

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STACY WINSLOW,  
as next friend to A.K.  
853 Monteria Ct., S.E.  
Washington, DC 20032

Plaintiff,

v.

OFFICER L. TAYLOR (Badge No. 639)  
WMATA Metro Transit Police  
600 5<sup>th</sup> St., N.W.  
Washington, DC 20001

Defendant.

No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT**

(Seeking damages for police misconduct: violation of rights under the  
Constitution of the United States and the law of the District of Columbia)

**INTRODUCTION**

1. This is an action for damages and other relief by Stacy Winslow on behalf of her fourteen-year-old daughter A.K., stemming from an assault on A.K. by defendant Taylor. In the course of falsely arresting A.K. for being out too late at night, Officer Taylor repeatedly and unlawfully punched A.K. in the face and slammed her head into the side of a bus shelter, causing intracranial injury with continuing effects. Officer Taylor’s actions violated A.K.’s rights under the Fourth Amendment to the United States Constitution and under the laws of the District of Columbia.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question). Ms. Winslow brings this action on behalf of A.K. under 42 U.S.C. § 1983 to vindicate

A.K.'s rights established by the Fourth Amendment to the United States Constitution. Plaintiff's claims under the common law of the District of Columbia arise from the same occurrence as the constitutional claims and are within the Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the events giving rise to plaintiff's claim occurred in the District of Columbia.

### **PARTIES**

4. Plaintiff Stacy Winslow is an adult resident of the District of Columbia. She is A.K.'s mother and custodial parent. She brings this action on behalf of A.K.

5. A.K. is a juvenile resident of the District of Columbia.

6. Defendant L. Taylor (Badge No. 639) is a sworn law enforcement officer employed by the Washington Metropolitan Transit Authority Metro Transit Police. At all times during the events at issue Officer Taylor was acting under color of law. He is sued in his individual capacity.

### **LEGAL BACKGROUND**

7. The District of Columbia Juvenile Curfew law makes it an offense, punishable only by community service, for a minor to "remain[] in any public place" from midnight Saturday night until 6:00 Sunday morning, among other "curfew hours." D.C. Code §§ 2-1542 & 1543. However, it is "a defense to prosecution . . . that the minor was . . . [i]n a motor vehicle, train, or bus involved in interstate travel," D.C. Code § 2-1543(b)(1)(C), and an officer "shall not issue a citation or make an arrest . . . unless the officer reasonably believes that . . . no defense in subsection (b) of this section is offered or is present." D.C. Code § 2-1543(c)(1).

## FACTS

8. A.K., a fourteen-year-old girl, was approximately five feet four inches tall and weighed approximately 100 pounds at the time of this incident.

9. At approximately 12:45 a.m. on Sunday, January 27, 2013, A.K., her older sister, and three other companions boarded a Blue Line Metrorail train bound for Franconia-Springfield at the Morgan Boulevard station to return home from seeing a late movie. Their ultimate destination was Anacostia Station where Ms. Winslow planned to pick them up.

10. At the Capitol Heights station, a group of teenage boys moved from a different car on the same train into the car in which A.K. and her companions were riding. On information and belief, a WMATA employee suspected one or more members of that group were involved with marijuana use, perhaps after detecting marijuana odor in their vicinity. On information and belief, this WMATA employee contacted Metro Transit Police and requested that officers investigate the group of boys.

11. After leaving the Capitol Heights station, the train continued through the Benning Road station without stopping, and stopped at the Stadium/Armory station. When the train stopped, approximately eight to ten Metro Transit Police officers surrounded the car in which A.K.'s group and the teenage boys were riding.

12. When the doors opened, the officers ordered everyone to exit the car. A.K. and her companions complied, as did the group of boys and most other patrons in that car, though a small group of teenage girls remained in the car and continued on their way when the train departed moments later.

13. Once on the platform, the officers ordered A.K.'s party and the group of boys to sit on the platform. A.K. responded that people spit on the platform and that it was dirty and that she did not want to sit on the platform.

14. After further orders to sit, A.K. squatted on the platform next to her seated sister.

15. For approximately ten to fifteen minutes, Metro Transit Police officers maintained a perimeter around A.K., her companions, and the group of boys while other officers questioned and frisked some members of the group of boys and at least one male member of A.K.'s party.

16. Officer Taylor then approached A.K. and demanded her age. A.K. responded that she was 14 years old and that she was on her way home with her eighteen-year-old sister.

17. Officer Taylor knew or should have known that the train on which A.K. had been riding was involved in interstate travel, and that no arrest for a curfew violation was permissible.

18. Officer Taylor replied with words to the effect of "do you think that will keep me from taking you to jail?" and jerked A.K. upward by her wrists, pulling her to her feet.

19. Shocked and confused, A.K. tried to return to sit by her sister and her sister tried to pull her back down to the platform but quickly lost her grasp of A.K. as Officer Taylor dragged A.K. away.

20. Officer Taylor then drew his right hand back and above his head and struck A.K. with a closed fist in the left side of her face causing cuts, scrapes, and bruising around her left eye and on her right cheek and forehead.

21. The force of this blow knocked A.K. off of her feet and she landed on her back on the platform. Officer Taylor straddled her, turned her from supine to prone, and handcuffed her hands behind her back.

22. A.K. screamed in pain and began to plead for her release. A.K.'s sister and companions did likewise, though their screams were of shock, fear, and outrage, rather than pain.

23. Officer Taylor then lifted A.K. off the platform by her handcuffs and began walking her out of the station.

24. A.K.'s sister called their mother and informed her that a Metro Transit Police officer had just punched A.K. and was arresting her. Ms. Winslow told A.K.'s sister to stay on the phone to describe what was happening and that she was on her way to the Stadium/Armory station to help A.K.

25. While A.K.'s sister called their mother, Officer Taylor led A.K. up to the street level, out of the station and to a nearby bus shelter, where he forced A.K. to sit on the ground next to the bus shelter. A.K. did not resist, attempt to flee, or assault Officer Taylor during the time he was escorting her out of the station.

26. Another Officer told A.K. that she could stand and pace if she remained in the immediate area of the bus shelter. A.K. agreed to these conditions and stood up.

27. Officer Taylor tackled A.K. to the ground and intentionally struck her head against the side of the bus shelter several times.

28. A.K. began spitting blood. Officer Taylor went to a nearby Metro Transit Police patrol car to get, not a first-aid kit, but a blue surgical mask to put on A.K. Officer Taylor returned to the still-handcuffed A.K., sat on her, grabbed her by the hair with his left hand and tried to force the mask over A.K.'s face with his right hand.

29. As Officer Taylor was pulling A.K.'s hair with one hand and shoving his other hand in her face, A.K. bit on Officer Taylor's hand but caused no bruising or bleeding to Officer Taylor.

30. Officer Taylor then struck A.K. in the face with his right hand using a closed fist four times while she sat on the ground, handcuffed behind her back.

31. At this time, another officer told Officer Taylor to stop and calm down, or words to that effect. Officer Taylor continued hitting A.K for at least several more seconds after this remark from his fellow officer.

32. When Ms. Winslow arrived on the scene, A.K. was in a patrol car awaiting transport. The police told Ms. Winslow that A.K. was under arrest and would be processed at the District of Columbia's Youth Services Center, a juvenile detention facility.

33. When A.K. arrived at the Youth Services Center, the staff refused to process her because of her obvious injuries. The staff insisted that A.K. be given medical treatment before they could process her.

34. Officer Taylor then took A.K. to Children's Hospital where she spent approximately two hours receiving treatment for cuts, scrapes, bruises, and pain.

35. Officer Taylor then returned A.K. to the Youth Services Center between 3:00 and 4:00 a.m. She was then processed and detained.

36. In an early-morning telephone conversation with Ms. Winslow, Youth Services Center staff told her that they could not release A.K. before she went to court the following day, Monday, April 28. A Youth Services Center staff member expressed sympathy for A.K.'s and Ms. Winslow's plight and said that they would try to get A.K. into a group home (which is less restrictive and more comfortable than the Youth Services Center) for her upcoming Sunday night in detention.

37. A.K. was moved to a group home on Sunday morning. She called her mother from the group home that afternoon but could not remember where she was or why she was there.

38. On Monday, January 28, 2013, A.K. was brought to D.C. Superior Court where she was charged with assaulting a police officer and disorderly conduct and given a hearing date of February 12, 2013. She was then released to her mother, who was present.

39. On January 29, 2013, A.K. was still complaining of headache, faintness, trouble sleeping and concentrating, loss of appetite, and anxiety. Ms. Winslow took A.K. to the emergency room at Children's Hospital, where A.K. was given pain medication and referred to a concussion specialist.

40. On February 19, 2013, Ms. Winslow took A.K. for a neurological examination at Children's Hospital where A.K. was diagnosed as suffering the effects of "intracranial injury," specifically a "concussion without loss of consciousness."

41. On February 11, 2013, the District of Columbia dismissed all charges against A.K.

42. A.K. continues to suffer headaches, faintness, insomnia and daytime fatigue, numbness and tingling in her extremities, anxiety, nightmares, and difficulty concentrating on her schoolwork and other activities. On information and belief, Officer Taylor's assaults are the direct and proximate cause of these symptoms.

43. A.K.'s treating neurologist recommended twice daily rests of approximately 30 minutes and referred A.K. to physical therapy, which she is currently receiving.

44. Officer Taylor acted with malice toward A.K. and with reckless indifference to and in deliberate disregard of A.K.'s constitutional and other legal rights.

45. At all times relevant to this complaint, it was clearly established as a matter of law that a police officer may not use excessive force against a suspect or any other individual.

46. No reasonable police officer in Officer Taylor's position could have believed that it was reasonable to punch A.K. on the subway platform, given her size, the nature of the incident, her non-violent conduct, and the lack of any threat to the safety of officers or members of the public.

47. No reasonable police officer in Officer Taylor's position could have believed that it was reasonable to tackle A.K. and repeatedly strike her head into a bus bay given her size, the nature of the incident, her non-violent conduct, the lack of any threat to the safety of officers and members of the public, and the fact that she was already handcuffed.

48. No reasonable police officer in Officer Taylor's position could have believed that it was reasonable to repeatedly punch A.K. in the face, given her size, the nature of the incident, the lack of any threat to the safety of officers and members of the public, and the fact that she was already handcuffed.

49. At the time of A.K.'s arrest, it was clearly established as a matter of law that a police officer may not seize or arrest an individual without probable cause to believe that the individual had committed, was committing or was about to commit a criminal offense.

50. No reasonable police officer in the position of Officer Taylor could have believed that he had legal authority to arrest A.K. for a juvenile curfew violation, given that Officer Taylor knew that A.K. was riding on a train involved in interstate travel.

## **CLAIMS FOR RELIEF**

### **Claim I: Violation of Fourth Amendment Rights – Excessive Force**



51. Officer Taylor's violent attacks on A.K. violated her rights under the Fourth Amendment to the United States Constitution to be free from excessive force. Violation of that right is made actionable by 42 U.S.C. § 1983, and Officer Taylor is liable for compensatory and punitive damages.

**Claim II: False Arrest**

52. Officer Taylor's arrest of A.K. was unlawful, as Officer Taylor could not reasonably have believed that no defense under the juvenile curfew statute was present, and the absence of such a reasonable belief is a bar to arrest under the statute. Officer Taylor is liable for compensatory and punitive damages.

**Claim III: Assault and Battery**

53. Officer Taylor's intentional use of force against A.K. without legal justification constitutes assault and battery under the law of the District of Columbia. Officer Taylor is liable for compensatory and punitive damages.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff requests that this Court:

- (a) FIND that the actions of Defendant Taylor, as alleged herein, violated the rights of A.K. under the Fourth Amendment to the United States Constitution and the laws of the District of Columbia;
- (b) ENTER JUDGMENT awarding plaintiff compensatory and punitive damages against defendant Taylor in an amount appropriate to the evidence adduced at trial;
- (c) ENTER JUDGMENT awarding plaintiff her costs and reasonable attorneys' fees in this action as provided in 42 U.S.C. § 1988; and
- (d) GRANT such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff requests a trial by jury.

Respectfully submitted,

/s/ Arthur B. Spitzer

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