

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

K.P., a minor, by and through his next friend,
KIA POLLARD,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724,

Plaintiff,

v.

THE DISTRICT OF COLUMBIA,
a municipal corporation
1350 Pennsylvania Avenue, NW
Washington, DC 20004;

ARCHIE BRAWNER,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

ALISON BULL,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

JOHNETTE GHOLSTON,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

SAMMY MAYS,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

ERIC MOORE,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

Civil Action No.: _____

Jury Trial Demanded

GABRIELLE RICE,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

DOMINIC WHITE,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

CHRISTOPHER WILLIAMS,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

JAI WILSON,
New Beginnings Youth Center
8400 River Road
Laurel, MD 20724;

Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND DAMAGES

Plaintiff K.P., by and through his next friend, Kia Pollard, and by and through undersigned counsel, brings this Complaint for injunctive relief, declaratory relief, and damages against Defendants Archie Brawner, Alison Bull, Johnette Gholston, Sammy Mays, Eric Moore, Gabrielle Rice, Dominic White, Christopher Williams, Jai Wilson, and the District of Columbia. K.P. hereby states and alleges as follows.

NATURE OF THE ACTION

1. “Fortunately, [K.P.] did not die.” Disability Rights DC, *Youth at Risk: Dangerous Restraints and Excessive Seclusion at DYRS Facilities* (Nov. 2023).
2. Three years after millions of Americans witnessed George Floyd held in a chokehold until he asphyxiated to death, six employees of the District of Columbia Department of

Youth Rehabilitation Services (“DYRS”) tackled a then-sixteen-year-old boy with asthma, slamming his head to the ground. DYRS staff piled on top of the child, forcibly restrained him, bit him, kicked him in the ribs, threatened to kill him, and placed him in a chokehold nearly identical to the one that killed George Floyd. Facedown on the floor with hundreds of pounds of body weight pressing down on his back, that boy—referred to in this complaint as K.P.—struggled to breathe and believed, like Mr. Floyd, that he was going to die.

3. Fortunately, K.P. survived. Yet in the following months, his ordeal at the hands of DYRS staff continued. K.P. is committed to the care and custody of DYRS and housed at a juvenile facility, New Beginnings Youth Development Center (“New Beginnings”), so he remains at the mercy of DYRS staff. Because K.P. told the District’s protection and advocacy program about the violence he endured, one of the staff members that had tackled, choked, bit, kicked, and threatened to kill K.P. once again attempted to physically assault him. And later, another staff member followed K.P. into his room, blocked his exit, and initiated a physical fight with the youth.

4. What K.P. has endured in DYRS custody is shocking, but not surprising. The District knows that DYRS staff routinely assault youth committed to their care. But the District refuses to take steps to discipline, train, re-train, or supervise DYRS staff to prevent and deter staff-on-youth assaults. In the face of that implicit condonation of staff-on-youth violence, K.P. and the other children in DYRS’s care endure routine verbal and physical assaults from the adults entrusted with protecting them.

5. The Constitution of the United States and the laws of the District of Columbia do not countenance the violence K.P. endured or the failure of the District to prevent it.

6. The purported purpose of DYRS is to rehabilitate young people who are involved with the District’s juvenile legal system. Instead, DYRS staff perpetrated violent assaults that

violated K.P.'s rights; their actions were in no way rehabilitative. DYRS staff's actions were harmful to K.P. and are likely to cause lasting trauma.¹

JURISDICTION

7. This action is brought under 42 U.S.C. § 1983, the First, Fifth, and Eighth Amendments to the U.S. Constitution, and the laws of the District of Columbia.

8. This Court has subject matter jurisdiction over the claims arising under federal law under 28 U.S.C. §§ 1331 and 1343, and over the claims arising under District of Columbia law under 28 U.S.C. § 1367.

9. This Court has the authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201-2202 and Fed. R. Civ. P. 57 and 65.

10. Venue is proper under 28 U.S.C. § 1391.

PARTIES

11. Plaintiff K.P. is a 17-year-old boy who is incarcerated at New Beginnings, a juvenile detention facility operated by the DYRS. He brings this action by and through his mother, Kia Pollard, who is qualified to serve as his next friend and will fully and actively advocate for his interests.

12. Defendant District of Columbia ("the District") is a municipal corporation. By and through its agents, the District of Columbia is responsible for the supervision of and operation of DYRS, which operates a number of juvenile detention facilities, including New Beginnings. The District is also responsible for and has a duty to establish policies and procedures for DYRS, including for the training, supervision, and discipline of DYRS staff.

¹ Richard Mandel, *Why Youth Incarceration Fails: An Updated Review of the Evidence*, THE SENTENCING PROJECT, 15-17 (Dec. 2022), <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/#background>.

13. Defendant Archie Brawner is a Youth Development Representative (“YDR”) employed by DYRS. He is sued in his personal capacity.

14. Defendant Alison Bull is a Supervisory Youth Development Representative employed by DYRS. She is sued in her personal capacity.

15. Defendant Johnette Gholston is a YDR employed by DYRS. She is sued in her personal capacity.

16. Defendant Sammy Mays is a YDR employed by DYRS. He is sued in his personal capacity.

17. Defendant Eric Moore is a YDR employed by DYRS. He is sued in his personal capacity.

18. Defendant Gabrielle Rice is a YDR employed by DYRS. She is sued in her personal capacity.

19. Defendant Dominic White is a YDR employed by DYRS. He is sued in his personal capacity

20. Defendant Christopher Williams is a YDR employed by DYRS. He is sued in his personal capacity

21. Defendant Jai Wilson is a YDR employed by DYRS. He is sued in his personal capacity.

STATEMENT OF FACTS

A. K.P. is a teenager with asthma committed to the care and custody of DYRS.

22. In February 2023, after admitting his involvement in a delinquent act, K.P. was committed to the custody of DYRS. One month later, he was transferred to New Beginnings, a 60-bed residential facility for male juveniles in Laurel, Maryland.

23. K.P. has endured significant trauma in his young life. He is diagnosed with Post Traumatic Stress Disorder (PTSD) and Other Specified Depressive Disorders. During the intake process for commitment to DYRS, mental health professionals determined that K.P. needs a structured program of intensive treatment and behavioral intervention, including consistent access to grief therapy and trauma-focused cognitive behavioral therapy. He is a special education student, and he has had an Individualized Education Program (IEP) in place with the primary disability of emotional disturbance since at least 2014. At all times, Defendants knew about K.P.'s aforementioned mental health and special education status and needs.

24. K.P. also suffers from asthma. Twice a day—once in the morning and once at night—DYRS staff escort K.P. to the medical unit, so that he can use his prescribed inhaler. In addition to this regular use, K.P. carries a rescue inhaler on his person. Since arriving at New Beginnings in March 2023, K.P. has utilized his rescue inhaler at least twice. At all times, Defendants knew that K.P. had asthma.

25. In May 2023, K.P. stood five feet, eight inches tall and weighed 155 pounds.

26. Since his arrival at New Beginnings, K.P. has looked forward to the residents' communal recreational time in the evenings, when he and his peers can socialize, watch television together, and use the unit phones to call their family members.

27. Though the recreational time is scheduled for several hours every evening, it is frequently shortened due to understaffing, leaving the disappointed youth alone in their rooms instead.

B. On May 7, 2023, eight Defendants threatened, tackled, choked, suffocated, bit and kicked K.P.

28. On the evening of May 7, 2023, K.P. returned to his assigned residential unit after using his inhaler at the medical station. K.P.'s unit was scheduled to enjoy recreational time in the communal space.

29. When K.P. arrived back at his residential unit, Defendants Gholston, Rice, and White approached K.P. and instructed him to return to his room, even though recreational time was not yet scheduled to end.

30. Confused, K.P. asked Defendants Gholston, Rice, and White for an explanation, which they each refused to provide. In response to K.P.'s question, Rice threatened him, stating that "someone needs to sit your little ass down."

31. K.P. remained in the communal area, awaiting more information. More Defendants arrived in the communal area: Defendant Bull and Defendant Wilson walked in and stood near K.P. No one explained to K.P. why he was being ordered to return to his room early.

32. Defendant Bull again instructed K.P. to walk to his room, which he did. Defendant Bull held the door open for him, indicating that he should enter. K.P. attempted to shut the door instead of going inside.

33. In response, Defendant Bull immediately attempted to wrap her arms around K.P.'s torso and stepped in front of his legs, backing K.P. against a wall. When K.P. pushed away and tried to distance himself from Defendant Bull's grasp, Defendants White and Wilson also reached for K.P., continuing to back him against the wall.

34. Upset and alarmed, K.P. tried to swat their arms away. Defendants Bull, White and Wilson converged on K.P., surrounded him, forced him onto the floor, and piled on top of him. Defendant Brawner entered the room and also threw his body on top of K.P., making it hard for

K.P. to breathe. Moments later, Defendants Moore and Williams entered the room and joined the attempt to restrain K.P.

35. The six Defendants (Defendants Brawner, Bull, Moore, White, Williams, and Wilson) pulled K.P. to his feet and tried to drag K.P. back to his room. Unable to keep their balance, they effectively tackled K.P. to the ground, causing K.P. to fall on his back and his head to strike hard against the floor.

36. Defendants Brawner, Moore, White, and Williams are all grown men. Defendants Brawner, Moore and Williams are significantly larger and heavier than K.P. Defendant Moore is estimated to weigh at least 250 pounds.

37. When the group crashed to the floor, Defendants Brawner, Moore, White, and Williams fell on top of K.P.'s head, throat and torso. Defendants Bull and Wilson were on either side of K.P., grabbing various parts of his body and limbs.

38. While K.P. gasped for air, physically struggling to breathe, Defendant Williams and Moore forced their body weight down on K.P., each in turn pushing their forearms into K.P.'s throat and continuously restricting K.P.'s breathing.

39. The Defendants then rolled K.P. into a prone position, leaving K.P. facedown on the ground with Defendant Moore continuing to press his body weight into K.P.'s back.

40. K.P.—who, as the Defendants knew, suffers from asthma—could barely breathe. Afraid that he would be choked to death, K.P. tried to get free by biting the arm of Defendant Moore.

41. Infuriated by K.P.'s bite, Defendant Moore shifted his body so that more of his weight was on K.P., wrapped his left arm around K.P.'s neck, pulled K.P.'s head backwards and squeezed K.P.'s throat between his forearm and bicep—holding K.P. in the position commonly

referred to as a “chokehold” and defined by D.C. Code § 5-125.02(3), (6) as a prohibited “asphyxiating restraint.” This chokehold is acutely dangerous. District law also forbids law enforcement officers—including DYRS staff members—from using prone restraints and placing pressure on a person’s neck or throat. *See* D.C. Code § 5-125.01 *et seq.* This District prohibition was strengthened in 2022, after a similar restraint was used to subdue and kill George Floyd. D.C. Code § 5-125.01.

42. Defendants Brawner, Bull, Moore, White, Williams, and Wilson kept K.P. in a prone chokehold position for over two minutes. While K.P. continued to lay on his stomach with at least five men holding him down, Defendant Bull slipped a black cloth under K.P.’s face and held the cloth with both hands as she bent over beside him. Defendant Bull wrapped K.P.’s face in the cloth, covering both his nose and mouth, effectively smothering him in an asphyxiating restraint, all while pulling his head backwards.

43. Unable to securely hold the cloth (and K.P.’s head) in this position, Defendant Bull ultimately dropped the cloth onto the ground, where K.P. desperately tried to push it away.

44. Eventually, Defendants Moore, White, Williams, Wilson, Bull, and Brawner collectively flipped K.P. onto his back while continuing to sit on his chest, choke him, and restrain him.

45. Defendant Moore continued to push his body weight onto K.P.’s chest and throat, at times shifting his weight to shove his right knee into K.P.’s lower back.

46. Fearing for his life and trying to get Defendant Moore’s forearm off his throat, K.P. bit Defendant Moore’s arm again.

47. In response and in retaliation, Defendant Moore placed his face very close to K.P.'s face and taunted K.P. Defendant Moore dared K.P. to "bite me again," threatened to kill K.P., and ultimately bit K.P.'s arm.

48. Defendant Gholston then placed a towel over K.P.'s face, again making it even harder for K.P. to breathe. As K.P. continued to desperately struggle, Defendant Moore did not relent. Instead, with K.P.'s face covered by the towel, Defendant Moore increased his intensity, pushing even harder against K.P.'s chest and throat.

49. Finally, about three and a half minutes after Defendant Moore first placed K.P. in a chokehold, Defendant White began to grab at Defendant Moore's shoulders, struggling to get Defendant Moore off of K.P.

50. As Defendant White pulled Defendant Moore into a standing posture, lifting him off of K.P.'s chest and throat, Defendant Moore yelled "don't tell me how to do my job!"

51. While K.P. remained restrained on the floor by other Defendants, Defendant Moore kicked K.P. in the ribs. Defendant White and other Defendants then pushed Defendant Moore towards the unit's exit.

52. Clearly angry, Defendant Moore removed his shirt as he left the unit.

53. K.P.'s ordeal was not yet over. He remained on the floor with multiple Defendants on top of him. Defendants Bull, Rice, and Gholston removed all the belongings from K.P.'s room—including his mattress and bedding—dragging items out of K.P.'s room and leaving them lying about the common area of the unit.

54. Once K.P.'s room was empty, several Defendants lifted K.P.—with Defendants Bull and Wilson holding K.P.'s legs and Defendants Brawner, White, and Williams holding K.P. upright by the arms and torso—and tried to carry K.P. to his room. Unable to do so, the Defendants

partially dropped K.P. to the ground and dragged him across the floor into his now-bare room. Defendants Gholston and Rice stood and watched their colleagues manhandle K.P.

55. The entire incident is captured on video recording.

56. The assault left K.P. with visible bite marks on his arm, a finger laceration, a leg injury, an ankle injury, a groin injury, and a lingering head injury. K.P. was left with a knot on the back of his head and lasting head pain for at least two weeks after the incident. No Defendant administered first aid services to K.P. after he suffered a minutes-long chokehold and had his head slammed on the ground. Nor did any Defendant call emergency or any other medical services.

57. In fact, K.P. specifically and immediately requested to see a medical professional after he was placed in his room. Defendant White responded that “supervisor [Bull] said no, I can’t call medical for you.”

58. K.P. was not seen by any medical personnel for over an hour.

59. Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson left K.P. locked in his room to sleep overnight without a mattress. The mattress was later returned by an uninvolved DYRS staff member.

60. Disability Rights DC (“Disability Rights”), the nonprofit entity that serves as the federally-mandated protection and advocacy program for individuals with disabilities in the District, received a complaint about the assault. After an investigation, the group issued a confidential (at the time) report, which they provided to DYRS. That report concluded:

Just as our nation watched in horror as George Floyd was restrained in a dangerous and brutal manner, the videotape footage of [K.P.’s] restraint reveals equally disturbing actions by New Beginnings staff. A 16-year-old boy who expressed that he did not want to go into his room[] was grabbed and surrounded by multiple staff, fell to the floor—striking his head—while two male staff fell directly on top of him, then pinned him down in a dangerous prone position. When finally turned over, a staff member put his arm around [K.P.]’s neck and pushed it into [K.P.]’s throat—even after other staff signaled for him to stop—and a towel was placed over his

face. A very angry staff member then kicked him in the side. Fortunately, [K.P.] did not die. But he did sustain injuries and perhaps irreparable trauma from the event

61. The Disability Rights report ends with a simple prescription: “DYRS must make significant changes to its current practices[.]”

C. Defendants have continued to threaten, harass, and abuse K.P. in the months after the initial assault.

62. Two weeks after the assault, on May 22, 2023, K.P. was escorted by New Beginnings staff members across the facility’s outdoor compound. At the same time, Defendant Moore was exiting a different unit and also crossing the facility’s outdoor compound.

63. When K.P. crossed paths with Defendant Moore, Defendant Moore called K.P. “hot” for talking with Disability Rights about the assault he endured.

64. K.P. understood “hot” to be an insinuation that K.P. “snitched”, or told on, Defendant Moore by reporting Defendant Moore’s behavior to the appropriate authorities.

65. In a threatening and aggressive manner, Defendant Moore then “squared up” with K.P.—that is, Defendant Moore squared his shoulders to K.P. and held up his fists, indicating an intent to physically fight K.P. After this happened, other staff members intervened to pull Defendant Moore away.

66. Several months later, on October 21, 2023, K.P. was assaulted by another New Beginnings YDR, Defendant Mays. Defendant Mays is significantly larger than K.P.

67. While in the common area of his residential unit, K.P. requested that Defendant Mays unlock the door to his residential room so that K.P. could enter.

68. Defendant Mays unlocked K.P.’s door, and as K.P. walked into his room, Defendant Mays followed him and pulled the door partially closed behind them.

69. K.P. turned around in the small space to see Defendant Mays blocking his exit.

70. Defendant Mays antagonized K.P., telling K.P. to “put your hands up” and fight, and noting that there were no cameras inside the room. Defendant Mays then ran towards K.P., grabbing K.P., tackling K.P., and ultimately causing both to fall.

71. Luckily, another New Beginnings staff member arrived on the unit, noticed what was going on, and entered the room to break up the fight.

72. Even after Defendant Mays was escorted out of K.P.’s room by the intervening staff member, Defendant Mays again attempted to rush at K.P. and continue the altercation.

73. Defendant Mays continued to threaten K.P. saying “it’s alright, I work the night shift, I’m gonna catch your ass in your sleep.” K.P. understood these comments to be direct threats that Defendant Mays intended to harm K.P. at night, while K.P. was asleep.

74. Despite Defendant Mays’ instigation, antagonization, and participatory role in the incident, K.P. received a Notice of Disciplinary Hearing.

D. The District has a municipal policy, practice, and custom of implicitly condoning staff assaults on youth like K.P.

75. Upon information and belief, no Defendant who assaulted K.P. on May 7, 2023 has faced any disciplinary action, even though supervisory personnel at New Beginnings and at DYRS are aware that the assault occurred.

76. Upon information and belief, Defendant Moore has not faced disciplinary action for calling K.P “hot” and attempting to fight him on May 22, 2023, even though supervisory personnel at New Beginnings and at DYRS are aware that the exchange occurred.

77. Upon information and belief, Defendant Mays has not faced disciplinary action for instigating a fight with K.P. on October 21, 2023, even though supervisory personnel at New Beginnings and at DYRS are aware that the assault occurred.

78. This disciplinary inaction is part of the District's municipal policy, practice, and custom of implicitly condoning staff assaults on youth at New Beginnings and other DYRS facilities.

79. Upon information and belief, staff routinely assault youth at New Beginnings and other DYRS facilities. In only 15 months of DYRS custody, K.P. has personally seen and overheard staff members, including but not limited to Defendant Moore, physically and verbally abuse other youth on a near-daily basis.

80. K.P. has personally seen and overheard DYRS staff physically and verbally abuse other residents in their residential rooms and in restrooms, where interactions are hidden from the security cameras.

81. Upon information and belief, the District is aware that staff routinely assault youth incarcerated at New Beginnings and other DYRS facilities. The District has adopted a municipal policy, practice, and custom of implicitly condoning those assaults by failing to take disciplinary action against the staff involved, failing to implement improved training and other measures designed and intended to prevent future assaults, and declining to report the vast majority of those assaults to the District's Office of Independent Juvenile Justice Facilities Oversight ("OIJJFO"), as required by the District's Jerry M. Work Plan and Mayor's Order 2020-115, November 13, 2020, §§I.A.1.-2.

82. Additionally, upon information and belief, DYRS frequently and intentionally ignores grievances and complaints filed by residents regarding staff-on-youth assaults. K.P. has personally seen staff members throw written reports of staff-on-youth assault in the garbage and has overheard staff members discuss their summary dismissal of such complaints by youth, without investigation.

83. This head-in-the-sand approach is illustrated by a comparison between the descriptions of the May 7 assault articulated by Disability Rights and DYRS's Office of Internal Integrity ("OII").

84. Disability Rights concluded that the Defendants' "actions were clearly excessive, extremely dangerous," and "an unnecessary use of force." Its report described the assault in unsparing detail, including that K.P. was tackled, bitten, kicked, and verbally threatened throughout the assault.

85. The DYRS OII opened an investigation into the May 7 assault after receiving a report from Disability Rights. But unlike Disability Rights' report, OII's report minimizes the assault and ignores objective videotaped evidence.

86. The District's municipal policy, practice, and custom of implicitly condoning staff-on-youth assaults like those on K.P. benefits the District by resulting in drastic public underreporting of staff-on-youth assaults.

87. The District did not report K.P.'s May 7, 2023 assault as a "staff-on-youth assault" to OIJFO. The officially-reported staff-on-youth assault rate for May 2023 is zero.

88. The District has a history of undercounting staff-on-youth assaults, as noted by OIJFO in its 2022 report: "[t]he number of documented staff-on-youth assaults for January and February 2022 undercounts the number of actual incidents." OIJFO further recognized that staff "might be reluctant to document a staff-on-youth assault committed by a colleague (or to report themselves), and might instead report it as a youth-on-staff assault in an effort to justify a use of force."

89. Upon information and belief, the District, DYRS leadership, and DYRS supervisory staff know that the staff-on-youth assault rate is substantially higher than the officially-reported rate.

90. K.P. remains in DYRS custody at New Beginnings. He is afraid that he will again be assaulted by a DYRS staff member.

COUNT I.

42 U.S.C. § 1983 – EXCESSIVE FORCE IN VIOLATION OF THE EIGHTH AMENDMENT (AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MOORE, WHITE, WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

91. Plaintiff re-alleges and incorporates by reference the allegations set forth above as if fully set forth herein.

92. Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson, at all times relevant hereto, were acting under the color of District of Columbia law in their capacities as YDRs of DYRS, and their acts and omissions were conducted within the scope of their employment.

93. Plaintiff has a constitutional right under the Eighth Amendment of the United States Constitution to be free from cruel and unusual punishments at the hands of prison officials. This includes the right to be free from excessive force.

94. Defendants Brawner, Moore, White, and Williams violated K.P.'s right to be free from excessive force when they violently knocked K.P. to the ground and forced their body weight down upon K.P. Defendants Moore and Williams each in turn pushed their forearms into K.P.'s throat while K.P. was held down in a supine position.

95. After turning K.P. into a prone position, K.P. remained face down on the ground with Defendant Moore on top of him for several minutes. Despite K.P.'s cries for help, Defendant Moore violated K.P.'s right to be free from excessive force when he bit K.P. and employed an

illegal asphyxiating restraint by placing K.P. in a chokehold, all while continuing to push his body weight onto K.P.'s back, causing him physical pain and restricting his ability to breathe. Defendants Brawner, Bull, White, Williams, and Wilson continued to restrain K.P. while Moore suffocated him.

96. While K.P. was held down in a prone position on the ground, Defendant Bull utilized an asphyxiating restraint by wrapping a black cloth around K.P.'s face while Defendant Moore restrained K.P. in a prone chokehold position, essentially smothering him, and further curtailing his ability to breathe. Defendant Bull and Moore's actions both violated K.P.'s right to be free from excessive force.

97. Twisting K.P. back into an exposed supine position, Defendants Brawner and Moore, both much bigger in weight and stature than K.P., each pressed their body weight onto K.P.'s torso in an asphyxiating restraint, further obstructing his ability to breathe in violation of K.P.'s right to be free from excessive force. Defendants Bull, White, Williams, and Wilson continued to restrain K.P. while the other Defendants suffocated him.

98. While K.P. remained in this supine position, Defendant Gholston utilized an asphyxiating restraint by placing a towel over K.P.'s face, obstructing K.P.'s vision and making it even harder for K.P. to breathe in violation of K.P.'s right to be free from excessive force.

99. Defendant Moore relentlessly and increasingly pushed his body onto K.P.'s chest and throat, driving his full body weight into K.P.'s neck as an asphyxiating restraint and in attempt to suffocate K.P. in violation of K.P.'s right to be free from excessive force. Defendants Brawner, Bull, White, Williams, and Wilson continued to restrain K.P. while Defendant Moore choked him.

100. In violation of K.P.'s right to be free from excessive force, Defendant Moore kicked K.P. in the ribs while K.P. remained restrained on the floor by Defendants Brawner, Bull, Williams, and Wilson.

101. Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson's actions and use of force were objectively unreasonable in light of the facts and circumstances confronting them and violated K.P.'s Eighth Amendment rights.

102. Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson's actions and use of force were also malicious, and involved reckless, callous, and deliberate indifference to K.P.'s federally protected rights.

103. The force used constituted deadly force in that it could have cause death when K.P.'s breathing was restricted by Defendant Brawner pressing his bodyweight onto K.P.'s torso, by Defendant Bull and Defendant Gholston covering K.P.'s face with a cloth and a towel, respectively, and by Defendants Moore and Williams pressing their forearms against K.P.'s neck as he lay on the ground.

104. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson's excessive force, K.P. was deprived of his rights secured by the United States Constitution under the Eighth Amendment.

105. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson's unlawful conduct, Plaintiff has suffered actual physical and emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

106. Plaintiff is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest, and costs as allowed by federal law.

107. In addition to compensatory damages, Plaintiff is entitled to punitive damages against Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson under 42 U.S.C. § 1983 in that the actions of each Defendant were taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of K.P.

COUNT II.

42 U.S.C. § 1983 – BYSTANDER LIABILITY IN VIOLATION OF THE EIGHTH AMENDMENT (AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MOORE, RICE, WHITE, WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

108. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

109. Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson, at all times relevant hereto, were acting under the color of District of Columbia law in their capacities as YDRs of DYRS, and their acts and omissions were conducted within the scope of their employment.

110. Plaintiff has a constitutional right under the Eighth Amendment of the United States Constitution to be free from cruel and unusual punishments at the hands of prison officials. Prison officials violate this right not only by personally using excessive force against an incarcerated person, but also by remaining deliberately indifferent to a substantial risk to an incarcerated person's health or safety.

111. Defendants Brawner, Bull, Gholston, Moore, White, Williams and Wilson's reckless use of force against K.P. was so excessive, violent and beyond the bounds of decency that it shocks the conscience. Defendants Brawner, Bull, Gholston, Moore, White, Williams and Wilson intended to cause harm to K.P.

112. Defendants Bull, Gholston, Moore, Rice, White, Williams and Wilson observed the use of excessive force by Defendant Brawner and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

113. Defendants Brawner, Gholston, Moore, Rice, White, Williams and Wilson observed the use of excessive force by Defendant Bull and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

114. Defendants Brawner, Bull, Moore, Rice, White, Williams and Wilson observed the use of excessive force by Defendant Gholston and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

115. Defendants Brawner, Bull, Gholston, Rice, White, Williams, and Wilson observed the use of excessive force by Defendant Moore against K.P. and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

116. Defendants Brawner, Bull, Gholston, Moore, Rice, Williams, and Wilson observed the use of excessive force by Defendant White against K.P. and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

117. Defendants Brawner, Bull, Gholston, Moore, Rice, White, and Wilson observed the use of excessive force by Defendant Williams and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

118. Defendants Brawner, Bull, Gholston, Moore, Rice, White, and Williams observed the use of excessive force by Defendant Wilson and had sufficient time to intervene in order to prevent or mitigate injury to K.P., and yet chose not to act.

119. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson's deliberate indifference to a substantial risk to K.P.'s health

and safety, K.P. was deprived of his rights secured by the United States Constitution under the Eighth Amendment.

120. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson's unlawful conduct, Plaintiff has suffered actual physical and emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

121. Plaintiff is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest, and costs as allowed by federal law.

122. In addition to compensatory damages, Plaintiff is entitled to punitive damages against Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson under 42 U.S.C. § 1983 in that the actions of each Defendant were taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of K.P.

COUNT III.

42 U.S.C. § 1983 – EXCESSIVE FORCE IN VIOLATION OF THE EIGHTH AMENDMENT (AGAINST DEFENDANT MAYS IN HIS PERSONAL CAPACITY)

123. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

124. Defendant Mays, at all times relevant hereto, was acting under the color of District of Columbia law in his capacity as a YDR of DYRS, and his acts and omissions were conducted within the scope of his employment.

125. Plaintiff has a constitutional right under the Eighth Amendment of the United States Constitution to be free from cruel and unusual punishments at the hands of prison officials. This includes the right to be free from excessive force.

126. On October 21, 2023, Defendant Mays violated K.P.'s right to be free from excessive force when he trapped K.P. in his room and began a physical fight with him.

127. As a direct and proximate result of Defendant May's excessive force, K.P. was deprived of his rights secured by the United States Constitution under the Eighth Amendment.

128. As a direct and proximate result of Defendant Mays's unlawful conduct, Plaintiff has suffered actual physical and emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

129. Plaintiff is further entitled to attorney's fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest and costs as allowed by law.

130. In addition to compensatory damages, Plaintiff is entitled to punitive damages against Defendant Mays under 42 U.S.C. § 1983 in that Defendant Mays's action were taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of K.P.

COUNT IV.

42 U.S.C. § 1983 – VIOLATION OF SUBSTANTIVE DUE PROCESS UNDER THE FIFTH AMENDMENT (AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MAYS, MOORE, RICE, WHITE, WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

131. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

132. Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson, at all times relevant hereto, were acting under color of District of Columbia law in their capacities as YDRs of DYRS, and their acts and omissions were conducted within the scope of their employment.

133. The Due Process Clause of the Fifth Amendment of the United States Constitution prohibits the deprivation of "life, liberty, or property without due process of law." This prohibition

confers an affirmative duty upon government officials to care for and protect incarcerated individuals in their custody.

134. At the time of the actions described herein, K.P. was in the custody and care of DYRS, and thus the District, through its agents, had a duty to assume responsibility for K.P.'s safety and well-being.

135. In dangerously threatening, tackling, choking, suffocating, biting and/or kicking K.P. (including the May 7, May 22, and/or October 21, 2023 assaults, as described herein); Defendants Brawner, Bull, Gholston, Mays, Moore, White, Williams, and Wilson violated their affirmative duty to protect K.P. from harm.

136. In observing an excessive use of force by Defendant Brawner and failing to intervene to help, Defendants Bull, Gholston, Moore, Rice, White, Williams, and Wilson violated their duties to protect K.P. from harm.

137. In observing an excessive use of force by Defendant Bull and failing to intervene to help, Defendants Brawner, Gholston, Moore, Rice, White, Williams, and Wilson violated their duties to protect K.P. from harm.

138. In observing an excessive use of force by Defendant Gholston and failing to intervene to help, Defendants Brawner, Bull, Moore, Rice, White, Williams, and Wilson violated their duties to protect K.P. from harm.

139. In observing an excessive use of force by Defendant Moore and failing to intervene to help, Defendants Brawner, Bull, Gholston, Rice, White, Williams, and Wilson violated their duties to protect K.P. from harm.

140. In observing an excessive use of force by Defendant White and failing to intervene to help, Defendants Brawner, Bull, Gholston, Moore, Rice, Williams, and Wilson violated their duties to protect K.P. from harm.

141. In observing an excessive use of force by Defendant Williams and failing to intervene to help, Defendants Brawner, Bull, Gholston, Moore, Rice, White, and Wilson violated their duties to protect K.P. from harm.

142. In observing an excessive use of force by Defendant Wilson and failing to intervene to help, Defendants Brawner, Bull, Gholston, Moore, Rice, White, and Williams violated their duties to protect K.P. from harm.

143. Further, in the aftermath of the May 7 assault where K.P. was held in a prone chokehold for several minutes, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams and Wilson failed to provide K.P. with, or facilitate his access to medical care.

144. After being released from the chokehold on May 7, 2023 and returning to his room, K.P. specifically asked to see a medical professional. Defendant White responded that “supervisor [Defendant Bull] said no, I can’t call medical for you.” This denial of care was, again, in violation of Defendant White and Defendant Bull’s duties to protect and safeguard K.P. from harm while in their custody.

145. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson’s failure to safeguard and protect K.P. while in DYRS custody, K.P. was deprived of his rights secured by the United States Constitution under the Fifth Amendment.

146. As a direct and proximate result of Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson’s unlawful conduct, K.P. has suffered actual physical

and emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

147. Plaintiff is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest, and costs as allowed by federal law.

148. In addition to compensatory damages, K.P. is entitled to punitive damages against Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson under 42 U.S.C. § 1983 in that the actions of each Defendant were taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of K.P.

COUNT V.
42 U.S.C. § 1983 – VIOLATION OF THE FIFTH AND EIGHTH AMENDMENTS
(AGAINST DEFENDANT DISTRICT OF COLUMBIA)

149. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

150. A municipality is liable under 42 U.S.C. § 1983 for constitutional violations that result from the implementation or execution of a municipal policy, practice, or custom.

151. As described above, K.P. suffered violations of his Fifth and Eighth Amendment rights at the hands of Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Wilson and Williams. all of whom threatened, tackled, choked, suffocated, bit and/or kicked K.P., and/or failed to intervene when their colleagues did so.

152. These violation of K.P.'s constitutional rights were caused by the implementation and execution of the District's municipal policies, practices, and customs of implicitly condoning staff-on-youth assaults at New Beginnings and other DYRS facilities; failing to appropriately train, supervise, and/or discipline staff to prevent and deter staff-on-youth assaults at New Beginnings

and other DYRS facilities; and retaining staff who repeatedly assault youth at New Beginnings and other DYRS facilities.

153. On May 7, 2023, K.P. was assaulted by Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson.

154. On May 22, 2023, K.P. was assaulted again by Defendant Moore, in retaliation for reporting the May 7 incident to Disability Rights.

155. On October 21, 2023, K.P. was followed into his room and assaulted by Defendant Mays.

156. Upon information and belief, no Defendant has been disciplined for their role in the May 7, May 22, or October 21 assaults, even though supervisory personnel at New Beginnings and at DYRS are aware that the incidents occurred.

157. Moreover, K.P. has personally seen and overheard DYRS staff, including Defendant Moore, physically and verbally abuse other residents at New Beginnings and other DYRS facilities.

158. The District has a practice of undercounting staff-on-youth assaults as evidenced by YDRs disposing youths' written complaints against DYRS staff and the District's failure to report assaults to OIJFO.

159. As described herein, the District has actual or constructive knowledge of a pattern of staff-on-youth assaults at New Beginnings and other DYRS facilities to which it is deliberately indifferent.

160. Upon information and belief, despite this actual or constructive knowledge, the District has taken no steps to appropriately train, re-train, supervise, and/or discipline staff, including but not limited to the individual Defendants, to prevent and/or deter staff-on-youth

assaults at New Beginnings and other DYRS facilities. That failure is so significant that it is functionally a policy, practice, and custom of the District.

161. By refusing to supervise, train, discipline, or otherwise take actions to prevent and/or deter staff-on-youth assaults, the District effectively adopted a de facto official policy, practice, or custom of condoning staff-on-youth assaults.

162. At the time of the actions described herein, it was foreseeable that the District's acts and omissions would lead to additional staff-on-youth assaults at New Beginnings and other DYRS facilities, including the aforementioned assaults of K.P.

163. As a direct and proximate result of the District's acts and omissions, K.P. was deprived of his rights secured by the United States Constitution under the Eighth and Fifth Amendments.

164. As the direct and proximate result of the District's acts and omissions, Plaintiff suffered actual physical and emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

165. Plaintiff is further entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest, and costs as allowed by federal law.

166. The District's acts and omissions continue to pose an imminent threat to K.P.'s constitutional rights unless their policies and practices are changed. If appropriate declaratory and injunctive relief is not granted, the harms suffered will be irreparable, may lead to death, and will continue for the foreseeable future. K.P. is thus entitled to injunctive relief.

COUNT VI.

**42 U.S.C. § 1983 – RETALIATION IN VIOLATION OF THE FIRST AMENDMENT
(AGAINST DEFENDANT MOORE IN HIS PERSONAL CAPACITY)**

167. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

168. Defendant Moore at all times relevant hereto, was acting under color of District of Columbia law in his capacity as a YDR of DYRS, and his acts and omissions were conducted within the scope of his employment.

169. The First Amendment of the United States Constitution protects the right to freedom of speech. That right includes an incarcerated person’s right to file complaints about and otherwise describe mistreatment by prison officials without suffering retaliation.

170. By intimidating K.P., calling K.P. “hot,” and attempting to physically fight K.P. because K.P. spoke about the May 7 assault with Disability Rights, Defendant Moore took adverse action against K.P. because of K.P.’s First Amendment protected conduct.

171. That adverse action would chill a reasonable person’s exercise of his First Amendment rights and did not reasonably advance a legitimate correctional goal.

172. As a direct and proximate result of Defendant’s Moore unlawful conduct, Plaintiff has suffered actual emotional injuries as described herein entitling him to compensatory damages. Plaintiff is therefore entitled to money damages pursuant to 42 U.S.C. § 1983 to compensate him for his injuries and for the violation of his constitutional and civil rights.

173. Plaintiff is further entitled to attorneys’ fees and costs pursuant to 42 U.S.C. § 1988, prejudgment interest, and costs as allowed by federal law.

174. In addition to compensatory damages, Plaintiff is entitled to punitive damages against Defendant Moore under 42 U.S.C. § 1983 in that the actions of Defendant Moore were

taken maliciously, willfully, or with a reckless or wanton disregard of the constitutional rights of K.P.

COUNT VII.
ASSAULT VIA DISTRICT OF COLUMBIA COMMON LAW
(AGAINST DEFENDANTS MOORE AND RICE IN THEIR PERSONAL CAPACITIES)

175. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

176. By the actions described above and herein, Defendants Moore and Rice intentionally and unlawfully attempted and threatened, by both words and acts, to do physical harm to K.P.

177. On May 7, 2023, Defendant Rice was present and threatened, through words before the physical altercation and her inaction during the altercation, to do physical harm to K.P.

178. As the result of Defendant Rice's actions described herein, K.P. was placed in imminent apprehension of physical harm.

179. On May 7, 2023, Defendant Moore was present and threatened, through words during the physical altercation, to do physical harm to K.P.

180. As the result of Defendant Moore's actions described herein, K.P. was placed in imminent apprehension of physical harm.

181. On May 22, 2023, Defendant Moore was present and threatened, through words and actions, to do physical harm to K.P.

182. As the result of Defendant Moore's actions described herein, K.P. was placed in imminent apprehension of physical harm.

183. As a direct and proximate cause of Defendant Moore and Rice's actions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

COUNT VIII.
ASSAULT VIA DISTRICT OF COLUMBIA COMMON LAW
(AGAINST DEFENDANT DISTRICT OF COLUMBIA)

184. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

185. At all relevant times during the circumstances described in this Complaint, Defendants Moore and Rice were acting within the scope of their duties as a YDR employed by DYRS.

186. By the actions described above and herein, Defendants Moore and Rice intentionally and unlawfully attempted and threatened, by both words and acts, to do physical harm to K.P.

187. On May 7, 2023, Defendant Rice was present and threatened, through words before the physical altercation and her inaction during the altercation, to do physical harm to K.P.

188. As the result of Defendant Rice's actions described herein, K.P. was placed in imminent apprehension of physical harm.

189. On May 7, 2023, Defendant Moore was present and threatened, through words during the physical altercation, to do physical harm to K.P.

190. As the result of Defendant Moore's actions described herein, K.P. was placed in imminent apprehension of physical harm.

191. On May 22, 2023, Defendant Moore was present and threatened, through words and actions, to do physical harm to K.P.

192. As the result of Defendant Moore's actions described herein, K.P. was placed in imminent apprehension of physical harm.

193. The District of Columbia is vicariously liable for the torts of its own officers acting in the scope of their employment, and as a result, Plaintiff is entitled to compensatory and punitive damages.

COUNT IX.
BATTERY VIA DISTRICT OF COLUMBIA COMMON LAW
(AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MAYS, MOORE, WHITE,
WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

194. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

195. By the actions described herein, on May 7, Defendants Brawner, Bull, Gholston, Mays, Moore, White, Williams, and Wilson intentionally caused harmful and offensive bodily contact to K.P.

196. As described above Defendant Moore, Brawner, and Williams all placed K.P. in an illegal chokehold or asphyxiating restraint, which caused harmful and offensive bodily contact to K.P.

197. As described above, Defendant Moore bit K.P. on the arm while he was being restrained, which caused harmful and offensive bodily contact to K.P.

198. As described above, Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson all held K.P. down while he was being choked and restrained, which caused harmful and offensive bodily contact to K.P.

199. As described above, Defendant Bull utilized an asphyxiating restraint by wrapping a cloth around K.P.'s face while he was being restrained, covering both his nose and mouth, making it difficult for him to breathe, which caused harmful and offensive bodily contact to K.P.

200. As described above Defendant Gholston utilized an asphyxiating restraint by throwing a towel on K.P.'s face while he was being restrained, which made it harder for him to breathe, which caused harmful and offensive bodily contact to K.P.

201. As described above, on October 21, Defendant Mays attacked, tackled and fought with K.P. which caused harmful and offensive bodily contact to K.P.

202. As a direct and proximate cause of Defendants Brawner, Bull, Gholston, Mays, Moore, White, Williams, and Wilson's actions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

**COUNT X.
BATTERY VIA DISTRICT OF COLUMBIA COMMON LAW
(AGAINST DEFENDANT DISTRICT OF COLUMBIA)**

203. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

204. At all relevant times during the circumstances described in this Complaint, Defendants Brawner, Bull, Gholston, Mays, Moore, White, Williams, and Wilson were acting within the scope of their duties as YDRs employed by DYRS.

205. By the actions described herein, on May 7, Defendants Brawner, Bull, Gholston, Mays, Moore, White, Williams, and Wilson intentionally caused harmful and offensive bodily contact to K.P.

206. As described above Defendant Moore, Brawner, and Williams all placed K.P. in an illegal chokehold or asphyxiating restraint, which caused harmful and offensive bodily contact to K.P.

207. As described above, Defendant Moore bit K.P. on the arm while he was being restrained, which caused harmful and offensive bodily contact to K.P.

208. As described above, Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson all held K.P. down while he was being choked and restrained, which caused harmful and offensive bodily contact to K.P.

209. As described above, Defendant Bull utilized an asphyxiating restraint by wrapping a cloth around K.P.'s face while he was being restrained, covering both his nose and mouth, making it difficult for him to breathe, which caused harmful and offensive bodily contact to K.P.

210. As described above Defendant Gholston utilized an asphyxiating restraint by throwing a towel on K.P.'s face while he was being restrained, which made it harder for him to breathe, which caused harmful and offensive bodily contact to K.P.

211. As described above, on October 21, Defendant Mays attacked, tackled and fought with K.P. which caused harmful and offensive bodily contact to K.P.

212. The District of Columbia is vicariously liable for the torts of its own officers acting in the scope of their employment, and as a result, Plaintiff is entitled to compensatory and punitive damages.

**COUNT XI.
NEGLIGENCE VIA DISTRICT OF COLUMBIA COMMON LAW (AGAINST
DEFENDANTS BRAWNER, BULL, GHOLSTON, MAYS, MOORE, RICE, WHITE,
WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)**

213. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

214. At the time of the actions described herein, K.P. was in the custody of DYRS.

215. At the time of the actions described herein, the individual Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson had an affirmative duty to care for and protect K.P. while he was in their custody.

216. By the actions described herein, Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson violated their affirmative duty to care for and protect Plaintiff while he was in their custody.

217. By participating in the May 7, 2023 assault on K.P. and by not providing medical care to K.P. immediately after he was held in a prone chokehold for several minutes on May 7, Defendants Brawner, Bull, Gholston, Moore, White, Williams and Wilson violated their affirmative duty to care for and protect Plaintiff while he was in their custody.

218. By participating in the May 22, 2023 assault on K.P., Defendant Moore again violated his affirmative duty to care for and protect Plaintiff while K.P. was in Defendant Moore's custody.

219. By participating in the October 21, 2023 assault on K.P., Defendant Mays violated his affirmative duty to care for and protect Plaintiff while K.P. was in Defendant Mays's custody.

220. As a direct and proximate cause of the individual Defendants' actions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

COUNT XII.
NEGLIGENCE VIA DISTRICT OF COLUMBIA COMMON LAW
(AGAINST DEFENDANT DISTRICT OF COLUMBIA)

221. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

222. At all relevant times during the circumstances described in this Complaint, Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson were acting within the scope of their duties as YDRs employed by DYRS.

223. By participating in the May 7, 2023 assault on K.P. and by not providing medical care to K.P. immediately after he was held in a prone chokehold for several minutes on May 7,

Defendants Brawner, Bull, Gholston, Moore, White, Williams and Wilson violated their affirmative duty to care for and protect Plaintiff while he was in their custody.

224. By participating in the May 22, 2023 assault on K.P., Defendant Moore again violated his affirmative duty to care for and protect Plaintiff while K.P. was in Defendant Moore's custody.

225. By participating in the October 21, 2023 assault on K.P., Defendant Mays violated his affirmative duty to care for and protect Plaintiff while K.P. was in Defendant Mays's custody.

226. The District of Columbia is vicariously liable for the torts of its own officers acting in the scope of their employment, and as a result, K.P. is entitled to compensatory and punitive damages from the District in an amount to be determined at trial.

COUNT XIII.
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS VIA DISTRICT OF COLUMBIA COMMON LAW (AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MAYS, MOORE, RICE, WHITE, WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

227. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

228. By the actions described herein, Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson engaged in extreme and outrageous conduct—including (but not limited to) threatening, tackling, choking, suffocating, biting and/or kicking K.P.

229. As described above, on May 7, 2023, Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson held K.P. down while other Defendants utilized illegal chokeholds and restraints.

230. As described above, Defendant Bull wrapped a cloth over K.P.'s face while he was being restrained, covering both his nose and mouth, making it difficult for him to breathe, which caused harmful and offensive bodily contact to K.P.

231. As described above, Defendant Gholston threw a towel on K.P.'s face while he was being restrained, making it difficult for him to breathe, which cause harmful and offensive bodily contact to K.P.

232. As described above, Defendant Moore bit and kicked K.P. while he was being restrained, which cause harmful and offensive bodily contact to K.P.

233. As described above, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson all watched (in turn) and did not intervene while Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson (in turn) utilized illegal chokeholds and restraints.

234. As described above, Defendants Rice and Moore also threatened K.P. prior to and during the physical incident.

235. As described above, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson failed to provide medical aid to K.P. after the May 7 assault. After being released from the chokehold and returning to his room, K.P. specifically asked to see a medical professional. Defendant White responded that "supervisor [Bull] said no, I can't call medical for you."

236. As described above, on May 22, 2023, Defendant Moore assaulted K.P. in retaliation for K.P.'s report of the May 7 assault.

237. As described above, on October 21, 2023, Defendant Mays attacked, tackled and fought with K.P. Further, he continued to attack K.P. even after another staff member intervened.

238. Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson undertook the actions described herein including the restraining, threatening, tackling, choking, suffocating, biting and/or kicking K.P. in an intentional and/or reckless manner.

239. The conduct described herein is extreme and outrageous conduct that went beyond all possible bounds of decency and would be regarded as atrocious and utterly intolerable in a civilized community.

240. As a direct and proximate cause of the Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson actions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

COUNT XIV.
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS VIA DISTRICT OF COLUMBIA COMMON LAW (AGAINST DEFENDANT DISTRICT OF COLUMBIA)

241. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

242. At all relevant times during the circumstances described in this Complaint, Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson were acting within the scope of their duties as YDRs employed by DYRS.

243. By the actions described herein, Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson engaged in extreme and outrageous conduct—including (but not limited to) threatening, tackling, choking, suffocating, biting and/or kicking K.P.

244. As described above, on May 7, 2023, Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson held K.P. down while other Defendants utilized illegal chokeholds and asphyxiating restraints.

245. As described above, Defendant Bull wrapped a cloth over K.P.'s face while he was being restrained, covering both his nose and mouth, making it difficult for him to breathe, which caused harmful and offensive bodily contact to K.P.

246. As described above, Defendant Gholston threw a towel on K.P.'s face while he was being restrained, making it difficult for him to breathe, which cause harmful and offensive bodily contact to K.P.

247. As described above, Defendant Moore bit and kicked K.P. while he was being restrained, which cause harmful and offensive bodily contact to K.P.

248. As described above, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson all watched (in turn) and did not intervene while Defendants Brawner, Bull, Gholston, Moore, White, Williams, and Wilson (in turn) utilized illegal chokeholds and restraints.

249. As described above, Defendants Rice and Moore also threatened K.P. prior to and during the physical incident.

250. As described above, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson failed to provide medical aid to K.P. after the May 7 assault. After being released from the chokehold and returning to his room, K.P. specifically asked to see a medical professional. Defendant White responded that "supervisor [Bull] said no, I can't call medical for you."

251. As described above, on May 22, 2023, Defendant Moore assaulted K.P. in retaliation for K.P.'s report of the May 7 assault.

252. As described above, on October 21, 2023, Defendant Mays attacked, tackled and fought with K.P. Further, he continued to attack K.P. even after another staff member intervened.

253. Defendants Brawner, Bull, Gholston, Mays, Moore, Rice, White, Williams, and Wilson undertook the actions described herein including the restraining, threatening, tackling, choking, suffocating, biting and/or kicking K.P. in an intentional and/or reckless manner.

254. The conduct described herein is extreme and outrageous conduct that went beyond all possible bounds of decency and would be regarded as atrocious and utterly intolerable in a civilized community.

255. The District of Columbia is vicariously liable for the torts of its own officers acting in the scope of their employment, and as a result, K.P. is entitled to compensatory and punitive damages.

**COUNT XV.
NEGLIGENT RETENTION AND SUPERVISION VIA DISTRICT OF COLUMBIA
COMMON LAW (AGAINST DEFENDANT DISTRICT OF COLUMBIA)**

256. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

257. At the time of the actions described herein, K.P. was in the custody and care of DYRS.

258. At the time of the actions described herein, the District had an affirmative duty to assume responsibility for K.P.'s safety and well-being, and to care for and protect K.P. while he was in their custody.

259. At the time of the actions described herein, and as outlined above, the District had a municipal policy, practice, and custom of implicitly condoning staff-on-youth assaults at New Beginnings and other DYRS facilities.

260. At the time of the actions described herein, and as outlined above, the District had actual or constructive knowledge of a pattern of staff-on-youth assaults at New Beginnings and other DYRS facilities to which it was deliberately indifferent.

261. At the time of the actions described herein, and as outlined above, the District had a municipal policy, practice, and custom of failing to appropriately train, supervise, and/or

discipline staff to prevent and deter staff-on-youth assaults at New Beginnings and other DYRS facilities.

262. At the time of the actions described herein, and as outlined above, the District had a municipal policy, practice, and custom of retaining staff who repeatedly assault youth at New Beginnings and other DYRS facilities.

263. At the time of the actions described herein, it was foreseeable that the District's acts and omissions would lead to staff-on-youth assaults at New Beginnings and other DYRS facilities.

264. The District's acts and omissions caused the above-described harms to K.P.

265. As a direct and proximate cause of the individual Defendants' actions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

COUNT XVI.

COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT ACT OF 2022 VIA D.C. CODE § 5-125 *ET SEQ.* (AGAINST DEFENDANTS BRAWNER, BULL, GHOLSTON, MOORE, RICE, WHITE, WILLIAMS, AND WILSON IN THEIR PERSONAL CAPACITIES)

266. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

267. D.C. Code §§ 5-125.02(3)-(6) and 5-125.03(a)(1) forbid law enforcement officers, including DYRS employees, from using "asphyxiating restraints" and "neck restraints."

268. D.C. law also prohibits law enforcement officers, including DYRS employees, who observe "another law enforcement officer's use" of those restraints from failing to immediately render first aid or request emergency services for the person against whom the restraint was used. D.C. Code § 5-125.03(a)(2).

269. D.C. law defines “asphyxiating restraints” to include the use of a DYRS employee’s body part “against a person with the purpose, intent, or effect of controlling or restricting the person’s breathing.” D.C. Code § 1-125.02(3).

270. D.C. law defines “neck restraints” to include the use of an employee’s body part “to apply pressure against a person’s neck, including the trachea, carotid artery, or jugular vein, with the purpose, intent, or effect of controlling or restricting the person’s movement, blood flow, or breathing.” D.C. Code § 1-125.02(5).

271. By the actions described herein, Defendants Brawner, Bull, Gholston, Moore, and Williams used an asphyxiating restraint and a neck restraint on K.P.

272. By the actions described herein, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson failed to immediately render first aid or request emergency services for K.P. after Defendants Brawner, Bull, Moore, Gholston and Williams used the unlawful restraints on him.

273. As alleged above, K.P. specifically requested to see a medical professional on the night of May 7, and Defendant White responded that “supervisor [Bull] said no, I can’t call medical for you.”

274. As a direct and proximate cause of Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson’s actions and inactions, Plaintiff has suffered actual and emotional injuries as described herein. Plaintiff is therefore entitled to compensatory and punitive damages.

COUNT XVII.
COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT ACT OF
2022 VIA D.C. CODE § 5-125 ET SEQ. (AGAINST DEFENDANT DISTRICT OF
COLUMBIA)

275. Plaintiff re-alleges and fully incorporates by reference the allegations set forth above as if fully set forth herein.

276. At all relevant times during the circumstances described in this Complaint, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson were acting within the scope of their duties as YDRs employed by DYRS.

277. D.C. Code §§ 5-125.02(3)-(6) and 5-125.03(a)(1) forbid law enforcement officers, including DYRS employees, from using “asphyxiating restraints” and “neck restraints.”

278. D.C. law also prohibits law enforcement officers, including DYRS employees, who observe “another law enforcement officer’s use” of those restraints from failing to immediately render first aid or request emergency services for the person on whom the restraint was used. D.C. Code § 5-125.03(a)(2).

279. D.C. law defines “asphyxiating restraints” to include the use of a DYRS employee’s body part “against a person with the purpose, intent, or effect of controlling or restricting the person’s breathing.” D.C. Code § 1-125.02(3).

280. D.C. law defines “neck restraints” to include the use of an employee’s body part “to apply pressure against a person’s neck, including the trachea, carotid artery, or jugular vein, with the purpose, intent, or effect of controlling or restricting the person’s movement, blood flow, or breathing.” D.C. Code § 1-125.02(5).

281. By the actions described herein, Defendants Brawner, Bull, Gholston, Moore, and Williams used an asphyxiating restraint and a neck restraint on K.P.

282. By the actions described herein, Defendants Brawner, Bull, Gholston, Moore, Rice, White, Williams, and Wilson failed to immediately render first aid or request emergency services for K.P. after Defendants Brawner, Bull, Moore, Gholston and Williams used the unlawful restraints on him.

283. As alleged above, K.P. specifically requested to see a medical professional on the night of May 7, and Defendant White responded that “supervisor [Bull] said no, I can’t call medical for you.”

284. The District of Columbia is vicariously liable for the statutory violations of its own officers acting in the scope of their employment, and as a result, K.P. is entitled to compensatory and punitive damages from the District in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Enter a judgment in favor of Plaintiff;
- b. Declare that:
 - i. the individual Defendants violated Plaintiff’s rights under the Eighth Amendment to the United States Constitution;
 - ii. the individual Defendants violated Plaintiff’s rights under the Fifth Amendment to the United States Constitution;
 - iii. Defendant Moore violated Plaintiff’s rights under the First Amendment;
 - iv. the individual Defendants violated Plaintiff’s rights under District of Columbia law;
 - v. the District violated Plaintiff’s rights under the Eighth and Fifth Amendments to the United States Constitution, as well as under District

of Columbia common law;

- vi. the District is continuing to violate Plaintiff's rights under the Eighth and Fifth Amendments to the United States Constitution;
- vii. the individual Defendants violated the Comprehensive Policing and Justice Reform Amendment Act of 2022;
- viii. the District violated the Comprehensive Policing and Justice Reform Amendment Act of 2022;

b. Enjoin the District from further subjecting K.P. to violations of his rights under the Eighth and Fifth Amendments to the United States Constitution and under District of Columbia law, including but not limited to physical assault, emotional abuse, and retaliation by DYRS staff members, by:

- i. Requiring the District to meaningfully address and prevent staff-on-youth assaults against Plaintiff and other youth at New Beginnings and other DYRS facilities, including but not limited to dangerous and unnecessary physical restraints, by, *inter alia*, implementing revised training, supervision, disciplinary, and retention policies that apply to staff involved in staff-on-youth assaults;

c. Award Plaintiff compensatory damages in an amount to be determined at trial against the individual Defendants and the District, jointly and severally, for the injury, pain and suffering caused by the individual Defendants and the District's actions and inactions;

d. Award Plaintiff punitive damages individually against each of the individual Defendants and the District for violations of Plaintiffs' rights under the United States Constitution and District of Columbia law;

e. Retain jurisdiction in this case until the unlawful policies, practices, and customs complained of herein no longer exist and the District has demonstrated to this Court that they will not recur;

f. Award Plaintiff the costs of this action, including reasonable attorneys' fees; and

g. Grant such additional relief as this Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues triable.

DATE: May 6, 2024

Respectfully submitted,

/s/ Buffy Mims

Buffy Mims (DC Bar No. 466379)

Buffy.mims@us.dlapiper.com

William Conway (DC Bar No. 90018569)

(*application for admission forthcoming*)

Will.conway@us.dlapiper.com

DLA Piper LLP

500 8th Street NW

Washington, DC 20004

Tel: (202) 799-4300

Eric Forni (*pro hac vice forthcoming*)

Eric.forni@us.dlapiper.com

Taylor Dodson (DC Bar No. 1780077)

(*application for admission pending*)

Taylor.dodson@us.dlapiper.com

DLA Piper LLP

33 Arch Street, 26th Floor

Boston, MA 02110

Tel: (617) 486-6093

Michael Saulnier (*pro hac vice forthcoming*)
Michael.saulnier@us.dlapiper.com
DLA Piper LLP
303 Colorado Street, Suite 3000
Austin, TX 78701
Tel: (512) 457-7234

Kristin L. McGough (D.C. Bar No. 991209)
Hannah M. Mullin (D.C. Bar No. 1725228)
Marja K. Plater (D.C. Bar No. 90002586)
WASHINGTON LAWYERS' COMMITTEE FOR
CIVIL RIGHTS & URBAN AFFAIRS
700 14th St. NW, Ste. 400
Washington, DC 20005
Tel: (202) 319-1000
kristin_mcgough@washlaw.org
hannah_mullen@washlaw.org
marja_plater@washlaw.org

Counsel for Plaintiff K.P.