

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL ROBINSON
5330 E Street S.E., Apt. 4
Washington, D.C. 20019

AGNES JOYCE ROBINSON
5330 E Street S.E., Apt. 4
Washington, D.C. 20019

Plaintiffs,

v.

BRANDON FARLEY
In his individual capacity
c/o Prince George's County Police Department
7600 Barlowe Road
Landover, MD 20785

SEAN BABCOCK
In his individual capacity
c/o Prince George's County Police Department
7600 Barlowe Road
Landover, MD 20785

THOMAS HILLIGOSS
In his individual capacity
c/o Prince George's County Police Department
7600 Barlowe Road
Landover, MD 20785

KENNETH MEUSHAW
In his individual capacity
c/o Prince George's County Police Department
7600 Barlowe Road
Landover, MD 20785

ALAN LARMORE
In his individual capacity
c/o Prince George's County Police Department
7600 Barlowe Road
Landover, MD 20785

Civil Action No. 15-cv-00803 (KBJ)

TERRENCE WALKER	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
	)
OSIRIS LOPEZ	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
	)
TIMOTHY CORDERO	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
	)
RENALDO MASON	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
5000 Rhode Island Avenue	)
Hyattsville, MD 20781	)
	)
DOUGLAS MCMILLIAN	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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MICHAEL MORRIS	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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LUIS ALBA DE JESUS	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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SHANNON HARRIS	)
<i>In her individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)

Landover, MD 20785	)
	)
JENNIFER GRAF	)
<i>In her individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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MICHELLE MUNAFO	)
<i>In her individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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PATRICK MARRON	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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PETER JOHNSON	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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CHANDLER COLEMAN	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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EVERETT MASON	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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JERRICK JEFFREYS	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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CORDELL BARBOUR	)
<i>In his individual capacity</i>	)

c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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ROBERT WILSON	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
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MICHAEL CICALÉ	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
5000 Rhode Island Avenue	)
Hyattsville, MD 20781	)
	)
JEREMY BURCH	)
<i>In his individual capacity</i>	)
c/o Prince George's County Police Department	)
7600 Barlowe Road	)
Landover, MD 20785	)
	)
TERRY HOOPER	)
<i>In his individual capacity</i>	)
c/o Prince George's County Sheriff's Office	)
5303 Chrysler Way	)
Upper Marlboro, MD 20773	)
	)
DILLON WILLIAMS, JR.	)
<i>In his individual capacity</i>	)
5373 Paddock Falls Dr.	)
Dublin, OH 43016	)
	)
TERRENCE MORDECAI	)
<i>In his individual capacity</i>	)
c/o Prince George's County Sheriff's Office	)
5303 Chrysler Way	)
Upper Marlboro, MD 20773	)
	)
CEDRIC HEYWARD	)
<i>In his individual capacity</i>	)
c/o Prince George's County Sheriff's Office	)
5303 Chrysler Way	)
Upper Marlboro, MD 20773	)
	)
TRAVIS A. GRAY	)

<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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MINH N. NGUYEN	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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PAUL SKELTON	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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ROBERT J. MUNN	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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MICHAEL A. PETTY	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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KYLE S. USKIEVICH	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
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CHAD HOWARD	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)
	)
COLLIER RICE, JR.	)
<i>In his individual capacity</i>	)
c/o Metropolitan Police Department	)
300 Indiana Ave. NW	)
Washington, DC 20001	)

THOMAS L. LEWIS, III
In his individual capacity
c/o Metropolitan Police Department
300 Indiana Ave. NW
Washington, DC 20001

PRINCE GEORGE'S COUNTY
Office of the County Executive
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

DISTRICT OF COLUMBIA
Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

UNIDENTIFIED OFFICERS, EMPLOYEES,
AND AGENTS of the Prince George's County
Police Department, the District of Columbia's
Metropolitan Police Department, the Prince
George's County Sheriff's Office, the District
of Columbia's Department of Corrections, and
the District of Columbia, *in their individual
capacities*

Defendants.

THIRD AMENDED COMPLAINT

1. Born with cerebral palsy and intellectual disabilities, Plaintiff Michael Robinson (“Michael”) lives a quiet life with his grandmother and caretaker, Plaintiff Agnes Joyce Robinson (“Mrs. Robinson”), in Washington, D.C. Notwithstanding his atrophied left arm, diminutive frame, and difficulty walking, processing information, and speaking, Michael used to

enjoy a daily routine that included running errands, doing laundry, spending time with family, and visiting the local library.

2. On May 30, 2014, Michael walked around the corner from his apartment to the bus stop, where he waited to take a bus to the store to buy trash bags. After a few minutes, Michael became unnerved when he noticed a police officer staring at him from across the street. Michael decided to return to his apartment.

3. Without any provocation, Prince George's County Police Department ("PGPD") Officer Brandon Farley ("Farley") got out of his car and ran after Michael, shouting at him and calling him a "motherfucker" and a "son of a bitch." Michael, who had been sitting quietly at the bus stop until he stood up to walk home, was frightened and confused. Farley pursued Michael into his apartment building, where he struck Michael, threw him down on the steps, held him there, and tased him. Farley then dragged Michael by the neck out of the building, as Michael, afraid for his life, attempted to protect himself from Farley. Once outside, Farley released Michael from his grasp in order to hit Michael in the face with the taser and then strike Michael in the head with his hand. Momentarily free from Farley's clutches, Michael retreated to his apartment, where he hid in the bathroom, terrified. During this encounter, Michael did not strike or in any manner threaten Farley.

4. At that point, Mrs. Robinson and several neighbors tried to explain to Farley that Michael has a disability and poses no threat to anyone. Farley ignored these pleas, pacing in front of the apartment building with his firearm and taser drawn and shouting, "It's 100 on 1; you don't think I need a gun?!" As this was unfolding, PGPD, Prince George's County Sheriff's Office ("PGSO"), and the District of Columbia's Metropolitan Police Department ("MPD")

vehicles arrived on the scene until there were at least 29 police vehicles in total. Among the officers arriving on the scene were the following (collectively, “Defendant Officers”):

- Sean Babcock (“Babcock”), Thomas Hilligoss (“Hilligoss”), Kenneth Meushaw (“Meushaw”), Alan Larmore (“Larmore”), Terrence Walker (“Walker”), Osiris Lopez (“Lopez”), Timothy Cordero (“Cordero”), Renaldo Mason (“Mason”), Douglas McMillian (“McMillian”), Michael Morris (“Morris”), Luis Alba De Jesus (“De Jesus”), Shannon Harris (“Harris”), Jennifer Graf (“Graf”), Michelle Munafo (“Munafo”), Patrick Marron (“Marron”), Peter Johnson (“Johnson”), Chandler Coleman (“Coleman”), Everett Mason (“Mason”), Jerrick Jeffreys (“Jeffreys”), Cordell Barbour (“Barbour”), Robert Wilson (“Wilson”), Michael Cicale (“Cicale”), Jeremy Burch (“Burch”), and unidentified officers of the PGPD (collectively, “PGPD Officers”);
- Terry Hooper (“Hooper”), Dillon Williams, Jr. (“Williams”), Terrence Mordecai (“Mordecai”), Cedric Heyward (“Heyward”), and unidentified officers of the PGSO (collectively, “PGSO Officers”); and
- Travis A. Gray (“Gray”), Minh N. Nguyen (“Nguyen”), Paul Skelton (“Skelton”), Robert J. Munn (“Munn”), Michael A. Petty (“Petty”), Kyle S. Uskievich (“Uskievich”), Chad Howard (“Howard”), Collier Rice, Jr. (“Rice”), Charles Garrett, Jr. (“Garrett”), Thomas L. Lewis, III (“Lewis”), and unidentified officers of the MPD (collectively, “MPD Officers”)

5. Mrs. Robinson, who had returned to the apartment to check on Michael, eventually opened the patio door of her apartment to talk with Farley and Defendant Officers, repeating that Michael is disabled and that there was no cause for Farley to have attacked him. Without a warrant, a PGSO officer in tactical gear and Defendant Officers rushed past Mrs. Robinson and into the apartment, with firearms drawn, while she loudly screamed, “No!” After Defendant Officers found Michael in the bathroom, some of them began shouting at him and beating him. Michael was handcuffed, marched outside, and placed in Farley’s police cruiser. MPD Officers then put Michael in an ambulance and sent him to the hospital, where doctors treated him for rapid heartbeat, removed a taser spike that had been lodged in his back, and noted several cuts and bruises on his face. The hospital staff discharged Michael into the custody of the MPD, and the Department of Corrections detained him overnight.

6. On May 30, 2014, Farley submitted to the MPD and the PGPD narrative accounts of his interactions with Michael, Mrs. Robinson, and the neighbors on the scene. In those accounts, Farley states that Michael struck him on the left temple with a closed fist just before Farley hit Michael with the taser. A video taken by one of the witnesses, however, shows that Michael did not strike Farley. Farley also contends that Michael grabbed the taser and attempted to take it away from him. The video, though, confirms that this is false. And despite Farley's further assertion that he was surrounded by a large, unruly, and aggressive crowd, the video reveals that the nonconfrontational bystanders were not surrounding him.

7. On May 31, 2014, Michael was taken to the courthouse and released after the only pending charge against him—misdemeanor assault on a police officer—was *nolle prosequied*. Because those who released him—unidentified officers, employees, and/or agents of the District of Columbia's Department of Corrections, the District of Columbia, and/or the MPD (collectively, "Defendant Corrections Officers")—made no attempt to reach his caretaker or otherwise provide for his safety upon release, Michael was forced to wander outside until his uncle found him pacing in the plaza outside the courthouse, confused and scared.

8. As a result of this incident, Michael has required treatment for both the physical injuries and the psychological trauma he suffered. He remains scared to leave his home, and the stability of his daily routine is lost. Michael no longer visits the library or runs errands for his family, and he often locks himself in the bathroom, especially if he sees police officers nearby. Mrs. Robinson has also suffered as a result of these actions. She has received medical treatment for elevated blood pressure and chest pains, and she must spend more time and energy looking after Michael now that he has lost the stability that she worked hard to cultivate over the 23 years since she began caring for Michael.

9. The foregoing events were the latest in a long history of excessive force and unconstitutional policing practices on the part of law enforcement officers in Prince George's County and the District of Columbia. It is against this backdrop that Michael and Mrs. Robinson bring this action.

NATURE OF ACTION

10. This is a civil action arising under the United States Constitution; 42 U.S.C. § 1983; Title II of the Americans with Disabilities Act, 42 U.S.C. § 1231 *et seq.*; Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*; the District of Columbia Human Rights Act, D.C. Code § 2-1401 *et seq.*; and the common law of the District of Columbia.

JURISDICTION AND VENUE

11. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1367.

12. All of Defendants' actions giving rise to the claims alleged herein occurred in Washington, D.C. Accordingly, this Court is an appropriate venue for this action pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

13. Plaintiff Michael Robinson resides at 5330 E Street S.E., Washington, D.C., 20019. Michael has cerebral palsy. As a result, he has both physical and intellectual disabilities.

14. Plaintiff Agnes Joyce Robinson resides at 5330 E Street S.E., Washington, D.C., 20019. Mrs. Robinson is Michael's grandmother and caretaker.

15. Defendant Officer Brandon Farley is and was at all times relevant to this proceeding an officer of the PGPD. Farley acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacity as an agent or an employee of the PGPD.

16. Defendant Patrolman First Class Sean Babcock is and was at all times relevant to this proceeding an officer of the PGPD. Babcock acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

17. Defendant Thomas Hilligoss is and was at all times relevant to this proceeding an officer of the PGPD. Hilligoss acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

18. Defendant Corporal Kenneth Meushaw is and was at all times relevant to this proceeding an officer of the PGPD. Meushaw acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

19. Defendant Alan Larmore is and was at all times relevant to this proceeding an officer of the PGPD. Larmore acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

20. Defendant Officer Terrence Walker is and was at all times relevant to this proceeding an officer of the PGPD. Walker acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

21. Defendant Corporal Osiris Lopez is and was at all times relevant to this proceeding an officer of the PGPD. Lopez acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

22. Defendant Lieutenant Timothy Cordero is and was at all times relevant to this proceeding an officer of the PGPD. Cordero acted at all times relevant hereto under color of

state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

23. Defendant Patrolman First Class Renaldo Mason is and was at all times relevant to this proceeding an officer of the PGPD. Mason acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

24. Defendant Patrolman First Class Douglas McMillian is and was at all times relevant to this proceeding an officer of the PGPD. McMillian acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

25. Defendant Officer Michael Morris is and was at all times relevant to this proceeding an officer of the PGPD. Morris acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

26. Defendant Officer Luis Alba De Jesus is and was at all times relevant to this proceeding an officer of the PGPD. De Jesus acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

27. Defendant Corporal Shannon Harris is and was at all times relevant to this proceeding an officer of the PGPD. Harris acted at all times relevant hereto under color of state or local law, and, in whole or in part, in her capacities as an agent or an employee of the PGPD.

28. Defendant Officer Jennifer Graf is and was at all times relevant to this proceeding an officer of the PGPD. Graf acted at all times relevant hereto under color of state or local law, and, in whole or in part, in her capacities as an agent or an employee of the PGPD.

29. Defendant Officer Michelle Munafo is and was at all times relevant to this proceeding an officer of the PGPD. Munafo acted at all times relevant hereto under color of state or local law, and, in whole or in part, in her capacities as an agent or an employee of the PGPD.

30. Defendant Corporal Patrick Marron is and was at all times relevant to this proceeding an officer of the PGPD. Marron acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

31. Defendant Patrolman First Class Peter Johnson is and was at all times relevant to this proceeding an officer of the PGPD. Johnson acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

32. Defendant Patrolman First Class Chandler Coleman is and was at all times relevant to this proceeding an officer of the PGPD. Coleman acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

33. Defendant Officer Everett Mason is and was at all times relevant to this proceeding an officer of the PGPD. Mason acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

34. Defendant Officer Jerrick Jeffreys is and was at all times relevant to this proceeding an officer of the PGPD. Jeffreys acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

35. Defendant Corporal Cordell Barbour is and was at all times relevant to this proceeding an officer of the PGPD. Barbour acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

36. Defendant Officer Robert Wilson is and was at all times relevant to this proceeding an officer of the PGPD. Wilson acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

37. Defendant Corporal Michael Cicale is and was at all times relevant to this proceeding an officer of the PGPD. Cicale acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

38. Defendant Officer Jeremy Burch is and was at all times relevant to this proceeding an officer of the PGPD. Burch acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGPD.

39. Defendant Deputy Terry Hooper is and was at all times relevant to this proceeding an officer of the PGSO. Hooper acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGSO.

40. Defendant Deputy Dillon Williams, Jr. was at all times relevant to this proceeding an officer of the PGSO. Williams acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGSO.

41. Defendant Deputy Terrence Mordecai is and was at all times relevant to this proceeding an officer of the PGSO. Mordecai acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGSO.

42. Defendant Deputy Cedric Heyward is and was at all times relevant to this proceeding an officer of the PGSO. Heyward acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the PGSO.

43. Defendant Travis A. Gray is and was at all times relevant to this proceeding an officer of the MPD. Gray acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

44. Defendant Minh N. Nguyen is and was at all times relevant to this proceeding an officer of the MPD. Nguyen acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

45. Defendant Paul Skelton is and was at all times relevant to this proceeding an officer of the MPD. Skelton acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

46. Defendant Robert J. Munn is and was at all times relevant to this proceeding an officer of the MPD. Munn acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

47. Defendant Michael A. Petty is and was at all times relevant to this proceeding an officer of the MPD. Petty acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

48. Defendant Kyle S. Uskievich is and was at all times relevant to this proceeding an officer of the MPD. Uskievich acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

49. Defendant Chad Howard is and was at all times relevant to this proceeding an officer of the MPD. Howard acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

50. Defendant Collier Rice, Jr. is and was at all times relevant to this proceeding an officer of the MPD. Rice acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

51. Defendant Charles Garrett, Jr. is and was at all times relevant to this proceeding an officer of the MPD. Garrett acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

52. Defendant Thomas L. Lewis, III is and was at all times relevant to this proceeding an officer of the MPD. Lewis acted at all times relevant hereto under color of state or local law, and, in whole or in part, in his capacities as an agent or an employee of the MPD.

53. Defendant Prince George's County, Maryland, is the governmental entity that maintains the PGPD and, through it, employs Farley, Babcock, Hilligoss, Meushaw, Larmore, Walker, Lopez, Cordero, Mason, McMillian, Morris, De Jesus, Harris, Graf, Munafo, Marron, Johnson, Coleman, Mason, Jeffreys, Barbour, Wilson, Cicale, Burch, and certain unidentified officers and employees. Prince George's County is a recipient of federal funding.

54. Defendant District of Columbia is the governmental entity that maintains the MPD and the Department of Corrections and, through them, employs or serves as the principal to Gray, Nguyen, Skelton, Munn, Petty, Uskievich, Howard, Rice, Garrett, and Lewis, and certain unidentified officers, employees, and agents. The District of Columbia is a recipient of federal funding.

55. Defendants unidentified officers, employees, and agents of the PGPD, the PGSO, the MPD, the District of Columbia's Department of Corrections, and the District of Columbia are the individuals who cooperated with the named Defendants to injure the Robinsons and deprive them of their clearly established constitutional rights or who otherwise tortiously injured them. Each individual is an officer, employee, or agent of Prince George's County, the State of Maryland, or the District of Columbia.

FACTS

56. Michael, who was born with cerebral palsy, lives with his grandmother in the Marshall Heights neighborhood of the District of Columbia. He had settled into a stable daily routine that included running errands, doing laundry, spending time with family, and visiting the local library. Michael's disability has left him with an atrophied left arm, a diminutive frame, and difficulty walking, speaking, and processing information, all of which are apparent when interacting with him. At 28 years old, Michael stands 5'3" tall, weighs only 127 pounds, and has remained under the care of his grandmother since she removed him from foster care over 23 years ago. Because of his physical and intellectual limitations, which include difficulty with information retention and long-term memory, Michael has, despite his best efforts, been unable to secure employment since graduating from the Special Education Program at Spingarn High School. Michael receives disability benefits and works with a case manager at the District of Columbia's Department on Disability Services.

57. On May 30, 2014, Michael left his apartment, intending to ride the bus to CVS to buy trash bags so that he could do laundry for his family. Michael walked around the corner to the bus stop, as he had always done, and sat on the curb to wait for the bus to arrive. While he

was waiting, Michael noticed a police officer across the street giving him unfriendly looks. Feeling anxious, Michael decided to walk back to his home where he felt safe.

58. Before Michael reached his apartment, he was approached by Farley, who had left his vehicle and followed Michael as he walked home from the bus stop. Upon information and belief, Farley had been called from Prince George's County, the jurisdiction he serves, to the District of Columbia earlier that afternoon to assist his fellow PGPD officers in canvassing the District of Columbia for suspected car thieves. These PGPD officers had followed the suspects from their jurisdiction into the District of Columbia, where they witnessed the suspects leaving the stolen vehicle before fleeing on foot. The car was recovered at 301 49th St. N.E., Washington, D.C. 20019, more than one mile away from the bus stop where Michael first noticed PGPD officers. Upon information and belief, Farley and the other PGPD officers took several actions without informing the MPD (or any other representative of the District of Columbia) of their presence in the city—including towing the car from the District of Columbia to PGPD's Crime Scene Investigation Division and initiating canvassing activities within the District of Columbia—despite many opportunities to do so during the course of the non-violent and non-exigent reclamation of the stolen vehicle. Michael, whose disability renders him unable to drive, had spent the entire morning with his family and was not involved in this car theft.

59. Without provocation or justification, Farley shouted at Michael and called him a "motherfucker" and a "son of a bitch." Michael, who had been sitting quietly at the bus stop until he stood up to walk home, became frightened and confused. Michael carries a disability identification card with him when he takes the bus, and upon information and belief, when Farley asked Michael for identification, Michael presented Farley with this disability card.

60. At some point during this interaction, Farley entered the apartment building and pursued Michael to the stairwell just outside of the Robinsons' apartment unit. There, Farley struck Michael, threw him down on the steps, held him there, and tased him. The noise of this altercation attracted attention in the building. Mrs. Robinson, alarmed after hearing the loud noises in the stairwell, ran to her door and looked through the peephole in time to see Michael sprawled on the steps with a police officer standing over him, holding a taser.

61. Mrs. Robinson followed Farley as he dragged Michael by the neck out of the building through the front door. Michael, who is naturally timid, was physically overmatched, confused, and afraid for his life. Once outside, Farley let go of Michael, who he had been holding with both hands, to strike Michael in the face with the taser and in the head with his hand. As he hit Michael, Farley yelled, "Let go of my weapon!", though Michael was not reaching for any of Farley's weapons. Momentarily free from Farley's clutches, Michael retreated to his apartment, where he hid in the bathroom, terrified. At no point during this encounter did Michael strike or in any manner threaten Farley.

62. Farley then holstered his firearm and taser and walked half of a block up the street to his cruiser with his back turned to the Robinsons' apartment building. Farley called for backup but, upon information and belief, at no point contacted the MPD or attempted to obtain a warrant to enter the Robinsons' home, notwithstanding that the situation he caused had stabilized and Michael remained paralyzed with fear in his apartment. Farley got into his police cruiser and drove it to the front of the Robinsons' apartment building. After getting out of his car, Farley drew his firearm, waving it around at neighbors who had gathered upon hearing the altercation, and repeated his call for backup.

63. Before and after Farley moved his cruiser, Mrs. Robinson, Michael's caretaker, repeatedly and loudly tried to explain to Farley that she is Michael's grandmother and that Michael poses no threat to anyone. She also told Farley that she did not understand what he wanted. Farley ignored Mrs. Robinson's pleas, walking away from her and into the apartment building with his firearm and taser drawn. Mrs. Robinson continued crying and pleading with Farley, saying things like, "Oh, God! That's my grandson. He has a problem!" Neighbors chimed in, too, telling Farley that Michael is "sick." A witness even asked Farley, "Why'd you hit him? I told you he has a problem!"

64. Despite their persistence, Farley continued to ignore the chorus of voices trying to tell him about Michael's disability. Instead, he paced in front of the building with his firearm drawn, shouting at the witnesses, "It's 100 on 1; you don't think I need a gun?!" Upon information and belief, there were significantly fewer than 100 neighbors nearby and not a single person, including Michael and Mrs. Robinson, threatened Farley or displayed any intention or ability to harm him.

65. When Farley finally noticed Mrs. Robinson, who had been following him and repeatedly attempting to resolve his concerns, it was only to order her, "You tell him to come out here unarmed," even though Farley had no basis to believe that Michael was in possession of, or had access to, a weapon of any kind. She turned and went down the steps and into her apartment, where she called 911 to report that a Maryland police officer was attacking her grandson.

66. At this point, Farley escalated the situation by standing at the bottom of the stairs with his firearm drawn, shouting "Is he gonna' come out with his hands up or not? We're

gonna' kick the whole building in if he doesn't come out." Once again, neighbors endeavored to explain that Michael is disabled. Once again, Farley ignored them.

67. Two additional PGPD Officers arrived at the scene and joined Farley in entering the apartment building with firearms drawn. Upon information and belief, they approached the Robinsons' apartment door, banged loudly on it, and threatened to enter. Mrs. Robinson did not open the door, and Michael remained hiding in the bathroom.

68. As this was unfolding, PGPD, PGSO, and MPD vehicles continued to arrive on the scene until there were at least 29 vehicles parked on the block, with at least as many officers streaming out of the cars, including at least two PGSO Officers in tactical gear. As these officers arrived, witnesses repeatedly told them things like, "Excuse me, sir; he's mentally challenged," and, "He was asking, what did he do?" When MPD Officers arrived, witnesses demanded to know why the PGPD was acting in the District of Columbia. The officers brushed off the comments, remarking, "They're doing their thing."

69. Mrs. Robinson eventually opened the patio door of her apartment, located just to the side of the building entrance's stairs, to talk with the numerous officers outside. She repeated that Michael is disabled and that there was no cause for Farley to have attacked him. By this point, the Defendant Officers who arrived at the scene had confirmed with Farley that he was safe.

70. Even with all of this information and with MPD Officers present on the scene, a PGSO officer in tactical gear and Defendant Officers rushed past Mrs. Robinson and into the apartment, with firearms drawn, while she loudly screamed, "No!" Mrs. Robinson did not consent to this entry into her home, no exigent circumstances existed, and none of the Defendant Officers had obtained a warrant.

71. As Defendant Officers continued to pour in through the patio and the front door of the apartment, an MPD officer reported, “They got him in the bathroom.” When Defendant Officers found Michael unarmed in the bathroom, he tried to run past them in fear, but several of them grabbed him, cornered him in Mrs. Robinson’s bedroom, and proceeded to hit him, shout at him, and kick him.

72. Outside, neighbors, politely and from a distance, repeatedly explained that Michael has major health problems. Mrs. Robinson continued pacing back and forth on her patio in severe emotional distress. Not a single officer attempted to speak with her.

73. Michael was handcuffed, marched outside, and placed in Farley’s cruiser. Michael, who remained handcuffed, was driven up the block in this PGPD vehicle, where he was stood up beside a PGPD car and surrounded by MPD Officers, Farley, and several PGPD and PGSO Officers. The MPD Officers patted Michael down, removed various harmless objects from his pockets, and talked with him. The MPD Officers also held Michael while PGPD Officers took photographs of Michael’s face with a camera.

74. Thereafter, the MPD sent Michael in an ambulance to the United Medical Center. He later received a bill from the D.C. Fire and EMS Department for \$508.00 for the ambulance call. At the hospital, doctors treated him for rapid heartbeat, removed a taser spike that had been lodged in his back ever since Farley had tased him several hours earlier, noted several cuts and bruises on his face, and administered an analgesic and a shot for tetanus/diphtheria. When Michael’s uncle, Eric Robinson (“Mr. Robinson”), arrived at the hospital to check on Michael, he was denied access to Michael’s room.

75. Upon information and belief, at approximately 9:20 PM, hospital staff discharged Michael into the custody of MPD Officers, who ultimately transported him to the Department of

Corrections' Central Cell Block. Michael spent the night there and was taken to the H. Carl Moultrie Courthouse the following day.

76. At an unknown time on May 31, 2014, the only pending charge against Michael—misdemeanor assault on a police officer—was *nolle prosequied*. Without giving notice to Mrs. Robinson, Michael's caretaker, or any other person who might assist him, and without any provision for his safety, Defendant Corrections Officers released Michael from custody at the courthouse.

77. Mr. Robinson had arrived at the courthouse that morning and was told by an employee, officer, or agent of the District of Columbia that Michael would appear in a specific courtroom. Mr. Robinson, relying on that information, waited in the courtroom for approximately six hours, but did not see Michael come before the judge. When he eventually left the courtroom to look for Michael, Mr. Robinson was told that Michael had already been released. After searching the courthouse, Mr. Robinson left the building and found Michael aimlessly wandering about the plaza outside the courthouse. A traumatized Michael ran up to Mr. Robinson, hugged him, and asked why he had been attacked and put in jail.

78. Since the unlawful beatings, unwarranted arrest, and unsafe release from jail, Michael has required treatment for both the physical injuries and the psychological trauma he suffered. In particular, he has been treated with anti-epileptic medicines and pain medications and has attended therapy when able. Despite this treatment, Michael remains afraid to leave his home, and the stability of his daily routine is lost. He no longer visits the library or runs errands for his family, he frequently becomes restless, and he runs back to his apartment to hide if he sees police officers nearby. Michael is so frightened of the police that he often locks himself in

the bathroom when someone knocks on the apartment unit's door. Michael also suffers from nightmares, has trouble sleeping, and paces at night.

79. Mrs. Robinson has likewise suffered from physical and emotional distress since the police attacked her grandson and unlawfully entered her home. After the incident, her blood pressure rose, causing her doctor to prescribe her new medication. Mrs. Robinson also suffers from chest pains, had trouble sleeping for months, and must spend more time looking after Michael than she did before the ordeal described above.

80. The unprovoked attack, lawless raid, unwarranted arrest, and unsafe release from custody shattered Michael's previously stable existence and caused physical injury and emotional distress, the effects of which may never dissipate. Farley, Defendant Officers, and Defendant Corrections Officers, many of whom were acting outside of their jurisdiction and without a warrant, are liable for these injuries. And the municipalities and other governmental entities that employ these individuals are liable as well for the failure to train, monitor, and discipline their officers and employees, for their deliberate indifference thereto, and for the policies, practices, and customs they have instituted that enable constitutional violations.

81. The events recounted above were the latest in a long history of excessive force and unconstitutional policing practices on the part of law enforcement officers in Prince George's County and the District of Columbia. Incidents involving PGPD officers over the years have been particularly prevalent.¹ Indeed, the publicly-available annual reports of the

¹ See, e.g., Matt Zapotosky, *One Prince George's officer convicted of assault, another acquitted in U-Md. beating trial*, Wash. Post, Oct. 19, 2012, http://www.washingtonpost.com/local/crime/closing-arguments-coming-in-pr-georges-beating-trial/2012/10/19/f754ea60-1a15-11e2-bd10-5ff056538b7c_story.html; Andrea Noble, *D.C. police officer says PG police beat him*, Wash. Times, Oct. 3, 2012, <http://www.washingtontimes.com/news/2012/oct/3/dc-police-officer-says-pg-police-beat-him/?page=all>; *PG County Officer Charged After Video Debunks Account Of Arrest*, CBS DC, Aug. 3, 2012, <http://washington.cbslocal.com/2012/08/03/prince-georges-county-police-officer-charged-with-2nd-degree-assault/>; *Cpl. Rickie Adey indicted: Prince George's County Police officer faces assault charges*, ABC 7 WJLA, July 27, 2012, <http://wjla.com/news/local/cpl-ricky-adey-indicted-prince-george-s-county-police-officer-faced-assault-charges-78232>; Debra Cassens Weiss, *Civil Rights Leader Arnwine Says Police Held*

Citizen Complaint Oversight Counsel, which monitors and adjudicates complaints against PGPD officers, are littered with instances in which officers used aggressive, excessive, and/or unnecessary force. *See, e.g.*, 2014 Annual Report, Prince George's Police Citizen Complaint Oversight Panel, *available at* <http://www.princegeorgescountymd.gov/sites/ExecutiveBranch/About/BoardsCommissions/Pages/Citizen-Complaint-Oversight-Panel.aspx>. In addition, instances in which PGPD officers have falsely arrested, unjustifiably incarcerated, or otherwise unlawfully seized residents are well-documented.²

82. The extra-jurisdictional brutality that Michael suffered at the hands of Farley and his fellow PGPD officers disturbingly parallels in significant respects the death of Prince Jones, a Howard University student who was fatally shot in Fairfax County, Virginia, by a PGPD officer in September 2000. *See* Ruben Castaneda, *Officer Liable in Student's Killing*, Wash. Post, Jan. 20, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/01/19/AR2006011902346.html>. Although the PGPD found no wrongdoing on the part of the officer who killed Jones, a

Her at Gunpoint, Raided Home Without Showing Warrant, ABA Journal, Nov. 29, 2011, http://www.abajournal.com/news/article/civil_rights_leader_arnwine_says_police_held_her_at_gunpoint_raided_home_wi/; Ruben Castaneda, *Pr. George's jury awards \$11.5 million in fatal police shooting*, Wash. Post, Mar. 16, 2011, http://www.washingtonpost.com/local/pr-georges-jury-awards-115-million-in-fatal-police-shooting/2011/03/14/AB9sqUh_story.html; Ruben Castaneda, *Prince George's jury awards \$225,000 to unarmed man shot in back by officer*, Wash. Post, Oct. 28, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/28/AR2010102806341.html>; Aaron Davis, *Police Raid Berwyn Heights Mayor's Home, Kill His 2 Dogs*, Wash. Post (July 31, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/30/AR2008073003299.html>; Ruben Castaneda, *Tasers Used on Bound Suspect*, Wash. Post, May 31, 2007, <http://www.washingtonpost.com/wpyn/content/article/2007/05/30/AR2007053002293.html>; *see also* American Civil Liberties Union of Maryland, *Briefing Paper on Deaths in Police Encounters in Maryland, 2010-2014* (Mar. 2015) (noting that Maryland has the 6th highest number of police homicides according to the FBI; finding that 41% of those who died were not armed with a weapon of any kind; and finding that 31% of all those killed by police presented in a way that suggested a possible medical or mental health issue, disability, substance use or similar issue).

² *See, e.g.*, Amanda Loviza-Vickery, *Judge Advances D.C. Police Brutality Case*, Courthouse News Serv., Mar. 17, 2015, <http://www.courthousenews.com/2015/03/17/judge-advances-d-c-police-brutality-case.htm> (also accusing the officers of false arrest); Ruben Castaneda, *Man falsely charged with murder in Prince George's wins appeal*, Wash. Post, Apr. 26, 2011, http://www.washingtonpost.com/local/man-falsely-charged-with-murder-in-prince-georges-wins-appeal/2011/04/25/AFDfTxkE_story.html; Ruben Castaneda, *Prince George's to pay man who accused police of assault*, Wash. Post, Mar. 12, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/11/AR2010031104228.html> (also accusing the officers of false arrest); Ruben Castaneda, *Jury Awards Man Struck by Officer In Pr. George's*, Wash. Post, Mar. 27, 2003, <http://www.washingtonpost.com/archive/local/2003/03/27/jury-awards-man-struck-by-officer-in-pr-georges/11dcd37d-15e7-4695-94d5-14dc63b6c5c7/> (same).

jury found the officer liable for Jones's wrongful death. Jones's killing ultimately led to an investigation by the Department of Justice into "allegations of brutality and racism by the [PGPD], which has been accused of excessive force for decades." *Id.*; *see also* Ta-Nehisi Coates, *Black and Blue: Why Does America's Richest Black Suburb Have Some of the Country's Most Brutal Cops?*, Wash. Monthly, June 2001, <http://www.washingtonmonthly.com/features/2001/0106.coates.html> ("[Jones's death] was only the latest in a string of suspicious shootings, murders, and beatings that had occurred at the hands of [PGPD] officers."). As Michael's ordeal attests, the "litany of brutalities" carried out by PGPD officers outside of Prince George's County has not abated since Jones's killing. *Id.*

ADMINISTRATIVE NOTICE

83. On May 30, 2014, Farley filed two documents with the MPD: (1) an Incident-Based Event Report, attached as Exhibit A hereto; and (2) a Complainant/Witness Statement, attached as Exhibit B hereto.³ In these documents, Farley outlined his version of the events and noted that Michael was ultimately transported by the MPD for processing.

84. Farley also submitted a narrative for purposes of a PGPD Supervisor's Use Of Force Review, attached as Exhibit C hereto, in which he also described his version of the events. Notably, the supervisor was required to state whether the use of force complied with departmental policy. However, in the version of the report made available to the Robinsons, the supervisor's conclusion was redacted. The supervisor was likewise required to describe what his or her review of the event showed, but this too was redacted in the version of the report made available to the Robinsons.

85. On June 26, 2014, Mr. Robinson filed a PGPD Complaint Against Police Practices, attached as Exhibit D hereto, on Michael's behalf. Mr. Robinson hand delivered a

³ In accordance with LCvR 5.4(f), Plaintiffs have redacted personal identifiers from Exhibits A through D.

copy to PGPD headquarters at 7600 Barlowe Road, Palmer Park, Maryland 20785, and mailed a copy to PGPD's Internal Affairs Division, 6707 Groveton Drive, Clifton, Maryland 20735.

Although these are the only two addresses that appear on the form, Mr. Robinson mailed a third copy to the Circuit Courthouse in Marlboro, Maryland. This complaint describes Farley's unprovoked attack on Michael, the warrantless entry into the home, and Michael's subsequent unlawful arrest. The complaint indicates that Mrs. Robinson witnessed the events described therein, identifies Farley by name, and includes a list of many of the PGPD, PGSO, and MPD vehicles believed to have arrived on the scene. Upon information and belief, the following vehicles were present on May 30, 2014:

Agency	Car #	License
[Maryland]	Unmarked	1AV-M95
[D.C.]	Unmarked	DC 10480
MPD	6034	DC 8272
MPD		DC 9109
MPD		DC 9474
MPD	659	DC 9484
MPD	6031	DC 9874
Seat Pleasant		LG 86104
PGPD		LG 99386
PGPD	4613	PG 2817
PGPD		PG 2859
PGPD	4701	PG 2891
PGPD	4736	PG 2939
PGPD	4825	PG 2969
PGPD	4792	PG 3018
PGPD	4851	PG 3054
PGPD	4929	PG 3135
PGPD	4961	PG 3294
PGPD	4979	PG 3378
PGPD	5102	PG 3416
PGPD	5174	PG 3496
PGPD	5215	PG 3577
PGPD		PG 3620

Agency	Car #	License
PGPD	5349	PG 3710
PGPD	5355	PG 3716
PGPD	1253	PG 3853
PGPD		PG 3968
PGSO		SA 4420
PGSO	12	SA 4423

Both the District of Columbia and Prince George's County had adequate notice of the Robinsons' claims.

CLAIMS FOR RELIEF

COUNT I

(VIOLATION OF THE FOURTH AMENDMENT – EXCESSIVE FORCE)

86. The preceding paragraphs 1 through 52 are incorporated herein by reference.

87. Michael asserts this count under 42 U.S.C. § 1983 and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Hooper; (z) Williams; (aa) Mordecai; (bb) Heyward; (cc) Gray; (dd) Nguyen; (ee) Skelton; (ff) Munn; (gg) Petty; (hh) Uskievich; (ii) Howard; (jj) Rice; (kk) Garrett; (ll) Lewis; (mm) certain unidentified officers of the PGPD; (nn) certain unidentified officers of the MPD; (oo) certain unidentified officers of the PGSO; (pp) Prince George's County; and (qq) the District of Columbia. This count is brought against Farley and the aforementioned Defendant Officers in their individual capacities.

88. Before or soon after Farley began his unprovoked pursuit of Michael, Farley became aware of Michael's physical and intellectual disabilities. As Farley pursued Michael from the bus stop to the apartment building, Michael's physical disability was obvious from the

outset—indeed, Michael walks with a pronounced limp. Any possible doubt as to Michael’s condition was dispelled as soon as Farley stopped him. At that point, Farley observed Michael’s atrophied left arm, slight frame, quiet demeanor, and difficulty communicating. Moreover, Michael carries a disability identification card with him when he takes the bus, and upon information and belief, when Farley asked Michael for identification, he presented that card.

89. Ignoring Michael’s evident physical and cognitive limitations, Farley proceeded to hurl insults at him. Without provocation, Farley then unjustifiably struck Michael, pinned him down, tased him, and dragged him out of the apartment building by his neck. There, Farley again struck Michael and hit him in the head with the taser. Farley’s onslaught left Michael with a taser spike in his back, cuts on his face, and bruises all over his body.

90. At no point had Michael committed a crime or in any way threatened Farley or anybody else. Nor was there any reason to believe Michael was armed or dangerous. Indeed, Michael’s slender build and physical disabilities rendered him utterly harmless, especially in relation to Farley, who physically dwarfed Michael.

91. Farley’s use of force under these circumstances, carried out while he was acting under color of state or local law, was excessive and objectively unreasonable. Farley’s actions caused Michael to suffer substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress. Accordingly, Farley is liable for violating Michael’s rights under the Fourth Amendment, as incorporated against the states by the Fourteenth Amendment.

92. After Michael, who by this point was terrified and injured, retreated to his apartment to avoid further abuse, Mrs. Robinson repeatedly tried to explain to Farley that Michael is disabled and poses no threat to anyone. Several neighbors also spoke up, explaining

that Michael is “sick” and that “he has a problem.” Farley ignored all of them. Eschewing all opportunities to deescalate the situation, Farley called for backup and, after retrieving his cruiser, returned to the apartment building with his firearm drawn.

93. Eventually, at least 29 police vehicles arrived at the Robinsons’ apartment building with at least as many armed Defendant Officers streaming in to the street and around the premises. Defendant Officers knew or should have known about Michael’s disabilities because Mrs. Robinson and the neighbors repeatedly informed them about those disabilities.

94. Nevertheless, Defendant Officers stormed into the Robinsons’ apartment. When they found Michael cowering unarmed in the bathroom, some of them dragged him into a nearby bedroom and began hitting and kicking him. Other Defendant Officers looked on, failing to intervene to protect Michael from the unlawful beating he was receiving. Michael, whose disabilities are manifest, posed no threat to anybody.

95. All of these Defendant Officers were acting under color of state or local law. Those that hit and kicked Michael used objectively unreasonable force. Others stood by idly, failing to take reasonably available steps to halt this use of excessive force, even though they knew or should have known that their fellow officers were violating Michael’s rights. Defendant Officers thus caused Michael to suffer substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress. Accordingly, they are all liable for violating Michael’s Fourth Amendment rights, as incorporated against the states by the Fourteenth Amendment.

96. Prince George’s County and the District of Columbia have demonstrated deliberate indifference to the obvious consequences of their inability to train, monitor, and/or discipline adequately their police officers regarding the use of excessive force. Indeed, their indifference

has allowed their officers to violate citizens' Fourth Amendment rights frequently, in turn directly causing harm. The pattern of excessive force used by MPD and PGPD officers also demonstrates the existence of a policy, practice, and/or custom in each department.

97. PGPD officers have been the subject of many lawsuits alleging, among other constitutional violations, excessive force. *See, e.g., Walker v. Prince George's Cty.*, No. 8:15-cv-02274 (D. Md. 2015); *Taylor v. Prince George's Cty.*, No. 8:13-cv-01678 (D. Md. 2014); *Culmer v. Prince George's Cty.*, No. 8:09-cv-02877 (D. Md. 2009); *McCollum v. McDaniel*, 32 Fed. App'x 49 (4th Cir. 2002). The federal government has previously investigated Prince George's County for excessive force committed by its police officers, *see Aaron Davis, Justice Closes Pr. George's Police Review*, Wash. Post, Feb. 11, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/10/AR2009021002067.html>, and at one point a consent decree was in effect, *see Joshua Chanin, On the Implementation of Pattern or Practice Police Reform*, 15 Criminology, Crim. Just., L.& Soc'y 38, 45 (2014).

98. The District of Columbia has been sued recently for similar conduct. *See, e.g., Zewuge v. District of Columbia*, No. 2015-CA-001565 (D.C. Super. Ct. 2015); *Lane v. District of Columbia*, No. 1:14-cv-01316 (D.D.C. 2014); *Kenley v. District of Columbia*, No. 14-cv-01232 (D.D.C. 2014). And the District of Columbia was also recently the subject of a Department of Justice investigation into excessive force. *See Michael R. Bromwich, Final Report of the Independent Monitor for the Metropolitan Police Department*, June 13, 2008, <http://www.policemonitor.org/MPD/reports/080613reportv2.pdf>.

99. Here, dozens of MPD and PGPD officers participated in—or witnessed, without intervention—the unprovoked beating, kicking, dragging, tasing, and choking of a disabled man who committed no crime and posed no danger to their safety or the public's wellbeing. Prince

George's County and the District of Columbia are liable for violating Michael's Fourth Amendment rights because they (a) have failed to provide adequate training, monitoring, or discipline, (b) have demonstrated deliberate indifference to this failure, and (c) have implemented a policy, practice, and/or custom of excessive force.

COUNT II

(VIOLATION OF THE FOURTH AMENDMENT – UNLAWFUL ENTRY)

100. The preceding paragraphs 1 through 66 are incorporated herein by reference.

101. Michael and Mrs. Robinson assert this count under 42 U.S.C. § 1983 and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Hooper; (z) Williams; (aa) Mordecai; (bb) Heyward; (cc) Gray; (dd) Nguyen; (ee) Skelton; (ff) Munn; (gg) Petty; (hh) Uskievich; (ii) Howard; (jj) Rice; (kk) Garrett; (ll) Lewis; (mm) certain unidentified officers of the PGPD; (nn) certain unidentified officers of the MPD; (oo) certain unidentified officers of the PGSO; (pp) Prince George's County; and (qq) the District of Columbia. This count is brought against Farley and the aforementioned Defendant Officers in their individual capacities.

102. After they arrived at the Robinsons' building, Farley and Defendant Officers stormed into the Robinsons' apartment through the front door and through the open patio door, through which Mrs. Robinson had moments before exited so that she could tell the officers her grandson is disabled and poses no threat to anyone. When they raced past her and into the apartment, she yelled, "No!" Farley and Defendant Officers thus never sought nor obtained her consent to enter the apartment. And, despite the absence of any exigent circumstance, they never

obtained a warrant authorizing them to enter, even though there would have been ample time to do so. Michael did not pose a threat to anyone's safety that would have justified the officers' warrantless entry.

103. Meanwhile, certain other Defendant Officers simply stood by, foregoing an opportunity to stop their fellow officers from storming into the Robinsons' apartment without permission or a warrant.

104. All of these Defendant Officers were acting under color of state or local law. Those that entered the Robinsons' apartment without consent or a warrant acted in an objectively unreasonable manner. And those that stood by idly failed to take reasonably available measures to halt this unlawful entry, which they knew or should have known violated the Robinsons' rights. Defendant Officers thus caused Michael and Mrs. Robinson to suffer substantial harm including, but not limited to, mental and emotional distress. Accordingly, they are all liable for violating Michael's and Mrs. Robinson's rights under the Fourth Amendment, as incorporated against the states by the Fourteenth Amendment.

105. Prince George's County and the District of Columbia have demonstrated deliberate indifference to the obvious consequences of their inability to train, monitor, and/or discipline adequately their police officers regarding unlawful entry. Indeed, their indifference has allowed their officers to violate citizens' Fourth Amendment rights frequently, in turn directly causing harm. This pattern of unlawful entries by MPD and PGPD officers also demonstrates the existence of a policy, practice, and/or custom in each department.

106. In the last several years, multiple individuals have filed claims against Prince George's County, alleging that its police officers have made unlawful entries. *See, e.g., King v. Prince George's Cty.*, No. 8:15-cv-01405 (D. Md. 2015); *Taylor v. Prince George's Cty.*, No.

8:13-cv-01678 (D. Md. 2013); *see also* Debra Cassens Weiss, *Civil Rights Leader Arnwine Says Police Held Her at Gunpoint, Raided Home Without Showing Warrant*, ABA Journal, Nov. 29, 2011, http://www.abajournal.com/news/article/civil_rights_leader_arnwine_says_police_held_her_at_gunpoint_raided_home_wi/; Aaron Davis, *Police Raid Berwyn Heights Mayor's Home, Kill His 2 Dogs*, Wash. Post (July 31, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/30/AR2008073003299.html>.

107. Moreover, upon information and belief, Prince George's County has a practice of not imposing consequences on its officers who violate citizens' constitutional rights. For example, Kevin Davis, who recently took over as Baltimore's interim police commissioner, was involved in kidnapping and excessive force incidents when he was an officer in Prince George's County, yet he was consistently promoted and attained the rank of deputy chief of the PGPD in 2009. *See* Ruben Castaneda, *Interim police chief involved in unconstitutional detainment 16 years ago*, Balt. City Paper, July 9, 2015, <http://www.citypaper.com/blogs/the-news-hole/bcpnews-interim-police-chief-involved-in-unconstitutional-detainment-16-years-ago-20150709-story.html>.

108. The District of Columbia has also recently been sued for its police officers engaging in similar conduct. *See, e.g., Cox v. District of Columbia*, No. 2014-CA-007031 (D.C. Super. Ct. 2014); *Lane v. District of Columbia*, No. 1:14-cv-01316 (D.D.C. 2014); *see also* Andrea Noble, *Report: D.C. police need guidance to avoid unlawful home entry*, Wash. Times, Jun. 12, 2013, <http://www.washingtontimes.com/news/2013/jun/12/report-dc-police-need-guidance-to-avoid-unlawful-h/>.

109. Here, dozens of MPD and PGPD officers participated in—or witnessed, without intervention—the unlawful entry into the Robinsons' home. Prince George's County and the

District of Columbia are liable for violating Michael's Fourth Amendment rights because they (a) have failed to provide adequate training, monitoring, or discipline, (b) have demonstrated deliberate indifference to this failure, and (c) have implemented a policy, practice, and/or custom of unlawful entry.

COUNT III

(VIOLATION OF THE FOURTH AMENDMENT – FALSE ARREST OR, IN THE ALTERNATIVE, UNREASONABLE SEIZURE)

110. The preceding paragraphs 1 through 76 are incorporated herein by reference.

111. Michael asserts this count under 42 U.S.C. § 1983 against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Hooper; (z) Williams; (aa) Mordecai; (bb) Heyward; (cc) Gray; (dd) Nguyen; (ee) Skelton; (ff) Munn; (gg) Petty; (hh) Uskievich; (ii) Howard; (jj) Rice; (kk) Garrett; (ll) Lewis; (mm) certain unidentified officers of the PGPD; (nn) certain unidentified officers of the MPD; (oo) certain unidentified officers of the PGSO; (pp) Prince George's County; and (qq) the District of Columbia. This count is brought against Farley and the aforementioned Defendant Officers in their individual capacities.

112. Farley had neither probable cause nor reasonable suspicion to believe that Michael had committed or had attempted to commit a crime at the time he followed Michael down the street, cursed at him, detained him, and questioned him. Nor at that time did Farley have a reasonable basis to believe that Michael was armed or otherwise dangerous.

113. Rather than permitting Michael to return to his apartment, Farley pursued him and forcibly apprehended him. In so doing, Farley subjected Michael to physical abuse by hitting,

tasing, dragging, and choking him. As he suffered through this brutality, Michael was unable to leave.

114. Each time he detained Michael against Michael's will, Farley, who was acting under color of state or local law, did so without a warrant and outside of his jurisdiction.

115. Farley's actions caused Michael to suffer substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress. Accordingly, Farley is liable for violating Michael's Fourth Amendment right, as incorporated through the Fourteenth Amendment, to be free from arrest without probable cause and/or to be free from unreasonable seizure.

116. After Defendant Officers arrived at the Robinsons' apartment, Farley falsely and maliciously told them that Michael had assaulted him and was dangerous. Farley, however, had no visible injuries. And as Defendant Officers congregated, several neighbors and bystanders told them that Michael is "mentally challenged" and that Michael had done nothing wrong. During this time, Michael remained unarmed and in the apartment, where he hid in the bathroom, terrified. Farley's allegations were thus demonstrably false, such that any reasonable officer would have ascertained that Michael was not a threat.

117. Farley and Defendant Officers knew or should have known that Michael was harmless, that he had retreated into his own home, and that nobody had a warrant or cause to enter the Robinsons' apartment, let alone to arrest Michael. Nevertheless, several Defendant Officers invaded the Robinsons' home, found Michael, who was unarmed, and proceeded to hit and kick him before handcuffing him and putting him in Farley's cruiser.

118. MPD Officers then placed Michael under arrest based solely on Farley's false and malicious assault allegation. As a result, Michael spent the night in jail.

119. At no point—from their arrival on the scene to taking Michael to jail—was there a reasonable basis on which Defendant Officers could have believed that Michael had committed a crime, especially in light of his obvious physical and mental disabilities.

120. Defendant Officers were acting under color of state or local law. By unlawfully detaining Michael and then falsely arresting him, they caused Michael to suffer substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress. Accordingly, they are liable for violating Michael’s Fourth Amendment right, as incorporated through the Fourteenth Amendment, to be free from arrest without probable cause and/or to be free from unreasonable seizure.

121. Prince George’s County and the District of Columbia have demonstrated deliberate indifference to the obvious consequences of their inability to train, monitor, and/or discipline adequately their police officers regarding false arrest and/or unlawful seizure. Indeed, their indifference has allowed their officers to violate citizens’ Fourth Amendment rights frequently, in turn directly causing harm. This pattern of false arrest and/or unlawful seizure by MPD and PGPD officers also demonstrates the existence of a policy, practice, and/or custom in each department.

122. Many individuals have filed claims against Prince George’s County, alleging that its police officers have falsely arrested, unjustifiably incarcerated, or otherwise unlawfully seized residents. *See, e.g., Walker v. Prince George’s Cty.*, No. 8:15-cv-02274 (D. Md. 2015); *King v. Prince George’s Cty.*, No. 8:15-cv-01405 (D. Md. 2015); *Taylor v. Prince George’s Cty.*, No. 8:13-cv-01678 (D. Md. 2014); *Culmer v. Prince George’s Cty.*, No. 8:09-cv-02877 (D. Md. 2009); *Randall v. Prince George’s Cty.*, 302 F.3d 188 (4th Cir. 2002).

123. The District of Columbia has recently been sued for similar conduct. *See, e.g., Zewuge v. District of Columbia*, No. 2015-CA-001565 (D.C. Super. Ct. 2015); *Lane v. District of Columbia*, No. 1:14-cv-01316 (D.D.C. 2014); *Kenley v. District of Columbia*, No. 14-cv-01232 (D.D.C. 2014).

124. Here, dozens of MPD and PGPD officers participated in—or witnessed, without intervention—the false arrest and/or unlawful seizures of Michael. Prince George’s County and the District of Columbia are liable for violating Michael’s Fourth Amendment rights because they (a) have failed to provide adequate training, monitoring, or discipline, (b) have demonstrated deliberate indifference to this failure, and (c) have implemented a policy, practice, and/or custom of unlawful entry.

COUNT IV

(VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, THE REHABILITATION ACT, AND THE D.C. HUMAN RIGHTS ACT)

125. The preceding paragraphs 1 through 91 are incorporated herein by reference.

126. Michael asserts this count under Title II of the Americans with Disabilities Act, 42 U.S.C. § 1231 *et seq.* and Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 *et seq.* against: (a) Prince George’s County; and (b) the District of Columbia. Michael also asserts this count under the District of Columbia Human Rights Act, D.C. Code § 2-1401 *et seq.* against: (a) Prince George’s County; and (b) the District of Columbia.

127. Michael is a person with a disability as defined by 42 U.S.C. § 12102, 29 U.S.C. § 705, and D.C. Code. § 2-1402.02(5A) because cerebral palsy substantially limits several of his major life activities, including his ability to walk, run, and communicate with people. Michael also suffers from diminished brain and neurological function as a result of his cerebral palsy.

128. Soon after Farley began his unprovoked pursuit of Michael, Farley became aware of Michael's physical and intellectual disabilities. As Farley pursued Michael from the bus stop to the apartment building, Michael's physical disability was obvious from the outset—indeed, Michael walks with a pronounced limp. Any doubt as to Michael's condition was dispelled thereafter when Farley stopped him. At that point, Farley observed Michael's atrophied left arm, slight frame, quiet demeanor, and difficulty communicating. Moreover, Michael carries a disability identification card with him when he takes the bus, and upon information and belief, when Farley asked Michael for identification, he presented that card. Finally, Mrs. Robinson and her neighbors repeatedly informed Farley of his disability while Michael was cowering in the Robinsons' apartment.

129. Defendant Officers knew or should have known that Michael is a person with a disability because (1) Michael's difficulty in communication and walking is evident upon interacting with him, and (2) Mrs. Robinson and her neighbors repeatedly informed Defendant Officers of his disabilities.

130. Nevertheless, Farley and Defendant Officers failed to reasonably accommodate Michael's disability in the course of their unprovoked pursuit of Michael, entry into the Robinsons' home, and subsequent arrest, causing him to suffer greater injury and indignity than other individuals and arrestees. In addition to the severe emotional distress resulting from these actions, Michael has required treatment for both the physical injuries and the psychological trauma he suffered at the hands of these officers and as a result of their failure to reasonably accommodate his disability.

131. Potential accommodations might have included, but are not limited to, communicating with his caretaker, who was present at the scene and attempting to apprise these

officers of Michael's disability; working with his caretaker to approach Michael, speak with him, safely remove him from the bathroom, and arrest him, if truly necessary, without the use of force; contacting an officer or employee who specializes in communicating with disabled individuals to facilitate any necessary interaction, removal, or arrest; and ceasing the use of force once it was evident that Michael was unarmed, terrified, and incapable of fleeing.

132. By declining to take any of these measures, among others, Farley and Defendant Officers denied Michael the benefits and services of their employers, as well as subjected him to discrimination, on account of his disability.

133. As public entities that receive federal financial assistance, their employers—Prince George's County and the District of Columbia—are vicariously liable for Farley's and Defendant Officers' violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The District of Columbia is also vicariously liable for all damages stemming from violations of the D.C. Human Rights Act committed by MPD Officers.

134. Additionally, Prince George's County and the District of Columbia are liable pursuant to 42 U.S.C. § 1983 for violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, as these violations are a result of a failure to train, monitor, and discipline their officers and employees; their deliberate indifference thereto; and a practice, policy, and/or custom of the PGPD and the MPD. Indeed, the state of Maryland convened a special task force in 2013 to address this pattern and the underlying inadequate and inconsistent training for law enforcement officers, paramedics, and first responders on interacting with individuals with intellectual and developmental disabilities. *See New Panel Begins Work After In Custody Death of Man with Down Syndrome*, CBS Balt., Oct. 29, 2013,

<http://baltimore.cbslocal.com/2013/10/29/new-panel-begins-work-after-in-custody-death-of-md-man-with-down-syndrome/>.

135. Defendant Corrections Officers released Michael from custody on May 31, 2014. These individuals did not release him into the custody of, or make any attempt to reach, his caretaker upon release, and did not even comply with the basic release procedures required by D.C. Code § 24-211.02a(b) that are applicable to all inmates. As a result, Michael found himself stranded in a strange place, alone and frightened, until his uncle was able to find him. This caused Michael serious mental and emotional distress, from which he still suffers, and placed him at risk of physical injury.

136. Defendant Corrections Officers knew or should have known of Michael's disability. Michael carries with him a disability identification card that, upon information and belief, was seen when Michael was processed by MPD after they took him into custody. The District of Columbia, therefore, knew that it had a special duty to Michael because of his disability. Additionally, Defendant Corrections Officers interacted with Michael as they initially processed him, kept him in custody, and oversaw his release. Because Michael's cognitive and physical disabilities are evident upon interacting with him, they knew or should have known of Michael's disability.

137. Failing to release Michael to his caretaker or in an alternative, safe manner thus denied him the services and benefits offered to those who are arrested by and released from the custody of the District of Columbia. Michael was entitled to a release from custody in a safe and appropriate manner consistent with his disability, and the failure to do so placed him at risk, caused him injury, and subjected him to discrimination on the grounds of his disability. The District of Columbia and Defendant Corrections Officers placed Michael in a situation made

dangerous because of his disability, as he was abandoned in an unfamiliar place and far from his home, without regard to his disability. Because of these actions, Michael has suffered from severe mental and emotional distress and has required treatment.

138. Whether that release was the action of the MPD, the Department of Corrections, another D.C. entity or agency, or agents acting at the behest of the District of Columbia, those charged with the custody of Michael were employed by the District of Columbia or acting under the city's direction. As a public entity that receives federal financial assistance, the District of Columbia is vicariously liable to Michael for damages under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The District of Columbia is also vicariously liable for damages under the D.C. Human Rights Act.

139. Additionally, the District of Columbia is liable for violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act pursuant to 42 U.S.C. § 1983. Upon information and belief, the District of Columbia has not implemented any relevant policies or trained its employees on the application of the Americans with Disabilities Act or the Rehabilitation Act to the release of individuals from its custody. The District of Columbia thus remains deliberately indifferent to these violations and has instituted a practice, policy, and/or custom of not accommodating disabled individuals to ensure a safe and appropriate release in accordance with their disabilities.

COUNT V

(ASSAULT)

140. The preceding paragraphs 1 through 106 are incorporated herein by reference.

141. Michael and Mrs. Robinson assert this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; and (e) Larmore.

142. Farley intentionally attempted to and threatened to do physical harm to Michael when he followed Michael to the Robinsons' apartment building, shouted profanities at him, and approached him with his taser drawn. Farley also attempted to and threatened to do physical harm to Michael and Mrs. Robinson when he roamed outside of the apartment building with his gun and taser drawn, threatening to "kick the whole building in if [Michael] doesn't come out."

143. Defendant Officers intentionally attempted and threatened to do physical harm to Michael and Mrs. Robinson when they entered the Robinsons' home. Defendant Officers also intentionally attempted and threatened to do physical harm to Michael when they removed him from the apartment's bathroom.

144. The attempted and threatened use of force was not warranted during Michael's or Mrs. Robinson's interactions with Farley or the Defendant Officers.

145. As a result of these assaults, Michael and Mrs. Robinson suffered substantial harm including, but not limited to, mental and emotional distress.

146. Farley and the officers who assaulted Michael and Mrs. Robinson are liable to them for damages.

COUNT VI

(BATTERY)

147. The preceding paragraphs 1 through 114 are incorporated herein by reference.

148. Michael asserts this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; and (e) Larmore.

149. Farley purposefully punched, tased, dragged, choked, and hit Michael, among other harmful, intentional actions. Farley's conduct was offensive and caused Michael physical harm and severe mental and emotional distress.

150. Certain Defendant Officers also intentionally hit, dragged, kicked, and otherwise attacked Michael as they removed him from the bathroom where he was hiding.

151. The aforementioned use of force was offensive and not warranted during Michael's interactions with Farley and these Defendant Officers. Because Michael never struck them or even attempted to fight back, they could not have reasonably perceived any harm or threat that would have justified their misconduct.

152. As a result of the aforementioned batteries, Michael suffered substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress.

153. Farley and the officers who battered Michael are liable to him for damages.

COUNT VII

(TRESPASSING)

154. The preceding paragraphs 1 through 122 are incorporated herein by reference.

155. Michael and Mrs. Robinson assert this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Hooper; (z) Williams; (aa) Mordecai; (bb) Heyward; (cc) Gray; (dd) Nguyen; (ee) Skelton; (ff) Munn; (gg) Petty; (hh) Uskievich; (ii) Howard; (jj) Rice; (kk) Garrett; (ll) Lewis; (mm) certain unidentified officers of

the PGPD; (nn) certain unidentified officers of the MPD; (oo) certain unidentified officers of the PGSO; and (pp) the District of Columbia.

156. Farley and certain Defendant Officers purposefully intruded upon the Robinsons' apartment when they entered through the patio door and the front door and remained inside for several minutes, all without authorization from Michael, Mrs. Robinson, or any other resident. This unauthorized incursion disrupted Michael's and Mrs. Robinson's exclusive possession and use of their apartment.

157. By storming into the Robinsons' apartment in tactical gear and in spite of the numerous cries from bystanders regarding Michael's disabilities, the PGSO Officers who unlawfully entered the Robinsons' apartment did so with gross negligence.

158. As a result of this trespassing, Michael and Mrs. Robinson suffered substantial harm including, but not limited to, both mental and emotional distress.

159. Farley and the Defendant Officers who unlawfully intruded upon the Robinsons' home are liable to Michael and Mrs. Robinson for damages.

160. The District of Columbia is vicariously liable for the intentional acts of MPD Officers, who were acting within the scope of their employment.

COUNT VIII

(FALSE ARREST OR, IN THE ALTERNATIVE, FALSE IMPRISONMENT)

161. The preceding paragraphs 1 through 128 are incorporated herein by reference.

162. Michael asserts this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; and (e) Larmore.

163. Farley had neither probable cause nor reasonable suspicion to believe that Michael had committed or had attempted to commit a crime at the time he followed Michael

down the street, cursed at him, detained him, and questioned him. Nor at this time did Farley have a reasonable basis to believe that Michael was armed or otherwise dangerous.

164. Rather than permitting Michael to return to his apartment, Farley pursued him and then forcibly apprehended him. In so doing, Farley subjected Michael to physical abuse by hitting, tasing, dragging, and choking him.

165. Certain Defendant Officers unlawfully detained Michael without a warrant when they entered the Robinsons' apartment, removed Michael from the bathroom where he was hiding, and dragged him into the bedroom, where they proceeded to kick and hit him. These Defendant Officers then placed Michael in handcuffs and kept him in their custody as they walked him out of the apartment and until they placed him in Farley's cruiser, where he was unlawfully detained as Farley drove Michael up the street. Farley then handed off Michael, who remained handcuffed, to MPD Officers.

166. From the time that the officers removed Michael from the bathroom to the point at which Michael was arrested by the MPD Officers, Michael was detained without a warrant, handcuffed, and unable to leave.

167. The MPD Officers patted Michael down, took photos of the injuries to his face, and arrested him on the false and unreasonable ground that he had assaulted Farley. Michael, who remained handcuffed, was kept in MPD custody in the ambulance that took him to the hospital, while he was at the hospital, and until he reached Central Cell Block, at which time he was transferred to the custody of the Department of Corrections.

168. As a result of this false arrest and/or false imprisonment, Michael suffered substantial harm including, but not limited to, physical pain and suffering and both mental and emotional distress.

169. Farley and the officers who falsely arrested and/or falsely imprisoned Michael are liable to Michael for damages.

COUNT IX
(NEGLIGENCE)

170. The preceding paragraphs 1 through 138 are incorporated herein by reference.

171. Michael asserts this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Gray; (z) Nguyen; (aa) Skelton; (bb) Munn; (cc) Petty; (dd) Uskievich; (ee) Howard; (ff) Rice; (gg) Garrett; (hh) Lewis; (ii) certain unidentified officers of the PGPD; (jj) certain unidentified officers of the MPD; (kk) certain unidentified officers, employees, or agents of the Department of Corrections; and (ll) the District of Columbia.

172. After Farley repeatedly struck and tased Michael, and following his call for backup and Mrs. Robinson's call to 911, dozens of PGSO, PGPD, and MPD officers arrived at Mrs. Robinson's apartment. With neither a warrant, an exigent circumstance, nor Mrs. Robinson's consent, they swarmed into Mrs. Robinson's home with their firearms drawn. After apprehending Michael, who had been cowering unarmed in the bathroom, some Defendant Officers began beating him.

173. PGPD Officers and MPD Officers who did not beat Michael had a duty to protect him from the battery being committed by their fellow officers.

174. By failing to intervene, these PGPD Officers and MPD Officers breached their obligation to ensure that the physical harm to which Michael was vulnerable did not materialize.

175. These PGPD Officers' and MPD Officers' negligent conduct proximately caused reasonably foreseeable injuries to Michael, including, but not limited to, physical pain and suffering and mental and emotional distress. Accordingly, they are liable for damages.

176. The District of Columbia is vicariously liable for the negligent acts of MPD Officers, who were acting within the scope of their employment.

177. After Michael spent the night in jail, and the sole charge against him was *nolle prosequied*, Defendant Corrections Officers released Michael from custody on his own. Defendant Corrections Officers did not release him into a family member's custody, nor did they make any attempt to contact his caretaker, Mrs. Robinson, upon release, notwithstanding Michael's manifest difficulty in communication and walking and his possession of a disability identification card. After being released, Michael found himself stranded in a strange place nearly six miles from his home. Michael wandered around, alone and frightened, until his uncle was able to find him.

178. Defendant Corrections Officers, who were responsible for Michael's release, had a duty to conform to the standard of a reasonably prudent corrections officer overseeing a detainee's release.

179. By releasing Michael on his own without contacting his caretaker, Defendant Corrections Officers breached the duty of care they owed to Michael and endangered him in the process.

180. Defendant Corrections Officers' negligent conduct proximately caused reasonably foreseeable injuries to Michael, including mental and emotional distress. Accordingly, they are liable for damages.

181. The District of Columbia is vicariously liable for the negligent acts of Defendant Corrections Officers committed within the scope of their employment or principal-agent relationship.

COUNT X

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

182. The preceding paragraphs 1 through 150 are incorporated herein by reference.

183. Michael and Mrs. Robinson assert this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Hooper; (z) Williams; (aa) Mordecai; (bb) Heyward; (cc) Gray; (dd) Nguyen; (ee) Skelton; (ff) Munn; (gg) Petty; (hh) Uskievich; (ii) Howard; (jj) Rice; (kk) Garrett; (ll) Lewis; (mm) certain unidentified officers of the PGPD; (nn) certain unidentified officers of the MPD; (oo) certain unidentified officers of the PGSO; and (pp) the District of Columbia.

184. When Farley unjustifiably pursued him, Michael's physical disabilities were obvious. Any doubt as to Michael's condition was dispelled thereafter when Farley stopped him. Notwithstanding Michael's evident physical and mental limitations, Farley proceeded to curse at Michael without explanation before striking and tasing him.

185. After pursuing Michael through his apartment building, Mrs. Robinson saw Farley dragging Michael by his neck towards the street. Once outside, Farley continued his onslaught, hitting Michael and striking him in the head with the taser.

186. After Michael retreated to his grandmother's apartment, Farley drew his firearm and called for backup. Thereafter, dozens of PGPD, PGSO, and MPD officers arrived. Farley and Defendant Officers ignored the repeated pleas of Mrs. Robinson and the numerous witnesses who by that point had gathered and were trying to explain Michael's disabilities. Instead, Defendant Officers stormed past Mrs. Robinson and into her apartment with firearms drawn but without a warrant or her consent. After apprehending Michael inside, some of these Defendant Officers began hitting and kicking him.

187. Throughout this ordeal, Farley and Defendant Officers purposefully disregarded Mrs. Robinson's attempts to explain Michael's disability and their error. As a result, Mrs. Robinson was forced to watch as her disabled grandson was beaten, falsely arrested, and hauled off in handcuffs.

188. The misconduct of Farley and Defendant Officers was extreme, outrageous, and malicious. Their atrocious behavior intentionally or, at a minimum, recklessly caused Michael severe emotional distress as evidenced by the anxiety, nightmares, insomnia, restlessness, and fear from which he continues to suffer more than one year later. Their behavior also intentionally or, at a minimum, recklessly caused Mrs. Robinson severe mental and emotional distress.

189. Farley and Defendant Officers are thus liable for damages.

190. The District of Columbia is vicariously liable for the intentional acts of MPD Officers, who were acting within the scope of their employment.

COUNT XI

(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)

191. The preceding paragraphs 1 through 159 are incorporated herein by reference.

192. Michael asserts this count under the common law of the District of Columbia and against: (a) Farley; (b) Babcock; (c) Hilligoss; (d) Meushaw; (e) Larmore; (f) Walker; (g) Lopez; (h) Cordero; (i) Mason; (j) McMillian; (k) Morris; (l) De Jesus; (m) Harris; (n) Graf; (o) Munafo; (p) Marron; (q) Johnson; (r) Coleman; (s) Mason; (t) Jeffreys; (u) Barbour; (v) Wilson; (w) Cicale; (x) Burch; (y) Gray; (z) Nguyen; (aa) Skelton; (bb) Munn; (cc) Petty; (dd) Uskievich; (ee) Howard; (ff) Rice; (gg) Garrett; (hh) Lewis; (ii) certain unidentified officers of the PGPD; (jj) certain unidentified officers of the MPD; and (kk) the District of Columbia.

193. As previously alleged, upon information and belief, not all PGPD Officers and MPD Officers who swarmed into the Robinsons' apartment directly engaged in beating Michael. When these officers failed to intervene to protect him, they acted negligently. Their negligence, in turn, placed Michael in the zone of physical danger, subjecting him to a reasonable fear of immediate and continued physical injury.

194. These PGPD Officers' and MPD Officers' negligent conduct caused Michael to suffer serious mental and emotional distress. Accordingly, they are liable for damages.

195. The District of Columbia is vicariously liable for the negligent acts of MPD Officers, who were acting within the scope of their employment.

COUNT XII

(DEFAMATION AND INVASION OF PRIVACY – FALSE LIGHT)

196. The preceding paragraphs 1 through 164 are incorporated herein by reference.

197. Michael asserts this count under the common law of the District of Columbia and against Farley.

198. After Farley attacked, tased, choked, and dragged Michael, he called for backup on the false basis that Michael had assaulted him.

199. Once officers from the PGPD, the PGSO, and the MPD arrived at the Robinsons' apartment, Farley falsely told them that Michael had assaulted him.

200. Farley then reiterated these false allegations in at least three written police reports and complaints against Michael, including: (1) an Incident-Based Event Report filed with the MPD; (2) a Complainant/Witness Statement filed with the MPD; and (3) the narrative portion of the PGPD Supervisor's Use Of Force Review.

201. In these statements and documents, which were disseminated to MPD and PGPD officers and employees, among others, Farley knowingly made false and malicious allegations that Michael had committed the crime of assaulting a police officer.

202. These allegations, many of which are easily refuted by the video that a witness recorded, also placed Michael in a false light, depicting him as a violent person who assaulted a police officer. Such a false depiction of one's character would be highly offensive to any reasonable person and was, in fact, highly offensive to Michael.

203. On the basis of the false statements that Farley made orally, Michael was forcibly removed from his home and arrested, during which time he was beaten and dragged. These statements, coupled with the written false statements contained within the police reports and complaints, caused Michael to suffer significant emotional distress. Not only is he afraid to leave his apartment, but he also lives in fear that others, including the police, falsely believe that he committed a crime for which they will retaliate against him.

204. Farley, who uttered and published these false allegations about Michael, is thus liable to Michael for damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Michael Robinson and Agnes Joyce Robinson pray for judgment as follows:

- a) An award of compensatory damages, including all appropriate pre- and post-judgment interest, in an amount to be determined that would fully compensate Michael and Mrs. Robinson for their injuries caused by the conduct of the Defendants alleged herein (as well as the cost of treating those injuries), including, but not limited to: physical harm, emotional distress, pain and suffering, embarrassment, and feelings of unjust treatment.
- b) An award of punitive damages in an amount to be determined for the intentional and reckless conduct alleged herein that would effectively deter the Defendants and others similarly situated from engaging in similar conduct in the future;
- c) An award of Michael's and Mrs. Robinson's costs and reasonable attorneys' fees in this action pursuant to 42 U.S.C. §§ 1983, 1988, and 12205; 29 U.S.C. § 794a; and D.C. Code § 2-1403.13(a)(1)(E);
- d) Appropriate injunctive relief; and
- e) Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Michael and Mrs. Robinson request trial by jury as to all issues in this case.

Dated: September 28, 2016

Respectfully submitted,

/s/ William V. O'Reilly

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Exhibit A

to

Plaintiffs' Third Amended Complaint (Case No. 15-cv-00803)

Preliminary Public MPD Document

Metropolitan Police
Department Washington,
D.C.

Incident - Based Event Report



REPORT NUMBER: 14077342

PART I - CLASSIFICATION OF EVENT					
TYPE OF REPORT Offense	EVENT START DATE / TIME 05/30/2014 / 1417	EVENT END DATE / TIME 05/30/2014 / 1417	DATE OF REPORT 05/30/2014	TIME OF REPORT 1435	
DISTRICT 6D	SECTOR	PSA 604	COMPLAINT NUMBER 14077342		
EVENT LOCATION ADDRESS 5330 E ST SE	POSITION	REPORT RECEIVED BY	RADIO RUN LOCATION IF DIFFERENT FROM EVENT LOCATION	PROPERTY TYPE PRIVATE	
EVENT NO. 1 APO (MISD)					
FORCED ENTRY NO	POINT OF ENTRY	Method Used		WEATHER CONDITIONS CLEAR	
SUSPECTED HATE CRIME?	SECURITY SYSTEM	LOCATION TYPE RESIDENCE/HOME	DESIGNATED AREAS SINGLE-FAMILY DWELLING		
PART II - VICTIM INFORMATION					
TYPE COMPLAINANT	NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. FARLEY, BRANDON CARL		RELATED TO EVENT NO(S). 1	VICTIM TYPE INDIVIDUAL	
DATE OF BIRTH 02/10/1988	AGE RANGE 26	SEX MALE	HOME PHONE (301) 772-4901	BUSINESS PHONE	
1 RACE / ETHNICITY WHITE / NOT OF HISPANIC ORIGIN	HOME ADDRESS 7600 BARLOWE RD, LANDOVER, MD 20785				
BUSINESS ADDRESS/SCHOOL	OCCUPATION	IS EVENT RELATED TO OCCUPATION? NO			
ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO.					

PART V - SUSPECT INFORMATION							
1	TYPE	RACE / ETHNICITY	SEX	EXACT AGE OR RANGE	HEIGHT	WEIGHT	EYES
	DEFENDANT OR RESPONDENT (ARREST)	BLACK / NOT OF HISPANIC ORIGIN	MALE	27	5' 03"	132	BROWN
	HAIR	COMPLEXION	SCARS	FACIAL HAIR	HAT	COAT / JACKET	
	BLACK	MEDIUM BROWN		GOATEE, MUSTACHE			
	PANTS	BLOUSE / SHIRT	PERPETRATOR SUSPECTED OF USING				
BLUE	RED, SHORT SLEEVES						
WEAPONS USED IN OFFENSE							
FIREARM		OTHER PERSONAL WEAPONS (HANDS, ETC.)		COLOR	MAKE	MODEL	CALIBER

NARRATIVE Describe event and action taken.

The event occurred in the 5330 E Street SE. PSA 604 in Washington DC. A radio run was announced that a Prince George's police officer needed assistant in the 5300 block of E Street SE. Prince George's Officer B. Farley #3696 was fighting with S-1 inside the apartment hallway of the listed address. S-1 was able to free himself from the officer and ran inside of apartment #4. S-1 was found hiding in the bathroom behind the toilet. S-1 was subdued, placed in handcuffs and transported to the Sixth District for processing. S-1 was charged with ASSAULT ON A POLICE OFFICER.

EVIDENCE TECHNICIAN/CSES #	NAME OF INVESTIGATOR NOTIFIED	TELETYPE NOTIFIED (Name)	NOTIFICATION ALSO REQUIRED WHENEVER MISSING PERSON LOCATED			
TELETYPE #	REPORTING OFFICER'S SIGNATURE LEWIS III, THOMAS L	REPORTING OFFICER'S EMAIL	BADGE NUMBER 2550	ELEMENT 6D		
OTHER POLICE AGENCY	SECOND OFFICER'S NAME	SECOND OFFICER'S EMAIL	BADGE NUMBER	ELEMENT		
SIGNATURE OF SUPERVISOR CLARK, CHRISTOPHER M	SUPERVISOR'S EMAIL	BADGE NUMBER S0194	ELEMENT 6D	REVIEWER	STATUS CLOSED BY ARREST	

Exhibit B

to

Plaintiffs' Third Amended Complaint (Case No. 15-cv-00803)

METROPOLITAN POLICE DEPARTMENT WASHINGTON, D.C.		PD 119 Rev.
COMPLAINANT / WITNESS STATEMENT		1. COMPLAINT NO.
2. NATURE OF INVESTIGATION MISDEMEANOR APO INVESTIGATION		3. UNIT FILE NO.
4. STATEMENT OF: (Last, First, Middle) FARLEY, BRANDON CARL		5. DOB 02/10/1988
		6. SEX male
7. HOME ADDRESS on file		8. HOME PHONE on file
9. EMPLOYMENT (Occupation and Location) PGPD DISTRICT III, 7600 BARLOWE RD LANDOVER MD 20785		10. BUSINESS PHONE 301-772-4901
11. LOCATION STATEMENT TAKEN Sixth District		
12. NAME OF OFFICER TAKING STATEMENT <i>(If other than block 18 include signature)</i>		13. DATE / TIME STARTED 05/30/2014 1630 HRS
14. STATEMENT ON 5/30/2014 WHILE ON ROUTINE PATROL IN LANDOVER MARYLAND I RESPONDED TOWARDS THE AREA OF 50TH ST. WASHINGTON DC TO ASSIST IN A PERIMETER OF A BAIL OUT FROM A VEHICLE BELIEVED TO BE CAR JACKED. WHILE IN ROUTE TO THE AREA A LOOKOUT WAS GIVEN OF A SUSPECT WEARING A RED SHIRT AND DARK COLORED PANTS WHO HAD BAIED OUT OF THE CAR JACKED VEHICLE AND WAS FLEEING ON FOOT IN THE AREA OF 5TH ST. WHILE PASSING 53RD ST. AND E ST. I OBSERVED A MAN MATCHING THE DESCRIPTION OF THE SUSPECT. UPON SEEING MY MARKED POLICE CRUISER THE INDIVIDUAL WEARING A RED SHIRT AND DARK BLUE JEANS TURNED AND RAN IN THE OPPOSITE DIRECTION OF MY POSITION. WHILE IN FULL UNIFORM I GAVE CHASE ON FOOT, GIVING LOUD VERBAL COMMANDS OF "STOP, POLICE" BUT HE CONTINUED TO RUN. UPON CATCHING UP TO THE INDIVIDUAL HE TURNED AND ENGAGED ME WITH PUNCHES. WHILE FIGHTING WITH THE INDIVIDUAL I WAS ABLE TO DIPLOY MY TASER HOWEVER IT WAS INEFFECTIVE AND THE INDIVIDUAL WAS ABLE TO GET BACK TO HIS FEET AND CONTINUE TO FLEE. I CHASED THE INDIVIDUAL INTO THE STAIRWELL OF 5330 E ST. WHERE WE AGAIN BEGAN TO WRESTLE AND FIGHT. I GAVE THE INDIVIDUAL LOUD VERBAL COMMANDS TO PUT HIS HANDS BEHIND HIS BACK AND THAT HE WAS UNDER ARREST. AT THIS POINT MANY RESIDENTS RAN OUT OF THEIR APARTMENTS AND BEGAN TO SURROUND ME, MAKING THREATS AND TAKING AGGRESSIVE STANCES AGAINST ME. THE FIGHT CONTINUED BACK TOWARDS THE FRONT OF THE APARTMENT BUILDING WHERE I CAN REMEMBER THE INDIVIDUAL LANDING A HARD PUNCH TO MY UPPER LEFT TEMPLE, AT THAT POINT I WENT TO DIPLOY MY TASER AGAIN BUT THE INDIVIDUAL GRABBED IT AND ATTEMPTED TO TAKE IT FROM ME. WHILE STRUGGLING TO MAINTAIN CONTROL OF MY WEAPON I STRUCK THE INDIVIDUAL IN THE UPPER BODY WITH MY TASER. AT THAT POINT, SURROUNDED BY A LARGE UNRULY CROWD, I RELEASED THE INDIVIDUAL AND FEARING FOR MY LIFE I DREW MY SERVICE PISTOL AND BACKED OUT OF THE CROWD. I SAW THE INDIVIDUAL RUN BACK INTO THE APARTMENT COMPLEX AND HEAD TOWARDS APARTMENT NUMBER 4. I SECURED THE FRONT OF THE BUIDLING AS BACK UP ARRIVED. ONCE MORE OFFICERS WERE ON SCENE WE WERE LET INTO APARTMENT 4 BY THE INDIVIDUALS GRANDMOTHER AND THE INDIVIDUAL WAS FOUND HIDING IN THE REAR BATHROOM, CROUCHED BEHIND THE TOILET. THE INDIVIDUAL WAS APPREHENDED AND TAKEN INTO CUSTODY.		
15. I HAVE READ THIS STATEMENT GIVEN BY ME OR HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION. ("I UNDERSTAND THAT MAKING OF A FALSE STATEMENT IS PUNISHABLE BY CRIMINAL PENALTIES. D.C.		
Signature of Person Giving Statement		16. DATE / TIME ENDED 05/30/14 1700
		17. PAGE 1 OF 1 PAGE
18. OFFICER OBTAINING THE SIGNATURE IN BLOCK 15:	19. PERSON WITNESSING THE SIGNATURE IN BLOCK 15:	
(Name and Signature)	(Name and Signature)	

Exhibit C

to

Plaintiffs' Third Amended Complaint (Case No. 15-cv-00803)

ADDITIONAL REPORTS: ☐ INCIDENT REPORT ☒ ARREST REPORT ☐ ACCIDENT REPORT ☐ INJURY REPORTS ☐ STATEMENTS ☐ EPS REVIEW ☒ PHOTOS		PRINCE GEORGE'S COUNTY POLICE SUPERVISOR'S USE OF FORCE REVIEW				CASE NUMBER 14-150-1941		PAGE 1 OF 3	
USE OF FORCE NUMBER 14-0243		TYPE OF FORCE USE OF FORCE / TASER DEPLOYMENT				LINKED CASE NUMBER 14-150-1588			
LOCATION OF INCIDENT 5330 E St. #4 SE Washington DC 20019						DATE / TIME OCCURRED 05/30/2014 1357hrs.			
						DATE / TIME SUBMITTED 05/30/2014 1543hrs.			
POLICE		P-POLICE		V-VICTIM		W-WITNESS		L-OTHER LAW ENFORCEMENT	
1. CODE		RANK, NAME, ID		RACE/SEX		SUPERVISOR ID		DUTY STATUS	
P1		POFARLEY #3696		W / M		3047		50	
ASSIGNMENT		CRUISER #		MVS SYSTEM		MVS REVIEWED		RESULT OF REVIEW	
DIST.II/SQ.33		5174		Y ☒ N ☐		Y ☒ N ☐ ID # 3047		NOT CAPTURED	
2. CODE		RANK, NAME, ID		RACE/SEX		SUPERVISOR ID		DUTY STATUS	
				/					
ASSIGNMENT		CRUISER #		MVS SYSTEM		MVS REVIEWED		RESULT OF REVIEW	
				Y ☐ N ☐		Y ☐ N ☐ ID #			
3. CODE		RANK, NAME, ID		RACE/SEX		SUPERVISOR ID		DUTY STATUS	
				/					
ASSIGNMENT		CRUISER #		MVS SYSTEM		MVS REVIEWED		RESULT OF REVIEW	
				Y ☐ N ☐		Y ☐ N ☐ ID #			
WITNESSES/ VICTIM / OTHER				NEIGHBORHOOD CANVAS CONDUCTED				Y ☒ N ☐	
1. CODE				NAME: LAST, FIRST		PHONE #		RACE/ SEX/ DOB	
W1				Robinson, Agnes Joyce		2025750418-0000		B / F / 11/20/1967	
ADDRESS				OBSERVED BEHAVIOR		PHOTOS TAKEN		STATEMENT	
5330 E St. #4 SE Washington DC 20019				41		Y ☐ N ☒		REFUSED	
2. CODE				NAME: LAST, FIRST		PHONE #		RACE/ SEX/ DOB	
X								/ /	
ADDRESS				OBSERVED BEHAVIOR		PHOTOS TAKEN		STATEMENT	
						Y ☐ N ☐			
3. CODE				NAME: LAST, FIRST		PHONE #		RACE/ SEX/ DOB	
X								/ /	
ADDRESS				OBSERVED BEHAVIOR		PHOTOS TAKEN		STATEMENT	
						Y ☐ N ☐			
4. CODE				NAME: LAST, FIRST		PHONE #		RACE/ SEX/ DOB	
X								/ /	
ADDRESS				OBSERVED BEHAVIOR		PHOTOS TAKEN		STATEMENT	
						Y ☐ N ☐			
PERSONS								A - ARRESTED S - SUSPECT F - FIELD OBSERVATION	
1. CODE								NAME: LAST, FIRST	
A1								Robinson, Michael Eugene	
ADDRESS								5330 E St. #4 SE Washington DC 20019	
2. CODE								NAME: LAST, FIRST	
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SUPERVISOR'S USE OF FORCE REVIEW (CONT.)			CCN 14-150-1941		PAGE 2	OF 3
PREMISE TYPE: STREET			LINKED CASE NUMBER			
DESCRIPTION	*O.C./SPRAY ☐ FOAM ☐	ASP	EMPTY HAND	TASER - X26 ☒ M26 ☐	*PEPPERBALL ☐ FN303 ☐	
TARGET AREA				UPPER TORSO		
STRIKES / BURST				NA		
VERBAL WARNING				YES		
TIME TO COMPLY				YES		
DISTANCE				2-4 FEET		
DURATION		N/A	N/A	2-4 seconds	N/A	
*TIME AFTER DEPLOYMENT UNTIL DECONTAMINATION:						
*DESCRIBE EFFORTS TO DECONTAMINATE:						
*RESTRAINED? Y ☐ N ☒	*IF YES, SIRT NOTIFIED? Y ☐ N ☐	*DID SIRT RESPOND? Y ☐ N ☐		EMS RUN #140077322		
WRAP Y ☐ N ☒	EPS Y ☐ N ☒	TRANSPORTED BY ☒ AMBULANCE ☐ CRUISER #		MVS RECORDED ☐ YES ☒ NO		
CODE	X	DISCHARGE OF FIREARMS				MORE NAMES Y ☐ N ☒
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED	
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?	
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY	
NARRATIVE						
On May 30th, 2014 at approximately 1357 hrs, P/O Farley #3696 was canvassing the area at 5300 block of E St. SE Washington DC 20019 to assist officers on a ball out from a vehicle believed to be carjacked. P/O Farley #3696 then observed a subject later identified as (Robinson, Michael Eugene) matching the description given by dispatch and other officers over the radio. P/O Farley #3696 attempted to stop the suspect, but when the suspect observed P/O Farley's #3696 marked cruiser approaching, the suspect began to run in the opposite direction away from P/O Farley #3696. P/O Farley #3696 gave chase on foot while ordering the suspect to stop. P/O Farley #3696 was able to catch up to the suspect in front of 5330 E St. SE Washington DC 20019 where the suspect turned around and faced P/O Farley #3696 in a fighting stance and attempted to strike P/O Farley #3696 with a closed fist. P/O Farley #3696 was able to deploy his Taser while engaging the suspect however the Taser deployment was ineffective and the suspect continued to fight. P/O Farley #3696 kept giving loud verbal commands to the suspect that he was under arrest and to stop resisting but the suspect continued to fight and strike P/O Farley #3696 with his fist. At this point other residents came out of their apartments and started to surround P/O Farley #3696, making threats and acting aggressive and disorderly. The suspect was then able to strike P/O Farley #3696 on the left temple with a closed fist. P/O Farley #3696 then attempted to deploy his Taser once more but the suspect grabbed it and attempted to take it away. P/O Farley #3696 was then able to strike the suspect on the upper torso and create distance. Being surrounded by a large unruly and aggressive crowd P/O Farley #3696 then released the subject. Fearing for his life, P/O Farley #3696 drew his service pistol and backed away from the crowd. P/O Farley #3696 observed the suspect run into apt #4 of the location. P/O Farley #3696 was able to secure the front of the building as back up arrived. Once other officers arrived on scene they were let inside the apartment by the suspect's grandmother (Robinson, Agnes Joyce). The suspect was found hiding inside the rear bathroom of the apartment where he was apprehended and taken into custody by MPDC officers. The suspect sustained a laceration and scratches to his face in the fight with P/O Farley #3696. Medic #30 with the DC fire department responded to check on the suspect under case number 140077322. The suspect was then transported by ambulance to an area hospital. The suspect as well as his grandmother refused to make any statements.						
DID THE USE OF FORCE COMPLY WITH DEPARTMENTAL POLICY						
SHIFT / SECTION COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE				
ASSISTANT COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE				
COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE				

USE OF FORCE NUMBER 14-0243	PRINCE GEORGE'S COUNTY POLICE SUPERVISOR'S USE OF FORCE REVIEW CONTINUATION		PAGE 3 OF 3	CCN 14-150-1941
NARRATIVE				
A/Sgt. Lopez #3047 responded to the scene. A neighborhood canvass was conducted for independent witnesses with negative results. None of the officers involved in this incident were injured. Officer Farley #3696 was operating marked cruiser 5174 which is mobile video system equipped, however Officer Farley #3696 did not to activate his emergency equipment due to the nature of the call. This supervisor's review of this incident showed that this officer [REDACTED]				
DID THE USE OF FORCE COMPLY WITH DEPARTMENTAL POLICY? [REDACTED]				
SHIFT / SECTION COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE [Signature] 1 Sept 2019		
ASSISTANT COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE [Signature] #3067		
COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE [Signature]		

Exhibit D

to

Plaintiffs' Third Amended Complaint (Case No. 15-cv-00803)

THE FOLLOWING INFORMATION IS PROVIDED FOR COMPLAINTS OF EXCESSIVE FORCE OR POLICE BRUTALITY. THIS INFORMATION IS NOT INTENDED TO DISCOURAGE LEGITIMATE COMPLAINTS AGAINST POLICE OFFICERS THE VALIDITY OF A THOROUGH INVESTIGATION DEPENDS UPON TIMELY AND TRUTHFUL INFORMATION.

Maryland Public Safety Code, 3-104 (C) (1) (I-IV) and 3-104 (D)

A complaint against a law enforcement officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by any person with firsthand knowledge obtained as a result of the presence at, and observation of, the alleged incident, or by the parent or guardian in the case of a minor child before an official authorized to administer oaths. An investigation which could lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken unless the complaint is filed within 90 days of the alleged brutality.

Maryland Public Safety Code, 3-113

Any person who knowingly makes a false statement, report or complaint in the course of an investigation or any proceeding conducted under the provisions of this subtitle is subject to the same penalties as provided in **Maryland Criminal Law Code Annotated, 9-501.** (1977, ch. 366.)

Maryland Criminal Law Code Annotated, 9-501

Any person who makes a false statement, report or complaint, or who causes a false statement, report or complaint to be made, to any peace or police officer of any county, city or other political subdivision of this State, knowing the same, or any material part thereof, to be false and with intent to deceive and with intent to cause an investigation or other action to be taken as a result thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$500 or be imprisoned not more than 6 months, or both.

**THIS SECTION MUST BE COMPLETED FOR COMPLAINTS OF
EXCESSIVE FORCE OR POLICE BRUTALITY**

I do solemnly declare and affirm under penalty of perjury that I have read or have had read to me the foregoing laws pertaining to this complaint and that the contents of this document are true and correct to the best of my knowledge and belief.

Eric Robinson

SIGNATURE (IN PRESENCE OF NOTARY)

~~STATE OF MARYLAND~~ :

~~DISTRICT OF COLUMBIA~~ :SS

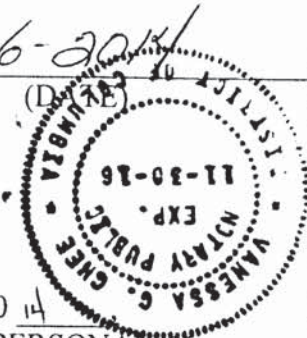
~~COUNTY OF~~ :

I HEREBY CERTIFY THAT ON
THIS

26 DAY OF JUNE, 20 14
BEFORE ME A NOTARY PUBLIC OF SAID STATE AND COUNTY AFORESAID PERSONALLY
APPEARED ERIC ROBINSON AND MADE OATH IN
DUE FORM OF LAW THAT THE MATTERS AND FACTS RELATED HEREIN ARE TRUE.

MY COMMISSION EXPIRES 11/30/2016

NOTARY PUBLIC





PRINCE GEORGE'S COUNTY POLICE DEPARTMENT COMPLAINT AGAINST POLICE PRACTICES

HEADQUARTERS:
7600 BARLOWE ROAD
PALMER PARK, MARYLAND 20785
301-772-4778

INTERNAL AFFAIRS:
6707 GROVETON DRIVE
CLINTON, MARYLAND 20735
301-856-2660

TODAY'S DATE: June 26, 2014

Page 1

YOUR NAME: Robinson (LAST) ERIC (FIRST) (MIDDLE) 11-17-1969 (DATE OF BIRTH)

YOUR ADDRESS: 5330 (STREET) E Street (CITY OR TOWN) DC (STATE) 20019 (ZIP CODE) 4 (APARTMENT NUMBER) 202-904-4877 (HOME PHONE NUMBER WITH AREA CODE)

WHERE CAN YOU BE REACHED DURING THE DAY? (ADDRESS) (PHONE NUMBER WITH AREA CODE)

IF YOU ARE VISITING THE METROPOLITAN WASHINGTON AREA, WHERE CAN YOU BE CONTACTED IN THIS AREA? (ADDRESS) (PHONE NUMBER WITH AREA CODE)

WHEN AND WHERE DID THE INCIDENT THAT YOU ARE COMPLAINING ABOUT OCCUR? MAY 30, 2014 (DATE AND TIME) APPR. 230-300pm

5330 E. STREET SE, Washington, D.C. (GIVE ADDRESS OF INCIDENT OR DESCRIBE IN DETAIL)

LIST THE NAME(S) OF THE OFFICER(S) INVOLVED IF YOU KNOW THEM

(1) Brandon Carl Farley ID 3696 (2) ID

(3) ID (4) ID

ARE THESE OFFICERS FROM THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT OR FROM SOME OTHER AGENCY?
PRINCE GEORGE'S COUNTY POLICE ☒ OTHER (PLEASE LIST)

PLEASE LIST ANY IDENTIFICATION OF THE OFFICER(S) THAT YOU KNOW (CAR NUMBER, PHYSICAL DESCRIPTION, ETC)

LIST THE NAME(S) AND ADDRESS(ES) OF ANY WITNESS(ES) TO THE EVENT YOU ARE COMPLAINING ABOUT

(1) Agnes Robinson (2) Nina N. Venable
5330 E. ST SE #4 5330 E. ST. SE. #1

WHAT IS YOUR COMPLAINT? PLEASE DESCRIBE WHAT HAPPENED IN YOUR OWN WORDS.
(USE EXTRA PAPER, IF NECESSARY, AND ATTACH TO THIS FORM)

On May 30, 2014 My nephew Michael Robinson was on his way to the store, he was stopped by officer Farley and asked for ID. Michael showed his ID which is a disability ID and a Non-Driver's license. Officer Farley order Michael to get off the ground, Michael asked why. Officer Farley then tried to force Michael to the ground he beat Michael and tazered him. Officer Farley also hit Michael in the head with the tazer gun. Michael ran into the house and hid under the bathroom sink. PG officers entered the house officer Farley was hitting Michael again. Michael was handcuffed taken outside and escorted into a PG County Police car. Attach is a copy of PG County Police officers tags and car numbers that were there.

PLEASE READ THE REVERSE SIDE OF THIS FORM

Eric Robinson
YOUR SIGNATURE

WITNESS TO YOUR SIGNATURE

RECEIVED BY THE POLICE DEPARTMENT BY MAIL IN PERSON

BY: SA [Signature] ID 2654 DATE: 6/29/14 TIME: 0000

	TAG	CAR No.
PG	3416-	5102
PG	2969	4825
PG	3716	5355
PG	3853	1253
PG	2939	4736
PG	3577	5215
PG	2891	4701
PG	3054	4851
PG	3135	4929
PG	3710	5349
PG	3378	4979
PG	3496	5174
PG	3294	
SA	4420	
SA	4423	
PG	3620	
PG	2891	
PG	3468	
PG	2817	
PG	3018	
PG	2859	
LC	86104	
LC	99386	
	1 AV - M95	