

Police)
1340 Euclid Ave.)
East Cleveland, Ohio 44112)
)
Defendants.)

Plaintiff Joshua Bradley, for his complaint against Defendants City of East Cleveland and Defendants Foti, Woodside, Welms, and Stephenson, alleges as follows:

INTRODUCTION

1. This is a civil rights action. On November 4, 2018, Joshua Bradley had two interactions with the Defendant officers of the East Cleveland Police Department.
2. The first incident was in what was described as a mental health crisis to officers of the Highland Hills Police Department. Mr. Bradley had reported that his computer had been stolen by two males. Based upon the statements by Mr. Bradley that he suffered from mental health issues. Based solely upon this contention, Mr. Bradley was transferred to University Hospitals Main Campus for a mental health evaluation. No investigation occurred as to the theft complaint and none of the Defendants generated a report of this incident.
3. Mr. Bradley was released within fifteen minutes of his appearance at University Hospitals Main Campus.
4. The second interaction resulted in Mr. Bradley suffering injuries at the hands of the Defendants. These injuries were cuts, scrapes, bruises and he was tasered multiple times. No report was generated of this incident and no charges filed against Mr. Bradley.

Further, the City of East Cleveland, Ohio is also liable for Bradley's trauma, injuries, and damages. The City of East Cleveland's failure to train and supervise these Defendant Officers, along with unconstitutional policies, practices and customs in place at the time of this incident are the moving force behind these Defendant Officers' misconduct.

5. Bradley seeks damages and other relief under federal and Ohio law.

JURISDICTION AND VENUE

6. The Jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. sec 1983 et seq; the Judicial Code, sec 1331 and 1343(a); and the Constitution of the United States.
7. Supplemental jurisdiction over the related state law claims is invoked pursuant to 28 U.S.C. sec 1367.
8. Venue is proper in this district under 28 U.S.C. sec 1391(b). The parties reside, or, at the time the events took place, resided in this judicial district and the events giving rise to the Plaintiff's claim also occurred in this judicial district.

PARTIES

9. Plaintiff Joshua Bradley, at all times relevant to the allegations made in the complaint, resided in the city of Cleveland, Ohio, in Cuyahoga County.
10. Defendant Ptl. Foti was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the City of East Cleveland, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.

11. Defendant Ptl. Stephenson was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the City of East Cleveland, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.
12. Defendant Ptl. Welms was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the City of East Cleveland, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.
13. Defendant Ptl. Stephenson was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the City of East Cleveland, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.
14. Defendant City of East Cleveland is a municipal corporation, duly incorporated under the laws of the State of Ohio, is the employer and principal of Defendants Foti, Woodside, Welms, Stephenson, and is responsible for the training, supervision, policies, practices, and customs of its Police Department.

FACTS

15. On November 4, 2018, Joshua Bradley had two interactions with the Defendant officers of the East Cleveland Police Department.
16. The first incident was in what was described as a mental health crisis to officers of the Highland Hills Police Department. Mr. Bradley had reported that his computer had been stolen by two males. Based upon the statements by Mr. Bradley that he suffered from mental health issues. Based solely upon this contention, Mr. Bradley was transferred to

University Hospitals Main Campus for a mental health evaluation. No investigation occurred as to the theft complaint and none of the Defendants generated a report of this incident.

17. Mr. Bradley was released within fifteen minutes of his appearance at University Hospitals Main Campus.
18. The second interaction resulted in Mr. Bradley suffering injuries at the hands of the Defendants. These injuries were cuts, scrapes, bruises and he was tasered multiple times. No report was generated of this incident and no charges filed against Mr. Bradley. These attacks constitute excessive force.
19. Instead of either producing a proper report or even criminally charging Bradley, Defendants contacted the Highland Hills Police Department when they discovered he had a warrant for a traffic matter within their jurisdiction. Defendants provided no medical treatment for the injuries they inflicted.
20. Each Defendant had the duty and opportunity to intervene to protect Luton and to prevent the unconstitutional use of force against Luton, and failed to do so.
21. The Defendant Officers had no reasonable suspicion or probable cause to seize and arrest Luton.
22. When arriving to take custody of Bradley, members of the Highland Police Department became concerned at the sequence of events that brought Bradley to them and his untreated injuries.
23. These members of the Highland Hills Department communicated with Defendants and were able to ascertain that no police reports were generated in this matter and Bradley received no medical treatment prior to his delivery to Highland Hills.

24. Further, the City of East Cleveland, Ohio is also liable for Bradley's trauma, injuries, and damages. The City of East Cleveland's failure to train and supervise these Defendant Officers, along with unconstitutional policies, practices and customs in place at the time of this incident are the moving force behind these Defendant Officers' misconduct.
25. Defendant officers jointly agreed and/or conspired with each other to complete false, misleading, and incomplete official reports and to give a false, misleading, and incomplete version of events to their supervisors, prosecutors, and the public, in order to cover up their own misconduct.
26. In violating Bradley's rights, the Defendant Officers engaged in willful, wanton, reckless, and/or negligent conduct. This unconstitutional and willful, wanton, reckless, and/or negligent conduct was the direct, actual, and proximate cause of Bradley's injuries.
27. The Defendant Officers' actions were without probable cause, unjustified, and objectively unreasonable.
28. Defendants Foti's, Welms', Stephenson's and Woodside 's actions, as alleged in the preceding paragraphs, were performed under color of law and deprived Plaintiff of federally protected rights, in violation of Title 42 U.S.C. sec 1983.
29. As a direct and proximate result of Defendants' conduct, undertaken individually and/or jointly, Bradley sustained injuries as a result of the actions of the Defendants.
30. The injuries suffered by Bradley were all preventable had Defendants not engaged in illegal conduct in violation of Luton's fundamental rights.

FIRST CLAIM FOR RELIEF
42 U.S.C. sec 1983 Claim for Unconstitutional Seizure
against Defendants Foti, Welms, Woodside, Stephenson

31. All of the foregoing paragraphs are incorporated as though fully set forth here.
32. The actions of Defendants Foti, Welms, Woodside and Stephenson, as alleged in the preceding paragraphs, violated Joshua Bradley's rights under the Fourth Amendment to the United States Constitution to be secure in his person against unreasonable seizure, and his right to due process under the Fourteenth Amendment to the United States Constitution, and caused the injuries alleged in this complaint, and/or failed to intervene to prevent said unconstitutional conduct.
33. Joshua Bradley was subjected to the use of excessive force in violation of his Fourth Amendment rights.
34. As a direct and proximate cause of Defendants' misconduct, Plaintiff suffered and continues to suffer injury and damages as set forth in this Complaint.

SECOND CLAIM FOR RELIEF
42 U.S.C. sec 1983 *Monell* Claim
against Defendant City of East Cleveland

35. All of the foregoing paragraphs are incorporated as though fully set forth here.
36. The actions of Defendants Foti, Welms, Woodside and Stephens alleged above, were taken pursuant to one or more interrelated defacto policies (even if not official written edicts), practices and/or customs of civil rights violations and unconstitutional practices of the City of East Cleveland and its Police Department.
37. The City of East Cleveland, at all times relevant herein, approved, authorized, and acquiesced in the unlawful and unconstitutional conduct of its respective employees and/or agents and consequently is directly liable for the acts of those agents, pursuant to 42 U.S.C. sec 1983.

38. At all times relevant, the Defendant City of East Cleveland and its Police Department had interrelated de facto policies, practices and customs which included, *inter alia*:
- a. the failure to properly hire, train, supervise, discipline, transfer, monitor, counsel and/or otherwise control City of Cleveland police officers who engage in unjustified use of excessive and unreasonable force, false arrest, malicious prosecution, and false reporting;
 - b. the police code of silence;
 - c. the failure to properly investigate the use of excessive and unreasonable force against civilians, false arrest, malicious prosecution, and false reporting by City of East Cleveland police officers.
 - d. the failure to properly discipline, supervise, monitor, counsel and otherwise control City of East Cleveland police officers who engage in unjustified use of excessive and unreasonable force, false arrest, malicious prosecution, and false reporting; and/or
 - e. the failure to properly train and supervise City of East Cleveland police officers with regard to using force on civilians, particularly those suffering from mental illness.
39. The aforementioned de facto policies, practices, and customs of the East Cleveland Police Department include a pattern of acts of excessive use of force and other willful, wanton, and/or reckless behavior leading to harmful consequences to its citizens.
40. The policy, practice and custom of a police code of silence results in police officers failing to report instances of police misconduct of which they are aware, including unlawful uses of force, searches, seizures, and prosecutions, despite their obligation under police regulations to do so, and also include police officers either remaining silent or giving false and misleading information during official investigations in order to protect themselves or fellow officers from internal discipline, civil liability or criminal charges, in cases where they and their fellow officers have engaged in misconduct.
41. The defacto policies, practices and customs of failing to hire, train, supervise, monitor,

discipline, transfer, counsel and/or control police misconduct and the code of silence are interrelated and exacerbate the effects of each other to institutionalize police lying and immunize police officers from discipline.

42. The interrelated policies, practices and customs, as alleged in this complaint, individually and together were maintained and implemented with deliberate indifference, and encouraged the Defendant Officers to commit the acts alleged in this complaint against Joshua Bradley.
43. The City of East Cleveland therefore acted as the moving force behind and the direct and proximate causes of the violations of Joshua Bradley's constitutional rights and all injuries and damages suffered by Joshua Bradley.

THIRD CLAIM FOR RELIEF
State Law Claim for Willful, Wanton and Reckless Conduct
Against Defendants Foti, Welms, Woodside and Stephenson

44. All of the foregoing paragraphs are incorporated as though fully set forth here.
45. Defendants Foti, Welms, Woodside and Stephenson failed to exercise due care, and acted with a malicious purpose and/or in bad faith and/or in a willful and/or wanton and/or reckless manner while engaged in police functions and activities, including but not limited to unreasonable search and seizure and excessive force against Bradley.
46. Each of the individual Defendants, as set forth herein, engaged in negligent, reckless, and/or willful and/or wanton conduct such that they are not entitled to the immunities set forth in O.R.C. sec 2744.01 *et seq.*
47. As a direct and proximate cause of Defendants' misconduct, Luton suffered and continues to suffer injury and damages as set forth in this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Joshua Bradley demands that judgment be entered in his favor on all counts and prays the Court award the following relief:

- A. Compensatory damages in an amount exceeding the jurisdictional amount in controversy requirement, to be determined at trial, for the violation of Plaintiff's rights;
- B. Punitive damages in an amount to be determined at trial for the willful, wanton, malicious, and reckless conduct of Defendants;
- C. Declaratory and injunctive relief against the City of East Cleveland enjoining policies, practices, and customs shown to encourage the use of excessive and unreasonable force, false arrest, malicious prosecution, and false police reports against civilians, and ordering the institution of policies, procedures, and training for the Cleveland Police Department to bring them into compliance with constitutional standards;
- D. Attorney fees and the costs of this action and other costs that may be associated with this action pursuant to 42 U.S.C. Section 1988; and
- E. All other relief which this Honorable Court deems equitable and just.

JURY DEMAND

Plaintiff demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully Submitted,

_____/S/ BRETT MURNER_____
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