

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TRAVIS JONES,)
)
Plaintiff)

Case No:

v.)

FRANCIS SLAY, JR.,)
in his official capacity as a)
member of the St. Louis Board)
of Police Commissioners)
)
Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))

JURY TRIAL DEMANDED

THOMAS IRWIN,)
in his official capacity as a)
member of the St. Louis Board)
of Police Commissioners)
)
Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))

BETTYE BATTLE-TURNER,)
in her official capacity as a)
member of the St. Louis Board)
of Police Commissioners)
)
Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))

RICHARD H. GRAY,)
in his official capacity as a)
member of the St. Louis Board)
of Police Commissioners)
)

Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))
)
ST. LOUIS POLICE DEPARTMENT)
)
Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))
)
DANIEL ISOM,)
in his official capacity as the)
Chief of Police for the St. Louis)
Metropolitan Police Dept.)
)
Serve: 1200 Clark Avenue)
St. Louis MO 63103)
(Waiver of Service Requested))
)
)
ST. LOUIS SHERIFF'S DEPARTMENT)
)
Serve: 1114 Market Street)
St. Louis MO 63103)
(Waiver of Service Requested))
)
)
JAMES W. MURPHY)
in his official capacity as)
Sheriff of St. Louis City)
)
Serve: 1114 Market Street)
St. Louis MO 63103)
(Waiver of Service Requested))
)
)
ST. LOUIS CITY DIVISION OF)
CORRECTIONS)
as a body and through its)
Commissioner in his official)
Capacity)
)
Serve: 200 S. Tucker Blvd.)
St. Louis, MO 63102)
(Waiver of Service Requested))
)
)

GENE STUBBLEFIELD)
 in his official capacity as former)
 Commissioner of the Division)
 of Corrections)
)
 Serve: 7600 Hall St.)
 St. Louis, MO 63147)
 (Waiver of Service Requested)
)
 DALE GLASS)
 in his official capacity as)
 Commissioner of the Division)
 of Corrections)
)
 Serve: 7600 Hall St.)
 St. Louis, MO 63147)
 (Waiver of Service Requested))
)
 JOHN DOES 1-99)
 Employees of St. Louis Police)
 Department, True Names)
 Unknown)
)
 JACK DOES 1-99)
 Employees of St. Louis Sherriff's)
 Department, True Names)
 Unknown)
)
 JACOB DOES 1-99)
 Employees of the St. Louis)
 Divisions of Corrections, True)
 Names Unknown)

COMPLAINT

Plaintiff Travis Jones (“Jones” or “Plaintiff”), by and through his undersigned attorneys, submits this Complaint (“Complaint”) against each of the individual defendants, in either their individual capacities or their official capacities, named herein.

INTRODUCTION

1. This is a complaint for negligence and civil rights violations under 42 U.S.C. §1983 arising out of the arrest and confinement of Plaintiff on or about November 7, 2009.

2. During his arrest and confinement, Plaintiff repeatedly identified himself as “Travis Jones,” his true name.

3. The St. Louis City Police Department (hereinafter “Police Department”), the St. Louis City Sheriff’s Department (hereinafter “Sheriff’s Department”), and the St. Louis City Division of Corrections (hereinafter “Corrections”) booked Plaintiff under the name Mark Crumble, for whom an outstanding warrant allegedly existed. At the time, the real Mark Crumble was already in the custody of the St. Louis City Division of Corrections for the same alleged warrants.

4. Plaintiff remained confined in the workhouse of the St. Louis City Division of Corrections from early November 2009 to late January 2010. Despite repeated requests by Plaintiff, neither the Police Department, Sheriff’s Department, nor Division of Corrections made any attempt to verify Plaintiff’s identity as either Jones or Crumble, until ordered to do so by the Circuit Court for St. Louis City on January 6, 2010.

5. More than two weeks later, the Police Department finally ran Jones’ fingerprints, and verified that he was not, in fact, Mark Crumble.

6. Shockingly however, while Jones was confined as Crumble, the real Mark Crumble was also under confinement by Corrections. In fact, at the time of Jones’ arrest, Crumble was already under confinement by Corrections, but the Crumble warrant was still active.

7. Jones was finally released from confinement on or about January 22, 2010, after serving almost three months at the Corrections’ workhouse.

8. The customs and policies of the Police Department, the Sheriff's Department, and Corrections, individually and collectively, challenged in this suit are the massive failure to properly, with due diligence, and speed, confirm the identities of parties under arrest and confinement, leading to the detention of misidentified parties for extended periods, including at least five persons since 2010.

9. This suit seeks damages for Plaintiff, and injunctive relief to challenge those customs and policies which result in the wrongful detention of misidentified parties.

PARTIES

10. Plaintiff Travis Jones is a citizen of the United States of America and resident of St. Louis City.

11. Defendants Mayor Francis Slay Jr. ("Slay"), Thomas Irwin ("Irwin"), Bettye Battle-Turner ("Battle-Turner"), and Richard H. Gray ("Gray") comprise the membership of the Board of Police Commissioners of the City of St. Louis. As members of the Board of Police Commissioners, Slay, Irwin, Battle-Turner and Gray have legal responsibility and policymaking authority in their official capacity for the St. Louis Police Department.

12. Defendant Daniel Isom ("Isom"), in his official capacity, is the Chief of Police for the St. Louis Police Department and is responsible for the training, supervising, disciplining, and dismissing individual police officers, including the John Doe Defendants. Isom is sued in his official capacity as Chief of Police.

13. The John Doe Defendants 1-99, police officers, are and were at all times relevant to this Complaint, law enforcement officers for the St. Louis Metropolitan Police Department, acting under the direction and control of the St. Louis Board of Police Commissioners and Isom, and at all times acted pursuant to the official policy, custom and/or practice of the Metropolitan

Police Department. The John Doe Defendants are sued in their official capacity as police officers of the Metropolitan Police Department.

14. Defendant Sheriff's Department is the employer and governing body of Sheriff's employees for the City of St. Louis and is responsible for the training and supervision of Defendants James W. Murphy and the Jack Does Defendants 1-99.

15. Defendant James W. Murphy ("Murphy"), in his official capacity, is the Sheriff for the St. Louis Sheriff's Department and is responsible for the training, supervising, disciplining, and dismissing individual deputy sheriffs, including the Jack Doe Defendants 1-99. Murphy is sued in his official capacity as Sheriff of St. Louis County.

16. The Jack Doe Defendants 1-99, deputy sheriffs, are and were at all times relevant to this Complaint, law enforcement officers for the St. Louis Sheriff's Department, acting under the direction and control of the St. Louis Sheriff's Department and Murphy, and at all times acted pursuant to the official policy, custom and/or practice of the St. Louis Sheriff's Department. The Jack Doe Defendants are sued in their official capacity as deputy sheriffs of the Sheriff's Department.

17. Defendant Division of Corrections is the employer and governing body of Corrections' employees for the City of St. Louis and is responsible for the training and supervision of the Jacob Doe Defendants 1-99

18. Defendant Gene Stubblefield ("Stubblefield"), in his official capacity, was the Commissioner of the Division of Corrections at the times the circumstances complained of herein took place, and was responsible for the training, supervising, disciplining, and dismissing individual Division of Corrections employees, including the Jacob Doe Defendants. Stubblefield is sued in his official capacity as the former Commissioner of the Division of Corrections.

19. Defendant Dale Glass (“Glass”) in his official capacity, is the current Commissioner of the Division of Corrections.

20. The Jacob Doe Defendants 1-99, are and were at all times relevant to this Complaint, employees of the Division of Corrections, responsible for the custodial care of pre-trial inmates at the Workhouse and the Justice Center, acting under the direction and control of the St. Louis Division of Corrections and Stubblefield, and at all times acted pursuant to the official policy, custom and/or practice of the Division of Corrections. The Jacob Doe Defendants 1-99 are sued in their official capacity as Correction officers of the Division of Corrections.

JURISDICTION AND VENUE

21. This is an action brought pursuant to 42 U.S.C. §1983 to redress the deprivation, under color of state law, of the rights secured to Jones by the Constitution of the United States. Original jurisdiction is granted to this Court pursuant to 28 U.S.C. §1331 and §1343.

22. Supplemental jurisdiction is granted to this Court over Jones’ state law claims pursuant to 28 U.S.C. §1367.

23. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(2), as the relevant acts occurred in this judicial district.

24. Sovereign Immunity has been waived as to the State agency Defendants by the enactment of R.S.MO § 105.711.

FACTS

Police Department’s, Sheriff’s Department’s, and Corrections’ Custom and Policy to Violate Rights

25. The Police Department, Sheriff’s Department and Corrections have had a policy to violate citizen rights facilitated and maintained through the massive failure of each of them,

individually and collectively, to maintain systems and protocols sufficient to diligently determine the identity of persons under confinement in a reasonable and timely manner as well as determine the true identity of those individuals arrested and confined under an alias or AKA. The policies and customs challenged in this suit are of longstanding duration, and continue to the present, and allowed and caused the John, Jack, and Jacob Does sued herein to violate Plaintiff's rights.

26. Upon information and belief, and at all times pertinent hereto, the John, Jack, and Jacob Does had access to various computer databases, including the Missouri Uniform Law Enforcement System and the National Crime Information Center. It is the custom and practice of the Police Department, the Sheriff's Department, and the Department of Corrections not to timely run a fingerprint check to verify the identity of a party whom they believe is using an alias.

27. The *St. Louis Post-Dispatch* has reported numerous instances of individuals wrongly confined under suspicion that those individuals were using an alias. One article stated, in pertinent part, that:

Cedric Wright thought it would be simple to get out of jail. He was, after all, not Corey D. Leonard, on whose multiple warrants he was arrested Aug. 20. ***Yet it took two days in St. Louis police custody for Wright's protests to be acknowledged, and 58 days more for him to be released — even though he documented his identity and the real Leonard was already locked up.***

In a criminal justice system full of defendants who not only typically deny guilt but often deny their identities, a rare error might be considered inevitable. Dwayne A. Jackson's case belies that notion. He was not the Dwayne A. Jackson, born on a different date, wanted on a warrant regarding illegally obtained unemployment benefits. But he ***spent almost a month behind bars in 2010 before his mistaken-identity ordeal was over.*** At least, he thought it was over.

Almost exactly a year later, he was picked up again by police making the same mistake on the same warrant. It took two months more in jail before he was

released again. Now he carries documents he hopes will support his denials, should he be arrested a third time.

No one keeps track of people who are erroneously arrested or fall through cracks and get lost in the jail. But the Post-Dispatch easily found four cases in St. Louis of mistaken identification — three involving incarceration. *Those familiar with the court process suggest there are more.*

28. The *Post Dispatch* highlighted how the mistakes St. Louis City's booking and identification system is the product of inefficiency, disorganization, and negligence. The article continued:

It happens "too often," said Mary Fox, head of the St. Louis public defender's office. "It's not like it happens daily. But if you're the person sitting in jail, that's one too many," she said. Circuit Judge John Garvey, who ordered both Jackson's and Wright's release, called it "very frustrating" and said, "I just don't understand how this keeps on happening.

The known cases highlight a disorganized system for arresting and charging defendants, in which something as simple as a clerical mistake can mean weeks — even months — in a cell. There appear to be few safeguards for preventing these types of errors, and no mechanism to quickly separate defendants who aim to deceive, by giving a false name or date of birth, from those who are unjustly detained. The cases also hint at a lack of communication among the various arms of the law.

In these cases, *even the agencies involved had trouble sorting out what occurred.* Police and prosecutors took days to respond to media inquiries, blaming the complexities. Police never responded to questions about specific cases.

29. Thus, the members of the Police Board, the Police Department, the Sheriff's Department, the Department of Corrections, had knowledge of, but failed to remedy, the deficiencies which have led to the misidentification and wrongful confinement of individuals.

The Misidentification and Wrongful Arrest of Travis Jones

30. The above customs and policies caused the wrongful acts directed at Plaintiff.

31. On or about August 6, 2007, Mark Crumble was charged by complaint in the Circuit Court of St. Louis City in Cause No. 0722-CR07578. Said Complaint did not list any aliases for Mark Crumble.

32. On or about December 13, 2007, Mark Crumble pled guilty under Cause No. 0722-CR07578 and received probation.

33. On or about September 9, 2008, Mark Crumble was again charged by complaint in the Circuit Court of St. Louis City in Cause No. 0822-CR05488. Said complaint did not list any aliases for Mark Crumble.

34. On or about February 6, 2009, Mark Crumble pled guilty under Cause No. 0822-CR05488 and was sentenced to shock incarceration in the Missouri Department of Corrections.

35. Upon information and belief, a probation officer issued a warrant for the arrest of Mark Crumble based on alleged probation violations at some point between February 6, 2009 and October 26, 2009, under the two cause numbers 0722-CR07578 and 0822-CR05488.

36. On or about October 26, 2009, the Sheriff's Department notified the Circuit Court of St. Louis City, that Mark Crumble was in custody of the St. Louis City Division of Corrections for a probation warrant under cause number 0822-CR05488. No such notice is contained in the court file for cause number 0722-CR07578.

37. The probation warrants in the name of Mark Crumble were not recalled or cancelled once Mark Crumble was in custody.

38. On or about October 30, 2009, the Circuit Court issued a capias probation violation warrant in the name of Mark Crumble for cause numbers 0722-CR07578 and 0822-CR05488. No aliases were listed for Mark Crumble on either warrant.

39. These capias warrants were not served upon Mark Crumble, who was confined in the St. Louis City's Division of Corrections at that time.

40. The Sheriff's Department had actual knowledge of Mark Crumble's whereabouts on October 30, 2009 and had the duty and ability to promptly serve the above mentioned capias warrants which would have cancelled them in the various law enforcement databases.

41. Jones was detained and arrested on or about November 7, 2009, under suspicion of probation violation for felony cases in the name of Mark Crumble. At the time of his detention and arrest, Jones identified himself as Travis Jones.

42. For reasons unknown, the arresting officers believed that Jones was Mark Crumble.

43. At the time of Jones' arrest, Mark Crumble had already been arrested, and was then confined by the St. Louis City Division of Corrections.

44. Jones protested to the John Doe arresting officers that his name was not Mark Crumble, and identified himself as Travis Jones.

45. The John Doe arresting officers brought Jones to the St. Louis City Police Department, where he was fingerprinted. Jones again protested to various John Doe officers that he was not Crumble, and again his protests were ignored.

46. At all times, with a simple phone call, the John Doe officers could have verified whether or not Mark Crumble was already confined, yet they failed to do so.

47. At all times, the John Doe officers had access to the fingerprints of Mark Crumble. Crumble had been previously arrested, and his fingerprints stored in the Missouri Uniform Law Enforcement System and the National Crime Information Center. Use of these systems would have verified that Travis Jones was not Mark Crumble.

48. The Police Department booked Plaintiff on two probation warrants in the name of Mark Crumble.

49. On or about November 9, 2009, the Sheriff's Department notified the Circuit Court of St. Louis City, that Mark Crumble, alias of Travis Jones, was in custody of the St. Louis City Division of Corrections.

50. The Sheriff's Department and the Jack Doe deputies utterly failed to conduct even a rudimentary investigation to determine why two prisoners were booked under the same name and with the same cause numbers.

51. At all times, the Jack Doe deputies had access to the fingerprints of Mark Crumble. Crumble had been previously arrested, and his fingerprints stored in the Missouri Uniform Law Enforcement System and the National Crime Information Center. Use of these systems would have verified that Travis Jones was not Mark Crumble.

52. Travis Jones was transferred to the St. Louis City Division of Corrections and to the control of the Jacob Doe Defendants. At the time of his entry into Corrections, Jones once more identified himself as Travis Jones, and denied that he was Mark Crumble. In addition, Mark Crumble was already housed within Corrections.

53. Despite the fact that two Mark Crumbles were listed as housed within Corrections on the same case numbers, the Jacob Doe Defendants did nothing to investigate why it had two

prisoners with the same name and case number; nor did they do anything to investigate Jones' claims that he was not Mark Crumble.

54. Plaintiff remained confined in the workhouse of the St. Louis City Division of Corrections until late January, 2010. Despite repeated requests by Plaintiff, neither the Police Department, Sheriff's Department nor Corrections made any attempt to verify Plaintiff's identity as either Jones or Crumble, until ordered to do so by the St. Louis City Circuit Court on January 6, 2010.

55. On January 21, 2012, more than two weeks after the Court ordered Jones' and Crumble's fingerprints compared, a fingerprint technician finally compared the prints.

56. The fingerprints did not match, the St. Louis City Circuit Court entered an Order stating that Plaintiff was not Mark Crumble and the alias "Mark Crumble" should be stricken from any record associated with Plaintiff, and Plaintiff was finally released.

COUNT ONE
Negligence
(against the John Doe Defendants)

57. Plaintiff incorporates herein by reference the allegations contained in Paragraphs 1-56 as if more fully set forth herein.

58. The John Doe Defendants had a duty to investigate Travis Jones' claims that he was not Mark Crumble.

59. The John Doe Defendants had a duty to investigate whether Mark Crumble was already under confinement at the time that Travis Jones was arrested.

60. Any of a number of easy options would have allowed the John Doe Defendants to verify Travis Jones' identity, such as fingerprints and photo identification.

61. The John Does Defendants' conduct showed complete indifference or conscious disregard to the rights of Travis Jones.

62. The John Doe Defendants' failure to use any option at all was not reasonable, and was the proximate cause of damage to Plaintiff.

63. As a result of the John Doe Defendants' actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be proven at trial.

COUNT TWO
Negligence
(against the Jack Doe Defendants)

64. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-63 as if more fully set forth herein.

65. The Jack Doe Defendants had a duty to investigate Travis Jones' claims that he was not Mark Crumble.

66. The Jack Doe Defendants had a duty to investigate whether Mark Crumble was already under confinement at the time that Travis Jones was arrested.

67. Any of a number of easy options would have allowed the Jack Doe Defendants to verify Travis Jones' identity, such as fingerprints and photo identification.

68. The Jack Doe Defendants failure to use any option at all was not reasonable, and was the proximate cause of damage to Plaintiff.

69. The Jack Does Defendants' conduct showed complete indifference or conscious disregard to the rights of Travis Jones.

70. As a result of the Jack Doe Defendants' actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be shown at trial.

COUNT THREE
Negligence
(against the Jacob Doe Defendants)

71. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-70 as if more fully set forth herein.

72. The Jacob Doe Defendants had a duty to investigate Travis Jones' claims that he was not Mark Crumble.

73. The Jacob Doe Defendants had a duty to investigate whether Mark Crumble was already under confinement at the time that Travis Jones was arrested.

74. Any of a number of easy options would have allowed the Jacob Doe Defendants to verify Travis Jones' identity, such as fingerprints and photo identification.

75. The Jacob Doe Defendants failure to use any option at all was not reasonable, and was the proximate cause of damage to Plaintiff.

76. The Jacob Does Defendants' conduct showed complete indifference or conscious disregard to the rights of Travis Jones.

77. As a result of the Jacob Doe Defendants' actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be shown at trial.

COUNT IV
CLAIMS UNDER 42 U.S.C. §1983
(against the John Doe Defendants, Defendants Slay, Irwin, Battle-Turner, Gray, Isom and
Police Department)

78. Plaintiff incorporates by reference the allegations contained in paragraphs 1-77 as if fully contained herein.

79. 42 U.S.C. §1983 provides that one may recover from any person or entity acting under color of state law who causes damages through violations of rights under the federal constitution and federal laws.

80. At all relevant times, the John Doe Defendants acted under color of law and in uniform.

81. The John Doe Defendants violated the following federal rights of Plaintiff; (a) depriving Plaintiff of his constitutional right to be free from unlawful search and seizure under the Fourth Amendment to the Constitution; and (b) depriving Plaintiff of his constitutional right under the Fourteenth Amendment not to be detained for an extended period of time without a court appearance and without verification of identity.

82. Through their direct actions and decisions as the final and official policymakers for the Police Department, Defendants Slay, Irwin, Battle-Turner, Gray and Isom acting in their official policymaking authority and under color of law, created and maintained an official policy, practice, and/or custom of failing to adequately train, monitor, and supervise the employees of the St. Louis Police Department regarding their duty under the Constitution to investigate and verify the identity of persons under confinement in a timely and expeditious manner, despite the obviousness that such training, monitoring, or supervision was required in order to prevent constitutional violations.

83. The general practice of failing to verify the identity of persons under confinement in a timely and expeditious manner, even if not authorized by officially adopted or promulgated policy, was so common and well settled as to constitute an official policy that fairly represented the St. Louis Police Department's official custom, policy, and/or practice.

84. Through their direct actions and decisions as final and official policy makers for the St. Louis Police Department, Defendants Slay, Irwin, Battle-Turner, Gray, and Isom intentionally, maliciously, and with reckless disregard for and deliberate indifference to Plaintiff's right, participated in the failure to verify the identity of persons under confinement in a timely and expeditious manner.

85. Defendants' actions and the official policy, practice and/or custom of the St. Louis Police Department resulted directly in the wrongful confinement of Plaintiff and abridged his rights guaranteed under the Fourth and Fourteenth Amendments to the United States' Constitution.

86. The official policy, practice, and/or custom of failing to identify a person under confinement in a timely and expeditious manner directly caused Plaintiff to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss. As a result of the John Doe Defendants, Defendants Slay, Irwin, Battle-Turner, Gray, Isom and Police Department Defendants' actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be shown at trial.

COUNT V
CLAIMS UNDER 42 U.S.C. §1983
(against the Jack Doe Defendants, Defendants Murphy and Sheriff's Department)

87. Plaintiff incorporates by reference the allegations contained in paragraphs 1-86 as if more fully contained herein.

88. 42 U.S.C. §1983 provides that one may recover from any person or entity acting under color of state law who causes damages through violations of rights under the federal constitution and federal laws.

89. At all relevant times, the Jack Doe Defendants acted under color of law and in uniform.

90. The Jack Doe Defendants violated the following federal rights of Plaintiff; (a) depriving Plaintiff of his constitutional right to be free from unlawful search and seizure under the Fourth Amendment to the Constitution; and (b) depriving Plaintiff of his constitutional right under the Fourteenth Amendment not to be detained for an extended period of time without a court appearance and without verification of identity.

91. Through his direct actions and decisions as the final and official policymaker for the Sheriff's Department, Defendant Murphy acting in his official policymaking authority and under color of law, created and maintained an official policy, practice, and/or custom of failing to adequately train, monitor, and supervise the employees of the St. Louis Sheriff's Department regarding their duty under the Constitution to investigate and verify the identity of persons under confinement in a timely and expeditious manner, despite the obviousness that such training, monitoring, or supervision was required in order to prevent constitutional violations.

92. The general practice of failing to verify the identity of persons under confinement in a timely and expeditious manner, even if not authorized by officially adopted or promulgated policy, was so common and well settled as to constitute an official policy that fairly represented the St. Louis Sheriff's Department's official custom, policy, and/or practice.

93. Through his direct actions and decisions as final and official policy maker for the St. Louis Sheriff's Department, Defendant Murphy intentionally, maliciously, and with reckless disregard for and deliberate indifference to Plaintiff's rights, participated in the failure to verify the identity of persons under confinement in a timely and expeditious manner.

94. Defendant's actions and the official policy, practice and/or custom of the St. Louis Sheriff's Department resulted directly in the wrongful confinement of Plaintiff and abridged his rights guaranteed under the Fourth and Fourteenth Amendments to the United States' Constitution.

95. The official policy, practice, and/or custom of failing to identify a person under confinement in a timely and expeditious manner directly caused Plaintiff to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss. As a result of the Jack Doe Defendants, Defendants Murphy and Sheriff's Department actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be shown at trial.

COUNT VI
CLAIMS UNDER 42 U.S.C. §1983
(against the Jacob Doe Defendants, Defendants Stubblefield, Glass and Division of
Corrections)

96. Plaintiff incorporates by reference the allegations contained in paragraphs 1-95 as if more fully contained herein.

97. 42 U.S.C. §1983 provides that one may recover from any person or entity acting under color of state law who causes damages through violations of rights under the federal constitution and federal laws.

98. At all relevant times, the Jacob Doe Defendants acted under color of law and in uniform.

99. The Jacob Doe Defendants violated the following federal rights of Plaintiff; (a) depriving Plaintiff of his constitutional right to be free from unlawful search and seizure under the Fourth Amendment to the Constitution; and (b) depriving Plaintiff of his constitutional right under the Fourteenth Amendment not to be detained for an extended period of time without a court appearance and without verification of identity.

100. Through his direct actions and decisions as the final and official policymaker for the Division of Corrections, Defendant Stubblefield acting in his official policymaking authority and under color of law, created and maintained an official policy, practice, and/or custom of failing to adequately train, monitor, and supervise the employees of the Division of Corrections regarding their duty under the Constitution to investigate and verify the identity of persons under confinement in a timely and expeditious manner, despite the obviousness that such training, monitoring, or supervision was required in order to prevent constitutional violations.

101. The general practice of failing to verify the identity of persons under confinement in a timely and expeditious manner, even if not authorized by officially adopted or promulgated policy, was so common and well settled as to constitute an official policy that fairly represented the Division of Corrections' official custom, policy, and/or practice.

102. Through his direct actions and decisions as final and official policy maker for the Division of Corrections Defendant Stubblefield intentionally, maliciously, and with reckless disregard for and deliberate indifference to Plaintiff's rights, participated in the failure to verify the identity of persons under confinement in a timely and expeditious manner.

103. Defendant Stubblefield's actions and the official policy, practice and/or custom of the Division of Corrections directly resulted in the wrongful confinement of Plaintiff and abridged his rights guaranteed under the Fourth and Fourteenth Amendments to the United States' Constitution.

104. The official policy, practice, and/or custom of failing to identify a person under confinement in a timely and expeditious manner directly caused Plaintiff to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss. As a result of the Jacob Doe Defendants, Defendants Stubblefield, and Division of Corrections' actions and failures to act, Plaintiff was caused to suffer insult, indignity, humiliation, embarrassment and emotional distress; economic loss; and he is entitled to recover from individual defendants for all such losses and injuries in an amount to be shown at trial.

105. As successor in office and liability to Defendant Stubblefield, current Commissioner of the Division of Corrections, Dale Glass, is liable in his official capacity for the damages caused by the failures of Defendant to timely and expeditiously verify Plaintiff's identity.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

A. In favor of Plaintiff and against the John Doe defendants for negligence and awarding to Plaintiff compensatory, punitive, and aggravated damages;

B. In favor of Plaintiff and against the Jack Doe defendants for negligence and awarding to Plaintiff compensatory, punitive, and aggravated damages;

C. In favor of Plaintiff and against the Jacob Doe defendants for negligence and awarding to Plaintiff compensatory, punitive, and aggravated damages;

D. In favor of Plaintiff and against Defendants Slay, Irwin, Battle-Turner, Gray, Police Department, Isom, Sheriff's Department, Murphy, Corrections, Stubblefield and Glass, and against the John Doe, Jack Doe, and Jacob Doe Defendants, awarding to Plaintiff compensatory damages for violation of Plaintiff's constitutional rights under color of state law pursuant to §1983;

E. Injunctive relief instituting reforms in the identification procedures employed by Defendants Police Department, Sheriff's Department, and Corrections.

F. Awarding to Plaintiff reasonable costs and attorneys' fees pursuant to 42 U.S.C. §1988, and;

G. Any such other and further relief as is available and appropriate under the circumstances.

JURY TRIAL DEMANDED

Respectfully Submitted,

____/s/ Jason A. Charpentier____
Jason A. Charpentier MO 52840
Teneil L. Kellerman, MO 52971
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