

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

TAMARA SISSON,	:
Plaintiff	:
v.	:
CITY OF PHILADELPHIA,	:
MAYOR JOHN STREET,	:
COMMISSIONER JOHN TIMONEY, and	:
DEP. COMM. ROBERT MITCHELL,	:
Defendants	:

**COMPLAINT
Introduction**

Plaintiff Tamara Sisson was subjected to arrest, lengthy pre-arraignment detention and malicious prosecution by virtue of a decision by the policy-makers of the City of Philadelphia to chill the exercise of protected First Amendment activity and to detain suspected protesters for the duration of the Republican National Convention in Philadelphia. Ms. Sisson was not involved in criminal activity and there was no probable cause to arrest. Ms. Sisson seeks compensation for her unlawful arrest, search, detention and prosecution in violation of rights guaranteed by the First, Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §1983.

Jurisdiction

1. This action is brought pursuant to 42 U.S.C. §1983. Jurisdiction is founded upon 28 U.S.C. §§1331 and 1343(1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the supplemental jurisdiction of this Court under 28 U.S.C. §1367(a) to hear and adjudicate state law claims.

Parties

2. Plaintiff Tamara Sisson is a citizen of the United States and a resident of the Commonwealth of Virginia.

3. Defendant City of Philadelphia is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department and is the public employer of the individual defendants .

4. Defendant John Street is the Mayor of the City of Philadelphia and, in that capacity, was at all times relevant to this action, the principal policy-maker for the City of Philadelphia and was responsible for the hiring, retention and supervision of Defendant Timoney. He is being sued in both his individual and official capacity.

5. Defendant John Timoney is the Commissioner of the Philadelphia Police Department and, in that capacity, was at all times relevant to this action, the principal policy maker for the Philadelphia Police Department and was responsible for the hiring, retention and supervision of the Defendant Mitchell. He is being sued in both his individual and official capacity.

6. Defendant Robert Mitchell is a Deputy Commissioner of the Philadelphia Police Department and, in that capacity, was at all times relevant to this action, in charge of Philadelphia Police Department operations relating to the Republican National Convention 2000 in Philadelphia. He is being sued in both his individual and official capacity.

7. At all relevant times, Defendants were acting in concert and conspiracy and under color of state law and their actions deprived Plaintiffs of their constitutional and statutory rights.

Factual Allegations

8. The Republican National Convention met in Philadelphia From July 31 to August 4, 2000.

9. At all times relevant to this action, the property located at 4100 Haverford Avenue in Philadelphia, Pennsylvania housed a business known as the Oak Hardwood Floor Company.

10. Prior to July 31, 2000, part of 4100 Haverford Avenue was leased to persons who told the property owner, Michael Graves, that they intended to use the area to construct puppets and floats in connection with activities during the Republican National Convention in Philadelphia.

11. On August 1, 2000, at about 2:00 to 2:30 P.M., Tamara Sisson entered 4100 Haverford Avenue to use the bathroom. Shortly thereafter, Philadelphia police officers and other law enforcement agents entered the property. The officers were acting at the direction of the Defendants and asserted their authority to act under color of state law.

12. The officers, without cause or justification and at the direction of the Defendants, arrested and searched Ms. Sisson and charged her with the commission of criminal offenses related to alleged activities inside 4100 Haverford Avenue. Ms. Sisson provided her correct name and address to the police.

13. At the time of Tamara Sisson's arrest on August 1, 2000, the Defendants knew or should have known that she had not participated in any alleged unlawful activity at 4100 Haverford Avenue.

14. After Ms. Sisson's arrest, Defendants failed to undertake reasonable measures to confirm that she was not involved in any alleged criminal activity inside 4100 Haverford Avenue prior to her continued and lengthy detention and criminal prosecution.

15. As a direct and proximate result of the actions and directions of the Defendants, and

without cause or justification, Ms. Sisson was arrested and charged with the crimes of possessing instruments of crime, recklessly endangering another person, obstructing justice, conspiracy to obstruct justice, disorderly conduct, conspiracy to commit disorderly conduct, obstructing the highway and conspiracy to obstruct the highway.

16. As a direct and proximate result of the actions and directions of the Defendants, and without cause or justification, Ms. Sisson was subjected to conditions of post-arrest confinement that violated constitutionally required levels of sanitation, water, nourishment, medical care, health and safety.

17. As a direct and proximate result of the actions and directions of the Defendants, and without cause or justification, Ms. Sisson was held in custody for more than four days before she was brought before a judicial officer for a preliminary arraignment. The unnecessarily lengthy pre-arraignment detention was the result of the adoption of a policy by the Defendants to confine Ms. Sisson and others for the duration of the Republican National Convention to prevent her and others from engaging in protected First Amendment activities.

18. Ms. Sisson thereafter appeared for trial in the Municipal Court of Philadelphia. Upon motion of the District Attorney's Office, all pending criminal charges were withdrawn.

19. At no time did Tamara Sisson commit any offense against the laws of the Commonwealth of Pennsylvania, the United States or the City of Philadelphia for which an arrest or detention may be lawfully made. At no time did Ms. Sisson pose a threat to the police or to the safety of any other persons. At no time did Ms. Sisson commit any illegal acts or engage in any conduct which justified the actions of the Defendants.

20. As a direct and proximate result of the actions of all Defendants, Ms. Sisson suffered and

continues to suffer pain and suffering, emotional distress and psychological harm, some or all of which may be permanent, as well as financial and business losses.

21. The Defendants knew that they were without authority to detain, arrest, search, confine and prosecute Ms. Sisson.

22. The Defendants engaged in the aforesaid conduct for the purpose of violating Ms. Sisson's constitutional rights by subjecting her to an unlawful arrest and search, lengthy pre-arraignment detention and malicious prosecution. The actions of the Defendants were undertaken, at least in part, in retaliation for the exercise of First Amendment rights and to prevent the free exercise of those rights by Ms. Sisson and others.

**FIRST CAUSE OF ACTION
FEDERAL CIVIL RIGHTS VIOLATIONS**

23. The allegations set forth in paragraph 1-22, inclusive, are incorporated herein.

24. As a direct and proximate result of Defendants' conduct, committed under color of state law, Defendants deprived Tamara Sisson of her rights to freedom of speech and association, to be secure in their person and property, to due process of law, to be free from unlawful arrest, detention, search, unnecessarily lengthy pre-arraignment detention and malicious prosecution. As a result, Ms. Sisson suffered and continues to suffer harm, in violation of the First, Fourth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. §1983.

25. As a direct and proximate result of the acts and omissions of all Defendants, Tamara Sisson sustained pain and suffering, emotional distress, psychological harm and financial losses.

26. The actions and conduct of the Defendants were taken pursuant to a policy and practice of the City of Philadelphia, acting by and through its final policy makers, to deny persons engaged

in or assumed to be associated with those who were engaged in protest activity related to the Republican National Convention their First and Fourth Amendment rights, to disrupt protest activity, and to deprive persons, including Tamara Sisson, of their rights under the First, Fourth and Fourteenth Amendments to the United States Constitution.

27. The actions and conduct of the police officers who arrested, charged, confined and prosecuted Tamara Sisson were caused and implemented by the failure of the City of Philadelphia to properly train and supervise these police officers and other officers with respect to the constitutional limitations on their police powers during the Republican National Convention.

28. In adopting the policies and practices which led police officers to arrest, search, confine and prosecute Tamara Sisson and others, Defendant City of Philadelphia violated rights secured to Plaintiff by the First, Fourth and Fourteenth Amendments to the United States Constitution and guaranteed by 42 U.S.C. §1983.

**SECOND CAUSE OF ACTION
STATE LAW CLAIMS**

29. The allegations set forth in paragraph 1-28, inclusive, are incorporated herein.

30. The acts and conduct of all Defendants alleged in the above stated cause of action constitute negligence, gross negligence, and negligent hiring, training, retention and supervision, false arrest/ imprisonment and malicious prosecution under the laws of the Commonwealth of Pennsylvania, and this Court has supplemental jurisdiction to hear and adjudicate these claims.

JURY DEMAND

31. Plaintiff demands a jury trial as to each Defendant and as to each count.

WHEREFORE, Plaintiff requests the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Reasonable attorney's fees and costs; and
- d. Such other and further relief as appears reasonable and just.

DAVID RUDOVSKY
Attorney No.
KAIRYS, RUDOVSKY, EPSTEIN,
MESSING & RAU
924 Cherry Street, Suite 500
Philadelphia, Pa. 19107
(215) 925-4400
Counsel for Plaintiff

PAUL MESSING
Attorney ID No. 17749
KAIRYS, RUDOVSKY, EPSTEIN,
MESSING & RAU
924 Cherry Street, Suite 500
Philadelphia, PA 19107
(215) 925-4400
Counsel for Plaintiff