

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

Larissa Walston,)
)
Plaintiff,)
)
-vs-) No. 3:23-cv-50295
)
Sheriff of Winnebago County,) (<i>Judge Johnston</i>)
Winnebago County, Officer)
McKinney, #9155, Officer) (<i>Magistrate Judge Jensen</i>)
Vurnovas, #7557, Officer)
Rydeberg, #6958, and Sergeant)
Stewart, #6436,)
)
Defendants.)

AMENDED COMPLAINT

Plaintiff, by counsel, files this amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) and 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 and § 1337.

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

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

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

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.

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

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.

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.

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.

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

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

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

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

14. The correctional officers knew that, upon posting bond, plaintiff would be released without entering 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.

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.

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

18. Shortly after plaintiff arrived at the Jail, one or more of the correctional officer defendants used excessive and unreasonable force against plaintiff, and each of the other correctional officer defendants failed to intervene to prevent the violation of plaintiff's rights.

19. 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.

20. 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*.

21. Plaintiff hereby demands trial by jury.

WHEREFORE, plaintiff requests that appropriate compensatory and punitive damages be awarded against the correctional officer defendants, that appropriate compensatory damages only be awarded against defendants Sheriff and Winnebago County, and that the costs of this action, including fees and costs, be taxed against defendants.

/s/ Joel A. Flaxman
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