

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

DWAYNE FURLOW, RALPH TORRES )  
and HOWARD LINER, individually and )  
on behalf of all others similarly situated, )

Plaintiffs, )

v. )

Cause No.: 4:16-cv-00254-HEA

JON BELMAR, THE COUNTY OF )  
ST. LOUIS, MISSOURI, )  
and ST. LOUIS COUNTY POLICE )  
OFFICER KEVIN WALSH, )  
ST. LOUIS COUNTY POLICE OFFICER )  
CHRISTOPHER PARTIN, )  
ST. LOUIS COUNTY POLICE )  
DETECTIVE CLEMENTS, )  
and ST. LOUIS COUNTY POLICE )  
OFFICER ED SCHLUETER, )

JURY TRIAL DEMANDED

Defendants. )

**SECONDAMENDED**  
**CLASS ACTION COMPLAINT**

Plaintiffs Dwayne Furlow, Ralph Torres, and Howard Liner by and through the undersigned counsel, for their Second Amended Complaint in the above-referenced matter hereby state as follows:

**INTRODUCTION**

For years, St. Louis County has allowed individual police officers to unilaterally issue the equivalent of a statewide arrest warrant without ever going before a neutral and detached magistrate to obtain a judicial determination of probable cause. St. Louis County police officers refer to this warrantless arrest procedure as issuing a “Wanted.” Under this system, ordinary police officers have been given the power to order the arrest of anyone at any time, without any

judicial oversight whatsoever. Because this unconstitutional tool has been left in the hands of police officers and is not subject to judicial oversight, police in Missouri have issued over 2 Million Wanted<sup>1</sup> in a state with a population of only 6 Million people.<sup>2</sup>

These Wanted are often issued and executed without probable cause and in retaliation for an individual's exercise of his Fifth Amendment right to refuse questioning by law enforcement officials. Furthermore, no procedural safeguards exist to enable the subject of a Wanted to protect herself from the threat of arrest. Like so many of the unconstitutional and widespread police and court practices throughout the Saint Louis region, this system disproportionately impacts low income communities of color. The use of Wanted violates the protected liberty interests of poor people and black people and create the modern day equivalent of a police state, where poor people and black people are afraid to leave their houses, drive their cars, go to their jobs, visit friends and family members, or otherwise conduct their daily lives because they are subject to summary arrest and detention at the whim of a St. Louis County police officer. This practice flagrantly violates the United States Constitution and has no place in a free society.

### **NATURE OF THE ACTION**

Plaintiffs Dwayne Furlow ("Mr. Furlow"), Ralph Torres ("Mr. Torres"), and Howard Liner ("Mr. Liner"), individually and on behalf of all others similarly situated, bring this cause of action pursuant to 42 U.S.C. § 1983 to assert constitutional rights under the First, Fourth, Fifth,

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<sup>1</sup> *MULES Summary Report for Jan. 2005 – Dec. 2014*, MISSOURI STATE HIGHWAY PATROL online database (Jun. 1, 2016 query showing 2,034,306 wanteds input into the MULES system during the ten-year period).

<sup>2</sup> *Population Trends, 2013 to 2014*, MISSOURI CENSUS DATA CENTER, accessed Jul. 6, 2016, available at <http://census.missouri.edu/population-trends/report.php?y=2013-2014&g=29000&d=1>.

and Fourteenth Amendments to the United States Constitution, which were violated by Defendants St. Louis County Chief of Police Jon Belmar (“Defendant Belmar”); the County of St. Louis, Missouri (“Defendant St. Louis County”); St. Louis County Police Officer Kevin Walsh (“Defendant Walsh”); St. Louis County Police Officer Christopher Partin (“Defendant Partin”); St. Louis County Detective Clements (“Defendant Clements”); and St. Louis County Police Officers Ed Schlueter, through their use of an unlawful Wanted procedure.

### **THE PARTIES**

1. Plaintiff Dwayne Furlow is a citizen of the United States of America and a resident of St. Louis County, Missouri.

2. Plaintiff Ralph Torres is a citizen of the United States of America and a resident of St. Louis County, Missouri.

3. Plaintiff Howard Liner is a citizen of the United States of America and a resident of St. Louis County, Missouri.

4. Defendant St. Louis County, Missouri, is a political and geographic subdivision of the State of Missouri existing pursuant to Missouri law.

5. Defendant Jon Belmar is the current Chief of Police for the St. Louis County Police Department. Defendant Belmar is sued in his official capacity as the supervising and commanding officer of the St. Louis County Police Department.

6. Defendant Officer Kevin Walsh, Badge #4068, is a sworn peace officer employed by the St. Louis County Police Department. All of Defendant Walsh’s actions set forth in this Complaint were done under color of law. Defendant Walsh is sued in his individual capacity.

7. Defendant Officer Christopher Partin is a sworn peace officer employed by the St. Louis County Police Department. All of Defendant Partin's actions set forth in this Complaint were done under color of law. Defendant Partin is sued in his individual capacity.

8. Defendant Detective Clements is a sworn peace officer employed by the St. Louis County Police Department. All of Defendant Clements's actions set forth in this Complaint were done under color of law. Defendant Clements is sued in her individual capacity.

9. Defendant Officer Ed Schlueter is a sworn peace officer employed by the St. Louis County Police Department. All of Defendant Schlueter's actions set forth in this Complaint were done under color of law. Defendant Schlueter is sued in his individual capacity.

10. Where appropriate, Defendants Walsh, Partin, Clements, and Schlueter are referred to collectively as "Defendant Officers."

#### **JURISDICTION AND VENUE**

11. This cause is brought pursuant to 42 U.S.C. § 1983. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 1343. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b), since the Defendants are located, and all of the incidents giving rise to this suit occurred, in this judicial district.

#### **GENERAL ALLEGATIONS**

12. Under the Fourth and Fourteenth Amendments to the United States Constitution, an individual arrested without a warrant must be provided with a determination that probable cause existed for such arrest by a disinterested judicial officer without unreasonable delay. *See Gerstein v. Pugh*, 420 U.S. 103, 124–25 (1975); *Cty. of Riverside v. McLaughlin*, 500 U.S. 44, 52–59 (1991).

13. Officers in St. Louis County circumvent this requirement for judicial review by issuing arrest orders, called “Wanted,” in statewide databases visible to law enforcement agencies throughout the state and beyond, without seeking any judicial determination of probable cause, either before or after the subjects of the Wanted are arrested.

14. St. Louis County Police Department General Order 15-16 § III.B.1 expressly provides that Wanted be entered into REJIS and or other data systems “where no warrant has been applied for”.

15. Arrests pursuant to Wanted often occur days, weeks, months, or even years after a Wanted has been issued.

16. Defendant St. Louis County’s own policies and procedures indicate that Wanted may remain in these databases indefinitely. Department General Order 15-16 § III.B.1. provides that Wanted may be entered into REJIS indefinitely and that a type of Wanted called a “Stop Order” may be entered into MULES and/or NCIC for one year. *See* Exhibit A.

17. Notwithstanding apparent time restrictions in their policies that apply to Wanted entered on certain data systems, Department General Order 15-16 § III.B does not require that a Wanted be quashed at any time, provide a procedure for how or by whom it should be quashed, or require that a warrant application follow a Wanted entry at any time. *See* Ex. A.

18. The use of Wanted to arrest and detain individuals without judicial determinations of probable cause is a policy and practice that is known and ratified by Defendant Belmar in his supervisory capacity over the St. Louis County Police Department. Ex. A, Department General Order 15-16, at pg. 5 (“By order of Jon M. Belmar, Chief of Police”).

19. Per department policy supervisor approval is a requirement before a Wanted can be entered into the MULES system. Ex. A, Department General Order 15-16 § III.B.1.b.4.

20. It has been the policy and practice of the Defendant St. Louis County and the St. Louis County Police Department that its officers issue Wanted to cause the arrest of individuals, either by the St. Louis County Police Department, or by some other law enforcement agency.

21. Subjects of Wanted often do not know they have been designated for arrest by Defendants pursuant to a Wanted, because Defendants do not uniformly provide those persons notice of the Wanted. Even if an individual learns of an active Wanted, she has no procedural recourse for quashing the Wanted, other than turning herself in or submitting to police questioning.

22. Victims of Defendants' unconstitutional scheme have no procedural recourse other than turning themselves in or submitting to questioning at the whim of St. Louis County Police officers, in a manner most often constituting a custodial arrest and interrogation.

23. Due to the lack of judicial oversight in the Wanted procedure, Defendants use Wanted in circumstances where there was no probable cause to believe that the individual had committed a crime, or where probable cause no longer existed at the time of the Wanted-arrest.

24. Defendants have issued Wanted for numerous purposes which include but are not limited to (1) interrogating the individual;<sup>3</sup> (2) punishing the individual who refuses to participate in an investigation; (3) punishing the individual against whom a legitimate charge cannot be brought; (4) demonstrating the authority of the officer over the individual; and/or (5) out of deliberate indifference for the rights and liberties of the individual subject to the Wanted.

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<sup>3</sup>Law enforcement agencies in Missouri have long employed aspects of this “manifestly unlawful and unconstitutional” practice describable as an “arrest for investigation,” whereupon arrests are made “on mere suspicion, or even without pretext of suspicion, for the purpose of getting a person to a convenient location where he can be questioned or ‘investigated’ as to any crime he or others may have committed. . . .” Scurlock, John, *Arrest in Missouri*, 29 U. KAN. CITY L. REV. 117, 127 (1961).

25. Consistent with these purposes, people arrested pursuant to a Wanted issued by Defendants were (1) questioned while they were in Defendants' custody; (2) detained either after questioning by Defendants, after refusing to answer questions, or after demanding to speak with an attorney; (3) ordered by Defendants to be held for the entire duration permissible under Missouri Law and beyond; and/or (4) released without any charge being issued by Defendants or any judicial determination of probable cause being sought by Defendants. All of these constitute unreasonable delay. *See Cty. of Riverside*, 500 U.S. at 57; *Gerstein*, 420 U.S. at 111–25 (discussing the competing interests of the public and law enforcement).

### **U.S. Department of Justice Report**

26. Plaintiffs and the class members they seek to represent are subject to the same unconstitutional Wanted system maligned by the United States Department of Justice Civil Rights Division's March 4, 2015 report titled *Investigation of the Ferguson Police Department*. *See* Exhibit B.

27. The report revealed unconstitutional practices in police departments and courts throughout St. Louis, including St. Louis County, although it focused on City of Ferguson.

28. The Department of Justice highlighted the county-wide unconstitutional practice of issuing "Wanted" without probable cause:

[L]aw enforcement agencies in St. Louis County use a system of "wanted" or "stop orders" as a substitute for seeking judicial approval for an arrest warrant. When officers believe a person has committed a crime but are not able to immediately locate that person, they can enter a "wanted" into the statewide law enforcement database, indicating to all other law enforcement agencies that the person should be arrested if located. While wanteds are supposed to be based on probable cause, see FPD General Order 424.01, they operate as an end-run around the judicial system. Instead of swearing out a warrant and seeking judicial authorization from a neutral and detached magistrate, officers make the probable cause determination themselves and circumvent the courts. Officers use wanteds for serious state-level crimes and minor code violations alike, including traffic offenses.

Exhibit B at 22: “FPD’s Use of Police-run ‘Wanted’ System Circumvents Judicial Review and Poses the risk of Abuse.”

29. The DOJ report describes in detail its findings on how the Wanted procedure circumvents the constitutional warrant requirement:

[I]nterviews with command staff and officers indicate that officers do not clearly understand the legal authority necessary to issue a wanted. For example, one veteran officer told us he will put out a wanted “if I do not have enough probable cause to arrest you.” He gave the example of investigating a car theft. Upon identifying a suspect, he would put that suspect into the system as wanted “because we do not have probable cause that he stole the vehicle.” Reflecting the muddled analysis officers may employ when deciding whether to issue a wanted, this officer concluded, “you have to have reasonable suspicion and some probable cause to put out a wanted.”

At times, FPD officers use wanteds not merely in spite of a lack of probable cause, but because they lack probable cause. In December 2014, a Ferguson detective investigating a shooting emailed a county prosecutor to see if a warrant for a suspect could be obtained, since “a lot of state agencies won’t act on a wanted.” The prosecutor responded stating that although “[c]hances are” the crime was committed by the suspect, “we just don’t have enough for a warrant right now.” The detective responded that he would enter a wanted.

Exhibit B at 23.

30. Finally, the DOJ found that police often make arrests for Wanted that are stale, or invalid:

In 2010, for instance, an FPD supervisor wrote that “[a]s of late we have had subjects arrested that were wanted for other agencies brought in without being verified first. You guessed it, come to find out they were no longer wanted by the agencies and had to be released.” The same supervisor told us that in 2014 he cleared hundreds of invalid wanteds from the system, some of them over ten years old, suggesting that invalid wanteds have been an ongoing problem.

Exhibit B at 23.

### **INDIVIDUAL ALLEGATIONS**

31. The following sections contain the background facts specific to the claims of Plaintiffs Dwayne Furlow, Ralph Torres, and Howard Liner.



**Mr. Furlow**  
**November–December 2015**

32. Shortly after Mr. Furlow's departure from home on the morning of November 11, 2015, Mr. Furlow's minor son was attacked by his adult female neighbor.

33. When police arrived, the adult female neighbor alleged as the basis for the conflict that Mr. Furlow had stolen her cell phone earlier that morning.

34. Responding to this allegation, Officer Partin of the St. Louis County Police Department called Mr. Furlow on Mr. Furlow's cell phone.

35. Officer Partin asked Mr. Furlow to return home so that he could answer questions regarding the neighbor's allegation of cell phone theft.

36. Mr. Furlow declined to answer Officer Partin's questions.

37. Officer Partin threatened Mr. Furlow that he would issue a Wanted if Mr. Furlow declined to submit for interrogation.

38. Mr. Furlow repeated that he had done nothing wrong, and declined to answer any questions.

39. Officer Partin issued a Wanted for Mr. Furlow.

40. After being informed of this exchange and the issuance of a Wanted, counsel for Mr. Furlow made repeated attempts to contact officers and officials of Defendant St. Louis County.

41. Counsel spoke with Officer Partin and requested that he quash the Wanted, informing Officer Partin, *inter alia*, that Mr. Furlow's family had a long history with the complainant, including an active restraining order against the complainant.

42. In addition to multiple phone calls to the St. Louis County Police Department, counsel also sent a letter addressed to Captain Guy Means, First Precinct Commander of the St.

Louis County Police Department, and St. Louis County Counselor Peter Krane, *see* Exhibit C, which stated in part:

Mr. Furlow is not going to speak with the police or answer any questions. If taken into custody, Mr. Furlow will not answer questions and will make no statements.

If the officer secures an arrest warrant arising from the events this morning and alerts us of such a warrant, we will see to it that Mr. Furlow surrenders without delay.

...

We alert you that the desire to question Mr. Furlow is NOT a lawful justification for arresting or detaining him. You are on notice that he is not going to speak to the police. In our experience, the police often misunderstand or misapply the law in circumstances such as this, particularly with the use of a “wanted.” It is unlawful for the police to issue a wanted for questioning in the absence of probable cause to make a custodial arrest. If your officer claims that he has probable cause, then he should seek a warrant but it is not lawful to detain someone for the purpose of questioning with the goal of developing probable cause.

43. Despite these efforts, Mr. Furlow’s counsel received no response and was informed via telephone by a member of the St. Louis County Counselor’s office, “This office is not going to get involved.”

44. Nearly one month later, with the Wanted still outstanding, Mr. Furlow decided to “turn himself in” so that he would no longer be subject to the threat of arrest and detention as he moved about town, often in the company of his wife and children.

45. Counsel for Mr. Furlow contacted Officer Partin several times by telephone and attempted to arrange a time to deliver Mr. Furlow to Officer Partin’s station or precinct so that Mr. Furlow’s detention would not be delayed.

46. Counsel for Mr. Furlow reiterated at this time that Mr. Furlow did not wish to answer any questions and would invoke his right to remain silent.

47. Officer Partin insisted that Mr. Furlow would need to remain in custody once delivered to the local precinct until he could be transferred to the St. Louis County jail in Clayton, Missouri for booking and processing.

48. Not wishing to be transported by St. Louis County officers, Mr. Furlow, accompanied by counsel, turned himself in to St. Louis County's jail on the evening of December 12, 2015.

49. Nearly an hour after Mr. Furlow's arrival, Officer Partin arrived to the jail with a supervising officer.

50. After Mr. Furlow's counsel reiterated to Officer Partin that Mr. Furlow did not intend to answer any questions, Officer Partin and the supervising officer informed counsel that there would be no need to take Mr. Furlow into custody.

51. Instead, Officer Partin issued a summons for Mr. Furlow to appear in court on charges of "Assault Prohibited" and "Larceny Prohibited."

52. After issuing the summons, Officer Partin stated that the Wanted would be quashed. This occurred just over one month after the Wanted was issued.

53. On February 17, 2016, Mr. Furlow's counsel appeared on Mr. Furlow's behalf in the St. Louis County Municipal Court—North Division.

54. While discussing Mr. Furlow's case, the municipal prosecutor read the charging document written by Officer Partin, apparently for the first time.

55. The prosecutor told Mr. Furlow's counsel that the document described neither an assault nor a larceny and did not constitute the basis for the issuance of charges.

56. Rather, the document simply recounted the details of the meeting with Mr. Furlow and his counsel at the St. Louis County jail on December 12, 2015.

57. Before hearing any argument from Mr. Furlow's counsel, the municipal prosecutor dismissed the charges.

January 2016

58. On the afternoon of January 25, 2016, Defendant Walsh spoke with Mr. Furlow by telephone regarding an allegation against Mr. Furlow.

59. Defendant Walsh requested that Mr. Furlow return home to be questioned by Defendant Walsh regarding said allegations.

60. Mr. Furlow told Defendant Walsh that he had no interest in speaking with the police or answering any questions.

61. Defendant Walsh responded that if Mr. Furlow did not answer his questions, Defendant Walsh would issue a Wanted.

62. Mr. Furlow reiterated that he would not speak to the police.

63. Defendant Walsh issued a Wanted for Mr. Furlow.

64. The next day, on the evening of January 26, 2016, the complainant called Defendant Walsh to retract her domestic assault complaint in its entirety.

65. Defendant Walsh asked the complainant whether she was being pressured to retract her statement. The complainant responded that she was not, and that she had fabricated all of the accusations out of anger.

66. Defendant Walsh told complainant that she needed to call the prosecuting attorney's office if she wanted to retract the complaint and quash the Wanted.

67. Complainant called a member of the St. Louis County Prosecutor's office, retracted the complaint, and requested that the Wanted be quashed.

68. Despite this complete retraction of the allegations and withdrawal of the complaint, the Wanted remained in the system for Mr. Furlow.

69. Two days later, on January 28, 2016 at approximately 5:30 pm, Mr. Furlow was driving south on Goodfellow Blvd. in the City of Jennings when he was stopped by St. Louis County Police.

70. The officers explained that the reason for the stop was because the vehicle's temporary dealer's plates were not displayed in the rear of the vehicle. (They were displayed in the front.)

71. During the stop, Mr. Furlow, who was driving, admitted that his license was suspended and that, based on his conversation with Defendant Walsh, Mr. Furlow believed that there was either a warrant or Wanted for him in St. Louis County.

72. The officers told Mr. Furlow he would not be arrested for either the license plate or the suspended license, but that they would need to run his name for any warrants or Wanted.

73. The officers returned to their vehicle and ran a search for Mr. Furlow's name, which revealed the Wanted issued by Defendant Walsh.

74. Acting on the Wanted, the officers then took Mr. Furlow into custody and transported him to the Jennings Police Station at 5445 Jennings Station Road.

75. Officers at the Jennings Police Station informed Mr. Furlow that he was on a 24-hour hold pursuant to the Wanted and that this was the sole basis for his detention.

76. The officers attempted to question Mr. Furlow. Mr. Furlow stated that he did not wish to talk or answer any questions.

77. The officers then informed Mr. Furlow that he would be held in Jennings until he could be transported to the St. Louis County jail in Clayton, Missouri. They further stated that he

would remain at the St. Louis County jail either until Defendant Walsh questioned Mr. Furlow and “cleared” the Wanted or until the end of the 24-hour hold period.

78. Mr. Furlow repeatedly invoked his right to remain silent to officers of the St. Louis County Police Department, both in person and through counsel. Despite this fact, he continued to be held on a Wanted.

79. During the evening of January 28, counsel for Mr. Furlow notified multiple officers of the St. Louis County Police Department that Mr. Furlow was being held on the basis of an unlawful Wanted and in the absence of probable cause. However, St. Louis County Police refused to release Mr. Furlow pursuant to their policy.

80. In his capacity as watch commander of the First Precinct of the St. Louis County Police Department, Sergeant James Grace stated to Mr. Furlow’s counsel that Defendant Walsh “followed department procedures” in issuing the Wanted.

81. Defendants continued to detain Mr. Furlow.

82. Mr. Furlow was released from the St. Louis County jail after being held for 24 hours.

83. Defendant Walsh did not personally attempt to question Mr. Furlow during this 24-hour period. No charges have been filed against Mr. Furlow incident to this arrest.

84. On information and belief, Defendants did not seek a judicial determination of probable cause.

**Mr. Torres**

85. In late 2014 or early 2015, Ralph Torres faced investigation by the Division of Child Protective Services for alleged sexual misconduct involving his two minor children, which the Division ultimately found to be false accusations made by his ex-wife.

86. After receiving notice of the Division's favorable decision to close the investigation, Mr. Torres believes his ex-wife attempted to submit the same false allegations to the St. Louis County police.

87. On or about February 20, 2015, Defendant Clements telephoned Mr. Torres and asked him to come to the St. Louis County police station for questioning about allegations involving Mr. Torres's minor daughter.

88. Mr. Torres stated that he would be agreeable to answer questions, if his lawyer could also be present.

89. Shortly after the call, Mr. Torres called his lawyer, Melissa Featherston, regarding Defendant Clements's request.

90. Attorney Featherston telephoned Detective Clements and St. Louis County Police, leaving several messages.

91. Neither Mr. Torres nor Attorney Featherston received a return call from Detective Clements.

92. Unbeknownst to Mr. Torres, Detective Clements issued a Wanted for the arrest of Mr. Torres of which Mr. Torres did not receive notice.

93. On the morning of April 2, 2015, a St. Louis County police officer arrived at Mr. Torres's residence in the City of Affton in St. Louis County.

94. The officer found Mr. Torres and Mr. Torres's eight-year-old child in the garage at the rear of the home, where the two were repairing the child's bicycle.

95. The officer told Mr. Torres that he had a Wanted in St. Louis County. This was the first time that Mr. Torres learned of the Wanted against him.

96. The officer further informed Mr. Torres that a St. Louis County detective wished to question him, and that Mr. Torres should call someone to pick up his son so that the officer would not have to call Child Protective Services.

97. Mr. Torres was able to contact someone to pick up his child.

98. At or around 10:00 a.m., the officer handcuffed Mr. Torres and transported him to the Affton police station, where Mr. Torres was held for approximately two hours.

99. Mr. Torres was then transported to the St. Louis County jail where officers took his mugshot, fingerprints, and a mouth swab.

100. Mr. Torres remained in a holding cell with dozens of other detainees for the rest of the day.

101. The next day, in the early morning of April 3, 2015, Defendant Clements, along with a second St. Louis County detective, attempted to question Mr. Torres.

102. During this interview, Defendant Clements told Mr. Torres “you brought this on yourself” regarding Mr. Torres’s prior refusal to answer questions without his lawyer.

103. Mr. Torres again informed the St. Louis County detectives that he wished to have his lawyer present for any questioning by the police.

104. In response to this request, Defendant Clements told Mr. Torres that she would “take this to the Prosecutor” and then sent Mr. Torres back to the holding cell.

105. Mr. Torres remained in the St. Louis County jail until his release at around 12:30pm or 1:00pm on April 3, 2015.

106. While Mr. Torres was being processed for release, he noticed a handwritten note on one of his processing papers. Mr. Torres was told that the note, written by Defendant



Clements, instructed the jail officers to hold Mr. Torres “until the last second possible” of the 24 hour hold pursuant to St. Louis County’s Wanted policy.

107. Mr. Torres was in Defendant St. Louis County’s custody for approximately 26 hours total prior to his release.

108. On information and belief, Defendants did not seek a judicial determination of probable cause for the arrest of Mr. Torres.

109. However, Mr. Torres was never charged with this crime or any other crimes during or after his arrest.

**Mr. Liner**  
**November 2013**

~~110.— In or around November 2013, Howard Liner was arrested on a Wanted issued by the St. Louis County Police Department related to allegations stemming from a domestic dispute.~~

~~111.— Mr. Liner was taken into custody at the St. Louis County jail and held for around twelve (12) hours before an officer of the St. Louis County Police Department visited him.~~

~~112.— Mr. Liner was told by the officer from the St. Louis County Police Department he would be released pending investigation if he answered the officer’s questions.~~

~~113.— Mr. Liner answered the investigator’s questions.~~

~~114.— Mr. Liner was released from custody a couple of hours later.~~

~~115.— Around three weeks later, on or about December 2, 2014, Howard Liner was charged by information.~~

~~116.— Mr. Liner missed work as a result of his arrest.~~

**June 2015**

~~117. In or around June 16, 2015 Howard Liner was arrested at his home by the St. Louis County Police Department on a Wanted issued by the St. Louis County Police Department regarding a prior allegation of property damage.~~

~~118. Mr. Liner was taken to the St. Louis County Police Departments First Precinct at 11815 Benham Rd., St. Louis, Missouri 63138, and held there for four (4) hours.~~

~~119. Mr. Liner was transferred to the St. Louis County jail in Clayton, Missouri, where he was told that he was on twenty four (24) hour hold while the St. Louis County Police Department decided whether to charge him.~~

~~120. Mr. Liner was told that his twenty four hour hold period began at the time of his arrival at the St. Louis County jail, despite the fact that Mr. Liner had been in the custody of the St. Louis County Police Department since the time of his arrest four (4) hours earlier.~~

~~121. Mr. Liner was held at the St. Louis County jail for twenty four (24) hours and by the St. Louis County Police Department for a total of twenty eight (28) hours~~

~~122. Mr. Liner has never been charged regarding allegations related to his June 2015 arrest.~~

~~123. Mr. Liner missed work as the result of his arrest.~~

#### July-August 2015

124. Mr. Liner was alerted that a Wanted had been issued for him by the St. Louis County Police Department regarding allegations of theft during the summer of 2015.

125. Months later, on or about October 6, 2015, St. Louis Metropolitan Police Department arrested Mr. Liner on the basis of the Wanted issued by Defendant Officer Schlueter.

126. Mr. Liner was held for six (6) hours in a St. Louis Metropolitan Police Department Precinct.

127. Mr. Liner was transferred to the St. Louis City jail where he was held for another four to five (4-5) hours.

128. Mr. Liner was transferred to the St. Louis County jail where he was held for another fifteen (15) hours.

129. After spending approximately 25 hours in two different jails, Defendant Officer Schlueter came to question him.

130. Defendant Schlueter told Mr. Liner that he would have been released sooner if he cooperated with the investigation.

131. Defendant Schlueter asked Mr. Liner what kind of vehicle he owned.

132. Mr. Liner responded that he drove a certain model of B.M.W.

133. Defendant Schlueter responded that he owned the same model of B.M.W., that there was no way that Mr. Liner could have moved the allegedly stolen property with such a small vehicle, that Defendant Schlueter knew that the complainants allegations were false, that he planned to file false report charges against the complainant, and that Mr. Liner should be released promptly.

134. Mr. Liner was released from the St. Louis County jail a few hours later after having spent around twenty-nine (29) hours in custody.

135. Mr. Liner missed work as the result of his arrest.

136. Mr. Liner has never been charged regarding allegations related to this arrest.

#### **Future Wanted and Arrests are Immanent**

137. As shown above, Defendants arrested Plaintiff Ralph Torres *once*, Plaintiff Dwayne Furlow *twice*, and Plaintiff Harold Liner *three times* in a single year pursuant to

Wanted issued by Defendants where no probable cause existed to justify those arrests and prolonged jailings.

138. In other words, the Defendants' conduct toward each of the Plaintiffs demonstrates that Plaintiffs and any other law-abiding persons can be arrested by pursuant to Defendants' Wanted at any time, for any reason, in the absence of probable cause and even when they have broken no laws.

139. Furthermore, Defendant St. Louis County's policies and practices of circumventing judicial review permits them to continue issuing Wanted to arrest and jail innocent persons unchecked, with reckless abandon, and without notice or due process for individuals subject to Wanted.

140. Thus, Plaintiffs and all others similarly situated face an immanent threat that they can be arrested by any law enforcement agency on Defendants' Wanted without warning and without any ability to change their behaviors to avoid that arrest.

### **CLASS ALLEGATIONS**

141. Plaintiffs bring this action pursuant to Federal Rule of Civil Procedure 23 on behalf of all others similarly situated, as representatives of the following classes ("the Classes"):

**Class 1: All persons who, since February 24, 2011 have been arrested pursuant to a Wanted issued by Defendants without a judicial determination of probable cause either prior to or promptly after their arrest, including those persons who were arrested without probable cause.**

**Class 2: All persons who, since February 24, 2011 have been the subject of a Wanted issued by Defendant St. Louis County and have been denied procedural remedies to quash the Wanted.**

142. Excluded from the Classes are affiliates, predecessors, successors, officers, directors, agents, servants, or employees of Defendants, and the immediate family members of

such persons. Also excluded are any trial judge who may preside over this action, court personnel and their family members and any juror assigned to this action.

143. Plaintiffs are members of the Classes which they seek to represent.

144. The particular members of the Classes are capable of being described without difficult managerial or administrative problems. The members of the Classes are readily identifiable from the information and records in the possession or control of Defendants.

145. Upon information and belief, the Classes consist of at least hundreds of individuals and therefore are so numerous that joinder is impracticable.

146. Plaintiffs' claims are typical of those in the Classes and are based on the same legal and factual theories.

147. There are numerous questions of law and fact common to the Classes which predominate over any questions affecting only individual class members, and, in fact, the wrongs suffered and remedies sought by Plaintiffs and the other members of the Classes are premised upon an unlawful pattern and practice by Defendants. The principal common issues include, but are not limited to, the following:

- a. the nature and extent of each Defendant's participation, control, ratification, and promotion of the use of Wantedes for the purpose of effecting unlawful and warrantless, investigative, punitive, retaliatory or arbitrary detentions;
- b. the facts concerning how the system of Wantedes functioned, including all police procedures, electronic systems, and policies relating to the issuance and execution of Wantedes;
- c. whether Defendants' policy and conduct in failing to seek a warrant from a neutral and detached magistrate and instead relying on their own determination to justify the issuance of a Wanted constitutes a violation of the Fourth and Fourteenth Amendment to the United States Constitution;

- d. whether Defendants' policy and conduct in failing to promptly seek valid warrants for Plaintiffs and the other class members between the time they issued Wantedes and the time the individuals were arrested constitutes a violation of the Fourth and Fourteenth Amendments to the United States Constitution;
- e. whether Defendants' policy and conduct in failing to promptly seek valid warrants for Plaintiffs and the other class members after the individuals were arrested pursuant to Wantedes constitutes a violation of the Fourth and Fourteenth Amendments to the United States Constitution;
- f. whether Defendants' policy and conduct in detaining Plaintiffs and the other class members arrested on Wantedes for a period of 24 hours violates the Fourth and Fourteenth Amendments;
- g. whether Defendants' policy and conduct in issuing Wantedes and/or detaining Plaintiffs and the other class members pursuant to Wantedes in retaliation for asserting their right to refuse questioning by law enforcement violates the Fifth and Fourteenth Amendments; and
- h. whether Defendants' policy and conduct in denying due process for Plaintiffs and the other class members to quash Wantedes and thereby interfering with their protected liberty interests violates the due process clause of the Fourteenth Amendment.

148. Plaintiffs will fairly and adequately represent and protect the interests of the Classes. Plaintiffs have suffered injury from the practices complained of and are ready, willing, and able to serve as class representatives. Furthermore, Plaintiffs' counsel are experienced in handling class actions and actions involving unconstitutional procedures and policies enacted under the color of law. Neither Plaintiffs nor their counsel have any interest that might cause them not to vigorously pursue this action.<sup>4</sup>

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<sup>4</sup> ArchCity Defenders is a non-profit civil rights law firm based in Saint Louis. It has represented the poor and homeless in the region for the past seven years and is an expert on the ways in which local police and court violate basic constitutional principles. Counsel was recently co-counsel in a case in the Eastern District of Missouri restricting the use of chemical munitions on peaceful protesters, is co-counsel on two federal class actions alleging the operation of debtors' prisons in Ferguson and Jennings, Missouri, and is co-counsel in an additional nine state class action suits alleging the imposition of illegal fees and fines in various municipal courts in the St. Louis County region. See *Jenkins et al. v. City of Jennings*, 15-cv-252-CEJ (E.D. Mo. 2015); *Fant et al. v. City of Ferguson*, 15-

**Rule 23(b)(2) Certification of Class 1 and Class 2**

149. Certification of Plaintiff Classes 1 and 2 under Federal Rule of Civil Procedure 23(b)(2) is appropriate because St. Louis County, through the policies, practices, and procedures that make up its use of the Wanted to circumvent constitutionally-required judicial review, has acted and refused to act on grounds generally applicable to the Declaratory and Injunctive Class. Thus, a declaration that people in St. Louis County cannot be arrested and held in jail solely because a Wanted has been issued will apply to each Class member, and further that St. Louis County cannot issue and execute Wanted for the arrest of persons without probable cause that they have committed an offense and without notice or a hearing prior to the deprivation of their liberty.

150. Injunctive relief compelling St. Louis County to comply with these constitutional mandates will similarly (1) protect each member of the Class from being again subjected to St. Louis County's unlawful policies and practices with respect to any members for whom a Wanted has been or will become issued; and (2) protect those who will be subject to arrest by St. Louis County in the future pursuant to a Wanted—even if they commit no crimes—from the same unconstitutional conduct. Therefore, declaratory and injunctive relief with respect to the Class as a whole is appropriate.

**Rule 23(b)(3) Certification of Class 1**

151. Certification of these Plaintiff Classes under Federal Rule of Civil Procedure 23(b)(3) is appropriate in that the Plaintiffs and the members of the Classes seek monetary damages, common questions predominate over any individual questions, and a plaintiff class

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cv-253-AGF (E.D. mo. 2015). ArchCity Defenders also published an extensive report detailing similar practices and policies in the cities of Bel-Ridge and Florissant. The report is available at [www.archcitydefenders.org](http://www.archcitydefenders.org).

action is superior for the fair and efficient adjudication of this controversy. To that end, the common questions of law and fact listed above are dispositive questions in the case of every member of the Class. The question of liability can therefore be determined on a class-wide basis. A plaintiff class action will cause an orderly and expeditious administration of the class members' claims and economies of time, effort, and expense will be fostered and uniformity of decisions will be ensured. The question of damages will also be driven by class-wide determinations, such as the policies and practices of the County in the issuance and ensuing arrests pursuant to WANTEDs. To the extent that individual damages will vary, they will vary depending in large part on the number of times a person was arrested pursuant to a WANTED during the relevant period, and the length of time that person was detained pursuant to each WANTED. Moreover, the individual class members are unlikely to be aware of their rights and not in a position (either through experience or financially) to commence individual litigation against these Defendants.

152. The Plaintiffs seek the following specific relief and hereby demand a jury trial in this cause for all matters so appropriate.

**COUNT I**

**UNLAWFUL SEIZURE IN VIOLATION OF THE FOURTH AND  
FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION  
COGNIZABLE UNDER 42 U.S.C. § 1983**

**(Against All Defendants Excluding Officer Partin)**

For their cause of action against the Defendants in Count I, Plaintiffs, individually and on behalf of Class 1, state:

153. Plaintiffs incorporate by reference the allegations and averments contained in the preceding paragraphs of this Complaint as though fully set forth herein.



154. Rather than obtaining a judicial determination of probable cause, Defendant Officers issued Warrants to cause Plaintiffs' arrests and circumvent judicial review.

155. By issuing Warrants, Defendant Officers caused Plaintiffs' arrests.

156. Defendant Officers did not secure a determination of probable cause by a neutral and detached judicial magistrate prior to Plaintiffs' arrests.

157. Even after Plaintiffs were arrested, Defendant Officers did not obtain a prompt determination of probable cause by a neutral and detached judicial magistrate.

158. At all relevant times both before and after Plaintiffs' arrests, no exigent circumstances existed to prevent Defendant Officers from obtaining a determination of probable cause by a neutral and detached judicial magistrate.

159. During Plaintiffs' warrantless detention, Defendant Officers (1) gathered or attempted to gather additional evidence to justify the arrest, (2) prolonged Plaintiffs' detention maliciously or for delay's sake, and/or (3) otherwise unreasonably delayed obtaining a judicial determination of probable cause.

160. Defendant Officers' failure to promptly obtain judicial determinations of probable cause violated Plaintiffs' right to be free from unreasonable seizure under the Fourth and Fourteenth Amendments.

161. Pursuant to Defendant St. Louis County's policies and practices, Defendant Officers were afforded discretion to routinely issue Warrants to cause the arrest and detention of individuals.

162. At all times relevant to this Complaint, Defendant Officers, as sworn members of the St. Louis County Police Department, were acting pursuant to either official policies or

customs, practices and usages so pervasive as to constitute policies of Defendant St. Louis County and the St. Louis County Police Department.

163. At all relevant times, Defendant St. Louis County has employed a custom, practice and usage of issuing Wantedes in order to cause the arrest and detention of individuals without obtaining a prompt determination of probable cause by a neutral judicial magistrate in violation of the Fourth and Fourteenth Amendments. To wit:

- a. Department General Order 15-16 § III.B.1 expressly provides that Wantedes be entered into REJIS and or other data systems “where no warrant has been applied for”.
- b. Department General Order 15-16 § III.B.1. provides that Wantedes may be entered into REJIS indefinitely and that a type of Wanted called a “Stop Order” may be entered into MULES and/or NCIC for one year.
- c. Department General Order 15-16 § III.B does not require that a Wanted be quashed at any time or that a warrant application follow a Wanted entry at any time.
- d. The use of Wantedes to arrest and detain individuals without judicial determinations of probable cause is a policy and practice that is known and ratified by Defendant Belmar in his supervisory capacity over the St. Louis County Police Department. Department General Order 15-16, at pg. 5 (“By order of Jon M. Belmar, Chief of Police”).

164. As such, Defendant St. Louis County is culpable pursuant to *Monell v. N.Y. Dep’t of Soc. Svcs*, 436 U.S. 658 (1978), and its progeny.

165. In the alternative, policymakers for the Defendant St. Louis County, including but not limited to Defendant Belmar, were aware that officers of the St. Louis County Police Department issued Wanted without obtaining a prompt judicial determination of probable cause, and have been deliberately indifferent in their duties to correct, supervise, control and, when appropriate, discipline their officers who have committed these acts which violate the Fourth and Fourteenth Amendments. *See City of Canton v. Harris*, 489 U.S. 378, 392 (1989).

166. The Defendant St. Louis County has the power and responsibility to prevent the existence of the policies and practices described above and has failed and refused to do so. [thus entitling Plaintiffs to declaratory and injunctive relief.

167. As a direct and proximate result of the conduct of the Defendants, Plaintiffs and all members of Class 1 have suffered injuries and damages, including but not limited to: being seized and deprived of their freedom; being detained in custody; fear, apprehension, depression, anxiety, consternation and emotional distress; violation of their constitutional rights; interference with their family relationships; interference with their professional and employment relationships; loss of employment or other work opportunities; lost time; lost wages; and loss of faith in society.

168. The acts of Defendant Officers described herein were intentional, wanton, malicious, and/or were callously indifferent to the rights of Plaintiffs, thus entitling Plaintiffs to an award of punitive damages against Defendant Officers.

169. If the Plaintiffs and Class 1 prevail, they are entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

WHEREFORE Plaintiffs request this honorable Court issue the following relief:

- A. For a declaratory judgment that Defendants violate Plaintiffs' and the purported Class 1 members' Fourth and Fourteenth Amendment

protections against unlawful seizures by (i) issuing Wanted's; (ii) making arrests pursuant to Wanted's; (iii) without seeking a judicial determination of probable cause; and/or (iv) without actually having probable cause at the time of arrest;

- B. For an order and judgment permanently enjoining Defendants from enforcing the above-described unconstitutional policies and practices against Plaintiffs;
- C. For a judgment against all Defendants (excluding Defendant Partin) compensating Plaintiffs and the purported members of Class 1 for the damages that they suffered as a result of the County's unconstitutional and unlawful conduct;
- D. For a judgment awarding individual punitive damages:
  - a. In favor of Plaintiff Dwayne Furlow and against Defendant Kevin Walsh;
  - b. In favor of Plaintiff Ralph Torres and against Defendant Clements; and
  - c. In favor of Plaintiff Howard Liner and against Defendant Officers John Doe 1-2;
- E. For an order and judgment granting Plaintiffs' reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- F. For any other relief this Court deems just and proper.

## COUNT II

### RETALIATION AGAINST PLAINTIFFS FOR EXERCISING THEIR RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION COGNIZABLE UNDER 42 U.S.C. § 1983

**(Against All Defendants Excluding Officer Partin)**

For their cause of action against the Defendants in Count II, Plaintiffs, individually, state:

170. Plaintiffs incorporate by reference the allegations and averments contained in the preceding paragraphs of this Complaint as though fully set forth herein.

171. Prior to arrest, Defendant Officers attempted to question Plaintiffs.

172. Plaintiffs invoked their Fifth Amendment right to remain silent by expressly refusing to make any statements to or answer any questions from Defendant Officers and/or invoked their Fifth Amendment right to have counsel present during questioning by Defendant Officers.

173. Defendant Officers retaliated against Plaintiffs for asserting their Fifth Amendment rights by issuing Wantededs against Plaintiffs.

174. Defendant Officers were motivated to issue the Wantededs against Plaintiffs because of Plaintiffs' invocation of their rights under the Fifth and Fourteenth Amendments.

175. While Plaintiffs were detained, Defendant Officers attempted to question Plaintiffs, either personally or through fellow St. Louis County officers.

176. Plaintiffs again refused to make any statements to or answer any questions from Defendant Officers and/or invoked their Fifth Amendment right to have counsel present during questioning.

177. Defendant Officers retaliated against Plaintiffs for asserting their Fifth Amendment rights by prolonging Plaintiffs' detentions.

178. Defendant Officers were motivated to prolong Plaintiffs' detentions because of Plaintiffs' invocation of their rights under the Fifth and Fourteenth Amendments.

179. The intended effect of Defendant Officers' actions in retaliating against Plaintiffs was to discourage Plaintiffs from refusing to speak with the police.

180. Defendant Officers' actions in arresting, detaining, and/or prolonging the detention of individuals would chill a person of ordinary firmness from asserting their Fifth Amendment rights.

181. At all times relevant to this Complaint, Defendant Officers, as sworn members of the St. Louis County Police Department, were acting pursuant to either official policies or customs, practices and usages so pervasive as to constitute policies of Defendant St. Louis County and the St. Louis County Police Department.

182. Defendant St. Louis County at all relevant times has employed a custom, practice and usage of issuing Wantedes and arresting and detaining individuals pursuant to Wantedes in retaliation for the invocation of rights protected by the Fifth and Fourteenth Amendments.

183. Defendant Belmar is, and at all relevant times has been, responsible for the control and supervision of the actions and practices of the officers of the St. Louis County Police Department, including department procedures with respect to the issuance of and arrests pursuant to Wantedes.

184. As such, Defendant St. Louis County is culpable pursuant to *Monell v. N.Y. Dep't of Soc. Svcs.*, 436 U.S. 658 (1978), and its progeny.

185. In the alternative, policymakers for the Defendant St. Louis County, including but not limited to Defendant Belmar, were aware that officers of the St. Louis County Police Department issued Wantedes in retaliation for constitutionally-protected conduct, and have been deliberately indifferent in their duties to correct, supervise, control and, when appropriate, discipline their officers who have committed these acts which violate the Fifth and Fourteenth Amendments. *See City of Canton v. Harris*, 489 U.S. 378, 392 (1989).

186. The Defendant St. Louis County has the power and responsibility to prevent the existence of the policies and practices described above and has failed and refused to do so.

187. As a direct and proximate result of the conduct of the Defendants, Plaintiffs have suffered injuries and damages, including but not limited to: being seized and deprived of their

freedom; being detained in custody; fear, apprehension, depression, anxiety, consternation and emotional distress; violation of their constitutional rights; interference with their family relationships; interference with their professional and employment relationships; loss of employment or other work opportunities; lost time; and loss of faith in society.

188. The acts of Defendant Officers described herein were intentional, wanton, malicious, and/or were callously indifferent to the rights of Plaintiffs, thus entitling Plaintiffs to an award of punitive damages against Defendant Officers.

189. If the Plaintiffs prevail, they are entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

WHEREFORE Plaintiffs request this honorable Court issue the following relief:

- A. For a declaratory judgment that Defendants violate Plaintiffs' Fifth and Fourteenth Amendment rights when, after individuals have asserted their right to remain silent, Defendants, in retaliation and with the intent of discouraging individuals from asserting their Fifth and Fourteenth Amendment rights: (i) issue Warrants for the arrest of those individuals; (ii) detain those individuals; (iii) and/or prolong the detention of such individuals;
- B. For an order and judgment permanently enjoining Defendants from enforcing the above-described unconstitutional policies and practices against Plaintiffs;
- C. For a judgment against all Defendants (excluding Defendant Partin) compensating Plaintiffs for the damages that they suffered as a result of the County's unconstitutional and unlawful conduct;
- D. For a judgment awarding individual punitive damages:
  - a. In favor of Plaintiff Dwayne Furlow and against Defendant Kevin Walsh;
  - b. In favor of Plaintiff Ralph Torres and against Defendant Clements; and

- c. In favor of Plaintiff Howard Liner and against Defendant Officer Schlueter;
- E. For an order and judgment granting Plaintiffs' reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- F. For any other relief this Court deems just and proper.

**COUNT III**

**DEPRIVATION OF LIBERTY INTERESTS WITHOUT DUE PROCESS IN  
VIOLATION OF THE FOURTEENTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION  
COGNIZABLE UNDER 42 U.S.C. § 1983**

(Against All Defendants)

For their cause of action against the Defendants in Count III, Plaintiffs, individually and on behalf of Class 2, state:

190. Plaintiffs incorporate by reference the allegations and averments contained in the preceding paragraphs of this Complaint as though fully set forth herein.

191. Defendant Officers issued Warrants in order to cause Plaintiffs' arrests.

192. The Warrants deprived Plaintiffs of protected liberty interests by restricting their freedom of movement; making them fear to leave their houses, drive their cars, go to their jobs, visit friends and family members, or otherwise conduct their daily lives; and classifying Plaintiffs in a stigmatizing way as people subject to summary arrest and detention.

193. Plaintiffs were afforded no process or procedure by which to challenge the Warrants, and were thus unable to quash the Warrants.

194. Plaintiffs' protected liberty interests significantly outweigh Defendants' interests in issuing Warrants, given the well-established legal standards for executing arrests and detentions in a manner that does not violate the constitutionally-protected liberty interests of arrestees and detainees.



195. By violating Plaintiffs' protected liberty interests, or otherwise creating a significant risk of an erroneous deprivation of Plaintiffs' protected liberty interests, without providing policies or procedures to prevent such violations—particularly given the existence of reasonable alternatives such as securing a valid warrant—Defendants have violated Plaintiffs' right to procedural due process under the Due Process Clause of the Fourteenth Amendment.

196. At all times relevant to this Complaint, Defendant Officers, as sworn members of the St. Louis County Police Department, were acting pursuant to either official policies or customs, practices and usages so pervasive as to constitute policies of Defendant St. Louis County and the St. Louis County Police Department.

197. Defendant St. Louis County at all relevant times has employed a custom, practice and usage of depriving individuals of protected liberty interests by issuing Wantedes without procedural due process in violation of the Fourteenth Amendment.

198. As such, Defendant St. Louis County is culpable pursuant to *Monell v. N.Y. Dep't of Soc. Svcs.*, 436 U.S. 658 (1978), and its progeny.

199. In the alternative, policymakers for the Defendant St. Louis County, including but not limited to Defendant Belmar, were aware that officers of the St. Louis County Police Department issued Wantedes without obtaining a prompt judicial determination of probable cause, without affording procedural due process, and/or in retaliation for constitutionally-protected conduct, and have been deliberately indifferent in their duties to correct, supervise, control and, when appropriate, discipline their officers who have committed these acts which violate the Fourth, Fifth and Fourteenth Amendments. *See City of Canton v. Harris*, 489 U.S. 378, 392 (1989).

200. The Defendant St. Louis County has the power and responsibility to prevent the existence of the policies and practices described above and has failed and refused to do so.

201. As a direct and proximate result of the conduct of the Defendants, Plaintiffs have suffered injuries and damages, including but not limited to: fear, apprehension, depression, anxiety, consternation and emotional distress; violation of their constitutional rights; deprivation of protected liberty interests; interference with their family relationships; interference with their professional and employment relationships; loss of employment or other work opportunities; lost time; and loss of faith in society.

202. The acts of Defendant Officers were intentional, wanton, malicious, and/or were callously indifferent to the rights of Plaintiffs, thus entitling Plaintiffs to an award of punitive damages against Defendant Officers.

203. If the Plaintiffs prevail, they are entitled to an award of attorneys' fees pursuant to 42 U.S.C. § 1988.

WHEREFORE Plaintiffs request this honorable Court issue the following relief:

- A. For a declaratory judgment that Defendants violate Plaintiffs' and the purported Class 2 members' Fourteenth Amendment protections against deprivations of protected liberty interests without due process when Defendants, without providing or affording individuals notice of and a process by which Warrants can be challenged and/or quashed, nonetheless (i) issue Warrants; (ii) make arrests pursuant to Warrants; (iii) without seeking a judicial determination of probable cause; (iv) or without actually having probable cause at the time of arrest;
- B. For an order and judgment permanently enjoining Defendants from enforcing the above-described unconstitutional policies and practices against Plaintiffs and the purported members of Class 2;
- C. For a judgment against all Defendants compensating Plaintiffs and the purported members of Class 2 for the damages that they suffered as a result of the County's unconstitutional and unlawful conduct;

- D. For a judgment awarding individual punitive damages:
- a. In favor of Plaintiff Dwayne Furlow and against Defendant Kevin Walsh;
  - b. In favor of Plaintiff Dwayne Furlow and against Defendant Christopher Partin;
  - c. In favor of Plaintiff Ralph Torres and against Defendant Clements; and
  - d. In favor of Plaintiff Howard Liner and against Defendant Officer Schlueter;
- E. For an order and judgment granting Plaintiffs' reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- F. For any other relief this Court deems just and proper.

Dated: November 5, 2018

Respectfully Submitted,

ARCHCITY DEFENDERS, INC.

/s/ Nathaniel R. Carroll  
Blake A. Strode (#68422MO)  
Michael-John Voss (#61742MO)  
Nathaniel R. Carroll (#67988MO)  
Sima Atri (#70489MO)  
John M. Waldron (#70401MO)  
440 N. 4<sup>th</sup> Street, Suite 390  
St. Louis, MO 63102  
Tel: 855-724-2489  
Fax: 314-925-1307  
[bstrode@archcitydefenders.org](mailto:bstrode@archcitydefenders.org)  
[mjvoss@archcitydefenders.org](mailto:mjvoss@archcitydefenders.org)  
[ncarroll@archcitydefenders.org](mailto:ncarroll@archcitydefenders.org)  
[satri@archcitydefenders.org](mailto:satri@archcitydefenders.org)  
[jwaldron@archcitydefenders.org](mailto:jwaldron@archcitydefenders.org)

and

CENTER FOR CONSTITUTIONAL RIGHTS  
Baher Azmy (*pro hac vice*)  
Darius Charney (*pro hac vice*)  
Omar Farah (*pro hac vice*)

666 Broadway, 7<sup>th</sup> Floor  
New York, New York 10012  
Tel: 212-614-6464  
Fax: 212-614-6499  
[bazmy@ccrjustice.org](mailto:bazmy@ccrjustice.org)  
[dcharney@ccrjustice.org](mailto:dcharney@ccrjustice.org)  
[ofarah@ccrjustice.org](mailto:ofarah@ccrjustice.org)

and

PAUL, WEISS, RIFKIND, WHARTON AND  
GARRISON LLP  
Eric Alan Stone (*pro hac vice*)  
Timothy J. Holland (*pro hac vice*)  
Elizabeth J. Grossman (*pro hac vice*)  
1285 Avenue of the Americas  
New York, NY 10019-6064  
[estone@paulweiss.com](mailto:estone@paulweiss.com)  
[tholland@paulweiss.com](mailto:tholland@paulweiss.com)  
[egrossman@paulweiss.com](mailto:egrossman@paulweiss.com)

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served electronically via this Court's Electronic Filing System to all counsel of record on this 5th day of November, 2018.

/s/ Nathaniel R. Carroll