

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMAL WHITE)	
)	
Plaintiff,)	
v.)	Case No. 4:18-cv-00518
)	
CITY OF ST. LOUIS)	
OFFICE ADAM FEAMAN, individually)	
and officially, of the St. Louis Police)	
Department)	
DAN ISOM, officially and individually,)	
Defendants.)	

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff Jamal White, by and through his attorneys, The Legal Solution Group, LLC and Kingdom Litigators, Inc. A Public Interest Law Firm and complaining of the Defendants, City of St. Louis a municipal corporation, Dan Isom Chief of Police for the St. Louis Metropolitan Police Department (SLMPD), and Officer Adam Feaman and each of them and in the alternative, states the following:

INTRODUCTION

This lawsuit has uncovered the SLMPD’s source and method of concealing police misconduct over the past century. The SLMPD exploited the City of St. Louis Municipal prosecutors’ unconstitutional blanket release-dismissal policy to conceal, ignore, and resolve police misconduct cases, known as “the Rec & Normal policies.” Rec & Normal policies are the driving force behind the SLMPD’s widespread brutal customs but, this custom can still be reversed.

Since March of 2012, the City of St. Louis has enforced a mandatory policy for defendants charged with resisting arrest in municipal court to sign a release in exchange for the city prosecutor's recommendation to dismiss the charge, it's called the "Rec Policy." The city prosecutors are actually civil defense attorneys for the City of St. Louis as one top prosecutor stated, "*I prosecute with a civil defense mindset.*" After the prosecutor obtains the executed release, it is sent to the St. Louis Metropolitan Police Department's to close the file. This Rec policy triggered a new special order at the SLMPD.

In September of 2012, the SLMPD Chief of Police updated a special order and trained officers to "normally charge any resisting arrest charge in municipal court over the state court when the offender did not use force or threaten to use force," this is called "the Normal" policies and practice. As a result, SLMPD officers could use excessive to deadly force with impunity and charge the offender in municipal court where the prosecutor would obtain a release agreement. Together the Rec & Normal policies created a brutal tyrannical police custom that exploded out of control by 2017.

On August 14, 2017, Officer Adam Feaman knew a camera was recording him, but he didn't care. When Mr. White protested his arrest, Officer Feaman followed SLMPD's custom by grabbing a metal heavy-duty flashlight and striking Mr. White in the face and skull, which was deadly force. Mr. White's matted hair likely saved his life, although he required jaw reconstruction surgery. Per SLMPD training, Officer Feaman claimed he was in fear for his life but charged Mr. White with the ordinance violation resisting arrest. SLMPD training was strategically designed to ensure a municipal prosecutor could obtain a release agreement. Very quickly municipal prosecutors aggressively attempted to persuade Mr. White's counsel to sign a release agreement to dismiss the case. Mr. White rejected the proposal and requests immediate federal intervention.

JURISDICTION

1. Federal jurisdiction is proper pursuant to 28 U.S.C. §1331 because of Plaintiff's claimed constitutional violations pursuant to 42 U.S.C. §1983 against Defendant (Adam Feaman).

2. Venue in the Eastern District of Missouri- Eastern Division is proper pursuant to 28 U.S.C. §1391 because the August 14, 2017 incident described herein occurred within this district and all defendants reside within this district.

PARTIES

3. Plaintiff, Jamal White is, and at times relevant was, a citizen of the United States and a resident of St. Louis, Missouri.

4. Defendant, City of St. Louis is a municipal corporation in the state of Missouri. In addition, Defendant Dan Isom Jr. is the current police commissioner and officially represents the City of St. Louis Metropolitan Police Department.

5. Defendant, Adam Feaman, is a sworn police officer in the St. Louis Metropolitan Police Department. Upon information and belief, the he resides within this federal district.

FACTS

6. At all times relevant, Defendant, CITY OF ST. LOUIS, employed Defendant ADAM FEAMAN (hereinafter "Defendant Adam Feaman") as a patrol officer.

7. On or about August 14, 2016, Defendant Adam Feaman sought to place the Plaintiff under arrest by using deadly force caught on video by a citizen bystander.

8. Defendant, City of St. Louis, through its Police Departments has a standing general order ("Order"). At all relevant times the Order provided that:

Deadly Force- is any use of force that is likely to cause seriously physical harm....it [] includes strikes with a weapon to the following areas:

- a. Head, to include the cranium and face;
- b. Neck;
- c. Internal organs;
- d. Genitalia; and
- e. Spinal column.

See: Order No. Section II of SO-1-01 (A) (1); also Order No. Section V of SO 1-01.

9. Defendant, City of St. Louis, by and through its police department's order

further provides:

Deadly force may be used in the performance of police duty under the following circumstance:

1. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious physical harm;
2. When reasonably necessary to prevent the escape of a person when ALL of the following apply:
 - a. the officer has probable cause to believe that the person committed a felony involving the infliction or attempted infliction of serious physical harm; AND
 - b. the officer reasonably believes that the person is armed with a firearm or other item which can cause death; AND
 - c. the officer has probable cause believe that the person poses a significant threat to human life should escape occur.

See: SO-1-01 Sec. II (B) (1-2).

Restrictions on NON-DEADLY FORCE

- (2). Flashlights may not be used as impact weapons.

See: Order No. Section III of SO 1-01 (D) (2).

10. On August 14, 2017, Plaintiff did not have a firearm on his person, and did not present any physical threat to the Defendant.

11. At all times relevant, the Defendant became enraged at the Plaintiff and used deadly force to punish the Plaintiff.

12. As the Plaintiff was moving backward, Plaintiff also continued to question his impending arrested.

13. The Defendant Police Officer became so enraged, he used his flashlight to strike and *literally* crack the Plaintiff's jaw.

14. The Plaintiff collapsed to the ground and while the Plaintiff was on the ground, the Defendant Police Officer bullied him, yelling "get on the mother f*ckin the ground."

15. Defendant Feaman hovered over the Plaintiff, taunted him again, saying "Get on the mother f*ckin the ground!" and struck the Plaintiff again in the cranium (despite the fact that the Plaintiff was already on the ground).

16. Defendant Feaman then charged the Plaintiff with resisting arrest at the municipal court as a direct result of his training under the Rec & Normal policies and practices alleged herein.

17. Prosecutors at the municipal court aggressively attempted to persuade Plaintiff's defense counsel to sign a "release" in exchange for dismissing the charges against Defendant Feaman. However, Plaintiff refused and was forced to withstand trial.

18. On or about September 30, 2017, and after the Defendant discovered the that Plaintiff was seeking to file a lawsuit so the Defendant located the Plaintiff in a local establishment and identified himself as a sworn police officer.

19. The Defendant threatened to "crack the Plaintiff's jaw again" until the Defendant was escorted out of the establishment.

20. As a result, Plaintiff required extensive medical care, and sustained significant injuries. Plaintiff suffered severe emotional and psychological distress as a result of Defendant's conduct.

BACKGROUND POLICIES

a. **Rec & Normal Policies and Practices are the Driving Force behind SLMPD's widespread and persistent tyrannical practices.**

21. Over the past century, Defendants have enforced a blanket mandatory policy and practice to require individuals accused of “resisting arrest” in municipal court to sign a document which releases the accused defendant’s civil rights in exchange for a municipal prosecutor’s recommendation to dismiss or amend violation of Muni code 15.10.10.

22. The written policy (also known as the “Rec”) states in pertinent part:

[3.] “Resisting arrest & Interfering with a Police Officer charges cannot be amended without first obtaining a signed release from the defendant (See Sample).” (no emphasis added).

23. As a result of the Rec policy, the SLMPD updated its special orders in 2012 directing SLMPD Officers to “normally charge” municipal resisting arrest over the state offense municipal resisting arrest. The written policy, also called the “Normal policy,” states in pertinent part:

C. CHARGING OF DEFENDANT

1. Under normal circumstances, the defendant will be charged with a city ordinance violation of resisting arrest or interfering with an officer. The information application will be made at the City Counselor’s Office.

24. Together, the Rec & Normal practices and policies directly and indirectly motivated SLMPD officers to use excessive force or make false arrests with the protection of the City of St. Louis municipal courts. The shield, whether individually known to each SLMPD officer, was embedded in SLMPD training policies and practices.

25. As a standard practice, prosecutors escort unrepresented defendants into the hallway and explain that the prosecutor will dismiss or amend the charge if the accused signs a blank form entitled, "Release." Generally, the prosecutors complete the remaining lines of the form and accused defendants have only seconds to decide to release his rights or face up to 90 days in jail.

26. The Rec & Normal practices and policies caused and concealed a widespread pattern of civil rights abuses throughout the City of St. Louis. The civil rights abuses began with simple unlawful searches or excessive use of force incidents and because the Rec & Normal fostered indifference, the civil rights abuses escalated to illegal arrests and unjustified deadly force.

27. Today, the Rec & Normal policies and practices have established a tyrannical culture by the SLMPD throughout the City of St. Louis. Regardless of whether you present a physical threat, if you run, protest or walk away from an officer trained by the SLMPD, the officer will use excessive to deadly force as his/her primary means of detaining you.

28. The Rec & Normal policies and practice have established widespread systematic patterns of unlawful arrests and searches as retaliation for recording or protesting an officer's misconduct.

b. The Sole Purpose and Stated Interest for the "Release for Rec Policy" is to Protect the Defendants from Civil Liability.

29. The City Counselor consulted an internal employee who had advanced degrees in marketing and advertising, mass communication and constitutional law, hereinafter, (Consultant -1) to provide an opinion on the release for Rec policy. Consultant-1 was an experienced civil defense attorney who was also a constitutional law professor.

30. Consultant-1 opined that the Rec policy was an excellent method in protecting the City of St. Louis from lawsuits, as it deterred the accused victims from filing. Consultant-1 ensured that the policy and practices were distributed through the City Counselor's intern guide, and trained new, young, and prospective municipal prosecutors to prosecute with a "civil mindset."

31. The Attorney Manager for the Municipal Division was promoted to head the municipal prosecutors because of "his civil defense mindset."

32. When asked about the policy and practices relating to the Rec policy, the City Counselor's senior prosecutor provided the following responses:

- a. *"My attitude is, if his [an accused victim's] case is so strong, you'll [the accused victim] try it here [in municipal court] and win and try it in the civil case and win."*
- b. *"...my whole point, why would I plead down a charge, and potentially be looking at civil liability, I'm not doing myself any favors by doing that."*
- c. *"if it's a clear cut "bogus" arrest, then the defendant shouldn't be asking for a plea, tell em' put it on the docket set it for trial."*

33. The chief prosecutor of the municipal division stated, he requires a release agreement in every instance to dismiss or amend a case because:

I'm coming from 16 years of civil defense, I already know what's coming around the corner. I've had a law license for like 30 years I know what's coming around the corner. So when they put me down here one of the reasons was, [because] it would be good to have someone down here that knows the ins and outs of civil defense. And so, what would you do in a civil defense situation? Would I settle a case without taking a release?... so you gotta realize, I gotta have a civil defense mindset. Even though I'm prosecuting, I'm looking one step ahead as to well, what if I don't prosecute this case.

34. The City Counselor Julian Bush, individually, pressured prosecutors to obtain release agreements by issuing municipal charges in a case where Defendants may be held civilly liable.

35. Prosecutor A stated that on one occasion he did not issue a case against a homeless individual because he did not believe it was warranted. The City Counselor, Julian Bush, emailed Prosecutor A advising Prosecutor A that because he did not “issue” the case against the homeless man, the City was being sued.

36. Prosecutor A stated that during recent protests, SLMPD officers blocked or “kettled” approximately 150 protestors, where the protestors could not disperse as commanded by the SLMPD. The SLMPD subsequently charged the protestors, but Prosecutor A did not believe he should issue the cases. Prosecutor A was notified that, as a result, the City of St. Louis received approximately 40 lawsuits, and Prosecutor A was certain that attorneys in the civil division “wished” that Prosecutor A had issued the cases.

37. Due to immense pressure from higher ranking members throughout Defendants’ Office, many prosecutors issue cases to obtain the release of civil liability in exchange for the prosecutor’s recommendation as a normal practice.

c. **Defendants Knew that Blanket Release Policies and Practices were Unenforceable and Illegal as a Matter of Federal Law.**

38. Consultant-1 provided legal consultation and research on the legality of release agreements. Consultant-1 knew and advised higher officials in the City Counselor’s office on the law, including the U.S. Supreme Court case *Town of Newton v. Rumery*, 480 U.S. 386 (1987) and Eighth Circuit Court of Appeals law in *Wood v. Rhodes*, 994 F.2d 494, 499 (8th Cir. 1993) which required that the prosecutor analyze each release on a case-by-case basis.

39. Defendants knew and should have known that *Gram v. Newton Police Department*, 6 Fed. Appx. 520 (8th Cir. 2001); *Hudspeth*, 245 F.3d 375 (8th Cir. 2000); *Holmes v. Russell*, 2012 WL 3315165, at *3 (E.D. Ark. Aug. 13, 2012). *Cain*, 7 F.3d 377 (3rd Cir. 1993); *Berry*, 887 F.2d 635 (5th Cir. 1989); *Kinney*, 144 F. Supp. 2d 908 (N.D. Ohio 2001); *Hilfirty v. Shipman* 91 F3d. 573 (3rd Cir. 1996), specifically required and relied upon a prosecutor's discretion using a case-by-case approach. Moreover, federal courts have specifically outlawed blanket policy and practices to obtain release agreements because blanket policies and practices do not meet the public interest requirement articulated in *Town of Newton v. Rumery*. (see, *Cain v. Darby*, 7 F.3d 377, 383-84 (3rd Cir. 1993)).

d. Defendants Require Release Agreements Because Accused Victims Believe The Releases Are Enforceable.

40. Plaintiffs have not found a single case that Defendants “legally enforced” a Release agreement against a plaintiff in federal court because the Release for Rec policy was not created for its legal effect. Defendants created the Release for its psychological and marketing effects that resulted, and continue to cause, censorship and prior restraints on accused victimsto petition the courts for redress of civil rights violations.

41. Since 1987, prosecutors and legal practitioners have been aware of the psychological effects of release agreements. Defendants knew and should have known of these widely known effects. One prosecutor stated the “*effect of releases was largely psychological, although releases were probably unenforceable.*”

42. That same year, James Fais, Former Chief Prosecutor, City Attorney's Office in

Columbus, Ohio, explained, “*the release convinces defendants that there is no legal redress, and they do not go to lawyers.*”

43. Renowned Constitutional Law professor from Suffolk University School of Law Michael Avery explained, “*if the person believes in it [The Release], they don't sue; it's like Santa Claus.*”

44. Defendants knew and should have reasonably known the Release for the recommendation had strong psychological and marketing effects on accused victims. In fact, upon information and belief, Consultant-1 was chosen to provide his/her analysis on release agreements for its advertising and mass market effect on accused victims.

e. Defendant Isom receives actual notice of police misconduct, but the Rec & Normal policies allowed him to ignore the patterns of misconduct.

45. SLMPD learned of the city prosecutor’s blanket policy because the executed release agreements are regularly sent back to the SLMPD. In fact, an employee of the SLMPD legal division sent an email to a municipal prosecutor to ensure the municipal division was “still taking releases.”

46. The Release form specifically states that the Releasor agrees not to sue the SLMPD for injuries sustained during his/her arrest. SLMPD knew and should have known that a pattern of excessive force in resisting arrest cases was pervasive throughout the SLMPD based on the underlying facts and number of release agreements executed for the resisting arrest charge.

47. But for the Defendants’ blanket policy and routine nature of delivering executed

release agreements, the SLMPD could have investigated the underlying facts precipitating the need for a release. Instead, the Defendant ignored the underlying facts and considered the case closed simply because the SLMPD had an executed release agreement from the accused victim not to bring a claim against the SLMPD officer(s) involved in the arrest.

f. The Rec & Normal Policies and Practices Caused and Concealed Widespread and Systemic Patterns of Police Misconduct.

48. Plaintiff defines SLMPD's widespread police misconduct as tyrannical practices including (1) the use of excessive and unjustified deadly force when the accused victim runs, pulls away, or protests and (2) unlawful arrests to search and destroy evidence.

49. The illustrative examples of SLMPD widespread tyrannical pattern and practices between 2013 through the present demonstrate an evolution from, how a SLMPD officer discharged his weapon when an offender ran and charged the offender with resisting arrest, to how without supervision the officer will discharge his weapon when an offender runs as a general practice. These pattern cases include, but are not limited, to the following:

- SLMPD Officer Marcus Biggins discharged his weapon on two separate occasions then charged the suspect with resisting arrest in violation of Muni Code. 15.10.10 and Defendants' Rec policy required a release of civil rights. The suspect was not a threat. The officer reported there were no injuries.
- SLMPD Officer Colin Dowd discharged his weapon and charged the suspect with resisting arrest in violation of Muni Code. 15.10.10 then Defendants' Rec policy required a release of civil rights. The suspect was not a threat. The officer reported there were no injuries.
- SLMPD Officer Brendan Whitted discharged his weapon and charged the suspect with resisting arrest in violation of Muni Code then Defendants' Rec policy required a release of civil rights. 15.10.10. The suspect was not a threat. The officer reported there were no injuries.

- SLMPD Officer Dereck Phillip discharged his weapon and charged the suspect with resisting arrest in violation of Muni Code. 15.10.10, then Defendants' Rec policy required a release of civil rights. The suspect was not a threat. The officer reported there were no injuries.
- SLMPD Officer Ryan Linhorst discharged his taser several times striking a suspect both times because Officer Linhorst claimed "he was in fear for his safety. Officer Linhorst charged the accused victim in violation of Muni. Code. 15.10.10, then Defendants' Rec policy required a release of civil rights. The suspect made clear to the officer that he would never hurt the officer and was not a threat.
- SLMPD Officer Joseph Bell seized and arrested three black men because the three men were standing on the sidewalk speaking to each other. When Officer Bell decided to interview them, the three black men walked away. SLMPD Officer Bell did not have reasonable suspicion or probable cause to arrest the three, non-threatening boys. SLMPD Officer Bell charged the suspects in violation of Muni. Cod. 15.10.10, then Defendants' Rec policy required a release of civil rights.
- SLMPD Officer Ryan Linhorst arrested a black female sitting in a chair on the sidewalk because, as Officer Linhorst drove past, the black woman stood up and walked away. Officer Linhorst charged the accused victim in violation of Muni. Code. 15.10.10, then Defendants' Rec policy required a release of civil rights.
- Officer Marcus Biggins discharged his weapon and charged the suspect with resisting arrest in violation of Muni Code 15.10.10, then Defendants' Rec policy required a release of civil rights. The suspect was not a threat. The officer reported that there were no injuries.
- In *Dennis Ball-Bey v. The City of St. Louis et al.*, Mansur Ball-Bey ran from a police officer and was fatally shot in the back. Mr. Ball-Bey allegedly resisted arrest under the Muni. Code 15.10.10. Mr. Ball-Bey was unarmed and not a threat.
- In, *Vonderitt Meyers v. GCI Security Inc.*, the plaintiff, Mr. Myers ran and resisted the arrest of an off-duty SLMPD officer, which resulted in the officer fatally shooting the Plaintiff in the legs and head. The plaintiff would have been charged with the city ordinance resisting arrest. The off-duty police officer is no longer with the police force. Mr. Meyers was unarmed and not a threat.

- Three friends Anthony Tobias, Brian Davis, and Keyon Bennett were stopped by SLMPD Officer James Zwillings, (partner of SLMPD Officer Jason Flannery, who killed Vonderitt Myers). Mr. Bennett stated he, Anthony and Keyon were all running across a vacant lot and Officer Zwillings pursued them on foot. All three boys heard Officer Zwillings fire his weapon – while their backs were turned and running away. None of the bullets fired by Officer Zwillings struck the boys. The boys were not a threat.
- Jorveius Scruggs, a 15-year old high school student, was shot in the back and killed by SLMPD Officer Murphy as Mr. Scruggs fled on foot. Mr. Scruggs allegedly resisted arrest and was shot while attempting to escape over a fence. Mr. Scruggs did not present a threat.
- In, *Antoinette Liggins, on behalf of a minor B.C. v. City of St. Louis et al.*, Eastern District of Missouri, 16-cv-00413, plaintiff was a 16-year old boy and was playing at the playground with his brother. SLMPD Officer Michael Cohen pulled up in his squad car, and the boys started running. SLMPD Officer Michael Cohen discharged his weapon and fired four shots at the boys striking the minor B.C. and permanently paralyzing him. B.C. did not threaten the officer.
- T.E. was 15-years-old as he walked down the street to exchange video games with his friend. SLMPD officers approached T.E. and T.E. fled, as did all the children. SLMPD Officers Murphy and Streckfuss followed Mr. Edwards and shot him in the back although Mr. Edwards did not threaten the officers. Mr. Edwards survived. The criminal prosecutor dismissed the charges against T.E. because the officers intended to plead the Fifth Amendment against self-incrimination.

50. By 2018, the pattern and practices alleged herein were so pervasive and widespread, that SLMPD officers beat their undercover officer, L.H., and claimed that Officer L.H. resisted arrest. In a 2018 federal indictment, the U.S. Attorney alleged:

It was part of the manner and means of the conspiracy that the defendants, **Dustin Boone, Randy Hays, and Christopher Myers**, upon learning that L.H. was a fellow SLMPD officer, made false statements regarding their conduct and the conduct of L.H. during the course of the arrest in an effort to justify their use of force on L.H., including falsely claiming that L.H. resisted arrest and was not compliant, despite the fact that LH. was an experienced undercover officer who specifically wore a shirt that revealed his waistband so that he would not be mistaken for being armed during the Stockley protests.

51. During a recent protest, SLMPD's misconduct was just a systematic continuation of a widespread pattern and practice, as a result of the Rec & Normal policies. For example, *Kristine Hendrix v. City of St. Louis, et al.*, the plaintiff Ms. Hendrix, was a peaceful protester videotaping several officers using their taser on innocent protesters. Suddenly, SLMPD Officer Stephen Ogunjobi saw Ms. Hendrix video recording and tased her. Officer Ogunjobi tased Ms. Hendrix three times without giving a single command. SLMPD Officer charged Ms. Hendrix with violation of Muni. Code 15.10.10 resisting arrest. Ms. Hendrix had the financial means to retain counsel. On the advice of counsel, Ms. Hendrix refused to sign any release agreement. Ms. Hendrix was acquitted. She later filed suit for malicious prosecution.

52. The common denominator in all these cases is that the accused victim allegedly pulled away, ran, protested or walked away, *e.g.*, resisted arrest. The SLMPD officer used excessive force, including deadly force, and generally, if the accused victim(s) survived, charged him with resisting arrest under muni code 15.10.10.

53. This common denominator explains the MacArthur Justice Center's reaction in *David Witt v. City of St. Louis*, Eastern District of Missouri, 18-cv-01294. Plaintiff, Mr. Witt, was a prominent activist for civil rights and was unlawfully arrested and charged with interfering with a police officer. The officers detained Mr. Witt to gain access to his camera under the auspice that it was criminal evidence. Despite the apparent unlawful nature of the arrest, the municipal prosecutors attempted to force Mr. Witt to sign a "Release" ('Rec'). The MacArthur Justice Center, who represented Mr. Witt, described the process as:

The City engaged in multiple attempts to negotiate a dismissal of the case with prejudice via a plea deal, or “rec”—including presenting a release of liability form at counsel’s first municipal appearance and as a purported condition to any kind of plea deal. A true and correct copy of the release form is attached hereto as **Exhibit C**. The City abandoned the prosecution by *nolle prosequi* on May 22, 2017. [attachment omitted]

54. The motivating policies and practices behind the Defendants widespread and systematic illegal practices were and continues to be the Rec and Normal policies and practices originating at the City Counselor’s office. Without legal representation, many of the accused victims were pressured and forced to sign the release in exchange for their freedom, even when they were innocent of the facts.

55. Today, the widespread systemic pattern and practices have resulted in a custom of using unjustified force with impunity in any case that an offender runs, pulls away, or protest. If the offender lives to tell his story and the officer believes there is civil liability, the SLMPD officer will allege the offender “resisted” in violation of a municipal offense.

56. Defendant Feaman struck the Plaintiff with a heavy-duty flashlight defined as deadly force because the Plaintiff ran and protested his arrest. Defendant Feaman falsely claimed he was in fear for his life to justify his conduct.

57. However, Defendant Feaman charged the Plaintiff in municipal court because he was not in fear of receiving death or substantial bodily harm and Defendant Feaman knew deadly force was not authorized. Defendant Feaman charged Plaintiff in municipal court with resisting arrest pursuant to his training under the Normal policies that protect, conceal, and obfuscate police misconduct.

58. Defendant Isom, as Chief of Police, simply exploits the City's Counselor's unconstitutional Rec policy to deliberately ignore police misconduct. Defendant Isom tacitly authorized the use of deadly force in non-threatening incidents as a result of the Defendants' Rec & Normal policies and practices.

COUNT I
42 U.S.C. § 1983 - EXCESSIVE FORCE in
Violation of Fourth and Fourteenth Amendment
of the United States Constitution –
(v. ADAM FEAMAN in his official and individual capacity)

59. Plaintiff by reference incorporates the introduction and paragraphs 1-59, as though fully set forth.

60. At all times alleged herein, Defendant Police Officer was employed with the City of St. Louis and acting under color of law including by not limited to the Fourth and Fourteenth Amendment.

61. At all times alleged herein, Defendant City of St. Louis, by and through the St. Louis Police Department authorized, controlled, and maintained responsibility for Defendant Police Officer.

62. Defendant City of St. Louis defines impact weapons as a nightstick or baton. Flashlights are not authorized for use as impacts weapons.

63. Defendant, City of St. Louis, authorizes the use of impact weapons as non-deadly force to subdue or restrain an individual. Non-deadly force with an impact weapon must be used on the radial nerve, medial nerve, common peroneal nerve, and the femoral nerve. These nerves are generally located in joints, such as the arms and legs.

64. At all relevant times alleged herein, no citizen, officer, or bystander was in imminent fear for their life or serious bodily injury.

65. The Defendant Police Officer used objectively unreasonable force when Plaintiff did not pose an imminent threat of death or serious bodily injury to Defendant Police Officer or any other person.

66. The force used by the Defendant Adam Feaman was inappropriate, unwarranted and unjustified.

67. Defendant Adam Feaman illegally used his flashlight as an impact weapon in a deadly manner on the Plaintiff for the alleged violation of a city noise ordinance.

68. Defendant Adam Feaman did not need to strike the Plaintiff in the face to effectuate an arrest.

69. Defendant Adam Feaman did not need to strike the Plaintiff in the cranium as he was already on the ground.

70. No reasonable officer would have believed that deadly force via strikes to the head, or the use of a firearm was justified under the circumstances.

71. Defendant Adam Feaman, never provided any warnings that he would use deadly force.

72. The conduct of the Defendant, Adam Feaman constituted excessive force in violation of the Fourth Amendment of the United States Constitution, as incorporated into the Fourteenth Amendment of the United States Constitution.

73. As a direct and proximate cause of Defendants use of excessive force, the Plaintiff suffered severe injuries.

74. Defendant Feaman used deadly force as a direct and proximate cause of

Defendants' Rec & Normal policies and practices and, these practices have created a custom of using unjustified deadly force in non-threatening incidents.

75. Defendant Feaman's conduct was a continuation of Defendants' tyrannical custom to subdue, punish, and retaliate in anger towards citizens who protest unlawful arrests.

76. The Rec & Normal policies and practices were the motivating force to drive the SLMPD's custom of using excessive force on anyone who resists.

WHEREFORE, Plaintiff prays for compensatory and punitive damages, Plaintiff further prays for attorney's fees, and costs pursuant to 42 U.S.C. 1988, and any other relief this court deems reasonable and just.

COUNT II
42 U.S.C. § 1983 – FAILURE TO TRAIN & SUPERVISE in
Violation of Fourth and Fourteenth Amendment
of the United States Constitution –
(v. DAN ISOM, and the CITY OF ST. LOUIS officially)

77. Plaintiff by reference, incorporates paragraphs 1-76 as though fully set forth herein.

78. At all times mentioned herein Defendants were responsible for the hiring, training, supervising, and controlling all police officers of the City of St. Louis, and their use of firearms including, Defendant Feaman.

79. At the time of the occurrence, Defendant Feaman was acting within the course and scope of his employment with Defendant City of St. Louis.

80. Defendants' Rec & Normal policies and practices were the motivating and driving policy and practice that resulted in SLMPD's tyrannical practices customs and Defendants' official custom of failure to supervise, inadequate, and failure to train. Defendants specifically

acted under the color of statute, custom, usage, law, ordinance and policies, including, the “Rec Policy,” which created, promoted, and trained SLMPD to use tyrannical customs, tactics, patterns and practices including:

- a. A common custom, pattern, and practice of using deadly force to effectuate resisting arrest violations, with no threat to the officer’s safety;
- b. A common custom, pattern, and practice of using unjustified force to effectuate municipal ordinance violations of resisting arrest;
- c. A common custom, pattern, and practice to conceal, obfuscate, and hide civil rights violations through charging municipal resisting arrest or interference with a police officer;
- d. A common custom, pattern, and practice of using excessive force in violation of the Fourth, Fifth, and Fourteenth Amendments.
- e. A common custom, pattern, and practice of unlawful search and seizures and charging violation of Muni. Code. 15.10.10;
- f. A common custom, pattern, and practice to tolerate, overlook, and obfuscate police misconduct in incidents where the alleged offender runs, pulls away, or flees.
- g. A common custom, pattern, and practice to use deadly force when the offender does not present a threat, but the offender runs, pulls, away, or protest his innocence.
- h. A common custom, pattern and practice to use excessive force as a means to punish, control, and deter accused victims.

81. Defendants had actual notice the patterns and customs of police misconduct described herein, but via the Rec & Normal practices and polices ignored the misconduct. Defendants failed to properly make reports of police misconduct or investigate the underlying facts precipitating the need for a release. And, Defendant Isom’s reliance on the City Counselor’s unconstitutional blanket policy amounted to deliberate indifference to investigate police misconduct.

82. As a direct, substantial and proximate result of the SLMPD tyrannical patterns and practices born from the Defendants’ Rec & Normal policies and practices, as alleged herein, Plaintiff was severely injured and deprived of his constitutional rights guaranteed under the Fourth, and Fourteenth Amendments.

83. Defendant City of St. Louis was deliberately indifferent in its supervision, training and control, which led to tyrannical practices, customs, and patterns of the SLMPD. Defendant failed to supervise Defendant Feaman in the following respects:

- a. Defendant City of St. Louis failed to train Defendant Feaman in the proper use of firearms.
- b. Defendant City of St. Louis failed to supervise and train Defendant Feaman in their use of department issued firearms and weapons on unarmed citizens who have not committed any crime.
- c. Defendant City of St. Louis failed to supervise and train Defendant Feaman to stop using force to limit the amount of harm caused when there is no threat to them or others; and
- d. Defendant City of St. Louis failed to supervise and train Defendant Feaman not to use deadly force on a citizen when the life of Defendant Feaman and others are not in danger.

84. After creating the Rec & Normal policies and practices, Defendants could systemically ignore police misconduct. And, eventually this deliberate ignorance of the underlying police misconduct was the subject of each release provided to Defendant Isom. Defendant Isom's reliance on the City Counselor's Rec policy allowed and tacitly authorized officers to use excessive force with impunity on any individual that ran or protested *e.g.* "resisted."

85. The Defendants conduct as described above deprived Plaintiff of his right to be secure in his person against unreasonable searches and seizures as guaranteed to him under the Fourth Amendment to the United States Constitution, and his right not to be deprived of life, liberty, or property without due process of law.

86. Defendants using the Rec & Normal system ignored police misconduct incidents that demonstrated a pattern and practice of violations because there was an executed release agreement.

87. Defendants were deliberately indifferent to the obvious need and foreseeable

consequence of failing to train, supervise, and control Defendant Feaman and as a result Plaintiff was deprived of life and liberty under the constitution.

88. As a direct and proximate result of the negligent conduct of Defendant City of St. Louis described above, Plaintiff was caused to suffer severe pain and mental anguish. Additionally, the actions of Defendant Feaman caused or contributed to cause Plaintiff to incur medical expenses.

89. The conduct of the Defendants was reckless, malicious, wanton, and willful with Plaintiff's constitutional rights and the award of punitive damages is necessary to punish Defendant City of St. Louis in its individual capacity and to deter it and others from the same or similar transgressions in the future.

WHEREFORE, the Plaintiff prays for injunctive relief and compensatory damages. Plaintiff further prays for punitive damages that will deter and prevent the Defendant from engaging in this type of conduct in the future. The Plaintiff further prays this honorable Court to enter such other and further relief as the Court deems just and proper, including attorney's fees pursuant 42 U.S.C. § 1988.

Respectfully submitted,

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