



THE PROMISE
OF JUSTICE
INITIATIVE



FFLIC



October 23, 2023

The Honorable Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Re: Renewed Request for Pattern and Practice Investigation of the Baton Rouge
Police Department

Dear Mr. Attorney General,

We write to urge the United States Department of Justice to investigate the Baton Rouge Police Department's (BRPD) long-standing pattern and practice of abusing civilians, using excessive force, and policing discriminatorily. We sent you a similar request for a pattern and practice investigation on July 28, 2021.¹ In that letter, we detailed police brutality in East Baton Rouge, Louisiana (EBR), which gained national attention in 2016 when BRPD officers killed Alton Sterling, a local Black man.²

¹ See **Exhibit A** (2021 Request for a CRIPA Investigation of EBR Law Enforcement).

² See German Lopez, *Alton Sterling Shooting: Video from Baton Rouge Police's Cameras Released*, VOX, Mar. 30, 2018, <https://www.vox.com/2016/7/6/12105380/alton-sterling-police-shooting-baton-rouge-louisiana>.

Nothing has improved in the intervening years. BRPD continues to disproportionately target and abuse Black people, and EBR law enforcement leadership continues to shield the officers accountable for terrorizing the community.

In fact, the need for immediate federal investigation of BRPD has become increasingly urgent: it recently became clear that **BRPD and EBR law enforcement agencies operate at least one—but probably several—torture warehouses**, where officers illegally interrogate, strip search, beat, and sexually assault citizens.³ Victims of the BRPD torture warehouse have already filed federal lawsuits:

- *Lee v. BRPD, et al.*, No. 3:23-cv-1229-SDD-SDJ (M.D. La) (civil rights action brought by a Black man who was illegally detained, beaten, interrogated, and strip-searched by BRPD officers in the torture warehouse);⁴
- *Brown v. BRPD, et al.*, No. 3:23-cv-01313-JWD-EWD (M.D. La) (civil rights action brought by a grandmother who was illegally strip-searched and sexually assaulted by BRPD officers in the torture warehouse).⁵

While the horrors of the torture warehouse—known to BRPD officers as the “BRAVE Cave”—are still becoming known, it is beyond dispute that BRPD officers, acting under color of law, have systematically violated Black people’s fundamental constitutional rights for years.

It has also become clear that BRPD has a policy and practice using fabricated affidavits to illegally arrest and detain citizens, including those who were peacefully and legally protesting EBR law enforcement brutality following the killing of Alton Sterling.⁶ In a 2023 federal trial challenging these practices, BRPD officers testified to falsifying the affidavits and manufacturing evidence.⁷

EBR law enforcement leadership has demonstrated, time and again, that it will not hold its own officers accountable for their illegal conduct. Accordingly, we urge the Department of Justice to use all applicable authority to investigate EBR law enforcement.⁸

³ See Livia Albeck-Ripka, *F.B.I. Investigating Charges of Abuse by Baton Rouge Police in ‘Brave Cave’*, New York Times, Sep. 24, 2023, <https://www.nytimes.com/2023/09/24/us/louisiana-police-brave-cave-abuse.html>; See also Allison Bruhl, *Former BRPD Officer Accused of Sexually Assaulting Woman Pleads Guilty*, BR Proud, Oct. 6, 2022, <https://www.brproud.com/news/local-news/former-brpd-officer-accused-of-sexually-assaulting-woman-pleads-not-guilty/>.

⁴ See **Exhibit B** (*Lee v. Lawrence, et al.*, No. 3:23-cv-01229-SDD-SDJ (M.D. La. Aug. 29, 2023)).

⁵ See **Exhibit C** (*Brown v. Baton Rouge Police Department, et al.*, No. 3:23-cv-01313 (M.D. La. Sept. 18, 2023)).

⁶ See *Imani, et al. v. City of Baton Rouge, et al.*, No. 17-439-JWD-EWD (M.D. La. July 9, 2017).

⁷ *Id.*

⁸ The Violent Crime Control and Law Enforcement Act of 1994 provides that the Attorney General open a pattern or practice investigation whenever he has “reasonable cause to believe that police are engaging in patterns or practices that deprive[] rights, privileges or immunities protected by the Constitution or laws of the United States.” 42 U.S.C. § 14141(b).

FACTS

A. BRPD's Torture Warehouse

BRPD's torture warehouse stands in a fenced-off lot behind BRPD's First Precinct.⁹ Owned by East Baton Rouge Parish, the building is known to members of BRPD's Street Crimes Unit as the "BRAVE Cave."¹⁰ Inside the warehouse, BRPD officers have routinely subjected Baton Rouge citizens—apparently, for years—to illegal detentions and interrogations, without due process or access to counsel, and to illegal strip and body cavity searches. BRPD officers also sexually, physically, and psychologically abused citizens inside the facility.¹¹



Figure 1: Warehouse nicknamed the "BRAVE Cave" in Baton Rouge, Louisiana, where BRPD officers brutalized civilians.¹²

Jeremy Lee. On January 9, 2023, BRPD officers illegally imprisoned Jeremy Lee, a Black man, inside the torture warehouse, where they beat him so severely that the local jail rejected his admission until he received medical aid.¹³ The BRPD officers muted or switched off their body cameras during portions of the beating.¹⁴ Mr. Lee suffered a fractured rib, chest pain, and left facial pain because of this abuse.¹⁵ He filed a civil rights lawsuit on August 29, 2023. The mayor shut down the torture warehouse that same day, after a local television station reported about the

⁹ See Ramon Antonio Vargas, *Louisiana Police Accused of 'Unconscionable' Abuse in "Brave Cave"* (Sept. 23, 2023), <https://www.theguardian.com/us-news/2023/sep/23/louisiana-police-brave-cave-baton-rouge-warehouse-torture>.

¹⁰ See Baton Rouge Police Department Press Conference, Aug. 29, 2023, <https://www.facebook.com/batonrougepolice/videos/1534367750639557/>.

¹¹ See **Exhibit B** at ¶¶ 5, 47-60; **Exhibit C** at ¶ 26.

¹² See Vargas, *Louisiana Police Accused of 'Unconscionable' Abuse in "Brave Cave"* (Sept. 23, 2023), <https://www.theguardian.com/us-news/2023/sep/23/louisiana-police-brave-cave-baton-rouge-warehouse-torture>.

¹³ **Exhibit B** at ¶¶ 2, 5, 55, 59, 60.

¹⁴ *Id.* at ¶ 57.

¹⁵ *Id.* at ¶ 60.

facility.¹⁶ After his beating, Mr. Lee’s mother filed a complaint with the BRPD Internal Affairs (IA) Unit. BRPD denied, falsely, that the complaint was ever filed.¹⁷



Figure 2: Body camera still of Jeremy Lee during his interrogation inside the Brave Cave.¹⁸

Ternell Brown. BRPD officers stopped Mrs. Brown, a Baton Rouge grandmother, while she lawfully possessed two types of prescription pills in the same pill container.¹⁹ BRPD officers deemed this behavior “suspicious” and took Mrs. Brown to the torture warehouse.²⁰ There, three BRPD officers forced Mrs. Brown “to spread her vagina and buttocks for inspection and examined her vagina using a flashlight.”²¹ The officers intentionally turned off their body-worn cameras at the torture warehouse, even though their investigation into Mrs. Brown was ongoing.²² They did not have a warrant, probable cause, or consent to conduct either a strip search²³ or a body cavity search.²⁴ After more than two hours, the officers released Mrs. Brown from the torture warehouse without charge.²⁵ When she tried to file a complaint in person at BRPD Headquarters, Mrs. Brown was told that the officers had done nothing wrong and that her treatment was proper.²⁶

¹⁶ *Id.* at ¶¶ 5, 178; see also BRPD Press Conference, Aug. 29, 2023, <https://www.facebook.com/batonrougepolice/videos/125020924034572/>.

¹⁷ **Exhibit B** at ¶ 173; see also Daniel Wu, *Louisiana Police Held Detainees in ‘Torture Warehouse,’ Lawsuits Say*, The Washington Post, Sept. 20, 2023, <https://www.washingtonpost.com/nation/2023/09/20/baton-rouge-police-brave-cave-lawsuits/>; Scottie Hunter, *I-TEAM: Emails, Reports Reveal City Leaders Knew About Allegations of Abuse at Area Warehouse for Months*, WAFB Channel 9, Aug. 30, 2023, <https://www.wafb.com/2023/08/30/i-team-emails-reports-reveal-city-leaders-knew-about-allegations-abuse-area-warehouse-months/>.

¹⁸ See **Exhibit C** at ¶ 49.

¹⁹ *Id.* at ¶¶ 7, 9-11.

²⁰ *Id.*

²¹ *Id.* at ¶ 26.

²² *Id.* at ¶ 25.

²³ See BRPD Policy Manual General Order 281 (“Strip Search: A visual inspection of an individual who has disrobed including the hair, mouth, ears, nostrils, groin area and buttocks to locate weapons, contraband or evidence.”).

²⁴ See *Id.* (“Body Cavity Search: A search involving not only the visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances the stomach cavity, for weapons, evidence or contraband.”).

²⁵ See **Exhibit C** at ¶ 27.

²⁶ *Id.* at ¶ 28.

The officers who beat Mr. Lee and sexually assaulted Mrs. Brown were not rogue. They were carrying out official BRPD policy. On September 25, 2023, the Civil Rights Division of the Federal Bureau of Investigation opened an investigation into allegations that “members of the [BRPD] may have abused their authority” at the torture warehouse.²⁷ However, the officers who perpetrated the abuses there were reassigned to the Uniform Patrol Division.²⁸ To date, no officers have been arrested for their role in the torture warehouse.

The BRPD torture warehouse was hardly a secret. The building itself is owned by the City Parish, and has for “approximately twenty years been used by various members detectives within the Narcotics Division.”²⁹ BRPD Deputy Chief Myron Daniels admitted that he was “very familiar with this facility of which [he could] say thousands of suspects have been processed in over the years.”³⁰ At a September 27, 2023, emergency Metro City Council meeting, councilmember Jennifer Racca admitted that “our folks [were] made aware months ahead of time” of the existence of the torture warehouse.³¹

B. BRPD’S Policy and Practice of Illegal Strip Searches

Pursuant to its written policy, BRPD’s Street Crimes Unit regularly subjected all those brought to “the BRAVE Cave” to illegal strip searches. Hundreds of these civilians, like Mrs. Brown, were released without formal arrest.

BRPD Policy General Order No. 281 states, in part:

²⁷ See Federal Bureau of Investigation, United States Attorney’s Office, Middle District of Louisiana, *FBI Statement on Baton Rouge Police Department Investigation*, Sept. 25, 2023, <https://www.justice.gov/usao-mdla/pr/fbi-statement-baton-rouge-police-department-investigation>.

²⁸ See Jeremy Krail, *BRPD Dismantles Unit Linked to ‘Brave Cave’ Probe, Launches Criminal Investigation into Officers’ Actions*, WBRZ 2, Aug. 31, 2023, <https://www.wbrz.com/news/brpd-dismantles-unit-linked-to-brave-cave-probe-launches-criminal-investigation-into-officers-actions/>.

²⁹ *Id.*

³⁰ See Baton Rouge Police Department Press Conference, Aug. 29, 2023, <https://www.facebook.com/batonrougepolice/videos/1534367750639557/>.

³¹ See Metropolitan Council, City of Baton Rouge, Parish of East Baton Rouge, at 1:47:36, Sept. 27, 2023, <https://batonrougela.news.swagit.com/videos/272704>.

III. Strip Search

- A. Arrestees will not be subjected to strip searches unless the officer has articulate, reasonable suspicion that this particular arrestee may have weapons or contraband on his person. Reasonable suspicion will be based on the following factors:
1. The nature of the offense charged.
 2. The arrestee's appearance and conduct.
 3. The circumstances of the arrest.
 4. The arrestee's prior record.
- B. Strip searches will be conducted under the following conditions. In the case that a juvenile needs to be strip searched, a supervisor will insure that the following conditions are strictly adhered too.
1. Strip searches of arrestees will only be conducted in either a fully enclosed room that is not accessible to the public or in a fully enclosed and secure portion of a Departmental facility or other custodial facility (e.g. Including the following, but not limited to, Parish Prison, LSU Police Department, and Scotlandville Substation).
 2. Only the minimum number of individuals necessary to conduct the search will be present.
 3. Only officers of the same sex as the arrestee will conduct the search. The arrestee will not be touched by any officer unless it is necessary to counter resistance.
- C. Strip searches may be conducted on non-arrestees based on individualized articulable reasonable suspicion to frisk, probable cause to search, consent, or a court order. In the case that a juvenile needs to be strip searched, a supervisor will insure that the following conditions are strictly adhered too.
1. Reasonable suspicion and probable cause will be based upon the same factors listed in III A.
 2. The search must be conducted in a fully enclosed room that is not accessible to the public.
 3. Only the minimum number of officers necessary to conduct the search will be present. No other persons will be present during the search.
 4. If such a location is not immediately available, the suspect may be brought to the closest departmental facility that meets the criteria set forth above.
 5. The suspect will be detained no longer than is absolutely necessary to conduct the search.
 6. Only officers of the same sex as the subject of the search will conduct the search.

BRPD's strip search policy is facially unconstitutional. When officers have only reasonable suspicion regarding a non-arrestee, long-established law says that they may only conduct a "frisk." *Minnesota v. Dickerson*, 508 U.S. 366 (1993); *see also Williams v. Kaufman County*, 352 F.3d 994 (5th Cir. 2003) (strip search was unreasonably intrusive because "reasonable suspicion had failed to mature into probable cause.").

Hinkle v. Beckham Cty. Bd. of Cty. Comm'rs, 962 F.3d 1204 (10th Cir. 2020), is instructive.³² There, the Tenth Circuit considered the constitutionality of a county's policy of body-cavity strip searching every person arriving at its jail.³³ Finding the policy to be unreasonable under the Fourth Amendment, the court explained that "for detainees like Hinkle who will not be housed

³² *Hinkle v. Beckham Cty. Bd. of Cty. Comm'rs*, 962 F.3d 1204, 1239 (10th Cir. 2020).

³³ *Id.* at 1231.

in the jail’s general population, the County needs far more to justify a body-cavity strip search—probable cause that detainee is secreting evidence of a crime.”³⁴

BRPD’s strip search policy, General Order 281, expressly permits officers to conduct a full strip search based only on “reasonable suspicion to frisk,” even on non-arrestees like Mr. Lee and Mrs. Brown. In practice, BRPD shields officers who illegally strip search civilians, including juveniles, based solely on reasonable suspicion.³⁵ This exceeds the bounds of what the Constitution allows.

C. Resolution of *Imani* Litigation

In our 2021 letter to the U.S. DOJ, we detailed EBR law enforcement’s mass arrest of more than 200 citizens who were peacefully and legally protesting the 2016 shooting of Alton Sterling.³⁶ As we stated, EBR officers in riot gear tased, maced, choked, tackled, and assaulted the protestors³⁷ and treated them “like enemy combatants.”³⁸ These citizens “were blasted repeatedly with an LRAD, a disorienting and deafening sonic weapon,”³⁹ threatened with assault rifles,⁴⁰ and blocked from entering or exiting protest areas.⁴¹ BRPD officers used pre-printed, fabricated sworn probable cause affidavits to effect mass arrests of these peaceful protestors.⁴² More than 67% of people arrested were Black.⁴³

BRPD’s violence that day gained national media attention and resulted in multiple lawsuits against law enforcement. In 2017, 14 plaintiffs—including a child and a journalist—sued the City of Baton Rouge, members of the Baton Rouge Police Department, and the Louisiana State Police. They alleged, among other things, that law enforcement violated their First Amendment rights by arresting them based on pre-printed, fabricated probable cause affidavits.

After years of waiting and uncertainty, the federal jury trial in *Imani, et al. v. City of Baton Rouge, et al.* commenced in February 2023 in the Middle District of Louisiana. During their depositions, four BRPD officers—Corporal Jonathan Abadie, Detective Willie Williams, Officer William Alexander, and Officer Alex Bell—invoked their Fifth Amendment right against self-incrimination to avoid answering questions related to (1) BRPD’s fabricated sworn arrest affidavits; (2) allegations that BRPD manufactured false evidence; and (3) allegations that BRPD

³⁴ *Id.* at 1239 (citing *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1447-49 (9th Cir. 1991) (holding that outside of the “jail context,” detainees “may only be subjected to [body-cavity searches] if there is probable cause to believe that [they] ha[ve] secreted the item sought in a body cavity”)).

³⁵ See Kourtney Williams, *WATCH: BRPD Holds Press Conference to Address Video of Teen Boy Striped Searched*, BRProud, May 28, 2021, <https://www.brpd.com/news/local-news/brpd-to-hold-press-conference-to-address-video-of-teen-boy-striped-searched/>.

³⁶ See **Exhibit A** (2021 Letter) at 10-11.

³⁷ See Karen Savage, *Reporter’s Notebook: Remembering the Brutal Tactics of the Baton Rouge Police*, JUVENILE JUSTICE INFORMATION EXCHANGE, Apr. 2, 2018, <https://jjie.org/2018/04/02/reporters-notebook-remembering-the-brutal-tactics-of-the-baton-rouge-police/>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See Julia Jacobo, *Alton Sterling Protesters Confronted with ‘Militarized’ Police, Suit Says*, ABC News, July 13, 2016, <https://abcnews.go.com/US/alton-sterling-protesters-confronted-militarized-police-suit/story?id=40561582>.

⁴¹ *Id.*

⁴² See **Exhibit D** ECF 297-6, Pre-Printed Affidavit of Probable Cause, *Imani v. City of Baton Rouge*, No. 3:17-cv-00439-JWD-EWD (M.D. La. Sept. 28, 2021).

⁴³ See The Promise of Justice Initiative, *Punished Protestors in Baton Rouge*, 2 (2017).

falsely imprisoned the plaintiffs and other peaceful protestors.⁴⁴ BRPD Officer Simoneaux testified in deposition that an arrest affidavit with his signature was forged.⁴⁵

At trial, several officers admitted to using pre-printed, fabricated probable cause affidavits to arrest the peaceful protestors. Corporal Abadie admitted that he never had any information concerning what a single arrestee was brought to him for, nor did he obtain any information from the officers who corralled the detainees into the designated arresting area.⁴⁶ Instead, he stated that he relied on “good faith” from fellow officers who corralled the detainees into the designated arresting area.⁴⁷ In addition, Williams admitted that he signed probable cause affidavits, under penalty of perjury, *before* even attending the protests.⁴⁸

Evidence adduced at the *Imani* trial demonstrates that BRPD’s policy and practice of fabricating probable cause affidavits is both illegal and well-known. Lt. John Clarity of the Louisiana State Police Department testified that BRPD’s pattern and practice of filing of fabricated forms was a criminal act, amounting to a false police report.⁴⁹ BRPD Officer Billie Walker testified in deposition that he had notified his supervisors in a written memorandum that his signature was forged on multiple affidavits of probable cause.⁵⁰ Despite all this, BRPD has failed to open an internal investigation into any of these issues.⁵¹

The *Imani* trial also demonstrated that BRPD had a practice of illegally arresting peaceful protestors. BRPD SWAT Commander Darren Leach testified that during the protests, officers entered private homes without search warrants under the guise of “hot pursuit,” a so-called exigent circumstance that directs officers to readily pursue alleged offenders who have attempted to thwart arrest.⁵² Leach stood by the officers’ conduct and testified that the pursuit was necessary because the protestors on private property failed “to disperse” and fled, but that “. . . they didn’t flee very far.”⁵³ Instead, he later testified that the cause for “hot pursuit” was simply because protestors “didn’t leave.”⁵⁴

This is in direct contradiction to BRPD policy which states, in pertinent part: “In the course of his duties, an officer finds it necessary to make a forced entry, he will only do so in close pursuit of a dangerous suspect, to render aid to an injured or mentally unstable person or to stop a violent assault in progress.”⁵⁵ Nothing in the policy permits entering private property and arresting individuals for simply standing or failing to disperse as an exigent circumstance.

⁴⁴ See *Imani v. City of Baton Rouge*, 614 F.Supp.3d 306, 327-28 (M.D. La. 2022).

⁴⁵ See ECF 297-1, 41-42, *Imani v. City of Baton Rouge*, No. 3:17-cv-00439-JWD-EWD (M.D. La. Sept. 28, 2021).

⁴⁶ See **Exhibit E**, trial testimony of Jonathan Abadie, *Imani, et al. v. City of Baton Rouge, et al.*, No. 17-439-JWD-EWD (M.D. La. July 9, 2017), at 54:5-12.

⁴⁷ See *id.* at 61:14-17.

⁴⁸ *Id.*; see also trial testimony of Willie Williams, *Imani, et al. v. City of Baton Rouge, et al.*, No. 17-439-JWD-EWD (M.D. La. July 9, 2017), at 105:7-22.

⁴⁹ *Id.* at 359.

⁵⁰ *Id.* at 42.

⁵¹ *Id.*

⁵² See ECF 298, 104-108, *Imani v. City of Baton Rouge*, No. 3:17-cv-00439-JWD-EWD (M.D. La. Sept. 28, 2021).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ See BRPD General Order No. 271.

Before *Imani* was submitted to the jury, the defendants settled for \$1.17 million.⁵⁶

D. BRPD Refuses to Hold its Officers Accountable for their Misconduct or Initiate Department-Wide Reforms.

BRPD officers continue to inflict violence on EBR citizens, most of whom are Black. EBR law enforcement agencies do little to hold their officers accountable or to address widespread misconduct and racism. Despite civilian complaints, public outrage, litigation, and formal complaints by officers in other departments, BRPD has made no meaningful change to its unconstitutional practices.

For instance, the son of the former BRPD Deputy Chief, Troy Lawrence, Jr., has had more suspensions than any other officer with his seniority level.⁵⁷ Lawrence, Jr., has been the subject of numerous instances of excessive force, warrantless searches, and other misconduct, resulting in settlements from taxpayer dollars.⁵⁸ He has been investigated for the following:

1. The January 2020 stop of Clarence Green and his 16-year-old brother that escalated into a public strip search of both Green and his minor brother.⁵⁹ Lawrence, Jr. then forcefully entered Green's mother's home without a warrant and pressured her to consent to a DNA sample of the child. Lawrence, Jr. also threatened to beat Green, who was already detained in handcuffs.⁶⁰
2. In October 2020, Lawrence, Jr. responded to a traffic accident where he verbally assaulted, handcuffed, and dragged Shermanie Reed.⁶¹ Lawrence, Jr. intentionally turned off his body worn camera during the exchange and only received a letter of reprimand for his actions.⁶²
3. In July 2021, Lawrence, Jr. attempted to fight then-Sergeant Cody Gunther in public, exclaiming, "I'll fuck you up right here in front of everybody."⁶³ Lawrence, Jr. was

⁵⁶ See Katie Easter, *Protesters Arrested After Death of Alton Sterling Finally Moving on After Lawsuit Settlement*, WBRZ-2, Feb. 16, 2023, <https://www.wbrz.com/news/protesters-arrested-after-death-of-alton-sterling-finally-moving-on-after-lawsuit-settlement/>

⁵⁷ See **Exhibit C** at ¶¶ 57, 58.

⁵⁸ See Lara Nicholson, *New Federal Lawsuit Accuses Now-Resigned BRPD Officer of Committing 4 Batteries in 90 Seconds*, The Advocate, Aug. 29, 2023, https://www.theadvocate.com/baton_rouge/news/crime_police/new-federal-lawsuit-accuses-now-resigned-brpd-officer-of-committing-4-batteries-in-90-seconds/article_8c4819d0-46ab-11ee-8c2e-0b20444e6f66.html.

⁵⁹ See Elisha Fieldstadt, *Baton Rouge Settles for \$35,000 After Officers Strip Search Man and his 16-Year-Old Brother*, NBC News, May 28, 2021, <https://www.nbcnews.com/news/us-news/baton-rouge-settles-35-000-after-officers-strip-search-man-n1268979>.

⁶⁰ See **Exhibit C** at ¶¶ 61, 62.

⁶¹ See Lea Skene, *BRPD Officer Muted Bodycam Before Spewing Profanity, Illegally Detaining Woman, Lawsuit Claims*, The Advocate, Nov. 1, 2023, https://www.theadvocate.com/baton_rouge/news/crime_police/brpd-officer-muted-bodycam-before-spewing-profanity-illegally-detaining-woman-lawsuit-claims/article_f562c70c-3b37-11ec-ba99-b302efeddc19.html.

⁶² See **Exhibit C** at ¶¶ 79, 82.

⁶³ *Id.* at ¶ 97, 100, 101.

suspended for 25 days.⁶⁴ During an Internal Affairs investigation, Sgt. Gunter admitted the following under oath:⁶⁵

-Do you have any personal vendettas against Ofc. Lawrence?
[REDACTED] replied, "No."

-Is there any reason that you feel you cannot work with or in the presence of Ofc. Lawrence and if so, please explain?
[REDACTED] replied, "I would not be comfortable working in the presence of Ofc. Lawrence because I don't know what he is capable of. I feel that he has a lot anger towards me and it's not going away."

4. In October 2022, Lawrence, Jr. physically attacked Holden Sanders, Emanuel Chavis, and a bystander.⁶⁶ His police report falsely claimed that those individuals were resisting arrest and disturbing the peace.⁶⁷ Body-worn camera footage, however, demonstrates otherwise.⁶⁸
5. In December 2022, cell phone video footage captured Lawrence, Jr. punching a handcuffed man in the stomach and pulling his hair.⁶⁹ Internal Affairs opened an investigation. Lawrence, Jr. was cleared.⁷⁰
6. In January 2023, Lawrence, Jr. beat Jeremy Lee in the BRPD torture warehouse known as the Brave Cave. Mr. Lee's injuries were so severe that Parish jail officials would not book him until he was taken to the hospital.⁷¹
7. On June 10, 2023, Lawrence, Jr. stopped Ternell Brown, searched her vehicle without consent or a warrant, and took her to the Brave Cave, where he conducted an unconstitutional strip and body cavity search.⁷²

Lawrence, Jr. resigned from BRPD pending an investigation into allegations that he tased an individual while in handcuffs.⁷³

⁶⁴ *Id.* at ¶ 98.

⁶⁵ *Id.* at ¶ 105.

⁶⁶ See *Chavis, et al. v. Lawrence, et al.*, No. 23-cv-1129 (M.D. La. Aug. 28, 2023). at ¶ 1.

⁶⁷ *Id.* at ¶ 69.

⁶⁸ *Id.* ¶¶ 11, 14, 15, 21, 22, 25, 27, 28, 29, 34, 35.

⁶⁹ See WBRZ Staff, *BRPD Opens Internal Investigation after Cell Phone Video Captures Violent Confrontation*, WBRZ 2, Dec. 22, 2022, <https://www.wbrz.com/news/brpd-opens-internal-investigation-after-cell-phone-video-captures-violent-confrontation/>.

⁷⁰ See **Exhibit C** at ¶ 136.

⁷¹ *Id.*

⁷² *Id.*

⁷³ See Jeremy Krail, *Troubled BRPD Officer Implicated in 'Brave Cave' Lawsuit Arrested on Simple Battery Charge*, WBRZ 2, Sep 24, 2023, <https://www.wbrz.com/news/troubled-brpd-officer-implicated-in-brave-cave-lawsuit-arrested-on-simple-battery-charge/>.

CONCLUSION

EBR law enforcement agencies continue to brutalize civilians and terrorize Black communities. Law enforcement leadership has failed to hold its own officers accountable for misconduct or initiate any meaningful police reform. We implore the U.S. Department of Justice to open a pattern or practice investigation into EBR law enforcement.

Sincerely,

Samantha Kennedy
Executive Director
The Promise of Justice Initiative
skennedy@defendla.org

Efrén C. Olivares
Interim Director of Strategic Litigation
Southern Poverty Law Center
efren.olivares@splcenter.org

Alanah Odoms
Executive Director
ACLU of Louisiana
ahebert@laaclu.org

Reverend Alexis Anderson
Executive Director, PREACH
Member, East Baton Rouge Parish Prison Reform Coalition
preachisliteracy@hotmail.com

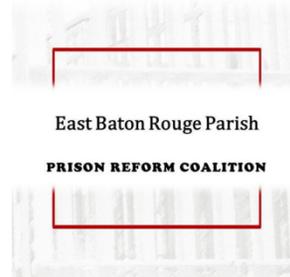
Laketa Smith
Executive Director
A Bella LaFemme Society
contact@ablsociety.org

Gina B. Womack,
CO-Founder and Executive Director
Families and Friends of Louisiana's Incarcerated Children
gwomack@fflic.org

Sarah Whittington
Director of Advocacy
Justice and Accountability Center of Louisiana
sarah@JACLouisiana.org

Aaron Clark-Rizzio
Co-Executive Director
Louisiana Center for Children's Rights
aclarkrizzio@lakidsrights.org

EXHIBIT A



Dear Mr. Attorney General,

The community groups listed below write to you on behalf of the people of East Baton Rouge Parish (EBR), Louisiana to request a pattern or practice investigation into policing in EBR.

Law enforcement agencies in EBR have a long history of violent and discriminatory police practices. Despite urgent calls for reform after the Baton Rouge Police Department (BRPD) killed Alton Sterling in 2016, EBR's law enforcement agencies continue to use excessive force on civilians. Notably, the vast majority of police violence in EBR is inflicted on Black people.ⁱ Below are examples of police brutality that illustrate the urgent need and justification for a Civil Rights investigation.

- In June 2017, BRPD Officer Hamadeh shot Jordan Frazier in his back while he ran away, killing him.ⁱⁱ Hamadeh was not disciplinedⁱⁱⁱ and was later awarded a Medal of Honor.^{iv} Just over a year later, in August 2018, Officer Hamadeh shot a second person, Raheem Howard, claiming that Howard had shot at him first.^v Audio recording later revealed that only one shot—Officer Hamadeh's—had been fired.^{vi} Until the audio was uncovered, Howard was charged with attempted murder of an officer.^{vii} Both Mr. Frazier and Mr. Howard were young Black men when Officer Hamadeh shot them.^{viii}
- In October 2018, during an arrest for a single marijuana cigarette, BRPD officers punched, pepper sprayed, tased, and choked Steven Young in an assault that lasted almost six minutes.^{ix} Mr. Young's "eyes [were] nearly swollen shut [and] he ha[d] an open wound on the right side of his temple."^x
- In January 2020, after stopping a car for "suspicious driving," officers handcuffed two brothers inside, one a minor and "pulled down their underwear while they stood on the public street, exposing their genitals."^{xi} Officers then entered the boys' home, guns

drawn, and searched it without a warrant.^{xii} In an order dismissing the older brother's resulting criminal case with prejudice, the judge wrote that "the state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights" and that the officers' actions "may justifiably be considered to be a trespass subject to prosecution."^{xiii} While Officer Camallo was disciplined for executing the warrantless search, "Chief Murphy Paul said those [strip searches] did not violate BRPD policies given the circumstances."^{xiv}

- From 2017 to 2019, BRPD's police dogs bit almost 150 people, more 90% of whom were Black.^{xv} Nearly all people bitten were unarmed, and "in nearly every case, police were responding to suspected nonviolent property crimes."^{xvi} More than a third of those bitten were minors, reflecting BRPD's indiscriminate violence and general disregard for children's safety.^{xvii} In one instance, police deployed a dog on a middle school child after he surrendered to police with his hands up.^{xviii} The dog "ripped right through a pair of jeans and into his right leg 'almost to the bone.'"^{xix} In another instance, BRPD deployed dogs to drag out and bite a teenager hiding under a house, simply to get him to come out; he was harming no one and had seemingly been approached for a traffic violation.^{xx} In response to criticism about its K-9 unit, Baton Rouge law enforcement officials have defended the department's practices.^{xxi}
- Between 2015 and 2019, there were 26 in-custody deaths at East Baton Rouge Parish Prison, making it the deadliest parish prison in Louisiana.^{xxii} The East Baton Rouge Sheriff's Office oversees the prison.^{xxiii}
- In July 2020, a BRPD officer used a "knee restraint" on a teenaged boy, leaving the boy with injuries requiring a neck brace and possible surgery.^{xxiv} Video confirms that BRPD assaulted the boy after he exited a car with his hands raised.^{xxv}
- In February 2021, BRPD was caught on video throwing a Black 13-year-old boy to the ground and choking him.^{xxvi}
- In a June 2021 complaint, a Southern University student alleged that a BRPD officer took her phone, threatened her into meeting him at a warehouse where he made "sexual advances," and instructed her to leave her apartment unlocked so that he could come over to have sex with her.^{xxvii}

Alarming, law enforcement leadership has done little to hold officers accountable after violent incidents or to address widespread misconduct and racism. Despite civilian complaints, public outrage, a litany of lawsuits, and even formal complaints by officers from other police departments, EBR law enforcement agencies have made no meaningful change to the brutal practices of its departments. To the contrary, law enforcement officials and city leaders have often responded to criticism with efforts to silence and retaliate against those who speak out against them. It has been made plain that EBR's law enforcement leadership is uninterested in and even hostile to review, necessitating an external investigation.

We ask the DOJ to investigate whether EBR law enforcement agencies use excessive force, police in a racially discriminatory manner, and retaliate against their critics. The United States Attorney General is authorized to conduct such an investigation per The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14141 ("Section 14141"). A pattern or practice investigation is urgently needed to preserve the rights and safety of EBR civilians.

Sincerely,

A Bella LaFemme Society
Decarcerate Louisiana
The East Baton Rouge Parish Prison Reform Coalition
Families and Friends of Louisiana's Incarcerated Children
The Justice and Accountability Center of Louisiana
Louisiana Center for Children's Rights
Louisiana Survivors for Reform
PREACH
The Promise of Justice Initiative

ⁱ Will Sentell, 'Stark disparities' in police shootings in Louisiana under Review in state legislature, THE ADVOCATE (Sept. 1, 2020, 11:50 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html.

ⁱⁱ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

ⁱⁱⁱ Clarissa Sosin & Daryl Khan, *Controversial Baton Rouge Police Shooting Case Slated to Go Before Grand Jury*, JUV. JUST.: INFO. EXCH. (Jan. 11, 2020), <https://jjie.org/2020/01/11/controversial-baton-rouge-police-shooting-case-slated-to-go-before-grand-jury/>.

^{iv} THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^v Grace Toohey, *Man released from jail after August Baton Rouge police shooting case was dropped*, THE ADVOCATE (Oct. 2, 2018, 12:45 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b988c480-c5f5-11e8-8ead-43b5db599fac.html.

^{vi} *Id.*; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^{vii} Toohey, *supra* note v.; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

^{viii} Sosin et al., *supra* note iii.

^{ix} Grace Toohey, *Judge denies request to release body cam footage of 'troubling' arrest: attorneys call for transparency*, THE ADVOCATE (Dec. 20, 2018, 12:15 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_1a132706-03ee-11e9-b41c-4bce7b14ab97.html; Daryl Khan & Clarissa Sosin, *Video Shows Baton Rouge Police Pinning Man to the Ground and Beating Him*, THE APPEAL (Dec. 20, 2018), <https://theappeal.org/video-shows-baton-rouge-police-pinning-man-to-the-ground-and-beating-him/>.

^x Khan et al., *supra* note ix.

^{xi} Billy Binion, *Baton Rouge Cops Strip-Searched a Minor During a Traffic Stop and Entered a Family's Home Without a Warrant. The City Just Settled for \$35,000*, REASON (May 25, 2021, 5:10 PM), <https://reason.com/2021/05/25/baton-rouge-cops-strip-searched-minor-traffic-stop-ken-camallo-clarence-green/>.

^{xii} *Id.*

^{xiii} United States v. Green, No. 20-00046-BaJ-SDJ (M.D. La. Dec. 29, 2020) (order granting dismissal with prejudice).

^{xiv} Lea Skene, *BRPD officer demoted and suspended over warrantless search that was lambasted by federal judge*, THE ADVOCATE (June 22, 2021, 1:53 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_15614278-d38b-11eb-b7bf-833be235e1f3.html.

^{xv} Bryn Stole & Grace Toohey, *The City Where Police Unleash Dogs on Black Teens*, THE MARSHALL PROJECT (Feb. 12, 2021, 6:00 AM), <https://www.themarshallproject.org/2021/02/12/the-city-where-police-unleash-dogs-on-black-teens>.

^{xvi} *Id.*

^{xvii} *Id.*

^{xviii} *Id.*

^{xix} *Id.*

^{xx} *Id.*

^{xxi} *Id.*

^{xxii} JC Canicosa, *In five years, 786 people died in Louisiana's jails and prisons, a new report finds*, LOUISIANA ILLUMINATOR (June 2, 2021), <https://lailluminator.com/2021/06/02/in-five-years-786-people-died-in-louisianas-jails-and-prisons-a-new-report-finds/>.

^{xxiii} *Who We Are*, EAST BATON ROUGE SHERIFF'S OFFICE, <https://www.ebrso.org/WHO-WE-ARE>.

^{xxiv} Lea Skene, *Investigation of BRPD officers: 2 on leave after chase, officer used knee restraint*, THE ADVOCATE (July 13, 2020, 5:14 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_f032a124-c538-11ea-b7bb-cb26d45f0dd4.html.

^{xxv} *Id.*

^{xxvi} ArLuther Lee, *Video shows Baton Rouge officer with arm around Black teen's neck*, THE ATLANTA J.-CONST. (Feb. 24, 2021), <https://www.ajc.com/news/video-shows-baton-rouge-officer-with-arm-around-black-teens-neck/PR7J3GOPA5AOJATW7IGHCQORGY/>.

^{xxvii} Lea Skene, *Did BR officer solicit sexual favors from Southern student he pulled over? Here's her complaint*, THE ADVOCATE (June 20, 2021, 10:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b0667760-d904-11eb-a570-63d5f165c2d1.html.



July 28, 2021

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Re: Request for Pattern or Practice Investigation into Misconduct by East Baton Rouge, Louisiana
Law Enforcement Agencies

Dear Mr. Attorney General,

We write to you on behalf of the people of East Baton Rouge Parish, Louisiana with a request for the Department of Justice to investigate and bring a civil action to address the pattern and practice of constitutional violations in East Baton Rouge Parish.

Police brutality in East Baton Rouge Parish (EBR) gained national attention in 2016 when Baton Rouge Police Department (BRPD) officers shot Alton Sterling, a local African American man, at point-blank range and killed him.¹ Peaceful protestors filled the streets of Baton Rouge, outraged at BRPD's murder of Mr. Sterling.² Protestors familiar with EBR's history knew that the brutality against Mr. Sterling was not unusual or new in the parish. EBR law enforcement agencies have long abused civilians, used excessive force, and policed discriminatorily. Despite decades of police violence and public outrage, incidents of fatal shootings and other forms of police brutality in EBR still abound today.

African American communities have been and continue to be the primary targets of EBR police brutality. Institutional racism and racist sentiment among EBR officers have led to the over-policing of African American communities and youth, discriminatory law enforcement, and frequent use of excessive violence against African Americans.

¹ German Lopez, *Alton Sterling shooting: video from Baton Rouge police's cameras released*, VOX (updated Mar. 30, 2018, 8:37 PM), <https://www.vox.com/2016/7/6/12105380/alton-sterling-police-shooting-baton-rouge-louisiana>.

² *Id.*

Alarminglly, law enforcement leadership has done little to hold officers accountable for their violence or to address widespread misconduct and racism. Despite civilian complaints, public outcry, a litany of lawsuits, and even formal complaints by officers from other police departments, EBR’s law enforcement leadership has made no meaningful change to the brutal and violent practices of its departments. To the contrary, law enforcement officials and city leaders have often responded to criticism with efforts to silence and retaliate against those who speak out against them.

We are writing to ask the Department of Justice to investigate whether EBR law enforcement agencies have a pattern or practice of civil rights violations. In particular, we ask the DOJ to investigate whether EBR law enforcement agencies use excessive force, police in a racially discriminatory manner, and retaliate against their critics. The United States Attorney General is authorized to conduct such an investigation per The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (re-codified at 34 U.S.C. § 12601). A pattern or practice investigation is urgently needed to preserve the rights and safety of EBR civilians.

I. Background on East Baton Rouge Parish and its History of Racism

East Baton Rouge Parish (EBR) is one of Louisiana’s sixty four parishes³ and encompasses Louisiana’s capitol city, Baton Rouge, as well as surrounding smaller cities and unincorporated land.⁴ EBR has approximately 440,000 residents, making it the most populated parish in Louisiana.⁵ The parish’s residents are roughly half white and half African American, and the parish is “essentially segregated.”⁶ EBR has a long history of segregation, with efforts to resist school desegregation continuing into the 1980s.⁷ The most recent effort to preserve segregation was a 2019 vote for a mostly white, unincorporated area of EBR to secede from Baton Rouge to form the independent city of St. George.⁸

EBR is policed by a multitude of law enforcement agencies, primarily the Baton Rouge Police Department (BRPD), the East Baton Rouge Sheriff’s Office (EBRSO), and the Louisiana State Police (LSP). BRPD is the primary law enforcement agency in the city,⁹ with a recent budget for about 700 police officers.¹⁰ EBRSO also polices the parish and has the additional duty of overseeing the East Baton Rouge Parish Prison;¹¹ it employs almost 850 full-time sheriff deputies.¹² And LSP is a

³ *Louisiana Parishes*, LOUISIANA.GOV, <https://www.louisiana.gov/local-louisiana/#:~:text=The%20state%20of%20Louisiana%20is,being%20used%20within%20the%20parishes.>

⁴ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 6 (2021).

⁵ *Id.*

⁶ *Id.*

⁷ William Horne, *How racial segregation exacerbates flooding in Baton Rouge*, WASH. POST (Nov. 12, 2019), <https://www.washingtonpost.com/outlook/2019/11/12/how-racial-segregation-exacerbates-flooding-baton-rouge/>.

⁸ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 6 (2021).

⁹ *Baton Rouge Police Department*, CITY OF BATON ROUGE, <https://www.brla.gov/203/Police-Department>.

¹⁰ Jacqueline DeRobertis & Grace Toohey, *As Baton Rouge police officer numbers plummet, the agency tries new recruiting efforts*, THE ADVOCATE (Aug. 4, 2019),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_86894dce-b574-11e9-a8b0-3fd1fa8ccfd9.html.

¹¹ *Who We Are*, EAST BATON ROUGE SHERIFF’S OFFICE, <https://www.ebrso.org/WHO-WE-ARE>.

¹² *East Baton Rouge Parish*, LOUISIANA SHERIFFS’ ASSOCIATION, <https://www.lsa.org/east-baton-rouge-parish>.

statewide law enforcement agency with Troop A assigned to patrol EBR.¹³ The majority of this complaint focuses on misconduct by BRPD, though EBR's and LSP's police practices suggest a similar pattern and practice of racial discrimination and excessive force.

To fully appreciate the pattern and practice of police brutality in EBR, it is essential to recognize and examine the institutional racism in EBR law enforcement agencies as well as the racist sentiment pervasive among officers. While EBR police brutality is not confined to communities of color, the vast majority of police violence is inflicted on African Americans.¹⁴

The racism in today's police practices can be traced back to the origins of EBR and Louisiana police departments. "The foundation for modern policing was built on decades of enforcing racist and violently oppressive laws."¹⁵ Until the late 19th century, militias in Louisiana enforced the Black Code, which "regulate[d] the sale, labor, freedom, and daily lives of enslaved people and free people of color."¹⁶ This sweeping enforcement power was later transferred to the sheriff.¹⁷ From 1877 to 1950, more than 500 African Americans were lynched in Louisiana.¹⁸ "These extra-judicial murders were either tacitly or expressly allowed by law enforcement as punishment for suspected crimes. The police also served as the primary enforcers of Jim Crow laws that existed principally in order to denigrate and dehumanize Black people."¹⁹

BRPD was established in 1865 as an all-white police force, and it did not hire African American officers for almost 100 years.²⁰ For *nearly forty years*, until 2019, BRPD was under a federal consent decree for racial and gender discrimination in hiring; it trailed neighboring police departments in compliance.²¹ Still, there remains a troubling gap between the racial makeup of EBR and that of BRPD officers: in 2019, roughly 55% of Baton Rouge was African American, but only 34.4% of BRPD officers were African American.²²

That racist sentiment still pervades EBR law enforcement agencies has been made plain by the slew of officers' racist text messages, emails, and online posts that have come to light in the last decade. Some examples include:

- In 2014, just weeks after a Ferguson, Missouri, police officer shot and killed Michael Brown, 15-year BRPD veteran Officer Elsbury texted: "I wish someone would pull a Ferguson on

¹³ *Troop A*, LOUISIANA STATE POLICE: PUBLIC SAFETY SERVICES, <http://www.lsp.org/troopa.html>.

¹⁴ Will Sentell, 'Stark disparities' in police shootings in Louisiana under Review in state legislature, THE ADVOCATE (Sept. 1, 2020, 11:50 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html; Bryn Stole & Grace Toohey, *The City Where Police Unleash Dogs on Black Teens*, THE MARSHALL PROJECT (Feb. 12, 2021, 6:00 AM), <https://www.themarshallproject.org/2021/02/12/the-city-where-police-unleash-dogs-on-black-teens>.

¹⁵ [THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY,"](#) 9 (2021).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 22; Complaint at 14, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. July 9, 2017).

²² [THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY,"](#) 22 (2021).

them and take them out. I hate looking at those African monkeys at work ... I enjoy arresting those thugs with their saggy pants.”²³ Elsbury resigned from BRPD before an internal investigation was completed.²⁴

- Just a few weeks earlier, an unnamed BRPD officer emailed a U.S. Army Sergeant: “fucking n*****.”²⁵ (See Appendix A). The officer returned to work after completing a diversity training.²⁶
- In November 2015, in a back-and-forth email correspondence with a Denham Springs police officer, an unnamed BRPD officer responded affirmatively to the Denham officer’s hateful and racist comments, including their statement that “no n***** will ever bring me down.”²⁷ (See Appendix B). The BRPD officer returned to work after completing a diversity training.²⁸
- In May 2017, during a discussion of protests about Alton Sterling’s death, BRPD Officer Dupuy sent text messages to his squad with “an animated photo depicting a chimpanzee with racial undertones.”²⁹ Dupuy was suspended for 20 days before returning to work.³⁰
- In November 2017, BRPD officers complained that Officer Steele made a racist comment to an officer of Middle Eastern descent.³¹ Steele was suspended for three days before returning to work.³²
- In September 2020, it was discovered that Sergeant Kuhn, a 20-year veteran of BRPD, had posted “racist, sexist, insulting and other offensive and insensitive language” on an online blog.³³ Kuhn resigned from BRPD before being interviewed for the investigation.³⁴

While the police chiefs serving during these incidents described the comments as “disturbing,” “unacceptable,”³⁵ and “gut-wrenching,”³⁶ they did little to hold those who wrote them accountable. Many of the officers who sent these racist messages returned quickly to policing communities of

²³ Daniel Bethencourt, *Baton Rouge cop resigns, accused of sending racist texts*, THE ADVOCATE (Sept. 5, 2014, 6:00 PM), https://www.theadvocate.com/baton_rouge/news/article_d0199f31-8256-5acb-adf1-81cfac494e92.html.

²⁴ *Id.*

²⁵ Lamar White, Jr., *Baton Rouge Police Officers Disciplined After Records Request Reveals Racist Emails*, BAYOU BRIEF (Sept. 10, 2019), <https://www.bayoubrief.com/2019/09/10/baton-rouge-police-officers-disciplined-after-records-request-reveals-racist-e-mails/>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Lea Skene, *Civil service board upholds suspension of Baton Rouge police officer accused of making racially charged comments*, THE ADVOCATE (Nov. 16, 2017, 1:15 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_9d399df0-cadc-11e7-9e16-bb22c9a2682e.html.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Jacqueline DeRobertis, *BRPD officer placed on leave and is accused of making ‘offensive’ posts on website*, THE ADVOCATE (Sept. 24, 2020, 11:54 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b1b6ad30-feb0-11ea-8ec3-db1833b75637.html; Lea Skene, *BRPD officer accused of racist online posts resigns amid ongoing internal investigation*, THE ADVOCATE (Oct. 14, 2020, 4:19 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_dedb8d6e-0e62-11eb-983a-67cf2e57b08a.html.

³⁴ Skene, *supra* note 33.

³⁵ DeRobertis, *supra* note 33.

³⁶ Bethencourt, *supra* note 23.

color.³⁷ None of the officers were fired.³⁸ And despite the recurring demonstrations of racist sentiment in BRPD, law enforcement leadership chose not to investigate wider patterns of racism within the department.³⁹ During his tenure, Police Chief Dabadie maintained that the offending officers were not reflective of the department, despite many indications to the contrary.⁴⁰

A. Impact of Institutional Racism

The racist culture of EBR law enforcement has had concrete, dangerous consequences for African American communities.

In just one month in November 2018, BRPD arrested more than 1,000 people in a sweep promised to reduce violent crime.⁴¹ “70% of individuals arrested during the sweeps were Black in a parish that is only 47.2% Black” and 81% of the arrests were for non-violent crime.⁴² Both statistics suggest a practice of racial profiling and executing frivolous arrests.

BRPD’s arrests for noise ordinance violations are also demonstrative of BRPD’s discriminatory policing. Of 1,660 traffic stops made under the noise ordinance from 2011 to 2017, the “vast majority...occurred in predominantly [B]lack neighborhoods.”⁴³ From December 2015 to June 2018, 93% of people stopped for allegedly violating the noise ordinance were African American men.⁴⁴ The disparate enforcement was so problematic that the Metro Council sought to change the ordinance in 2019 to reduce the subjectivity of arrests.⁴⁵ However, there was no response internally by the Department to address the root issues.

In a 2017 study of drug use and arrests in EBR’s African American and white communities, Together Baton Rouge found that a person in a predominantly African American neighborhood is .06% less likely to use drugs than a person in a predominantly white neighborhood but 513% more likely to be arrested for drug use.⁴⁶ The enormous disparity between drug arrests in African American and white communities highlights BRPD’s brazen discriminatory policing.

BRPD’s discrimination is apparent not only in its unduly aggressive treatment of people of color, but also in its passive treatment of white people. For example, in August 2020, Jace Boyd, a white man,

³⁷ See *supra* notes 23-34.

³⁸ *Id.*

³⁹ White, *supra* note 25.

⁴⁰ Bethencourt, *supra* note 23.

⁴¹ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 3 (2021).

⁴² *Id.* at 4, 15.

⁴³ Blake Paterson, *Baton Rouge’s revised noise ordinance set for 2020 after scathing report; BRPD to use decibel readers*, THE ADVOCATE (Sept. 25, 2019, 9:30 PM), https://www.theadvocate.com/baton_rouge/news/article_6a5dc296-dfe1-11e9-9493-c358ab4f644b.html.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 7 (2021).

shot and killed Danny Buckley, an African American man.⁴⁷ Despite Mr. Boyd telling responding officers that he had shot Mr. Buckley, police allowed Mr. Boyd to leave.⁴⁸

That disparate policing practices were racially motivated was confirmed by BRPD Officer Ardoin after he was arrested for buying stolen property in 2020. Ardoin reported that narcotics supervisors targeted African American communities in Baton Rouge, stopped and searched people without probable cause, and planted drugs on people.⁴⁹ Since Ardoin's report, prosecutors dismissed more than 600 criminal charges and BRPD reassigned four narcotics supervisors.⁵⁰

In East Baton Rouge, police use their authority to maintain and reinforce a racist power structure, as is evidenced by the over-policing of African American neighborhoods and the frequent unjustified use of force against African American residents. The remainder of this request documents violence against individual civilians, and notably, nearly every victim of police brutality is African American. EBR law enforcement has failed to examine its own racist culture and practices, making an external investigation essential.

II. The Long History of Brutality in EBR

While BRPD's killing of Alton Sterling in 2016 brought national attention to police brutality in EBR, EBR law enforcement officers have long used excessive force against civilians, especially people of color.⁵¹ Historically, officers have rarely been held accountable for demonstrable misconduct or, alternatively, have been given minor suspensions or pay deductions before returning to work. EBR law enforcement have policed the parish with impunity for decades, leaving EBR civilians fearful and vulnerable.

A particularly vicious assault on an African American EBR community occurred nearly 80 years ago in December 1942.⁵² Baton Rouge police "for no apparent reason launched a raid into one of South Baton Rouge's [B]lack neighborhoods. Armed with sawed-off shotguns, submachine guns, revolvers, and tear gas, they combed the area, terrorizing the citizenry and arresting sixty-nine African Americans."⁵³ White leaders ignored calls for investigation and reform.⁵⁴

⁴⁷ Neil Vigdor, *Louisiana Man Faces Murder Charge in Fatal Shooting of a Panhandler*, N.Y. TIMES (updated Sept. 8, 2020), <https://www.nytimes.com/2020/09/03/us/Danny-Buckley-shooting-jace-Boyd.html>.

⁴⁸ *Id.*

⁴⁹ Lea Skene, *BRPD narcotics detective, already facing drug charges, arrested again amid ongoing probe*, THE ADVOCATE (updated Apr. 14, 2021, 4:59 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_8d3f483c-9d6a-11eb-8cc5-b7ae9ee4227e.html.

⁵⁰ Lea Skene, *After BRPD corruption probe halts 100+ cases, will narcotics officers change who they arrest?*, THE ADVOCATE (Apr. 6, 2021, 11:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b2584338-93d0-11eb-a60d-f78e2d7d84d9.html.

⁵¹ Sentell, *supra* note 14.

⁵² Mary Jacqueline Hebert, *Beyond Black and White: the Civil Rights Movement in Baton Rouge, Louisiana, 1945 – 1972*, 33 (1999) (Ph.D. dissertation, La. State Univ. and Agric. & Mech. Coll.) (on file with LSU Digital Commons).

⁵³ *Id.*

⁵⁴ *Id.*

Violence against African American communities continued throughout the Civil Rights Movement and into the late 20th century. In the 1960s, “no longer were officers merely harassing African Americans; they were also killing them.”⁵⁵ “Between 1967 and 1972, ‘officers shot and killed at least one young [B]lack male suspect each year.’”⁵⁶ In November 1972, the Louisiana Governor sent 300 officers to Southern University, an Historically Black College and University, to quash student protests.⁵⁷ In what was later named the Southern University Massacre, officers fired indiscriminately at a crowd of student protestors, killing two of them.⁵⁸ No officers were charged for the students’ deaths.⁵⁹ “In 1992, BRPD officers killed Patrick Esco, a 28-year-old Black man with intellectual disabilities, and Chauncey Thomas, a 15-year-old boy who was shot to death while running away.”⁶⁰ In just four years, from 1988 to 1991, BRPD received 153 complaints of excessive force; there were three times as many complaints from African Americans as white people.⁶¹

In perhaps the most stunning rebuke of EBR law enforcement’s practices, other police officers accused BRPD of abusive and racist policing. In the immediate aftermath of Hurricane Katrina in 2005, New Mexico State Police and Michigan State Police responded to Baton Rouge to help police the city.⁶² Within two days of arriving, both departments withdrew from Baton Rouge, citing BRPD’s violence and racism.⁶³ Out-of-state officers reported that BRPD officers were “striking suspects in handcuffs, shooting innocent bystanders with taser guns and destroying property for no apparent reason.”⁶⁴ BRPD officers reportedly stated that African Americans were “heathens” and “animals” that “needed to be beaten down.”⁶⁵ One visiting officer was invited to “beat down” an incarcerated person as a thank-you gift.⁶⁶ An out-of-state trooper wrote that BRPD was “engaging in racially motivated enforcement” and “questioning and searching people without any legal justification.”⁶⁷ The New Mexico State Police and Michigan State Police collectively filed twelve complaints documenting their observations.⁶⁸ According to the head of New Mexico State Police’s Criminal

⁵⁵ *Id.* at 328.

⁵⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁵⁷ Mike Scott, *1972 Southern University shooting highlighted in new PBS doc*, NOLA.COM (July 12, 2019, 10:20 AM), https://www.nola.com/entertainment_life/movies_tv/article_716fdffa-5904-5d67-8678-5b2cd5362fb8.html.

⁵⁸ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁵⁹ Scott, *supra* note 57.

⁶⁰ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 10 (2021).

⁶¹ *Id.*

⁶² *Id.* at 11.

⁶³ *Id.*

⁶⁴ Dan Frosch, *Cop Out*, NOLA.COM, Nov. 14, 2005, https://www.nola.com/gambit/news/article_7ff8d123-d833-5725-9161-ed5f1cea19aa.html.

⁶⁵ A.C. Thompson, *In Baton Rouge, More Allegations of Police Misconduct After Hurricane Katrina*, PROPUBLICA: LAW AND DISORDER (Mar. 15, 2010, 3:00 PM), <https://www.propublica.org/article/in-baton-rouge-more-allegations-of-police-misconduct-after-hurricane-katrin>.

⁶⁶ Jarvis DeBerry, *Before killing Alton Sterling, Baton Rouge police had a history of brutality complaints*, NOLA.COM (July 7, 2016, 3:00 AM), https://www.nola.com/news/crime_police/article_06a6bb1e-014c-5e8a-9b02-9f7485705d7e.html.

⁶⁷ *Id.*

⁶⁸ Maya Lau, *Katrina to Alton Sterling: Baton Rouge once again part of national debate on law enforcement, race*, THE ADVOCATE (July 16, 2016, 11:35 AM), https://www.theadvocate.com/baton_rouge/news/alton_sterling/article_58e03b44-4b73-11e6-82d3-1b917785e584.html.

Investigations Division, “without a doubt,” BRPD’s actions would “be considered misconduct in New Mexico.”⁶⁹

Even despite the source of the allegations—*other police officers*—BRPD leadership responded dismissively: “Did some officers give us black eyes? Yes...Did some officers stumble? Yes. But wholesaley, the men and women of the Baton Rouge Police Department remain committed, they remain diligent.”⁷⁰ Police Chief Le Duff added that some allegations were “maybe blown out of proportion.”⁷¹ BRPD did almost nothing to hold its officers accountable for the egregious misconduct. One officer was suspended for three days, one officer was reprimanded, and three officers received counseling.⁷²

BRPD’s excessive force continued consistently in the decade after the Hurricane Katrina scandal. Between 2005 and 2016, BRPD killed 16 people, 14 of whom were African American.⁷³ In 2007, BRPD officers responded to a noise complaint with such force that they ruptured the bladder of the person they arrested.⁷⁴ In 2008, BRPD officers fractured the skull of a person they were arresting for smoking marijuana.⁷⁵ In 2011, a BRPD officer told a man to move his car, knowing the man was drunk; when the man crashed his car, a BRPD officer shot and killed him.⁷⁶ In 2013, police brutally beat Dontrunner Robinson during a drug arrest, causing him to choke and die according to his family.⁷⁷

In 2014, BRPD officers strip-searched and beat Brett Percle, an innocent bystander to a police operation.⁷⁸ Even after a jury found that BRPD had used excessive force⁷⁹ and after a federal judge expressed alarm about BRPD’s pattern of warrantless strip-searches,⁸⁰ BRPD Lieutenant Dunnam stated: “We feel that our officers acted within the bounds of the law” and “Chief Dabadie stands by the actions of his officers.”⁸¹

⁶⁹ Frosch, *supra* note 64.

⁷⁰ Lau, *supra* note 68.

⁷¹ Thompson, *supra* note 65.

⁷² Lau, *supra* note 68.

⁷³ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 11 (2021).

⁷⁴ Complaint at 17, Imani, et al., No. 17-439-JWD-EWD.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Ryan Broussard, *BRPD target of suit over suspect’s in-custody death*, THE ADVOCATE (May 12, 2014, 5:34 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_22470f5c-fc41-55a6-b6ca-3427542557b5.html.

⁷⁸ Cheryl Mercedes, *The Investigators: Federal jury rules against BRPD in excessive force case*, WAFB 9 (updated Mar. 14, 2016 7:07 PM), <https://www.wafb.com/story/31436790/the-investigators-federal-jury-rules-against-brpd-in-excessive-force-case/>.

⁷⁹ Verdict Form at 1, *Percle v. City of Baton Rouge, et al.*, No. 14-449-SDD-RLB (M.D. La. Mar. 10, 2016).

⁸⁰ Lau, *supra* note 68.

⁸¹ Mercedes, *supra* note 78.

In 2016, BRPD Officer Salamoni “repeatedly punch[ed]” a 16-year-old African American boy as other officers held the boy down.⁸² Three months later, that same officer shot and killed Alton Sterling.⁸³

EBRSO’s policing was similarly violent in the decade after Hurricane Katrina. A lawsuit against EBRSO alleges that in 2007, EBRSO beat, tased, and pepper sprayed Joseph Davis while he lay handcuffed on the ground.⁸⁴ In a lawsuit against EBRSO’s sheriff, Aaron Martinez alleges that in 2010, a sheriff’s deputy tased him without probable cause as he walked away.⁸⁵ In a third lawsuit, Samuel Plaisance sued EBRSO for assaulting and tasing him without cause in 2015.⁸⁶

Other EBR police departments have exhibited similar disregard for civilians’ lives and safety. In 2011, Louisiana State University police beat Roderick Carolina while he was handcuffed.⁸⁷ And “some LSP arrest reports involving officer uses of force show that the LSP troopers write up the arrest report and then later rewrite the report to add allegations of resisting arrest.”⁸⁸

EBR law enforcement officers have also been sexually violent toward civilians over the last few decades. Throughout the 1990s and 2000s, there were multiple reported incidents of BRPD officers forcing women to have sex with them under threat of arrest.⁸⁹ In 2006, the Southern University Police Chief was investigated for sexual misconduct,⁹⁰ and in 2007, a BRPD officer was arrested for raping two women, one at gun point, while in uniform.⁹¹ It is likely that sexual violence by police officers has been underreported given the risk of retaliation against victims.

Excessive force has become commonplace in EBR, and law enforcement leadership has demonstrated that it is either incapable of or uninterested in true reform or accountability. The routine violence perpetrated against EBR communities was the backdrop for the 2016 shooting of Alton Sterling and the public outrage that followed his death.

⁸² Robb Hays, *BRPD settles 2016 Earth Day excessive force arrest case*, WAFB 9 (Oct. 19, 2018, 3:19 PM), <https://www.wafb.com/2018/10/19/brpd-settles-earth-day-excessive-force-arrest-case/>.

⁸³ *Id.*

⁸⁴ *Davis v. E. Baton Rouge Sheriff's Off.*, No. CV 08-00708-BAJ-EWD, 2016 WL 2347893, at *1 (M.D. La. May 2, 2016).

⁸⁵ *Martinez v. Gautreaux, III*, No. 10-847-BAJ-CN, at *2 (M.D. La. May 15, 2012) (order granting in part and denying in part a motion to dismiss).

⁸⁶ Complaint at 2-3, *Plaisance v. E. Baton Rouge Sheriff's Off., et al.*, No. 16-365 (M.D. La. June 6, 2016).

⁸⁷ *New developments in case accusing LSU police of excessive force*, WAFB 9 (Mar. 14, 2014, 10:00 PM), <https://www.wafb.com/story/24980698/new-developments-in-case-accusing-lsu-police-of-excessive-force/>.

⁸⁸ Complaint at 18-19, *Imani et al.*, No. 17-439-JWD-EWD.

⁸⁹ THE PROMISE OF JUSTICE INITIATIVE, *BRUTALITY IN THE NAME OF “SAFETY,”* 10 (2021).

⁹⁰ Elizabeth Crisp and Mark Ballard, *Records: Louisiana paid \$1.3 million to settle sexual harassment claims over past decade; see list of accused, payouts*, THE ADVOCATE (Jan. 5, 2018, 7:19 PM), https://www.theadvocate.com/baton_rouge/news/politics/article_a860e720-f254-11e7-82c0-434f338d1687.html.

⁹¹ *BR Officer Arrested, Accused of Raping Two Women*, WAFB 9 (Feb. 16, 2007, 4:28 PM), <https://www.wafb.com/story/6083348/br-officer-arrested-accused-of-raping-two-women/>.

III. The Shooting of Alton Sterling, the Resulting Protests, and the Police Response

On July 5, 2016, two white BRPD officers responded to a convenience store to investigate a report of a man with a gun.⁹² At the store, they encountered Alton Sterling, an African American man who often sold CDs there.⁹³ Officers quickly confronted Mr. Sterling, who complied with their commands as he asked why he was being stopped.⁹⁴ The officers tackled Mr. Sterling to the ground, restrained him, and tased him.⁹⁵ And within 90 seconds of arriving, Officer Salamoni shot Mr. Sterling at point-blank range and killed him.⁹⁶

Bystander video of the shooting went viral, prompting nationwide protests against police brutality.⁹⁷ Disturbingly, EBR law enforcement responded to protests against police brutality with more brutality. Baton Rouge police donning riot gear tased, maced, choked, tackled, and assaulted peaceful protestors.⁹⁸ Police treated protestors “like enemy combatants.”⁹⁹ Protestors “were blasted repeatedly with an LRAD, a disorienting and deafening sonic weapon,” threatened with assault rifles, and blocked from entering or exiting protest areas.¹⁰⁰ Police made mass arrests, rounding up almost 200 people, including journalists and other members of the media.¹⁰¹ More than 67% of people arrested were African American.¹⁰²

There were shockingly insufficient repercussions for the two officers involved in killing Alton Sterling. Neither federal nor state criminal charges were brought against Officer Salamoni or his partner, Officer Lake.¹⁰³ Almost two years after killing Alton Sterling, Officer Salamoni was fired from BRPD, though a later settlement allowed him to substitute a resignation letter for his termination.¹⁰⁴ Officer Lake only ever received a three-day suspension.¹⁰⁵

Following criticism of the violent police response to protestors, BRPD Police Chief Carl Dabadie and Governor John Bel Edwards both defended the department’s conduct.¹⁰⁶ Multiple lawsuits were filed

⁹² THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 12 (2021).

⁹³ *Id.*

⁹⁴ Karen Savage, *Reporter’s Notebook: Remembering the Brutal Tactics of the Baton Rouge Police*, JUV. JUST.: INFO. EXCH. (Apr. 2, 2018), <https://jjiie.org/2018/04/02/reporters-notebook-remembering-the-brutal-tactics-of-the-baton-rouge-police/>.

⁹⁵ *Id.*

⁹⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 12 (2021).

⁹⁷ *Id.*

⁹⁸ Complaint at 4, North Baton Rouge Matters, et al. v. City of Baton Rouge, et al., No. 3-16-cv-00463-JWD-RLB (M.D. La. July 13, 2016); Savage, *supra* note 94.

⁹⁹ Savage, *supra* note 94.

¹⁰⁰ Complaint at 2, 12, North Baton Rouge Matters, et al., No. 3-16-cv-00463-JWD-RLB.

¹⁰¹ Savage, *supra* note 94.

¹⁰² THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2 (2017).

¹⁰³ Michael Levenson, *\$4.5 Million Settlement in Police Killing of Alton Sterling, Lawyers Say*, N.Y. TIMES (June 13, 2021), <https://www.nytimes.com/2021/06/13/us/alton-sterling-settlement.html>.

¹⁰⁴ Katie Mettler, *The ex-police officer who killed Alton Sterling is allowed to undo his firing and resign instead*, N.Y. TIMES (Aug. 2, 2019), <https://www.washingtonpost.com/nation/2019/08/02/ex-police-officer-who-killed-alton-sterling-is-allowed-undo-his-firing-resign-instead/>.

¹⁰⁵ Levenson, *supra* note 78.

¹⁰⁶ Julia Jacobo, *Alton Sterling Protesters Confronted with ‘Militarized’ Police, Suit Says*, ABC NEWS (July 13, 2016, 8:30 PM), <https://abcnews.go.com/US/alton-sterling-protesters-confronted-militarized-police-suit/story?id=40561582>.

by protestors alleging illegal treatment by the police.¹⁰⁷ Alarming, in recent depositions for one such case, at least two BRPD officers invoked their Fifth Amendment right against self-incrimination when asked about (1) perjuring themselves on sworn arrest affidavits; (2) manufacturing false evidence; and (3) committing false imprisonment.¹⁰⁸ Another officer testified that an arrest affidavit with his signature was forged.¹⁰⁹ The absence of a robust internal investigation and discipline following the police response to protestors is especially concerning in light of these depositions.

IV. Brutality in East Baton Rouge Since Alton Sterling's Death

In the five years since BRPD killed Alton Sterling, EBR law enforcement has continued its practices of excessive force and racist policing, revealing the utter lack of self-regulating and reform within local agencies. While the city introduced police reform and EBR residents heard “soaring rhetoric from politicians about transparency and openness,”¹¹⁰ there has not been meaningful change. “What happened to Sterling was not new, and since his death, activists said, it has remained business as usual.”¹¹¹ EBR law enforcement has continued its pattern of harassing and assaulting people, shooting and killing civilians, and violently policing Baton Rouge's African American youth. And as in past decades, law enforcement agencies have done very little to hold offending officers accountable.

A. Shootings of Civilians

In June 2017, as the one-year anniversary of Alton Sterling's murder approached, BRPD Officer Hamadeh shot Jordan Frazier in his back while he ran away, killing him.¹¹² Officer Hamadeh was not disciplined¹¹³ and was later awarded a Medal of Honor.¹¹⁴ Just over a year later, in August 2018, Officer Hamadeh shot a second person, Raheem Howard, claiming that Howard had shot at him first.¹¹⁵ Audio recording later revealed that only one shot—Officer Hamadeh's—had been fired.¹¹⁶

¹⁰⁷ Complaint, Imani, et al., No. 17-439-JWD-EWD; Complaint, North Baton Rouge Matters, et al., No. 3-16-cv-00463-JWD-RLB.

¹⁰⁸ Deposition of Jonathan Abadie at 45-48, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021); Deposition of Willie Williams at 80-82, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021).

¹⁰⁹ Deposition of Billy Walker at 46-47, Imani, et al. v. City of Baton Rouge, et al., No. 17-439-JWD-EWD (M.D. La. June 9, 2021).

¹¹⁰ Clarissa Sosin & Daryl Khan, *A Year After Police Shot Calvin Toney, His Family Still Doesn't Know What Happened*, THE APPEAL (Nov. 19, 2018), <https://theappeal.org/a-year-after-police-shot-calvin-toney-his-family-still-doesnt-know-what-happened/>.

¹¹¹ *Id.*

¹¹² THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 21 (2021); Grace Toohey, *Man released from jail after August Baton Rouge police shooting case was dropped*, THE ADVOCATE (Oct. 2, 2018, 12:45 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b988c480-c5f5-11e8-8ead-43b5db599fac.html.

¹¹³ Clarissa Sosin & Daryl Khan, *Controversial Baton Rouge Police Shooting Case Slated to Go Before Grand Jury*, JUV. JUST.: INFO. EXCH. (Jan. 11, 2020), <https://jjie.org/2020/01/11/controversial-baton-rouge-police-shooting-case-slated-to-go-before-grand-jury/>.

¹¹⁴ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 21 (2021).

¹¹⁵ Toohey, *supra* note 112.

¹¹⁶ *Id.*

Until the audio was uncovered, Mr. Howard was charged with attempted murder of an officer.¹¹⁷ Mr. Howard's case reveals a larger pattern whereby police officers criminally charge the person they have brutalized, presumably to cover up and justify their own use of force. Both Mr. Frazier and Mr. Howard were young African American men when Officer Hamadeh shot them.¹¹⁸

In November 2017, BRPD shot and killed Calvin Toney, a young African American father, during an investigative visit by the Department of Children and Family Services.¹¹⁹ A witness reported that Mr. Toney was handcuffed when BRPD shot him, though police dispute this and claim that they handcuffed Mr. Toney after shooting him.¹²⁰ Notably, the officer's body worn camera fell off and did not capture the shooting.¹²¹ The officer who shot Mr. Toney was cleared of wrongdoing and even received an award for the shooting.¹²² It read: "He was able to draw and discharge his service weapon, firing a shot into the chest of the individual."¹²³

In April 2019, EBRSO fired into a car, shooting Benjamine Chambers in the face and neck.¹²⁴ Officers were responding to a report of a suspicious car parked at a dentist's office, and Mr. Chambers was inside, unconscious from using heroin.¹²⁵ Though EBRSO claims that Mr. Chambers reached for a weapon and tried to drive his car into the EBRSO car as he woke up, the fact that no charges were ever brought against Mr. Chambers suggests otherwise.¹²⁶

B. Excessive Force in Response to Non-Violent and Minor Offenses

In October 2018, during an arrest for a single marijuana cigarette, BRPD officers punched, pepper sprayed, tased, and choked Steven Young in an assault that lasted almost six minutes.¹²⁷ Mr. Young was criminally charged and, in his mugshot, "his eyes are nearly swollen shut [and] he has an open wound on the right side of his temple."¹²⁸ Police officials cleared the BRPD officers of wrongdoing, though they would not release the officers' body worn camera footage.¹²⁹

¹¹⁷ *Id.*; THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 21 (2021).

¹¹⁸ Sosin et al., *supra* note 113.

¹¹⁹ Sosin et al., *supra* note 110.

¹²⁰ *Id.*

¹²¹ Adam H. Johnson, *The Appeal Podcast: Brutality in Baton Rouge*, THE APPEAL (Jan. 17, 2019), <https://theappeal.org/the-appeal-podcast-brutality-in-baton-rouge/>.

¹²² Sosin et al., *supra* note 110.

¹²³ *Id.*

¹²⁴ Complaint at 2-3, *Benjamine Chambers v. Sid Gautreaux, et al.*, No. 3:20-cv-00428-SDD-EWD (M.D. La. July 6, 2020).

¹²⁵ *Id.*

¹²⁶ *Id.* at 4; Jacqueline DeRobertis, *Man sues East Baton Rouge Sheriff's Office, claims he was unjustly shot in the face*, THE ADVOCATE (Aug. 15, 2020, 4:45 PM),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_e9aec28c-d1eb-11ea-b9c9-d323bcfc8882.html.

¹²⁷ Grace Toohey, *Judge denies request to release body cam footage of 'troubling' arrest: attorneys call for transparency*, THE ADVOCATE (Dec. 20, 2018, 12:15 PM),

https://www.theadvocate.com/baton_rouge/news/crime_police/article_1a132706-03ee-11e9-b41c-4bce7b14ab97.html;

Daryl Khan & Clarissa Sosin, *Video Shows Baton Rouge Police Pinning Man to the Ground and Beating Him*, THE APPEAL (Dec. 20, 2018), <https://theappeal.org/video-shows-baton-rouge-police-pinning-man-to-the-ground-and-beating-him/>.

¹²⁸ Khan et al., *supra* note 127.

¹²⁹ *Id.*

In April 2020, two correctional officers and an East Baton Rouge Sheriff's Deputy choked Bradford Skinner until he became unconscious.¹³⁰ The East Baton Rouge Parish Prison Warden claimed the assault was a response to Mr. Skinner's attempted escape from the jail and insisted that the officers' conduct was justified.¹³¹ Suspiciously, earlier that same day, Mr. Skinner had been threatened by facility staff when he sought medical treatment.¹³²

A recently filed complaint alleges that in August 2020, after a father became upset during a police welfare check and cursed in front of BRPD officers, the officers entered his home without permission or a warrant and assaulted and tased him.¹³³ The father sustained six broken ribs and a punctured lung.¹³⁴ The police report documenting his arrest "skims over the violent struggle...saying only that [the father] resisted arrest."¹³⁵ Officers were cleared of wrongdoing.¹³⁶

C. Infringement on Civilians' Bodily Autonomy and Privacy

In January 2020, after stopping a car for "suspicious driving," officers handcuffed two brothers inside, one a minor, and "pulled down their underwear while they stood on the public street, exposing their genitals."¹³⁷ Officers then entered the boys' home, guns drawn, and searched it without a warrant.¹³⁸ One officer threatened to "fuck you up" to the older brother when he urged his mother to call an attorney.¹³⁹ In an order dismissing with prejudice the older brother's resulting criminal case, the judge wrote that "the state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights" and that the officers' actions "may justifiably be considered to be a trespass subject to prosecution."¹⁴⁰ All charges in conjunction with the search were dropped by the district attorney's office and the family was given a monetary settlement.¹⁴¹ While Officer Camallo was disciplined for executing the warrantless search, "Chief Murphy Paul said those [strip searches] did not violate BRPD policies given the circumstances."¹⁴² The officer who threatened to "fuck [] up" the older brother has no record of the incident in his disciplinary file.¹⁴³

¹³⁰ Jerry Iannelli, *'That Man Can't Breathe'*, THE APPEAL (Apr. 16, 2020), <https://theappeal.org/baton-rouge-sheriff-choking/>.

¹³¹ *Id.*

¹³² *Id.*

¹³³ Lea Skene, *After cussing out policed during welfare check, Baton Rouge attorney alleges excessive force*, THE ADVOCATE (June 17, 2021, 3:20 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_4c0ab678-cfa4-11eb-b729-8b504f9c4ca7.html.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Billy Binion, *Baton Rouge Cops Strip-Searched a Minor During a Traffic Stop and Entered a Family's Home Without a Warrant. The City Just Settled for \$35,000*, REASON (May 25, 2021, 5:10 PM), <https://reason.com/2021/05/25/baton-rouge-cops-strip-searched-minor-traffic-stop-ken-camallo-clarence-green/>.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *United States v. Green*, No. 20-00046-BAJ-SDJ, *1 n.1 (M.D. La. Dec. 29, 2020) (order granting dismissal with prejudice).

¹⁴¹ Binion, *supra* note 137.

¹⁴² Lea Skene, *BRPD officer demoted and suspended over warrantless search that was lambasted by federal judge*, THE ADVOCATE (June 22, 2021, 1:53 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_15614278-d38b-11eb-b7bf-833be235e1f3.html.

¹⁴³ Binion, *supra* note 137.

In November 2020, BRPD officers drew their guns on African American LSU football player, Koy Moore, and “falsely accused him of being armed and having drugs.”¹⁴⁴ Officers forced Moore to unzip his pants to be searched and took his phone so he could not record the incident.¹⁴⁵

In a June 2021 complaint, a Southern University student alleged that a BRPD officer took her phone, threatened her into meeting him at a warehouse where he made “sexual advances,” and instructed her to leave her apartment unlocked so that he could come over to have sex with her.¹⁴⁶ The investigation against the officer is ongoing.¹⁴⁷

As with historical reports, it is likely that recent police sexual violence is underreported.

D. Abnormally Harmful Use of Police Dogs

BRPD’s excessive force practices extend to its use of police dogs. The Marshall Project and The Advocate studied the use of K-9 units in the country’s twenty largest cities and another thirty police agencies whose K-9 use has raised concerns.¹⁴⁸ BRPD had the “second highest per-capita rate of dogs biting suspects” of all of the cities.¹⁴⁹ Particularly concerning was BRPD’s use of police dogs on juveniles.

From 2017 to 2019, BRPD’s police dogs bit almost 150 people, more than 90% of whom were African American.¹⁵⁰ All but two children bitten were African American.¹⁵¹ Nearly all people bitten were unarmed, and “in nearly every case, police were responding to suspected nonviolent property crimes.”¹⁵²

More than a third of those bitten were minors,¹⁵³ reflecting BRPD’s indiscriminate violence and general disregard for children’s safety. In one instance, “police sent a dog into an occupied car, where it bit a child.”¹⁵⁴ Police deployed a dog on a middle school child after he surrendered to police with his hands.¹⁵⁵ The dog “ripped right through a pair of jeans and into his right leg ‘almost to the bone.’”¹⁵⁶ In another instance, BRPD had dogs drag out and bite a teenager hiding under a house,

¹⁴⁴ ArLuther Lee, *LSU football player alleges Baton Rouge officers ‘violated’ him*, THE ATLANTA J.-CONST. (Nov. 10, 2020), <https://www.ajc.com/news/lsu-football-player-alleges-baton-rouge-officers-violated-him/KAL2ZJNOO5HITC2UFVAM3EJGME/>.

¹⁴⁵ *Id.*

¹⁴⁶ Lea Skene, *Did BR officer solicit sexual favors from Southern student he pulled over? Here’s her complaint*, THE ADVOCATE (June 20, 2021, 10:00 AM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_b0667760-d904-11eb-a570-63d5f165c2d1.html.

¹⁴⁷ *Id.*

¹⁴⁸ Stole et al., *supra* note 14.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

simply to get him to come out; he was harming no one and had seemingly been approached for a traffic violation.¹⁵⁷ Unlike the BRPD, the New Orleans Police Department (NOPD) forbids the use of dogs in such situations.¹⁵⁸ Per NOPD policy, K-9 cannot be deployed on minors who “pose no immediate threat of serious injury” and “mere flight alone is insufficient” justification to use a police dog.¹⁵⁹

In response to criticism about its K-9 unit, Baton Rouge law enforcement officials defended the department’s practices.¹⁶⁰ They stated that officers do not always know if the person they are apprehending is armed or not and minimized the physical and emotional seriousness of sustaining a dog bite.¹⁶¹ A former Department of Justice official who oversaw a federal investigation of a K-9 unit stated that “a dog bite is ‘much more akin to being shot’ than almost any other use of police force.”¹⁶²

E. Excessive Force on Children

The last few years have revealed that BRPD does not spare children in its excessive violence and over-policing. In addition to the stunning statistics on its use of K-9 to attack children, there are documented incidents of police officers using excessive force on children. In July 2020, a BRPD officer used a “knee restraint” on a teenage boy, leaving the boy with injuries requiring a neck brace and possible surgery.¹⁶³ Video confirms that BRPD assaulted the boy after he exited a car with his hands raised.¹⁶⁴ Baton Rouge police officials insisted that the restraint was different than that used on George Floyd, and that it was entirely appropriate and consistent with police training.¹⁶⁵ The teenager was criminally charged.¹⁶⁶ In February 2021, BRPD was caught on video throwing a 13-year-old African American boy to the ground and choking him.¹⁶⁷ The boy was criminally charged with battery of an officer and disturbing the peace.¹⁶⁸ Civil Rights attorney Ron Haley commented: “If that officer did not have a badge or a uniform on, and was an adult on the ground with a child in that manner, he’d be arrested...nowhere should an unarmed 13-year-old, who is not a danger to himself or others, be treated like a grown-up.”¹⁶⁹

Arrest data further illustrates that EBR’s discriminatory practices terrorize EBR’s African American residents from the time they are children. Data published by EBR’s juvenile detention facility reveals

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Lea Skene, *Investigation of BRPD officers: 2 on leave after chase, officer used knee restraint*, THE ADVOCATE (July 13, 2020, 5:14 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_f032a124-c538-11ea-b7bb-cb26d45f0dd4.html.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ ArLuther Lee, *Video shows Baton Rouge officer with arm around Black teen’s neck*, THE ATLANTA J.- CONST. (Feb. 24, 2021), <https://www.ajc.com/news/video-shows-baton-rouge-officer-with-arm-around-black-teens-neck/PR7J3GOPA5AOJATW7IGHCQORGY/>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

that 90% of all children arrested and detained in EBR in the last two and a half years were African American.¹⁷⁰

F. Brutality at East Baton Rouge Parish Prison

Exacerbating the harm of EBR’s illegal and discriminatory arrests is the violence arrestees face if jailed at the East Baton Rouge Parish Prison (EBRPP). EBRPP’s violence is perhaps most apparent in its management of EBRPP, which is notorious for its abhorrent conditions¹⁷¹ and high in-custody death rate.¹⁷² From 2015 to 2019, twenty-six people died while incarcerated at EBRPP, making it the deadliest parish prison in Louisiana.¹⁷³ This is no new phenomenon. In 2012, the mortality rate at EBRPP was “four times the national average.”¹⁷⁴

A 2017 report documenting conditions in EBRPP contained numerous firsthand accounts of “large groups of inmates being pepper sprayed for various reasons, none of which included threats to officer or prison safety.”¹⁷⁵ Many people arrested during the protests following Alton Sterling’s death were taken to the EBRPP, where they faced “verbal abuse from police officers, denial of food and water, frequent threats of losing access to phones, and cancellation of court hearing dates.”¹⁷⁶ “The jail’s warden, Dennis Grimes, defended the actions of his guards as ‘appropriate, professional and well within constitutional standards.’”¹⁷⁷ Unsanitary living conditions, overcrowding, humiliation, and inadequate medical care under the sheriff’s watch are all forms of EBRPP’s brutality.¹⁷⁸

G. Louisiana State Police’s Pattern of Violence and Racism

Louisiana State Police (LSP) perpetrates similar violence on EBR residents and African American residents, in particular. In the last two months, both the ACLU and Louisiana law makers filed separate pattern or practice complaints with the DOJ, urging the Department to investigate systemic misconduct and constitutional violations by LSP.¹⁷⁹ “The demand comes after growing concern over LSP’s pattern of targeting and using objectively unreasonable force against Black people, which the

¹⁷⁰ *Juvenile Detention Facility*, CITY OF BATON ROUGE, <https://www.brla.gov/QuickLinks.aspx?CID=40>.

¹⁷¹ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2-3 (2017).

¹⁷² JC Canicosa, *In five years, 786 people died in Louisiana’s jails and prisons, a new report finds*, LOUISIANA ILLUMINATOR (June 2, 2021), <https://lailluminator.com/2021/06/02/in-five-years-786-people-died-in-louisianas-jails-and-prisons-a-new-report-finds/>.

¹⁷³ *Id.*

¹⁷⁴ Teresa Mathew, *Most Recent Deaths at East Baton Rouge Jail Could Have Been Avoided*, THE APPEAL (Aug. 15, 2018), <https://theappeal.org/new-report-louisiana-jail-conditions-deaths/>.

¹⁷⁵ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2 (2017).

¹⁷⁶ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 13 (2021).

¹⁷⁷ Jim Mustian, *Alton Sterling protestors treated ‘like animals’ in Baton Rouge prison, advocacy group claims*, THE ADVOCATE (July 8, 2017, 3:50 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_83d4ec44-626c-11e7-86ae-dbcc39e06536.html.

¹⁷⁸ THE PROMISE OF JUSTICE INITIATIVE, PUNISHED PROTESTORS IN BATON ROUGE, 2-3 (2017).

¹⁷⁹ Sam Karlin, *Black lawmakers back ‘top-to-bottom’ federal probe into abuse, coverup at Louisiana State Police*, THE ADVOCATE (July 6, 2021, 3:29 PM), https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_81e811dc-de86-11eb-bb9f-1372ef33907f.html; Letter from Alanah Odoms, ACLU Louisiana, to The Honorable Merrick B. Garland, U.S. Dept. of Justice (June 17, 2021) (on file with author).

office then goes to great lengths to conceal.”¹⁸⁰ Both complaints highlight LSP’s 2019 fatal assault on Ronald Greene and coverup of the cause of his death.¹⁸¹ While Mr. Greene’s death gained national attention, LSP’s record of violence against African American people is extensive. Recent incidents include “three other violent stops of Black men: one who was punched, stunned and hoisted to his feet by his hair braids in a body-camera video obtained by the AP, another who was beaten after he was handcuffed, and yet another who was slammed 18 times with a flashlight.”¹⁸²

Law enforcement’s unending and unchecked excessive force against EBR civilians demands an immediate and robust investigation.

V. Lack of Accountability in East Baton Rouge Law Enforcement

Despite the multitude of brutal and unjustified attacks on civilians, law enforcement leadership has consistently failed to hold individual officers sufficiently accountable or to investigate and address department- and city-wide misconduct. This was apparent in the absence of real discipline following officer complaints of BRPD brutality after Hurricane Katrina,¹⁸³ the rejection of an investigation into department-wide racism after discovering multiple officers’ racist statements,¹⁸⁴ the decision not to charge anyone for Alton Sterling’s death,¹⁸⁵ and the minimal internal response to the militarized and violent reaction to Alton Sterling protests.¹⁸⁶ The lack of repercussions after these large and very public incidents is staggering. But just as concerning is the lack of or minimal discipline following the individual incidents enumerated above. In at least two cases, the same officer used excessive violence against a civilian only to return to the police force and do so again.¹⁸⁷

Law enforcement agencies have also tried to block access to public police records, thwarting efforts to hold city agencies accountable for their officers. For example, in 2006, the City of Baton Rouge and BRPD refused to release internal affairs documents related to investigations of BRPD’s response to Hurricane Katrina.¹⁸⁸ The Advocate, a local newspaper, sued the City and BRPD for the records, which they received only after a judge ordered their release, noting that BRPD business should be subject to “public scrutiny.”¹⁸⁹ Those with fewer means to bring legal action have no similar recourse when denied public records by the City or BRPD.

In addition to law enforcement’s inability or refusal to self-police, there are structural barriers to police accountability in EBR.

¹⁸⁰ Letter from Alanah Odoms to Merrick Garland, *supra* note 179, at 1.

¹⁸¹ Karlin, *supra* note 179; Letter from Alanah Odoms to Merrick Garland, *supra* note 179, at 3-4.

¹⁸² *Louisiana police unit probed over Black driver arrests after death of Ronald Greene*, NBC NEWS (June 10, 2021, 7:18 AM), <https://www.nbcnews.com/news/us-news/louisiana-police-unit-probed-over-black-driver-arrests-after-death-n1270283>.

¹⁸³ Lau, *supra* note 68.

¹⁸⁴ White, *supra* note 25.

¹⁸⁵ Levenson, *supra* note 103.

¹⁸⁶ Jacobo, *supra* note 106.

¹⁸⁷ Toohey, *supra* note 112; Hays, *supra* note 82.

¹⁸⁸ *City of Baton Rouge/Parish of E. Baton Rouge v. Capital City Press, L.L.C.*, 4 So. 3d 807, 810 (La. Ct. App. 2008).

¹⁸⁹ *Id.* at 821-22.

First, historically, the Baton Rouge Union of Police contract has allowed officers immediate access to their own misconduct investigations, giving them time to review and adjust their account, and “deter[ring] people from bringing complaints in the first place because there is no anonymity.”¹⁹⁰

Second, “Louisiana [is] less likely to strip law enforcement officers of credentials than any other state.”¹⁹¹ Essentially, police officers lose their credentials only if they are criminally charged and convicted.¹⁹² Despite a 2017 Louisiana bill intended to “make it easier to permanently ban rogue cops from the force,” it remains common for officers to retain their law enforcement credentials after misconduct.¹⁹³ For example, BRPD Officer Melvin Cosey, who was arrested for choking his wife, was fired from BRPD but retained his credentials, making him eligible to be hired elsewhere in Louisiana.¹⁹⁴ The current credentialing system “also relies on police departments to self-report when officers are fired for civil rights violations or convictions.”¹⁹⁵ Advocates for reform report that “nobody’s playing their roles; they all support and cover for each other.”¹⁹⁶ And departments are not punished for insufficient reporting or internal review.¹⁹⁷

Third, the Louisiana State Police is charged with investigating police shootings by local Louisiana police departments.¹⁹⁸ Rife with corruption and allegations of excessive force itself,¹⁹⁹ LSP is poorly positioned to discipline officers and create meaningful systems of accountability.

With the current disciplinary systems and the expectation that officers will be minimally punished, if at all, it is no surprise that EBR law enforcement have policed with impunity for decades.

VI. Pattern of Retaliation Against Critics of East Baton Rouge Law Enforcement

Just as alarming as the general lack of accountability for officer misconduct is the documented pattern of law enforcement agencies and city leadership responding to their critics with abusive retaliation.

Baton Rouge law enforcement’s retaliation against critics dates at least as far back as 1960, when state and county police officers arrested a peaceful protestor who participated in a demonstration

¹⁹⁰ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF “SAFETY,” 32 (2021).

¹⁹¹ Bryn Stole & Rebekah Allen, *Louisiana less likely to strip law enforcement officers of credentials than any other state; lawmakers aim to change that*, THE ADVOCATE (June 3, 2017, 6:45 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_e3f12332-464b-11e7-a4f4-f369e513d850.html.

¹⁹² *Id.*

¹⁹³ Andrew Fan et al., *Louisiana tried to crack down on police misconduct. It hasn’t worked*, THE DAILY ADVERTISER (Nov. 20 2019, 5:08 PM), <https://www.theadvertiser.com/story/news/2019/11/20/police-shooting-alton-sterling-new-louisiana-law-hasnt-helped/423144002/>.

¹⁹⁴ Stole et al., *supra* note 191.

¹⁹⁵ Fan et al., *supra* note 193.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ Sosin et al., *supra* note 110; *Across Louisiana, law enforcement officers have shot 3 people – 2 fatally – in 3 days*, THE ADVOCATE, (June 3, 2021, 1:17 PM), https://www.theadvocate.com/baton_rouge/news/crime_police/article_8d5142ec-c495-11eb-9198-5bc897514e0c.html.

¹⁹⁹ Karlin, *supra* note 179.

decriing police practices.²⁰⁰ In the 1965 case of *Cox v. Louisiana*, the United States Supreme Court ruled that the officers' arrest was a "clear" violation of the protestor's First Amendment rights.²⁰¹ The Court stated that the police's "dispersal order had nothing to do with any time or place limitation," suggesting that the anti-police subject of the protest had triggered the order.²⁰²

In 2013, Mayor Kip Holden fired Police Chief Dewayne White, who had publicly condemned racial profiling by BRPD officers.²⁰³ Referring to BRPD's treatment of African American people, White had stated that some officers "believe that everybody they come across or most people they come across with that color of skin is probably a criminal."²⁰⁴ The police union and mayor quickly disavowed White.²⁰⁵ The president of the union stated that he "disagreed 100%" that officers were racially profiling civilians.²⁰⁶ In defense of his firing of White, Mayor Holden stated that White "inappropriately accused a large segment of the BRPD of racial bias."²⁰⁷

In 2015, reporters were handcuffed and arrested for photographing an arrest.²⁰⁸

As discussed already, during the 2016 protests against police brutality, police responded in militarized fashion, arresting and brutalizing peaceful protestors.²⁰⁹

In 2017, African American community leaders were expelled from a council meeting when they voiced concerns about policing and Alton Sterling's death.²¹⁰ Then-Mayor Pro Tem Scott Wilson claimed that they were expelled for speaking about a topic not under discussion.²¹¹ But when other members of the public spoke off topic on a subject unrelated to police brutality, they were allowed to speak and remain in the hearing.²¹² There is a pending lawsuit against Wilson and the city-parish for discrimination and other constitutional violations.²¹³

²⁰⁰ *Cox v. Louisiana*, 379 U.S. 559, 560, 564 (1965).

²⁰¹ *Id.* at 573.

²⁰² *Id.*

²⁰³ Albert Samaha, *Baton Rouge's Mayor Fired a Police Chief Who Wanted to Reduce Racial Profiling*, BUZZFEED NEWS (July 13, 2016, 11:24 AM), <https://www.buzzfeednews.com/article/albertsamaha/baton-rouges-mayor-fired-a-police-chief-who-wanted-to-reduce>.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ Complaint at 17, Imani, et al., No. 17-439-JWD-EWD.

²⁰⁹ THE PROMISE OF JUSTICE INITIATIVE, BRUTALITY IN THE NAME OF "SAFETY," 12 (2021).

²¹⁰ Plaintiff's Proposed Findings of Fact and Conclusions of Law at 12, 14, 16, 19, 20-23, McClanahan, et al. v. Wilson et al., No. 17-cv-01720-JWD-RLB (M.D. La., Mar. 17, 2021); Joe Gyan Jr., *Did Metro Council leader target Black men for removal after Alton Sterling remarks?*, THE ADVOCATE (Mar. 18, 2021, 4:00 AM) https://www.theadvocate.com/baton_rouge/news/courts/article_49166b64-86d0-11eb-ac68-1b89eea36ef9.html.

²¹¹ Plaintiff's Proposed Findings of Fact and Conclusions of Law at 12, 14, 16, 19, 20-23, McClanahan, et al., No. 17-cv-01720-JWD-RLB.

²¹² *Id.* at 25.

²¹³ *Id.* at 39.

Just this year, BRPD Officer Ardoin alleged that, after raising internal complaints about narcotics division practices, he was set up by fellow officers to illegally buy stolen property.²¹⁴ Ardoin was arrested after he bought technology from a person later discovered to be a fellow officer's confidential informant.²¹⁵

Also this year, the Baton Rouge DA's office charged attorney and associate professor of law Thomas Frampton with contempt and threatened him with jail time after he released an already-public body worn camera video that showed police strip-searching a minor in public.²¹⁶ "This attempt to hold an attorney in contempt for bringing public scrutiny to the Baton Rouge Police Department demonstrates how the department is more concerned about protecting its reputation than children's dignity and safety."²¹⁷ Mr. Frampton filed a civil suit against the City of Baton Rouge and city officials alleging First Amendment retaliation, abuse of process, and Louisiana Constitution violations.²¹⁸ During the first hearing for Mr. Frampton's civil suit, the federal judge expressed shock at the City's and Parish's behavior.

EBR and Louisiana law enforcement are inclined to retaliate against those who criticize them, making the need for an external agency, immune from such influence, to investigate its police agencies.

²¹⁴ Chris Nakamoto, *BRPD Narcotics officer exposes wrongdoing, coverups, and quotas in bombshell interview with Nakamoto*, WBRZ TV (Apr. 28, 2021, 3:22 PM), <https://www.wbrz.com/news/brpd-narcotics-officer-exposes-wrongdoing-coverups-and-quotas-in-bombshell-interview-with-nakamoto/>.

²¹⁵ *Id.*

²¹⁶ Complaint at 1-2, *Frampton v. City of Baton Rouge et al.*, No. 3:21-cv-00362-BAJ-SDJ (M.D. La. June 23, 2021).

²¹⁷ Madalyn K. Wasilczuk, *Rules are meant to protect children, but police use them to shield themselves*, THE ADVOCATE (June 30, 2021, 6:00 PM), https://www.theadvocate.com/baton_rouge/opinion/article_b6ae8b04-d688-11eb-9cb4-cb56948ed5c2.html.

²¹⁸ Complaint at 9-11, *Frampton v. City of Baton Rouge, et al.*, No. 3:21-cv-00362-BAJ-SDJ (M.D. La. June 23, 2021).

VII. Conclusion

After decades of unchecked police brutality in EBR, the 2016 shooting of Alton Sterling sparked calls to reform EBR law enforcement. Still, five years later, EBR law enforcement agencies continue to brutalize civilians and terrorize African American communities. The racist sentiment and structures that shaped the establishment of EBR law enforcement agencies over 100 years ago have endured and continue to result in staggering racial disparities in enforcement and brutality. Law enforcement leadership has demonstrated that it will not hold its own officers accountable for their misconduct or initiate the investigations necessary for department- and parish-wide police reform. EBR law enforcement agencies' repeated retaliation against those who criticize them further illustrates that the agencies are uninterested in and even hostile to review. We implore the Department of Justice to open a pattern or practice investigation into EBR law enforcement. The civil liberties and physical safety of EBR residents rely on an external investigation.

Sincerely,

Mercedes Montagnes
Executive Director
The Promise of Justice Initiative
1024 Elysian Fields
New Orleans, LA 70117

Reverend Alexis Anderson
Executive Director
PREACH
Member
East Baton Rouge Parish Prison Reform Coalition

Curtis Davis
Executive Director
Decarcerate Louisiana

EXHIBIT B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JEREMY LEE,

Plaintiff,

v.

No.

TROY LAWRENCE, JR., in his personal capacity, MATTHEW WALLACE, in his personal capacity, JOSEPH CARBONI, in his personal capacity, MURPHY PAUL, in his personal and official capacity, BATON ROUGE POLICE DEPARTMENT, CITY OF BATON ROUGE, and PARISH OF EAST BATON ROUGE.

Defendants.

COMPLAINT

1. Plaintiff JEREMY LEE, by his undersigned attorney, for his complaint against Defendants, alleges as follows:

INTRODUCTION

2. This case involves a 21-year-old man who entered Baton Rouge Police Department custody on Jan. 9, 2023 healthy and intact, and left so badly beaten that the local jail refused to admit him until he was treated by a nearby hospital. There he was treated for broken bones and other injuries.

3. The officer whose custody he entered, Troy Lawrence Jr., has an extensive record of injuring members of the public, disregarding their constitutional rights, and escalating routine interactions into hostile and even violent ones — all of which has cost the taxpayers of Baton Rouge a significant amount of money in civil rights lawsuits and departmental investigations.

His criminal conduct has already made national news, been flagged by federal judges, and is well known to BRPD Chief Murphy Paul and members of the Metropolitan Council.

4. Time and again, BRPD has been warned in 2021 and 2022 that by keeping Ofc. Troy Lawrence Jr. on the force, they were all but guaranteeing that a Baton Rouge citizen would be killed or seriously injured. BRPD's deliberate indifference to those warnings caused Mr. Lee's injuries.

5. Mr. Lee's injuries were inflicted at a torture warehouse known to BRPD as the "BRAVE Cave," a place where Baton Rouge citizens are taken, held incommunicado, denied counsel, and beaten. Its existence has been known to top BRPD brass since long before Mr. Lee's beating. It was shut down by the Mayor on August 29, 2023 after news of this impending lawsuit was broadcast on WAFB on August 28, 2023.

6. On August 29, 2023, Ofc. Troy Lawrence, Jr. resigned from BRPD.

JURISDICTION AND VENUE

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of Plaintiff's rights as secured by the United States Constitution, as well as the deprivation of rights under Louisiana law.

8. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367. Venue is proper under 28 U.S.C. § 1391(b), because the defendants resides in this judicial district and the events giving rise to the claims asserted herein occurred in this judicial district.

PARTIES

9. Plaintiffs JEREMY LEE is a citizen of the United States and a resident of Baton Rouge, Louisiana.

10. Defendants TROY LAWRENCE, JR. (P10805), JOSEPH CARBONI (P10677), and MATTHEW WALLACE (P10704) are residents of Louisiana and are employed by the Baton Rouge Police Department. They works for Defendants BATON ROUGE POLICE DEPARTMENT, CITY OF BATON ROUGE and PARISH OF EAST BATON ROUGE. Defendant CITY OF BATON ROUGE is a political subdivision of the State of Louisiana. The city's governing authority is consolidated with the government of EAST BATON ROUGE PARISH. Defendant PARISH OF EAST BATON ROUGE is a political subdivision of the State of Louisiana. The Parish's governing authority is consolidated with the government of the CITY OF BATON ROUGE.

11. BRPD CHIEF MURPHY PAUL is the final policymaker for the municipal defendants as it pertains to official policy governing use of force, arrests, searches, and respect for the First Amendment rights of Baton Rouge citizens by Baton Rouge Police Department employees.

PLAINTIFF'S FACTUAL ALLEGATIONS

Initial Arrest

12. On January 9, 2023, police arrived in front of a house in the area of 5400 Cadillac Street, Baton Rouge, Louisiana.

13. Mr. Lee was arrested by Det. Wallace and Ofc. Lawrence, without reasonable suspicion or probable cause.

14. He was placed in the back of a BRPD vehicle.

15. Minutes after arriving on the scene, while searching for and discussing possible evidence with Det. Matthew Wallace, Ofc. Lawrence turned off the audio on his body-worn camera.

16. Less than three minutes later, with his body-worn camera audio still off, Ofc. Lawrence and Det. Wallace approached the police car in which Mr. Lee was sitting.

17. They began swearing at him and pushing him.

18. Upon opening the backseat door, Ofc. Wallace commanded Mr. Lee to “get your ass over here.”

19. Although his audio was on during this exchange, Det. Wallace also periodically turned his body-worn camera off and on throughout the investigation during the day and the interrogations in the evening.

20. Ofc. Lawrence also turned his camera on and off, and frequently muted his body-worn, on the afternoon and evening in question.

21. According to Mr. Lee’s arrest report, Mr. Lee is 5’6”, 125 pounds.

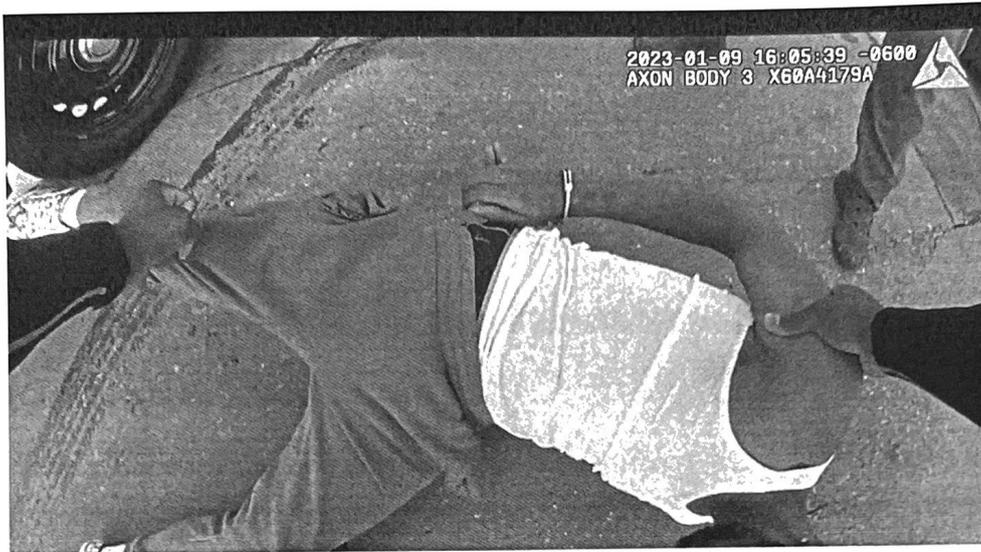
22. Both Ofc. Lawrence or Det. Wallace are substantially taller and substantially larger than Mr. Lee.

23. Throughout this interaction, the two officers repeatedly accused Mr. Lee of “resisting.”

24. Mr. Lee was not resisting.

25. Mr. Lee stated that he was not resisting and that he would comply with whatever they wanted.

26. Despite Mr. Lee’s cooperative words and actions, Ofc. Lawrence and Det. Wallace continued to push a handcuffed Mr. Lee, pull his arms, and force him down in the middle of a paved street, where they pulled down his pants to search him.



27. Mr. Lee repeatedly told the officers, who were shoving and throwing Mr. Lee around, that they were hurting him.

28. While Mr. Lee was handcuffed and on the ground, Ofc. Lawrence told him, "I'm about to bat the living crap out of you."

29. Frightened and seeking some kind of fairness, Mr. Lee told the officers to "turn your [body-worn] camera on" and to "bat me then."

30. Mr. Lee continued to repeatedly inform the officers that they are hurting him even though he is trying to cooperate.

31. Ofc. Lawrence and Det. Wallace continued to act unprofessionally toward Mr. Lee. The following conversation took place shortly after the strip-search:

Lee: What am I getting arrested for?

Wallace: You're being detained.

Lee: How? For what?

Wallace: Because I said so.

32. The Louisiana Constitution provides "When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention."

33. Det. Wallace complied with the Louisiana Constitution when he responded to Mr. Lee.

Ofc. Lawrence Nearly Provokes a Riot by Fighting with Bystanders

34. As the police presence in the area increased, a crowd gathered in the neighborhood around a local grocery store to see what was going on.

35. Ofc. Lawrence stayed in the area with several other officers, periodically cutting his body cam audio off and on.

36. Ofc. Lawrence and one woman got into a back-and-forth that consists of him telling her to “keep talking” and daring her to “show me.”

37. After arresting her, Ofc. Lawrence walked away from the scene for about half an hour.

38. Instead of cooling off, Ofc. Lawrence returned to the crowd around the grocery store, which by this point had largely settled, ready to find – and if he had to, create – further conflict.

39. One woman asked an officer about the status of the search warrant for the house – the reason officers are in the area. The two had a civil back-and-forth.

40. Ofc. Lawrence, however, stepped in and started to argue with the woman. Among his comments were “how are you going to tell me what I can do at my job and what I can’t?”

41. A male bystander then joined the conversation.

42. Angered, Ofc. Lawrence called the man “ignorant” and bragged about how much money he had.

43. The comment caught the attention of several bystanders and elicited an immediate, negative reaction from the crowd.

44. Sensing the sudden mood change in the crowd almost immediately following Ofc. Lawrence’s arrival and provocation of bystanders, another BRPD officer had to step in to separate Ofc. Lawrence from the now-agitated crowd.

45. After being separated, Ofc. Lawrence tried to walk back over to the crowd to taunt them more, but two officers intervened to talk him down and walk him away.

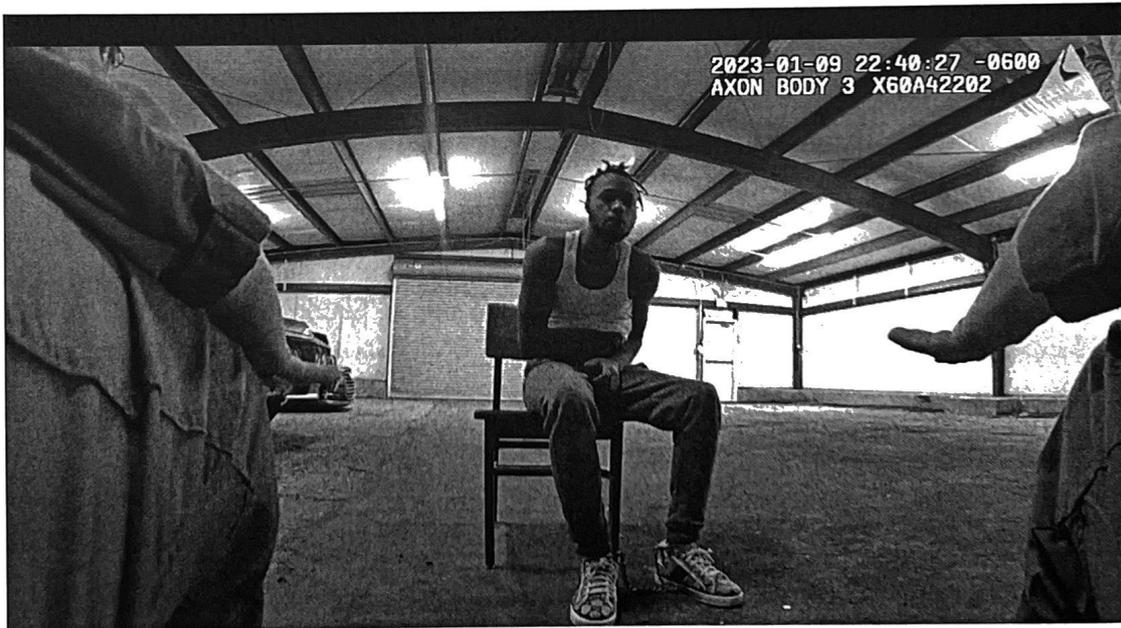
46. One officer explicitly told Ofc. Lawrence to “chill out.”

BRPD's "Torture Warehouse"

47. After the unnecessary strip search and Ofc. Lawrence's conflict with the crowd, Mr. Lee was not transported to the police station, but to a torture warehouse known to BRPD staff as "the BRAVE Cave."

48. There, he was beaten by BRPD officers.

49. When first arriving to this torture warehouse, Mr. Lee was handcuffed in a holding cell with two other arrestees.



50. Mr. Lee was removed from the holding cell by three officers: Troy Lawrence, Jr., Matthew Wallace, and Joseph Carboni.

51. Mr. Lee was alone with the three officers in a separate warehouse room.

52. There he was repeatedly kicked and punched by the officers.

53. Mr. Lee's screams for help and screams in pain could be heard throughout the facility.

54. The officers laughed at and mocked Mr. Lee for screaming for help.

55. The officers beat Mr. Lee so badly that they fractured his rib and caused visible damage to his face.

56. Soon after the beating, Mr. Lee was interrogated by BRPD.

57. BRPD officers made sure their body-worn cameras were turned “off” before beating Mr. Lee.

58. Jeremy Lee subpoenaed BRPD for camera footage from within the warehouse, but BRPD responded that no such footage exists.

59. Mr. Lee suffered physical injuries so severe, the local jail rejected his admission until he received medical help.

60. He was taken to Our Lady of the Lake North Baton Rouge Urgent Care Department, where they officially diagnosed him with a fractured left rib, chest pain, and left facial pain. Mr. Lee also reported trouble breathing.

Bogus Criminal Charges

61. Mr. Lee was not charged with any criminal wrongdoing that led to his arrival in the BRPD Torture Warehouse.

62. The only criminal charge he received was an alleged “Resisting an Officer” (i.e., being beaten by Defendants) in violation of La. R.S. 14:108, billed in the 19th Judicial District Court under docket number DC-23-01703.

63. Louisiana has long recognized the absolute right of those arrested without probable cause to use force to resist their arrest.

64. The charge against Mr. Lee rests on the materially false (and contradictory) allegations contained in sworn police reports authored by Wallace and Lawrence.

II. TROY LAWRENCE JR.'S TROUBLED HISTORY (AND POLICYMAKERS' DELIBERATE INDIFFERENCE TO THE OBVIOUS CONSEQUENCES OF HIS RECURRING MISCONDUCT).

65. During Troy Lawrence Jr.'s short tenure as a BRPD officer, his dangerous temper has led to numerous Internal Affairs investigations.

66. Numerous incidents have involved Troy Lawrence Jr. needless escalating ordinary encounters, strip-searching young Black men, and responding to criticism with violence.

67. Troy Lawrence, Jr. is the son of BRPD Deputy Chief Troy Lawrence, Sr.

68. Apart from Chief Murphy Paul, Deputy Chief Troy Lawrence Sr., is currently the highest paid employee of BRPD.

69. No BRPD employee with Troy Lawrence Jr.'s seniority has been suspended by BRPD more times for misconduct (without being terminated) than Troy Lawrence Jr.

70. No BRPD employee has been suspended by BRPD more times for misconduct (without being terminated) than Troy Lawrence Jr. in the past two years.

A. CLARENCE GREEN INCIDENT

71. Shortly after joining the force, Ofc. Lawrence's misconduct made national news when he strip-searched a minor child in public; illegally searched that child's mother's apartment without a warrant; and then threatened to beat a handcuffed detainee.

72. Judge Brian A. Jackson—even without being presented with evidence of Troy Lawrence, Jr.'s threats to beat Clarence Green—described the January 1, 2020 incident as follows: “[T]he state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights, first by initiating a traffic stop on the thinnest of pretext, and then by haphazardly invading Defendant's home (weapons drawn) to conduct an unjustified, warrantless search. Such an intrusion, in abject violation of the protections afforded by the Fourth Amendment

of the United States Constitution, which protects citizens against unwarranted governmental intrusions in their homes, may justifiably be considered to be a trespass subject to prosecution under La. R.S. 14:63.”

73. After the home search, when BRPD officers attempted to pressure Ms. Green into consenting to allow them to take a DNA sample from her minor child, Clarence Green (from the back of a police car) advised his mother to call a lawyer.

74. Troy Lawrence Jr. then threatened to beat Clarence Green while he was handcuffed and locked in the back of a police car, stating: “If you don't shut the fuck up, I'm gonna come in and I'm gonna fuck you up. You think I'm playing with you? I will fuck you up.”

75. Despite Judge Jackson’s ruling on December 29, 2020, the filing of a civil rights lawsuit on January 2, 2021, and Baton Rouge Metropolitan Council’s ratification of a \$35,000 settlement on April 2021, no disciplinary investigation into Ofc. Lawrence was even *started* until (at earliest) May 24, 2021.

76. The investigation did not begin until after BRPD was contacted by journalists who had reviewed the footage that was released by the Green Family.

77. The “disturbing” footage of Ofc. Lawrence’s misconduct was featured on the national nightly news program CBS EVENING NEWS on May 27, 2021.

78. On May 28, 2021, Chief Murphy Paul convened a press conference to address the national controversy caused by Troy Lawrence, Jr. and his colleagues.

79. At the press conference, the first question posed by journalists was: “This happened almost 17 months ago. Would we be here talking about this today if that video had not come out?” Chief Paul responded: “Absolutely we would have. . . . We just had the last hearing, what was it, the 13th I believe? The 13th of this month was our last hearing. And we still have two other officers that we

have not completed that investigative process. So yes, we still would have made that information available to the public once those administrative processes have concluded.”

80. Chief Paul omitted that the investigation into Ofc. Lawrence was not started before May 24, 2021; in fact, no investigation of Ofc. Troy Lawrence Jr. was started as a result of Judge Jackson’s ruling, the lawsuit, or the civil rights settlement.

81. BRPD conducted an investigation into Troy Lawrence Jr.’s role in the Green Family case and Chief Paul personally reviewed the results.

82. BRPD cleared Ofc. Lawrence of any violation of a “use of force” or search-and-seizure policies in connection with the initial stop of, initial search of, and threatened violence against Clarence Green and his brother.

83. BRPD Chief Paul personally defended the lawfulness and appropriateness of the strip searches of Clarence Green at a public press conference.

84. On January 19, 2023, Ofc. Lawrence testified under oath about the aforementioned incident.

85. Ofc. Lawrence swore that he “was suspended for cursing, using profanity.”

86. Ofc. Lawrence swore that he had no idea he was one of the “John Doe” defendants named in Clarence Green’s civil rights suit.

87. Ofc. Lawrence swore that he had no recollection of being featured on a national news broadcast or that Chief Paul had convened a press conference to discuss the incident he was involved in.

88. Ofc. Lawrence swore that he did not believe that he had assaulted Clarence Green by threatening to “fuck him up” while he was handcuffed.

89. Ofc. Lawrence received no additional training, counseling, or anger management in connection with this incident.

B. SHERMANIE REED INCIDENT

90. Ofc. Lawrence also used force and violence against another motorist, Shermanie Reed, who (correctly) told him he was acting unprofessionally on October 31, 2020.

91. The similarities to this incident are striking: there, Ofc. Lawrence arrived on the scene, began cursing at the parties, began pushing individuals who posed no physical threat to him, ordered motorists into their cars, ripped a motorist out of their car, falsely arrested them, swore out a self-serving police report, injured the civilian, and then released her.

92. As in this case, Ofc. Lawrence grossly misrepresented the details of the encounter in a police report (and subsequent Internal Affairs investigation).

93. As in this case, BRPD insisted that Ofc. Lawrence's conduct was consistent with BRPD policy (apart from muting his body-worn camera).

94. BRPD conducted an investigation into the case and Chief Paul personally reviewed the results.

95. Ofc. Lawrence's interview with Internal Affairs included numerous obvious false statements.

96. The investigation cleared Ofc. Lawrence of all wrongdoing in that case apart from muting his body-worn camera.

97. In September 2021, undersigned counsel wrote Parish Attorney Andy Dotson to alert him to Ofc. Lawrence's misconduct and to highlight misrepresentations in his Internal Affairs interview. The letter sought a meeting with Chief Paul regarding the incident.

98. Andy Dotson did not respond.

99. Ms. Reed sued Ofc. Lawrence and Chief Paul for false arrest, excessive force, and First Amendment retaliation on October 30, 2021.

100. Her complaint emphasized that Ofc. Troy Lawrence already “boast[ed] a lengthy record of professional misconduct during his short career.”

101. In numerous conversations in late 2021 and early 2022, BRPD’s attorney was advised by undersigned counsel that Ofc. Troy Lawrence was likely to maim or seriously injure someone in a future incident if they failed to intervene.

102. At Ofc. Lawrence’s deposition on January 19, 2023, he repeatedly lied about the facts of the case.

103. On January 21, 2023, BRPD’s counsel was sent another letter highlighting examples of Ofc. Lawrence’s perjury in his deposition and reiterating counsel’s ongoing concerns: “Officer Lawrence is going to seriously injure or kill someone if he remains on the force. It is disheartening to learn that, since the filing of this lawsuit, Officer Lawrence has been *suspended* at least three (3) additional times for on-the-job misconduct and is currently the subject of an internal investigation for additional police brutality in December 2022.”

104. Within two months of Ofc. Lawrence’s deposition, BRPD agreed to a \$55,000 settlement to resolve the claims arising from that incident.

105. Ms. Reed was willing to settle for \$40,000 and an apology, but BRPD refused to authorize the settlement.

106. BRPD still maintains that Ofc. Lawrence did nothing wrong apart from muting his body-worn camera during his encounter with Ms. Reed.

107. Ofc. Lawrence received no additional training, counseling, or anger management in connection with this incident.

108. Throughout Shermanie Reed's lawsuit against Troy Lawrence Jr. and BRPD, the Department withheld information from their own lawyers regarding Troy Lawrence's misconduct. The department even altered and redacted responsive documents to hide the names of witnesses who would have pertinent information regarding Ofc. Lawrence's violent tendencies.

109. Throughout the litigation, BRPD's counsel was repeatedly advised by Ms. Reed's counsel that Ofc. Lawrence posed an ongoing danger to the people of Baton Rouge, and that it was likely he would maim or kill someone if he wasn't removed from the force.

C. TROY LAWRENCE ALSO TRIES TO FIGHT HIS COLLEAGUES

110. Ofc. Lawrence has twice been the subject of Internal Affair investigations for altercations with a 20-year veteran of BRPD, Cody Gunter.

111. On July 19, 2021, Ofc. Lawrence disregarded a direct order from Sgt. Gunter, telling him, "I don't give a fuck who you are."

112. Ofc. Lawrence was suspended for 25 days.

113. On March 6, 2022, Ofc. Lawrence called Sgt. Gunter "a pedophile" and attempted to fight him in public.

114. Ofc. Lawrence stated, "I'll fuck you up right here in front of everybody."

115. Ofc. Lawrence then took off his vest and attempted to fight Sgt. Gunter, who walked away to deescalate the situation.

116. Ofc. Lawrence then called Sgt. Gunter "a pussy" and told him that he was going to "kick [his] ass."

117. The events occurred in front of a crowd of college students.

118. When Sgt. Gunter returned to his car, Ofc. Lawrence followed him, yelling, "Get out the car you pussy."

119. Under oath, Sgt. Gunter explained to Internal Affairs that he believed Ofc. Lawrence was dangerous and that he did not want to work in his presence. He expressed his fear: "I don't know what he is capable of."

issue with me."

-Do you have any personal vendettas against Ofc. Lawrence?

replied, "No."

-Is there any reason that you feel you cannot work with or in the presence of Ofc. Lawrence and if so, please explain?

replied, "I would not be comfortable working in the presence of Ofc. Lawrence because I don't know what he is capable of. I feel that he has a lot anger towards me and it's not going away."

137. Ofc. Lawrence was suspended for this latter incident, as well.

138. In at least one of the incidents, Ofc. Troy Lawrence Sr. was made aware of his son's wrongdoing as the incident was happening, and was asked by other BRPD officials to intervene with his son

139. Ofc. Troy Lawrence Sr. was told that his son would be arrested if he did not promptly report to superior officers in connection with one of his altercations with Sgt. Gunter.

D. ADDITIONAL INTERNAL AFFAIRS INVESTIGATIONS

140. On December 22, 2022, local television station reported a story entitled “BRPD Opens Internal Investigation after Cell Phone Video Captures Violent Confrontation.” See <https://www.wbrz.com/news/brpd-opens-internal-investigation-after-cell-phone-video-captures-violent-confrontation/> (last accessed June 21, 2023).

141. The video in question depicts Ofc. Troy Lawrence, Jr. repeatedly striking a handcuffed individual in the back of a police car.

142. When questioned about the incident under oath on January 19, 2023, Ofc. Troy Lawrence Jr. claimed to have no recollection of the incident and no knowledge of any Internal Affairs investigation into the incident.

143. During his deposition, Ofc. Lawrence also revealed that he had been suspended on at least one other occasion in 2022, although this information was never disclosed during discovery.

E. CHAVIS/SANDERS INCIDENT

140. In yet another recent incident, Ofc. Lawrence publicly attacked two young Black men after they (correctly) criticized him for acting unprofessionally.

141. On October 8, 2022, Ofc. Lawrence picked a fight with two young men—Holden Sanders and Emanuel Chavis—after BRPD officers shot their cousin, Malik Chavis.

142. Ofc. Lawrence profanely ordered the men to leave the grounds of a hospital.

143. When the men informed him that he was acting unprofessionally, he physically attacked them both.

144. The assault involved grabbing Holden Sanders by the neck and hair, as Ofc. Lawrence unsuccessfully sought to rip him out of his car.

145. Other (non-BRPD) officers witnessed the attack, but refused to join in Ofc. Lawrence's brutality, even as he screamed at them: "CAN Y'ALL FUCKING HELP?! . . . WHAT THE FUCK ARE Y'ALL DOING?! YOU'RE NOT GOING TO HELP?!"

146. He also physically attacked their mother.

147. Ofc. Lawrence sadistically placed extremely tight handcuffs on Emanuel Chavis, and in response to his repeated requests to loosen the cuffs, responded: "Well, whenever you fight with me . . . that's what happens."

148. As in this case, Ofc. Lawrence made up false allegations that Chavis and Sanders engaged in criminal conduct justifying his brutality.

149. All criminal charges against both men were recently dropped.

III. BRPD'S LONG HISTORY OF RETALIATING AGAINST CRITICS AND FOSTERING A CULTURE OF IMPUNITY FOR POLICE VIOLENCE

150. Ofc. Lawrence's longstanding pattern of retaliating against those who tell him he is acting unprofessionally is par for the course: it is precisely the same thing BRPD Chief Murphy Paul has done throughout his tenure.

A. Clarence Green Retaliation

151. When Ofc. Lawrence's wrongdoing in the Clarence Green matter became a national news story, BRPD filed a petition in state court seeking to have the Green Family's attorney held in contempt for releasing the body-worn camera footage; the statutory penalty for the species of contempt sought by BRPD was up to six months' imprisonment.

152. In a 92-page opinion, Judge John W. deGravelles subsequently issued an injunction halting this prosecution, rejecting the applicability of "*Younger* abstention" and "find[ing] the overwhelming evidence in this case shows that the City/Parish acted in bad faith and in retaliation against Frampton for Frampton's issuance of a press release and Video which cast BRPD in a bad

light.” *Frampton v. City of Baton Rouge/Par. of E. Baton Rouge*, 21-CV-362-JWD-SDJ, 2022 WL 90238, at *35 (M.D. La. Jan. 7, 2022).

153. Baton Rouge taxpayers paid over \$85,000 to settle the lawsuit.

154. BRPD still maintains that they did nothing wrong in retaliating against the attorney who served as a whistleblower in exposing Ofc. Lawrence’s misconduct.

B. Alton Sterling Retaliation

155. In response to BRPD misconduct, thousands of Louisiana residents protested BRPD in 2016.

156. BRPD responded with mass arrests of the protesters.

157. Protestors argued the arrests were in retaliation for their exercise of their First Amendment rights to criticize BRPD, and their Fourth Amendment rights.

158. They asserted *Monell* claims against BRPD and Baton Rouge, arguing that the wrongdoing was not just the result of individual official wrongdoing, but rather a policy or custom attributable to Baton Rouge itself.

159. This Court rejected defendants’ efforts to dismiss the protestors *Monell* claims. *See* Ruling and Order, *Imani v. City of Baton Rouge*, Case 3:17-cv-00439-JWD-EWD, Dkt. 347 (July 14, 2022).

160. The City of Baton Rouge settled the case midtrial for \$1,170,000.

C. Internal Whistleblower Retaliation

161. After criticizing BRPD leadership, BRPD union vice president Siya Creel was unlawfully terminated by BRPD Chief Murphy Paul.

162. The Municipal Fire & Civil Service Board unanimously decided Creel was wrongfully terminated.

163. East Baton Rouge City-Parish ultimately paid \$90,000 to settle Creel's claims of retaliation.

164. A veteran officer in the BRPD Internal Affairs Division, John Dauthier, has also accused BRPD Chief Murphy Paul of internal wrongdoing, publicly claiming "blatantly partial doctrine for enforcing policies of the BRPD."

165. Dauthier has alleged that he was retaliated against in part because he criticized BRPD leadership, whereas other officers who were well-liked by BRPD leadership were either not disciplined or less severely disciplined for similar wrongdoing.

D. Systemic Failings

166. In April 2023, the non-profit news outlet VERITE released an extraordinary six-part expose called "In The Dark," documenting systemic BRPD violence and hostility toward those who questioned BRPD. *See* <https://veritenews.org/tag/baton-rouge-police-department/> (collecting stories).

167. Among other revelations, VERITE reported that the *sole* police officer investigated (let alone disciplined) for wrongdoing in connection with the 2016 protests was a BRPD officer who was investigated for questioning the legality of the police response at the protest.

168. This reporting was accurate.

169. VERITE reported that 100% of use-of-force complaints made in 2017 were adjudicated "exonerated" or "not sustained" by BRPD Internal Affairs.

170. This reporting was accurate.

171. The reporting also documented a department plagued by a culture of impunity, with meritorious citizen complaints regularly disregarded.

172. Apart from minor errors that have since been included flagged as “Corrections” to the public available articles, there are no inaccuracies in the VERITE reports.

E. Cover-Up of “the BRAVE Cave” torture warehouse and this Incident

173. On January 17, 2023, Mr. Lee’s mother emailed Chief Paul to alert him that her son was kidnapped and severely beaten by the arresting officers.

174. Chief Paul personally called her to acknowledge receipt of the complaint.

175. Mr. Lee filed an Internal Affairs complaint against the arresting officers on April 18, 2023.

176. Internal Affairs acknowledged receipt of the complaint on April 25, 2023.

177. When local media inquired about the incident in late August 2023, BRPD representatives falsely stated that no Internal Affairs complaint had been filed.

178. No action whatsoever in this matter was taken until a local television news station broadcast a report about the torture warehouse (and this impending lawsuit) on August 28, 2023.

COUNT I(a)-(b)

42 U.S.C. § 1983 – Fourth Amendment Excessive Force

179. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

180. As more fully described above, Defendants Troy Lawrence, Jr. and Matthew Wallace deprived Plaintiff Mr. Lee of his constitutional right to be free from excessive force.

181. Defendants Lawrence and Wallace used excessive force **(a)** when they first grabbed Mr. Lee by the arms, when they dragged him from the car, and when they forcibly

arrested and strip-searched him. They again used excessive force **(b)** when, along with Defendant Joseph Carboni, they fractured Mr. Lee's rib and bruised his face and body in the off-site BRPD warehouse. The force was excessive to the need (which was none, given Mr. Lee's explicit willingness to compliance) and was objectively unreasonable.

182. As a direct and proximate result of this deprivation of his constitutional right to be free from excessive force, Plaintiff suffered injuries, including, but not limited to, significant physical injuries and emotional distress.

COUNT II

42 U.S.C. § 1983 – Fourth Amendment Unreasonable Search

183. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

184. As more fully described above, Defendants Troy Lawrence, Jr. and Matthew Wallace deprived Plaintiff Mr. Lee of his constitutional right to be free from unreasonable searches.

185. Though claiming Mr. Lee was merely "detained" at the time, they performed a violent and invasive public strip-search on him, grabbing his genitals and pulling his pants to his knees. The search far exceeded the limits of a "*Terry* frisk" that would be permissible absent a full custodial arrest and was unlawful under Louisiana law, as well.

186. As a direct and proximate result of this deprivation of his constitutional right to be free from unreasonable searches, Plaintiff suffered injuries, including, but not limited to, significant physical injuries and emotional distress.

COUNT III

42 U.S.C. § 1983 – Fourth Amendment Unreasonable Seizure

187. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

188. As more fully described above, Defendants Troy Lawrence, Jr., Matthew Wallace, and Joseph Carboni deprived Plaintiff Mr. Lee of his constitutional right to be free from unreasonable seizure.

189. Defendants arrested Mr. Lee without a warrant and without probable cause to believe he committed a criminal offense, and held him incommunicado at the “BRAVE Cave” for purposes of beating him.

190. As a direct and proximate result of this deprivation of his constitutional right to be free from unreasonable seizures, Plaintiff suffered injuries, including, but not limited to, significant physical injuries and emotional distress.

COUNT IV

42 U.S.C. § 1983 - First Amendment Retaliation

191. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

192. As more fully described above, Defendants Troy Lawrence, Jr. and Matthew Wallace deprived Mr. Lee of his constitutional right to be free from retaliation under the First Amendment to the United States Constitution.

193. Specifically, Mr. Lee alleges that he was engaged in constitutionally protected activity in (correctly) criticizing Ofc. Lawrence and Det. Wallace’s misconduct; Ofc. Lawrence and Det. Wallace were substantially motivated against the plaintiff’s exercise of constitutionally protected conduct when they decided to arrest him because of that criticism; and by arresting and

using excessive force against Mr. Lee, they caused him to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity.

194. As a direct and proximate result of this deprivation of his constitutional right to be free from retaliation for First Amendment activity, Plaintiff suffered injuries, including, but not limited to, significant physical injuries and emotional distress.

COUNT V

COUNT V – 42 U.S.C. § 1983 – *Monell* Liability for Each of the Foregoing Constitutional Violations (COUNTS I-IV)

195. Plaintiffs repeat and realleges all of the paragraphs in this complaint as if fully set forth herein against BRPD and all municipal defendants.

196. Plaintiffs further allege that BRPD maintains and implements formal written and unwritten policies regarding use-of-force, strip-searches, and responses to citizen criticism that caused the constitutional violations alleged in this complaint. This includes the formal BRPD policy of maintaining a torture warehouse known as “the BRAVE Cave” where constitutional deprivations are commonplace.

197. Plaintiffs further allege that there is a pattern, practice, custom, and informal policy of false arrests, illegal searches, excessive force, and retaliation at BRPD; that this widespread recurring practice is so permanent and settled that it constitutes formal policy; and that adherence to that practice caused the constitution violations at issue in this complaint. This includes, but is not limited to, the maintenance of a torture warehouse known as “the BRAVE Cave” where constitutional deprivations are commonplace.

198. Plaintiffs further allege that Ofc. Lawrence was inadequately trained; that this inadequate training caused their constitutional injuries; and that BRPD and the Parish-City was deliberately indifferent to the constitutional rights injured.

199. Plaintiffs further allege that Ofc. Lawrence was inadequately supervised; that this inadequate supervision caused their constitutional injuries; and that BRPD and the Parish-City was deliberately indifferent to the constitutional rights injured.

200. Plaintiffs further allege that Ofc. Lawrence was inadequately disciplined; that this inadequate discipline caused their constitutional injuries; and that BRPD and the Parish-City was deliberately indifferent to the constitutional rights injured.

201. Plaintiffs further allege that Ofc. Lawrence's conduct has been authorized, approved, and ratified by Chief Murphy Paul, who wields final policymaking authority for BRPD in the relevant fields.

Count VI
42 U.S.C. § 1983 : Failure to Intervene

202. It is widely recognized that all law enforcement officials have an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law enforcement Deputies in their presence” and a police officer may be held liable under § 1983 if he “fails or refuses to intervene when a constitutional violation such as an unprovoked beating takes place in his presence.” In the instant matter, BRPD officers Wallace and Carboni failed to intervene when officer Lawrence was using excessive force against Mr. Lee. Further, Officers Lawrence and Carboni failed to intervene when Officer Wallace was using excessive force against Mr. Lee. Moreover, Officers Lawrence and Wallace failed to intervene when officer Carboni was using excessive force against Mr. Lee.

COUNTS VII, VIII, IX, X, XI

State Law Claims - Assault, Battery, False Imprisonment, Defamation, Negligence

203. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

204. As more fully described above, Plaintiff Mr. Lee asserts state law claims of assault (Count VII), battery (COUNT VIII), and false imprisonment (COUNT IX) against Defendants Lawrence, Wallace, and Carboni in violation of Louisiana law. He alleges that Lawrence and Wallace defamed him (COUNT X) when filing false police reports against him. He alleges that all three and Chief Paul are liable for negligence that proximately caused his injuries (COUNT XI). These claims include all of the previous alleged wrongdoing discussed above.

COUNT XII

Respondeat Superior

205. At all relevant times, the individual defendants were acting in the course and scope of employment as Baton Rouge police officers and were under the control, direction, and supervision of their employer. Defendants BRPD and City/Parish of Baton Rouge are liable for the aforementioned state-law torts under the doctrine of respondeat superior.

206. Plaintiffs have been injured by the foregoing, having suffered physical injuries, WHEREFORE, Plaintiff prays that this Court enter judgment in his favor and against Defendants. Plaintiff prays for the awarding of declaratory relief and compensatory damages, costs and attorneys' fees against all Defendants, and punitive damages against all Defendants; and for such further and additional relief as this Court may deem appropriate and just. A jury

trial is demanded on all issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan K. Thompson", is written over a horizontal line. The signature is stylized and includes a large flourish at the end.

Ryan K. Thompson, LA Bar #38957
TRIAL ATTORNEY

660 Richland Ave
Baton Rouge, LA 70806
T: (323)271-8032
E: RKTsocialjustice@gmail.com

Jessica F. Hawkins, LA Bar #38263

P.O. Box 5072
Baton Rouge, LA 70802
T: (915)217-9192
E: jessicahawkins0421@gmail.com

Thomas W. Frampton, LA Bar # 35775

580 Massie Road
Charlottesville, VA 22903
T: (202) 352-8341
E: tframpton@law.virginia.edu

COUNSEL FOR JEREMY LEE

EXHIBIT C

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

TERNELL L. BROWN,

Plaintiff,

v.

No. **3:23-cv-01313**

BATON ROUGE POLICE DEPARTMENT,
TROY LAWRENCE, JR., in his individual
capacity, MATTHEW WALLACE, in his
individual capacity, UNKNOWN FEMALE
OFFICER, in her individual capacity,
MURPHY PAUL, in his individual and
official capacities, CITY OF BATON
ROUGE, and PARISH OF EAST BATON
ROUGE.

Defendants.

COMPLAINT WITH JURY DEMAND

Baton Rouge’s torture warehouse, known to BRPD’s Street Crimes Unit as its “BRAVE Cave,” was shuttered two weeks ago. The full horror of what the Street Crimes Unit did there, however, is still coming to light. Even those who were not beaten at the torture warehouse, we now know, were still sexually humiliated; official BRPD policy green-lit, in writing, illegal strip searches of the hundreds of detainees brought to the “BRAVE Cave.”

That’s what happened to Mrs. Ternell Brown, a Baton Rouge grandmother, who was stopped while carrying two different types of prescription pills (which she lawfully possessed) in the same pill container. Because BRPD officers deemed this behavior “suspicious,” she was taken to BRPD’s black site, where she was forced to show officers that she was not hiding contraband in her vagina or rectum. After more than two hours, they let her go without charge.

The officers who forced Mrs. Brown to spread open her vagina and buttocks were involved in numerous previous beatings of Baton Rouge civilians, but they were not acting as rogue officers when they sexually humiliated Mrs. Brown; rather, they were simply carrying out official BRPD policy. Two years ago, BRPD's policy of strip-searching BRPD citizens made national news when video emerged of BRPD officers strip-searching a child; in response to the national outrage, Chief Murphy Paul illegally targeted the lawyer who brought the footage to light, but he did nothing to change BRPD's strip-search policy. To this day, BRPD policy instructs officers that they may conduct these invasive strip searches whenever they have "reasonable suspicion to frisk" a detainee. Such a policy runs directly contrary to longstanding U.S. Supreme Court jurisprudence.

Why have misconduct complaints about the torture warehouse and the Street Crimes Unit gone ignored for so long? Two weeks ago, BRPD's Deputy Chief and Chief of Staff, Myron Daniels, opened a press conference alongside Chief Paul downplaying the allegations of wrongdoing at the torture warehouse (and misleadingly suggesting that he and Chief Paul were unaware of the allegations until August). What Daniels neglected to tell the public was that he and the head of the Street Crimes Unit, Lorenzo Coleman, are business partners. When not working for BRPD and operating a torture warehouse, the two men co-run a consulting agency called Armor Consulting Group, which offers workshops and trainings around the country on "police reform." Is it any surprise that top BRPD brass has consistently exonerated members of Street Crimes Unit accused of wrongdoing?

NOW INTO COURT, through undersigned counsels, comes the Plaintiff, Ternell L. Brown, who is a person of the full age of majority and domiciled in East Baton Rouge Parish, State of Louisiana, who respectfully represents the following:

PARTIES

1. Plaintiff TERNELL L. BROWN is a citizen of the United States and a resident of Baton Rouge, Louisiana.

2. Made Defendants herein are:

Officers TROY LAWRENCE, JR. (P10805) and MATTHEW WALLACE (P10704) are residents of Louisiana and were employed by the Baton Rouge Police Department at the time of the events giving rise to this complaint. UNKNOWN FEMALE OFFICER is an unidentified members of the BATON ROUGE POLICE DEPARTMENT who participated in the illegal search and seizure of Mrs. Brown. All of these officers were/are so employed by the Defendants BATON ROUGE POLICE DEPARTMENT, CITY OF BATON ROUGE and PARISH OF EAST BATON ROUGE. Defendant CITY OF BATON ROUGE is a political subdivision of the State of Louisiana. The city's governing authority is consolidated with the government of EAST BATON ROUGE PARISH. Defendant PARISH OF EAST BATON ROUGE is a political subdivision of the State of Louisiana. The Parish's governing authority is consolidated with the government of the CITY OF BATON ROUGE.

3. BRPD CHIEF MURPHY PAUL is the final policymaker for the municipal defendants as it pertains to official policy governing searches, seizures, training, discipline, use of force, and First Amendment policy for the Baton Rouge Police Department.

JURISDICTION AND VENUE

4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of state law of Plaintiff's rights as secured by the United States Constitution, as well as the deprivation of rights under Louisiana law.

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367. Venue is proper under 28 U.S.C. § 1391(b), because the defendants reside in this judicial district and the events giving rise to the claims asserted herein occurred in this judicial district.

PLAINTIFF'S FACTUAL ALLEGATIONS

A. MRS. BROWN IS TAKEN TO THE TORTURE WAREHOUSE AND SEXUALLY HUMILIATED

6. On Saturday June 10, 2023, at approximately 5:17PM, members of the Baton Rouge Police Department's "Street Crimes Unit" were patrolling the 2500 block of Plank Rd. when Det. Matthew Wallace and Off. Troy Lawrence, Jr. observed a black in color Dodge Charger.

7. The officers ordered those inside the Dodge, Mrs. Brown and her husband, to stop by activating their lights.

8. Those inside the Dodge complied by stopping.

9. The officers ordered Mrs. Brown and her husband to exit the vehicle.

10. The officers searched the vehicle without Mrs. Brown or her husband's consent or a warrant.

11. During the search, the officers discovered several bottles of prescription medication belonging to Mrs. Brown. They opened the bottle.

12. Mrs. Brown informed the officers a minimum of four times that she is in lawful possession of the pills as they had been prescribed to her.

13. The officers informed her that it was illegal to have different prescription medicines in the same pill container.

14. It is not illegal to have different prescription medicines in the same pill container.

15. Mrs. Brown pleaded with officers and informed them that she could provide proof

that she was in lawful possession of the medication.

16. Instead of viewing her prescriptions while still on-scene, the officers informed her that a judge would sort it out.

17. The officers told Mrs. Brown, “We don’t know if it’s something you bought off the streets, or what?”

18. The officers then forcibly (i.e., without her consent) transported Mrs. Brown to “the BRAVE Cave.”

19. “The BRAVE Cave” is an unmarked BRPD facility depicted below that was closed in September 2023 shortly after reports of torture committed by members of the Street Crimes Unit became public. It is not a jail or detention facility; no correctional staff work at “the BRAVE Cave.” Rather, it is a warehouse that the Street Crimes Unit has adopted as their home base over the past several years. It is a place where BRPD takes suspects to interrogate them, gather intelligence, and attempt to “flip” them to begin cooperating with BRPD.



20. The reason that the officers transported Mrs. Brown to the BRAVE Cave is because they suspected she might be involved in illegal drug activity.

23. Mrs. Brown was a “detainee” who was being held while the officers investigated whether there was probable cause to arrest her for a drug offense.

24. Mrs. Brown was held at “the BRAVE Cave” Mrs. Brown for over two hours.

25. The officers intentionally turned off their body-worn cameras at “the BRAVE Cave,” even though their investigation into Mrs. Brown was ongoing.

25. Defendants Lawrence, Wallace, and Unknown Female Officer subjected Mrs. Brown to Strip¹ and Body Cavity² searches.

26. Defendants Lawrence, Wallace, and Unknown Female Officer examined her forced her to spread her vagina and buttocks for inspection and examined her vagina using a flashlight. Defendants Lawrence, Wallace, and Unknown Female Officer did not have a warrant, probable cause, or consent to conduct either a Strip or Body Cavity search.

27. Once satisfied that Mrs. Brown was not hiding a weapon or contraband in her rectum or vagina, she was released from “the BRAVE Cave” without charge.

28. Shortly after her release, Mrs. Brown attempted to file a complaint in person at BRPD Headquarters. She was told that the officers had done nothing wrong and that her treatment was proper.

B. BRPD’S WRITTEN POLICY OF ILLEGAL STRIP SEARCHES

29. When officer defendants conducted their illegal search of Mrs. Brown’s rectum

¹ Strip Search: A visual inspection of an individual who has disrobed including the hair, mouth, ears, nostrils, groin area and buttocks to locate weapons, contraband or evidence. *See* BRPD Policy Manual General Order 281.

² Body Cavity Search: A search involving not only the visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances the stomach cavity, for weapons, evidence or contraband. *See* BRPD Policy Manual General Order 281.

and vagina, they were acting pursuant to formal BRPD policy.

30. BRPD Policy General Order No. 281 states in pertinent part:

III. Strip Search

*A. Arrestees will not be subjected to strip searches unless the officer has articulate, reasonable suspicion that this particular arrestee may have weapons or contraband on his person. **Reasonable suspicion** will be based on the following factors:*

- 1. The nature of the offense charged;*
- 2. The arrestee's appearance and conduct;*
- 3. The circumstances of the arrest.*
- 4. The arrestee's prior record. . . .*

C. Strip searches may be conducted on non-arrestees based on individualized articulable reasonable suspicion to frisk

- 1. Reasonable suspicion . . . will be based on the same factors listed in III A.*

31. The U.S. Supreme Court has made unambiguously clear that law enforcement officers may not conduct may conduct only a “frisk,” as defined in *Minnesota v. Dickerson*, 508 U.S. 366 (1993), when officers have only reasonable suspicion of criminal wrongdoing.

32. The written BRPD policy violates the legal standard announced in *Minnesota v. Dickerson* for searches by police officers.

BATON ROUGE POLICE DEPARTMENT

General Order
No.281

Effective Date
11-01-1994

Revised Date
05-19-2016

Subject: Search of Persons

Reviewed 5/19/16

III. Strip Search

- A. Arrestees will not be subjected to strip searches unless the officer has articulate, reasonable suspicion that this particular arrestee may have weapons or contraband on his person. Reasonable suspicion will be based on the following factors:
 - 1. The nature of the offense charged.
 - 2. The arrestee's appearance and conduct.
 - 3. The circumstances of the arrest.
 - 4. The arrestee's prior record.

- B. Strip searches will be conducted under the following conditions:
 - 1. Strip searches of arrestees will only be conducted in either a fully enclosed room that is not accessible to the public or in a fully enclosed and secure portion of a Departmental facility or other custodial facility (e.g. Parish Prison, LSU Police Department, and Scotlandville Substation).
 - 2. Only the minimum number of individuals necessary to conduct the search will be present.
 - 3. Only officers of the same sex as the arrestee will conduct the search. The arrestee will not be touched by any officer unless it is necessary to counter resistance.

- C. Strip searches may be conducted on non-arrestees based on individualized articulable reasonable suspicion to frisk, probable cause to search, consent, or a court order.
 - 1. Reasonable suspicion and probable cause will be based upon the same factors listed in III A.
 - 2. The search must be conducted in a fully enclosed room that is not accessible to the public.
 - 3. Only the minimum number of officers necessary to conduct the search will be present. No other persons will be present during the search.
 - 4. If such a location is not immediately available, the suspect may be brought to the closest departmental facility that meets the criteria set forth above.
 - 5. The suspect will be detained no longer than is absolutely necessary to conduct the search.
 - 6. Only officers of the same sex as the subject of the search will conduct the search.

C. BRPD'S LONGSTANDING PRACTICE OR CUSTOM OF ILLEGAL STRIP SEARCHES

33. BRPD's Street Crimes Unit regularly subjects all those brought to "the BRAVE Cave" to strip searches, including non-arrestees merely suspected of criminal wrongdoing.

34. Since January 2023, BRPD Street Crimes Unit conducted strip searches on approximately 1,000 individuals, including hundreds of individuals whose detention was based solely on reasonable suspicion of wrongdoing (or less). Hundreds of these individuals, like Mrs. Brown, were released without formal arrest.

35. In 2021, BRPD officers' use of strip searches became a national news story when video of BRPD officers' (including Troy Lawrence, Jr.) strip search of Clarence Green and his juvenile brother was broadcast on *CBS Evening News*.

36. In a May 2021 press conference, Chief Murphy Paul and Deputy Chief Myron Daniels defended the officers' strip searches at a public news conference.

37. Chief Murphy Paul, with the input of Deputy Chief Myron Daniels, cleared the officers of any wrongdoing related to the illegal strip searches depicted on the video.

38. Chief Murphy Paul and Deputy Chief Myron ensured that BRPD officers conducted strip searches consistent with General Order No. 281's instructions that strip searches could be properly based on solely on an officer's suspicion of wrongdoing.

D. PROTECTION OF THE STREET CRIMES UNIT BY BRPD LEADERSHIP

39. Beginning in 2018, high-ranking BRPD officials began covering up wrongdoing by colleagues in the Street Crimes Unit.

40. In 2018, now-Deputy Chief Myron Daniels (then Internal Affairs Commander) personally shut down a meritorious Internal Affairs investigation into wrongdoing by Lorenzo

Coleman, who was tasked with running the Street Crimes Unit. Daniels was promoted to become Paul’s Deputy Chief and Chief of Staff in 2020.

41. Deputy Chief Myron Daniels personally defended illegal strip searches conducted by Troy Lawrence, Jr. in a May 2021 press conference.

42. Deputy Chief Myron Daniels and Street Crimes Unit head Lorenzo Coleman operate a consulting group doing business as “Armor Consulting Group” (ACG) from which they gain additional income.

43. Daniels holds himself out at the “President” of the organization; Coleman holds himself out as the “Chief Operating Officer.”

44. The two men earn additional income running ACG, which provides “consulting services.”



45. Daniels and Coleman—two men with oversight responsibility for the BRPD torture warehouse—promote themselves as offering “police reform” solutions after “a series of events [in 2020] evoked a change in the worlds [sic] social climate as it relates to law enforcement.”



46. At a press conference on August 29, 2023, called to address the allegations that the Street Crimes Unit ran a “torture warehouse,” Daniels offered a false and misleading timeline regarding his and Chief Paul’s knowledge about the allegations. He also falsely claimed that there was “nothing secretive” about the torture warehouse (though, ironically, Daniels kept secret his own longstanding knowledge of allegations of wrongdoing there, and also simultaneously claimed that the Street Crimes Unit officers secretly called the facility “the BRAVE Cave,” unbeknownst to him or Chief Paul).

47. Daniels stated: “Just some notes and a timeline as far as, uh, some of the things that have recently occurred. We recently received a complaint involving one of the officers associated with that case. That complaint came in as early as August 11. It was followed up by the supervisor who took the complaint on August 13. That supervisor wrote a letter to Internal Affairs to have that case investigated.”

48. In fact, the complaint regarding torture by Troy Lawrence, Jr. and other members of the Street Crimes Unit at “the BRAVE Cave” were received by Chief Paul personally in January 2023 and by Internal Affairs in April 2023.

49. Daniels was aware of these facts when he presented his misleading timeline to the public on August 29.

50. Because he has a business partnership with Coleman and because the two men share an interest in maintaining their reputation as police reformers, Daniels should have recused himself from an Internal Affairs or misconduct investigation into the Street Crimes Unit that Coleman oversaw.

51. But Daniels has *never* recused himself from any Internal Affairs or misconduct investigation into wrongdoing by Coleman, the Street Crimes Unit, or individual officers associated with the Street Crimes Unit.

52. Daniels remains involved in overseeing the investigation into Coleman, the Street Crimes Unit, and “the BRAVE Cave” to this day, despite the fact that Street Crimes Unit operations there were run by his business partner, Lorenzo Coleman.

E. POLICYMAKERS’ DELIBERATE INDIFFERENCE TO THE OBVIOUS CONSEQUENCES OF RECURRING MISCONDUCT BY TROY LAWRENCE JR. AND MATTHEW WALLACE

53. During Troy Lawrence Jr.'s short tenure as a BRPD officer, his dangerous temper led to numerous Internal Affairs investigations.

54. Numerous incidents have involved Troy Lawrence Jr. needless escalating ordinary encounters, strip-searching Black citizens, and responding to criticism with violence.

55. Troy Lawrence, Jr. is the son of BRPD Deputy Chief Troy Lawrence, Sr.

56. Apart from Chief Murphy Paul, Deputy Chief Troy Lawrence Sr., is currently the highest paid employee of BRPD.

57. At the time of Mrs. Brown's encounter with him, no BRPD employee with Troy Lawrence Jr.'s seniority has been suspended by BRPD more times for misconduct (without being terminated) than Troy Lawrence Jr.

58. At the time of Mrs. Brown's encounter with him, no BRPD employee has been suspended by BRPD more times for misconduct (without being terminated) than Troy Lawrence Jr. in the previous two years.

59. Wallace has also been investigated several times by Internal Affairs, including one recent incident involving a "death in custody."

CLARENCE GREEN INCIDENT

60. Shortly after joining the force, Ofc. Lawrence's misconduct made national news when he strip-searched a minor child in public; illegally searched that child's mother's apartment without a warrant; and then threatened to beat a handcuffed detainee.

61. Judge Brian A. Jackson (who was unaware of the threatened beating) described the January 1, 2020 incident as follows: "[T]he state agents in this case demonstrated a serious and wanton disregard for Defendant's constitutional rights, first by initiating a traffic stop on the thinnest of pretext, and then by haphazardly invading Defendant's home (weapons drawn) to

conduct an unjustified, warrantless search. Such an intrusion, in abject violation of the protections afforded by the Fourth Amendment of the United States Constitution, which protects citizens against unwarranted governmental intrusions in their homes, may justifiably be considered to be a trespass subject to prosecution under La. R.S. 14:63.”

62. After the home search, when BRPD officers attempted to pressure Ms. Green into consenting to allow them to take a DNA sample from her minor child, Clarence Green (from the back of a police car) advised his mother to call a lawyer. Troy Lawrence Jr. then threatened to beat Clarence Green while he was handcuffed and locked in the back of a police car, stating: “If you don't shut the fuck up, I'm gonna come in and I'm gonna fuck you up. You think I'm playing with you? I will fuck you up.”

63. Despite Judge Jackson’s ruling on December 29, 2020, the filing of a civil rights lawsuit on January 2, 2021, and Baton Rouge Metropolitan Council’s ratification of a \$35,000 settlement on April 2021, no disciplinary investigation into Ofc. Lawrence was even *started* until (at earliest) May 24, 2021.

64. The investigation did not begin until after BRPD was contacted by journalists who had reviewed the footage that was released by the Green Family.

65. The “disturbing” footage of Ofc. Lawrence’s misconduct was featured on the national nightly news program CBS EVENING NEWS on May 27, 2021.

66. On May 28, 2021, Deputy Chief Myron Daniels and Chief Murphy Paul convened a press conference to address the national controversy caused by Troy Lawrence, Jr. and his colleagues.

67. At the press conference, the first question posed by journalists was: “This happened almost 17 months ago. Would we be here talking about this today if that video had not come out?” Chief Paul responded: “Absolutely we would have. . . . We just had the last hearing, what was it, the 13th

I believe? The 13th of this month was our last hearing. And we still have two other officers that we have not completed that investigative process. So yes, we still would have made that information available to the public once those administrative processes have concluded.”

68. Chief Paul omitted that the investigation into Ofc. Lawrence was not started before May 24, 2021.

69. BRPD conducted an investigation into Troy Lawrence Jr.’s role in the Green Family case and Chief Paul and Deputy Chief Daniels personally reviewed the results.

70. BRPD cleared Lawrence of any violation of a “use of force” or search-and-seizure policies in connection with the initial stop of, initial search of, and threatened violence against Clarence Green and his brother. As Chief Paul stated at the press conference, the strip-searches conducted of Green and his brother were consistent with and approved under BRPD policy.

71. On January 19, 2023, Ofc. Lawrence testified under oath about the aforementioned incident.

72. Ofc. Lawrence swore that he “was suspended for cursing, using profanity.”

73. Ofc. Lawrence swore that he had no idea he was one of the “John Doe” defendants named in Clarence Green’s civil rights suit.

74. Ofc. Lawrence swore that he had no recollection of being featured on a national news broadcast or that Chief Paul had convened a press conference to discuss the incident he was involved in.

75. Ofc. Lawrence swore that he did not believe that he had assaulted Clarence Green by threatening to “fuck him up” while he was handcuffed.

76. Ofc. Lawrence received no additional training, counseling, or anger management in connection with this incident. Ofc. Lawrence was never told by anyone in BRPD that he had done

anything wrong by strip-searching a child in public based on reasonable suspicion (or less) of wrongdoing.

SHERMANIE REED INCIDENT

77. Ofc. Lawrence also used force and violence against another motorist, Shermanie Reed, who (correctly) told him he was acting unprofessionally on October 31, 2020.

78. Ofc. Lawrence grossly misrepresented the details of the encounter in a police report (and subsequent Internal Affairs investigation). Though Internal Affairs knew or should have known that Lawrence lied throughout his Internal Affairs investigation, no action was taken against him for his obvious lies.

79. Chief Paul personally and BRPD as an organization found that Ofc. Lawrence's conduct was consistent with BRPD policy (apart from muting his body-worn camera).

80. BRPD conducted an investigation into the case and Chief Paul personally reviewed the results.

81. Ofc. Lawrence's interview with Internal Affairs included numerous obvious false statements.

82. The investigation cleared Ofc. Lawrence of all wrongdoing in that case apart from muting his body-worn camera.

83. In September 2021, counsel for Ms. Reed wrote Parish Attorney Andy Dotson to alert him to Lawrence's misconduct and to highlight misrepresentations in his Internal Affairs interview. The letter sought a meeting with Chief Paul regarding the incident.

84. Andy Dotson did not respond.

85. Reed sued Lawrence and Chief Paul for false arrest, excessive force, and First Amendment retaliation on October 30, 2021.

86. Her complaint emphasized that Ofc. Troy Lawrence already “boast[ed] a lengthy record of professional misconduct during his short career.”

87. In numerous conversations in late 2021 and early 2022, BRPD’s attorney was advised by Reed’s counsel that Lawrence was likely to maim or seriously injure someone in a future incident if they failed to intervene.

88. At Lawrence’s deposition on January 19, 2023, he repeatedly lied about the facts of the case.

89. On January 21, 2023, BRPD’s counsel was sent another letter highlighting examples of Ofc. Lawrence’s perjury in his deposition and reiterating counsel’s ongoing concerns: “Officer Lawrence is going to seriously injure or kill someone if he remains on the force. It is disheartening to learn that, since the filing of this lawsuit, Officer Lawrence has been *suspended* at least three (3) additional times for on-the-job misconduct and is currently the subject of an internal investigation for additional police brutality in December 2022.”

90. Within two months of Ofc. Lawrence’s deposition, BRPD agreed to a \$55,000 settlement to resolve the claims arising from that incident.

91. Ms. Reed was willing to settle for \$40,000 and an apology, but Lawrence and BRPD refused to authorize the settlement.

92. Both Lawrence and BRPD still maintain that Lawrence did nothing wrong apart from muting his body-worn camera during his encounter with Ms. Reed.

93. Ofc. Lawrence received no additional training, counseling, or anger management in connection with this incident.

94. Throughout Shermanie Reed’s lawsuit against Troy Lawrence Jr. and BRPD, the Department withheld information from their own lawyers regarding Troy Lawrence’s

misconduct. The department even altered and redacted responsive documents to hide the names of witnesses who would have pertinent information regarding Ofc. Lawrence's violent tendencies.

95. Throughout the litigation, BRPD's counsel was repeatedly advised by Ms. Reed's counsel that Ofc. Lawrence posed an ongoing danger to the people of Baton Rouge.

TROY LAWRENCE TRIES TO FIGHT HIS COLLEAGUES

96. Ofc. Lawrence has twice been the subject of Internal Affair investigations for altercations with a 20-year veteran of BRPD, Cody Gunter.

97. On July 19, 2021, Ofc. Lawrence disregarded a direct order from Sgt. Gunter, telling him, "I don't give a fuck who you are."

98. Ofc. Lawrence was suspended for 25 days.

99. On March 6, 2022, Ofc. Lawrence called Sgt. Gunter "a pedophile" and attempted to fight him in public.

100. Ofc. Lawrence stated, "I'll fuck you up right here in front of everybody."

101. Ofc. Lawrence then took off his vest and attempted to fight Sgt. Gunter, who walked away to deescalate the situation.

102. Ofc. Lawrence then called Sgt. Gunter "a pussy" and told him that he was going to "kick [his] ass."

103. The events occurred in front of a crowd of college students.

104. When Sgt. Gunter returned to his car, Ofc. Lawrence followed him, yelling, "Get out the car you pussy."

105. Under oath, Sgt. Gunter explained to Internal Affairs that he believed Ofc. Lawrence was dangerous and that he did not want to work in his presence. He expressed his fear: "I don't know what he is capable of."

issue with me."

-Do you have any personal vendettas against Ofc. Lawrence?

██████████ replied, "No."

-Is there any reason that you feel you cannot work with or in the presence of Ofc. Lawrence and if so, please explain?

██████████ replied, "I would not be comfortable working in the presence of Ofc. Lawrence because I don't know what he is capable of. I feel that he has a lot anger towards me and it's not going away."

137. Ofc. Lawrence was suspended for this latter incident, as well.

138. In at least one of the incidents, Ofc. Troy Lawrence Sr. was made aware of his son's wrongdoing as the incident was happening, and was asked by other BRPD officials to intervene with his son

139. Ofc. Troy Lawrence Sr. was told that his son would be arrested if he did not promptly report to superior officers in connection with one of his altercations with Sgt. Gunter.

LAWRENCE AND WALLACE CONSPIRE IN DEC. 2022 BEATING

136. On December 22, 2022, local television station reported a story entitled "BRPD Opens Internal Investigation after Cell Phone Video Captures Violent

Confrontation.” See <https://www.wbrz.com/news/brpd-opens-internal-investigation-after-cell-phone-video-captures-violent-confrontation/> (last accessed Sept. 17, 2023).

137. The video in question depicts Lawrence repeatedly striking a handcuffed individual in the back of a police car while Wallace attempts to force his way into a house without a warrant.

138. When questioned about the incident under oath on January 19, 2023, Ofc. Troy Lawrence Jr. claimed to have no recollection of the incident and no knowledge of any Internal Affairs investigation into the incident. He also claimed to have no idea who the man forcing his way into the house (his partner, Wallace) was.

139. Lawrence’s testimony was improbable because, *inter alia*, it was one of the few times he had recently completed a use of force report regarding the incident, one of the few times he had ever done so during his BRPD career.

140. Two hours later, Troy Lawrence Jr. conducted a lengthy interview with Internal Affairs during which he provided a detailed account of the incident which exonerated both him and Wallace of any wrongdoing from the incident.

141. Wallace also provided a misleading and self-serving account of the incident.

142. Daniels personally cleared Lawrence and Wallace of wrongdoing connected to the incident.

143. Chief Paul’s attorney was informed almost immediately after the deposition in January 2023 that Lawrence had committed perjury throughout his deposition, including (specifically) his claims that he did not recall the recent beating depicted on the video.

CHAVIS/SANDERS INCIDENT

140. In yet another recent incident, Ofc. Lawrence publicly attacked two young Black citizens and their mother after they (correctly) criticized him for acting unprofessionally.

141. On October 8, 2022, Ofc. Lawrence picked a fight with two young men—Holden Sanders and Emanuel Chavis—after BRPD officers shot their cousin, Malik Chavis.

142. Ofc. Lawrence profanely ordered the men to leave the grounds of a hospital.

143. When the men informed him that he was acting unprofessionally, he physically attacked them both.

144. The assault involved grabbing Holden Sanders by the neck and hair, as Ofc. Lawrence unsuccessfully sought to rip him out of his car.

145. Other (non-BRPD) officers witnessed the attack, but refused to join in Ofc. Lawrence's brutality, even as he screamed at them: "CAN Y'ALL FUCKING HELP?! . . . WHAT THE FUCK ARE Y'ALL DOING?! YOU'RE NOT GOING TO HELP?!"

146. He also physically attacked their mother.

147. Ofc. Lawrence sadistically placed extremely tight handcuffs on Emanuel Chavis, and in response to his repeated requests to loosen the cuffs, responded: "Well, whenever you fight with me . . . that's what happens."

148. As in this case, Ofc. Lawrence made up false allegations that Chavis and Sanders engaged in criminal conduct justifying his brutality.

149. All criminal charges against both men were recently dropped.

WALLACE AND LAWRENCE SEND JEREMY LEE TO THE HOSPITAL

140. In yet another recent incident, Wallace and Lawrence publicly stripped a young Black man and then beat him so badly he was hospitalized

141. On January 9, 2023, BRPD arrested Jeremy Lee, who is 21 years old, 5’6”, and weighs 125 pounds without reasonable suspicion or probable cause.

142. Jeremy Lee yelled in pain while Lawrence and Wallace pulled down his pants and searched him.

143. While Mr. Lee was handcuffed and on the ground, Lawrence told him, “I’m about to bat the living crap out of you.”

144. Frightened and seeking some kind of fairness, Mr. Lee told Lawrence and Wallace to “turn your [body-worn] camera on” and to “bat me then.”





145. A large crowd gathered nearby to witness BRPD activity.

146. Lawrence began to argue with members of the crowd. Lawrence and one woman got into an argument during which he told her to “keep talking” and dared her to “show me.”

147. When another crowd member told Lawrence he was acting unprofessionally, Ofc. Lawrence called the man “ignorant” and bragged about how much money he had.

148. The argument nearly escalated into a physical altercation.

149. Another BRPD officer intervened to separate Lawrence from the agitated crowd.

150. After being separated, Lawrence tried to walk back over to the crowd to taunt them more, but two officers intervened to talk him down and walk him away. One explicitly told him to “chill out.” Even his fellow officers saw his capacity for escalation and dangerousness.

151. Instead of taking Mr. Lee to the East Baton Rouge Parish Prison, Wallace and Lawrence took Mr. Lee to the same torture warehouse where Mrs. Brown was sexually humiliated.



152. While there, they took him out of a holding cell and severely beat him.

153. Lawrence and Wallace repeatedly punched and kicked Mr. Lee.

154. Mr. Lee was so badly beaten that authorities at East Baton Rouge Parish Prison refused to accept him when Wallace and Lawrence attempted to transfer Mr. Lee to their custody, insisting that Mr. Lee be taken to the hospital.

155. Mr. Lee was diagnosed with broken ribs and other physical injuries as a result of his beating.

156. Lawrence and Wallace constructed a false police report accusing Mr. Lee of attempting to escape from the torture warehouse.

157. Lawrence accused Mr. Lee of committing a “battery” against him, though the narrative portion of the report does not actually claim that Mr. Lee ever touched him.

158. Though Lawrence resigned shortly after the torture warehouse allegations became public, no disciplinary action has been taken against Wallace.
159. Neither Wallace nor Lawrence were retrained nor disciplined following the beating of Jeremy Lee in January 2023; no officer was disciplined for the beating of Jeremy Lee in violation of BRPD Policy Manual General Order No.3:19, 3:20, 22, 23³; and no BRPD officer was disciplined for failure to follow BRPD Policy Manual General Order No. 135⁴ as it relates to record of Jeremy Lee’s medical treatment.
160. BRPD Chief Murphy Paul personally received a complaint regarding the torture warehouse and Wallace/Lawrence’s misconduct in January 2023; a second Internal Affairs complaint was received in April 2023.
161. Tragically for Mrs. Brown, it was only when the *public* learned of these allegations in September 2023 that the torture warehouse was shuttered and Lawrence was forced out of BRPD.
162. If BRPD’s Chief had responded to the complaints, Mrs. Brown’s sexual humiliation (like the sexual humiliation of scores of other Baton Rouge citizens harmed at the torture warehouse) would not have occurred.

³ **General Order No. 112- 3:19-** Falsification of Documents-No employee shall willfully falsify any form, report, or document.; **General Order No. 112- 3:20-**Use of Force- Every member of the Department shall use only the force necessary to affect an arrest or maintain custody of a suspect. All members shall abide by the provisions of the Departmental policy with respect to the use of Non-Lethal Force and the Use of Deadly.; **General Order No. 112- 3:22-**Violation of Laws- No member will willfully or by neglect or omission violate any Federal, State or City ordinance, or statute.; **General Order No. 112- 3:23-** Truthfulness- Every member of the Department is required to be truthful except while conducting investigations that require surreptitiousness.

⁴ **General Order No. 135- II. Notification of Supervisor– C.** The first concern is to provide medical attention to the injured. If the primary employee is hospitalized, the supervisor will make the appropriate assignments to carry on the investigation. If the subject is hospitalized, he will remain under guard until booked. Upon release, the employee booking the subject will obtain medical release forms and attach copies to the Use of Force Report. Any injured employee will make available to the department copies of his medical reports as needed.

WALLACE'S OWN TROUBLED HISTORY

163. Separate and apart from his longstanding involvement in Street Crimes Unit wrongdoing—including the torture of Jeremy Lee and the sexual humiliation of Mrs. Brown, both alongside Troy Lawrence, Jr.—Matthew Wallace has his own troubled history.

164. In January 2021, he was found to have violated BRPD conduct and social media policies and was disciplined.

165. Two weeks earlier, he was involved in the in-custody death of Terry Baggett, who died while in BRPD custody for a marijuana offense. He was investigated by BRPD homicide detectives but cleared of wrongdoing.

F. BRPD'S LONG HISTORY OF RETALIATING AGAINST CRITICS AND FOSTERING A CULTURE OF IMPUNITY FOR POLICE VIOLENCE

165. The reason the Street Crimes Unit was able to operate their torture warehouse for so long, in addition to the foregoing, is because of a policy of retaliation against anyone who dared speak up against BRPD. This policy was developed, implemented, and put into practice by Deputy Chief Myron Daniels and Chief Murphy Paul.

CLARENCE GREEN RETALIATION

166. When Ofc. Lawrence's wrongdoing in the Clarence Green matter became a national news story, BRPD filed a petition in state court seeking to have the Green Family's attorney held in contempt for releasing the body-worn camera footage; the statutory penalty for the species of contempt sought by BRPD was up to six months' imprisonment. In a 92-page opinion, Judge John W. deGravelles subsequently issued an injunction halting this prosecution, rejecting the applicability of "*Younger*

abstention” and “find[ing] the overwhelming evidence in this case shows that the City/Parish acted in bad faith and in retaliation against Frampton for Frampton’s issuance of a press release and Video which cast BRPD in a bad light.” *Frampton v. City of Baton Rouge/Par. of E. Baton Rouge*, 21-CV-362-JWD-SDJ, 2022 WL 90238, at *35 (M.D. La. Jan. 7, 2022). Baton Rouge taxpayers paid over \$85,000 to settle the lawsuit. BRPD still maintains that they did nothing wrong in retaliating against the attorney who served as a whistleblower in exposing Ofc. Lawrence’s misconduct.

ALTON STERLING RETALIATION

167. In response to BRPD misconduct, thousands of Louisiana residents protested BRPD in 2016. BRPD responded with mass arrests of the protesters. Protestors argued the arrests were in retaliation for their exercise of their First Amendment rights to criticize BRPD, and their Fourth Amendment rights. They asserted *Monell* claims against BRPD and Baton Rouge, arguing that the wrongdoing was not just the result of individual official wrongdoing, but rather a policy or custom attributable to Baton Rouge itself.

168. This Court rejected defendants’ efforts to dismiss the protestors *Monell* claims. See Ruling and Order, *Imani v. City of Baton Rouge*, Case 3:17-cv-00439-JWD-EWD, Dkt. 347 (July 14, 2022). The City of Baton Rouge settled the case mid-trial for \$1,170,000.

INTERNAL WHISTLEBLOWER RETALIATION

169. After criticizing BRPD leadership, BRPD union vice president Siya Creel was unlawfully terminated by BRPD Chief Murphy Paul. The Municipal Fire & Civil Service Board unanimously decided Creel was wrongfully terminated.

East Baton Rouge City-Parish ultimately paid \$90,000 to settle Creel's claims of retaliation. A veteran officer in the BRPD Internal Affairs Division, John Dauthier, has also accused BRPD Chief Murphy Paul of internal wrongdoing, publicly claiming "blatantly partial doctrine for enforcing policies of the BRPD." Dauthier has alleged that he was retaliated against in part because he criticized BRPD leadership, whereas other officers who were well-liked by BRPD leadership were either not disciplined or less severely disciplined for similar wrongdoing.

SYSTEMIC FAILINGS

170. In April 2023, the non-profit news outlet VERITE released an extraordinary six-part expose called "In The Dark," documenting systemic BRPD violence and hostility toward those who questioned BRPD. See <https://veritenews.org/tag/baton-rouge-police-department/> (collecting stories). Among other revelations, VERITE reported that the *sole* police officer investigated (let alone disciplined) for wrongdoing in connection with the 2016 protests was a BRPD officer who was investigated for questioning the legality of the police response at the protest. This reporting was accurate. VERITE reported that 100% of use-of-force complaints made in 2017 were adjudicated "exonerated" or "not sustained" by BRPD Internal Affairs. This reporting was accurate.
171. The reporting also documented a department plagued by a culture of impunity, with meritorious citizen complaints regularly disregarded. Apart from minor errors that have since been included flagged as "Corrections" to the public available articles, there are no inaccuracies in the VERITE reports.
172. Illustrated above are several instances of Constitutional violations of American

citizens' Fourth Amendment right to be free from unreasonable searches, seizures, arrests and excessive force. Plaintiff maintains that over the last several years the actions of BRPD officers which violated state and federal laws and offended citizens' Constitutional rights were condoned by BRPD. In all of the above instances, complaints were filed with the Baton Rouge Police Department or were attempted to be filed before the complainant was turned away. These complaints did not result in discipline for the offending officers. Furthermore, these acts clearly illustrate that the Baton Rouge Police Department, Chief Paul, and the City of Baton Rouge, are complicit in the actions of their Officers, which violated citizens Fourth Amendment rights. These acts also illustrate that the Defendants were aware of the repeated violations, and that the Defendants have failed to take reasonable measures to mitigate and/or cease these acts by their officers.

CAUSES OF ACTION

COUNT I

Violation of 42 U.S.C. § 1983: Unreasonable Search (Fourth Amendment)

173. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.
174. As more fully described above, Defendants Troy Lawrence, Jr., Matthew Wallace, and Unknown Female Officer deprived Plaintiff of her constitutional right to be free from unreasonable searches.
175. As a direct and proximate result of this deprivation of his constitutional right to be free from unreasonable searches, Plaintiff suffered injuries, both physical and emotional.

COUNT II

42 U.S.C. § 1983: Unreasonable Seizure (Fourth Amendment)

176. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

177. As more fully described above, Defendants Troy Lawrence, Jr. and Matthew Wallace deprived Plaintiff of her constitutional right to be free from unreasonable seizure.

178. Defendants seized her without a warrant and without probable cause.

179. As a direct and proximate result of this deprivation of her constitutional right to be free from unreasonable seizures, Plaintiff suffered injuries, both physical and emotional.

COUNTS III and IV
Monell Liability for Counts I and II

180. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein against BRPD and all municipal defendants.

181. Plaintiff further allege that BRPD maintains and implements formal written policies authorizing illegal strip-searches predicated on “reasonable suspicion” that caused the constitutional violations alleged in this complaint.

182. Plaintiffs further allege that there is a pattern, practice, custom, and informal policy of false arrests, excessive force, unlawful seizures, and strip searches; that this widespread recurring practice is so permanent and settled that it constitutes formal policy; and that adherence to that practice caused the constitutional violations at issue in this complaint.

183. Plaintiffs further allege that Lawrence and Matthews were inadequately trained regarding Fourth Amendment seizures and searches; that this inadequate training caused their constitutional injuries; and that BRPD and the Parish-City was deliberately indifferent to the constitutional rights injured.

184. Plaintiffs further allege that Lawrence and Matthews were inadequately supervised; that this inadequate supervision caused their constitutional injuries; and that BRPD and the Parish-City were deliberately indifferent to the constitutional rights injured.

185. Plaintiffs further allege that Lawrence and Matthews were inadequately disciplined; that this inadequate discipline caused their constitutional injuries; and that BRPD and the Parish-City was deliberately indifferent to the constitutional rights injured.

186. Plaintiffs further allege that Lawrence and Matthews' conduct has been authorized, approved, and ratified by Chief Murphy Paul, who wields final policymaking authority for BRPD in the relevant fields.

Counts V, VI, VII, VIII, IX
State Law Claims: Battery, Assault, Intentional Infliction of Emotional Distress, False Imprisonment, Negligence.

187. Plaintiff repeats and realleges all of the paragraphs in this complaint as if fully set forth herein.

188. As more fully described above, all defendants (including the City of Baton Rouge, East Baton Rouge Parish, BRPD, and Chief Murphy Paul) are responsible and liable to Plaintiff for the damages and injuries Mrs. Brown has suffered as a result of Defendants' actions and/or inactions pursuant to:

- A. Louisiana Code of Civil Procedure Article 2315, which provides that "[e]very act whatever of man that causes damage to another obliges him by whose fault it happened to repair it;"
- B. Louisiana Code of Civil Procedure Article 2316, which provides that "[e]very person is responsible for the damage he occasions not merely by his act, but by his negligence, his imprudence, or his want of skill;"
- C. Louisiana Code of Civil Procedure Article 2317, which provides that "[w]e are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody;" and

- D. Louisiana Code of Civil Procedure Article 2320, which provides that “[m]asters and employers are answerable for the damage occasioned by their servants and overseers, in the exercise of the functions in which they are employed...responsibility only attaches, when the masters or employers...might have prevented the act which caused the damage, and have not done it.”

189.

Battery - “[a] harmful or offensive contact with a person, resulting from an act intended to cause the plaintiff to suffer such a contact[.]”⁵

In the instant case, officers with the Baton Rouge Police Department, in their capacity as officers employed by BRPD, initiated contact with Ms. Brown for possible traffic violations. She was subsequently taken to the BRAVE Cave for over two hours where she was subject to unconstitutional Strip and Body Cavity searches. After the unconstitutional searches she was released from the facility without being charged with a crime.

190.

Assault - ‘a threat of such a harmful or offensive contact.’⁶

In the instant matter, an assault occurred when Mrs. Brown was detained by BRPD officers on the scene of the traffic stop and was placed in the back of a marked unit which she physically could not fit into despite her visual discomfort. A second assault occurred when Mrs. Brown was illegally arrested and removed from the presence of her husband despite providing proof at the scene of her original detention that she was lawfully in possession of her prescription medicine. A third assault occurred when Mrs. Brown was subjected to an offensive, unwarranted, and invasive search of her person in an open warehouse by an unknown female BRPD officer. All the above

⁵ *Cage v. Wood*, 484 So.2d 850 (La.App. 1st Cir.1986); *Ross v. Sheriff of Lafourche Parish*, 479 So.2d 506 (La.App. 1st Cir.1985); *Vascocu v. Singletary*, 404 So.2d 301 (La.App. 3d Cir.1981); *Ashland Oil, Inc. v. Miller Oil Purchasing Co.*, 678 F.2d 1293 (5th Cir.1982); Restatement (Second) of Torts, American Law Institute § 13 (1965); F. Stone, Louisiana Civil Law Treatise, Tort Doctrine § 124—130 (1977); W. Prosser and W. Keeton, *The Law of Torts*, § 9 (5th ed. 1984); F. Harper and F. James, *The Law of Torts*, § 3.1—3.3 (2nd ed. 1986).

⁶ *See* 512 So. 2d 389 (La. 1987).

listed instances were assaults as they placed Mrs. Brown in apprehension of receiving further injury at the hands of BRPD Officers.

191.

Intentional infliction of emotional distress- “the Louisiana Supreme Court has outlined the three elements a plaintiff must establish in order to bring a claim for intentional infliction of emotional distress: 1) extreme and outrageous conduct by the defendant; 2) severe emotional distress suffered by the plaintiff; and 3) the intent by the defendant to inflict severe emotional distress or the knowledge that severe emotional distress was certain or substantially certain to result from the defendant's conduct.”⁷

In the instant case, extreme and outrageous conduct was exhibited by BRPD officers which caused the intentional infliction of emotional distress upon the Plaintiff when Mrs. Brown was held for over two hours where she was subject to unconstitutional Strip and Body Cavity searches, whereby she was made to open her buttocks and vagina. After the unconstitutional searches she was released from the facility without being charged with a crime.

192.

False imprisonment- is the intentional confinement or detention of another, without his consent and without proper legal authority.

In the instant matter, Mrs. Brown was held for over two hours in the “BRAVE Cave” where she was subject to unconstitutional Strip and Body Cavity searches without probable cause or an arrest warrant. After the unconstitutional searches she was released from the facility without being charged with a crime.

193.

Negligence- In order to prevail in a negligence action, a plaintiff must prove the following five elements: (1) the defendant had a duty to conform his conduct to a specific standard of care; (2) the defendant's conduct failed to conform to the appropriate standard of care

⁷ *White v. Monsanto Co.*, 585 So.2d 1205, (La. 1991); *Karl J. Pizzalotto, M.D., Ltd. v. Wilson*, 437 So.2d 859 (La.1983); *Coppage v. Gamble*, 324 So.2d 21 (La.App. 2d Cir.1975); F. Stone, *Louisiana Civil Law Treatise, Tort Doctrine*, § 125—127 (1977); F. Harper and F. James, *The Law of Torts*, § 3.3 (2nd ed. 1986). Cause of action for intentional infliction of emotional distress is viable in Louisiana, generally in accord with legal precepts set forth in Restatement (Second) of Torts. LSA-C.C. art. 2315.

[breach of duty]; (3) the defendant's substandard conduct was a cause-in-fact of the plaintiff's injuries; (4) the defendant's substandard conduct was a legal cause of the plaintiff's injuries; and (5) the plaintiff was damaged.⁸

194. In the instant matter, the Defendant officers had a duty to conform their conduct to a specific standard of care, i.e., respect for Plaintiff's constitutional rights. Chief Paul, BRPD, and the municipal defendants had a duty to do likewise. Moreover, the substandard conduct of the defendants directly led to and was the cause-in-fact of the Plaintiff's various injuries. Therefore, the officers breach of duty (misconduct) was the legal cause of the Plaintiff's injuries and the cause of her damages.

195. No reasonably prudent officer would have initiated an illegal seizure of Mrs. Brown, nor would a reasonably prudent officer initiate unwarranted strip and body cavity search. Nor would a reasonably prudent officer initiate or carry out violations of citizens constitutional rights. Moreover, Wallace, Lawrence, and the Unknown Female Officer all had knowledge that severe emotional distress was substantially certain to result from their conduct.

196. As a result of the abovementioned torts, Mrs. Brown has suffered damages including: (1) deprivation of her right to be free from unreasonable searches and seizures; (2) mental and emotional injury; (3) pain and suffering; and (4) any other special and general damages and expenses, in an amount to be proven at trial.

Count VII State Constitutional Violations

197. The actions and/or inactions of Wallace, Lawrence, and other Unknown Officers are violations of Section 5 of the Louisiana Constitution of 1974 for the following reasons:

Louisiana Constitutional Article I §5 states: "every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches,

⁸ *Fruge v. ONOB, Inc.*, Court of Appeal of Louisiana, Third Circuit, 32 So.3d 1115.

seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.”

In the instant matter, BRPD Officers violated the Plaintiff’s rights Section 5 to be free from unreasonable searches, seizures and invasions of privacy when Baton Rouge Police Department officers, in their capacity as officers employed by BRPD, was illegally seized and transported her to the BRAVE Cave for over two hours where she was subject to unconstitutional Strip and Body Cavity searches. After the unconstitutional search, seizure and invasion of privacy she was released from the facility without being charged with a crime.

JURY TRIAL DEMAND

198. Plaintiff requests a trial by jury.

PRAYER FOR RELIEF

199. The Plaintiff respectfully requests:

- A.** Compensatory damages as to all Defendants;
- B.** Special Damages as to all Defendants;
- C.** Punitive damages as to all Defendants sued in their individual capacity;
- D.** Reasonable attorneys’ fees and costs as to all Defendants;
and
- E.** Such other and further relief as may appear just and appropriate.

WHEREFORE, Plaintiff, Ternell L. Brown does pray that a copy of this Complaint is served upon all of the Defendants named herein, and that after all proceedings a judgment is rendered in favor of Plaintiff and against all Defendants jointly, severally, and/or *in solido* and that said judgment is in excess of three million dollars (\$3,000,000) including interest, delay damages, costs of suit, attorneys fees, general and specific damages, punitive and exemplary damages and

any other damages as provided by law.

Respectfully submitted,

/s/ Ryan K. Thompson

Ryan K. Thompson, LA Bar #38957
TRIAL ATTORNEY

660 Richland Ave
Baton Rouge, LA 70806
T: (323)271-8032
E: RKTsocialjustice@gmail.com

/s/ Jessica F. Hawkins

Jessica F. Hawkins, LA Bar #38263

P.O. Box 5072
Baton Rouge, LA 70802
T: (915)217-9192
E: jessicahawkins0421@gmail.com

/s/ Thomas Frampton

Thomas Frampton, LA Bar # 35775

580 Massie Road
Charlottesville, VA 22903
T: (202) 352-8341
E: tframpton@law.virginia.edu

COUNSEL FOR TERNELL L. BROWN

EXHIBIT D

1716 1362

State of Louisiana
 City of Baton Rouge

No. _____, Sec. _____
 : 19th Judicial District Court
 : Baton Rouge City Court
: Parish of East Baton Rouge
: State of Louisiana

VERSUS

Cheney, Alexus
(Name of Defendant)

Affidavit of Probable Cause

Before me personally appeared the undersigned law enforcement officer(s) who deposed that the following recited facts are true and correct to the best of his knowledge, information and belief, and that based upon these facts, he caused the arrest of the following listed defendant(s) for the listed offense(s).

2016 JUL 22 PM 10:10
DEPUTY CLERK OF COURT

16-70320
BRPD File No.


EBR3690026

Cheney, Alexus
Defendant's Name

W
Race

F
Sex


Date of Birth


Address

Warrenton NC


Social Security Number
LRS 14:97, 14:108
Statute/City Code Number

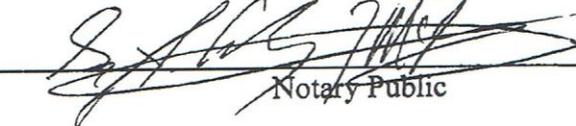
Simple Obstruction of a Highway of Commerce, Resistin An Officer
Charge(s)

Synopsis of Probable Cause:

The Affiant stated to the Court that on this 10th day of July, 2016, the Defendant did knowingly and feloniously violate LRS 14:97 Simple Obstruction of a Highway of Commerce in that they intentionally placed themselves in the roadway thus rendering movement there on more difficult and LRS14:108 Resisting an Officer in that the Defendantly actively attempted to prevent their lawful arrest after being placed under arrest. This occurred within the city of Baton Rouge, Parish of East Baton Rouge.
To Wit: On the above listed date numerous Baton Rouge Police Department Officers were assigned to provide security for peaceful protests at and in the vicinity of Baton Rouge Police Department's Headquarters located at 9000 Airline Highway. Protesters assembled at provided parking areas and in surrounding parking lots. Protesters were advised by loud speaker to remain on private property and the on the curb. They were further advised to stay out of the roadway and to not impede the flow of traffic. These announcements were made frequently via loud speakers and by individual Police Officers on the scene. During the protest, the Defendant entered the roadway and was provided another verbal order to exit the lanes of travel. Moments later the Defendant entered the roadway again and was taken into custody by Officers on the scene. After being advised that they were under arrest, the Defendant did actively attempt to prevent being taken into custody and completion of the arrest process.
The Defendant was placed under arrest and verbally advised of their rights as per the Miranda ruling. The Defendant was then transported to the East Baton Rouge Parish Prison and booked accordingly.

R. Simeneap
Affiant

Sworn to and subscribed before me this 10 day of July, 2016.


Notary Public

State of Louisiana
 City of Baton Rouge

No. _____, Sec. _____
 : 19th Judicial District Court
 : Baton Rouge City Court
: Parish of East Baton Rouge
: State of Louisiana

1707.16.0440

VERSUS

Foytlin Cheri
(Name of Defendant)



Affidavit of Probable Cause

Before me, personally appeared the undersigned law enforcement officer(s) who deposed that the following recited facts are true and correct to the best of his knowledge, information and belief, and that based upon these facts, he caused the arrest of the following listed defendant(s) for the listed offense(s).

2021 JUL 22 PM 2:55
PARISH OF EAST BATON ROUGE
CLERK OF COURT

Foytlin, Cheri
Defendant's Name

BRPD File No.

W
Race
LA 70578

F
Sex

[Redacted] 72
Date of Birth

[Redacted]
Address

Social Security Number

Simple Obstruction of a Highway of Commerce, Resistin An Officer
Charge(s)

LRS 14:97, 14:108

Statute/City Code Number

Synopsis of Probable Cause:

The Affiant stated to the Court that on this 10th day of July, 2016, the Defendant did knowingly and feloniously violate LRS 14:97 Simple Obstruction of a Highway of Commerce in that they intentionally placed themselves in the roadway thus rendering movement there on more difficult and LRS14:108 Resisting an Officer in that the Defendant actively attempted to prevent their lawful arrest after being placed under arrest. This occurred within the city of Baton Rouge, Parish of East Baton Rouge.

To Wit: On the above listed date numerous Baton Rouge Police Department Officers were assigned to provide security for peaceful protests at and in the vicinity of Baton Rouge Police Department's Headquarters located at 9000 Airline Highway. Protesters assembled at provided parking areas and in surrounding parking lots. Protesters were advised by loud speaker to remain on private property and the on the curb. They were further advised to stay out of the roadway and to not impede the flow of traffic. These announcements were made frequently via loud speakers and by individual Police Officers on the scene. During the protest, the Defendant entered the roadway and was provided another verbal order to exit the lanes of travel. Moments later the Defendant entered the roadway again and was taken into custody by Officers on the scene. After being advised that they were under arrest, the Defendant did actively attempt to prevent being taken into custody and completion of the arrest process.

The Defendant was placed under arrest and verbally advised of their rights as per the Miranda ruling. The Defendant was then transported to the East Baton Rouge Parish Prison and booked accordingly.

[Signature]
Affiant

Sworn to and subscribed before me this 10 day of July, 2016.

[Signature]
Notary Public

State of Louisiana
 City of Baton Rouge

No. _____, Sec. _____
 : 19th Judicial District Court
 : Baton Rouge City Court
: Parish of East Baton Rouge
: State of Louisiana

VERSUS

Alisha Rae Feldman
(Name of Defendant)



Affidavit of Probable Cause

Before me personally appeared the undersigned law enforcement officer(s) who deposed that the following recited facts are true and correct to the best of his knowledge, information and belief, and that based upon these facts, he caused the arrest of the following listed defendant(s) for the listed offense(s).

2016 JUL 10 11:00 AM
DEPUTY CLERK OF COURT
EAST BATON ROUGE PARISH, LA

70356-16
BRPD File No.

Alisha Rae Feldman W F
Defendant's Name Race Sex
[Redacted] New Orleans LA 70116

[Redacted] 80
Date of Birth
[Redacted]
Social Security Number
LRS 14:97, 14:108
Statute/City Code Number

Address
Simple Obstruction of a Highway of Commerce, Resistin An Officer
Charge(s)

Synopsis of Probable Cause:

The Affiant stated to the Court that on this 10th day of July, 2016, the Defendant did knowingly and feloniously violate LRS 14:97 Simple Obstruction of a Highway of Commerce in that they intentionally placed themselves in the roadway thus rendering movement there on more difficult and LRS14:108 Resisting an Officer in that the Defendantly actively attempted to prevent their lawful arrest after being placed under arrest. This occurred within the city of Baton Rouge, Parish of East Baton Rouge.
To Wit: On the above listed date numerous Baton Rouge Police Department Officers were assigned to provide security for peaceful protests at and in the vicinity of Baton Rouge Police Department's Headquarters located at 9000 Airline Highway. Protesters assembled at provided parking areas and in surrounding parking lots. Protesters were advised by loud speaker to remain on private property and the on the curb. They were further advised to stay out of the roadway and to not impede the flow of traffic. These announcements were made frequently via loud speakers and by individual Police Officers on the scene. During the protest, the Defendant entered the roadway and was provided another verbal order to exit the lanes of travel. Moments later the Defendant entered the roadway again and was taken into custody by Officers on the scene. After being advised that they were under arrest, the Defendant did actively attempt to prevent being taken into custody and completion of the arrest process.
The Defendant was placed under arrest and verbally advised of their rights as per the Miranda ruling. The Defendant was then transported to the East Baton Rouge Parish Prison and booked accordingly.

Sworn to and subscribed before me this 10th day of July, 2016.
[Signature] Affiant # 91057
[Signature] Notary Public # 134420

EXHIBIT E

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF LOUISIANA

3
4 BLAIR IMANI, ET AL : CIVIL ACTION
5 VERSUS : NO. 3:17-CV-00439
6 CITY OF BATON ROUGE, ET AL : HON. JOHN W. DEGRAVELLES
7 : FEBRUARY 2, 2023

8 =====
9 TRIAL BY JURY
DAY 3
10 =====

11 A P P E A R A N C E S

12 FOR THE PLAINTIFFS:

13 MR. JOHN NELSON ADCOCK
14 ADCOCK LAW, LLC
3110 CANAL STREET
NEW ORLEANS, LOUISIANA 70119

15 MR. WILLIAM BROCK MOST
16 MR. DAVID JOSEPH LANSE
LAW OFFICE OF WILLIAM MOST
201 ST. CHARLES AVE., SUITE 114 #101
NEW ORLEANS, LOUISIANA 70107

17
18 FOR THE CITY OF BATON ROUGE:

19 MR. JOSEPH K. SCOTT, III
20 JOSEPH K. SCOTT, III, ATTORNEY AT LAW, LLC
9448 BROOKLINE AVENUE
BATON ROUGE, LOUISIANA 70809

21
22 MR. MICHAEL P. SCHILLAGE
23 MR. DAVID M. LEFEVE
OFFICE OF THE EAST BATON ROUGE PARISH ATTORNEY
222 ST. LOUIS STREET, 9TH FLOOR
24 BATON ROUGE, LOUISIANA 70802
25

1 **APPEARANCES CONTINUED:**

2

3 MS. COURTNEY KING HUMPHREY, ATTORNEY AT LAW
4 315 T.J. JEMISON BOULEVARD
5 BATON ROUGE, LOUISIANA 70802

6 MR. ANDERSON O. DOTSON, III
7 DOTSON FIRM, LLC
8 P.O. BOX 4123
9 BATON ROUGE, LOUISIANA 70821

10

11 MS. SHELLEY WHITE
12 OFFICE OF THE PARISH ATTORNEY
13 P.O. BOX 1471
14 BATON ROUGE, LOUISIANA 70821

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

I N D E X

PLAINTIFFS' WITNESSES:

KAREN SAVAGE

DIRECT EXAMINATION BY MR. ADCOCK..... 6

CROSS-EXAMINATION BY MR. SCOTT..... 23

REDIRECT EXAMINATION BY MR. ADCOCK..... 36

JONATHAN ABADIE

DIRECT EXAMINATION BY MR. ADCOCK..... 48

NYDIA SALAZAR

DIRECT EXAMINATION BY MR. ADCOCK..... 79

CROSS-EXAMINATION BY MR. SCOTT..... 99

WILLIE WILLIAMS

DIRECT EXAMINATION BY MR. MOST.....103

LISA BATISTE

DIRECT EXAMINATION BY MR. LANSER.....129

CROSS-EXAMINATION BY MR. SCOTT.....145

FINN PHOENIX

DIRECT EXAMINATION BY MR. ADCOCK.....147

CROSS-EXAMINATION BY MR. SCOTT.....157

REDIRECT EXAMINATION BY MR. ADCOCK.....160

MIKE BARROW

DIRECT EXAMINATION BY MR. MOST.....162

CROSS-EXAMINATION BY MR. SCHILLAGE.....190

REDIRECT EXAMINATION BY MR. MOST.....208

1 APPEARANCES CONTINUED:

2

3

4 *LEAH CHAMPAGNE*

5 DIRECT EXAMINATION BY MR. ADCOCK.....210

6 CROSS-EXAMINATION BY MR. SCOTT.....216

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 *(WHEREUPON, CORPORAL JONATHAN ABADIE, HAVING BEEN*
2 *DULY SWORN, TESTIFIED AS FOLLOWS.)*

3 **DIRECT EXAMINATION**

4 **BY MR. MOST:**

5 Q GOOD MORNING.

6 A GOOD MORNING.

7 Q COULD YOU GIVE US YOUR NAME AND RANK FOR THE RECORD?

8 A YES. CORPORAL JONATHAN ABADIE.

9 Q AND, CORPORAL, HOW LONG HAVE YOU BEEN WITH THE BATON
10 ROUGE POLICE DEPARTMENT?

11 A CURRENTLY, TEN YEARS.

12 Q WHAT IS YOUR CURRENT ROLE IN THAT DEPARTMENT?

13 A UNIFORM PATROL.

14 Q CORPORAL, YOU ARE ONE OF THE DEFENDANTS IN THIS
15 CASE, CORRECT?

16 A CORRECT.

17 Q AND YOU ARE FAMILIAR THAT THERE WERE PROTESTS IN
18 BATON ROUGE IN JULY 2016, CORRECT?

19 A YES.

20 Q IN PARTICULAR, YOU'RE AWARE THAT THERE WAS A PROTEST
21 IN THE VICINITY OF EAST AND FRANCE ON JULY 10TH, 2016,
22 CORRECT?

23 A YES.

24 Q YOU WERE NEARBY THAT DAY, CORRECT?

25 A CORRECT.

1 Q YOU WERE STATIONED AT A PROCESSING AREA ON
2 GOVERNMENT STREET, CORRECT?

3 A CORRECT.

4 Q THAT WAS THE AREA THAT OFFICERS WERE DOING THE
5 PAPERWORK TO PROCESS THE ARRESTS THAT OTHER OFFICERS WERE
6 MAKING, AGREED?

7 A AGREED.

8 Q FROM WHERE YOU WERE STATIONED, YOU WERE ON
9 GOVERNMENT STREET AROUND THE CORNER FROM EAST AND FRANCE; IS
10 THAT RIGHT?

11 A YES. ON THE WEST SIDE OF THE OVERPASS.

12 Q SO FROM WHERE YOU WERE STATIONED, YOU COULD HEAR
13 SOME OF THE EVENTS, BUT YOU COULD NOT SEE THE CORNER OF EAST
14 AND FRANCE, AGREED?

15 A CORRECT.

16 Q AND THAT PROCESSING AREA YOU JUST DESCRIBED, THAT'S
17 THE ONLY PLACE YOU WERE ON SCENE THAT DAY, CORRECT?

18 A CORRECT.

19 Q AND YOUR ROLE THAT DAY WAS PROCESSING PAPERWORK FOR
20 ARRESTEES WHO HAD BEEN ARRESTED BY OTHER OFFICERS, AGREED?

21 A YES.

22 Q AND THE PAPERWORK THAT WE'RE TALKING ABOUT
23 CONSIST -- CONSISTED OF PREPRINTED AFFIDAVITS OF PROBABLE
24 CAUSE, CORRECT?

25 A YES.

1 Q YOU WERE GIVEN A STACK OF THESE THAT HAD THE
2 DESCRIPTION OF WHAT THE PERSON DID WRONG ALREADY FILLED IN,
3 CORRECT?

4 A YES.

5 Q YOU DIDN'T HAVE ANY BLANK ONES THAT YOU COULD WRITE
6 IN WHAT SOMEONE DID WRONG, AGREED?

7 A THEY WOULD HAVE BEEN AVAILABLE ON SCENE IF OTHER
8 CIRCUMSTANCES WOULD HAVE JUSTIFIED ANY OTHER CHARGES.

9 Q RIGHT. SO YOU'RE SAYING THEY WOULD HAVE BEEN
10 AVAILABLE ON SCENE. DO YOU RECALL ACTUALLY SEEING ANY BLANK
11 AFFIDAVITS OF PROBABLE CAUSE?

12 A I COULDN'T ANSWER THAT.

13 Q SO YOU'RE IMAGINING THAT THERE WOULD HAVE BEEN, BUT
14 YOU DIDN'T SEE ANY, AGREED?

15 A I KNOW IN THE TRUNK OF MY VEHICLE THAT WAS ON SCENE
16 THERE WOULD HAVE BEEN SOME.

17 Q DO YOU RECALL THAT YOU WERE ASKED THIS QUESTION --
18 WELL, LET ME BACK UP. DID YOU GIVE A DEPOSITION IN THIS CASE?

19 A CORRECT.

20 Q AND YOU SWORE UNDER OATH TO ANSWER THE QUESTIONS AT
21 THAT DEPOSITION TRUTHFULLY, AGREED?

22 A YES.

23 Q DO YOU RECALL THAT YOU WERE ASKED IF THERE WERE ANY
24 BLANK AFFIDAVITS AT THE SCENE THAT DAY?

25 A YES.

1 Q DO YOU RECALL THAT YOU SAID, "NOT THAT I RECALL"?

2 A THAT'S CORRECT.

3 Q IS YOUR ANSWER TODAY DIFFERENT?

4 A YES, IT WOULD AFTER REFLECTION.

5 Q OKAY. BUT ASIDE FROM THE ONES IN YOUR TRUNK, YOU
6 DID NOT HAVE ACCESS TO ANY BLANK AFFIDAVITS OF PROBABLE CAUSE
7 THAT DAY, AGREED?

8 A YES.

9 Q DID YOU EVER TAKE ANY OUT OF YOUR TRUNK?

10 A NO, SIR.

11 Q WERE THERE ANY COMPUTERS OR PRINTERS OR TYPEWRITERS
12 TO TYPE UP ON SCENE WHAT SOMEONE DID THAT DAY?

13 A NOT THAT I WAS AWARE OF.

14 Q AND SINCE YOUR ROLE WAS AT THE PROCESSING AREA, YOU
15 DID NOT PERSONALLY CAUSE ANYONE TO BE ARRESTED THAT DAY,
16 AGREED?

17 A AS FAR AS PHYSICALLY TAKING THEM INTO DETAINMENT,
18 NO.

19 Q RIGHT. SO YOU DIDN'T PERSONALLY CAUSE ANYONE TO BE
20 ARRESTED THAT DAY, AGREED?

21 A AS FAR AS PROCESSING THEM AND BECOMING THE ARRESTING
22 OFFICER, YES, I DID.

23 Q MY QUESTION IS, DID YOU PERSONALLY CAUSE ANYONE TO
24 BE ARRESTED THAT DAY?

25 A YES.

1 Q OKAY. DO YOU RECALL -- SO YOUR TESTIMONY TODAY IS
2 THAT YOU DID CAUSE THE ARREST OF PEOPLE?

3 A YES.

4 Q DO YOU RECALL THAT YOU WERE ASKED THIS QUESTION AT
5 DEPOSITION?

6 A YES, I WAS.

7 Q AND YOUR ANSWER THAT DAY WAS NO, YOU DID NOT
8 PERSONALLY CAUSE THE ARREST OF ANY PEOPLE THAT DAY, AGREED?

9 A YES.

10 Q SO YOU SWORE UNDER OATH AT YOUR DEPOSITION?

11 A YES.

12 Q YOU TOLD THE TRUTH THERE? YOU'RE TELLING THE TRUTH
13 TODAY?

14 A YES.

15 Q AND YOUR ANSWERS ARE DIFFERENT?

16 A YES.

17 Q OKAY.

18 A AND THAT WAS AFTER FURTHER DISCUSSION FROM YOU WHEN
19 YOU EXPLAINED TO ME THAT BY BECOMING THE AFFIANT ON THE PC I
20 WAS, IN FACT, THE ARRESTING OFFICER.

21 Q RIGHT. SO YOU -- I ASKED YOU IF YOU PERSONALLY
22 CAUSED ANY ARRESTS THAT DAY?

23 A YES.

24 Q AND YOU SAID, NO, YOU DID NOT.

25 A CORRECT.

1 Q AND THEN YOU SAW A PIECE OF PAPER WHERE YOU SWORE
2 UNDER OATH THAT YOU DID, RIGHT?

3 A YES.

4 Q AND THEN YOU CHANGED YOUR ANSWER?

5 A CORRECT.

6 Q OKAY. THE OFFICERS WHO WERE PHYSICALLY SEIZING
7 PEOPLE WOULD DO SO AND THEN EITHER THEY OR OTHER INTERVENING
8 OFFICERS WOULD BRING PEOPLE TO YOUR AREA TO BE PROCESSED,
9 RIGHT?

10 A YES.

11 Q THEY WOULD -- THOSE OFFICERS WOULD SIT THE ARRESTEES
12 IN A LINE, CORRECT?

13 A FOR THE MOST PART, YES.

14 Q AND THEN YOU WOULD GO DOWN THAT LINE AND DO
15 PAPERWORK FOR EACH ARRESTEE, RIGHT?

16 A CORRECT.

17 Q DID YOU READ ANY OF THOSE PEOPLE THEIR RIGHTS?

18 A THERE WERE SOME I KNOW I DID. TO RECALL EVERY
19 SINGLE INDIVIDUAL, I WOULDN'T BE ABLE TO DO SO.

20 Q SO YOU READ MIRANDA RIGHTS TO SOME, BUT NOT ALL OF
21 THE ARRESTEES?

22 A GOING OFF OF MY MEMORY, YES.

23 Q SO ARRESTEES WERE SET DOWN IN A LINE, YOU THEN
24 WALKED DOWN THAT LINE. SO YOU DIDN'T GET ANY DETAILED
25 INFORMATION FROM THE SEIZING OFFICERS, AGREED?

1 A AGREED. AND GIVEN THE INFORMATION THAT WAS GIVEN
2 BEFOREHAND, THE ORGANIZATION OF THE DETAINEES OR PRISONERS
3 WHEN THEY WOULD BE BROUGHT IN AND THIS GROUP OF INDIVIDUALS,
4 IT WAS FOR THESE CHARGES THAT WERE LISTED.

5 Q THE ONLY INFORMATION YOU HAD ABOUT ANY PARTICULAR
6 ARRESTEE CAME FROM EITHER THE PREPRINTED AFFIDAVIT OF PROBABLE
7 CAUSE OR THE ARRESTEE THEMSELVES, AGREED?

8 A THAT NIGHT. THEN UNDER GOOD FAITH FROM INFORMATION
9 FROM ANOTHER OFFICER.

10 Q WELL, WE JUST ESTABLISHED YOU DIDN'T GET ANY
11 INFORMATION FROM THE OFFICERS WHO WERE BRINGING PEOPLE OVER,
12 AGREED?

13 A AGREED. BUT AS I EXPLAINED, IT WAS PREDETERMINED
14 THE INDIVIDUALS THAT WOULD BE CHARGED UNDER THE CHARGES
15 ELICITED WOULD BE SAT IN A DESIGNATED AREA TOGETHER.

16 Q IT WAS PREDETERMINED WHAT PEOPLE WOULD BE ARRESTED
17 FOR?

18 A THAT -- ACCORDING TO THE PREPRINTED PROBABLE CAUSE,
19 YES.

20 Q RIGHT. SO THERE WAS NO FLOW OF INFORMATION GOING
21 FROM THE SEIZING OFFICERS TO YOU, AGREED?

22 A YES. GIVEN THE CHAOTIC EVENTS AND THE AMOUNT OF
23 INDIVIDUALS WE WERE OUTNUMBERED BY AND TRYING TO KEEP ORDER IN
24 THE AREA, THERE WAS NO WAY WE COULD HAVE DONE THAT.

25 Q BUT YOUR ANSWER IS, THERE WAS NO FLOW OF INFORMATION

1 FROM THE SEIZING OFFICERS TO YOU, AGREED?

2 A YES.

3 Q THE ONLY INFORMATION THAT YOU GOT FROM THE ARRESTEES
4 THEMSELVES WAS INFORMATION LIKE THEIR NAME, BIRTH DATE,
5 ADDRESS, INFORMATION LIKE THAT, RIGHT?

6 A YES. AND CHECKING ON THEIR WELLBEING AT THE TIME.

7 Q OKAY. YOU DIDN'T ASK THE ARRESTEES, LIKE, WHAT DID
8 YOU DO TO BE ARRESTED, RIGHT?

9 A NO.

10 Q AND ONCE YOU FILLED OUT THE AFFIDAVIT OF PROBABLE
11 CAUSE FOR AN ARRESTEE, THAT ARRESTEE WOULD BE PUT INTO A
12 VEHICLE AND TAKEN TO THE EAST BATON ROUGE PARISH PRISON,
13 RIGHT?

14 A ALSO FOLLOWING THE COMPLETION OF A WRAP SHEET AND
15 PROPERTY PAGE FOR THAT INDIVIDUAL.

16 Q OKAY. AND AFTER YOU FILLED OUT THE PAPERWORK THEY
17 WOULD BE PUT INTO A VEHICLE AND TAKEN TO PARISH PRISON,
18 AGREED?

19 A YES. TO KEEP THEM FROM REMAINING ON SCENE AND
20 POSSIBLY CAUSING FURTHER EVENTS TO OCCUR.

21 Q OKAY. AND YOU KNEW AT THE TIME THAT BY FILLING OUT
22 THE PAPERWORK, INCLUDING THE AFFIDAVIT OF PROBABLE CAUSE, THAT
23 WOULD BE USED TO PUT THE ARRESTEES IN THE PARISH PRISON,
24 AGREED?

25 A YES.

1 Q BECAUSE AN ARRESTEE CAN'T BE PUT IN THE PARISH
2 PRISON BY BRPD UNLESS THERE'S AN AFFIDAVIT OF PROBABLE CAUSE
3 OR AN ARREST WARRANT, RIGHT?

4 A CORRECT.

5 Q THERE WERE NO ARREST WARRANTS THAT DAY?

6 A NOT THAT I WAS AWARE OF.

7 Q OKAY. EVERYTHING WE'VE DESCRIBED, THIS IS THE
8 PROCESS YOU WERE INSTRUCTED TO DO BY THE BATON ROUGE POLICE
9 DEPARTMENT, RIGHT?

10 A NO. TYPICAL SOP FOR MAKING ANY TYPE OF ARREST.

11 Q RIGHT. BY SOP YOU MEAN STANDARD OPERATING
12 PROCEDURE?

13 A CORRECT.

14 Q SO THE WAY WE'VE DESCRIBED THE THINGS THAT YOU DID
15 THAT DAY, THAT WAS PURSUANT TO BATON ROUGE POLICE DEPARTMENT'S
16 STANDARD OPERATING PROCEDURES, RIGHT?

17 A CORRECT.

18 Q NOW, IF THE STANDARD OPERATING PROCEDURES ASKED YOU
19 TO DO SOMETHING ILLEGAL OR UNCONSTITUTIONAL, WOULD YOU DO IT?

20 A NO, I WOULDN'T. THAT WOULD BE AN UNLAWFUL ORDER.

21 Q RIGHT. AND YOU HAD THE DISCRETION TO DISOBEY AN
22 UNLAWFUL ORDER, AGREED?

23 A CORRECT.

24 Q SO WHEN YOU CHOOSE TO DO THINGS, YOU ARE ASSESSING
25 AND MAKING THE DECISION THAT THIS IS NOT AN UNLAWFUL OR

1 UNCONSTITUTIONAL ORDER, AGREED?

2 A YES.

3 Q NOW, WE'VE BEEN TALKING ABOUT THESE AFFIDAVITS OF
4 PROBABLE CAUSE. YOU DIDN'T WRITE THE SYNOPSIS THAT DESCRIBED
5 WHAT A PARTICULAR PERSON DID, RIGHT?

6 A CORRECT.

7 Q I THINK THE WORD YOU USED WAS, IT WAS PREDETERMINED?

8 A YES.

9 Q WE'VE BEEN TALKING ABOUT AN AFFIDAVIT OF PROBABLE
10 CAUSE, BUT I WANT TO TALK MORE ABOUT WHAT THAT IS. AN
11 AFFIDAVIT OF PROBABLE CAUSE IS A WRITTEN ACCUSATION OF CRIME
12 MADE UNDER OATH, CORRECT?

13 A YES.

14 Q WHEN WE SAY UNDER OATH, THAT MEANS THAT THE PERSON
15 WHO SIGNS THAT DOCUMENT, THE OFFICER WHO SIGNS THAT DOCUMENT,
16 IS SWEARING THAT THE CONTENTS IN IT ARE TRUE, CORRECT?

17 A YES.

18 Q AND SWEARING UNDER OATH IS A SERIOUS THING, CORRECT?

19 A YES.

20 Q YOU SWORE UNDER OATH WHEN YOU BECAME AN OFFICER,
21 DIDN'T YOU?

22 A YES.

23 Q YOU TAKE THAT OATH SERIOUSLY?

24 A OH, VERY. IT'S MY INTEGRITY.

25 Q RIGHT. AND SIMILARLY WHEN YOU SIGN AN AFFIDAVIT OF

1 PROBABLE CAUSE UNDER OATH THAT IS ALSO SERIOUS IN YOUR
2 INTEGRITY, AGREED?

3 A YES.

4 Q IN FACT, IT'S A CRIME TO SWEAR UNDER OATH TO THINGS
5 IF THEY AREN'T THE TRUTH, AGREED?

6 A YES.

7 Q THAT'S THE CRIME OF PERJURY?

8 A CORRECT.

9 Q SO, FOR THAT REASON IT'S VERY IMPORTANT THAT AN
10 AFFIDAVIT OF PROBABLE CAUSE HAS A TRUTHFUL DESCRIPTION OF WHAT
11 SOMEONE DID -- WHAT A PARTICULAR PERSON DID TO BE ARRESTED,
12 AGREED?

13 A YES. IT WOULD HAVE TO JUSTIFY THE VIOLATIONS OF THE
14 STATUTE SOLICITED.

15 Q RIGHT. THE AFFIDAVIT OF PROBABLE CAUSE HAS TO HAVE
16 THE FACTS OF WHAT THIS PARTICULAR PERSON DID AND WHAT
17 PARTICULAR CRIME THIS PERSON IS ACCUSED OF, AGREED?

18 A CORRECT.

19 Q AND I THINK YOU USED THE WORD JUSTIFIED THERE. AN
20 AFFIDAVIT OF PROBABLE CAUSE IS A DOCUMENT THAT JUSTIFIES A
21 PERSON'S ARREST, AGREED?

22 A YES. IT GIVES PROBABLE CAUSE FOR THE ARREST BEING
23 MADE.

24 Q RIGHT. IT TELLS -- IT DETERMINES WHETHER THERE'S A
25 JUSTIFIED ARREST OR AN UNJUSTIFIED ARREST, AGREED?

1 A YES.

2 Q SO, IF AN OFFICER SIGNS THEIR NAME SWEARING UNDER
3 OATH TO AN AFFIDAVIT OF PROBABLE CAUSE THAT CONTAINS FALSE
4 INFORMATION, THAT OFFICER IS MANUFACTURING FALSE EVIDENCE,
5 AGREED?

6 A IT DEPENDS ON THEIR -- THERE ARE CERTAIN SITUATIONS
7 WERE PROBABLE CAUSE MAY MISS A FACT OR BE MISLEADING IN
8 SOMEWAY AND IS LATER CORRECTED.

9 Q I'M SORRY. IS THE ANSWER YES, IT COULD BE
10 MANUFACTURING FALSE EVIDENCE, OR NO, IT WOULD NOT BE
11 MANUFACTURING FALSE EVIDENCE?

12 A IT WOULD BE, YES, IT COULD.

13 Q SO LET'S LOOK AT SOME OF THESE AFFIDAVITS OF
14 PROBABLE CAUSE.

15 **MR. MOST:** WE'RE GOING TO PULL UP EXHIBIT 23.
16 PLAINTIFFS' 23, WHICH IS ALREADY IN EVIDENCE.

17 ARE WE CONNECTED TO THE SCREEN, MRS. CAUSEY?

18 **BY MR. MOST**

19 Q ALL RIGHT, CORPORAL. THIS IS AN EXAMPLE OF WHAT
20 WE'VE BEEN TALKING ABOUT. THIS IS AN AFFIDAVIT OF PROBABLE
21 CAUSE, AGREED?

22 A YES.

23 Q WE'RE GOING TO GO TO PAGE 2 OF THIS DOCUMENT.

24 **THE COURT:** WHAT'S THE EXHIBIT NUMBER?

25 **MR. MOST:** P-23, YOUR HONOR.

1 THE COURT: THANK YOU.

2 BY MR. MOST:

3 Q THIS PAGE 2 IS ALSO AN AFFIDAVIT OF PROBABLE CAUSE?

4 A CORRECT.

5 Q THIS IS ONE OF THE PREPRINTED, PREDETERMINED

6 AFFIDAVITS THAT WE'VE BEEN TALKING ABOUT?

7 A CORRECT.

8 Q AND THIS IS YOUR SIGNATURE AT THE BOTTOM, CORRECT?

9 A YES, IT IS.

10 Q AND UNDERNEATH YOUR SIGNATURE THERE'S THE SIGNATURE

11 OF A NOTARY PUBLIC?

12 A YES.

13 Q AND SO THIS DOCUMENT WAS SIGNED BY YOU UNDER OATH

14 AND ALSO SIGNED AND SWORN BEFORE A NOTARY PUBLIC, AGREED?

15 A YES.

16 Q AND, I THINK WE MAY HAVE ESTABLISHED THIS. YOU

17 SIGNED THIS PARTICULAR DOCUMENT UNDER OATH, UNDER PENALTY OF

18 PERJURY, AGREED?

19 A YES.

20 Q AND BECAUSE YOU SIGNED IT UNDER OATH, YOU WERE

21 SWEARING THAT THE FACTS CONTAINED IN THIS DOCUMENT WERE TRUE,

22 AGREED?

23 A YES.

24 Q YOU FILLED IN THIS INFORMATION AT THE TOP ABOUT THIS

25 PERSON'S NAME?

1 A CORRECT.

2 Q THIS SAYS SAMANTHA NICHOLS. DO YOU SEE THAT?

3 A YES.

4 Q THAT PERSON, I'LL REPRESENT TO YOU, NOW GOES BY
5 SONI. DO YOU HAVE ANY REASON TO DISAGREE WITH THAT?

6 A NO. IF YOU GO BY THAT --

7 Q WE MAY CALL THEM SONI FOR SHORT. SO LET'S TAKE A
8 LOOK AT THE CONTENTS OF THAT. AT THE TOP IT SAYS, "BEFORE ME
9 PERSONALLY APPEARED THE UNDERSIGNED LAW ENFORCEMENT OFFICER
10 WHO DEPOSED THE FOLLOWING RECITED FACTS ARE TRUE AND CORRECT
11 TO THE BEST OF HIS KNOWLEDGE, INFORMATION, AND BELIEF. AND
12 BASED ON THESE FACTS HE CAUSED THE ARREST OF THE FOLLOWING
13 LISTED DEFENDANTS." DO YOU SEE THAT PART?

14 A YES, I DO.

15 Q AND THE UNDERSIGNED LAW ENFORCEMENT, THAT WOULD BE
16 YOU, AGREED?

17 A YES.

18 Q AND IT SAYS THAT YOU CAUSED THE ARREST OF THIS
19 PERSON, RIGHT?

20 A YES.

21 Q NOW, THE FIRST TIME YOU WERE ASKED WHETHER YOU
22 CAUSED ANYBODY'S ARREST, YOU SAID, NO, YOU DIDN'T CAUSE
23 ANYBODY'S ARREST THAT DAY, AGREED?

24 A YES.

25 Q THEN YOU SAW THIS DOCUMENT SAYING YOU DID CAUSE

1 SOMEONE'S ARREST, RIGHT?

2 A YES.

3 Q AND NOW YOUR ANSWER IS YOU DID CAUSE THIS PERSON'S
4 ARREST?

5 A YES. AFTER YOUR CLARIFICATION.

6 Q WELL, CLARIFICATION, YOU SAW A DOCUMENT IN WHICH YOU
7 SWORE UNDER OATH THAT YOU DID CAUSE SOMEONE'S ARREST, RIGHT?

8 A YES.

9 Q YOU DIDN'T HAVE ANYTHING TO DO -- YOU WEREN'T EVEN
10 NEAR THE PLACE -- LET ME BACK UP. DID YOU SEE THIS PERSON
11 BEFORE THEY WERE SEIZED?

12 A NO, I DIDN'T.

13 Q DID YOU TELL SOMEONE TO SEIZE THEM?

14 A NO, I DIDN'T. THAT WOULD BE GOING UNDER ACTING IN
15 GOOD FAITH OF THE OFFICER THAT DID PERFORM THE DETAINMENT TO
16 BRING THEM TO THE AREA WHERE IT WAS PREDESIGNATED THESE
17 INDIVIDUALS WOULD BE PLACED.

18 Q RIGHT. YOU HAD NOTHING TO DO WITH THE CIRCUMSTANCES
19 LEADING UP TO THIS PERSON BEING SEIZED, AGREED?

20 A CORRECT.

21 Q NOW, THIS PART HERE, THIS IDENTIFIES THE CRIMES THAT
22 THIS PERSON IS BEING ACCUSED OF, RIGHT?

23 A CORRECT.

24 Q AND YOU SAY -- THIS PART HERE, IT SAYS, "THE AFFIANT
25 STATED TO THE COURT." NOW, THIS IS A DOCUMENT THAT'S FILED

1 WITH THE COURT, RIGHT?

2 A CORRECT.

3 Q AND WE CAN ACTUALLY SEE UP AT THE TOP IT SAYS, "EAST
4 BATON ROUGE PARISH CLERK OF COURT"?

5 A YES.

6 Q OKAY. AND YOU KNEW WHEN YOU SIGNED THIS THAT THIS
7 WOULD BE SUBMITTED TO A COURT, CORRECT?

8 A YES.

9 Q THE AFFIANT, THAT'S ANOTHER WORD FOR THE PERSON WHO
10 SIGNS THIS DOCUMENT?

11 A CORRECT.

12 Q SO THAT'S YOU?

13 A CORRECT.

14 Q SO THE AFFIANT STATED TO THE COURT THAT ON THIS 10TH
15 DAY OF JULY 2016 --

16 MR. SCOTT: YOUR HONOR?

17 THE COURT: YES.

18 MR. SCOTT: I'M GOING TO SAY THAT THE DOCUMENT IS
19 THE BEST EVIDENCE OF ITS CONTENTS.

20 THE COURT: WELL, HE'S CROSS-EXAMINING THE WITNESS
21 ABOUT SPECIFIC PARTS OF THE AFFIDAVIT. OVERRULED.

22 MR. SCOTT: YES, SIR.

23 BY MR. MOST:

24 Q CORPORAL, THIS SAYS THAT YOU STATED TO THE COURT
25 THAT ON THIS 10TH DAY OF JULY 2016, THE DEFENDANT DID

1 KNOWINGLY AND FELONIOUSLY VIOLATE LRS 14:97, RIGHT?

2 A YES.

3 Q SO YOU WERE -- AND YOU SIGNED THIS DOCUMENT UNDER
4 OATH SAYING THAT THIS PERSON COMMITTED A FELONY, RIGHT?

5 A YES.

6 Q CORPORAL, IS 14:97 A FELONY?

7 A YES, IT IS. NO. IT'S A MISDEMEANOR, STATE CHARGE.

8 Q IT'S A MISDEMEANOR, RIGHT?

9 A YES.

10 Q OKAY. SO YOU CAN'T FELONIOUSLY VIOLATE 14:97.

11 THAT'S IMPOSSIBLE, AGREED?

12 A AGREED.

13 Q YOU SWORE UNDER OATH THAT THIS PERSON DID
14 FELONIOUSLY VIOLATE 14:97, AGREED?

15 A YES.

16 Q SO THAT PART IS NOT ACCURATE OR TRUTHFUL, AGREED?

17 A CORRECT.

18 Q GOING DOWN, THIS PART HERE TALKS ABOUT BEING IN THE
19 VICINITY OF BATON ROUGE POLICE DEPARTMENT'S HEADQUARTERS
20 LOCATED AT 9000 AIRLINE HIGHWAY. DO YOU SEE THAT PART?

21 A YES, I DO. AND THAT WAS CORRECTED ON THE WRAP SHEET
22 WITH THE CORRECT TIME, DATE, AND LOCATION OF THE ARREST.

23 Q SO YOU CHANGED A DIFFERENT DOCUMENT TO REFLECT THE
24 ACTUAL LOCATION?

25 A YES.

1 Q WAS THAT DOCUMENT SWORN UNDER OATH?

2 A YES. IT'S ALWAYS ATTACHED TO THE PC.

3 Q THE WRAP SHEET IS SWORN UNDER OATH?

4 A AS FAR AS I'M CONCERNED, YES.

5 Q DOES IT SAY ANYTHING ON IT ABOUT BEING SWORN UNDER
6 OATH?

7 A WITHOUT LOOKING AT IT, I COULDN'T TELL YOU.

8 Q BUT THIS DOCUMENT IS DEFINITELY SWORN UNDER OATH,
9 RIGHT?

10 A YES.

11 Q SO, IF YOU CHANGED TO ANOTHER DOCUMENT IT MEANS YOU
12 KNEW THIS PART WAS WRONG, RIGHT?

13 A YES.

14 Q YOU DIDN'T AMEND THIS?

15 A NO, I DID NOT.

16 Q YOU DIDN'T CORRECT IT?

17 A NO, I DID NOT.

18 Q BUT YOU KNEW AT THE TIME IT WAS NOT TRUTHFUL?

19 A YES.

20 Q AND YOU SIGNED IT ANYWAY?

21 A YES.

22 Q 9000 AIRLINE HIGHWAY IS WAY ACROSS BATON ROUGE,
23 AGREED?

24 A YES.

25 Q THE NEXT SENTENCE SAYS, "PROTESTERS ASSEMBLED AT

1 PROVIDED PARKING AREAS IN SURROUNDING PARKING LOTS." DO YOU
2 SEE THAT PART?

3 A YES, I DO.

4 Q DID YOU KNOW AT THE TIME YOU SIGNED THIS WHETHER
5 THAT WAS TRUE OR NOT?

6 A NO, I DID NOT.

7 Q SO YOU DIDN'T HAVE ANY KNOWLEDGE THAT WOULD LEAD YOU
8 TO KNOW THAT THIS PART WAS TRUE, FALSE, OR ANYTHING ELSE,
9 RIGHT?

10 A CORRECT.

11 Q BUT YOU SWORE UNDER OATH THAT IT WAS TRUE?

12 A YES. GIVEN THE NATURE OF THE EVENT AND GIVEN IT WAS
13 THE FIRST TIME WE HAD EVER HAD ANY EXPOSURE TO HOW TO HANDLE
14 CERTAIN SITUATIONS OF MASS ARRESTS TO PROPERLY PROCESS PEOPLE
15 AND EXPEDITE THAT PROCESS, THIS WAS DONE.

16 Q WHEN YOU SAY THIS WAS DONE --

17 A THIS --

18 Q -- YOU MEAN --

19 A -- PREPRINTED AFFIDAVIT.

20 Q RIGHT. WHEN YOU SAY THIS WAS DONE, YOU ALSO MEAN
21 YOU SIGNED YOUR NAME UNDER OATH TO THINGS THAT WEREN'T TRUE,
22 AGREED?

23 A YES.

24 Q FURTHER DOWN IT SAYS, "DURING THE PROTEST THE
25 DEFENDANT ENTERED THE ROADWAY AND WAS PROVIDED ANOTHER VERBAL

1 ORDER TO EXIT THE LANES OF TRAVEL. MOMENTS LATER THE
2 DEFENDANT ENTERED THE ROADWAY AGAIN AND WAS TAKEN INTO CUSTODY
3 BY OFFICERS ON THE SCENE." DO YOU SEE THAT PART?

4 A YES, I DO.

5 Q YOU DIDN'T HAVE ANY SPECIFIC KNOWLEDGE TO KNOW IF
6 THAT PART WAS TRUE FOR THIS PERSON, DID YOU?

7 A AS I STATED EARLIER, INDIVIDUALS THAT WERE TO BE
8 CHARGED WITH THIS WERE BROUGHT TO A PREDESIGNATED AREA. FROM
9 THE AREA I WAS AT, I WAS ABLE TO AUDIBLY HEAR THE INSTRUCTIONS
10 TO DISPERSE BEING GIVEN NUMEROUS TIMES WHICH WOULD LEAD ME TO
11 BELIEVE THE INDIVIDUALS BEING BROUGHT WOULD HAVE WENT AGAINST
12 THAT, WHICH WOULD JUSTIFY RESISTING AN OFFICER. AND IF THEY
13 WOULD HAVE BEEN IN THE ROADWAY AT THAT TIME, WHICH OF COURSE I
14 COULD NOT SAY THAT I SAW GIVEN THAT I WAS NOT IN VISIBLE SIGHT
15 OF THAT, I WOULD HAVE TO TAKE THAT UNDER GOOD FAITH.

16 Q OKAY. SO YOU DIDN'T SEE IT?

17 A CORRECT.

18 Q AND NO ONE TOLD YOU THIS PERSON DID THAT, RIGHT?

19 A NO, THEY DID NOT.

20 Q RIGHT. BUT YOU SWORE UNDER OATH THAT THEY DID THAT,
21 RIGHT?

22 A CORRECT. AND AS I HAD PREVIOUSLY STATED, THE
23 INDIVIDUALS THAT ARE GROUPE TOGETHER TO BE CHARGED WITH THESE
24 CRIMES WERE BROUGHT IN TOGETHER AND IT WAS THE UNDERSTANDING
25 THAT INDIVIDUALS BROUGHT TO THIS AREA, THIS IS WHAT THEY'RE IN

1 VIOLATION OF.

2 Q BUT YOU DIDN'T SEE IT?

3 A CORRECT. AND THAT WOULD BE ACTING UNDER GOOD FAITH
4 AS I EXPLAINED SEVERAL TIMES ALREADY.

5 Q SIR, YOU CAN SAY GOOD FAITH MANY TIMES. I THINK WE
6 UNDERSTAND.

7 A OKAY.

8 Q THE NEXT SENTENCE SAYS, "THE DEFENDANT DID ACTIVELY
9 ATTEMPT TO PREVENT BEING TAKEN INTO CUSTODY AND THE COMPLETION
10 OF THE ARREST PROCESS." DID YOU HAVE ANY INFORMATION SPECIFIC
11 TO THIS PERSON ABOUT THEIR RESISTING ARREST?

12 A OTHER THAN WHAT I JUST EXPLAINED ABOUT THE VERBAL
13 COMMAND TO DISPERSE FROM THE AREA, AND GIVEN THAT INDIVIDUAL
14 WAS BROUGHT TO THE AREA THAT WAS, ONCE AGAIN, PREDESIGNATED
15 FOR PEOPLE IN VIOLATION OF THESE TWO STATUTES, THAT TOLD ME
16 ENOUGH TO SAY THEY MUST HAVE VIOLATED THE STATUTE.

17 Q DO YOU KNOW IF THIS PERSON DID DISPERSE?

18 A NO, I DO NOT. IF THEY WERE BROUGHT TO ME, OBVIOUSLY
19 THEY DIDN'T.

20 Q SO, NOBODY SHOULD HAVE AFFIDAVITS LIKE THIS SIGNED
21 IF THEY DID DISPERSE, AGREED?

22 A CORRECT.

23 Q DID YOU READ THIS PERSON THEIR RIGHTS?

24 A I COULDN'T TELL YOU THAT SPECIFICALLY.

25 Q WELL, WE'VE GOT A DOCUMENT IN FRONT OF US THAT SAYS

1 YOU SAID UNDER OATH THAT YOU DID, RIGHT?

2 A YES. AND TRYING TO RECALL SOMETHING FROM SEVEN
3 YEARS AGO, I COULDN'T TELL YOU.

4 Q DID YOU ONLY SIGN THESE DOCUMENTS IF YOU MIRANDIZED
5 SOMEONE?

6 A NO, I DO NOT. IT'S NOT COMMON TO HAVE ON SCENE
7 WHERE ANOTHER OFFICER THAT WOULD NOT BE THE ARRESTING OFFICER
8 WOULD ADVISE SOMEBODY OF THEIR MIRANDA RIGHTS.

9 Q I'M SORRY. I ACTUALLY -- I DON'T UNDERSTAND. SAY
10 THAT AGAIN.

11 A YOU COULD HAVE MULTIPLE OFFICERS ON THE SCENE, HAVE
12 ONE INDIVIDUAL ARRESTED. THE ARRESTING OFFICER COULD BE
13 STARTING PROCESS AND PAPERWORK, SUCH AS THIS AFFIDAVIT, WHILE
14 ANOTHER OFFICER IS ADVISING THAT INDIVIDUAL OF THEIR RIGHTS.

15 Q OF COURSE.

16 A AND IN THE REPORT WRITTEN FOR THAT ARREST IT'LL
17 STATE OFFICER, WHOEVER THAT WOULD BE, ADVISED THIS INDIVIDUAL,
18 THE DEFENDANT, OF THEIR RIGHTS.

19 Q OF COURSE. ONE OFFICER MIGHT DO THE MIRANDIZING AND
20 ANOTHER OFFICER MIGHT DO ANOTHER PART OF IT, RIGHT?

21 A CORRECT.

22 Q BUT YOU SWORE UNDER OATH THAT THIS PERSON WAS
23 MIRANDIZED, RIGHT?

24 A YES.

25 Q AND YOU DON'T KNOW IF THEY WERE MIRANDIZED, RIGHT?

1 A I COULDN'T RECALL THAT.

2 Q WE'RE GOING TO PULL UP ANOTHER DOCUMENT, PLAINTIFFS'
3 77, WHICH IS NOT YET IN EVIDENCE, AND TURN TO PAGE 11 OF 77.
4 OFFICER, DO YOU SEE THIS DOCUMENT?

5 A YES, I DO.

6 Q IS THAT YOUR SIGNATURE ON THIS DOCUMENT?

7 A YES, SIR.

8 Q IS THIS ANOTHER AFFIDAVIT OF PROBABLE CAUSE SIGNED
9 BY YOU UNDER OATH?

10 A YES, IT IS.

11 **MR. MOST:** PLAINTIFFS MOVE TO ENTER THIS INTO
12 EVIDENCE AS PLAINTIFFS' 77.

13 **THE COURT:** ANY OBJECTION?

14 **MR. SCOTT:** NO OBJECTION, YOUR HONOR.

15 **THE COURT:** ALL RIGHT. P-77 WILL BE ADMITTED AND
16 MAY BE PUBLISHED.

17 **BY MR. MOST:**

18 Q ALL RIGHT, CORPORAL. THIS IS ANOTHER AFFIDAVIT THAT
19 YOU SIGNED UNDER OATH, CORRECT?

20 A YES. IT'S IDENTICAL TO THE PREVIOUS ONE YOU JUST
21 SHOWED ME.

22 Q RIGHT. IDENTICAL EXCEPT FOR THE NAME AND
23 IDENTIFYING INFORMATION OF THE PERSON, RIGHT?

24 A CORRECT.

25 Q THIS ONE IS FOR NADIA SALAZAR?

1 A YES.

2 Q IF I TOLD YOU THAT THAT PERSON ALSO GOES BY NADIA
3 SALAZAR SANDI, WOULD YOU HAVE ANY REASON TO THINK THAT'S
4 WRONG?

5 A I'M NOT GOING TO QUESTION IT.

6 Q OKAY. THIS ONE, LIKE THE ONE WE SAW BEFORE, SIGNED
7 UNDER OATH BY YOU, CORRECT?

8 A CORRECT.

9 Q SO YOU -- AND THE CONTENTS ARE EXACTLY THE SAME,
10 RIGHT?

11 A IT SHOULD BE WITHOUT LOOKING AT THEM SIDE BY SIDE.
12 OF COURSE I COULDN'T GIVE YOU 100 PERCENT --

13 Q SURE. BUT AS FAR AS YOU CAN SEE, FROM LOOKING AT
14 THESE TWO DOCUMENTS, IT'S THE SAME SYNOPSIS?

15 A CORRECT.

16 Q YEAH. SO YOU WERE SWEARING UNDER OATH THAT NADIA
17 AND SONI DID THE EXACT SAME THINGS, CORRECT?

18 A YES. WHICH IS, OF COURSE, POSSIBLE WHENEVER YOU'RE
19 DEALING WITH A LARGE AMOUNT OF PEOPLE AS WE WERE IN VIOLATION
20 OF THE SAME STATUTES. IT'S NOT UNCOMMON. I'VE HAD IT TO
21 WHERE IN INCIDENTS WHERE SEVEN INDIVIDUALS ARE ARRESTED AT A
22 CRASH ACCIDENT OR A VEHICLE ACCIDENT FOR THE SAME SITUATION.

23 Q SURE. OF COURSE IT'S POSSIBLE. NADIA AND SONI MAY
24 HAVE DONE THE EXACT SAME THING. THAT'S A POSSIBILITY, RIGHT?

25 A YES.

1 Q BUT YOU DIDN'T KNOW WHETHER THEY ACTUALLY DID THIS
2 EXACT SAME THING OR NOT, CORRECT?

3 A CORRECT.

4 Q BUT YOU SWORE UNDER OATH THAT THEY DID?

5 A YES.

6 Q OKAY. AND EARLIER YOU SAID THAT IF SOMEONE HAD
7 DISPERSED THERE SHOULD BE NO AFFIDAVIT OF PROBABLE CAUSE LIKE
8 THIS FOR THEM, AGREED?

9 A YES.

10 Q SO, IF IT TURNS OUT THAT NADIA WAS ACTUALLY ARRESTED
11 BLOCKS AWAY FROM EAST AND FRANCE, THIS DOCUMENT SHOULDN'T
12 EXIST FOR HER, AGREED?

13 A DEPENDING ON THE SITUATION THAT WAS OCCURRING AT THE
14 TIME OF HER ARREST.

15 Q OKAY.

16 A IF THERE WAS A DISPERSAL ORDER FURTHER ISSUED AND
17 SHE WAS STILL IN SOME TYPE OF THROUGHWAY THEN, YEAH, SHE WOULD
18 BE IN VIOLATION OF THAT.

19 Q RIGHT. BUT IF SHE WAS ARRESTED, SAY, ON A SIDEWALK,
20 BLOCKS AWAY FROM EAST AND FRANCE, THERE SHOULDN'T BE THIS
21 DOCUMENT, AGREED?

22 A WITHOUT KNOWING THE TOTALITY OF THE CIRCUMSTANCES AT
23 THE TIME OF HER ARREST I COULDN'T ANSWER THAT.

24 Q OKAY. AND ALL OF THE QUESTIONS I ASKED YOU ABOUT
25 SONI'S AFFIDAVIT, YOUR ANSWERS ARE THE SAME FOR THIS ONE TOO,

1 RIGHT?

2 A YES.

3 Q THIS ONE ALSO SAYS, "9000 AIRLINE HIGHWAY," BUT THAT
4 WASN'T WHERE IT WAS, RIGHT?

5 A YES.

6 Q THIS ONE ALSO SAYS, "FELONIOUSLY VIOLATED 14:97."
7 BUT THAT'S IMPOSSIBLE, RIGHT?

8 A CORRECT.

9 Q THIS ONE ALSO SAYS, "MOMENTS LATER THIS PERSON
10 ENTERED THE ROADWAY AND WAS TAKEN INTO CUSTODY." YOU DON'T
11 KNOW IF THAT'S TRUE, RIGHT?

12 A YES.

13 Q THIS ALSO SAYS THAT NADIA WAS MIRANDIZED, BUT YOU
14 DON'T KNOW -- DIDN'T KNOW AT THE TIME WHETHER THAT WAS TRUE OR
15 NOT, AGREED?

16 A YES.

17 Q SO, I THINK WE'VE ESTABLISHED THAT YOU SIGNED THIS
18 DOCUMENT UNDER OATH. THERE ARE CERTAIN THINGS IN IT THAT WERE
19 WRONG, CERTAIN THINGS IN IT THAT WERE IMPOSSIBLE, AND CERTAIN
20 THINGS YOU KNEW AT THE TIME WERE INCORRECT, AGREED?

21 A YES. AND REGARDLESS OF THE SITUATION AT HAND, US
22 BEING INEXPERIENCED IN HANDLING THE SITUATION WE WERE HAVING
23 AND WHAT I'D CONSIDER MASS ARRESTS, TRYING TO EXPEDITE THE
24 PROCESS, KEEPING THE AREA SAFE, KEEPING THE CIVILIANS SAFE,
25 TREAT THE PRISONERS PROPERLY. WHEN YOU HAVE THAT MANY MOVING

1 PARTS WITH THE LIMITED AMOUNT OF MANPOWER THAT WE HAD, WE WERE
2 TRYING TO DO EVERYTHING WE COULD TO FOLLOW IT BY THE BOOK.
3 CERTAIN ERRORS WERE OBVIOUSLY MADE AND --

4 Q DID YOU SAY, "BY THE BOOK"?

5 A YES.

6 Q HAD THIS EVER BEEN DONE BEFORE?

7 A THIS, NO. AND NEITHER A PROTEST IN THE BATON ROUGE
8 AREA.

9 Q IS IT "BY THE BOOK" TO SIGN DOCUMENTS UNDER OATH
10 THAT AREN'T TRUE?

11 A NO, IT'S NOT.

12 Q SO THIS WASN'T "BY THE BOOK", WAS IT, OFFICER?

13 A THAT WOULD GO UNDER ME SAYING WE TRIED TO DO
14 EVERYTHING "BY THE BOOK" AS POSSIBLE.

15 Q RIGHT. AND YOU SAID THE GOAL WAS TO EXPEDITE
16 ARRESTS, AGREED?

17 A YES. TO -- AS I EXPLAINED EARLIER, ANYTIME WE HAVE
18 INDIVIDUALS -- AND GIVEN THE NATURE OF THE CIRCUMSTANCES, THIS
19 IS THE FIRST TIME WE HAD ENCOUNTERED IT. WE DIDN'T KNOW THE
20 REACTION OF THE CROWD TO HAVING DETAINEES OR ARRESTEES STILL
21 STAGED IN THE AREA. WE DIDN'T KNOW IF WE WOULD BE TRIED --
22 THEY WOULD TRY TO OVERRUN TO FREE THOSE INDIVIDUALS. THERE
23 ARE UNLIMITED IF'S THAT COULD HAVE BEEN ASKED AND THOUGHT OF.
24 IN ORDER TO TRY TO AVOID AS MANY OF THOSE AS POSSIBLE,
25 EXPEDITE THE PROCESS, GET THE INDIVIDUALS AWAY FROM THE SCENE.

1 Q RIGHT. SO THE BATON ROUGE POLICE DEPARTMENT SET UP
2 A SYSTEM TO EXPEDITE TAKING ARRESTEES TO PRISON, RIGHT?

3 A YES.

4 Q AND ONE OF THE WAYS THEY EXPEDITED THAT WAS BY
5 SETTING UP A SYSTEM THAT HAD AFFIDAVITS OF PROBABLE CAUSE THAT
6 CONTAINED FALSE INFORMATION THAT WERE USED TO IMPRISON PEOPLE,
7 AGREED?

8 A YES. WITH IT UNDER -- WITH IT BEING UNDER THE
9 UNDERSTANDING THAT IT WOULD LATER BE CORRECTED.

10 Q WAS THIS DOCUMENT EVER CORRECTED?

11 A I COULDN'T TELL YOU THAT.

12 Q DID YOU GO BACK AND CORRECT IT AT ANY POINT?

13 A NO, I DIDN'T.

14 Q OKAY.

15 A IN A SITUATION LIKE THIS, IF IT WOULD HAVE BEEN
16 BROUGHT TO COURT -- I'VE BEEN CALLED IN ON INCIDENTS SUCH AS
17 THIS WHERE THE PROBABLE CAUSE FOR ARREST WAS BROUGHT INTO
18 QUESTION. I WAS BROUGHT UP, THE SAME SEAT I'M SITTING IN NOW,
19 TO TESTIFY TO THE REASONS FOR THE PROBABLE CAUSE TO FURTHER
20 EXPLAIN THEM.

21 Q BUT YOU DIDN'T TAKE ANY STEPS TO GO BACK AND CORRECT
22 THIS, DID YOU?

23 A AT THE TIME, NO.

24 Q OKAY. SO, AS I SAID BEFORE, WE'VE ESTABLISHED THAT
25 THESE TWO DOCUMENTS CONTAINED -- YOU SWORE UNDER OATH THAT IT

1 CONTAINED THINGS THAT WERE UNTRUE, IMPOSSIBLE, AND THINGS YOU
2 KNEW AT THE TIME WERE WRONG, AGREED?

3 A YES.

4 Q AND YOU RECALL BEING DEPOSED IN THIS CASE?

5 A YES.

6 Q YOU RECALL THAT I ASKED YOU IF YOU COMMITTED THE
7 CRIME OF PERJURY WHEN YOU SIGNED THESE DOCUMENTS?

8 A I WOULD HAVE TO LOOK AT MY DEPOSITION.

9 Q YOU DON'T RECALL IF I ASKED YOU IF IT WAS PERJURY?

10 A SOMETHING FROM TWO YEARS AGO? THAT'S HARD TO
11 RECALL, YES.

12 Q WOULD YOU LIKE TO REFRESH YOUR RECOLLECTION?

13 A I WOULD LOVE TO.

14 **THE COURT:** THIS IS NOT TO BE PUBLISHED TO THE JURY,
15 AT LEAST NOT RIGHT NOW.

16 **MR. MOST:** THANK YOU.

17 **BY MR. MOST:**

18 Q I'LL LOOK AT PAGE 1 SO YOU CAN SEE YOUR NAME. DO
19 YOU SEE THAT THIS IS YOUR -- A TRANSCRIPT OF YOUR DEPOSITION,
20 CORPORAL?

21 A YES, I DO.

22 Q TURNING TO PAGE 47. WOULD YOU LIKE TO LOOK AT THIS
23 AND REFRESH YOURSELF.

24 A THAT WAS MY ANSWER AND --

25 Q WE'LL GET TO YOUR ANSWER. DOES THIS REFRESH YOUR

1 RECOLLECTION THAT YOU WERE ASKED AT DEPOSITION WHETHER YOU
2 COMMITTED PERJURY WHEN YOU SIGNED THIS DOCUMENT?

3 A YES.

4 Q AND YOUR ANSWER AT THAT DEPOSITION -- YOU ACTUALLY
5 DIDN'T ANSWER THE QUESTION, RIGHT?

6 A CORRECT.

7 Q INSTEAD OF ANSWERING THE QUESTION YOU REFUSED,
8 RIGHT?

9 A IT APPEARS THAT I PLED MY FIFTH AMENDMENT RIGHTS.

10 Q RIGHT. INSTEAD OF ANSWERING THE QUESTION "DID YOU
11 COMMIT PERJURY OF THIS DOCUMENT?" YOU REFUSED TO ANSWER AND
12 PLED THE FIFTH, AGREED?

13 A YES.

14 Q YOU WERE ALSO ASKED WHETHER WHEN YOU SIGNED THESE
15 TWO DOCUMENTS. YOU WERE MANUFACTURING FALSE EVIDENCE TO PUT
16 SOMEONE INTO PRISON; DO YOU RECALL THAT?

17 A I'LL HAVE TO SEE THAT AS WELL.

18 Q SURE. LOOK AT THE BOTTOM OF THIS PAGE.

19 A I SEEM TO HAVE PLED THE FIFTH ON THAT ONE AS WELL.

20 Q RIGHT. AND YOU WERE ADVISED IN THIS DEPOSITION THAT
21 UNLIKE A CRIMINAL CASE, PLEADING THE FIFTH CAN HAVE
22 CONSEQUENCES IN A CIVIL CASE, RIGHT?

23 A YES.

24 Q AND YOU PLED THE FIFTH ANYWAY, AGREED?

25 A I WAS GOING BY THE ADVICE OF MY COUNSEL, YES.

1 Q AND AS WE ESTABLISHED, THE DOCUMENTS THAT YOU SIGNED
2 UNDER OATH WERE USED TO THEN PLACE NADIA AND SONI IN PRISON,
3 AGREED?

4 A YES.

5 Q AND DO YOU RECALL THAT AT YOUR DEPOSITION YOU WERE
6 ASKED WHETHER BY DOING SO YOU COMMITTED FALSE IMPRISONMENT
7 WITH REGARD TO NADIA AND SONI; DO YOU RECALL BEING ASKED THAT?

8 A NO, I DO NOT.

9 Q DOES THE NEXT PAGE REFRESH YOUR RECOLLECTION?

10 A YES, IT DOES.

11 Q DO YOU NOW REMEMBER THAT YOU WERE ASKED ABOUT
12 WHETHER YOU COMMITTED FALSE IMPRISONMENT WHEN YOU SIGNED
13 DOCUMENTS UNDER OATH THAT YOU KNEW WERE THEN USED TO PLACE
14 NADIA AND SONI IN PRISON?

15 A YES.

16 Q AND IN RESPONSE TO THAT QUESTION, YOU DECLINED TO
17 ANSWER AND INSTEAD PLED THE FIFTH, AGREED?

18 A CORRECT.

19 **MR. MOST:** NO FURTHER QUESTIONS.

20 **THE COURT:** ALL RIGHT. MR. SCOTT, DO YOU WANT TO
21 TAKE YOUR WITNESS AT THIS POINT OR IN YOUR CASE?

22 **MR. SCOTT:** I'LL RESERVE HIM FOR MY CASE, YOUR
23 HONOR.

24 **THE COURT:** ALL RIGHT. THANK YOU, MR. ABADIE. YOU
25 MAY STANDDOWN.

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF LOUISIANA

3
4 BLAIR IMANI, ET AL : CIVIL ACTION
5 VERSUS : NO. 3:17-CV-00439
6 CITY OF BATON ROUGE, ET AL : HON. JOHN W. DEGRAVELLES
7 : FEBRUARY 2, 2023

8 =====
9 TRIAL BY JURY
DAY 3
10 =====

11 A P P E A R A N C E S

12 FOR THE PLAINTIFFS:

13 MR. JOHN NELSON ADCOCK
14 ADCOCK LAW, LLC
15 3110 CANAL STREET
16 NEW ORLEANS, LOUISIANA 70119

17 MR. WILLIAM BROCK MOST
18 MR. DAVID JOSEPH LANSER
19 LAW OFFICE OF WILLIAM MOST
20 201 ST. CHARLES AVE., SUITE 114 #101
21 NEW ORLEANS, LOUISIANA 70107

22 FOR THE CITY OF BATON ROUGE:

23 MR. JOSEPH K. SCOTT, III
24 JOSEPH K. SCOTT, III, ATTORNEY AT LAW, LLC
25 9448 BROOKLINE AVENUE
BATON ROUGE, LOUISIANA 70809

MR. MICHAEL P. SCHILLAGE
MR. DAVID M. LEFEVE
OFFICE OF THE EAST BATON ROUGE PARISH ATTORNEY
222 ST. LOUIS STREET, 9TH FLOOR
BATON ROUGE, LOUISIANA 70802

1 SO LET'S GO AHEAD AND GET DONE WHAT WE CAN. WE'LL BREAK AT
2 AROUND NOON.

3 MR. MOST: YES, YOUR HONOR.

4 *(WHEREUPON, WILLIE WILLIAMS, HAVING BEEN DULY SWORN,*
5 *TESTIFIED AS FOLLOWS.)*

6 DIRECT EXAMINATION

7 BY MR. MOST:

8 Q ALL RIGHT. GOOD MORNING.

9 A GOOD MORNING.

10 Q COULD YOU GIVE US YOUR NAME AND RANK FOR THE RECORD,
11 PLEASE?

12 A DETECTIVE WILLIE WILLIAMS, BATON ROUGE CITY POLICE.

13 Q DETECTIVE, HOW LONG HAVE YOU BEEN WITH THE BATON
14 ROUGE POLICE DEPARTMENT?

15 A ABOUT 17 YEARS.

16 Q AND WHAT IS YOUR CURRENT ROLE IN THAT DEPARTMENT?

17 A I WORK IN GENERAL DETECTIVE.

18 Q I'M SORRY, WITH THE GENERAL DETECTIVES?

19 A GENERAL DETECTIVES. YES, SIR.

20 Q AND DETECTIVE, YOU ARE ONE OF THE DEFENDANTS IN THIS
21 CASE, AGREED?

22 A YES.

23 Q DETECTIVE, YOU ARE GENERALLY FAMILIAR THAT THERE
24 WERE PROTESTS IN BATON ROUGE IN JULY OF 2016, RIGHT?

25 A YES.

1 Q IN PARTICULAR, YOU'RE AWARE THAT THERE WAS A PROTEST
2 IN THE VICINITY OF EAST AND FRANCE STREETS ON JULY 10TH, 2016,
3 RIGHT?

4 A YES.

5 Q YOU WERE NEARBY THAT DAY, CORRECT?

6 A YES, I WAS.

7 Q YOU WERE STATIONED AT THE PROCESSING AREA ON
8 GOVERNMENT STREET, RIGHT?

9 A YES.

10 Q WE SAW A VIDEO A FEW MINUTES AGO OF PEOPLE WITH
11 THEIR HANDS BOUND, SITTING ON THE SIDEWALK. IS THAT THE
12 PROCESSING AREA WE'RE TALKING ABOUT?

13 A YES, SIR.

14 Q OKAY. AND YOUR JOB THAT DAY WAS TO DO THE PAPERWORK
15 FOR THOSE ARRESTEES THAT OTHER OFFICERS WERE ARRESTING, RIGHT?

16 A YES. AS THEY WERE BRINGING THE PAPERWORK IN, YES.

17 Q JUST DOING PAPERWORK?

18 A YES.

19 Q AND THE ENTIRE TIME THAT YOU WERE ON SCENE THAT DAY,
20 YOU WERE AT THAT PROCESSING AREA, RIGHT?

21 A YES.

22 Q AND FROM THAT PROCESSING AREA YOU COULDN'T SEE EAST
23 AND FRANCE, AGREED?

24 A NO.

25 Q RIGHT. IT'S AROUND THE CORNER, SO YOU CAN'T SEE --

1 A YEAH, I SAID NO.

2 Q BY YES AND NO YOU'RE AGREEING WITH ME?

3 A YEAH, I'M AGREEING I COULDN'T SEE. I COULDN'T SEE.

4 Q RIGHT. SOMETIMES THINGS FEEL VERY CLEAR WHEN WE'RE
5 SAYING IT BACK AND FORTH, BUT ON A TRANSCRIPT IT CAN BE
6 CONFUSING, WHICH IS WHY I ASKED YOU TO CLARIFY.

7 NOW, DETECTIVE, YOU DIDN'T PERSONALLY CAUSE ANYONE
8 TO BE ARRESTED THAT DAY, DID YOU?

9 A NO. BUT, AGAIN, I HAD A DEPOSITION WITH YOU AND YOU
10 CLARIFIED THAT I DID BECAUSE I SIGNED A DOCUMENT, SO -- BUT,
11 NO, I DIDN'T PERSONALLY, PHYSICALLY CONTROL ANYBODY OR ARREST
12 THEM, NO, SIR.

13 Q RIGHT. SO WE'LL GO THROUGH IT. SO YOU DIDN'T
14 PERSONALLY CAUSE ANYONE TO BE ARRESTED, RIGHT?

15 A NO, SIR.

16 Q RIGHT. AND WHEN YOU SAY I CLARIFIED, YOU MEAN I
17 SHOWED YOU A DOCUMENT YOU SIGNED THAT SAID YOU DID ARREST
18 PEOPLE, RIGHT?

19 A YES, SIR.

20 Q RIGHT. YOU DIDN'T READ ANYONE THEIR MIRANDA RIGHTS
21 THAT DAY, DID YOU?

22 A I CAN'T RECALL.

23 Q AND WE'VE BEEN TALKING ABOUT THE PAPERWORK. THAT
24 MEANS -- INCLUDES THE AFFIDAVITS OF PROBABLE CAUSE FOR
25 ARRESTEES, RIGHT?

1 A YES.

2 Q OFFICERS WHO WERE AT EAST AND FRANCE WOULD GRAB
3 SOMEONE, BRING THEM TO YOUR PROCESSING AREA, DROP THEM OFF,
4 AND THEN THOSE OFFICERS WOULD GO RIGHT BACK TO EAST AND
5 FRANCE, AGREED?

6 A YES.

7 Q THEY DIDN'T STOP AND TALK TO YOU ABOUT EACH PERSON
8 WHO WAS BEING ARRESTED, AGREED?

9 A I CAN'T RECALL.

10 Q BUT YOU CERTAINLY DIDN'T ASK ANY QUESTIONS OF THOSE
11 OFFICERS WHO WERE DOING THE SEIZING, AGREED?

12 A I'M PRETTY SURE I DID. I CAN'T RECALL, THOUGH.
13 IT'S BEEN A WHILE AGO.

14 Q SURE. DO YOU RECALL BEING ASKED THIS QUESTION AT
15 YOUR DEPOSITION?

16 A I CAN'T RECALL.

17 Q DO YOU RECALL TESTIFYING THAT YOU DID NOT ASK
18 QUESTIONS OF THE ARRESTING OFFICERS?

19 A I CAN'T RECALL. IF YOU HAVE IT, YOU CAN PULL IT UP.
20 I DON'T KNOW.

21 Q OKAY. SO LET'S TALK ABOUT AFFIDAVITS OF PROBABLE
22 CAUSE. THOSE ARE SOMETIMES ALSO CALLED ARREST AFFIDAVITS; IS
23 THAT RIGHT?

24 A YES, SIR.

25 Q AND THE REASON YOU HAD TO FILL OUT THE AFFIDAVITS OF

1 PROBABLE CAUSE THAT DAY, AT LEAST ONE REASON, WAS BECAUSE BRPD
2 CAN'T BOOK SOMEONE INTO THE PARISH PRISON WITHOUT ONE OF THOSE
3 DOCUMENTS OR AN ARREST WARRANT, RIGHT?

4 A CORRECT.

5 Q SO THE PURPOSE OF YOU GOING DOWN THE LINE OF
6 ARRESTEES SIGNING AN AFFIDAVIT OF PROBABLE CAUSE WAS SO THAT
7 THAT ARRESTEE CAN BE LOADED AND TAKEN TO THE PRISON, RIGHT?

8 A YES.

9 Q AN AFFIDAVIT OF PROBABLE CAUSE, THAT'S A WRITTEN
10 ACCUSATION OF A CRIME SIGNED UNDER OATH BY AN OFFICER, AGREED?

11 A YES.

12 Q LIKE CORPORAL ABADIE, YOU SIGNED THOSE AFFIDAVITS
13 UNDER OATH?

14 A YES.

15 Q AND LIKE CORPORAL ABADIE, YOU SWORE UNDER OATH WHEN
16 YOU BECAME AN OFFICER, RIGHT?

17 A YES.

18 Q YOU TOOK THAT OATH TO BE AN OFFICER SERIOUSLY?

19 A YES, SIR.

20 Q WOULD YOU VIOLATE IT?

21 A NO, SIR, NOT -- NOT INTENTIONALLY. NO, SIR.

22 Q WOULD YOU VIOLATE IT IF SOMEONE TOLD YOU TO?

23 A NO, SIR, NOT INTENTIONALLY. NO, SIR.

24 Q WOULD YOU -- WOULD YOU SIGN A DOCUMENT IF YOU KNEW
25 THAT TO DO SO WOULD BE ILLEGAL OR UNCONSTITUTIONAL --

1 A NO, SIR.

2 Q -- EVEN IF TOLD TO DO SO?

3 A NO, SIR. I DID EVERYTHING IN GOOD FAITH. NO, SIR.

4 Q SO, WHEN YOU TAKE ACTIONS AS A POLICE OFFICER YOU
5 MAY BE GIVEN ORDERS BY SUPERIORS, BUT YOU HAVE THE DISCRETION
6 TO NOT DO SOMETHING IF YOU THINK IT'S ILLEGAL OR
7 UNCONSTITUTIONAL, RIGHT, DETECTIVE?

8 A YES, SIR.

9 Q AND, YOU KNOW, SOME DOCUMENTS ARE SWORN UNDER OATH
10 AND SOME AREN'T, RIGHT?

11 A YES.

12 Q THERE'S A DIFFERENCE THERE. WHEN SOMETHING IS SWORN
13 UNDER OATH, IT MEANS IT'S A CRIME TO HAVE FALSE -- KNOWINGLY
14 HAVE FALSE INFORMATION IN THERE AND SO IT'S VERY IMPORTANT
15 THAT ANY DOCUMENT SIGNED BY AN OFFICER UNDER OATH CONTAINS
16 TRUE THINGS, RIGHT?

17 A YES.

18 Q AND SO AN AFFIDAVIT OF PROBABLE CAUSE, WE'VE BEEN
19 OVER THIS, HAS TO EXPLAIN VERY SPECIFICALLY WHY THIS
20 PARTICULAR PERSON WAS ARRESTED AND WHAT THEY DID TO BE
21 ARRESTED, AGREED?

22 A YES.

23 Q YOU AGREE WITH CORPORAL ABADIE THAT THE AFFIDAVIT OF
24 PROBABLE CAUSE IS WHAT TELLS US IF AN ARREST WAS A JUSTIFIED
25 ARREST OR AN UNJUSTIFIED ARREST, RIGHT?

1 A YES.

2 Q AND LIKE CORPORAL ABADIE, YOU KNEW WHEN YOU SIGNED
3 AFFIDAVITS OF PROBABLE CAUSE ON JULY 10TH, 2016, THAT THOSE
4 WOULD BE USED TO PUT PEOPLE IN PRISON AND THEN WOULD BE FILED
5 WITH THE COURT, RIGHT?

6 A YES.

7 **MR. MOST:** I'M GOING TO PULL UP PLAINTIFFS' 23,
8 WHICH HAS BEEN ENTERED INTO EVIDENCE. I'LL TURN TO PAGE 13 OF
9 PLAINTIFFS' 23.

10 **BY MR. MOST:**

11 Q DO YOU SEE THIS DOCUMENT, DETECTIVE?

12 A YES.

13 Q THE SIGNATURE AT THE BOTTOM, THIS IS YOUR SIGNATURE,
14 AGREED?

15 A YES.

16 Q THAT'S YOUR BADGE NUMBER NEXT TO IT?

17 A YES.

18 Q AND YOUR RANK?

19 A YES.

20 Q AND BELOW IT, THAT'S THE NOTARY?

21 A YES.

22 Q RIGHT. SO -- AND IS THIS YOUR HANDWRITING AT THE
23 TOP WHERE IT SAYS "ANTONIO CASTANON"?

24 A NO, IT IS NOT.

25 Q DO YOU KNOW WHO FILLED THAT OUT?

1 A I DON'T KNOW. ALL I COULD TELL YOU IS I WAS
2 INSTRUCTED BY A SUPERVISOR TO SIGN, BECAUSE THE PERSON THAT
3 DROPPED -- BROUGHT THE PRISONER THERE DIDN'T SIGN THE AFFIANT.

4 Q RIGHT.

5 A AS AFFIANT.

6 Q SO SOMEONE TOLD -- SO A SUPERVISING OFFICER TOLD YOU
7 TO SIGN THIS DOCUMENT?

8 A YES, SIR.

9 Q RIGHT.

10 A AND, AGAIN, I DID IT IN GOOD FAITH. IT WASN'T LIKE
11 I WAS TRYING TO DO ANYTHING ELSE.

12 Q YEAH. GOOD FAITH, THAT'S -- YOU MEAN, THAT'S A
13 LEGAL TERM YOU KNOW?

14 A YEAH. THAT'S A LEGAL TERM.

15 Q OKAY. WERE YOU STANDING IN FRONT OF ANTONIO WHEN
16 YOU SIGNED THIS?

17 A I CAN'T RECALL.

18 Q YEAH.

19 A I CAN'T RECALL.

20 Q DID YOU EVEN SEE ANTONIO?

21 A I'M PRETTY SURE I DID, BUT I CAN'T RECALL IF HE WAS
22 STANDING IN FRONT OF ME. I CAN'T RECALL. THERE WAS SO MUCH
23 GOING ON, JUST A LOT OF CHAOS AND CONFUSION. THERE WAS SO
24 MUCH GOING ON WITH THE PEOPLE COMING IN AND OUT, BEING BROUGHT
25 TO US. IT WAS A LOT.

1 Q SURE. ANTONIO, SHORT GUY? TALL GUY?

2 A I CAN'T RECALL.

3 Q HEAVYSET? SKINNY?

4 A SIR, I CAN'T RECALL.

5 Q CAN YOU RECALL ANYTHING ABOUT ANTONIO?

6 A NO.

7 Q LOOK, IT WAS SEVEN-YEARS AGO. YOU MAY NOT RECALL.

8 SO YOU DIDN'T ARREST ANYONE THAT DAY, RIGHT?

9 WE ALREADY COVERED THIS. YOU TESTIFIED YOU DIDN'T
10 ARREST ANYONE THAT DAY, RIGHT?

11 A YEAH.

12 Q RIGHT. THIS SAYS AT THE TOP, "BEFORE ME, PERSONALLY
13 APPEARED THE UNDERSIGNED LAW ENFORCEMENT OFFICER." THE
14 UNDERSIGNED LAW ENFORCEMENT OFFICER THAT'S YOU, RIGHT?

15 A YES.

16 Q "WHO DEPOSED THAT THE FOLLOWING RECITED FACTS ARE
17 TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE, INFORMATION,
18 AND BELIEF AND THAT BASED UPON THESE FACTS HE CAUSED THE
19 ARREST OF THE FOLLOWING LISTED DEFENDANT," RIGHT?

20 A YES.

21 Q THAT PART IS NOT TRUTHFUL, IS IT, DETECTIVE?

22 A WELL, AS I SAID BEFORE, BASICALLY, WHEN YOU
23 EXPRESSED IT TO ME IN THE DEPOSITION THAT I -- ONCE YOU
24 EXPRESSED THAT TO ME AT THAT TIME I ADVISED THAT I DID, ONCE
25 YOU SAID I CAUSED IT, WHICH IS IN THE DOCUMENT.

1 Q RIGHT. SO YOU -- YOU WERE ASKED, DID YOU ARREST
2 ANYONE THAT DAY AND YOU SAID NO?

3 A YEAH.

4 Q AND THEN YOU LOOKED AT A DOCUMENT YOU SIGNED THAT
5 SAYS, I DID ARREST SOMEONE, AND YOU CHANGED YOUR ANSWER,
6 RIGHT?

7 A YES, SIR.

8 Q DID YOU CHANGE YOUR ANSWER BECAUSE YOU SAW THE
9 DOCUMENT?

10 A I ASSUME SO.

11 Q DID YOU ACTUALLY ARREST ANYONE THAT DAY, JULY 10TH,
12 2016? WHAT'S THE TRUTH?

13 A YEAH. IF I SIGNED IT, I GUESS I ARRESTED THEM.

14 Q OKAY. JUST BASED ON THIS DOCUMENT YOU'RE ASSUMING
15 YOU ARRESTED THEM, EVEN THOUGH YOU MAY NOT HAVE ACTUALLY?

16 A I DIDN'T ACTUALLY ARREST THEM. I DIDN'T ACTUALLY
17 PHYSICALLY ARREST THEM. THE PERSON THAT ACTUALLY WROTE THIS
18 OUT -- THERE'S A REPORT THAT GOES BEHIND THIS ALSO, SO...

19 Q RIGHT. SO THIS PART, WHAT'S ON HERE, DOESN'T MATCH
20 WHAT ACTUALLY HAPPENED, AGREED?

21 A I GUESS.

22 Q NOW, YOU SAID -- PART OF IT SOUNDS LIKE YOUR
23 EXPLANATION FOR WHY THESE THINGS HAPPENED IS THAT -- YOU SAID
24 IT KIND OF WAS A SURPRISE, BRPD DIDN'T KNOW WHAT WAS GOING TO
25 HAPPEN, RIGHT?

1 A YEAH, I SUPPOSE SO. YEAH.

2 Q BUT THESE WERE PRINTED IN ADVANCE, RIGHT?

3 A YEAH.

4 Q SO THE BATON ROUGE POLICE DEPARTMENT WASN'T
5 SURPRISED BY WHAT HAPPENED. IN FACT, THEY PLANNED FOR WHAT
6 WAS GOING TO HAPPEN, RIGHT?

7 A I DON'T, PER SE, THEY PLANNED WHAT WAS GOING TO
8 HAPPEN. I THINK IT WAS DONE BECAUSE OF WHAT COULD HAPPEN.

9 Q RIGHT. BUT AT LEAST THERE WAS PREPARATION,
10 PLANNING, ANTICIPATION AND EXECUTION, AGREED?

11 A YES.

12 Q DO YOU SEE THIS PART THAT SAYS "PROTESTERS WERE
13 ADVISED BY LOUD SPEAKER TO REMAIN ON PRIVATE PROPERTY AND ON
14 THE CURB"?

15 A YES.

16 Q SO PRIVATE PROPERTY AND THE CURB WHERE PEOPLE -- WAS
17 WHERE PEOPLE WERE TOLD BY POLICE TO BE, RIGHT?

18 A YES.

19 Q SO IF ANTONIO CASTANON WAS ON PRIVATE PROPERTY OR
20 THE CURB, HE SHOULD NOT HAVE BEEN ARRESTED, AGREED?

21 A CORRECT.

22 Q DO YOU KNOW IF ANTONIO CASTANON WAS ON THE CURB?

23 A I DO NOT KNOW.

24 Q DO YOU REMEMBER SEEING, A FEW MINUTES AGO, THE
25 PICTURE OF NADIA SALAZAR AND HER EX-HUSBAND STANDING ON A

1 CURB?

2 A YES.

3 Q IF THAT EX-HUSBAND WAS ANTONIO CASTANON, HE SHOULD
4 NOT HAVE BEEN ARRESTED, RIGHT? BECAUSE HE WAS ON THE CURB.

5 A I ASSUME SO.

6 Q RIGHT. I'LL MAKE THIS PART FAST. THIS WHOLE --
7 THESE WHOLE TWO PARAGRAPHS, DID YOU KNOW AT THE TIME IF ANY OF
8 THIS WAS TRUE WITH REGARDS TO MR. CASTANON?

9 A JUST FROM THEM BRINGING THE -- BRINGING THE PRISONER
10 THERE, BASICALLY. JUST GOING OFF OF WHAT THE OFFICER SAID.
11 AGAIN, LIKE I SAID, IT WAS IN GOOD FAITH. I DIDN'T --

12 Q MR. -- DETECTIVE WILLIAMS, YOU TOLD US EARLIER THAT
13 OFFICERS DIDN'T TELL YOU ANYTHING ABOUT MR. CASTANON. YOU'RE
14 SAYING YOU'RE RELYING ON WHAT THEY TOLD YOU OR --

15 A I SAID I'M RELYING ON THEM BRINGING THEM THERE FROM
16 THE INCIDENT THAT HAPPENED. I DIDN'T SAY WHAT THEY TOLD ME.

17 Q OKAY. SO -- BUT DID YOU KNOW ANYTHING SPECIFIC TO
18 MR -- TO ANTONIO IN THESE SECOND TWO PARAGRAPHS --

19 A NO.

20 Q -- DID YOU KNOW ANYTHING SPECIFIC THAT WOULD HAVE
21 MADE THESE TRUE?

22 A NO, SIR. NO, SIR.

23 **THE COURT:** OKAY. IT'S A GOOD TIME TO TAKE A BREAK,
24 FOLKS. WE'RE GOING TO TAKE A LUNCH. PLEASE REMEMBER THE
25 THINGS THAT I'VE TOLD YOU OVER AND OVER AGAIN; NO TALKING, NO

1 RESEARCH, ET CETERA. WE'LL SEE YOU BACK AT 1:15.

2 ALL RISE FOR THE JURY.

3 *(AT WHICH TIME THE JURY EXITED THE COURTROOM.)*

4 **THE COURT:** BE SEATED. DETECTIVE, YOU CAN LEAVE THE
5 STAND. YOU'LL COME BACK AFTER LUNCH.

6 I JUST WANT TO BRING UP A FEW HOUSEKEEPING MATTERS.
7 OUR COURT SECURITY OFFICER RECEIVED A -- NO, IT WAS CHELETTA,
8 OUR JURY COORDINATOR, RECEIVED A NOTE THAT SAID JUROR NUMBER
9 FIVE, WHICH IS MR. LAICHE, THE ONE SECOND FROM THE END, FIRST
10 ROW, HIS DAUGHTER IS RECEIVING A SCHOLARSHIP TONIGHT AT 5 P.M.
11 AT LAMAR DIXON AND WANTED TO SEE IF THERE WAS ANY WAY WE COULD
12 LEAVE EARLY SO HE COULD GET THERE.

13 LET ME JUST ASK THE PARTIES, HOW DO YOU FEEL WITH
14 GOING IN TERMS OF THE SCHEDULE?

15 **MR. MOST:** WE'RE STILL MOVING QUICKLY, YOUR HONOR.
16 HOW FAR IS LAMAR DIXON? I DON'T KNOW WHERE THAT IS.

17 **THE COURT:** IT'S PROBABLY A HALF AN HOUR FROM BATON
18 ROUGE, WOULD YOU SAY? ANYBODY WHO KNOWS.

19 **MR. SCOTT:** IT'S MORE LIKE A HALF HOUR IF YOU LEAVE
20 AT 4:15, BECAUSE THE --

21 **THE COURT:** YEAH. SO I WOULD PROPOSE LEAVING -- IF
22 Y'ALL ARE AGREEABLE TO THAT, I WOULD PROPOSE LEAVING AT 4:15
23 TODAY.

24 **MR. MOST:** NO OBJECTION, YOUR HONOR.

25 **MR. SCOTT:** NO OBJECTION, YOUR HONOR.

1 **THE COURT:** YOU MAY BE SEATED AND YOU MAY RESUME
2 YOUR EXAMINATION.

3 **MR. MOST:** THANK YOU.

4 **BY MR. MOST:**

5 **Q** DETECTIVE, DID YOU TALK TO ANYBODY ABOUT THIS CASE
6 DURING THE BREAK?

7 **A** NO.

8 **Q** SO BEFORE WE RETURN TO THE AFFIDAVITS OF PROBABLE
9 CAUSE, YOUR RANK IS DETECTIVE, RIGHT?

10 **A** YES, SIR.

11 **Q** AND YOUR JOB AS A DETECTIVE IS TO FIGURE OUT WHO
12 COMMITTED A CRIME, WRITE UP A SEARCH WARRANT OR AFFIDAVIT OF
13 PROBABLE CAUSE OR ARREST WARRANT, THAT'S A CORE PART OF YOUR
14 JOB, RIGHT?

15 **A** YES, SIR.

16 **Q** SO FILLING OUT THINGS LIKE THIS AFFIDAVIT OF
17 PROBABLE CAUSE, THIS IS NOT -- IT WASN'T NEW TO YOU. THIS WAS
18 A CORE PART OF WHAT YOU DID IN 2016, AGREED?

19 **A** YES.

20 **Q** SO YOU KNEW THROUGH YOUR TRAINING AND EXPERIENCE AS
21 A DETECTIVE THAT IT WAS IMPORTANT TO MAKE SURE THAT ARREST
22 WARRANTS OR AFFIDAVITS OF PROBABLE CAUSE CONTAINED TRUE
23 THINGS, RIGHT?

24 **A** YES.

25 **Q** THAT'S IMPORTANT BECAUSE IT'S A SERIOUS BUSINESS,

1 TAKING AWAY A PERSON'S FREEDOM, RIGHT?

2 A YES.

3 Q ONLY LAW ENFORCEMENT CAN LAWFULLY TAKE AWAY
4 SOMEONE'S FREEDOM, RIGHT?

5 A CORRECT.

6 Q AND THAT'S WHY WE HAVE A CONSTITUTION TO PROTECT THE
7 PEOPLE FROM THAT UNIQUE POWER FROM GETTING OUT OF CONTROL,
8 RIGHT?

9 A YES.

10 Q AND THAT CONSTITUTION IS VIOLATED WHEN AN OFFICER
11 SWEARS FALSELY AND ARRESTS SOMEONE WITHOUT PROBABLE CAUSE,
12 AGREED?

13 MR. SCOTT: JUDGE, OBJECTION. CALLS FOR A LEGAL
14 CONCLUSION.

15 THE COURT: SUSTAINED. YOU CAN PHRASE IT AS "WHAT
16 IS YOUR UNDERSTANDING?" HE'S NOT A LAWYER. THE JURY
17 UNDERSTANDS THAT. SO YOU CAN REPHRASE THE QUESTION.

18 MR. MOST: SURE.

19 BY MR. MOST:

20 Q DETECTIVE, WHAT'S YOUR UNDERSTANDING ABOUT WHETHER
21 THE CONSTITUTION IS VIOLATED WHEN AN OFFICER FALSELY FILLS OUT
22 AN ARREST WARRANT OR AFFIDAVIT OF PROBABLE CAUSE?

23 A IT IS BASICALLY A VIOLATION. SO LIKE I SAID, WE
24 DON'T KNOW WHAT WAS GOING ON THAT TIME. THEY HAD -- YOU HAD A
25 STILL SHOT OF SOMEONE -- SOMEONE ON THE SIDE. YOU DON'T KNOW

1 WHAT WENT ON ACTUALLY THE WHOLE TIME. THERE'S NO VIDEO OF
2 ANYTHING THERE SHOWING WHAT LED UP TO THAT GUY'S ARREST.

3 Q RIGHT. WHEN YOU SAY "A STILL SHOT," YOU'RE TALKING
4 ABOUT SOMETHING YOU SAW AFTER JULY 10TH, 2016, RIGHT?

5 A SOMETHING YOU SHOWED ME TODAY, THE STILL SHOT, THE
6 PICTURE, THE PHOTO.

7 Q SURE. YOU DIDN'T HAVE THAT IN YOUR HAND ON
8 JULY 10TH, 2016, RIGHT?

9 A NO.

10 Q YOU DIDN'T HAVE ANY VIDEO OF MR. CASTANON ON
11 JULY 10TH, 2016, RIGHT?

12 A NO.

13 Q AND NO ONE TOLD YOU ANYTHING SPECIFIC ABOUT
14 MR. CASTANON ON JULY 10TH, 2016, RIGHT?

15 A NOT THAT I CAN RECALL.

16 Q HOW MANY TIMES DO YOU THINK YOU FILLED OUT IN YOUR
17 CAREER A SEARCH WARRANT, AN ARREST WARRANT OR AN AFFIDAVIT OF
18 PROBABLE CAUSE?

19 A I COULDN'T TELL YOU.

20 Q MORE THAN 500?

21 A I DON'T THINK IT'S MORE THAN 500, I DON'T THINK.

22 Q ABOUT A COUPLE HUNDRED?

23 A I COULDN'T GIVE YOU A NUMBER.

24 Q SURE. YOU DO A COUPLE A MONTH?

25 A PRETTY MUCH, YEAH.

1 Q SO DOZENS A YEAR, HUNDREDS PER DECADE, RIGHT?

2 A I ASSUME SO. I ASSUME.

3 Q OF THOSE HUNDREDS, HOW MANY OTHER THINGS HAVE YOU
4 SIGNED YOUR NAME TO UNDER OATH WHERE YOU DIDN'T KNOW ANYTHING
5 ABOUT THE CONTENTS?

6 A NONE.

7 Q NONE BESIDES THE ONE YOU DID -- THE ONES YOU DID ON
8 JULY 10TH, 2016, RIGHT?

9 A I ASSUME SO.

10 Q AND WE TALKED EARLIER ABOUT HOW YOU WERE TOLD BY A
11 SUPERVISING OFFICER TO SIGN THIS AFFIDAVIT FOR MR. CASTANON,
12 RIGHT?

13 A YES.

14 Q AND IF YOU WEREN'T COMFORTABLE WITH DOING THAT, YOU
15 COULD HAVE RAISED THAT TO THAT SUPERVISING OFFICER OR ANOTHER
16 SUPERVISING OFFICER, RIGHT?

17 A COULD HAVE. LIKE I SAID, IT WAS SO MUCH GOING ON
18 OUT THERE WITH ALL THE CHAOS. WE WERE JUST DOING OUR JOB OUT
19 THERE.

20 Q DID YOU HAVE A RADIO WITH YOU?

21 A YES.

22 Q COULD YOU HAVE PICKED IT UP AND SAID: HEY, I'VE
23 BEEN ASKED TO SIGN THIS AFFIDAVIT. I DON'T KNOW ANYTHING
24 ABOUT IT. WHAT SHOULD I DO?

25 A MAYBE SO. LIKE I SAID, WITH ALL THE CONFUSION AND

1 CHAOS GOING ON AND EVERYTHING, PEOPLE DOING ALL THE STUFF IN
2 THE STREETS.

3 Q SO THE ANSWER IS NO, YOU DIDN'T DO THAT, RIGHT?

4 A NO, I DIDN'T.

5 Q WHEN YOU SAY "CHAOS AND CONFUSION," WE LOOKED AT THE
6 PROCESSING AREA WHERE YOU WERE. IT WAS PEOPLE SITTING ON THE
7 SIDEWALK WITH THEIR ARMS BOUND BEHIND THEIR BACK AND OFFICERS
8 WALKING UP AND DOWN THE LINE. WAS THAT CONFUSION AND CHAOS?

9 A IT WAS A LOT GOING ON. IT WAS MORE TO IT THAN THAT.

10 Q NOT IN YOUR AREA, WAS THERE?

11 A YEAH, IT WAS MORE TO IT THAN THAT.

12 Q OKAY. SO YOU DIDN'T ASK A SUPERVISOR ABOUT THIS AT
13 THE TIME, RIGHT?

14 A NO.

15 Q DID YOU RAISE ANY CONCERNS WITH THE SUPERVISOR
16 AFTERWARDS?

17 A I CAN'T RECALL.

18 Q DID YOU CONTACT INTERNAL AFFAIRS AND SAY: HEY, I
19 WAS ASKED TO SIGN AN AFFIDAVIT, BUT I DIDN'T KNOW ANYTHING
20 ABOUT THAT ARRESTEE?

21 A NO.

22 Q AFFIDAVITS OF PROBABLE CAUSE ARE FILLED OUT BY ONE
23 OFFICER AND THEN REVIEWED BY A SUPERVISOR SUBSEQUENTLY, RIGHT?

24 A YES.

25 Q AND WHEN A SUPERVISOR DOESN'T APPROVE OR DISAGREES,

1 THEY LET THE OFFICER WHO SIGNED IT KNOW, RIGHT?

2 A YES.

3 Q DID ANY SUPERVISOR TELL YOU THAT THIS ONE WAS
4 REFUSED?

5 A NO.

6 Q WE TALKED ABOUT THIS WITH CORPORAL ABADIE, BUT THIS
7 DOCUMENT ALSO DESCRIBES FELONIOUSLY VIOLATING 14:100.1. DO
8 YOU KNOW WHAT 100.1 IS?

9 A YES.

10 Q THAT'S OBSTRUCTION OF A PUBLIC PASSAGEWAY?

11 A YES.

12 Q IS THAT A FELONY OR A MISDEMEANOR?

13 A IT'S A MISDEMEANOR.

14 Q RIGHT. SO IT'S IMPOSSIBLE FOR SOMEONE TO
15 FELONIOUSLY VIOLATE 100.1, AGREED?

16 A I ASSUME SO.

17 Q YOU ASSUME SO?

18 A UH-HUH.

19 Q SO TO SUM UP, THIS DOCUMENT CONTAINED INFORMATION
20 THAT WAS FALSE, LIKE THAT YOU CAUSED THE ARREST; INFORMATION
21 THAT WAS IMPOSSIBLE, LIKE FELONIOUSLY VIOLATING; AND
22 INFORMATION THAT YOU DIDN'T KNOW -- HAVE ANY REASON TO THINK
23 WAS TRUE OR FALSE; WOULD YOU AGREE WITH THAT?

24 A LIKE I SAID, THE ARRESTING OFFICER MUST HAVE FOUND
25 PROBABLE CAUSE. THEY HAD TO FIND PROBABLE CAUSE --

1 Q NO, BUT LIKE --

2 A GO AHEAD.

3 Q WOULD YOU AGREE WITH MY STATEMENT, DETECTIVE?

4 A YEAH.

5 Q THE ANSWER IS YES?

6 A YEAH.

7 Q BUT YOU SIGNED IT ANYWAY?

8 A YEAH.

9 Q DO YOU RECALL GIVING A DEPOSITION IN THIS CASE?

10 A YES.

11 Q THAT WAS A TIME WHERE YOU WERE ASKED QUESTIONS UNDER
12 OATH, CORRECT?

13 A YES.

14 Q AND DO YOU RECALL THAT AT THAT DEPOSITION, I ASKED
15 YOU IF SIGNING THIS DOCUMENT UNDER OATH, EVEN THOUGH THERE
16 WERE THINGS YOU KNEW IN IT TO BE FALSE, WAS PERJURY. DO YOU
17 REMEMBER THAT QUESTION?

18 A YES, SIR, I REMEMBER THAT QUESTION.

19 Q DO YOU RECALL THAT YOU REFUSED TO ANSWER THE
20 QUESTION?

21 A YES, I PLED THE FIFTH.

22 Q YOU PLED THE FIFTH?

23 A UH-HUH.

24 Q YOU WERE ADVISED IN THAT DEPOSITION THAT, UNLIKE A
25 CRIMINAL MATTER, PLEADING THE FIFTH CAN HAVE CONSEQUENCES IN A

1 CIVIL MATTER, CORRECT?

2 A YES.

3 Q AND YOU PLED THE FIFTH DESPITE BEING ADVISED OF
4 THAT?

5 A BY COUNSEL, YES.

6 Q DO YOU RECALL THAT I ALSO ASKED YOU WHETHER YOU WERE
7 COMMITTING THE CRIME OF FALSE IMPRISONMENT WHEN YOU SIGNED
8 THIS DOCUMENT UNDER OATH, KNOWING THAT IT WOULD BE USED TO PUT
9 MR. CASTANON IN PRISON?

10 A I CAN'T RECALL.

11 Q SURE. WOULD YOU LIKE TO REFRESH YOUR RECOLLECTION
12 FROM --

13 A YEAH.

14 MR. MOST: WE'LL SHOW THIS JUST TO THE WITNESS,
15 PLEASE.

16 BY MR. MOST:

17 Q DO YOU SEE THE PAGE IN FRONT OF YOU --

18 A YEAH.

19 Q -- DETECTIVE? THIS IS A TRANSCRIPT OF YOUR
20 DEPOSITION.

21 A YES. I SEE IT.

22 Q OKAY. LOOKING AT PAGE 81 OF THIS DOCUMENT. DO YOU
23 SEE THE QUESTION IN THE MIDDLE OF THE PAGE, DETECTIVE?

24 A YES.

25 Q DOES THIS REFRESH YOUR RECOLLECTION ABOUT WHETHER

1 YOU WERE ASKED WHETHER WHEN YOU SIGNED THIS DOCUMENT, KNOWING
2 THAT IT WOULD BE USED TO PUT MR. CASTANON IN PRISON, WHETHER
3 YOU WERE COMMITTING FALSE IMPRISONMENT?

4 A YEAH, I PLED THE FIFTH.

5 Q YOU PLED THE FIFTH?

6 A UH-HUH.

7 Q AND DO YOU RECALL BEING ASKED AT THAT DEPOSITION
8 WHETHER BY SIGNING A DOCUMENT UNDER OATH WITH FALSE
9 INFORMATION IN IT, WHETHER YOU WERE MANUFACTURING FALSE
10 EVIDENCE. DO YOU RECALL BEING ASKED THAT?

11 A I DON'T RECALL.

12 Q GOING UP TO THE PREVIOUS PAGE, PAGE 80, DO YOU SEE
13 AT THE BOTTOM OF THIS PAGE, DOES THIS REFRESH YOUR
14 RECOLLECTION?

15 A YES.

16 Q DO YOU SEE THAT YOU LIKEWISE --

17 A YES.

18 Q -- PLED THE FIFTH TO THAT QUESTION?

19 A YES.

20 Q LET'S LOOK AT ONE MORE DOCUMENT. THIS IS
21 PLAINTIFFS' 76, WHICH I BELIEVE HAS BEEN ENTERED INTO
22 EVIDENCE.

23 DETECTIVE WILLIAMS, THIS IS ANOTHER AFFIDAVIT OF
24 PROBABLE CAUSE.

25 A OKAY. YEAH.

1 Q YOUR SIGNATURE AT THE BOTTOM?

2 A YES.

3 Q YOUR BADGE NUMBER AT THE BOTTOM?

4 A YES.

5 Q NOTARIZED AT THE BOTTOM?

6 A YES.

7 Q AND DO YOU SEE THAT THIS IS FOR A "VICTOR," WHO
8 LIVED AT 3251 WALL BOULEVARD?

9 A YES.

10 Q THIS FORM WAS LIKEWISE SIGNED BY YOU UNDER OATH?

11 A YES.

12 Q JUST LIKE MR. CASTANON, YOU DIDN'T KNOW ANYTHING
13 ABOUT THIS VICTOR, DID YOU?

14 A NO.

15 Q DO YOU REMEMBER IF HE WAS TALL OR SHORT?

16 A I CAN'T RECALL.

17 Q WEARING A BRIGHT SHIRT OR A GRAY SHIRT?

18 A I CAN'T RECALL.

19 Q DO YOU KNOW IF YOU EVER SAW HIM AT ALL AT ANY TIME?

20 A I DON'T REMEMBER.

21 Q YEAH. WERE YOU -- LIKE WITH MR. CASTANON, WERE YOU
22 TOLD TO SIGN THIS PIECE OF PAPER?

23 A YES.

24 Q AND YOU DID SIGN IT UNDER OATH, CORRECT?

25 A YES.

1 Q NOT KNOWING WHETHER ANYTHING IN IT WAS TRUE OR
2 FALSE, RIGHT?

3 A I'M GOING OFF OF WHAT THE OFFICER -- WHAT THEY DID.
4 THEY BROUGHT HIM OVER THERE. THEY'RE JUST NOT GOING TO GO AND
5 GRAB PEOPLE AND JUST BRING THEM OVER THERE. THEY HAD HUNDREDS
6 OF PEOPLE OUT THERE. THEY'RE NOT GOING TO JUST GO AND SAY:
7 HEY, WE'RE GOING TO TAKE HIM, HIM AND HER AND HER. THEY'RE
8 GOING TO -- THEY'RE ARRESTING SOMEBODY FOR SOMETHING THEY DID.
9 I'M GOING OFF OF GOOD FAITH, LIKE I SAID, AND BASICALLY THE
10 OFFICERS BRINGING THEM THERE. THEY'RE NOT GOING TO JUST
11 ARREST ANYBODY JUST FOR ANYTHING.

12 Q RIGHT.

13 A THEY'RE NOT GOING TO DO THAT. WE DON'T -- WE DON'T
14 DO THAT.

15 Q RIGHT. SO YOU COULD INFER THAT THERE WAS A REASON
16 THAT AN OFFICER GRABBED THIS PERSON, RIGHT?

17 A YES.

18 Q BUT YOU DIDN'T KNOW WHAT THE REASON WAS, RIGHT?

19 A THE REASON IS DOCUMENTED ON THE PAPER.

20 Q BUT YOU DIDN'T KNOW ANY OF THIS INFORMATION ABOUT
21 VICTOR, DID YOU?

22 A NO.

23 Q WHEN I ASKED YOU AT DEPOSITION, DO YOU RECALL THAT I
24 ASKED WHETHER YOU WERE COMMITTING PERJURY AGAIN WITH THIS
25 DOCUMENT?

1 A YES.

2 Q AND YOU PLED THE FIFTH AGAIN, DIDN'T YOU?

3 A YES.

4 Q DO YOU REMEMBER I ASKED YOU WHETHER YOU WERE
5 COMMITTING FALSE IMPRISONMENT WITH THIS DOCUMENT WHEN YOU KNEW
6 THAT IT WOULD BE USED TO PUT VICTOR IN PRISON?

7 A I DON'T RECALL.

8 Q DO YOU WANT TO REFRESH YOUR RECOLLECTION?

9 A YES.

10 Q OKAY. DO YOU RECALL BEING ASKED THAT IF YOU WERE
11 ASKED THE SAME QUESTIONS AS MR. CASTANON, YOU WOULD GIVE THE
12 SAME ANSWERS WITH VICTOR, RIGHT?

13 A YES, I SEE IT IN HERE, YES.

14 Q YEAH. SO THE SAME QUESTIONS ABOUT FALSE
15 IMPRISONMENT, PERJURY AND MANUFACTURING FALSE EVIDENCE, YOU
16 WOULD HAVE PLED THE FIFTH AGAIN --

17 A YES.

18 Q -- AGREED?

19 A YES.

20 **MR. MOST:** NO FURTHER QUESTIONS.

21 **THE COURT:** MR. SCOTT, YOU WANT TO WAIT UNTIL YOUR
22 CASE IN CHIEF OR YOU WANT TO TAKE HIM NOW?

23 **MR. SCOTT:** I'M GOING TO RESERVE HIM FOR MY CASE,
24 YOUR HONOR.

25 **THE COURT:** ALL RIGHT. THANK YOU. YOU MAY STAND