

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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CHRISTOPHER CANTU, as the)
Administrator of the Estate of)
Robert Earl Lawrence,)
)
Plaintiff)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.)
)
CITY OF DOTHAN, ALABAMA,)
GREG BENTON,)
CHRIS SUMMERLIN, and)
ADRIAN WOODRUFF,)
)
Defendants.)

CASE NO. 1:16-cv-1003
DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Christopher Cantu complains of defendants, stating as follows:

Parties

1. Christopher Cantu is of legal age, a citizen and resident of the state of Alabama and Geneva County, and the duly-appointed representative of the estate of Robert Earl Lawrence.

2. Defendant the City of Dothan, Alabama is a municipality organized and existing under the laws of the state of Alabama.

3. Defendant Greg Benton was employed by the City of Dothan as the police chief at all times relevant to the allegations in this complaint and is a resident and citizen of the state of Alabama. He is sued in his individual capacity.

4. Defendant Chris Summerlin was employed by the City of Dothan as a police officer at all times relevant to the allegations in this complaint and is a resident and citizen of the state of Alabama. He is sued in his individual capacity.

5. Defendant Adrian Woodruff was employed by the City of Dothan as a police officer at all times relevant to the allegations in this complaint and is a resident and citizen of the state of Alabama. She is sued in her individual capacity.

Facts

6. On or about December 30, 2014, Lawrence was attempting to take a stray dog to the Dothan Animal Shelter.

7. Shelter employees demanded that Lawrence provide a driver's license as identification.

8. Lawrence provided his name but refused to provide a driver's license based on his personal convictions and beliefs.

9. Shelter personnel contacted the police.

10. Dothan police officer Chris Summerlin was the first officer on the scene.

11. Lawrence again provided his name but refused to provide a driver's license.

12. Summerlin refused to permit Lawrence to leave without providing identification (in the form of a driver's license) and took Lawrence to the ground.

13. After taking Lawrence to the ground, Summerlin let Lawrence up

without cuffing him.

14. After Summerlin let Lawrence up, Lawrence continued to refuse to provide his identification, and, eventually, Summerlin told Lawrence he was under arrest.

15. Lawrence put his hands up and backed away from Summerlin in order to avoid being arrested.

16. Summerlin then tased Lawrence.

17. After Summerlin tased Lawrence, Woodruff arrived on the scene and began assisting Summerlin.

18. Despite the lack of any threat of death or serious bodily harm to any officer, Woodruff drew her weapon.

19. Summerlin saw Woodruff draw her weapon, had an opportunity to intervene to protect Lawrence, but, nevertheless, failed and refused to intervene.

20. Woodruff then shot Lawrence in the abdomen.

21. Lawrence died from the gunshot wound.

22. The detention and arrest of Lawrence was not based on reasonable suspicion or probable cause, as Lawrence had committed no crime. He was not subject to any legal duty to provide identification.

23. Because the detention and arrest were unlawful, under Alabama law Lawrence had a right to resist the arrest.

24. Lawrence, who all officers knew to be unarmed, resisted the arrest but did not assault or attempt to assault any officer. (Lawrence, who openly carries a handgun, removed his gun and put it in his glovebox when Summerlin arrived.)

25. There was no basis for Woodruff to even draw her gun, let alone shoot Lawrence.

26. Woodruff violated clear City policy in drawing her gun.

27. Woodruff violated clear City policy in discharging her gun.

28. Woodruff's use of deadly force was unnecessary and excessive and resulted in Lawrence's death.

29. The City of Dothan regularly receives calls from citizens who make complaints.

30. Many of these calls are regarding persons who have committed no crime.

31. It is a routine part of the business of the City of Dothan police department for its officers to respond to such complaints and make contact with persons who are the subject of the complaint.

32. In these routine situations, an officers's actions are restricted by clear constitutional rules.

33. One of these rules only permits the officer to detain the person if "the officer has a reasonable, articulable suspicion that criminal activity is afoot." *Illinois v. Wardlow*, 528 U.S. 119, 123 (2000) (citing *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

“While ‘reasonable suspicion’ is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence, the Fourth Amendment requires at least a minimal level of objective justification for making the stop.” *Id.* (citing *United States v. Sokolow*, 490 U.S. 1, 7 (1989)). In the absence of reasonable suspicion justifying the stop, a person approached by an officer “need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way.” *Florida v. Royer*, 460 U.S. 491, 497-98 (1983) (citing *Terry*, 392 U.S. at 32-33 (Harlan, J., concurring) and 34 (White, J., concurring)). An individual “may not be detained even momentarily without reasonable, objective grounds for doing so; and his refusal to listen or answer does not, without more, furnish those grounds.” *Id.* at 498 (citing *United States v. Mendenhall*, 446 U.S. 544, 556 (1980)).

34. Officers conducting traffic stops are subject to similar constitutional restrictions.

35. It is highly predictable that constitutional violations will occur if officers are not trained and supervised regarding the limits on police officers’ authority to make stops, including traffic stops.

36. It is highly predictable that violations of these constitutional rules will lead to unnecessary physical confrontations, unlawful arrests (to justify the force used by the officer), and injuries to innocent citizens who oppose police officers who violate

these constitutional rules.

37. Common charges used by officers in this situation are obstructing governmental operations, disorderly conduct, and resisting arrest.

38. It is well known to experienced police officers and to City policymakers that officers, without proper training and supervision regarding the limits of their authority, are likely to violate the constitutional rules related to stops in an effort to be “proactive” in stopping crime and under the general mantra “better safe rather than sorry.”

39. That is particularly true here because the City evaluated officers’ performance based in part on their statistics for contacts, arrests, and tickets, thereby encouraging officers to be aggressive in their approaches to citizens.

40. In fact, the policies and practices of many police departments regarding stops, including traffic stops, have come under scrutiny in recent years.

41. City policymakers knew to a moral certainty that City officers would regularly confront the question of whether a stop was permissible.

42. Nevertheless, City policymakers, with deliberate indifference, failed to take steps to insure officers were trained and supervised regarding the constitutional limits on officers’ authority in this area.

43. Officers were encouraged to make stops without also being reminded of the limits on their authority to make them.

44. Officers were not trained regarding the limited circumstances in which it is appropriate to arrest persons for disorderly conduct and other charges that are subject to abuse by officers.

45. Officers are initially trained at a certified police academy and are instructed regarding the constitutional rules.

46. Academy training, however, is followed by an extensive training program in which field training officers teach new officers how the job is really done.

47. Prior to the Lawrence incident, City policymakers were aware of numerous incidents in which citizens were subjected to unconstitutional stops, searches, arrests, and uses of force but took no action to investigate and discipline officers.

48. Press reports indicate that the City has a long history of tolerance for misconduct by its officers, including numerous false arrests based on planted or manufactured evidence and evidence that were covered up.

49. In fact, even when a high-ranking Dothan police officer, Captain Keith Gray, complained about the false arrest of two black youths in 2012, there was no investigation.

50. This very case presents a prime example, as even the obvious use of excessive force by Woodruff was not a basis for discipline, and the City's policymakers did not criticize Summerlin's arrest of Lawrence either.

51. Summerlin and Woodruff were not disciplined because the City of Dothan does not take violations of constitutional rights seriously even when they result in an unnecessary death.

52. Despite reviewing evidence, including video recordings, clearly showing that Lawrence's rights were violated, City policymakers determined the actions of the officers were within policy and constitutional limits.

53. The City's actions regarding Lawrence are emblematic of a department that tolerates constitutional violations and uses internal investigations as a means to protect officers and the City from civil liability and bad publicity.

54. The City's failure and refusal to discipline Summerlin and Woodruff and finding that their conduct was within City policy constitutes a ratification of Woodruff's constitutional violations and makes the City liable for Woodruff's constitutional violations under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

55. The actions of City policymakers regarding Lawrence are consistent with and reflective of a pre-existing policy and custom of tolerance for constitutional violations by officers, including illegal seizures, illegal searches, false arrests, and excessive force.

56. Prior to the violations of Lawrence's rights, the City permitted, encouraged, and ratified a pattern and practice of misconduct in that the City:

- a. failed to discipline or prosecute or in any manner deal with known

incidents of misconduct; and

- b. refused to investigate complaints of misconduct, and, instead, officially claimed such incidents were justified and proper.

57. Thus, prior to Lawrence's death, few, if any, officers received informal criticism, let alone formal discipline and certainly were not terminated, for violating a citizen's constitutional rights.

58. City policymakers were aware of prior incidents through use of force reports (which are approved through the chain of command), through reports from the City attorney's office (which prosecutes the false charges used by officers in City court), complaints from citizens, reports from officers, and through other sources.

59. Through long-established practice, the City's policymakers established a custom or policy that incidents of possible, likely, or known misconduct are not investigated or are investigated only with an eye toward protecting the City from civil liability, with the foreseeable result that officers believe they can get away with violating citizens' rights.

60. In furtherance of this custom or policy, the City has set up a system that discourages citizen complaints. While publishing information about other police-related matters on its website, the City does not provide a vehicle for such complaints or inform citizens regarding how to make such complaints on the website. The City does not even state that it has an internal affairs officer, let alone a department

responsible for such investigations.

61. In fact, instead of reviewing incidents of possible, likely, or known misconduct, such incidents are routinely approved through the chain of command.

62. Because use of force reports and internal investigations are not a matter of public record, the number of excessive force and other incidents sanctioned by the City is not known.

63. The foregoing acts, omissions, and systemic failures and deficiencies are policies and customs of the City and caused officers to believe that constitutional violations would be tolerated and that complaints would not be honestly or properly investigated, with the foreseeable result that officers would violate the constitutional rights of Lawrence and other similarly-situated citizens.

64. The customs and policies described above were implemented by the acts and omissions of City policymakers, including the police chief, now retired, defendant Greg Benton.

Count I - 42 U.S.C. § 1983 - Excessive Force

65. On or about December 30, 2014, Woodruff, acting under color of law within the meaning of 42 U.S.C. § 1983, used deadly force on Lawrence, thereby depriving Lawrence of his rights under the Fourth and Fourteenth Amendments to the Constitution of the United States in violation of 42 U.S.C. § 1983. Specifically, she violated Lawrence's right to be free from excessive force.

66. Summerlin not only precipitated the entire incident; he had an opportunity to intervene to protect Lawrence but failed to do so.

67. Woodruff and Summerlin acted with malice or reckless indifference to Lawrence's constitutional rights.

68. The City's policies and customs, including those regarding investigations of citizen complaints and tolerance for constitutional violations in general, were the moving force behind defendants' violation of Lawrence's Fourth Amendment rights.

69. The City's customs and policies were established by City policymakers, including Benton.

70. As a result of the conduct of defendants, Lawrence was shot and killed.

Count II- State Law - Assault and Battery/Excessive Force

71. On or about December 30, 2014, Woodruff shot and killed Lawrence.

72. Woodruff did so in violation of clear City policy regarding when deadly force is permissible.

73. Summerlin not only precipitated the entire incident; he had an opportunity to intervene to protect Lawrence but failed to do so.

74. The conduct of Woodruff and Summerlin was either negligent, wanton, malicious, willful, or in bad faith.

75. As a result of the conduct of defendants, Lawrence was shot and killed.

76. To the extent the conduct of Woodruff and Summerlin was negligent or

careless, the City is liable for Woodruff's conduct.

Other Matters

77. All conditions precedent to the bringing of this suit have occurred.

Relief Sought

78. As relief, plaintiff seeks the following:

- a. That he be awarded such compensatory damages as a jury shall determine from the evidence he is entitled to recover;
- b. That he be awarded against the individual defendants only such punitive damages as a jury shall determine from the evidence he is entitled to recover;
- c. That he be awarded prejudgment and postjudgment interest at the highest rates allowed by law;
- d. That he be awarded the costs of this action, his reasonable attorney's fees, and his reasonable expert witness fees;
- e. That he be awarded such other and further relief to which he is justly entitled.

Dated: December 29, 2016.

Respectfully submitted,

/s Henry F. (Hank) Sherrod III

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Plaintiff requests a trial by jury.

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