

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

**CHARLES RAWLINGS, individually and
as the Co-Personal Representative of the Estate**

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Plaintiff,

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vs.

Civil Action No. 1:07-cv-001914 (PLF)

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THE DISTRICT OF COLUMBIA ET AL.,

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Defendants.

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AMENDED COMPLAINT

**(Wrongful Death/Survival Act; Negligence ; Assault & Battery;
Deprivation of Civil Rights; Negligent Training & Supervision; Civil Conspiracy)**

INTRODUCTION

1. This is a civil action brought pursuant to 42 U.S.C. § 1983 seeking damages against the defendants for committing acts under color of law which deprived plaintiffs' decedent of rights secured under the Constitution and laws of the United States and the District of Columbia.

2. In addition, it is a civil action seeking damages against the defendants for intentional wrongdoing and acts of negligence under common law.

JURISDICTION

3. Jurisdiction exists in this case pursuant to the Fourth and Fifth Amendments to the Constitution, and under 42 U.S.C. § 1983, 28 U.S.C. § 1331; 28 U.S.C. § 1343; and under D.C. Code § 11-921.

4. The District of Columbia was given notice of this claim pursuant to D.C. Code § 12-309 on October 23, 2007.

PARTIES

5. Plaintiff Charles Rawlings, was at all times relevant herein, a resident of the District of Columbia and is the biological father and co-personal representative of the Estate of DeOnte Rawlings, upon whose death this case is based.

6. Defendant District of Columbia is a municipal corporation organized pursuant to the laws of the United States.

7. Defendant James Haskel is a Metropolitan Police Officer, and was so at all times herein relevant. He is sued in this case in both his official and individual capacities.

8. Defendant Anthony Clay is a Metropolitan Police Officer, and was so at all times herein relevant. He is sued in this case in both his official and individual capacities.

Statement of Facts

9. On September 17, 2007 at approximately 7:00 p.m., plaintiffs' decedent, DeOnte Rawlings, was in the vicinity of the 600 block of Atlantic Street, S.E.

10. While in the 600 block of Atlantic Street, S.E., plaintiffs' decedent was confronted by defendants Haskel and Clay who were in an off-duty capacity at the time.

11. When the defendants confronted DeOnte Rawlings, who was a minor and a mere 14 years old, defendant Haskel knew who he was and had previously encountered him. Defendant Haskel also knew where DeOnte Rawlings lived and knew that he was unlikely to be armed or present a threat to either himself or defendant Clay.

12. Prior to shooting DeOnte Rawlings to death, the defendants discussed the actions that they were going to take and made a conscious decision not to follow proper police procedures and acted outside their lawful authority.

13. Upon locating a mini bike that was allegedly stolen from defendant Haskel's garage, the

defendants initiated a allegedly initiated a chase of the individual on the mini bike with their vehicle, whereby they attempted to collide with his person with that vehicle, which was a champagne colored SUV with tinted windows. As the defendants were chasing this individual, they began firing a gun at the individual that they were chasing. As Deonte Rawlings, who was among the individuals in the line of fire ran for his life, along with other members of the community who ran for their lives as well, the defendants kept firing at DeOnte Rawlings wildly and randomly in the residential community in which they were in.

14. After firing at plaintiffs 14 year old child repeatedly as he ran for his life, the defendants finally caused his death with a gunshot to the back of his head. At no time prior to or during the period of time the defendants were chasing and shooting at plaintiffs' 14 year old child did they ever identify themselves as police officers or display a badge or any other identifying clothing that would have identified them as police officers to the child that was running for his life or to anyone else in the community who were also terrified by their actions.

15. At no time during the period time that the defendants were chasing and shooting at plaintiffs' 14 year old child did they inform anyone at the Metropolitan Police Department that they were taking such police action nor did they inform the District of their intended actions prior to shooting a 14 year old child dead with a gunshot to the back of his head. In addition, even after shooting the plaintiffs' 14 year old in the back of the head and he lay on the ground, bleeding, twitching and dying, the defendants continued to act in a manner that was inconsistent with Metropolitan Police Department General Orders by not seeking medical treatment for plaintiffs' 14 year old child, and by not reporting the shooting immediately to Metropolitan Police Department Officials.

16. Clearly aware of their misconduct and criminal actions, the defendants fled from the scene of the shooting, failed to secure evidence, removed evidence from the scene of the shooting and

otherwise took a number of actions to conceal their despicable and utterly criminal conduct.

17. At all times relevant to this action, defendants Haskel and Clay were acting under color of law and within the scope of their employment as duly appointed police officers in the District of Columbia.

18. At all times relevant to this action, the District of Columbia had in effect and was responsible for the policies and procedures followed by the its police officers in the actions taken relating to the decedent, and was further responsible for the training, supervision, monitoring and disciplining of the officers involved.

COUNT I
(Survival Act)

19. Plaintiff incorporates by reference paragraphs 1 through 18 as if fully set forth herein.

20. Pursuant to the survival act, D.C. Code § 12-101, the decedent's right of action for wrongful and negligent conduct against defendants survives in favor of the plaintiffs, the legal heirs of the deceased. The plaintiffs, demand all damages recoverable under the Act including substantial damages for loss of future wages, medical expenses and conscious pain and suffering, as well as any other damages recoverable under the Act.

COUNT II
(Wrongful Death)

21. Plaintiff incorporates by reference paragraphs 1 through 18 as if fully set forth herein.

22. Plaintiff's claims under common law negligence are actionable under the Wrongful Death Act, D.C. Code § 16-2701.

23. As a direct result of the negligence or wrongful acts of the defendants, plaintiffs and the next of kin of the decedent, incurred burial expenses, loss of the pecuniary value of services expected to be performed by the decedent and other damages recoverable under the Act.

COUNT III
(Negligence)

24. Plaintiff incorporates by reference paragraphs 1 through 18 as if fully set forth herein.

25. At all times relevant herein, the defendant officers had a duty to employ only reasonable measures in their interaction with and treatment of the decedent.

26. Notwithstanding said duties, the defendant officers and defendant District of Columbia, through its employees and/or agents, negligently took police action while in an off duty capacity, in an unmarked vehicle, without identifying themselves at all during the course of their negligent stop and chase of the decedent and in subsequently using unlawful, excessive and unreasonable force on decedent, DeOnte Rawlings, inasmuch as no force whatsoever was warranted under the circumstances.

27. Defendant District of Columbia, acting under color of law, approved and/or condoned the negligent actions of its rogue officer; thus, any and all liability for the actions of the defendant officers is imputed to defendant District of Columbia.

28. As a direct and proximate result of the negligence of the defendant officers and defendant District of Columbia, DeOnte Rawlings was shot and killed.

COUNT IV
(Assault & Battery)

29. Plaintiff incorporates, by reference, paragraphs 1 through 18, as if fully set forth herein.

30. Defendant District of Columbia's police officers, James Haskel and Anthony Clay, without proper grounds, willfully and maliciously shot DeOnte Rawlings in the back of the head. The wound suffered by DeOnte Rawlings was inflicted while he presented no immediate threat to anyone and was in fact running for his life when the two armed defendant police officers, in plain clothes, and an unmarked vehicle began firing at him.

31. As a direct and proximate result of the willful, malicious and intentional actions of District

of Columbia Police Officers, James Haskel and Anthony Clay, plaintiffs' 14 year old child was shot and killed.

COUNT V
(Deprivation of Civil Rights, 42 U.S.C. § 1983)

32. Plaintiff hereby incorporates, by reference, paragraphs 1 through 18 as if fully set forth herein.

33. Plaintiff further alleges that defendants Haskel and Clay, with deliberate indifference to and reckless disregard for the safety and well-being of plaintiff's decedent, and in violation of the 4th and 5th Amendments to the Constitution, did on September 17, 2007 commit, allow or cause to be committed, acts which deprived DeOnte Rawlinngs of his Constitutional rights without affording him due process of law.

34. As a direct and proximate result of the actions of defendants Haskel and Clay, DeOnte Rawlings was subjected to the ultimate seizure when he was murdered under the guise of lawful police action.

COUNT VI
(Civil Conspiracy)

35. Plaintiff adopts and incorporate the allegations of complaint paragraphs 1 through 18 as if fully set forth herein.

36. Defendants Haskel and Clay entered into an agreement to commit the illegal act of assault and battery against plaintiff's decedent.

37. Defendants Haskel and Clay did in fact commit an assault and battery upon plaintiff's decedent.

38. Defendants Haskel and Clay acted in furtherance of their aforementioned scheme by embarking upon a search in the community allegedly for a stolen minibike, with weapons, in an

unmarked vehicle, without police identification of any kind displayed, purposefully without notifying any police officials of their intentions and with a stated position that they had no intention of taking police action.

39. Plaintiffs 14 year old child was actually injured and killed by the defendant officers.

40. As a direct and proximate result of the Defendants' civil conspiracy and unlawful acts, the plaintiffs' decedent suffered severe pain, emotional distress, and mental anguish as the result of being chased, shot at and eventually murdered in an apartment complex a short distance from his family home.

COUNT VII

(Negligent Training and Supervision, Common Law & 42 U.S.C. § 1983)

41. Plaintiff incorporates, by reference, paragraphs 1 through 18 as if fully set forth herein.

42. At all times relevant herein, the rogue officers responsible for the murder of DeOnte Rawlings were acting under the direction and control, and pursuant to the rules, regulations, policies and procedures, of defendant District of Columbia.

43. The District of Columbia acted negligently and with deliberate indifference by its continued failure to supervise, properly train, control, direct and monitor the officers in their duties and responsibilities. Specifically in this case, the District failed to have in place guidelines, rules and/or regulations which would have guided the conduct of off-duty officers involving themselves in a police investigation regarding property allegedly stolen from one of their homes.

46. Moreover, the District of Columbia has long been aware of the deficiencies in its investigation of use of force by members of the Department and how such deficiencies lead to lax disciplining of officers who engage in excessive force. The District of Columbia, though aware of this long-standing problem, has failed to take steps to alleviate that problem and instead continues to conduct such investigations with a wink and a nod. The District of Columbia continues to engage in this

