

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

QIANA WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-2548
)	
CITY OF ARNOLD, MISSOURI,)	<u>JURY TRIAL DEMANDED</u>
)	
Defendant.)	

COMPLAINT

Preliminary Statement

1. From 2012 to 2014, officers of the City of Arnold arrested and jailed Plaintiff Qiana Williams (“Ms. Williams”) on five separate occasions for approximately 27 days in total because Ms. Williams did not have the money to make payments to the City stemming from traffic tickets. The time Ms. Williams spent caged for her inability to pay was made worse by the denial of food caused by Arnold’s refusal to accommodate Ms. Williams’s allergy to food preservatives.

2. Ms. Williams brings this civil action pursuant to 42 U.S.C. § 1983 seeking money damages against the City of Arnold, which locked Ms. Williams in its modern-day debtors’ prison in violation of Ms. Williams’s rights under the Fourth, Sixth and Fourteenth Amendments to the United States Constitution, as well as Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Jurisdiction and Venue

3. This is a civil rights action arising under 42 U.S.C. § 1983 and the Fourth, Sixth and Fourteenth Amendments to the United States Constitution, as well as Title II of the

Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b), since the Defendant is located, and all of the events giving rise to this suit occurred, in this judicial district.

Parties

5. Plaintiff Qiana Williams is a citizen of the United States of America and a resident of the City of St. Louis, State of Missouri.

6. Defendant City of Arnold is a municipal corporation organized under the laws of the State of Missouri. The Defendant operates the Arnold City Jail and the Arnold Municipal Court.

Facts

A. Background and December 2013 Arrest

7. Ms. Williams is a 38-year-old African-American single mother of two, including one minor daughter.

8. A native of the St. Louis region, Ms. Williams became ensnared in a years-long cycle of traffic tickets, jail, and debt involving many of the region's municipal courts and police departments from the time that she received her first traffic ticket at sixteen years old, including the City of Arnold. Largely as a result of this cycle, Ms. Williams experienced prolonged periods of poverty and homelessness, which sometimes left Ms. Williams and her daughter living and sleeping in a car.

9. Despite her desperate circumstances, Ms. Williams continued to strive for a better life for herself and her daughter, including by pursuing higher education at St. Louis Community

College.

10. In September 2008, Ms. Williams had just dropped off a friend at work in Arnold, Missouri and was driving her friend's car to get a vehicle inspection when an Arnold police officer pulled Ms. Williams over for expired license plates.

11. Although Ms. Williams informed the Arnold police officer that the car was not hers, the officer stated that Ms. Williams was still responsible, and issued tickets for expired license plates, driving an un-registered vehicle, and driving without a license. The tickets included a court date on which Ms. Williams could contest the charge.

12. Ms. Williams could not afford to pay the fines. Nor did Ms. Williams own or have regular access to a personal vehicle, and there was no public transportation available from St. Louis to Arnold.

13. Because Ms. Williams could not pay the fines and could not attend court, the Arnold Municipal Court issued an arrest warrant for Ms. Williams sometime after the issuance of the ticket and the passage of the court date.

14. Ms. Williams never received any notice of a new court date or other correspondence from the City of Arnold or the Arnold Municipal Court.

15. Approximately a year and a half after the September 2008 ticket, in April 2010, a State Trooper stopped Ms. Williams in north St. Louis County because of the tinted windows on the car she was driving.

16. The State Trooper took Ms. Williams to the St. Louis County Justice Center and then to the Arnold City Jail because of the outstanding warrant in Arnold.

17. Arnold jail officers released Ms. Williams only because she did not have, and could not obtain, certain medications that she required. The officers gave her a date and time to

appear in court.

18. On her court date, Ms. Williams, along with several other attendees, arrived at the Arnold Municipal Court to find that the court was closed. She had received no prior notice that the court would be closed and she never received notice from the court with a new date.

19. For Ms. Williams, this began a years-long cycle of arrests and jailings by the City of Arnold, all stemming from minor traffic tickets.

20. One such period of detention stretched eleven days from December 22, 2013, to January, 2, 2014.

21. After Ms. Williams's arrest, Arnold City Jail officials told her that her bond was \$700 and that, if she did not have the money, she would remain in jail until the next court date.

22. This date normally would have fallen on January 1, 2014. However, since the court would be closed on New Year's Day, jail officials threatened to hold Ms. Williams until the following court date on January 15.

23. During this and every subsequent jailing, Ms. Williams informed Arnold jail officials of her severe allergy to food preservatives. Despite this disclosure, jail officials offered only honeybuns for breakfast and frozen meals for lunch and dinner. The food contained significant amounts of preservatives, and Ms. Williams was thus unable to eat. Each time Ms. Williams was in the custody of the City of Arnold, she could eat nothing and drank only water and the occasional juice cup that was provided with her dinner.

24. After eleven days in jail, Ms. Williams was released on January 2, 2014, around 2:00 a.m., when the Arnold City Jail flooded with sewage.

25. Ms. Williams's escape from the human waste pouring onto the floor of the jail came at the cost of exposure to the harsh winter conditions outside. There was fresh snow on the

ground and a wind chill temperature below zero degrees Fahrenheit.

26. Ms. Williams wore only the clothes she had been arrested in: ballerina-style flats, slacks, and a coat.

27. She begged jail officials for the opportunity to call someone for help or transportation. Arnold jail officials denied this request.

28. Still worse, Ms. Williams was so weak from not eating for 11 days that she could hardly walk and had to be carried by the men with whom she was released.

29. These men carried her six or seven blocks away to a vacant house where she spent the rest of the night, shivering, exhausted, and frightened. Later that morning, with the help of the other released inmates, Ms. Williams was able to reach someone to drive to Arnold and pick her up.

30. This ordeal was only one of several instances Ms. Williams suffered at the hands of Arnold city officials due to her poverty and inability to pay traffic fines and related cash bonds. Between 2012 and 2014, Arnold detained Ms. Williams on five separate occasions and for 27 days total.

B. October 2012 Arrest and Jailing

31. In October 2012, Ms. Williams was arrested while trying to break up a fight between relatives. After Ms. Williams's arrest, Arnold police officers picked her up and took her into Arnold's custody.

32. Despite Ms. Williams informing Arnold jail officials of her severe allergy to food preservatives, the jailers failed to provide Ms. Williams with food that she could safely eat. Thus, Ms. Williams went hungry.

33. During the booking process, the jail officials encouraged Ms. Williams to use the phone to call someone who could bring bond money.

34. However, once Ms. Williams was taken to her cell, she was not allowed to use the phone for three days.

35. On the fourth day of Ms. Williams's detention, an Arnold jail guard began to harass Ms. Williams for not eating.

36. While she was lying on the bunk in her cell covered in a blanket, the guard reached into the cell and tried to grab the blanket off of her. Distraught at being uncovered by the male guard, Ms. Williams pulled the blanket back away from him, which angered the guard, who then began to yell at Ms. Williams.

37. The guard then gestured toward an isolation cell adjacent to Ms. Williams's cell, which held a woman with hepatitis and asked "Why are you in *this* cell and she is in *there*?"

38. At the time of the guard's statement, Ms. Williams was the only person of color in City of Arnold's custody.

39. The guard then asked Ms. Williams if she wanted to make a phone call. Ms. Williams declined because she feared that this was a ploy to get her out of her cell and move her into isolation.

40. The guard then tried to pull Ms. Williams out of her cell, but she clung to the bars of her cell and the guard eventually gave up and left her alone.

41. Over the next few hours, the guards began allowing other detainees out of their cells to make phone calls. Ms. Williams was the last person offered the opportunity to make a call.

42. Ms. Williams took this opportunity to call her father, but as soon as Ms. Williams reached her father, the guards hung up the call and the same guard who had previously threatened and harassed Ms. Williams stated that he was going to put Ms. Williams in the isolation cell.

43. Four guards dragged Ms. Williams down the hall to the isolation cell. When they passed Ms. Williams's prior cell, she noticed that the woman with hepatitis had already been placed there in her stead.

44. Ms. Williams was placed in the isolation cell, which had not been cleaned since the woman with hepatitis had been removed. Ms. Williams saw blood and feces on the walls of the cell.

45. Later that evening following a shift change, the new Arnold guards released Ms. Williams from custody on medical recognizance.

C. April 2013 Arrest and Jailing

46. In April 2013, Ms. Williams was once again arrested pursuant to an outstanding Arnold warrant; this time, she was in St. Louis City attempting to pay towing charges on a vehicle.

47. From St. Louis City, Arnold officials transported Ms. Williams to the Arnold City Jail, where Ms. Williams was confined for another five days.

48. During these five days, Arnold jail guards again refused to accommodate Ms. Williams's dietary disability and failed to provide Ms. Williams with food that she could eat.

49. Arnold finally released Ms. Williams when a relative collected the money to pay the \$700 bond to the City of Arnold.

D. May 2014 Arrest and Jailing

50. In May 2014, police pulled Ms. Williams over in Brentwood, Missouri for a broken tail light.

51. Police transported her to the Brentwood police station, where she was held until the Arnold police came to pick her up on an Arnold warrant.

52. Again, Arnold set Ms. Williams's bond at \$700—an amount she could not pay—and held her in a cage for another four days until the next court date.

53. Ms. Williams again was unable to eat for the duration of her confinement, and once again Arnold made no effort to accommodate Ms. Williams's dietary restriction.

54. In court four days later, the Arnold judge told Ms. Williams that she still owed the \$700. Ms. Williams informed the judge that she did not have this amount of money.

55. The judge asked Ms. Williams to plead to the underlying charges, as Ms. Williams had not yet entered a plea. Ms. Williams replied “not guilty.”

56. The judge responded by stating that if Ms. Williams could not raise the \$700, she would be placed back in her cell, and that she could plead guilty at her next court date in two weeks.

57. Facing a return to the Arnold jail and two more weeks without food, Ms. Williams had no choice but to plead guilty to the charges of failure to register a vehicle, failure to wear a seatbelt, and failure to provide proof of insurance. She was fined \$735 for these charges.

58. Prior to being released, the judge told Ms. Williams that she had until June 8, 2014, to pay the fine or another warrant would issue for her arrest.

59. Upon her release, Ms. Williams had no way to call someone to pick her up, so she walked to a nearby McDonald's restaurant where she spent the night.

60. The next morning, Ms. Williams walked from Arnold to a bus stop in St. Louis County.

61. On June 8, 2014, when Ms. Williams had not paid the \$735 fine due to her indigence, Arnold issued another warrant for her arrest.

E. July 2014 Arrest and Jailing

62. On June 21, 2014, Pine Lawn police arrested Ms. Williams at a checkpoint when officers discovered that she had warrants for past traffic violations, including warrants from Arnold. Pine Lawn jailed Ms. Williams for two weeks.

63. In the Pine Lawn court, Ms. Williams pleaded guilty to the violations and was sentenced to one year of probation.

64. After entering her plea, Ms. Williams was returned to her Pine Lawn jail cell until Arnold police officers picked her up on July 4th and transported her to the Arnold City Jail.

65. The City of Arnold again locked Ms. Williams in its jail for a period of three days until her next court date.

66. Like on previous occasions, Ms. Williams was unable to eat any food, and the City of Arnold refused to accommodate Ms. Williams's dietary allergies.

67. During this final period of confinement, Ms. Williams was the only woman of color out of a total of eight confined women. Jail officers placed her in the isolation cell—this time with a cellmate. Ms. Williams again saw blood and feces on the isolation cell walls.

68. Ms. Williams's cellmate stated to Ms. Williams her belief that she had been placed in isolation because she had hepatitis.

69. Ms. Williams asked why she had been placed in isolation. The Arnold guards told Ms. Williams that it was to make space for incoming inmates, yet after Ms. Williams protested

her confinement in the dirty isolation cell and her exposure to infectious disease, she was moved to another ward of the Arnold jail where there was plenty of room.

70. On July 7th, Arnold officers took Ms. Williams from the jail to the Arnold municipal court to appear before the judge. On this occasion, there was another judge filling in temporarily for the regular Arnold Municipal Judge.

71. Ms. Williams spoke with the judge and tried to explain that she did not have the money to pay the sum that was being demanded.

72. The judge responded that he did not have the authority to overturn the previous order; Ms. Williams would either have to make a payment or go back to her cell. When Ms. Williams reiterated that she could not pay, the judge sent her back to the Arnold jail.

73. After Ms. Williams was sent back to her cell, Ms. Williams's cousin, who happened to be visiting from out of town, arrived at the Arnold Municipal Court as the court session was ending.

74. Ms. Williams's cousin was able to speak with the judge and convince him that Ms. Williams should be released. On the judge's order, Arnold jail officials released Ms. Williams from custody on the evening of July 7th.

75. On information and belief, the Arnold Municipal Court abated the fines that had been assessed against Ms. Williams. On information and belief, Ms. Williams has not had any warrants or court dates in the City of Arnold since July 7, 2014.

F. Past and Continuing Harms to Ms. Williams

76. The City of Arnold caged Ms. Williams for a total of approximately 27 days because Ms. Williams was too poor to pay fines and cash bonds associated with alleged municipal traffic violations.

77. Arnold carried out each confinement and set each bond without performing any inquiry into Ms. Williams's ability to pay.

78. Each confinement resulted in Ms. Williams experiencing the anxiety and severe physical discomfort of prolonged hunger, as Arnold City Jail officials ignored Ms. Williams's food allergy and only offered her preservative-rich honey buns and microwavable meals she could not safely eat.

79. Additionally, on at least two occasions, Arnold jailers maliciously held Ms. Williams in inhumane and unsanitary conditions, and threatened her with continued confinement due to her poverty.

80. The Arnold Municipal Judge also threatened Ms. Williams with continued confinement due to her indigence and desire to plead not guilty to charges that she had a right to contest in court.

81. As a result of her confinement, Ms. Williams was unable to work and earn income for a total of at least 27 days, which caused Ms. Williams to lose jobs, miss new job opportunities, and to suffer from additional housing insecurity.

82. Additionally, the City of Arnold's repeated confinement of Ms. Williams caused her to miss classes and homework assignments in her community college courses, forcing Ms. Williams to withdraw from college and to lose the \$1,097 in tuition she had already paid for her courses.

83. Each confinement also threatened and disrupted the security of Ms. Williams's and her minor daughter's daily routine, their housing security, and her daughter's education.

84. Most importantly, the actions of the City of Arnold caused Ms. Williams to suffer the indignity of having her constitutional rights repeatedly violated by being confined to a jail

cell where she was deprived of food and harassed—all because she was too poor to pay each fine or cash bond demanded by the City.

G. The City of Arnold's Policies and Practices

85. Ms. Williams's deplorable treatment is representative of the City of Arnold's policies and practices concerning collection of unpaid fines, fees, costs, and surcharges relating to traffic tickets and other minor offenses during the years in question.

86. At all relevant times herein, the City of Arnold has used its municipal court and its jail as significant sources of revenue generation for the City. The money to be brought into the City through the municipal court is budgeted by the City in advance. As a result, the entire municipal government apparatus, including municipal court officials and City jailers, has a significant incentive to operate the court and the jail in a way that maximizes revenues rather than justice.

87. Decisions regarding the operation of the court and the jail—including but not limited to the assessment of fines, fees, costs, and surcharges; the availability and conditions of payment plans; the setting of amounts required for release from jail; the issuance and withdrawal of arrest warrants; and the non-appointment of an attorney—are significantly influenced by and based on collecting revenues rather than on legitimate penological considerations.

88. Among the policies and practices of the City of Arnold, at all relevant times, have been the following:

- a. The City issues arrest warrants for the failure of a person to make a payment by a certain date without probable cause to believe that the person had the ability to make a payment;
- b. When impoverished people appear in the courtroom, they are either jailed for their inability to make a payment, or told by the judge, courtroom officers, City prosecutor, and City clerk that they will be jailed if they do

not bring specific sums of money to the City on designated dates in the future;

- c. The City issues arrest warrants when people do not pay by certain designated dates even though the person did not fail to appear at any court appearance;
- d. The City issues arrest warrants for “failure to appear” at court dates for which the person had not been given adequate notice, such as when the City routinely fails to provide a valid summons or when the City moves a hearing to a new date and time without providing reasonable notice. The City does not adequately ensure actual notice of changes in court dates and routinely issues arrest warrants even when it has no probable cause to believe that the elements of a “failure to appear” charge have been met, such as when the person did not intentionally fail to appear because they lacked transportation;
- e. The City locks the courthouse doors, thereby preventing people who appear for court from entering, and then issues arrest warrants for people who were locked out of the building;
- f. After arrest pursuant to a warrant, the City either does not bring the person to court at all or delays presentment unnecessarily and for no legitimate purpose for days or weeks; and
- g. The City holds arrestees in deplorable and inhumane conditions in order to amplify the coercive effect and incentivize arrestees to make monetary payments.

89. As a result of the City’s policies, the Arnold Municipal Court generated revenues of \$1,037,524 in 2012,¹ \$1,170,166 in 2013,² and \$1,038,991 in 2014³ from fines, fees, costs, and surcharges.

90. The 2010 Census estimated the population of Arnold, Missouri at 20,808. White residents constitute 96.3% of the population; black residents constitute only 0.6%.⁴

¹ *Missouri Judicial Report Supplement: Fiscal Year 2012*, Table 94: Municipal Net Collections, available at <https://www.courts.mo.gov/file.jsp?id=58805> (last visited Jan. 17, 2017).

² *Missouri Judicial Report Supplement: Fiscal Year 2013*, Table 94: Municipal Net Collections, available at <https://www.courts.mo.gov/file.jsp?id=68844> (last visited Jan. 17, 2017).

³ *Missouri Judicial Report Supplement: Fiscal Year 2014*, Table 94: Municipal Net Collections, available at <https://www.courts.mo.gov/file.jsp?id=83262> (last visited Jan. 17, 2017).

⁴ U.S. Census Bureau, <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>.

91. Despite the miniscule size of the black population in Arnold, black drivers are overrepresented at every level of contact with Arnold law enforcement. The following table illustrates this trend for the years 2012 through 2014:

Arnold Vehicle Stops, Searches, Arrests, and Contraband Hit Rate⁵

		2012	2013	2014
Stops	<i>Black</i>	4.82%	4.41%	5.14%
	<i>White</i>	94.70%	94.90%	93.70%
Searches (as % of Stops)	<i>Black</i>	8.87%	10%	8.91%
	<i>White</i>	5.19%	4.47%	4.21%
Arrests (as % of Stops)	<i>Black</i>	5.67%	8.06%	8.08%
	<i>White</i>	3.91%	3.61%	3.54%
Contraband Hit Rate (as % of Searches)	<i>Black</i>	13.89%	16.67%	9.38%
	<i>White</i>	17.39%	20.46%	19.20%

92. As the data reflects, Arnold officers disproportionately stop, search, and arrest black drivers like Ms. Williams by a significant amount. This trend persists despite the fact that black drivers consistently have a lower contraband hit rate pursuant to searches than white drivers.

93. The policies and practices of the City of Arnold as described herein directly caused the deplorable treatment experienced by Ms. Williams, and the injuries that she suffered as a result.

⁵ Missouri Attorney General Vehicle Stops Report: Arnold Police Department, *available at* <https://www.ago.mo.gov/home/vehicle-stops-report?lea=365> (last visited Jan. 17, 2017).

Claims for Relief

COUNT I
VIOLATION OF DUE PROCESS AND EQUAL PROTECTION RIGHTS
UNDER THE FOURTEENTH AMENDMENT

94. Ms. Williams incorporates by reference the allegations in the preceding paragraphs as if fully set forth herein.

95. The Fourteenth Amendment's Due Process and Equal Protection Clauses have long prohibited imprisoning a person for the failure to pay money owed to the government if that person is indigent and unable to pay.

96. Defendant City of Arnold violated Ms. Williams's rights by imprisoning her when she could not afford to pay the debts she allegedly owed from traffic and other minor offenses, and by forcing her to make payments in order to avoid jail, despite her indigence.

97. Defendant City of Arnold violated Ms. Williams's rights by imprisoning her without conducting any inquiry into her ability to pay and without conducting any inquiry into alternatives to imprisonment as required by the United States Constitution.

98. A wealthier person in Ms. Williams's position could have paid a sum of cash and been released from jail.

99. Ms. Williams suffered damages pursuant to Defendant City of Arnold's violation of her rights under the Fourteenth Amendment, including but not limited to: being seized and deprived of her freedom; being detained in custody for a total of twenty-seven (27) days; embarrassment; hopelessness; inhumane jail conditions; extortion; disrespect; indignity; fear; apprehension; depression; anxiety; consternation; emotional distress; violation of her constitutional rights; interference with her family relationships; interference with her

professional and employment relationships; loss of employment opportunities; lost time; and loss of faith in society.

100. Ms. Williams suffered all of these damages solely because she was too poor to pay a monetary penalty in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

101. Defendant City of Arnold's policy and practice of keeping individuals in its jail unless and until they are able to pay arbitrarily determined and constantly-shifting sums of money, as applied to Ms. Williams, violates the Fourteenth Amendment.

COUNT II
DEFENDANT CITY OF ARNOLD'S USE OF INDEFINITE AND ARBITRARY
DETENTION AGAINST MS. WILLIAMS VIOLATED EQUAL PROTECTION AND
DUE PROCESS.

102. Ms. Williams incorporates by reference the allegations in the preceding paragraphs of this Complaint.

103. The Due Process Clause of the Fourteenth Amendment prohibits Defendant from jailing Ms. Williams indefinitely and without any meaningful legal process through which she can challenge her detention by keeping her confined in jail unless or until she can make arbitrarily determined cash payments, or until City employees decide to release her for free.

104. The Equal Protection and Due Process Clauses prohibit the City's arbitrary and indeterminate post-arrest detention of Ms. Williams as a result of the City's use of a pre-fixed cash bail schedule whereby initial cash release amounts were arbitrarily set without any inquiry into her ability to pay.

105. As a result, those arrestees able to pay are released immediately while Ms. Williams, who could not pay, was detained indefinitely without any meaningful legal process to inquire into her ability to pay the amounts demanded by the City.

106. Ms. Williams suffered damages pursuant to Defendant City of Arnold's violation of her rights under the Fourteenth Amendment, including but not limited to: being seized and deprived of her freedom; being detained in custody for a total of twenty-seven (27) days; embarrassment; hopelessness; inhumane jail conditions; extortion; disrespect; indignity; fear; apprehension; depression; anxiety; consternation; emotional distress; violation of her constitutional rights; interference with her family relationships; interference with her professional and employment relationships; loss of employment opportunities; lost time; and loss of faith in society.

107. Ms. Williams suffered all of these damages solely because she was too poor to pay a monetary penalty in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

COUNT III
**THE DEPLORABLE CONDITIONS IN THE ARNOLD CITY JAIL VIOLATE DUE
PROCESS AND CONSTITUTE IMPERMISSIBLE PUNISHMENT.**

108. Ms. Williams incorporates by reference the allegations in the preceding paragraphs of this Complaint.

109. The unsafe, unsanitary, inhumane, and dangerous conditions of confinement in the Arnold City jail constitute impermissible punishment unrelated to serving any criminal judgment. Even if imposed after valid conviction, the conditions would constitute cruel and unusual treatment. The deplorable and excessively harsh conditions in the Defendant's jail are unnecessary to accomplish any legitimate government objective and shock the conscience of any reasonable person concerned with human dignity and liberty.

110. Ms. Williams suffered damages pursuant to Defendant City of Arnold's violation of her rights under the Fourteenth Amendment, including but not limited to: being seized and

deprived of her freedom; being detained in custody for a total of twenty-seven (27) days; embarrassment; hopelessness; inhumane jail conditions; extortion; disrespect; indignity; fear; apprehension; depression; anxiety; consternation; emotional distress; violation of her constitutional rights; and loss of faith in society.

111. Ms. Williams suffered all of these damages solely because she was too poor to pay a monetary penalty in violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

COUNT IV
DISCRIMINATION UNDER TITLE II OF THE ADA
AND SECTION 504 OF THE REHABILITATION ACT
AGAINST MS. WILLIAMS BY THE CITY OF ARNOLD

112. Ms. Williams incorporates by reference the allegations in the preceding paragraphs of this Complaint.

113. Ms. Williams is a qualified individual with a disability as defined by Title II of the Americans with Disabilities Act (“ADA”) and by Section 504 of the Rehabilitation Act. Plaintiff has an allergy to preservatives, an impairment that substantially limits one or more major life activities including but not limited to eating and drinking. She has records of such impairment and/or is regarded as having such an impairment. As a detainee of the City of Arnold Jail, Ms. Williams met the essential requirements for the receipt of services or the participation in programs or activities provided by Defendant City of Arnold. 42 U.S.C. § 12102(2); 42 U.S.C. § 12131(2); 29 U.S.C. § 794.

114. Defendant City of Arnold is a public entity as defined under Title II of the ADA, 42 U.S.C. § 12131(1)(B), and, upon information and belief, a recipient of federal financial assistance under 29 U.S.C. § 794.

115. By reason of her disability, Ms. Williams was denied the benefits of the services, programs, and activities of Defendant City of Arnold and subject to discrimination from the City of Arnold's failure to make reasonable accommodation to Plaintiff's disability by:

- a. only providing her food to which she was allergic; and
- b. denying her adequate alternative food, not containing preservatives, in violation of 42 U.S.C. §12132.

116. If Ms. Williams prevails she is entitled to a recovery of attorneys' fees and legal costs pursuant to 42 U.S.C. § 12205 and 29 U.S.C. §794a.

Request for Relief

WHEREFORE, Plaintiff requests that this Court issue the following relief:

- a. A declaratory judgment that Defendant violated Ms. Williams's Fourteenth Amendment due process and equal protection rights by imprisoning her because she could not afford to pay the City and by imprisoning her without conducting any meaningful inquiry into her ability to pay or into alternatives to incarceration;
- b. A declaratory judgment that Defendant violated Ms. Williams's rights by holding her indefinitely in jail independent of any formal legal process;
- c. A declaratory judgment that Defendant violated Ms. Williams's rights by subjecting her to unconstitutional jail conditions;
- d. A judgment compensating Ms. Williams for damages she suffered as a result of the City's unconstitutional and unlawful conduct in imprisoning her in violation of law;
- e. A judgment compensating Ms. Williams for damages she suffered and restitution for money paid to the City as the result of unlawful fines, fees, costs, or from cases in the City court in which she has not been provided a meaningful opportunity to allege or demonstrate indigence;
- f. A judgment in favor of Ms. Williams declaring that the Defendant violated Title II of the ADA, 42 U.S.C. §§ 12131-12134, its implementing regulation at 28 C.F.R. pt. 35, and Section 504 of the Rehabilitation Act, 29 U.S.C. §794;
- g. A judgment awarding compensatory monetary damages in an appropriate amount Plaintiff pursuant to 42 U.S.C. § 12133 and 29 U.S.C. §794a;

- h. An order and judgment granting reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 42 U.S.C. §12205, and 29 U.S.C. § 794a; and
- i. Any other relief this Court deems just and proper.

Dated: October 10, 2017

Respectfully submitted,

ARCHCITY DEFENDERS, INC.

By: /s/ Thomas B. Harvey

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