UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUAN FIGUEROA,	)
Plaintiff,	)
v.	)
CITY OF LAWRENCE, ALBERTO INOSTROZA, and and THADEOUS CZARNECKI,	)
Defendants.	)

COMPLAINT

INTRODUCTION

1. Plaintiff Juan Figueroa brings this civil rights action for damages sustained when Lawrence Police Officers Alberto Inostroza and Thadeous Czarnecki beat him without justification then further abused him. After Plaintiff was booked, the Defendant police officers ordered him to strip naked then placed him in a small lockup cell with a clothed male prisoner. These Defendants wanted to teach Mr. Figueroa a lesson: Don't disrespect police officers. Defendant City of Lawrence had a policy or custom of placing arrestees naked in a cell with another prisoner when a police officer claimed the arrestee was having suicidal thoughts. This unreasonable and easily abused policy permitted Defendants Inostroza and Czarnecki to degrade and intimidate Mr. Figueroa by falsely claiming he was suicidal.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 and § 1988 and the Fourth Amendment to the United States Constitution. Title 28 U.S.C. § 1331 and 1343 provide federal

question jurisdiction over all federal claims, and 28 U.S.C. § 1367 provides supplemental jurisdiction over state law claims.

PARTIES

3. Plaintiff Juan Figueroa is a resident of Essex County, Massachusetts.

4. Defendant City of Lawrence is a duly organized city in the Commonwealth of Massachusetts.

5. Defendant Alberto Inostroza was at all times relevant to this complaint a duly appointed police officer of the Lawrence Police Department. His actions alleged in this complaint were taken under color of the law of the Commonwealth of Massachusetts and the City of Lawrence. He is sued in his individual capacity.

6. Defendant Thadeous Czarnecki was at all times relevant to this complaint a duly appointed police officer of the Lawrence Police Department. His actions alleged in this complaint were taken under color of the law of the Commonwealth of Massachusetts and the City of Lawrence. He is sued in his individual capacity.

FACTS

7. On August 13, 2006, Mr. Figueroa was arrested on Amesbury Street in Lawrence by Defendants Inostroza and Czarnecki.

8. Plaintiff was charged with being a disorderly person, resisting arrest, and assault and battery on Defendant Inostroza. Both Inostroza and Czarnecki felt that Plaintiff was belligerent and disrespectful toward them during the incident.

9. When Plaintiff arrived at the police station, Defendant Inostroza slammed him into the door of the police station then punched him several times in the face, bloodying his nose.

10. During the booking process, Plaintiff did not know he had to take off his ring until a police officer told him to take it off. Apparently this upset Defendant Czarnecki, who grabbed and choked Plaintiff.

11. The City of Lawrence had a policy or practice implemented by its Chief of Police to completely remove all clothing from a person who was to be detained in the police lockup who was deemed by a police officer to be suicidal. The naked person was then to be placed in a cell with another prisoner as a means of preventing a possible suicide.

12. Placing suicidal inmates naked in a cell with another prisoner is not a safe or humane practice. It is neither standard nor accepted police practice. The City's adoption of this policy was not based on any scientific or other research into its appropriateness.

13. The City of Lawrence did not properly enforce or monitor the policy. The City did not provide its police officers with any standards to assure appropriate use of the practice and to prevent abuse of the procedure. As a predictable result, Lawrence police officers could falsely claim that a person under arrest was suicidal as a pretext to humiliate the person.

14. To punish and humiliate Mr. Figueroa, Defendants Inostroza and Czarnecki ordered him to strip naked. Although Mr. Figueroa was not suicidal and had not given any indication that he would harm himself, Defendant Inostroza said to Czarnecki, "Strip him, he is suicidal," or words to that effect.

15. Once Mr. Figueroa was completely naked, Defendants Czarnecki and Inostroza ordered him into a holding cell. Another male prisoner was already in the small cell. The other prisoner was fully clothed. The other prisoner told Mr. Figueroa that he was charged with assault with intent to murder and that he had been in the lockup cell for more than twenty-four hours.

16. Defendants Czarnecki and Inostroza did not take any actions that showed a concern that Plaintiff was suicidal. They used the policy of the City of Lawrence as a method of intimidating him and coercing him to change his behavior, which they felt was belligerent and disrespectful.

17. Later that morning, Plaintiff and his cellmate were taken from the cell while the cell was cleaned. Before they were put back into the cell, Plaintiff's cellmate was also stripped naked.

18. From that time until they were taken to court, both men were locked in a small cell together completely naked without any blanket or other covering.

19. The policies and customs of the Defendant City of Lawrence were the moving force behind the conduct of Defendants Czarnecki and Inostroza resulting in Plaintiff Figueroa being forced to strip naked and held in a small cell with another male prisoner.

20. As a direct and proximate cause of Defendants' conduct, Mr. Figueroa suffered physical injuries including a bloody nose. He also suffered physical pain, humiliation, embarrassment, and mental and emotional damage as a result of the incident.

COUNT I **42 U.S.C. § 1983 Claim under the Fourth Amendment Against Defendants Inostroza and Czarnecki for Unreasonable Use of Force**

21. The above paragraphs are incorporated by reference.

22. Defendants Inostroza and Czarnecki used unreasonable and excessive force against Plaintiff.

23. Defendants Inostroza and Czarnecki deprived Plaintiff of his well-established right to be free from the use of unreasonable force.

24. Their actions were taken with reckless disregard for Plaintiff's constitutional rights.

25. As a direct and proximate result of Defendants' actions, Plaintiff suffered the damages discussed above.

COUNT II 42 U.S.C. § 1983 Claim under the Fourth Amendment Against Defendants Inostroza and Czarnecki for Unreasonable Seizure

26. The above paragraphs are incorporated by reference.

27. Defendants Inostroza and Czarnecki, acting in concert, took joint action to violate Plaintiff's rights by forcing Plaintiff to strip naked and placing him in a small lockup cell with another male prisoner. They did so not for any legitimate law enforcement or safety rationale, but to punish and to intimidate him.

28. This conduct violated Plaintiff's Fourth Amendment right to be free from an unreasonable seizure of his person. There was no cause to hold Plaintiff naked in a cell.

29. As a direct and proximate result of Defendants' actions, Plaintiff suffered the damages discussed above.

COUNT III 42 U.S.C. § 1983 Claim under the Fourth Amendment Against Defendant City of Lawrence for Unreasonable Seizure

30. The above paragraphs are incorporated by reference.

31. Defendant Inostraza's and Czarnecki's actions in forcing Plaintiff to strip naked and placing him naked in a cell with another prisoner were taken pursuant to the policies and customs of the City of Lawrence as described above.

32. The City's policies and customs permitted police officers to violate the Fourth Amendment ban on unreasonable seizures by placing inmates naked in cells with other inmates without any law enforcement or safety justification.

33. In the alternative, the City's policy of placing allegedly suicidal inmates naked in a cell with another prisoner was unreasonable under the Fourth Amendment irrespective of whether there were reasonable grounds to believe the inmates were suicidal.

34. As a direct and proximate cause of Defendant's actions, Plaintiff suffered the damages discussed above.

COUNT IV Tort of Assault and Battery Against Defendants Inostroza and Czarnecki

35. The above paragraphs are incorporated by reference.

36. Defendants Inostroza and Czarnecki committed the common law tort of assault and battery when they threatened and applied unreasonable force while arresting and processing Plaintiff.

37. As a direct and proximate cause of this conduct, Plaintiff suffered the injuries described above.

COUNT V Massachusetts Civil Rights Act Claim Against Defendants Inostroza and Czarnecki

38. The above paragraphs are incorporated by reference.

39. Defendants Inostroza and Czarnecki violated Plaintiff's civil rights under the Massachusetts Civil Rights Act, M. G. L. ch. 12, §11I, by threats, intimidation, and coercion.

40. As a direct and proximate cause of this conduct, Plaintiff suffered the injuries described above.

WHEREFORE, Plaintiff requests that this Court:

1. Award compensatory damages;

2. Award punitive damages against Defendants Inostroza and Czarnecki;

3. Award the costs of this action, including reasonable attorney's fees; and

4. Award such other further relief as this Court may deem necessary and appropriate.

JURY DEMAND

A trial by jury is hereby demanded.

RESPECTFULLY SUBMITTED,
For the Plaintiff,
By his attorneys,

/s/ Howard Friedman
Howard Friedman, BBO #180080
Law Offices of Howard Friedman PC
90 Canal Street, Fifth Floor
Boston, MA 02114-2022
(617) 742-4100
hfriedman@civil-rights-law.com

/s/ David Milton
David Milton, BBO # 668908
Law Offices of Howard Friedman PC
90 Canal Street, Fifth Floor
Boston, MA 02114-2022
(617) 742-4100
dmilton@civil-rights-law.com

/s/ John Reinstein
John Reinstein, BBO # 416120
American Civil Liberties Union of Massachusetts
211 Congress Street, 3rd floor
Boston, MA 02111
(617) 482-3170
reinstein@aclum.org

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