

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

<p>JANE DOE,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>Richard Macleod, Warden Margaret Burke, Todd Sexton, and other as-yet-unidentified employees of the Illinois Department of Corrections,</p> <p style="text-align:center">Defendants.</p>	<p style="text-align:center">Case No.</p>
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COMPLAINT

Plaintiff JANE DOE, by her undersigned attorneys, for her complaint against defendants Richard Macleod, Warden Margaret Burke, Todd Sexton, and other as-yet-unidentified employees of the Illinois Department of Corrections alleges as follows:

JURISDICTION AND VENUE

1. This is an action brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of plaintiff's rights as secured by the United States Constitution.
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims asserted in this complaint occurred in this judicial district.

PARTIES

3. Plaintiff Jane Doe is a 29-year-old resident of McHenry County, Illinois, who recently completed a sentence in the Illinois Department of Corrections (IDOC). She is a mother

of a nine-year old daughter and she worked as gymnastics instructor to young children for many years.

4. Defendant Richard Macleod is employed as a Correctional Counselor II by IDOC. At all times relevant to this complaint, defendant Macleod has provided counseling services for female prisoners at Logan Correctional Center.

5. Defendant Margaret Burke was the Warden of Logan Correctional Center at the time of the events giving rise to this case. Warden Burke facilitated or approved the unwarranted retaliatory action taken in response to reports that plaintiff had been sexually assaulted and harassed by Richard Macleod.

6. Todd Sexton was a supervisory officer at Logan Correctional Center and a member of the prison's Internal Affairs Department at the time of the events giving rise to this case. On information and belief, defendant Sexton was friends with Macleod and knew about Macleod's sexual misconduct.

7. At all times relevant to this complaint, each of the defendants was acting within the scope of their employment and under color of law.

FACTUAL ALLEGATIONS

8. Ms. Doe was a prisoner in the Illinois Department of Corrections (IDOC) from March 2015 to July 2018.

9. Upon her admission to the IDOC, Ms. Doe was housed at Logan Correctional Center (Logan), where she remained until August 2017.

10. During the period of her incarceration, a court order was in effect that gave Ms. Doe phone calls with her minor daughter once a week.

11. Ms. Doe loves her daughter dearly, and it was very difficult for her to be separated from her daughter while she was in prison. While incarcerated, the weekly phone calls to her daughter were extremely important to her.

12. In July 2016, Ms. Doe was placed in segregation for a period of 18-days. While in segregation, Ms. Doe was not permitted to have calls with her daughter.

13. After her discharge from segregation, on August 4, 2016, Ms. Doe was assigned to Housing Unit 7, where defendant Richard Macleod acted as counselor.

14. Ms. Doe needed to go through Macleod in order to reinstate her phone calls with her daughter and to receive a work assignment.

15. In response in Ms. Doe's request to reinstate the phone calls and obtain a work assignment, Macleod offered to "interview" her and had Ms. Doe go into a private room alone with him.

16. While alone in this room, Macleod told Ms. Doe that she was pretty and asked her if she would tell anyone if he had her come to his office to "help" him on the weekends, acknowledging that no other staff would be there at that time.

17. A few days later, Macleod called Ms. Doe to his office so that she could use his phone for the call to her daughter.

18. After Ms. Doe spoke with her daughter, Macleod kissed Ms. Doe, which shocked and surprised her. She immediately left the office after he kissed her.

19. At all times Macleod knew how important Ms. Doe's phone calls with her daughter were to her and he knew that Ms. Doe would need to go through him in order to have the calls.

20. Subsequently, on a weekly basis, Macleod would call Ms. Doe to his office for her phone calls, during which he would sexually assault her and subject her to sexual harassment.

21. Macleod would regularly expose himself to Ms. Doe and make sexual comments to her while she was on the phone with her daughter. On two occasions, he coerced her to have non-consensual sexual intercourse with him and on two other occasions he coerced her to perform non-consensual oral sex on him.

22. In November 2016, Ms. Doe was transferred to live in Housing Unit 4.

23. On information and belief, Ms. Doe should have been assigned a new counselor in the Housing Unit 4, but Macleod made a special effort to remain her counselor.

24. Ms. Doe did not report Macleod's misconduct because he told her that if she did so she would "get a year across the board," a phrase that plaintiff understood to mean that she would have to spend a full year in segregation and that she would have to spend an extra year at IDOC.

25. In addition, Macleod told Ms. Doe that he had a friend in IDOC, defendant Sexton, a Lieutenant who worked for Internal Affairs, who gave him advice about how to avoid punishment if his sexual misconduct was discovered. Plaintiff understood this to mean that Macleod would not be held accountable for his actions even if she did report his misconduct.

26. Defendant Macleod's abuse of plaintiff continued until April 2017, when plaintiff was finally assigned to a new counselor.

27. On information and belief, defendant Sexton was aware of Macleod's treatment of Ms. Doe since September 2016.

28. On or around August 4, 2017, defendant Sexton summoned Ms. Doe in for an interview about Macleod. Sexton told her that his request to interview her was based on information he received from an unknown source.

29. At first, Ms. Doe did not say anything because she was afraid of retaliation, but eventually Ms. Doe told him about Macleod's abuse.

30. After talking to Sexton, Ms. Doe was immediately, involuntarily transferred from Logan Correctional Center to Decatur Correctional Center.

31. Ms. Doe did not request to be transferred to Decatur Correctional Center and, in fact, she did not want to go Decatur Correctional Center.

32. After the transfer, Ms. Doe was unable to have her phone calls with her daughter for three weeks. Decatur was farther from other members of her family, thus they visited her less.

33. Whereas Ms. Doe had developed friendships and an emotional support system at Logan, she did not know anybody at Decatur.

34. Being removed from Logan also deprived Ms. Doe the opportunity to finish a cosmetology program in which she had been enrolled at Logan. Participating in this program had given her hope and greater employment opportunities for her future outside of Logan.

35. Being removed from Logan also caused Ms. Doe to lose a job she cherished on the Logan garden crew. This job taught her skills that she hoped she might use when she was released from prison.

36. On information and belief, Ms. Doe's transfer was carried out by defendant Sexton, defendant Warden Burke, and other as-yet-unidentified defendants, in retaliation for plaintiff's complaint about Macleod, and with the knowledge that it would harmful to plaintiff.

37. On information and belief, defendant Macleod abused other women at Logan in the same way that he abused plaintiff. Other IDOC personnel at Logan, including but not limited to Sexton, knew as early as February 2017 that Macleod was in fact engaging in this pattern of abuse.

38. On information and belief, other as-yet-unidentified defendants knew of a substantial likelihood that defendant Macleod was sexually abusing prisoners at Logan and failed to take reasonable steps to prevent it from continuing. As a result of these defendants' indifference and failure to intervene, Ms. Doe's constitutional rights were violated by defendant Macleod.

39. As a result of the defendants' misconduct, Ms. Doe has suffered and continues to suffer severe emotional distress, including but not limited to humiliation, depression, rage, anxiety, panic attacks, insomnia, and post-traumatic stress.

Count I
42 U.S.C. § 1983 - Eighth Amendment

40. Plaintiff repeats and realleges each paragraph of this complaint as if fully set forth in this count.

41. In the manner described more fully above, defendant Macleod's conduct toward plaintiff violated her constitutional right to be free from cruel and unusual punishment.

42. Likewise, in the manner described more fully above, defendants Sexton, Burke and other as-yet-unidentified defendants violated Ms. Doe's right to be free from cruel and unusual punishment because they knew that plaintiff's rights were being violated, had the realistic opportunity to intervene to prevent or stop the misconduct from occurring, and failed to

do so. In the alternative, these defendants were on notice of a substantial risk of harm to plaintiff and they consciously disregarded that risk.

43. The misconduct described in this count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

44. As a result of the misconduct described in this count, plaintiff suffered harm.

Count II
42 U.S.C. § 1983 - First Amendment Retaliation

45. Plaintiff repeats and realleges each paragraph of this complaint as if fully set forth in this count.

46. In the manner described more fully above, defendants Sexton, Burke, and other as-yet-unidentified defendants retaliated against Ms. Doe for engaging in protected First Amendment activity when she reported Macleod's misconduct.

47. The misconduct described in this count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

48. As a result of the defendants' retaliatory actions, plaintiff suffered harm.

WHEREFORE, plaintiff Jane Doe prays that this Court enter judgment in her favor and against the defendants, awarding compensatory damages, costs and attorneys' fees, and punitive damages against each of the defendants in their individual capacities, and for such further additional relief as this court may deem appropriate and just.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,

JANE DOE

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