



Chicago Tribune

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WEDNESDAY, NOVEMBER 26, 2003

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ARTS REVIEWS & NEWS

\$750,000 award in wrongful jailing

Officers said man was someone else

By Casey Bukro
Tribune staff reporter

A Chicago man who was arrested and jailed for 15 days because authorities thought he was someone else was awarded \$750,000 Tuesday by a federal jury for wrongful detention.

Emiliano Hernandez, 49, a handyman, was stopped by Chicago police June 9, 1999, for failing to make a complete stop at a traffic signal, according to his lawyer, Joseph Longo. Police noticed that a warrant was outstanding for a man named Enrique Hernandez for driving under the influence.

"They asked him if he was Enrique Hernandez, and he said no," Longo said.

Hernandez was held overnight in Cook County Jail, and a Traffic Court judge dismissed

the charges but released him on \$500 bail until Hernandez offered proof of insurance.

Instead of being released, Hernandez was taken into custody by Cook County correctional officers and returned to County Jail because they thought he was Enrique, Longo said.

Hernandez repeatedly tried to explain he was not Enrique, said Longo, who contends that a correctional officer slapped Hernandez, saying, "If I say you are Enrique, you are Enrique."

Longo said Hernandez's wife came to the jail with documents, including his permanent resident's card, Social Security card, passport and driver's license, to prove he was not Enrique, but she was told, "Don't waste our time. Go home."

"The sheriff has no procedures to allow somebody to prove they have been misidentified," Longo said. "The sheriff, as jailer and custodian, has an obligation to check a claim the person is who he is."

Hernandez filed a suit against Sheriff Michael Sheahan, charging he was denied due process by unreasonable seizure and detention.

Calls to the sheriff's spokesman were not returned.

"It is wrongful imprisonment and detention," said Longo, adding that the sheriff's office would not allow Longo to post bail for Hernandez's release.

Longo also contended that Hernandez was traumatized by his confinement in jail and his relationship with his family has suffered. "While in jail, one of the prisoners threatened to slit his throat for snoring at night," Longo said. "This man is afraid to sleep at night, fearing for his life."

Longo said that during a weeklong trial, the sheriff's office sought to have the lawsuit dismissed, but U.S. District Judge John Grady reportedly replied, "You can't jail somebody for 15 days and ignore them."