

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

XAVIMEN DECQUIR,	:	
	:	
Plaintiff,	:	Civil Action No. 2:21-cv-01652-ILRL-
	:	KWR
vs.	:	
	:	SECTION B
JONATHAN D. BENTEL; ROBERT	:	
JOHNSON; JOSEPH P. LOPINTO, III; HIEP	:	Judge Ivan L.R. Lemelle
NGUYEN; LA'TASHA GREEN;	:	
LAQUINTA BATES; KAMRYNN	:	DIVISION 4
RICHARDSON; NATASHA LEFLORE;	:	
AND DARYL JULIEN,	:	Magistrate Judge Karen Wells Roby
	:	
Defendants.	:	
	:	

AMENDED COMPLAINT

Plaintiff Xavimen Decquir, by and through his undersigned counsel, complains that Defendants—Jonathan D. Bentel, Robert Johnson, Hiep Nguyen, La'Tasha Green, LaQuinta Bates, Kamrynn Richardson, Natasha LeFlore, and Daryl Julien (collectively, “Officer Defendants”), individually, and Joseph P. Lopinto III (“Lopinto”), in his official capacity as Sheriff of Jefferson Parish — violated his constitutional rights and the laws of the State of Louisiana. He shows the Court as follows:

NATURE OF THE ACTION

Mr. Decquir Endured an Appallingly Brutal Attack on September 2, 2020

1. This case not only involves a defenseless Black man who was ruthlessly beaten by officers of the Jefferson Parish Sheriff’s Office (“JPSO”); it also reflects JPSO’s failure to provide support to those with mental disabilities. Mr. Decquir’s life was forever altered on September 2, 2020. On that day, certain Officer Defendants relentlessly attacked Mr. Decquir, who has mental disabilities, while he helplessly lay pinned down on the concrete floor of the Jefferson Parish Correctional Center (“JPCC”).

2. Mr. Decquir was taken into custody because his family entrusted the police with his well-being. But, instead of protecting and serving Mr. Decquir during his time in their custody, Officer Defendants inflicted severe physical trauma upon him. The list of these traumas includes fractured bones in Mr. Decquir's face; extensive facial bleeding; eight staples in Mr. Decquir's head; a dislocated shoulder; bruised ribs; a concussion; chronic headaches and body aches; loose teeth; neck pain; and sharp spinal pains. The attack also caused Mr. Decquir severe emotional distress and exacerbated his mental disabilities.

3. Officer Defendants acted under the color of law in violation of Mr. Decquir's constitutional rights under the Fourth and Fourteenth Amendments of the United States Constitution, and in violation of Mr. Decquir's civil rights under 42 U.S.C. § 1983 and 42 U.S.C. §§ 2000d to 2000d-7 ("Title VI"), and its implementing regulations, 28 C.F.R. §§ 42.101 to 42.112, for which Mr. Decquir now seeks damages.

4. While Mr. Decquir was in JPSO custody, several Officer Defendants slammed his head multiple times into a concrete wall, threw Mr. Decquir on the ground, and punched and kicked him repeatedly, including at least two times in the face with steel-toed boots.

5. As Defendants Bentel, Johnson, and Nguyen beat and subdued Mr. Decquir, Defendants Green, Bates, Richardson, LeFlore, and Julien, surrounded Mr. Decquir and watched this terrifying abuse of power without interfering, despite ample opportunity to safely do so. Their indifference and failure to intervene bespeaks failures that plague an entire institution.

6. Despite the brutality of the attacking Officer Defendants, Mr. Decquir never attempted to fight back. At no point did Mr. Decquir resist or pose a risk of harm to any person at the JPCC—officer or otherwise.

7. As a result of this horrific beating, Mr. Decquir's gait has been permanently altered. He also now frequently experiences blurred vision, memory loss, reclusive tendencies, ongoing depression, suicidal ideation, self-mutilation, and severe emotional distress and anxiety.

8. Mr. Decquir is one of numerous individuals to endure racially motivated violence at the hands of JPSO, an organization with a disturbing anti-Black history. Much of this violence can be attributed to the failed leadership of the current JPSO Sheriff, Defendant Lopinto.

9. Mr. Decquir seeks to hold Defendant Lopinto and Officer Defendants accountable for violating his constitutional and statutory rights on September 2, 2020. It is evident that, unless and until Defendants are held accountable for their racially motivated violence, they will continue to violate the rights of Black and Brown people.

JURISDICTION AND VENUE

10. This action seeks to redress the deprivation under color of statute, ordinance, regulation, custom, or usage of rights, privileges, and immunities secured to Mr. Decquir by the Constitution and laws of the United States. Mr. Decquir brings this action pursuant to 42 U.S.C. §§ 1983, 1988, and 2000d.

11. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343(a)(3).

12. The Court has supplemental jurisdiction over all other claims asserted under the laws of the State of Louisiana, pursuant to 28 U.S.C. § 1367, because they arise out of the same operative facts and are so related to the federal claims that they are part of the same case or controversy.

13. Venue is proper in this District in accordance with 28 U.S.C. § 1391(b) because, upon information and belief, Officer Defendants and Defendant Lopinto reside in this District, and a substantial part of the events giving rise to the claims herein occurred in this District.

PARTIES

14. Plaintiff Xavimen Decquir is a resident of Metairie, Louisiana.

The Officer Defendants

15. Defendant Jonathan D. Bentel was, at all relevant times, an officer at JPSO. Upon information and belief, Bentel resides in Jefferson Parish, Louisiana. Bentel is sued in his individual capacity.

16. Defendant Robert Johnson was, at all relevant times, an officer at JPSO. Upon information and belief, Johnson resides in Jefferson Parish, Louisiana. Johnson is sued in his individual capacity.

17. Defendant Hiep Nguyen was, at all relevant times, an officer at JPSO. Upon information and belief, Nguyen resides in Jefferson Parish, Louisiana. Nguyen is sued in his individual capacity.

18. Defendant La'Tasha Green was, at all relevant times, a Sergeant at JPSO. Upon information and belief, Green resides in Jefferson Parish, Louisiana. Green is sued in her individual capacity.

19. Defendant LaQuinta Bates was, at all relevant times, a Correctional Officer at JPSO. Upon information and belief, Bates resides in Jefferson Parish, Louisiana. Bates is sued in her individual capacity.

20. Defendant Kamrynn Richardson was, at all relevant times, a Correctional Officer at JPSO. Upon information and belief, Richardson resides in Jefferson Parish, Louisiana. Richardson is sued in her individual capacity.

21. Defendant Natasha LeFlore was, at all relevant times, a Correctional Officer at JPSO. Upon information and belief, LeFlore resides in Jefferson Parish, Louisiana. LeFlore is sued in her individual capacity.

22. Defendant Daryl Julien was, at all relevant times, an officer at the City of Westwego Police Department. Upon information and belief, Julien resides in Jefferson Parish, Louisiana. Julien is sued in his individual capacity.

23. Defendants Bentel, Johnson, Nguyen, and Green were, at all relevant times, employed as commissioned police officers by JPSO, and were acting and/or neglected to act in the course and scope of their employment and under color of law.

24. Defendants Bates, Richardson, and LeFlore were, at all relevant times, employed as correctional officers by JPSO, and were acting and/or neglected to act in the course and scope of their employment and under color of law.

25. Defendant Julien was, at all relevant times, employed as a commissioned police officer by the City of Westwego Police Department, a city police department located within Jefferson Parish, and was acting and/or neglected to act in the course and scope of his employment and under color of law.

26. Officer Defendants are liable jointly, severally, and *in solido* for the intentional, excessive, and/or otherwise unconstitutional and tortious conduct set forth below.

Defendant Lopinto

27. Defendant Joseph P. Lopinto III was, at all relevant times, the Sheriff of JPSO. Upon information and belief, Lopinto resides in Jefferson Parish, Louisiana. Upon information and belief, Lopinto’s responsibilities include but are not limited to the hiring, training, supervision, discipline, administration, policies, customs, practices, operations, management, and control of JPSO and its officers, including the Officer Defendants. As a matter of federal law, Lopinto is liable for his own actions as final policy maker. As a matter of Louisiana state law, Lopinto is liable for his own actions and is vicariously liable for the actions of the Officer Defendants. Lopinto is sued in his official capacity.

FACTS

JPSO’s Polices, Practices, and Customs Systematically Target the Black Community

A. JPSO Has a Deep-Rooted History of Racial Discrimination and Violence.

28. The abuse that Mr. Decquir endured at the hands of JPSO is a continuation of a history and pattern of intentional discriminatory treatment that he and many people from the Black community are forced to confront in Jefferson Parish.

29. Sheriffs have immense power in Louisiana.¹ Harry Lee, who served as Jefferson Parish Sheriff for nearly three decades (until 2007), stated that “[t]he sheriff of [Jefferson Parish] is the closest thing there is to being a king in the U.S.”²

30. This mentality, that the Sheriff of Jefferson Parish is akin to a monarch,³ has

¹ Lisa Riordan Sevilly and Hannah Rappleye, *A sheriff’s deputy shot a 14-year-old boy. It went unreported for months*, NBC News, Jul. 16, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-deputy-shot-14-year-old-boy-it-went-n1234057>.

² John Burnett, *Larger-Than-Life Sheriff Rules Louisiana Parish*, NPR, Nov. 28, 2006, <https://www.npr.org/templates/story/story.php?storyId=6549329>.

³ See Christopher Tidmore, *From beating Lee to becoming Sheriff, Newell Normand retires*, The Louisiana Weekly, Jul. 31, 2017, <http://www.louisianaweekly.com/from-beating-lee-to-becoming-sheriff-newell-normand-retires/> (“The Sheriff of Jefferson Parish is the closest thing to an elected medieval king that exists in the United States. He not only is the tax collector for all other parochial offices, but he has exclusive control of his own budget, as well as the hiring and firing of his own officers.”).

enabled JPSO to unapologetically effectuate policing tactics that are inherently anti-Black, and accordingly disproportionately affect the Black community—sometimes resulting in death.⁴

31. Harry Lee was overtly anti-Black, and his beliefs are woven into JPSO’s current policing tactics. After Hurricane Katrina caused a spike in crime in Jefferson Parish, Lee stated, “[w]e know where the problem areas are. If we see some black guys on the corner milling around, we would confront them.”⁵ At a time when robberies broke out in the Parish, with people being targeted in their driveways, Lee “vowed to stop and question blacks driving ‘rinky-dink cars’ in white neighborhoods.”⁶ Additionally, on another occasion, while addressing crime in the Parish, Lee told a reporter that “[w]e know the crime is in the black community. Why should I waste time in the white community?”⁷ In 2006, Lee stated in regard to a new plan on crime in the Parish: “We’re only stopping black people.”⁸

32. Lee, and his views, were popular in the Jefferson Parish community, as evidenced by his nearly thirty-year reign, during which he was re-elected seven times.⁹ “[Lee’s] popularity depend[ed], to some extent, on the perception that he [was] a white man’s champion, [that] he [was] holding back the black hordes that might otherwise threaten suburban bliss.”¹⁰

33. Lee’s longtime reign ensured that his views on policing were firmly integrated into

⁴ Loyola University New Orleans College of Law, *Louisiana Deaths Behind Bars 2015-2019*, Incarceration Transparency, June 2021, <https://www.incarcerationtransparency.org/wp-content/uploads/2021/06/LA-Death-Behind-Bars-Report-Final-June-2021.pdf>. (In Louisiana, Black people comprised 58.40% of the 786 incarcerated people who died behind bars from 2015-2019, despite being only about 32% of the state population.); *Jefferson Parish*, Incarceration Transparency (2021), https://www.incarcerationtransparency.org/?page_id=37. (Black people comprised almost half of the deaths that occurred at Jefferson Parish Correctional Center, despite being only about 26% of the Jefferson Parish population.)

⁵ John Burnett, *Larger-Than-Life Sheriff Rules Louisiana Parish*, NPR, Nov. 28, 2006, <https://www.npr.org/templates/story/story.php?storyId=6549329>.

⁶ *Id.*

⁷ *Id.*

⁸ Adam Nossiter, *Harry Lee, Outspoken Louisiana Sheriff, Dies at 75*, *The New York Times*, Oct. 2, 2007, <https://www.nytimes.com/2007/10/02/us/02lee.html>.

⁹ *Id.*

¹⁰ John Burnett, *Larger-Than-Life Sheriff Rules Louisiana Parish*, NPR, Nov. 28, 2006, <https://www.npr.org/templates/story/story.php?storyId=6549329>.

JPSO and its methods. Lee hand-picked his successor, Newell Normand, his close aide and protégé.¹¹ The community demonstrated their trust in Lee’s choice, as Normand won 90 percent of the vote.¹² Normand was re-elected three times before he decided to resign,¹³ at which point he endorsed and backed the current Sheriff, Defendant Joseph Lopinto, III.¹⁴

34. Defendant Lopinto has identified both Normand and Lee as “great role models [of his] over his career,” and “ha[s] never uttered anything less than a compliment about [Lee].”¹⁵

35. Lee’s views continue to drive Defendant Lopinto’s leadership and JPSO’s behavior. “[JPSO] deputies follow starkly different rules [from other major Louisiana law enforcement organizations] – over stops, chases, use of force and the disciplinary process.”¹⁶

36. Defendant Lopinto and JPSO’s behavior toward Mr. Decquir result from a deep-rooted history of racially motivated misconduct and policing.

B. Incidents of Racial Violence by JPSO Are Numerous and Widespread.

37. The incidents of violence perpetuated by JPSO have a quantifiable discriminatory impact on the Black community. JPSO’s well-settled policies, practices, and customs disproportionately subject Black people to excessive violence and in some cases, death. “The Black community . . . fear[s] the Jefferson Parish Sheriff’s Office,”¹⁷ and this fear is justified.

¹¹ Michelle Hunter, *Jefferson Parish Sheriff Newell Normand says he’s ‘going out on top,’* The Times-Picayune, Jul. 26, 2017, https://www.nola.com/news/crime_police/article_d2bc031d-617f-52ea-85fb-df44d0039826.html.

¹² *Id.*

¹³ *Id.*

¹⁴ Advocate staff report, *Learn more about Joe Lopinto -- Newell Normand's successor as Jefferson Parish sheriff,* The New Orleans Advocate, Jul. 25, 2017, https://www.nola.com/article_596c4bd3-cb80-5e1f-bbf5-9b62b1ded48f.html.

¹⁵ Christopher Tidmore, *From beating Lee to becoming Sheriff, Newell Normand retires,* The Louisiana Weekly, Jul. 31, 2017, <http://www.louisianaweekly.com/from-beating-lee-to-becoming-sheriff-newell-normand-retires/>.

¹⁶ John Simerman, Michelle Hunter & Ramon Antonio Vargas, *Jefferson Parish Sheriff’s Office an Outlier on Body Cams as Criticism Swirls Around Deadly Force,* The New Orleans Advocate, Jun. 27, 2020, https://www.nola.com/news/crime_police/article_cb8b82da-b8a1-11ea-bfec-6bf1ae8b2595.html.

¹⁷ *Id.*

38. JPSO currently has a police scorecard of 38%.¹⁸ Based on data collected from 2013-2020, a Black person was 11.3x as likely to be killed by police than a White person in Jefferson Parish.¹⁹ Further, though Black people were only 26% of the population, they made up 73% of the people killed by the police.²⁰ This racial disparity in deadly force by JPSO was worse than 95% of other police departments.²¹ This consistent overrepresentation of Black death is deeply disturbing.

39. Since 2015, at least 12 men and boys have died during an arrest or pursuit by JPSO.²² All were Black or Latino, and three of them were minors.

40. Also, since 2018, at least five Black people were killed by JPSO.²³

41. Eric Harris, 22, was killed by JPSO, who fired at least nine bullets into his car after Harris attempted to flee arrest on February 8, 2016.²⁴ The case brought into question JPSO's policies. In response, New Orleans police deputy chief Arlinda Westbrook stated, "If that was our police officer, because it's so contrary to our policy, they would have been arrested on the spot."²⁵

42. Keeven Robinson, 22, was killed by four JPSO officers from "compressional asphyxia" with "significant traumatic injuries to the soft tissues of the neck" on May 10, 2018.²⁶ In response to Robinson's murder, Defendant Lopinto callously stated, "From a policy standpoint,

¹⁸ Police Scorecard, *Jefferson Parish Sheriff's Department* (2020), <https://policescorecard.org/la/sheriff/jefferson-parish>. (The Police Scorecard, built by Samuel Sinyangwe and a team of data scientists, designers, developers, organizers, and students, is a nationwide public evaluation of policing in the United States. The Scorecard calculates levels of police violence, accountability, racial bias, and other policing outcomes for over 16,000 municipal and county law enforcement agencies).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Lisa Riordan Sevilly and Hannah Rappleye, "A sheriff's deputy shot a 14-year-old boy. It went unreported for months," NBC News, Jul. 16, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-deputy-shot-14-year-old-boy-it-went-n1234057>.

²³ John Simerman, Michelle Hunter, and Ramon Antonio Vargas, *Jefferson Parish Sheriff's Office an outlier on body cams as criticism swirls around deadly force*, *The Times-Picayune / The New Orleans Advocate*, Jun. 27, 2020, https://www.nola.com/news/crime_police/article_cb8b82da-b8a1-11ea-bfec-6bflae8b2595.html.

²⁴ *Eric Harris' shooting highlights different pursuit policies in New Orleans*, *JPSO The Times-Picayune / The New Orleans Advocate*, Mar. 11, 2016, https://www.nola.com/news/crime_police/article_79c44fdf-2d88-540d-90ec-d4e2bebf02df.html.

²⁵ *Id.*

²⁶ Tracy Connor, *Death of Keeven Robinson in Custody is Ruled Homicide by Asphyxiation*, NBC News, May 14, 2018, <https://www.nbcnews.com/news/crime-courts/death-keeven-robinson-custody-was-homicide-asphyxiation-n873976>.

we don't train someone to hit someone with a brick. But if you're fighting for your life and the bricks are there, you hit someone with a brick."²⁷

43. Chris Joseph, 38, and Daviri Robertson, 39, were killed by JPSO officers while sitting inside a parked car during an undercover drug sting on March 27, 2019.²⁸ There were no drugs or guns found in the vehicle.²⁹

44. Leo Brooks, 23, was shot and killed by JPSO officers inside an apartment building on July 17, 2019.³⁰

45. Modesto Reyes, 35, was shot twice in the back and killed by JPSO officers on May 27, 2020.³¹ Reyes' mother recently filed a lawsuit against Defendant Lopinto, alleging her son was wrongfully killed when he was shot in the back while lying on the ground.³²

46. Tre'mall McGee, 14, was shot by JPSO officers in March 2020.³³ The shooting was concealed from the public by JPSO until late June 2020, after a reporter asked Defendant Lopinto about the incident at a news conference.³⁴ Defendant Lopinto declined to share information regarding the investigation,³⁵ illustrating JPSO's lack of transparency regarding use of force against the Black community.

²⁷ *Id.*

²⁸ John Simerman, Michelle Hunter, and Ramon Antonio Vargas, *Jefferson Parish Sheriff's Office an outlier on body cams as criticism swirls around deadly force*, The Times-Picayune / The New Orleans Advocate, Jun. 27, 2020, https://www.nola.com/news/crime_police/article_cb8b82da-b8a1-11ea-bfec-6bf1ae8b2595.html.

²⁹ *Id.*

³⁰ *Id.*

³¹ Matt Sledge, *In Deputy Killing of Modesto Reyes, Mother Files Wrongful Death Suit Against JPSO Sheriff*, The Times--Picayune / The New Orleans Advocate, May 28, 2021, https://www.nola.com/news/courts/article_651bb508-bfdd-11eb-93a3-278d0fa88426.html.

³² *Id.*

³³ Lisa Riordan Sevilley and Hannah Rappleye, *A sheriff's deputy shot a 14-year-old boy. It went unreported for months*, NBC News, Jul. 16, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-deputy-shot-14-year-old-boy-it-went-n1234057>.

³⁴ *Id.*

³⁵ *Id.*

47. This pattern and practice of a misapplication of force that disproportionately kills Black men and boys, is evidence that JPSO officers are not adequately trained in the use of force

48. Despite these alarming killings and/or shootings of Black men and boys, Defendant Lopinto refuses to implement the use of body cams, citing budget concerns³⁶ and disregarding the loss of life.³⁷

49. It is important to note over half of Louisiana sheriffs and nearly all large police forces in the state use body cams.³⁸

50. JPSO's promotion of excessive violence against Black people and its desire to conceal information was most recently underscored by its failure to comply with a public records request filed by the Southern Poverty Law Center (SPLC).³⁹

51. This lack of transparency is deeply concerning given JPSO's documented pattern of racial violence and the 30 federal civil lawsuits filed against JPSO since 2010, many of which are for excessive force against people of color.⁴⁰

52. JPSO's open and notorious history of excessive violence against Black people evidences Defendant Lopinto's failure to train JPSO's officers to avoid the use of excessive force, failure to discipline officers who engage in the use of excessive force, particularly against Black people, and failure to otherwise remedy this pattern of abuse. This pattern and practice is the

³⁶ *Jefferson Budget FY15 to 19*, <https://www.incarcerationtransparency.org/wp-content/uploads/2021/05/Jefferson-Budget-FY-15-to-19.pdf>; *FY2019-2020 Amended-FY2020-2021 Proposed Budget Book-Final*, <https://jpsoc.com/DocumentCenter/View/937/Current-Budget>.

³⁷ John Simerman, Michelle Hunter, and Ramon Antonio Vargas, *Jefferson Parish Sheriff's Office an outlier on body cams as criticism swirls around deadly force*, *The Times-Picayune / The New Orleans Advocate*, Jun. 27, 2020, https://www.nola.com/news/crime_police/article_cb8b82da-b8a1-11ea-bfec-6b1ae8b2595.html.

³⁸ *Id.*

³⁹ Southern Poverty Law Center, *Demanding Accountability: SPLC Sues La. Sheriff's Office for Public Records Regarding Officer Brutality*, 2021, <https://www.splcenter.org/news/2021/04/16/demanding-accountability-splc-sues-la-sheriffs-office-public-records-regarding-officer>. (The request sought data on officer-involved injuries and internal affairs records regarding citizens' complaints made against officers from 2010 to 2020).

⁴⁰ *Id.*

moving force behind the constitutional violations suffered by Mr. Decquir and many other individuals.

The Events Leading to the Arrival of the Police

53. On September 2, 2020, Mr. Decquir woke up feeling sick. He told his mother that he was not feeling well.

54. Mr. Decquir, who lives with bipolar 1 disorder, depression, and schizophrenia, had not taken his medication for the past few days. He was feeling especially depressed regarding recent family deaths, including the sudden death of his sister.

55. Mr. Decquir's mother noticed that he was not acting like himself. His unusual behavior led to an altercation with his mother, during which Mr. Decquir pushed her.

56. Though uninjured, Mr. Decquir's mother was worried about her son's out-of-character behavior, and she needed extra support. So, about half an hour after the altercation with Mr. Decquir, she called the Jefferson Parish Coroner's Office (the "Office") to ensure he would receive proper medical attention from a medical professional. She called the Office with the intent of committing Mr. Decquir to a psychiatric hospital.

57. On at least three separate occasions, Mr. Decquir's mother had turned to psychiatric commitment to keep her son safe during previous mental health episodes. Both she and Mr. Decquir knew and trusted the commitment process.

58. When Mr. Decquir's mother called the Office, the Office told her that she would soon receive a call from an intake specialist who would initiate the commitment process. Despite calling the Office back at least three separate times over the course of approximately two hours, Mr. Decquir's mother never received a call from an intake specialist.

59. During her final call, the Office was still unable to connect Mr. Decquir's mother

with an intake specialist and advised her to call the police.

60. During her phone call with a 911 dispatcher, Mr. Decquir's mother explained that Mr. Decquir was a "mental health patient" exhibiting unusual behavior. Officer Christopher A. Bodet and another JPSO officer later arrived at Mr. Decquir's apartment. They left when Mr. Decquir's mother explained that Mr. Decquir had left the apartment.

61. After Mr. Decquir returned to the apartment, his mother again called 911 to have the police assist with committing Mr. Decquir to a psychiatric hospital.

62. By the time the same JPSO officers again arrived at Mr. Decquir's apartment, at least three hours had passed since the altercation. At that point, Mr. Decquir was calm, sitting on the couch, and no longer in an irritable state.

63. Mr. Decquir admitted to pushing his mother, at which point the officers proceeded to handcuff a calm, compliant Mr. Decquir, who was then taken away from his home. This entire interaction took approximately 15 minutes.

64. The officers told Mr. Decquir's concerned mother that they could not take Mr. Decquir to a psychiatric hospital as requested because they were all at full capacity due to COVID-19. Instead, they offered to keep Mr. Decquir in a holding cell for 72 hours. Mr. Decquir's mother agreed, mistakenly believing her son would be safe.

65. The officers told Mr. Decquir a different story. They told him they were taking him to a psychiatric hospital. They did not inform Mr. Decquir they planned to hold him for 72 hours. Nor did they inform him that he was under arrest or read him his *Miranda* rights.

66. Expecting the officers to take him to the psychiatric hospital, Mr. Decquir was so relaxed that he fell asleep in the police vehicle.

Moments Before the Brutal Attack

67. When Mr. Decquir awoke inside the police car, to his consternation, he was at a jail. He later learned he was at JPCC. Before that day, he had never been to JPCC, arrested, or even pulled over in Jefferson Parish.

68. Mr. Decquir asked the officers in his vicinity why he had been brought to jail. He received no response.

69. He then asked these same officers to identify the crimes with which he was being charged. Again, he received no response.

70. Upon entering JPCC, Mr. Decquir asked a different officer for his mandated phone call. He wanted to call his mother and let her know he had been taken to jail and not the hospital.

71. The officer to whom he made the request wrongfully denied him his right to a phone call, put Mr. Decquir in a holding cell and told him to “shut up.”

72. Rather than “shut up,” Mr. Decquir continued to advocate for his right to a phone call from the holding cell. He made at least 10 such requests, but each one was denied. A confused Mr. Decquir removed his shoe and started banging on the cell door in the hopes of convincing someone that he should be granted his right to a phone call.

The Alarming Attack on Mr. Decquir

73. In response to the banging, two Officer Defendants, who upon information and belief are Officer Nguyen and Officer Johnson, approached Mr. Decquir's cell and unlocked the door. They asked Mr. Decquir to exit his cell and enter the intake area. He silently complied.

74. Those Officer Defendants then slammed Mr. Decquir's head into the edge of the cell door and elbowed him in the face, disorienting him. While in the intake area, multiple Officer Defendants surrounded Mr. Decquir, while Defendants Bentel, Johnson, and Nguyen relentlessly punched him about 21 times and kicked him at least twice with steel-toed boots.

75. The brute force employed by Officer Defendants caused Mr. Decquir to collapse on the ground.

76. Once Mr. Decquir was on the ground, one or more of the Officer Defendants kept him pinned down as Defendants Bentel, Johnson, and Nguyen continued to deliver at least 12 blows to Mr. Decquir's head with their knees and fists. Throughout the vast majority of the attack, Mr. Decquir was pinned to the ground.

77. As Defendants Bentel, Johnson, and Nguyen punched and kicked Mr. Decquir, Defendants Green, Bates, Richardson, LeFlore, and Julien formed a circle around the melee; they did nothing more than watch the attack transpire. None of them tried to stop the violence, despite having an opportunity and clear duty to intervene.

78. Next, Officer Defendants forcefully grabbed Mr. Decquir and handcuffed him, all while simultaneously hitting him and pinning him to the ground.

79. Even after Mr. Decquir was helplessly handcuffed and pinned to the ground, Officer Defendants did not stop the attack. Indeed, at this juncture, unprompted by any movement

or reaction from Mr. Decquir, they picked him up and slammed him into the sharp corner of a wall in the intake area.

80. Officer Defendants then dragged a barely conscious, disheveled Mr. Decquir to another side of the intake area and again pushed him into a wall.

81. Two Officer Defendants then took the beaten and bloody Mr. Decquir into a holding room.

82. There, after Mr. Decquir was seated in a chair at the center of the room, multiple Officer Defendants surrounded him.

83. One of the more disturbing aspects of this horrific attack is that, as certain Officer Defendants brutally attacked a bleeding, defenseless Mr. Decquir, others walked past or ignored the commotion. To them, it was as if nothing was happening—as though this type of conduct fell within JPSO norms and customs. Any reasonable officer in the same position would have recognized that the degree of violence being inflicted on Mr. Decquir was an imminent, unjustified threat to his health and safety, thereby requiring their intervention.

84. Further, at no point did Mr. Decquir pose any threat to anyone in the room—officer or otherwise.

The Aftermath of the Attack on Mr. Decquir

85. About four hours after Mr. Decquir lost consciousness as a result of the beating, Mr. Decquir suddenly woke up handcuffed to a hospital bed. He had no recollection of how he got from JPCC to the West Jefferson Medical Center.

86. Confused and experiencing excruciating head pain, Mr. Decquir saw an officer sitting next to his hospital bed, who upon information and belief, was Defendant Bentel. No one else was in the room.

87. Mr. Decquir asked Defendant Bentel what happened, to which he was told, “shut the fuck up.” Defendant Bentel then resumed attacking Mr. Decquir, delivering several strikes before a nurse entered the room and intervened.

88. As a result of the multiple beatings inflicted upon him by Officer Defendants, Mr. Decquir sustained the following injuries: a facial fracture, extensive facial bleeding, neck pain, a dislocated shoulder, bruised ribs, a concussion, and loose teeth. He also now suffers from chronic headaches and body aches.

89. Mr. Decquir does not remember leaving the hospital. His last memory of his hospital stay involved the intervening nurse giving him morphine after Defendant Bentel’s attack.

90. All Mr. Decquir remembers after that event is finding himself back in a cell at JPCC.

91. He remained at JPCC for almost three months until he posted bond on November 24, 2020 and is no longer in custody.

92. During his time at JPCC, Mr. Decquir only received antibiotics and naproxen for his pain and no other follow-up care. Mr. Decquir experienced facial bleeding for at least one month during his incarceration and never received surgery for his facial fracture. He had to pop his own shoulder back into place at one point and suffered then, and now, from continuous, excruciating headaches.

93. Further, Mr. Decquir was denied access to any medication for his mental disabilities during his entire three-month stay at JPCC—further harming his mental health.

94. Mr. Decquir was also taunted almost daily by a JPCC guard regarding the attack, forcing Mr. Decquir to relive that day in his mind throughout his entire stay at JPCC.

95. Upon information and belief, Defendant Lopinto failed to take any disciplinary actions against the Officer Defendants for their role in the assault on Mr. Decquir.

Mr. Decquir's Ongoing Struggle

96. On September 2, 2020, Mr. Decquir and his family trusted the police to keep Mr. Decquir safe while in a vulnerable mental state. Instead, Mr. Decquir left police custody physically and mentally broken.

97. To this day, Mr. Decquir experiences chronic headaches and sharp pains, particularly in his groin. Sometimes his left leg goes numb, and he now walks with a limp. Mr. Decquir also suffers from sporadic blurred vision and memory loss.

98. The damage inflicted on Mr. Decquir is beyond physical. Before the attack, Mr. Decquir already lived with multiple mental disabilities. He survived two suicide attempts triggered by tragic life events and struggled with drug addiction. Since the attack, Mr. Decquir's existing mental conditions have worsened, resulting in increased self-mutilation and a drug overdose.

99. Despite Mr. Decquir regularly attending counseling and his re-enrollment in a drug addiction clinic, he deeply struggles to live his day-to-day life since the attack at JPCC.

FIRST CAUSE OF ACTION
42 U.S.C. § 1983 – Excessive Force
(As to Defendants Bentel, Johnson, and Nguyen)

100. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

101. 42 U.S.C. § 1983 provides:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any

rights, privileges or immunities secured by the constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress

102. Defendants Bentel, Johnson, and Nguyen deprived Mr. Decquir of clearly established rights secured to him under the United States Constitution, particularly the Fourth Amendment rights to be free from unreasonable seizures and the use of excessive force against one's person and the Fourteenth Amendment right to due process.

103. Defendants Bentel, Johnson, and Nguyen's brutal use of excessive force against Mr. Decquir was the proximate and direct cause of Mr. Decquir's grave injuries. This use of force was not reasonable, proportional, or appropriate in any circumstance—but especially given that Mr. Decquir was not resisting arrest, never made any threatening gestures or motions, and did not pose any threat to the safety of the Defendants Bentel, Johnson, and Nguyen or any other person. Any reasonable police officer in these circumstances would have recognized that the violent, excessive force applied to Mr. Decquir was unjustified.

104. In depriving Mr. Decquir of his rights under the United States Constitution, the Defendants Bentel, Johnson, and Nguyen acted under color of law in their respective capacities as JPSO officers, and their joint and several actions and omissions were conducted within the scope of their respective official duties or employment. This deprivation under color of law is actionable under, and may be redressed by, 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

42 U.S.C. § 1983 Failure to Intervene in Use of Excessive Force
(As to the Officer Defendants)

105. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

106. Officer Defendants witnessed the use of excessive force by their colleagues against Mr. Decquir and had ample time to intervene in order to prevent or mitigate injury to him.

107. Any reasonable police or correctional officer in the position of Officer Defendants would have recognized that the force being used against Mr. Decquir was unconstitutionally excessive and would have known that they had a duty to take reasonable measures to prevent harm to Mr. Decquir.

108. Officer Defendants failed to take any action to prevent harm to Mr. Decquir and thereby proximately caused unconstitutionally excessive force to be inflicted upon Mr. Decquir. That unconstitutional force resulted in grave physical injuries and psychiatric distress to Mr. Decquir.

109. In depriving Mr. Decquir of his rights under the United States Constitution, the Officer Defendants acted under color of law in their respective capacities as JPSO and Westwego Police Department officers, and their actions and omissions were conducted within the scope of their respective official duties or employment. This deprivation under color of law is actionable under, and may be redressed by, 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION

42 U.S.C. § 1983 – Racial Discrimination in Violation of Equal Protection Clause
(As to the Officer Defendants and Defendant Lopinto)

110. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

111. The Officer Defendants and Defendant Lopinto's actions and/or lack of action before, during, and after the violent attack on Mr. Decquir, a Black man, align with Jefferson Parish's extensive racially discriminatory conduct towards Black individuals.

112. All factors indicate that the use of excessive force against Mr. Decquir was purposeful discrimination motivated at least in part by racial animus, thereby depriving Mr. Decquir of his right to equal protection under the law.

113. In depriving Mr. Decquir of his rights under the United States Constitution, the Officer Defendants and Defendant Lopinto acted under color of law in their respective capacities as JPSO officers and Chief of JPSO, and their actions and omissions were conducted within the scope of their respective official duties or employment. This deprivation under color of law is actionable under, and may be redressed by, 42 U.S.C. § 1983.

FOURTH CAUSE OF ACTION

Battery

(As to Defendants Bentel, Johnson, and Nguyen)

114. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

115. Defendants Bentel, Johnson, and Nguyen physically attacked Mr. Decquir without his consent and without legal justification.

116. Defendants Bentel, Johnson, and Nguyen intended to cause the harmful and offensive contact.

117. Mr. Decquir was harmed as a result of the contact.

FIFTH CAUSE OF ACTION

Negligence

(As to the Officer Defendants)

118. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

119. Officer Defendants owed a heightened duty to Mr. Decquir to protect him from undue harm while he was in their custody.

120. Defendants Bentel, Johnson, and Nguyen breached this duty when they brutally attacked Mr. Decquir.

121. Defendants Green, Bates, Richardson, LeFlore, and Julien breached this duty when they failed to intervene as Defendants Bentel, Johnson, and Nguyen brutally attacked Mr. Decquir.

122. As a direct and proximate result of the acts of Officer Defendants described herein, Mr. Decquir suffered grave physical injuries and psychiatric distress.

SIXTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
(As to the Officer Defendants)

123. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

124. Mr. Decquir asserts violations of Louisiana law relative to intentional torts by Officer Defendants, all of whom were acting within the course and scope of their employment with JPSO.

125. At all relevant times, Officer Defendants were acting under the color of state law.

126. The acts or omissions of Officer Defendants, as described herein, deprived Mr. Decquir of his constitutional rights and caused him other damages.

127. As a direct and proximate result of the intentional acts of Officer Defendants described herein, carried out in reckless disregard, falsity, and/or without sufficient factual information, Mr. Decquir suffered grave physical injuries and severe psychiatric distress.

128. The aforesaid physical and psychological injuries sustained by Mr. Decquir were caused wholly by reason of the intentional, reckless, and/or negligent acts of Officer Defendants as described herein.

129. Officer Defendants engaged in extreme and outrageous conduct and acted maliciously and with specific intent to oppress and harm Mr. Decquir and/or with reckless disregard for the consequences of their actions and omissions.

SEVENTH CAUSE OF ACTION

Vicarious Liability

(As to Defendant Lopinto)

130. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

131. At all relevant times, Defendants Bentel, Johnson, Nguyen, Green, Bates, Richardson, and LeFlore were acting under color of law and in the course and scope of their employment with JPSO.

132. Accordingly, as a matter of Louisiana law, Defendant Lopinto, in his Official Capacity as Chief of JPSO, is vicariously liable for all conduct of, or attributable to, Defendants Bentel, Johnson, Nguyen, Green, Bates, Richardson, and LeFlore.

EIGHTH CAUSE OF ACTION

Monell

(As to Defendant Lopinto)

133. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

134. On information and belief, Defendant Lopinto is the final policy maker for the JPSO, and as such, has developed and maintained the policies, customs, and practices which proximately caused the violations of Mr. Decquir's rights described here and the resulting damages suffered.

135. Defendant Lopinto adopted and maintained these policies, customs, and practices with deliberate indifference to the constitutional rights of Mr. Decquir. Defendant Lopinto acted maliciously, willfully, wantonly, and in reckless disregard of Mr. Decquir's rights.

136. The aforementioned customs, policies, practices, procedures, and the failures to properly train, supervise, investigate, and discipline wrongful conduct and excessive force by JPSO officers were a moving force and/or proximate cause of the violations of Mr. Decquir's clearly established and well settled constitutional rights and the damages suffered by him.

NINTH CAUSE OF ACTION

Conspiracy

(As to the Officer Defendants)

137. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

138. Officer Defendants planned and accomplished an unlawful purpose by violating Mr. Decquir's constitutional rights under the Fourth and Fourteenth Amendments and his civil rights under 42 U.S.C. § 1983—namely, the use of excessive force on, battery of, and intentional infliction of emotional distress upon, Mr. Decquir.

139. Officer Defendants, by committing overt, hostile acts during the attack on Mr. Decquir—including the fact that some Officer Defendants pinned Mr. Decquir to the ground or surrounded him so that the remaining Officer Defendants could punch, kick, knee, and otherwise make intentional physical contact with Mr. Decquir—acted in concert and assisted one another to accomplish the unlawful purpose described above.

140. These discriminatory and violent actions against Mr. Decquir by Officer Defendants were executed under the color of law, resulting in Mr. Decquir's physical and mental trauma.

141. Officer Defendants' actions are consistent with previous discrimination and racial violence against Black people by JPSO.

142. Officer Defendants are therefore conspiratorially liable for all torts and misconduct as set forth in this complaint, pursuant to Louisiana Civil Code § 2324 and 42 U.S.C. § 1983.

TENTH CAUSE OF ACTION

Violation of Title VI

(As to Defendant Lopinto)

143. Mr. Decquir hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth herein.

144. Defendant Lopinto and his agents have received and continue to receive federal financial assistance for its programs and activities.

145. Defendant Lopinto and his agents engage in a pattern or practice of conduct that is unjustified and has had an adverse disparate impact on the basis of protected status covered by Title VI.

146. Defendant Lopinto and his agents engage in a pattern or practice of intentional discriminatory conduct on the basis of protected class covered by Title VI.

147. The racially discriminatory pattern or practice of conduct by Defendant Lopinto and his agents, and intentional discrimination, independently violate Title VI and its implementing regulations.

PRAYER FOR RELIEF

Mr. Decquir respectfully requests that this Court enter judgment for him and against each Defendant, jointly and severally, and award the following relief, in each case, in an amount to be determined at trial for violations of Mr. Decquir's constitutional rights:

- a. Compensatory damages;

- b. Declaratory damages;
- c. Punitive damages;
- d. Special damages;
- e. Reasonable attorneys' fees and costs;
- f. Prejudgment interest; and
- g. Such other relief, including injunctive relief, as this Court may deem just and proper.

Dated: May 17, 2022

Respectfully submitted,

/s/ Ashley M. DeVance

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**Admitted Pro Hac Vice*

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing in the Court's CM/ECF system which will automatically provide notice to all counsel of record, this 17th day of May, 2022.

/s/ Ashley M. DeVance

Ashley M. De Vance