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IRIS Y. MARTINEZ
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

AVARIUS THOMPSON, a minor)
by his mother and next of kin)
Gwendolyn Toran,)
)
Plaintiff,)
)
v.)
)
VILLAGE OF DOLTON, Dolton Police)
Officer LESLIE JOHNSON, Dolton Police)
Officer LEE, VILLAGE OF RIVERDALE)
and Riverdale Police Officer JOHN DOE,)
Riverdale Police Officer RICHARD ROE)
and other UNKNOWN OFFICERS)
Defendants.)

Case No.: 2024

COMPLAINT AT LAW

NOW COMES the Plaintiff, Avarius Thompson by Gwendolyn Toran, by and through his attorney Jarrett Adams and Brandon Brown, and complaining of the Defendants, Village of Dolton, Dolton Police Officer Leslie Johnson, Dolton Police Officer Lee, Village of Riverdale, Riverdale Police Officer John Doe, Riverdale Police Officer Richard Roe and other Unknown Defendant Officers, states as follows:

INTRODUCTION

1. This action is brought pursuant to the laws of the State of Illinois against the defendants for their willful and wanton actions causing the harm of minor, Avarius Thompson and depriving him of his right to liberty. This action seeks damages against Defendants for committing acts under color of law, and depriving Avarius Thompson of his rights secured by the laws of the State of Illinois and the Illinois Constitution and for declaratory and injunctive relief and for damages against defendants to enforce Plaintiff's rights granted under Illinois Law.

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JURISDICTION AND VENUE

2. Jurisdiction is invoked pursuant to Ill. Const. art. VI, § 9, as the circuit has original jurisdiction in all justiciable matters.

3. Venue is proper pursuant to 735 ILCS 5/2-101 as most, if not all, of the conduct at issue occurred in, Cook County, Illinois.

4. An actual case or controversy has arisen between the parties.

5. Avarius Thompson was shot in the back with a taser, by the Defendants, then unlawfully arrested and imprisoned by the Defendants, and has suffered damages resulting therefrom due to the fault of the Defendants.

PARTIES

6. Plaintiff AVARIUS THOMPSON is a citizen of the State of Illinois, who, at all times relevant, resided in Cook County, Illinois.

7. Plaintiff GWENDOLYN TORAN is a citizen of the State of Illinois, who, at all times relevant, resided in Cook County, Illinois.

8. Defendant OFFICER LEE and Defendant OFFICER LESLIE JOHNSON, (“Defendant Officers”) were, at all relevant times, duly licensed Dolton Police Officers. Defendant OFFICER JOHN DOE and Defendant OFFICER RICHARD ROE, (“Defendant Officers”) were, at all relevant times, duly licensed Riverdale Police Officers. UNKNOWN DEFENDANT OFFICERS, (“Defendant Officers”) were, at all relevant times duly licensed Police Officers. They engaged in the conduct complained of in the course and scope of their employment and under color of law. They are sued in their individual capacities.

9. Defendant VILLAGE OF DOLTON (“Village”) is a municipal corporation duly incorporated under the laws of the State of Illinois, and is the employer and principal of Defendant Officers.

10. Defendant VILLAGE OF RIVERDALE (“Village”) is a municipal corporation duly incorporated under the laws of the State of Illinois, and is the employer and principal of Defendant Officers.

FACTS

11. On November 20, 2023, fourteen-year-old-minor, Avarius Thompson, was shot and tased in the back by the Defendant Officers from the Dolton Police Department.

12. Prior to the tasing of Avarius Thompson, the Defendant Officers were engaged in the investigation of a matter unrelated to minor Avarius Thompson.

13. The Defendant Officers observed Avarius Thompson standing on his own property in his backyard and without cause made a warrantless unlawful entry onto his property, located in Riverdale, Illinois.

14. The Defendant Officers entry onto the property was done in a menacing and threatening manner.

15. Upon unlawful entry, the Defendant Officers immediately and violently engaged minor Avarius Thompson.

16. Subsequent to the unlawful entry on the property, the Defendant Officers ran towards the direction of Avarius Thompson and then shot him in the back with a taser.

17. At the time of the tasing, Avarius Thompson had not committed a crime under the laws of the State of Illinois, nor was he engaged in the commission of a crime

under the laws of the State of Illinois.

18. At the time of the tasing, Avarius Thompson was unarmed and did not pose a threat of physical harm to the Defendant Officers or any other person present or otherwise, in the vicinity of the tasing.

19. At the time of the tasing, the Defendant Officers knew that Avarius Thompson did not pose a threat of harm to the Defendant Officers but willfully shot and tased him despite this knowledge.

20. Equipped with this knowledge, the Defendant Officers tased Avarius a second time and continued to tase the minor Avarius Thompson by injecting electric bolts into the minor Avarius' body.

21. Following the tasing, it was still immediately apparent that minor Avarius Thompson was not involved in any criminal activity.

22. Following the tasing, the Defendant Officers made the deliberate decision to arrest and detain minor Avarius Thompson despite full and complete knowledge that there was no basis to arrest Avarius, as he had not committed a crime.

23. At the time of the tasing, Avarius, was and currently is, a fourteen-year-old minor who has autism.

24. Following the tasing, Defendant Officer's body worn camera recorded the other Defendant Officer expressly stating that the minor Avarius Thompson was not involved in any criminal activity.

25. Despite this explicit admission and knowledge of innocence, the Defendant Officers took Avarius into custody, handcuffed and arrested the minor Avarius.

26. The Defendant Officers at the time of the tasing, immediately became aware

of the nature and condition of Avarius Thompson, they were aware he was autistic, and spitefully made the express willful decision to detain Avarius for an extended period of time, in custody, while denying the minor access to his mother and father.

27. Minor Avarius Thompson was transported to a medical facility for treatment of his wounds and injuries, suffered as a result of the unjustified use of the taser.

28. While at the medical facility, Defendant Officers handcuffed the autistic minor Avarius Thompson to a hospital bed during his stay.

29. The Defendant Officers handcuffed Avarius to the bed, knowing that Avarius had been wrongfully tased and unlawfully arrested, as Avarius was neither a suspect or person who had committed a crime.

30. The Defendant Officers further held minor Avarius Thompson in jailed solitary confinement, engaged the minor in questioning and denied his mother and father access to Avarius Thompson, upon the parent's request.

31. At no point ,at any time during Avarius Thompson's interaction with the Defendants or other Officers did Avarius once give the Defendants cause or reason to conclude that it was necessary to shoot Avarius in the back with a taser.

32. At no point at any time during Avarius Thompson's interaction with the Defendants or other Officers did Avarius once give the Defendants cause or reason to conclude that it was necessary to arrest or detain Avarius Thompson.

33. Despite there being no cause or reason, the Defendants falsely confined an autistic minor, Avarius Thompson, in a jail cell for a grossly excessive amount of time, considering Avarius' known innocence, without regard or even the slightest care.

34. The conduct of the Defendant Officers was willful, wanton, and in reckless disregard of Avarius Thompson's rights and well-being.

35. The Defendants' conduct was malicious, outrageous, without decency and lacked any basis rooted in lawfulness or cause.

36. As a result of the actions of the Defendants, Avarius Thompson was shot with a taser, arrested, detained, confined and suffered great harm including, but not limited to, physical and emotional injuries, suffered resulting from the tasing, in addition to the severe emotional injuries resulting from the unlawful confinement and custodial tactics.

Facts Pertaining to the Village of Dolton's Failure to Train

37. The Village of Dolton, upon information and belief, supplied Defendant Officer Lee and Defendant Officer Johnson with the taser used to shoot the minor Avarius Thompson.

38. The Village of Dolton had a duty to train Defendant Officer Lee and Defendant Officer Johnson on the use of a taser.

39. The Village of Dolton is the policymaker responsible for training Dolton Police Department Officers on the appropriate use of tasers and other means of use of force.

40. The Defendant Officers and other Officers, encounter individuals and use tasers in recurring situations that present an obvious potential for violations of Illinois Law, including limitations and proscriptions on the use of force.

41. Prior to November 20, 2023 and continuing to the present, upon information and belief, the policymakers of the Village of Dolton had actual and constructive notice that Village of Dolton employee Officers encountered individuals and used tasers in recurring situations that present an obvious potential for violations of Illinois law, including limitations and

proscriptions on the use of force.

42. Prior to November 20, 2023 and continuing to the present, upon information and belief, it is the policy of the Village of Dolton to have a training program on the use of tasers, that is sham in nature, woefully inadequate and does not sufficiently or competently train employee Officers, including the Defendant Officers, on the use of tasers, and further does not include a competency-based testing component.

43. Prior to November 20, 2023 and continuing to the present, upon information and belief, the policymakers of the Village of Dolton had actual and constructive notice that the policies of failing to adequately train Village of Dolton Police Officers, caused violations of the law, including the use of excessive force, but the policymakers have failed to remedy the policies.

44. Prior to November 20, 2023, upon information and belief, the Village of Dolton did not provide adequate training to Officer Lee and Officer Johnson on the use of tasers, by inter alia, failing to test Officer Lee and Officer Johnson's competency in the use of a taser.

45. As set forth in the preceding paragraphs, the Defendant Officers unlawfully used excessive force against Avarius Thompson by firing a taser at him.

46. As set forth in the preceding paragraphs, the Defendant Officers unlawfully arrested and detained Avarius Thompson, unlawfully without cause.

47. Because of the failures of the policies of the Village of Dolton including the failure to train Dolton Police Officers, on the use of tasers, as set forth in the preceding paragraphs, Avarius Thompson suffered great harm.

48. Because of the failure of the Village of Dolton to provide adequate training to

employee police officers, as set forth in the preceding paragraphs, autistic minor, Avarius Thompson was unlawfully arrested, detained and confined, causing Avarius Thompson great harm.

COUNT I: Negligent Infliction of Emotional Distress
Against Village of Dolton

49. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.

50. Defendant Village of Dolton owed the Plaintiff Avarius Thompson and Gwendolyn Toran, a duty to train its employee Defendant Officers on the proper use of tasers prior to arming and equipping its employees with these weapons.

51. Defendant Village of Dolton breached its duty to the Plaintiff when it failed to adequately train its employee officers including the Defendant Officers on the use of tasers prior to arming and equipping the officers.

52. As a direct and proximate result of the detailed actions of the Defendant Village, the Plaintiff sustained injuries including, but not limited to, exposure to public scandal, mental suffering, humiliation, grief, anguish, fear, physical injury and severe pain.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just. The Plaintiff further respectfully requests that this Court:

- A. Enter declaratory judgment that the Defendant Village of Dolton's policies, practices custom violates the Village's express duty to train its employee officers.

- B. Enter a permanent injunction prohibiting the Defendant Village from issuing tasers without competently and sufficiently training its employee officers on the use of tasers.
- C. Require the Defendant Village to immediately eliminate the use of tasers by any and all employees who have not received competent and sufficient training on the use of tasers.

and take any further steps as may be necessary in order to eliminate the reckless and grossly negligent conduct of the Defendant Village of Dolton and grant any such further relief, injunctive or otherwise, as this Court deems equitable and just.

COUNT II: Intentional Infliction of Emotional Distress
Against Defendant Officers

53. Plaintiff incorporates paragraphs 1-48 as though fully set forth herein.

54. The above-detailed conduct by Defendant Officer Leslie Johnson, Defendant Officer Lee, Defendant Officer John Doe, Defendant Officer Richard Roe and Unknown Defendant Officers was extreme and outrageous, exceeding all bounds of human decency.

55. Defendant Officer Leslie Johnson, Defendant Officer Lee, Defendant Officer John Doe, Defendant Officer Richard Roe and Unknown Defendant Officers, performed the acts detailed above with the intent of inflicting severe emotional distress or with knowledge of the high probability that the conduct would cause such distress.

56. Defendant Village of Dolton is sued in this to the doctrine of *respondeat superior*, in that the Defendant Officers performed the actions complained of while on duty and/or in the employ of Defendant Village of Dolton, and while acting within the scope of their respective employment.

57. Defendant Village of Riverdale is sued in this to the doctrine of *respondeat*

superior, in that the Defendant Officers performed the actions complained of while on duty and/or in the employ of Defendant Village of Riverdale, and while acting within the scope of their respective employment.

58. As a direct and proximate result of this conduct, minor Avarius Thompson did, in fact, suffer severe emotional distress, resulting in physical injury, severe pain, injury to his mind, body, and nervous system, including loss of sleep, mental anguish, grief, fear, fright, anxiety, excruciating pain, emotional suffering and public shame.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, Defendant Village of Riverdale, Defendant Officer Leslie Johnson, Defendant Officer Lee, Defendant Officer John Doe, Defendant Officer Richard Roe and Unknown Defendant Officers, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT III: False Arrest (State Law Claim)
Against Defendant Officers

59. Plaintiff incorporates paragraphs 1-48 as though fully set forth herein.

60. As described above, the Defendant Officers arrested and/or imprisoned the Plaintiff, or caused the Plaintiff to be arrested and/or imprisoned, without a warrant, without probable cause and without legal justification. Due to the arrest, the Plaintiff had his liberty to move about restrained by the Defendant Officers.

61. The misconduct was undertaken by the Defendant Officers John Doe and Richard Roe, under color of law, under the course and scope of their employment as police officers for Defendant Village of Riverdale, was objectively unreasonable, with malice, and was

undertaken intentionally and was willful and wanton.

62. The misconduct was undertaken by the Defendant Officers Lee and Leslie Johnson, under color of law, under the course and scope of their employment as police officers for Defendant Village of Dolton, was objectively unreasonable, with malice, and was undertaken intentionally and was willful and wanton.

63. Defendant Village of Riverdale is sued herein pursuant to respondeat superior.

64. Defendant Village of Dolton is sued herein pursuant to respondeat superior.

65. As a direct and proximate result of the false arrest, Avarius Thompson was damaged, including the value of his lost liberty, exposure to public scandal and disgrace, damage to his reputation, mental and emotional suffering, humiliation, embarrassment, and anguish.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, Defendant Village of Riverdale, Defendant Officer Leslie Johnson, Defendant Officer Lee, Defendant Officer John Doe, Defendant Officer Richard Roe and Unknown Defendant Officers, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT IV: Excessive Force (State Law Claim)
Against Defendant Officers

66. Plaintiff incorporates paragraphs 1-48 as though fully set forth herein.

67. By the actions detailed above, Defendant Officer Lee and Defendant Officer Leslie Johnson, had a duty to exercise care and use only reasonable and justifiable force in their interaction with the Plaintiff Avarius Thompson.

68. By the actions detailed above, Defendant Officer Lee and Defendant Officer Leslie Johnson, had a duty to refrain from willful and wanton unjustifiable use of excessive force in their interaction with the Plaintiff.

69. On November 20, 2023 at 144th and Indiana Avenue, Riverdale, IL. Defendant Officer Lee and Defendant Officer Leslie Johnson, breached their duty to the Decedent by acting in a willful and wanton manner, unjustifiably using excessive force in the tasing of Avarius Thompson

70. On November 20, 2023 at 144th and Indiana Avenue, Riverdale, IL. Defendant Officer Lee and Defendant Officer Leslie Johnson shot and tased the Plaintiff at 144th and Indiana Avenue, Riverdale, in a willful and wanton manner with unjustifiable use of excessive force.

71. The misconduct was undertaken by the Defendant Officers Lee and Leslie Johnson, under color of law, under the course and scope of their employment as police officers for Defendant Village of Dolton, was objectively unreasonable, with malice, and was undertaken intentionally and was willful and wanton.

72. Defendant Village of Dolton is sued herein pursuant to respondeat superior.

73. As a direct and proximate result of the willful and wanton excessive force, Plaintiff sustained injuries including but not limited to physical injury, severe pain, injury to his mind, body, and nervous system, including loss of sleep, mental anguish, grief, fear, fright, anxiety, excruciating pain, emotional suffering, public shame exposure to public scandal, mental suffering, humiliation, grief and anguish.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, Defendant Officer Lee and Defendant Officer

Leslie Johnson, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT V: Respondeat Superior
State Claim Against Village of Dolton

74. Plaintiff realleges each of the foregoing paragraphs as if fully set forth herein.

75. Defendant Officers Lee and Leslie Johnson, in committing the aforementioned acts as set forth above, were at all times under the employ of the Village of Dolton and acting as agents of the Village of Dolton.

76. Defendant Officers committed the acts alleged above under color of law and in the scope of their employment as employees of the Village of Dolton.

77. The Village of Dolton is liable as principal for all acts committed by its agents.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, Defendant Officer Lee and Defendant Officer Leslie Johnson, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT VI: Respondeat Superior
State Claim Against Village of Riverdale

78. Plaintiff realleges each of the foregoing paragraphs as if fully set forth herein.

79. Defendant Officers John Doe and Richard Roe, in committing the aforementioned acts as set forth above, were at all times under the employ of the Village of Riverdale and acting as agents of the Village of Riverdale.

80. Defendant Officers committed the acts alleged above under color of law and in

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the scope of their employment as employees of the Village of Riverdale.

81. The Village of Riverdale is liable as principal for all acts committed by its agents.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Riverdale, Defendant Officer John Doe and Defendant Officer Richard Roe, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT VII: 745 ILCS 10/9-102 - Indemnification
Village of Dolton

82. Plaintiff realleges each of the foregoing paragraphs as if fully set forth herein.

83. Defendant Village of Dolton is the employer of the Defendant Officers.

84. Defendant Officers committed the acts alleged above under color of law and in the scope of their employment as employees of the Village of Dolton.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Dolton, Defendant Officer Lee and Defendant Officer Leslie Johnson, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

COUNT VIII: 745 ILCS 10/9-102 – Indemnification
Village of Riverdale

85. Plaintiff realleges each of the foregoing paragraphs as is fully set forth herein.

86. Defendant Village of Riverdale is the employer of the Defendant Officers.

87. Defendant Officers committed the acts alleged above under color of law and in the scope of their employment as employees of the Village of Riverdale.

WHEREFORE the Plaintiff, Avarius Thompson and Gwendolyn Toran, demands judgment against the Defendant Village of Riverdale, Defendant Officer John Doe and Defendant Officer Richard Roe, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), such additional amounts as the Jury and this Honorable Court shall deem proper, costs of said suit, prejudgment interest and any other relief this Honorable Court deems equitable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully Submitted,
AVARIUS THOMPSON

By:

/s/ Jarrett Adams
One of Plaintiff's Attorneys

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