on all claims in Plaintiff's Complaint that are triable to a jury.

BY: /s/ Charlotte A Hoss

Charlotte A. Hoss  
Assistant State's Attorney

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**CERTIFICATE OF SERVICE**

I, Charlotte A. Hoss, Assistant State's Attorney for Winnebago County, Illinois, hereby certify I electronically filed the foregoing **ANSWER** with the Clerk of the Court on October 19, 2023, using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Attorney Joel Flaxman  
200 S. Michigan Ave.  
Ste. 201  
Chicago, IL 60604

/s/ Charlotte A. Hoss

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