

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.:

DALONTA CRUDUP,

Plaintiffs,

v.

CITY OF MIAMI BEACH, a municipal corporation,
OFFICER KEVIN PEREZ, SGT. JOSE PEREZ,
LIEUTENANT JOSE REINA and AS YET
UNIDENTIFIED POLICE OFFICERS OF
THE CITY OF MIAMI BEACH,

Defendants,

_____ /

COMPLAINT FOR DAMAGES
(Jury trial demanded)

DALONTA CRUDUP, sues the CITY OF MIAMI BEACH, KEVIN PEREZ, JOSE PEREZ, JOSE REINA, and AS YET UNIDENTIFIED OFFICERS and say:

NATURE OF THE CASE

1. This action arises from the assault and battery on the Plaintiff by a group of 21 or more Miami Beach police officers who chased him through the streets of Miami Beach, into the lobby of a hotel where he sought refuge, and then, acting like an unrestrained violent mob, brutally beat him senseless resulting in significant permanent bodily injury.

2. In addition to the officers involved, the Plaintiff sues the CITY OF MIAMI BEACH (the “CITY”) alleging that the violation of his rights were the direct result of the CITY’S deliberate indifference, in the form of: longstanding customs and practices that tolerated and condoned misconduct by MBPD officers, a failure to adequately train and supervise MBPD officers, and a pattern of failing to conduct unbiased and meaningful investigations of officers’ misconduct—all resulting in a culture whereby the twenty-one or so officers in this incident violated the Plaintiffs’ rights under the belief they could do so without fear of discipline or reprisal.

3. Plaintiff alleges and intends to prove that by the time of this incident there existed a custom and/or practice born of deliberate indifference and apathy by the CITY to a decades long culture of lawlessness among the officers of the Miami Beach police department resulting in a widespread pattern of rights abuses against the citizenry.

4. In this instance, the actions of the Defendant Officers did result in suspensions, terminations, and criminal charges. Despite falsified reports and dissembling accounts given by the Defendant Officers the unlawfulness of the attack was captured on video by the officers’ own body worn cameras, the iPhones of bystanders, and hotel security cameras which graphically showed the sheer brutality of the Defendants actions. Notably, two of the bystanders were also

brutally attacked by MBPD officers resulting in criminal charges against those officers as well.

5. Plaintiff alleges, and intends to prove that, writ large, as of July 26, 2021 the Defendant Officers and the As Yet Unidentified Officers had become so accustomed to the CITY's toleration and acceptance of their misconduct without consequential investigations and/or discipline that they were able to take comfort in the knowledge that they could violate rights and laws with impunity; even here, where they Defendant officers knew their actions were being video recorded, they brazenly and openly used extremely excessive force because they believed they would not suffer any consequences.

JURISDICTION and VENUE

6. Plaintiffs allege violations of federal civil rights laws and seek in excess of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS in damages, exclusive of interest and costs. This action is brought pursuant to 42 U.S.C. §§1983 and 1988, the Fourth, Fourteenth Amendments to the United States Constitution, and the tort laws of Florida. Jurisdiction is founded on 28 U.S.C. §§1331, 1343, 42 U.S.C. §1988, and under the tort laws of Florida. Supplemental jurisdiction and joinder of parties for additional state law claims in this Court is proper pursuant to 28 U.S.C. §1367(a) because they form part of the same case or controversy. Under 28 U.S.C. §1391(b)(2), venue lies in the United States District Court for the Southern District of Florida because it is the judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.

SATISFACTION OF PREFILING REQUIREMENTS

7. The Plaintiffs have satisfied all necessary prefiling requirements to establish Florida tort law claims having submitted notice to the CITY in accord with Fla. Stat. § 768.28. (copies attached as **Composite Exhibit A**).

PARTIES

8. The Plaintiff, DALONTA CRUDUP, is an adult man who resides outside the State of Florida. He was visiting the City of Miami Beach at the time of the occurrences complained of here. He is otherwise *sui juris*.

9. The Defendant, CITY OF MIAMI BEACH, is a political subdivision of the State of Florida, a Florida municipal corporation, and at all relevant times had ultimate authority over the City of Miami Beach Police Department and the other defendants. The Defendant CITY was responsible for the hiring, retention, training, supervision, discipline, and conduct of the individual defendants, as all of them were employed by the City of Miami Beach Police Department at all relevant times hereto.

10. The individual officer Defendants KEVIN PEREZ, JOSE PEREZ, JOSE REINA, and the AS YET UNIDENTIFIED OFFICERS (hereinafter collectively referred to as “Defendant Officers”), were at all times material hereto, employees of the CITY and acting under the color of law as police officers for the CITY.

GENERAL ALLEGATIONS

Defendant City of Miami Beach

11. The City of Miami Beach Police Department is an administrative subdivision of the City of Miami Beach, Florida. Defendant CITY, acting through its City Commission and City Manager, is the ultimate policymaking authority for all officially adopted policies and procedures implemented by employees of the CITY. Further, it is the entity legally responsible for the supervision and training of employees of the CITY’S police department.

12. On information and belief, the City Manager of the CITY delegated to the Chief of Police of the MBPD the authority to develop, direct and implement policies, customs, and/or practices

for all sworn law enforcement officers, compiled, in part, in the Miami Beach Police Standard Operating Procedures Manual, which set forth guidelines controlling the use of force including force, arrest procedures and other guidelines controlling the interaction between MBPD law enforcement officers and the general public.

13. The policies, practices, and/or customs of the MBPD fail to conform to constitutional standards in numerous respects, including but not limited to: (1) the failure to ensure proper investigation and discipline of MBPD officers who wrongfully employ excessive force against, and unlawfully arrest, members of the general public; (2) failure to ensure that only persons who are physically and/or mentally qualified to possess the power to act under color of law are employed as MBPD officers; (3) failure to provide adequate training to MBPD officers to prevent excessive force against, and unlawful arrest of, members of the general public; and (4) failure to engage in sufficient testing and evaluation to ensure that MBPD officers comprehend and understand the training that is provided—the CITY sends training material to its officer by email with no follow up to determine whether officers read or show proficiency in the material.

Failure of leadership, biased internal investigations, and lack of training

14. The U.S. Department of Justice (“DOJ”), and agencies responsible for the accreditation of police departments, uniformly stress the importance of establishing effective internal affairs policies and procedures to: (a) prevent misconduct within a department; (b) properly address misconduct if and when it occurs; (c) create an ethical environment, to better protect the public and to develop and sustain trust between a police department and the communities it serves.

15. The DOJ and accrediting agencies have issued guidelines to assist departments in and developing a police culture that values integrity and holds individual officers accountable for their behavior and actions.

16. Appropriate screening and hiring policies are deemed to be important, but equally important is the use of initial and ongoing training and education that stresses moral and ethical decision-making throughout every officer's career. Further, periodic employee reviews and "early intervention systems" or "early warning systems" are important to identify and rectify a problematic attitude or behavior. However, the systems must be utilized with integrity to have any meaningful effect on the culture in a given department, including police attitude towards the protection of constitutional rights for members of the public.

17. Internal Affairs guidelines that have been promulgated stress that "the complaint process should not discourage, dishearten or intimidate complainants, or give them cause for fear." In order to protect civil rights, it has been noted that "departments should afford each complaint a thorough, rigorous unbiased and timely investigation."

18. Disciplinary guidelines should be applied uniformly, and termination should be implemented where a police officer engages in serious misconduct or criminal acts.

19. The facts delineated in this Complaint make it clear that the CITY, acting through its Internal Affairs Unit, supervisory personnel, Chief of Police, City Manager and City Commission, have failed miserably to meet the standards for implementing internal affairs protocols that serve to protect the constitutional rights of residents of, and visitors to, Miami Beach.

20. Criminal and other inappropriate behavior on the part of police agency employees was commonplace both before and during July 2021, including verbal abuse, severe physical abuse, off-duty excessive force, unjustified shootings, warrantless entries into residences, and illegal profiling. Such behavior was the subject of lackluster investigations and weak or non-existent discipline. This toleration of illegal and unethical conduct led directly to continual violations of constitutional rights, including the rights of the Plaintiff CRUDUP as alleged herein.

21. The CITY, within the relevant time frame and leading up to the instant matter, failed to fully investigate instances of alleged civil rights violations, engaged in the deliberate obfuscation of wrongdoing in these instances, and/or failed to impose appropriate discipline on the offending officers for egregious violations of constitutionally and legal rights.

22. The CITY, within the relevant time frame and leading up to the instant matter, maintained a custom and practice of hiring persons as police officers who lack sufficient skill, temperament, and/or ability to perform their job in a manner that would not result in law violations.

23. The CITY, within the relevant time frame and leading up to the instant matter, maintained a custom and practice of minimal and insufficient training, as well as lack of oversight to ensure officers engaged in training, and a failure to evaluate officers' proficiency in the training that they did receive.

A sordid history of civil right violations and failure to investigate

24. On or about November 25, 2000, City of Miami Beach police officers Alan Chin and Stanley Wojack beat Steve Simpson during the course of an arrest. Such force was unnecessary and caused serious bodily injury. The CITY however failed to provide any discipline or remediation measures.

25. On or about January 12, 2001, Brendan Casey was transported to the Miami Beach Police Department where he was wrongly beaten and ridiculed by Officers Patrick Quinlan, Robert Silvagni, and Samuel Gam. This resulted in extreme physical injury without adequate and proper justification. The Plaintiff was also denied the right to call his girlfriend to tell her where he was, Defendant Quinlan told him to "shut up and stay still." Officer Silvagni also came into the room where Quinlan and Casey were and angrily spoke to the Casey. Without justifiable reason, Officer Silvagni lunged at Casey, then grabbed him and slammed his arm into the desk. Quinlan then got

involved and helped Silvagni throw Casey against the wall and then forced to the ground and handcuffed. Casey was taken by two officers and kicked in the back of his leg leading him to fall to the ground face first where Officer Gam assisted Quinlan and Silvagni by forcing his foot on Casey's neck to prevent movement. All three officers then aggressively beat and kicked Casey in areas of the head, stomach, back, and kidneys for over two minutes, who had shown no resistance. This resulted in Casey vomiting and being neglected of any treatment once reaching the holding cell. Silvagni then approached Casey in the holding cell and grabbed his throat, spoke violently, then threw him to the floor and punched and kicked him. Casey continuously received these beatings that often resulted in him curling into a fetal position. Silvagni also pushed Casey's head to the floor and shoved his knee to his back in order to gain an apology from Casey. Once Casey was released on bond, he sought medical attention for the physical and psychological damage that had been inflicted.

26. On or about September 7, 2002, Miami Beach Police Officer P. Rice-Jackson, with extreme force, grabbed Tamara Regla Reyes and slammed her against the hood of the police car without justifiable cause. Reyes' husband, Erislandi Aladro was then also attacked with excessive force without justification. T. Serrano, another officer, later joined Rice-Jackson in pushing, punching, and kicking Erislandi, who had shown no resistance. Rice-Jackson, without justification, pulled Reyes by her arm out of the police car and threw her to the ground, kicked her in the back, and placed greater restraints on her. The Reyes and Aladro suffered bodily injury, pain, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings and loss of ability to earn money and aggravation of a previously existing condition. Also, as a result, Erislandi became depressed and committed suicide, which resulted in the loss of support and services of a husband

to Reyes.

27. In February 2003, MBPD Officer Varon drove an SUV on the beach in a manner sufficiently reckless to constitute vehicular homicide, causing the death of a teenaged sunbather and the permanent disfigurement of her sister; the investigation was insufficient, and no criminal charges were ever brought against the officer.

28. In September 2003, MBPD Officer Rice-Jackson was issuing a ticket to a married couple walking their dog in a public park for an unknown reason, and when the woman asked for Rice-Jackson's identification she was assaulted by the officer without cause. MBPD Officer Serrano then participated in the incident, at which time both victims were handcuffed, beaten and arrested. The MBPD officers filed a false report claiming self-defense. On information and belief, neither officer has received any disciplinary measures for the offense.

29. On or about September 7, 2002, Registe was shot in the back of his upper left leg area by Police Officer Curtis Hodges. This action, done without appropriate and justifiable cause, resulted in the Registe suffering of bodily injury and pain, disability, mental anguish, disfigurement, loss of capacity for the enjoyment of life, incurred expense of medical care and treatment, loss of earnings and capacity to earn and suffered aggravation of previously existing conditions. Hodges was never disciplined by the CITY.

30. In November 2003, MBPD Officer Dominguez drove a city vehicle in a reckless manner, causing an accident that severely injured four persons on two motorcycles; the investigation into this matter was decidedly lacking.

31. In November 2003, MBPD Officer J. Ortivero aggressively and unjustifiably grabbed and threw the Melissa Plata to the ground, slamming her face into the cement walkway and ripping off her prosthetic hand. The Plata was 5'2 and 120 lbs. while Ortivero weighed over 250 lbs. For 3-5

minutes following the arrest, Ortivero dug his knee and forearm into the plaintiff's neck and back area, causing a lack of breathing. While sitting in the police department waiting for Ortivero to finish paperwork, Plata was then smacked in the face and threatened. Plata was then transported to the downtown Miami jail where she was thrown to the ground by 3 correction officers and was unjustifiably strip searched in the public's eyes. After being placed in a jail cell that was extremely small, cramped, and dirty, Plata began to feel an anxiety attack coming and the correction officers moved her to a freezing cold cell in barely any clothes. The officers responded to Plata's requests by stripping her naked where the public could see in the freezing cell. She was deprived of food and water over the 24-hour ordeal. The Ms. Plata also never received her belongings back, specifically the \$13,000 prosthetic hand. Despite voluminous evidence of his aggressive behavior and an obviously falsified arrest report, on information and belief Officer Ortivero never received any discipline for his false arrest and egregiously excessive use of force.

32. In November 2003, MBPD Lieutenant E. Yero disobeyed orders from a superior during a joint law enforcement exercise, specifically the policing of the FTAA-related demonstrations on Biscayne Boulevard in Miami, and Lieutenant Yero wrongfully permitted the discharge of tear gas to disperse a gathering of hundreds of persons involved in First Amendment-protected activity. Lieutenant Yero further permitted officers under his command to utilize other chemical agents and batons on unarmed demonstrators. On information and belief, neither Lieutenant Yero nor any of the officers under his command ever faced any disciplinary action for their roles despite sworn testimony in federal lawsuits from numerous Miami Police officials relating to the misconduct.

33. On November 8, 2003, Miami Beach Police Officer William Sinkes and two other officers orchestrated the physical assault of Phillip Klote, resulting in serious bodily injury. Three officers began to threaten and beat the Klote with their hands, feet, and/or blunt instruments resulting in

serious bodily injury and great pain and suffering. There were also extreme threats to kill Klote made by the 3 officers resulting in great fear and mental anguish. These violent actions continued and Klote was kept in a confined motor vehicle against his own will. Officer Sinkes failed to stop such violent actions as well as personally traveling to supervise such acts being committed.

34. In early 2004, police were called to the residence of MBPD Sergeant Berrian, after he beat his wife, who had a bleeding lip and bruises on her head; the investigation was minimal and no discipline was found to have been imposed upon this officer, and there is no record of anger management classes or other minimal activity to address this problem.

35. In February 2004, MBPD officers Rabelo, Garcia and McCue entered a private apartment without consent, assaulting the resident, thereby engaging in violations of the Fourth Amendment protections against warrantless entry without probable cause and against excessive force. After an inadequate investigation the IA Unit cleared the officers of wrongdoing.

36. In February 2004, a young man ran from officers; when he was grabbed and subdued, the MBPD officers, including K. Millan, proceeded to kick the arrestee in the body and face numerous times, in violation of the Fourth Amendment. The IA Unit ruled the incident as “unsubstantiated.”

37. On or about March 7, 2004, Gustavo Toala was falsely arrested and beaten by multiple officers of the City of Miami Beach Police Department. None of the officers ever faced any disciplinary action for their roles in the incident.

38. In 2004 City of Miami Beach police officers falsely arrested and used excessive force on Luis Arraiz. None of the officers under his command ever faced any disciplinary action for their misconduct.

39. In May 2004, A woman was parking her vehicle with a valet, and was in the vicinity of MBPD Officers E. Cruz and G. Gutierrez; one of the officers asked the woman to move, and this

request led to a physical assault by the officer and numerous racial slurs, witnessed by bystanders; after investigation, the IA Unit inappropriately dismissed the excessive force claim and imposed minimal punishment for the racial slur.

40. In June 2004, a man was taken to the Miami Beach holding facility, where MBPD Officers Booker and Abercrombie proceeded to physically assault him and apply chemical agents without justification, after which they falsified a report with regard to the incident, claiming that the injuries sustained by the victim were “self-inflicted.” After a cursory investigation, the IA Unit opined that the Fourth Amendment violations were “unsubstantiated” and exonerated the officers with respect to the false report.

41. In October 2004, a young man was engaged in First Amendment-protected activity, specifically videotaping events in public including the activities of MBPD Officers Masters, Doce, and Vernon, to which the officers objected for unspecified reasons. As to charges made by the victim to the IA Unit of excessive force and abuse of authority, the result was again an inadequate and biased investigation, and a finding that the charges were unsubstantiated.

42. In August 2004, a man was stopped by MBPD Officer Nolan during a traffic stop, and without justification the man was physically assaulted by a punch to his face delivered by the officer without cause. The IA Unit ruled the incident as “unfounded,” essentially declaring that the assertion was a total fabrication.

43. In November 2004, MBPD Officers E. Cruz, G. Gutierrez and J. Periera were working off duty at a night club, at which time the victim was leaving the club, but apparently not fast enough for the officers. The victim was knocked to the ground, brutally beaten causing facial injuries including a fractured nose, and tasered without justification. The officers arrested the victim and falsely charged him with felony-level crimes including battery on a police officer. The testimony

of independent witnesses caused the State Attorney's Office to dismiss all charges. The victim filed a complaint with the I.A. Unit, which in typical fashion only sustained a portion of the charges failing to impose sufficient discipline. On information and belief, the officers were not discharged from the MBPD despite their falsification of the arrest report and the savage beating of this victim.

44. On January 15, 2005, MBPD Officers removed Robbins from private property and dumped him on mainland Miami Beach despite knowing/should have known he was disoriented due to his bipolar disorder. Rather than receiving the medical attention necessary, Robbins had to fend for himself the rest of the day. As he was still disoriented and in need of a restroom, he went inside a pub and the police were called on him. Without probable cause, the officers burst into Robbins' stall pointing their guns in his face and shouting at him. Due to his disorientation, Robbins was in fear and tried to run from what he believed were assailants. As a response, despite no true danger and without justification, Muley shot Robbins multiple times, resulting in critical wounds. Officer Prfogner, knowing the mental state of Robbins, also having non-lethal alternatives to control Robbins, only stoodby and watched Muley violently act on Robbins. Resulting from the officers' actions, Robbins suffered pain and suffering, extreme personal injury, expenses of hospitalization/medical care, loss of earnings, loss of earning capacity in the future, loss of the ability to enjoy life, and aggravation of preexisting conditions. Knowing that Muley had committed an illegal violation of civil rights, the officers covered the truth with a false story to justify the unlawful actions. Robbins had been shot despite being unarmed and showing no violence. Muley's actions are deemed as an unwarranted assault and battery on the harmless Robbins. Despite the obvious Fourth Amendment violation(s), on information and belief the officers were never disciplined.

45. In March 2005, a young man was being transported to jail, at which time MBPD Officer

Armatrading tasered the victim three (3) times in clear violation of his Fourth Amendment right to be free of gratuitous force, and then refused to provide for appropriate medical assistance. Following a complaint to the IA Unit, there was only a partial finding of wrongdoing, and there is no information indicating that the officer received appropriate discipline and corrective re-training.

46. In April 2005, a woman was involved in an altercation and sought assistance from MBPD Officers L. Corps and D. Gotsis. The officers decided to arrest this woman, and they handcuffed her and used excessive force in dealing with her. The victim filed an I.A. complaint, and the findings of the I.A. Unit were that the officers did not engage in excessive force but did have inaccuracies in their report; in accord with MBPD I.A. practice, the more serious charge was deemed as “unfounded” while the less serious charge was upheld, despite the evidence supporting all charges against the officers.

47. On or about April 10, 2005, CMB Officer Wilder arrested Broy Kenneth Rodriguez without probable cause. Following the arrest, Wilder’s police report falsely depicted the calm and lawful actions of Rodriguez. This had resulted in Rodriguez suffering grievously, brought into public scandal, great humiliation, mental suffering, damaged reputation, loss of liberty and freedom, loss of capacity for the enjoyment of life, and aggravation of previously existing conditions.

48. In June 2005, a young man had a brief encounter with MBPD Officer R. Lawrence, which resulted in the victim being grabbed by the throat without justification. Following a complaint to the I.A. Unit, the complaint was deemed as “unsubstantiated.”

49. In early July 2005, MBPD Officers D. Simon, D. Gotsis (a repeat offender), and T. Lincoln were involved with a young man whose behavior they found inappropriate. The victim was knocked to the ground, struck with an asp in the groin area, choked with an asp, and Sergeant

Simon twisted his foot on the victim's face, causing blood to spurt out. Multiple independent witnesses, and another MBPD officer, verified the facts involved in this gratuitous display of excessive force. The I.A. Unit, however, deemed the more serious aggravated battery and battery charges against the officers to be "unsubstantiated," while upholding more minor charges, leading to far less severe sanctions than were justified under the circumstances.

50. In February 2006, an off-duty City of Miami police officer was picking up his children when he was assaulted. The officer held the assailants at bay until the MBPD arrived, at which time the Miami officer was struck in the neck, had a gun placed to his head, and MBPD Officer D. Bates applied a Taser for good measure. Following a complaint, the I.A. Unit exonerated the MBPD officers of excessive force, while agreeing that Officer Bates failed to file a "use of force report."

51. In March 2006, a man was arrested for suspected DUI. MBPD Officer D. Smith struck the victim on three separate occasions. The man filed an I.A. complaint because of his right to be free from gratuitous force. The I.A. Unit deemed the charge to be "unfounded."

52. In March 2006, a male arrestee was in the MBPD's holding area. At that time, MBPD Officers J. Reina, E. Holbrook, and a third officer, entered the area and proceeded to administer a beating. The assault left significant bruising on the victim's left side. The I.A. Unit ruled that the charge was "unfounded."

53. On or about May 27, 2006, MBPD Officer Jenny Velazquez approached a lawfully stopped BMW sedan, reached through the open window, and grabbed Bruce Sapp by the shirt collar in an attempt to physically remove him from the vehicle. Velazquez was unable to remove Sapp through the window and proceeded to open his door and physically remove Sapp from his seat followed by fellow officers. They repeatedly slammed both his head and upper torso against the hood of the

car. The officers then brought the driver of the vehicle, David Martin, to the back of the vehicle and slammed his head and upper torso against the trunk. The officers placed plastic wrist restraints on both men, and Sapp, who had previously had neck fusion surgery suffered in pain. Defendant Velazquez then approached Sapp from the rear and shocked him at least 3 times with a taser gun around his neck region, causing him to fall to the ground. Questioning their arrest, Velazquez responded with a prejudice statement on racial grounds. Valazquez told both men, “Your black ass is not supposed to be on the beach. You don’t belong down here.” Defendant Velazquez’s use of excessive force was unjustifiable and unnecessary as there was no reason to defend herself and no resistance. MBPD had been implementing an informal and unwritten security plan for the 2006 Memorial Day weekend that was meant to arrest African American citizens as a means of security, control of movement, and intimidation.

54. In July 2006, a person encountered several officers, and after a brief verbal exchange, MBPD Officer E. Perez threw a punch into the victim’s face. Following an I.A. complaint, the I.A. Unit declared the charge to be “unsubstantiated.”

55. On July 30, 2006, MBPD police officers, without probable cause, warrants, exigency or consent, forced their way into hotel room of Travis and Carolyn Bailey. The officers physically removed Carolyn Bailey from the room and placed her in the hallway and then proceeded to close the door. While taking Travis Bailey into custody, Officers Reina and Holbrooke used unreasonable force, despite not showing resistance. Travis Bailey was then physically battered by Reina and Holbrooke by striking him in the head, back, chest, and upper legs, causing physical pain and injury. Officer Gotsis, present in the room during the unlawful and unnecessary force used upon Travis Bailey, did not intervene and merely stood and watched this excessive use of force for several minutes. The officers then escorted Bailey out of the room and brought him to

the back seat of the police car where he was met with Officer Torres who unjustifiably kicked him. Bailey was moved to the MBPD and placed in an interrogation room where he faced unlawful battery and beating again from Torres, Reina, and Holbrooke. Carolyn Bailey was arrested by Reina despite not showing resistance. Throughout this entire time, Travis Bailey showed no signs of violence and/or resistance, nor was he a threat to the safety or security of the officers. The force used upon Travis Bailey was unlawful, unnecessary, and excessive, and the arrest of Carolyn Bailey was done without legal cause. The MBPD officers unreasonably battered, touched, and struck Bailey resulting in damages of bodily injury, pain, and suffering.

56. In August 2006, MBPD Officer E. Macias was tasked with transporting a young woman for a DUI test. Instead, he made a detour down an alley where he groped, fondled and kissed the victim while she was still handcuffed. The woman agreed to wear a wire when meeting the officer again and gathered evidence sufficient for Officer Macias to be charged with official misconduct, battery and perjury. Somehow, the charges were lowered significantly, and Officer Macias continued his service on behalf of the residents of Miami Beach.

57. On September 2, 2006, City of Miami Beach police department Officers James Nash, Douglas Dozier, Andrew Dohler, and Robert Acosta unlawfully entered the residence of Janet Feliciano, a visibly pregnant woman. Officers Dohler and Dozier repeatedly physically assaulted her while Officers Acosta and Nash stood by and watched. As a result of the assault Ms. Feliciano miscarried her child. These same officers unlawfully searched the apartment. Based on information and belief not disciplinary action was taken by the CITY.

58. On August 30, 2007, Garry Larkin, a MBPD Police Detective and two other MBPD officers conducted a warrantless and unlawful search of the home of Frank Quintana, and then unlawfully arrested Mr. Quintana without probable cause.

59. On September 17, 2007, Officer Deborah Doty reached in Ian Cooley's open van window and grabbed and forcibly dragged him from his vehicle, despite complying with the officer's requests. The officer then swung Cooley into the street and slammed him into the car. Officer Doty hit Cooley multiple times in the head and then forced him to the ground to arrest him. Once the handcuffs were secured, officer Doty dragged Cooley several feet across a cement sidewalk, threw him against a fence and put her arm around his neck in a chokehold position, causing trouble breathing. Officer Doty continually forced his face into the cement, stood on him, and kicked him. Once other officers arrived, Cooley was taken with no shoes and a ripped shirt to the police station and escorted to a room with 3 officers. Officer Azicri delivered a hard blow to Cooley's side near his rib cage, a 3rd officer pinned him down on the table while defendant officer Doty, Azicri, unknown male officer #2 repeatedly hit his head while screaming obscenities at him. While searching Cooley, Officer Azicri and an unknown officer continuously delivered blows to his head, neck, shoulders, back, and sides. During his walk to the holding cell, Cooley was approached by Azicri from behind with the flat of his hand to the side of his head which knocked Cooley off his feet. This resulted in a complete loss of hearing in Cooley's right ear. Cooley was repeatedly attacked throughout this time by officers Doty, Azicri, and unknown officer. Throughout this entire time, Cooley had not resisted, intentionally touched or struck, and committed disorderly conduct. Officer Doty's unlawfully struck, searched, and arrested Cooley. Officer Azicri unlawfully and repeatedly struck Cooley. At no time had Cooley attempted to flee or harm these officers, as he was complying with their requests. Defendant unknown officer #2 unlawfully and repeatedly struck Cooley. This resulted in a complete rupture of Cooley's right ear drum, mental anguish, loss of capacity for the enjoyment of life, loss of ability to earn money, loss of earnings, and loss of his freedom. The CITY failed to adequately investigate the incident and no discipline or remedial

measures were taken.

60. On February 4, 2008, MBPD Officer Elmore arrested Dario Vasquez and told him he would be taken to the police station. Instead, Elmore drove the Vasquez to a secluded alleyway, without any witnesses, and savagely beat the Vasquez with his bare fists about the face, shoulder, and body, and kicked Vasquez for an excess of about ten minutes. While Vasquez cried in pain asking Elmore to stop beating him, another MBPD officer watched the savage beating and made no attempts to intervene and/or prevent Elmore from using excessive force and violating rights. While in a holding cell, Vasquez received a medical injection to the buttocks area, and once a female guard was calling names, Vasquez had no ability to stand up. The female guard requested that Vasquez be immediately taken to the emergency room where doctors said he could not go home. Officer Elmore explained the physical appearance of Vasquez to be the cause of a fall, which was completely inconsistent. Vasquez sought immediate medical attention for his severely beaten face, 3 fractured ribs, ruptured right rotator cuff, and head and neck injuries. Throughout this entire time, Vasquez showed no resistance and complied with all requests. Vasquez suffered with physical injuries, mental anguish, mental and emotional suffering, embarrassment, shame, and humiliation, as well as damages to constitution rights due to the unreasonable seizure of his person and use of excessive, unreasonable, and unjustifiable force used against him. The CITY and Elmore are both on notice of the fact of systemic and pervasive patterns and practice of excessive forces that exist within the MBPD, as well as the City police officers that allow and encourage such actions.

61. On February 16, 2008, MBPD Officers Phillippe Archer and Michael Muley, brutally and unlawfully beat Andres Duquesne while Officer Bernadette Maher stood by and watched after he was unlawfully arrested.

62. On April 14, 2008, MBPD Officer Thamyris Cardelle falsely arrested Henry Isasi for a bogus allegation of threatening a public official.

63. On June 28, 2008, Officers Phillippe Archer (a repeat offender), Neill Fagan, and Mishart Torres (a repeat offender), falsely arrested Miguel Lawson. At his first appearance, the presiding magistrate determined there was no probable cause.

64. On October 8, 2008, City of Miami Beach Police Officers Alerto Estraviz, Steven Duque, and Joseph Duque, unlawfully tasered Carlos Acutin and used excessive force causing serious injury during an arrest.

65. On December 2, 2008, MBPD Officer Peter Wyatt arrested Edward Blackshear for a violation and failure to obey a lawful order, despite not entering or touching his vehicle. This arrest was done without probable cause. Wyatt also falsely accused the plaintiff of resisting arrest and refusing to follow orders. Blackshear, at no time, refused to follow requests or struggled with Wyatt. Without consent, Wyatt proceeded to conduct a search on Blackshear and his clothing. As a result, Blackshear suffered injuries about his bodies and extremities, pain therefrom, and impaired working abilities. He has also been brought to public scandal and with great humiliation, mental suffering, and damaged reputation, as well as mental anguish, loss of capacity for the enjoyment of life, loss of his freedoms and civil rights.

66. On January 1, 2009, City of Miami Beach police officer Robert Lawrence pushed and then struck Jeffrey Roth without provocation during an unlawful arrest.

67. On February 28, 2009, Denrick Bruce was pulled over by an unmarked police car for going over the speed limit by 1 mile, which was a false accusation. Following the arrival of other uniformed police officers, Officer Luis King gave the false statement of speeding to Bruce, and even knew it was false. This action is often committed by the MBPD as a means of delaying

citizens going about their lawful business so that warrantless searches can be conducted. Officer King proceeded to search Bruce's car with his narcotics detection dog, which found no criminal evidence. Bruce was then unlawfully arrested and interviewed at the police station without being told his Miranda rights. Bruce was held for three hours in a holding cell before being told he was falsely charged for the sale of crack cocaine, and then was transported to the Dade County jail. The arrest report ("A Form") given to Bruce had no factual basis for the charges. The charges were produced over an alleged \$40 in marked bills from the cash that was seized from Bruce during his arrest. The marked bills that Torres claimed were used in the buy had never been Bruce's possession/automobile. Torres was only able to describe the plaintiff as black and was unable to describe a vehicle driven by the supposed seller of the crack cocaine. Officer Aragunde testified that on March 1, 2009, Torres turned in the rock of cocaine supposedly purchased from Bruce, however, it was turned in on March 4, 2009 and there was no documentation that connected Bruce or Torres with such drugs. This resulted in a loss of earnings, loss of vehicle, tools of his trade, imprisonment, battery, assault, mental anguish, humiliation, and embarrassment to Bruce.

68. On March 8, 2009, Miami Beach Police Officers Andy Lozano, Raymond Chambers, and Julio Blanco beat and stomped Steven Gomez without lawful cause. Gomez was forcefully approached by officer Chambers without indication, grabbed his arm, and commenced immediate detention of the plaintiff without specifying information of being an officer or giving reason for detainment. Officer Blanco then approached the scene and assisted officer Chambers in forcing Gomez to the ground. Officer Lozano then approached the scene and assisted the officers in their effort to detain Gomez. Both Lozano and Blanco subsequently applied excessive and unnecessary force to Gomez. Officer Chambers left Gomez under the control of Blanco and Lozano and failed to intervene in this excessive use of force. While Gomez was face down on the ground, officer

Lozano used excessive force by sitting on his head and forcing his face into the sand. Without provocation, Lozano used excessive force on Gomez by punching him in the eye, ribs, and mouth, resulting in a fractured eye socket and loss of teeth. Officer Blanco used excessive force on Gomez by punching him in the ribs resulting in serious injuries. The MBPD police officers were equipped with sufficient low hazard use of force equipment to handle disturbances during spring break, such as pepper spray, but rather used their fists and bodies, applying excessive and unnecessary force on Gomez. The CITY had prior notice of defendant Lozano's violent propensities but failed to discourage his abuse of authority. The CITY failed to oversee all 3 defendants in instruction of applicable rules and regulations concerning proper conduct and use of force. Defendant Lozano, without legal cause, used excessive force on Gomez who had not pose any threat or resisted. Lozano's use of force was disproportionate to the force necessary to detain Gomez resulting in serious injury. This resulted in Gomez's mental anguish, pain and suffering, disfigurement, disability, loss of capacity for the enjoyment of life, medical expenses, loss of earnings, and loss of ability to earn money. Lozano intended to incite fear and did not receive consent from Gomez for his overt acts of threats. Lozano acted in reckless disregard. Defendant Blanco, without legal cause, forcefully grabbed the plaintiff's legs and pushed him to the ground despite Gomez posing no threat. Blanco's use of force was not reasonable and excessive, as well as disproportionate. Gomez had committed no crime to justify such use of excessive force. Chambers failed to take adequate measures to prevent the use of excessive force on the victim.

69. On March 13, 2009, Harold Strickland had been a by-stander who witnessed an unlawful harassment of a gay man by two undercover officers. As Mr. Strickland had witnessed this unjustifiable act, he hung up the phone with his sister and immediately called 911 to report the incident. MBPD officers Forte and Hazzi saw Strickland talking on his phone and approached him

to question what he was doing. When Mr. Strickland explained that he was reporting what he just witnessed, the officers told him, “that they knew what he was doing there” and then proceeded to call him anti-gay epithets. The officers arrested Strickland and continued to spew anti-gay slurs at him. The officers both testified under oath in a deposition in the criminal case that Strickland attempted to open parked cars in a parking lot of Flamingo Park, which was a false accusation. These false statements were maliciously made to create unsupported probable cause for arresting Strickland. There was no legal basis to arrest Strickland, and this resulted in the suffering of damages. The officers took Mr. Strickland into custody for loitering and prowling and continued to spew anti-gay slurs at Mr. Strickland.

70. On or around November 7, 2009, Baez Aponte was speaking on his phone in the hallway of his apartment when he was approached by Officers Price and Rojo who questioned why he was in the hallway. After Baez Aponte answered their questions, one of the officers firmly poked him in the chest. Baez Aponte’s dog had run out of his apartment and in an attempt to stop his dog from getting injured by the elevator, the officers immediately forced him to the ground and applied tight handcuffs. While in custody, Baez Aponte was punched in the forehead, kicked in the rib cage, struck twice in the throat with chopping motions, and punched in the back of the head. During transportation, the officers continually struck him in the back of his head and abdominal area. Due to the excessive and brutal beatings Baez Aponte suffered, he faced a rib fracture, chest contusion, severe body and wrist pain, causing him to lose his job and source of income. He also suffered psychological and emotional distress. Officer Price use of force was unnecessary and excessive. Officer Rojo intended to inflict harm on Baez Aponte through his excessive use of force. Another MBPD officer, “Doe,” used unnecessary, intentionally harmful, and excessive force on Baez Aponte in an unlawful manner.

71. On November 28, 2009, MBPD Officer Thamyris Cardelle (a repeat offender), again, made a false arrest by falsely detaining Luis Amato at his home based on no more than animas and spite. Although this was the second unlawful arrest by Officer Cardelle in as many years known to the CITY it took no disciplinary or remedial action against Cardelle.

72. On January 10, 2010, Antwon Emery was driving lawfully and in compliance with traffic laws when MBPD Officer Guasto, without reasonable suspicion that Emery had committed a crime or violated traffic laws, executed a traffic stop. After the plaintiff complied with the Guasto's requests for license and registration, the Guasto attempted to open Emery's front door but was unable to do so, he voluntarily got out of his car with his hands in the air. The Emery did not show verbal or physical resistance. Guasto then grabbed and physically slammed Emery into the trunk of the car. The Guasto placed tight handcuffs around Emery's wrists causing him pain and discomfort. The Guasto's sworn statements falsely alleged criminal conduct of not stopping and refusal to comply. These false statements were maliciously created to set forth probable cause for unlawful stopping and arrest of Emery.

73. On July 10, 2010, Bryce Gomez was operating a vehicle and came to a stop after turning on 9th Street in the City. Officer pulled up. The first officer to arrive, Erick Pagan, opened the driver's side door of Gomez's vehicle and grabbed his right arm in an attempt to remove him from the vehicle. Gomez had pulled away due to a severe pre-existing injury to his right arm. Gomez was in no way a threat to any officers as well as complying with all requests. Pagan proceeded to punch Gomez in the facial area and used his department issued taser multiple times on Gomez. Pagan continuously beat Gomez in the facial area with the end of a baton like device. As a result, Gomez suffered severe injuries to his facial and torso regions. Pagan's use of force was unreasonable and unnecessary for the defense of himself or others from bodily harm during the

arrest and demonstrated an excessive use of force.

74. On Memorial Day 2011, Raymond Herisse, a 22-year-old man with no history of violence was gunned down by more than 100 rounds fired by Miami Beach police officers. Mr. Herisse was attending *Urban Beach Weekend* an annual event held in the CITY that is popular with young African Americans. Mr. Herisse was African American. No credible evidence has ever been produced to identify the officers that killed Herisse or to determine the necessity for the deadly use of force. The officers discharged their weapons recklessly, shooting five other African American by-standers, Sarah Garcia, Carlton St. Louis, Cedric Perkins and two others. Notably, one of the officers involved was Phillippe Archer who was known to the CITY for repeated violations of citizens' rights. Consistent with the CITY'S pattern of deliberate indifference to the rights of the general public no sufficient discipline, training, or remedial measures were taken by the CITY to prevent further mayhem and reckless discharge of weaponry by MBPD officers.

75. On three separate occasions between October 2011 and January 2012, MBPD Officer Smith Orisme (a repeat offender) violated Florida law by accessing information on the DAVID data base for non-official purposes. In fact, Orisme obtained the information for the purpose of harassing another law enforcement officer. Based on a review of public records it appears that the CITY failed to pursue criminal charges against Officer Orisme demonstrating preferential and unequal treatment of its officer to further a pattern of deliberate indifference to legal rights of others.

76. On or about November 9, 2012, citizens Rowe, Baptiste, Reaves, and Munoz were working a security detail at the Fillmore when another third party within a large crowd of people fired multiple gunshots. Reaves and Munoz shielded two MBPD officers from the crowd, and as the shots were being fired Baptiste jumped a fence to assist in shielding. Baptiste, Reaves, and Munoz

removed their firearms and pointed them to the ground, not pointed at anyone and not in a careless or angry manner. Once the shooting stopped, they re-holstered their firearms and helped the officers that were on the ground. Once additional officers arrived, Officer Jones ordered that all security be detained and checked for gunshot residue in which Baptiste, Reaves, Munoz, and Rowe all tested negative but were still arrested. Officer Cano seized and imprisoned Baptiste against his will and without cause. Officer Jones then arrested Rowe without cause hours after Baptiste, Reaves, and Munoz had been sitting in the backseat of the police vehicle. Some of Rowe's, Baptiste's, Munoz's, and Reave's personal property had been stolen by Miami Beach police during their arrests.

77. On April 15, 2013, Candace Padavick had gone up to her apartment to retrieve cash to pay a fare for a taxi ride she had just received, while the driver agreed to wait for her. Without knowledge that her friend had not gone back down to pay the fare, Padavick had gone into the shower. While in the shower, she heard loud banging on her door, so she put on a bathrobe to see what was going on. Once looking through the peephole, she told the officers that she wouldn't open the door as she was only in a bathrobe, and they did not have a warrant. The officers then pushed the door completely open, and one grabbed Padavick's arm to pull her in the hallway which caused her robe to fall off her body. Her body was now exposed to 2 male officers and 2 of her male friends. The officers then pushed her face forwards against the apartment hallway wall, causing scratches on her back and bruising on her arms. She was pinned against the wall without clothing for several minutes. The officers then entered her apartment without consent and handcuffed the 2 males. Padavick and the others arrested were then placed on the floor in the apartment and when Padavick attempted to stand up, an officer forcefully grabbed her by the arm and threw her face down into the sofa, while still making no attempt to cover her. Padavick

remained in humiliation for at least half an hour, and at least eleven Miami Beach police officers had entered her apartment while she was exposed. Once a female officer arrived, she placed a sheer dress over Padavick which failed to properly cover her. A male officer lifted Padavick's dress in order to change the metal handcuffs which exposed her from the waist down. At this point, no female was present and all 3 male officers were able to visually inspect the genitals, buttocks, and anus of Padavick, which was unauthorized by a supervising officer. The acts of officers Gonzalez and Cardoso as police officers of the CITY and in the scope of their employment caused psychological trauma and emotional distress to the plaintiff, leading to severe depression, PTSD, and other physical and mental health injuries. Padavick suffered bodily injury, loss of her freedom, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, medical care, aggravation of a previously existing condition, brought into public scandal, shame, degradation, and a damaged reputation.

78. On June 26, 2013, after witnessing undercover Officer Phillipe Archer use excessive force on a young woman, Mossberg called 911 to report it. Mossberg did not physically intervene rather yelled stop to Archer. Archer then charged at Mossberg and kicked him in the head, knocking him to the ground where he was punched in the head and body numerous times. Archer then handcuffed Mossberg while he was bleeding from the face and head. Mossberg was charged with battery on a law enforcement officer, resisting with violence, and disorderly conduct, despite not violently attacking Archer or acting unlawfully. Officer Archer then failed to attend a pre-filing conference and thus failed to provide sworn testimony. Archer's ongoing excessive use of force and unlawful conduct resulted in Mossberg's physical injury, physical pain and suffering, mental anguish and distress, loss of liberty, humiliation, embarrassment, damage to reputation, loss of income, and

violation of his constitutional rights. Officer Archer has a history of misconduct and civil rights violations proving him unfit to serve and a posed danger to the public.

79. On January 26, 2014, Adrienne Evans, a tourist, was merely walking on the sidewalk, not engaged in criminal conduct when she was approached by 3 undercover police officers. As the officers surrounded her, one of the officers grabbed for her purse, which caused Evans to believe she was being attacked and began to scream. Officer Mishart Torres, one of the officers, then forcefully grabbed Evans by her arm, and then pushed her head forward and pulled her left arm up in order to immobilize her. Torres then locked her arm into an arm-bar position to handcuff her. Evans stated she felt a sharp pain in her arm, but the officers made her sit on the ground and continued to detain her without reasonable suspicion or probable cause to do so. As a result of Torres' unlawful use of force, Evans suffered a broken arm, pain and suffering, and a violation of her civil rights.

80. On September 1, 2014, MBPD Officer Adaymis Ortiz arrested Claudio Castillo and used unlawful force, tasing Mr. Castillo numerous times without any lawful cause or justification.

81. On February 28, 2016, MBPD Officer Eugenio Abay (a repeat offender) unlawfully arrested Kyle Dion after Dion recorded the officer acting inappropriately, falsely stating, "It's illegal to record law enforcement due to a new law that just passed a couple of days ago." Abay then confiscated Mr. Dion's telephone and purposely deleted the recording.

82. On April 4, 2016, MBPD Officers Jesus Dominguez and Michelle Sayegh conducted an unlawful pretextual traffic stop on Niki Livingston for the sole purpose of a fishing expedition to search for drugs. The officers harassed and battered Ms. Livingston. After no drugs were found on Ms. Livingston or in her vehicle she was falsely arrested and charged with a criminal traffic offense. Livingston remained seated and followed all orders but was then immediately removed

from the vehicle and placed in handcuffs by Dominguez, Sayegh, and multiple other unknown MBPD officers. The officers then badgered Livingston for a confession of drug possession, which she denied as she did not possess any drugs. Livingston's vehicle and person were then subject to a humiliating roadside search by the officers. No drugs or other paraphernalia were ever recovered. Officers Dominguez and Sayegh then illegally arrested Livingston out of spite and ill-formed belief that Livingston was lying. The actions of Dominguez and Sayegh were objectively unreasonable and resulted in the Livingston suffering great humiliation, mental suffering, and a damaged reputation, including reputation/goodwill, loss of liberty and freedom, loss of income, expenses, loss of capacity for the enjoyment of life, and a violation of civil rights.

83. On April 5, 2016, Halmu, a 60-year-old resident of Miami Beach, was riding his bicycle in areas of less traffic as he usually does, as well as around other people walking and riding their bicycles. Halmu then saw FPL workers changing a light pole and the street was closed to motor vehicle traffic due to this, however, the sidewalk was open to pedestrian traffic and so he continued on until he reached a yellow tape. At this yellow tape that did not have any signs or indications of a closed area to pedestrian traffic, Halmu followed other people in going under the tape. After Halmu walked past Officer Beck's vehicle and was about to ride away, Beck then got out of his vehicle in an unusual police uniform and asked Halmu where he had come from. Halmu answered and then rode away as Officer Beck did not ask any further questions. Officer Beck had not stopped or approached any other pedestrian who had been in this area. Officer Beck then got back into his car and followed Halmu without a siren and without his knowledge. Halmu then turned onto a road that is a "substandard width lane" which is a lane too narrow for a bicycle and motor vehicle to safely travel side by side, which Officer Beck should have known. Officer Beck should have also known of SOP #017. Officer Beck then drove his vehicle closer than 3 feet alongside Halmu and

without warning, turned it into Halmu with the intent to bump him sideways and stop his movement. These deliberate actions caused an elderly man to be in significant danger of serious physical injury and death. Officer Beck should have known of the provisions to Florida Statute § 316.083 which makes his lack of precautionary measures and intentional use of his vehicle a deliberate and reckless act on Halmu. After hitting Halmu, Beck then accelerated and stopped his vehicle in front of Halmu with the intent of blocking him. When defendant Beck's vehicle hit Halmu, it caused the chain of the bicycle to come off and cut Halmu's leg, and further led to his loss of control and crash into a steel picket fence. This crash cracked the left lens of his sunglasses, opened a bleeding wound above his left eyebrow, cut under his left eye, scratch on nose, and other smaller wounds with glass fragments. Officer Beck's actions of moving the car backward where he had blocked the road were calculated to "stage the scene of the crash" to falsely claim that Halmu was attempting to go around the vehicle. After approaching Halmu, Officer Beck asked for his ID which he also realized he had a concealed weapons permit for safety. Halmu carries a gun for protection, and has it carried properly, in which he possesses a lawful concealed weapon and at no times did he attempt to remove it. Halmu was then detained, without given reason, and at all times complied with Beck. Officer Beck's actions deprived Halmu of his liberty and forced him to spend over 18 hours behind bars in a unsanitary jail. The report that Halmu received for his arrest falsely states the entirety of events. Officer Beck also falsely states the actions he took, as well as filing a false arrest affidavit and omitted significant facts. Officer Beck's actions were malicious, without probable cause, and a demonstration of an excessive use of force.

84. On March 24, 2017, Richard Johnson was being watched and followed by two men, which gave him the overwhelming sense that he was about to be robbed, so he sought temporary refuge in a friend's home. Afterwards, Johnson then continued on his way, but was then approached by

the men and was asked if he had any “white” on him. Johnson knew this was slang for the drug cocaine and immediately responded in negative. Johnson then proceeded into a store and was soon attacked without reason by a group of men who were officers for the MBPD’s Crime Suppression Team. These men violently threw Johnson against the stores counter, breaking merchandise, and aggressively pulled his hands behind his back. The two men who had originally approached Johnson were undercover MPBD Officers Balciero and Gaitan and they had alleged that Johnson sold them cocaine and was in possession of “marked bread.” after asking numerous officers why he was arrested, he never received a response. To humiliate Johnson after already being searched at the scene, the officers instructed him to remove his shoes. The officers then began to circle him, inflicting fear. A large officer had roughly pushed Johnson into his holding cell, yet Johnson continued to comply with the officers’ requests. After Johnson was already in the holding cell, Aguila proceeded to forcefully elbow him in the face, causing him to fall to the floor and go unconscious. Abay, unprovoked, punched Johnson with such a force that brought him back to consciousness. Johnson awoke to find he was restrained with another officer sitting on top of him. The officers continued to yell “stop resisting” to justify their actions, despite Johnson being dazed and confused and not resisting. Following the incident, Johnson was forced to stand up and walk to another part of the precinct. Despite the overwhelming evidence, Aguila and Abay are still employed by the city. The use of force by Abay and Aguila was unjustified and in a clear violation of law. Aguila and Abay knowingly or in reckless disregard participated in the preparation of an intentionally false and misleading report to support their unconstitutional behavior. As a direct result of the city’s failure to discipline and properly train their officers, Johnson suffers ongoing and continuous permanent damages and injuries, pain and suffering, mental anguish, emotional distress, and loss of capacity for the enjoyment of life.

85. On September 18, 2017, while Alberonick Valsaint was quietly and peacefully sitting down, when MBPD Officers Doe and Gustavo Blacio approached Valsaint from the back or opposite side and began interrogating him. Prior to the interrogation, Doe showed a high level of arrogance as he brandished his loaded firearm to Valsaint's head and further started circling around him with the firearm still pointed. The officers then ordered Valsaint to open his backpack to see what type of weapons he had, however, Valsaint had never owned any weapon or firearm, so he proceeded to kindly open his backpack to prove this. Blacio ordered Valsaint to show proof of identification, and with a fear of being shot, Valsaint quickly grabbed his Florida Driver License. Blacio then asked Valsaint an array of questions, such as his national origin and questioning him without having Mirandized him.

86. On November 11, 2017, while Saint-Vil was parked at the side of the SLS hotel waiting for his wife to find her purse following an event at which he DJ'ed. He witnessed officers placing a suspect into a prisoner transport van and recorded it, legally under the 1st Amendment. While Saint-Vil called his wife to tell her where he was parked, Officer Rodriguez aggressively approached him and asked what he was doing. After Saint-Vil responded, Officer Rodriguez shouted that he must come with him, which Saint-Vil questioned. Saint-Vil then saw the officer pull out a taser and asked what he was doing which Officer Rodriguez then, unprovoked, tased Saint-Vil. Due to fear, Saint-Vil ran toward the boardwalk which caused Rodriguez to call back up. Officer Garcia then arrived at the scene and caught up with Saint-Vil and proceeded to tase him causing Saint Vil to vomit and become incapacitated. Despite Saint-Vil's incapacitation, Officer Garcia tased him again causing additional injuries. While Saint-Vil was getting handcuffed on the floor, Officer Rodriguez shouted racial slurs and derogatory words towards him. Saint-Vil was not read his Miranda rights this entire time. While in the police car, Saint-Vil questioned why

this had happened, which Officer Rodriguez responded to with further racial slurs. Officer Rodriguez acted with malicious purpose in targeting, tasing, arresting, and taunting Saint-Vil with racial slurs, for no probable cause. Officer Crews witnessed Officer Rodriguez's malicious actions and had not attempted to intervene. Saint-Vil was wrongfully accused of intoxication, yet while at the hospital, not one toxicology report was taken nor did any nurse say he was intoxicated. Saint-Vil did not commit battery nor did he resist arrest or interfere with a prisoner. Officer Rodriguez and Garcia's actions directly resulted in Saint-Vil's unwarranted physical and emotional pain and a strong emphasis on the continued excessive force and racism that lingers in police departments. Officer Rodriguez and Garcia's actions also directly caused Saint-Vil's physical injury, loss of liberty and freedom, mental anguish, loss of income, cost of bond, loss of capacity for the enjoyment of life, humiliation, loss of sense of self-worth, anxiety, and post-traumatic stress. The force used by these officers exceeded the amount of force reasonably necessary and is a demonstration of excessive force. Officer Garcia's second and third tasing constitutes excessive force and was intentional as to harm or offense contact with Saint-Vil. The conduct committed by these defendants were done in the presence of each other as they further violated Saint-Vil's constitutional rights by failing to intervene/prevent the violation of Saint-Vil's constitutional rights by fellow officers.

87. On June 28, 2019, Mr. Cody Wade was attacked by MBPD Officer Alfredo Garcia for no apparent lawful purpose as MBPD Officer Agustin Rodriguez stood by and watched without intervening. Mr. Wade was rendered unconscious and dragged through the street causing severe head and bodily injuries.

88. On December 10, 2019, MBPD officers Melissa Rosa, Daniella Moreno, and Corey Jackson attacked Mr. Jamie Senko while he was seated in his car. Mr. Senko had fallen asleep

while waiting to proceed. Rather than taking reasonable measure to determine the circumstances, the officers acted irrationally and viciously, dragging Mr. Senko out of the car and causing serious bodily injury.

89. On August 26, 2020, Callejas, a homeless man, was lying down unarmed and not posing a threat to anyone, was attacked by Officer Ocejo's K-9 dog. Ocejo instructed the K-9 dog, Thor, to attack without determining if Callejas was a threat. Thor then latched onto Callejas neck and head area and shook him, and as he attempted to defend himself, Thor latched onto and maimed his hands as well. Thor's attack caused Callejas to suffer severe and deep puncture wounds, lacerations on his neck, head, and hands. These injuries caused profuse bleeding on the scene. After being viciously attacked by Thor, Callejas was then met by Ocejo and other unknown officers who placed him under arrest and kicked, punched, and verbally abused and berated him despite not being a threat. The police officers who transported Callejas to a trauma center misinterpreted the reason for his injuries as being chased, even though it is indisputable that did not take place. Medical professionals found multiple puncture wounds to Callejas scalp, deep lacerations to his neck and open fracture of his left index finger and thumb and a penetrating wound on his left thumb. Callejas, through his attorney, made multiple requests for the police body camera videos, however, Miami Beach only provided the videos showing him already on a stretcher. Miami Beach's refusal to provide the complete video shows the intent to unlawfully withhold information and attempt to destroy/alter evidence. Police reports omit the severity and true cause of Callejas injuries. As a direct result of the excessive force that the MBPD allows and encourages, Callejas has suffered numerous serious injuries and substantial pain and suffering. The conduct of Ocejo was intentionally malicious and reckless, thus entitling Callejas to punitive measures.

90. This pattern of occurrences constitutes most, but not all of instances of rights violations by

MBPD officers over the past two decades.

91. The Plaintiffs allege, and intend to prove, that in each of the above instances, as well as others, the officer or officers acted unlawfully and that the CITY failed to sufficiently discipline, train, retrain, terminate, and/or take any other reasonable action to remediate the officers' conduct to prevent further abuses of the rights of the public.

92. Noted separately, even where certain officers clearly demonstrate an individual pattern of rights violations—P. Jackson-Rice, Eugenio Abay, Dmitri Gotsis, Phillipe Archer, Thamyris Cardelle, Mishart Torres, Smith Orisme—the CITY historically fails to take action sufficient to remediate the officers' continued conduct.

93. The Plaintiffs allege, and intend to prove, that this pattern of deliberate indifference by the was the moving force leading to the unprovoked attacks and unlawful arrests that occurred on July 26, 2021 causing them physical and emotional injury.

Royal Palm Hotel July 26, 2021

94. On July 26, 2021, the Plaintiff was a tourist in the CITY when he was harassed by several Miami Beach police officers. When the Plaintiff tried to leave the area, the officers gave chase. Fearing for his safety and seeking refuge, the Plaintiff entered the lobby area of a nearby hotel.

95. The mob of officers, which had grown to approximately 21 in number, including the Defendant Officers, caught up to the Plaintiff inside the hotel where he peacefully surrendered. Notwithstanding that the Plaintiff was compliant with the officers' directives and posed not threat to himself, the officers, or anyone else, the Defendant Officers began beating him senseless without abandon or restraint.

96. At no time after he was apprehended did the Plaintiff resist, attempt to flee, or otherwise give any cause for the use of force inflicted by the Defendant Officers.

97. The force used against the Plaintiff, by the Defendant Officers was excessive and unlawful.

98. Further demonstrating the wrongful and excessive nature of the Defendant Officers' conduct is the fact that when two bystanders attempted to record what was being done to the Plaintiff other officers attacked them and beat them causing serious bodily injury.

99. Based on information and belief, one or more of the Defendant Officers beating Dalonta Crudup, and/or who were otherwise present, were supervisors who failed to exercise their authority to stop the abuse of the Plaintiff.

100. Based on information and belief, one or more of the As Yet Unidentified Officers who were otherwise present but did not participate in the abuse of the Plaintiff, merely stood by and watched as the constitutional violations took place; but physically could have intervened to stop the violations, and having a duty to do so, failed to do so.

101. After arresting the Plaintiff, the Defendant Officers provided official accounts of the incident that were materially and knowingly false and were intended to coverup their illegal use of force.

102. Notwithstanding the corrupt efforts of the Defendant Officers to cover up their excessive use of force, after video recordings of the incident were made public the prosecuting authority of Miami-Dade County declined to proceed with the charges against the Plaintiff.

103. As a result of the Defendant Officers' conduct the Plaintiffs' arrest became the subject of widespread media attention and broadcasts subjecting him to ridicule, intrusion, persistent invasion of privacy, and reputational harm.

104. After the video recordings became public, the CITY and the MBPD acknowledged the unlawfulness of the Defendant Officers' use of force and suspended and/or terminated, and/or arrested five members of the police department—Sgt. Jose Perez, Officer Kevin Perez, Steven Serrano, David Rivas, and Robert Sabater.

105. As of July 26, 2021, the CITY knew, or should have known, that there existed a widespread pattern of incidents where officers abused the civil rights of the citizenry, violated laws, and disobeyed departmental orders and policies. Nonetheless, the CITY remained indifferent, refusing to take adequate measures to remediate the culture of lawlessness. Any efforts purportedly made by the CITY were mere window dressing.

FEDERAL CAUSES OF ACTION

COUNT I

Monell claim - Liability pursuant to 42 U.S.C § 1983 **(Defendant CITY OF MIAMI BEACH)**

Plaintiff CRUDUP re-alleges and incorporates paragraphs 1-6, 8-9 and 11-105 above as if specifically stated herein.

106. As a direct and proximate result of the CITY'S failure to remediate a widespread spread pattern of civil rights and law violations by MBPD police officers the Plaintiff was the victim of an unlawful excessive use of force by the Defendant Officers.

107. Over the course of more than two decades MBPD officers have engaged in a continuous and unabated pattern of rights abuses resulting in injury and false arrests of citizens and other members of the general public.

108. A critical analysis of these rights abuses demonstrates an ingrained racial bias by MBPD officers that is condoned and tolerated by the CITY.

109. As a direct and proximate result of the CITY'S failure to remediate a widespread spread pattern of civil rights and law violations by MBPD police officers the Plaintiff suffered serious bodily injury, emotional, reputational, and privacy damage which is permanent and/or will continue into the future.

110. As a direct and proximate result of the CITY'S failure to remediate a widespread spread

pattern of civil rights and law violations by MBPD police officers, the Plaintiff was forced to retain the services of counsel to redress their grievances and have agreed to pay counsel a reasonable fee.

WHEREFORE the Plaintiff DALONTA CRUDUP prays judgment of this Honorable Court granting compensatory damages, attorney's fees and all costs against CITY OF MIAMI BEACH, as well as all other relief that the Court deems just and proper.

COUNT II
Policy of Failing to Investigate/Discipline – 42 U.S.C.§1983
(Defendant CITY OF MIAMI BEACH)

Plaintiff CRUDUP re-alleges paragraphs 1-6, 8-9 and 11-105 above as if specifically set forth herein.

111. Given the position of authority of City of Miami police officers, which permits them to, among other things, effectuate arrests and exercise control of the persons arrested, the Defendant CITY had a legal duty to:

- a. thoroughly and impartially investigate incidents of alleged or possible false arrest and excessive use of force;
- b. thoroughly and impartially investigate incidents of alleged or possible racial or gender bias by MBPD officers in the performance of their duties;
- c. appropriately discipline police officers who are unable or unwilling to respect the constitutional rights of individuals or who violate constitutional rights, law and/or department policy, including termination for repeat violators; and
- d. prevent police officers who are unable or unwilling to respect the constitutional rights of individuals, laws and rules and regulations, from performing tasks related to arrests or use of force.

112. At all times material hereto, the Defendant CITY had an unwritten custom, policy or practice of failing to properly and impartially investigate allegations of misconduct against, and/or to administer appropriate discipline to, offending police officers.

113. Over the course of two decades and as of July 26, 2021, it was the unwritten custom or policy of the Defendant CITY to accept a police officer's version of events surrounding an allegation of misconduct, and/or to make disciplinary decisions based on factors other than an objective and impartial assessment of the facts underlying allegations of misconduct, and/or to allow police officers with a history of complaints of excessive force, unlawful arrests, and other violation of laws, rules or regulations to continue to serve in positions where continued violations were likely.

114. The Defendant CITY's unwritten policy, practice or custom of failing to impartially investigate allegations of police misconduct, and failing to discipline, train and/or supervise officers involved in such conduct is the direct cause of such violations which occurred on July 26, 2021 as it has created an atmosphere where officers can violate rights without fear of supervision or discipline.

115. Prior to July 26, 2021, the Defendant CITY had become aware of numerous complaints and allegations of misconduct initiated by citizens and other agencies against the MBPD officers. These complaints were investigated and reviewed by the MBPD'S Internal Affairs division.

116. Despite a clear and obvious pattern of violations of rules and regulations resulting in abuse of citizens' rights by MBPD officers, the Defendant CITY remained deliberately indifferent, and continued to conduct non-objective investigations resulting in findings intended to circumvent or avoid its responsibility to sufficiently discipline, reprimand or remediate officers' unlawful behavior.

117. The Defendant CITY'S knowing indifference to the certainty of its officers continued failure to adhere to its rules and regulations was the direct and proximate cause of the wrongful

acts causing the injuries to the Plaintiffs and was itself a deprivation of the Plaintiffs' rights.

118. As a direct and proximate result of Defendant CITY'S deprivation of the Plaintiffs' rights he suffered serious bodily injury, emotional, reputational, and privacy damage which is permanent and/or will continue into the future.

WHEREFORE, Plaintiff CRUPUP demands judgment against Defendant CITY for compensatory damages, costs, reasonable attorneys' fees pursuant to 42 U.S.C. § 1988, and such other and further relief as the Court deems appropriate.

COUNT III
Supervisory Liability - Failure to Stop Unlawful Acts - 42 USC § 1983
(Defendant Reina and As Yet Unidentified Officers)

Plaintiff CRUDUP hereby incorporates paragraphs 1-6, 8, 10, 20, and 94-105 as if specifically pled herein.

119. Based on information and belief Defendant Reina and one or more of the As Yet Unidentified Officers who were present at the time of the Defendant Officers' excessive use of force were in a position of supervisory authority.

120. Based on information and belief Defendant Reina and one or more of the As Yet Unidentified Officers present at the time of the Defendant Officers' excessive use of force knew or should have known that subordinates were engaged in unconstitutional conduct and had the authority and clear opportunity to take steps to prevent the conduct, yet failed to act.

121. The Plaintiff asserts, and intend to prove, that the Defendant Reina's, and one or more of the As Yet Unidentified Officers', failure to act was a direct and proximate cause of the Plaintiffs' injuries. Those injuries include severe physical and emotional damages, reputational damage and/or invasion of privacy.

WHEREFORE Plaintiff CRUDUP seeks entry of this Court's order of final judgment against Reina and the As Yet Unidentified Officers who maintained supervisory authority but failed to act for all compensatory and punitive damages incurred, attorney's fees, costs, and such other relief that the Court deems just and proper.

COUNT IV
Failure to Intervene to Stop Unlawful Acts - 42 USC § 1983
(Reina and As Yet Unidentified Officers)

The Plaintiffs hereby incorporate paragraphs 1-6, 8, 10, 20, and 94-105 as if specifically set forth herein.

122. At all times material hereto, Defendant Reina and one or more of the As Yet Unidentified Officers were present and witnessed the unconstitutional conduct of the Defendant Officers and had a reasonable opportunity to intervene to stop their fellow officers from using excessive force.

123. At all times material hereto, these Defendants had an affirmative duty to protect the Plaintiffs from constitutional violations by fellow officers. Instead, these Defendants stood by and watched.

124. As a direct and proximate result of these Defendants' failure to intervene the Plaintiff suffered harm, both physical and emotional, as well as reputational, for which they are directly liable.

WHEREFORE the Plaintiff CRUDUP prays judgment of the Court against Defendant Reina and the As Yet Unidentified Officers who were present but failed to intervene for compensatory and punitive damages, as well attorney's fees and costs, and such other relief as the Court deems just and proper.

COUNT V

Malicious Prosecution – pursuant to 42 U.S.C § 1983
(Defendant Officers)

The Plaintiff hereby incorporates paragraphs 1-6, 8, 10, 20, and 94-105 as if specifically set forth herein.

125. On July 26, 2021 the Defendant Officers instituted criminal proceedings against the Plaintiff based on fabricated allegations that he used violence against MBPD officers, providing official accounts and affidavits wherein they knowingly provided false information.

126. All criminal charges against the Plaintiff were “no info’ed” by the prosecuting authority.

127. As a direct and proximate result of the Defendant Officers’ malicious prosecution the Plaintiffs suffered serious bodily injury, loss of liberty, and emotional injuries which is permanent and/or will continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and punitive damages, attorney’s fees and all costs against the Defendant Officers, as well as all other relief that the Court deems just and proper.

COUNT VI
Excessive Use of Force – pursuant to 42 U.S.C § 1983
(Defendant Officers)

The Plaintiffs hereby incorporate paragraphs 1-6, 8, 10, 20, and 94-105 as if specifically set forth herein.

128. On July 26, 2021, the Defendant Officers, alone or in concert, beat and battered the Plaintiffs without lawful cause.

129. The force was excessive, unjustified and gratuitous, serving no lawful purpose.

130. As a direct and proximate consequence of the excessive force the Plaintiff suffered serious bodily injury, emotional distress, and reputational harm which remain and which are likely to continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and punitive damages, attorney's fees and all costs against the Defendant Officers, as well as all other relief that the Court deems just and proper.

STATE TORT CLAIMS

COUNT VII

Statutory Liability pursuant to Fla. Stat. § 768.28
(Defendant CITY OF MIAMI BEACH-False Arrest and Battery)

The Plaintiffs hereby incorporate paragraphs 1-9 and 11-105 as if specifically set forth herein.

131. Pursuant to Florida Statute § 768.28, and under certain conditions, the CITY is liable for the wrongful conduct of its police officers.

132. In the alternative to any averments set forth above, the Plaintiff alleges that the Defendant Officers were acting within the scope of their employment and to further the interest of the CITY, and that assault and battery were the result of conduct not committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

133. The Defendant Officers' wrongful conduct breached a duty of care owed to the Plaintiff to act reasonably to prevent unlawful detainment and physical injury for which the CITY is vicariously liable.

134. As a direct and proximate consequence of the battery the Plaintiffs suffered serious bodily injury, emotional distress, and reputational harm which remain, and which are likely to continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment for compensatory damages, and

all costs against the CITY OF MIAMI BEACH, as well as all other relief that the Court deems just and proper.

COUNT VIII
Statutory Liability pursuant to Fla. Stat. § 768.28
(Defendant CITY OF MIAMI BEACH-Failure to Intervene)

The Plaintiffs hereby incorporate paragraphs 1-9 and 11-105 as if specifically set forth herein.

135. Pursuant to Florida Statute § 768.28, and under certain conditions, the CITY is liable for the wrongful conduct of its police officers.

136. At all times material hereto, Defendant Reina and the As Yet Unidentified Officers in a supervisory role who failed to intervene to prevent the false arrests and physical injury to the Plaintiffs as they stood by and witnessed the violations of law by their fellow officer breached a duty of care owed to the Plaintiffs.

137. In the alternative to any averments set forth above, the Plaintiff alleges that Defendant Reina and/or these unidentified supervisory officers were acting within the scope of their employment and the failure to exercise proper supervisory authority was not committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

138. Reina and/or these as yet unidentified supervisory officers' wrongful conduct breached a duty of care owed to the Plaintiff to act reasonably to prevent unlawful detainment and physical injury for which the CITY is vicariously liable.

139. As a direct and proximate consequence of failure of Reina and these officers to exercise supervision at the time of the incident the Plaintiff suffered serious bodily injury, emotional distress, and reputational harm which remain, and which are likely to continue into the future.

WHEREFORE the Plaintiffs CRUDUP prays judgment of this Honorable Court granting compensatory damages and all costs against the CITY OF MIAMI BEACH, as well as all other relief that the Court deems just and proper.

COUNT IX
Battery – Florida Tort
(Defendant Officers)

The Plaintiffs hereby incorporate paragraphs 1-8 and 10-105 as if specifically set forth herein.

140. On July 26, 2021 Defendants KEVIN PEREZ, JOSE PEREZ, and/or REINA did unlawfully touch or strike Plaintiff CRUDUP against his will and without any legal or justifiable cause.

141. As a direct and proximate consequence of the unlawful touch or strike the Plaintiff suffered serious bodily injury, emotional distress, and reputational harm which remain and which are likely to continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and all costs against the Defendant Officers as well as all other relief that the Court deems just and proper.

COUNT X
Malicious Prosecution – Florida Tort
(Defendant Officers)

The Plaintiffs hereby incorporate paragraphs 1-8 and 10-105 as if specifically set forth herein.

142. On July 26, 2021 the Defendant Officers instituted criminal proceedings against the Plaintiff based on false allegations that he used violence against MBPD officer, providing official accounts and affidavits wherein they knowingly provided false information.

143. All criminal charges against the Plaintiff were “no info’ed” by the prosecuting authority.

144. As a direct and proximate result of the Defendant Officers’ malicious prosecution the Plaintiffs suffered serious bodily injury, loss of liberty, and emotional injuries which is permanent and/or will continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and all costs against the Defendant Officers, as well as all other relief that the Court deems just and proper.

COUNT XI
Negligent Training – Florida Tort
(Defendant CITY OF MIAMI BEACH)

The Plaintiffs hereby incorporate paragraphs 1-9 and 11-105 as if specifically set forth herein.

145. In the alternative to any averments otherwise stated in this complaint, the Plaintiffs allege that at all times material hereto Defendant Officers and the As Yet Unidentified Officers were acting outside of the scope of their employment, and for their own malicious purposes on July 26, 2021, when they unlawfully battered the Plaintiffs.

146. At all times material hereto, the CITY had a duty to properly train the officers of the MBPD to reduce the foreseeability of unlawful arrests, battery, and/or assault of member of the general public. This included the duty to properly train officers in the legal standards constituting probable cause for arrest, proper use of force, and/or the wrongful nature of using the color of law to gratify their own purposes.

147. At all times material hereto, the CITY’S training of MBPD officers to determine the officers’ proficiency in the training was deficient to comply with that duty. Officers receive all too brief training, and guidance from other improperly trained officers, and training that consists of

no more than emails instructing them to read written policies with no accountability to determine whether they actually read the policies or understand them.

148. The negligent training of MBPD officers was a direct and proximate cause of the unlawful physical abuse of the Plaintiff on July 26, 2021 and the injuries that resulted. Consequently, the CITY'S negligent training caused Plaintiff to suffer serious bodily injury, emotional distress, and reputational harm which remain, and which are likely to continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and all costs against the CITY OF MIAMI BEACH, as well as all other relief that the Court deems just and proper.

COUNT XII
Negligent Supervision – Florida Tort
(Defendant CITY OF MIAMI BEACH)

The Plaintiffs hereby incorporate paragraphs 1-9 and 11-105 as if specifically set forth herein.

149. In the alternative to any averments otherwise stated in this complaint, the Plaintiff alleges that at all times material hereto the Defendant Officers were acting outside of the scope of their employment on July 26, 2021, when they unlawfully battered the Plaintiff because they acted for their own malicious purposes.

150. At all times material hereto, the CITY had a duty to properly supervise the officers of the MBPD to reduce the foreseeability of unlawful battery and assault of a member of the general public. This included the duty to institute policies, procedures, customs and/or practices to properly monitor officers' conduct during the time they were supposed to be performing their work assignments. Such monitoring should consist of supervisory control to ensure officers' accountability. Instead, officers were permitted to roam free throughout the CITY committing

unlawful arrests and acts of violence to gratify their own malicious and/or racial objectives.

151. The negligent supervision of MBPD officers was a direct and proximate cause of the unlawful physical abuse of the Plaintiff on July 26, 2021 and the injuries that resulted. Consequently, the CITY'S negligent supervision caused Plaintiffs to suffer serious bodily injury, emotional distress, and reputational harm which remain and which are likely to continue into the future.

WHEREFORE the Plaintiff CRUDUP prays judgment of this Honorable Court granting compensatory damages and all costs against the CITY OF MIAMI BEACH, as well as all other relief that the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

The Plaintiff DALONTA CRUDUP hereby demands trial by jury as to each cause of action and claim set forth herein.

Respectfully Submitted this 21st day of March, 2024.

Law Offices of David A. Frankel, P.A.
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Hollywood, Florida 33021
(954) 683-0300
David@BlueLotusLaw.com
eService@BlueLotusLaw.com
paralegal@BlueLotusLaw.com

By: /s/ David A. Frankel
David A. Frankel Esq.
Fla. Bar. No. 741779

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS

DALONTA CRUDUP

DEFENDANTS

CITY OF MIAMI BEACH, OFFICER KEVIN I

(b) County of Residence of First Listed Plaintiff District of Columbia County (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Miami-Dade County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Law Office of David A. Frankel, P.A., 4601 Sheridan St, Ste 212, Holly

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF 1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (See VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation Transfer
7 Appeal to District Judge from Magistrate Judgment
8 Multidistrict Litigation - Direct File
9 Reremanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION 42 U.S.C. 1983; 42 U.S.C. 1988; 28 U.S.C. 1331; 28 U.S.C. 1343; 28 U.S.C. 1367; 28 U.S.C. 1391

LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD

DATE March 21, 2024

/s/ David A. Frankel

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

DALONTA CRUDUP)

)

)

)

)

Plaintiff(s)

)

v.

)

Civil Action No.

CITY OF MIAMI BEACH, a municipal corporation,
OFFICER KEVIN PEREZ, SGT. JOSE PEREZ,
LIEUTENANT JOSE REINA and AS YET
UNIDENTIFIED POLICE OFFICERS

)

)

)

)

)

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* KEVIN PEREZ
15260 SW 139TH ST
MIAMI, FL 33196-5022

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

DAVID A. FRANKEL, ESQUIRE
LAW OFFICE OF DAVID A. FRANKEL, P.A.
4601 SHERIDAN STREET, SUITE 212
HOLLYWOOD, FL 33021
david@bluelotuslaw.com
paralegal@bluelotuslaw.com
eservice@bluelotuslaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

DALONTA CRUDUP)

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Plaintiff(s)

)

v.

)

Civil Action No.

)

CITY OF MIAMI BEACH, a municipal corporation,
OFFICER KEVIN PEREZ, SGT. JOSE PEREZ,
LIEUTENANT JOSE REINA and AS YET
UNIDENTIFIED POLICE OFFICERS

)

)

)

)

Defendant(s)

)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* JOSE PEREZ
8755 SW 208TH ST
CUTLER BAY, FL 33189-3435

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

DAVID A. FRANKEL, ESQUIRE
LAW OFFICE OF DAVID A. FRANKEL, P.A.
4601 SHERIDAN STREET, SUITE 212
HOLLYWOOD, FL 33021
david@bluelotuslaw.com
paralegal@bluelotuslaw.com
eservice@bluelotuslaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset