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Jury awards man \$750,000 for mistaken jailing

Held 2 extra weeks after police thought he had arrest warrant

BY ANA MENDIETA
Staff Reporter

When Chicago police detained Emiliano Hernandez for running a stop sign near his home four years ago, officers also found he had a suspended license and no proof of insurance.

He was detained, and then authorities placed him in custody because of an outstanding arrest warrant. Emiliano Hernandez insisted he wasn't the person officers were actually looking for — Enrique Hernandez.

But Emiliano Hernandez was still arrested, handcuffed and jailed on June 9, 1999.

Police also placed a hold on Emiliano Hernandez, believing he

was Enrique Hernandez, a different man wanted for drunken driving and leaving the scene of an accident in Stickney in 1995.

So Emiliano Hernandez was imprisoned for two weeks even though his wife repeatedly showed identification documents proving he was not Enrique Hernandez, the fugitive.

On Tuesday, a federal jury awarded Emiliano Hernandez \$750,000 for his ordeal.

"Can you imagine being in jail for 15 days for mistaken identity? It's outrageous," said his attorney Joe Longo. "Had they checked his documents, he would have been out in a day, but they didn't want to bother. They had no procedures to do it. And 4 1/2 years later he still has nightmares."

A judge ordered Emiliano Hernandez released on June 10, 1999 after ruling on his traffic violations, but kept him in custody when informed of the arrest warrant. On June 11, he appeared in

court against his will on the warrant against Enrique Hernandez, Longo said.

Emiliano Hernandez was "assaulted, battered, threatened, physically examined, handcuffed, harassed, humiliated and inoculated" while in jail, Longo said. He was finally released on June 24, but he had to reappear in court on July 1 in the case against Enrique Hernandez. Stickney police officers failed to identify him as Enrique Hernandez, and the judge ruled Emiliano Hernandez "was

not the proper defendant."

The Cook County sheriff's office has no procedures to check out a claim of misidentification. In addition, Longo argues, the space for the bond amount in the sheriff's document related to Enrique Hernandez's arrest warrant was blank.

"That document is not a court order, and if the bond amount is blank the sheriff's procedure is that the man is not getting out of jail," Longo said.

He added that his client has suffered from post-traumatic stress

disorder after his ordeal.

A spokesman for the Cook County Sheriff's Office could not be reached for comment Tuesday on the federal jury's award.

Cook County Commissioner Pete Silvestri, chairman of the county board's litigation committee, said "the jury verdict is much higher than I would have expected. The jail is a busy place. Fifteen days may not seem like a lot, but I wouldn't want to be in there 15 seconds if I'm innocent."

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