

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAVARIUS RUSSELL,

Plaintiff,

v.

CITY OF LEXINGTON, SAM DOBBINS, CHARLES
HENDERSON, CORDARIUS EPPS, BRAD STANLEY,

Defendants.

Civil Action No.: 3:23-cv-500-DPJ-FKB

Judge:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Javarius Russell, by and through his undersigned counsel, alleges as follows:

NATURE OF ACTION

1. The City of Lexington, through the Lexington Police Department, and the former Chief of the Lexington Police Department, Chief Sam Dobbins, have implemented, maintained, and fostered a custom or policy of violating the constitutional rights of people, including, among other things, by targeting Black people with unlawful arrest and detention to extort money from them and their families. This case arises from such misconduct.

2. On the evening of Friday, December 31, 2021, defendant Sam Dobbins, then serving as the Chief of the Lexington Police Department, and officers under his command, under color of Mississippi law, unconstitutionally detained and arrested Javarius Russell on pretextual and fabricated grounds and summarily jailed him over the long holiday weekend. *See Ex. 1.*

3. In connection with Russell's arrest, detention, and imprisonment, Dobbins ignored and operated entirely outside of Mississippi law. Instead, over the New Year's holiday weekend,

Dobbins repeatedly told Russell and his family members that, if they would pay him thousands of dollars in cash, Russell would be released from jail and the charges against him would be dropped. *But the payment had to be in cash.* On several occasions, Dobbins tied the demand for a cash payment to supposed damage that Russell had done to a police vehicle by crashing into it on his four wheeler. In fact, however, Dobbins's allegation that Russell had damaged a police vehicle was a pure fabrication. Dobbins knew, or at the very least deliberately disregarded the fact, that Russell was never involved in any collision and caused no damage.

4. After the holiday weekend, Russell was finally taken before a judge for his initial appearance and given the opportunity to make bail.

5. The City of Lexington, through the Lexington Police Department, and Dobbins, including through those officers under his command, have made it a regular practice to violate people's constitutional rights in this manner, and regularly directed its officers to implement this policy. On information and belief, Defendants have repeatedly arrested and imprisoned other people, with fabricated legal basis, including by targeting Black men and women, demanding illicit cash payments, and unlawfully holding them in violation of Mississippi state law and the U.S. Constitution.

6. Russell brings this action pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 2000d, and the Fourth and Fourteenth Amendments of the U. S. Constitution. He seeks damages from Defendants for depriving him of rights secured to him by the U.S. Constitution while acting under color of Mississippi law, among other things.

PARTIES

7. At all relevant times, Plaintiff Javarius Russell was a resident of Jackson, Hinds County, Mississippi. At the time of his arrest, he was lawfully present in Holmes County,

Mississippi.

8. Russell has a strong ethic of service—to his family, his community, and his faith. Among other things, he has served and continues to serve as a law enforcement officer. From 2016 through 2021, Russell worked as a safety officer for the Jackson Public Schools' Campus Police. After completing the police academy, Russell worked as a patrol officer for the Jackson Public Schools' Campus Police from 2021 until January 2023. In these roles, he was responsible for protecting students enrolled at the community's public schools. In January 2023, Russell left his job at the Jackson Public Schools' Campus Police and began working for the Office of Capitol Police in Jackson, Mississippi until April 2023. In May 2023, Russell returned to Jackson Public Schools' Campus Police and assumed his a role as patrol supervisor sergeant; he now also has training responsibilities. The Jackson community has relied on him to enforce Mississippi laws and local ordinances on the campuses of Jackson's public schools and of the state capitol, responsibilities that he has faithfully fulfilled with honor and integrity.

9. Russell has always respected the law and law enforcement. Before Dobbins arrested him, Russell had no criminal history and had never had any negative interactions whatsoever with law enforcement authorities. He was, and he remains, a model citizen and member of his community.

10. Russell lives in Jackson, Mississippi with his elderly grandfather, assisting him with tasks with which he struggles in his senior years. Russell is also close with the rest of his family. He often speaks with and visits his parents and extended family, and he puts their needs above his own.

11. Russell is a devout man, worshipping weekly at Mt. Nebo Baptist Church, a church his family has attended for many years, where he is also a preacher. There and in other churches

in his community, Russell has delivered sermons and provided congregants with pastoral services. He believes passionately that he has a religious calling, to which he has responded faithfully.

12. From July 2021 to July 2022, defendant Sam Dobbins was the City's Police Chief. He engaged in the conduct complained of herein in the course and scope of his employment and under color of state law.

13. Defendant Cordarius Epps, was, at all relevant times, an officer with the Lexington Police Department. He engaged in the conduct complained of in the course and scope of his employment and under color of law.

14. Defendant Brad Stanley, was, at all relevant times, an officer with the Lexington Police Department. He engaged in the conduct complained of in the course and scope of his employment and under color of law.

15. Defendant Charles Henderson, was, at all relevant times, an officer with the Lexington Police Department and is currently the Police Chief of Lexington, Mississippi. He engaged in the conduct complained of in the course and scope of his employment and under color of law. (Dobbins, Epps, Stanley, and Henderson are sometimes referred to collectively below as the "Individual Defendants.")

16. Defendant City of Lexington (sometimes referred to below as "Lexington" or the "City") is a municipality and political subdivision of the State of Mississippi and was, at the time of Plaintiff's arrest and detention (described below), the employer and principal of defendants Dobbins, Epps, Stanley, and Henderson.

17. The City of Lexington delegated final policymaking authority concerning law enforcement policy and practices to Dobbins, as Police Chief. In some instances, as described in greater detail below, Dobbins himself acted as a senior policymaker who directed, carried out,

fostered, and perpetuated unconstitutional customs or policies. In several other instances, City of Lexington leaders exercised senior policymaking authority concerning law enforcement customs and policies. For instance, at all relevant times, the Lexington Board of Aldermen exercised final policymaking authority in connection with the hiring and firing of Dobbins; likewise, the Mayor of Lexington exercised final policymaking authority in connection with the training, supervision, investigation, and discipline of City of Lexington Police officers, including Dobbins and the other named Defendants, as described in more detail below. As the Police Chief, Dobbins often made arrests himself, assisted by others under his command, as in this case. When he was on the scene of the arrest, he ran the show. On information and belief, as Police Chief and officer on the scene, Dobbins made all decisions about what would be done with any detainee, including but not limited to how the detainee would be treated, whether he or she would be held in jail and, frequently, whether the detainee would be allowed to go free with all charges dropped upon the payment of money, in cash, to Dobbins.

18. Plaintiff reserves the right and intends to amend this complaint once the identities of such other Lexington senior policymakers are known to Plaintiff with reasonable certainty.

JURISDICTION AND VENUE

19. Plaintiff brings claims under 42 U.S.C. § 1983, 42 U.S.C § 2000d, and the Fourth and Fourteenth Amendments of the U. S. Constitution. Accordingly, the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3).

20. Venue is proper under 28 U.S.C. § 1391(b)(1) because, upon information and belief, the Defendants reside in the State of Mississippi and the Southern District of Mississippi.

21. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in Holmes County, Mississippi, in the

Southern District of Mississippi.

**The Defendants' Unlawful Treatment of Black People
and Lexington's Pervasive History of Unconstitutional Policing**

22. Lexington's population is overwhelmingly (86.33%) Black, and yet the town has a history of pervasive racist and unconstitutional policing. Although he himself is not a resident of Lexington, Russell experienced the same devastating abuse of police power that Lexington's Black residents experience regularly.

23. On information and belief, starting long before he was appointed as Lexington Police Chief in July of 2021, and throughout his short tenure in that position, Dobbins was widely reputed in Mississippi, including in Lexington, to have misused the policing power with which various Mississippi municipalities and counties had entrusted him. He repeatedly committed unconstitutional, violent, and racist acts and other misconduct, reports of which were, and to this day largely remain, available in the Mississippi press and elsewhere on the Internet. As detailed below, such widely publicized reports were available when, in July 2021, Lexington's then senior policymakers appointed Dobbins as Lexington Police Chief.

24. Dobbins's acts of brutal, unconstitutional, and racist policing have been widely reported throughout Mississippi for more than a decade. For example, on August 23, 2012 unidentified law enforcement agents killed Ralph Winston, a Black resident of Humphreys County, Mississippi. His death was widely reported. At the time, Dobbins was a Humphrey's County sheriff's deputy. Shortly after Winston's death, a local official publicly revealed that an FBI investigation into the shooting was underway. The commencement of a Mississippi Bureau of Investigation probe into Winston's killing by law-enforcement personnel was also publicly reported.

25. As was also widely reported, Dobbins was later recorded commenting on, among

other things, the death of Winston and the related investigations. *See, e.g.,* Neirin Gray Desai, Samuel Boudreau, and Elena DeBre, *Fired Lexington police chief exposed in racist recording had a checkered past in law enforcement* (Aug. 16, 2022), available at <https://www.mississippicir.org/news/fired-lexington-police-chief-exposed-in-racist-recording-had-a-checkered-past-in-law-enforcement>. In that recording, which was and is widely available on the Internet, Dobbins spoke about gunning down a “n***gr,” referring to Winston (as discussed *below*, at paragraph 35).

26. Dobbins’s publicized history of unlawful conduct involving violations of Mississippi residents’ civil and constitutional rights did not end in 2012. In March, 2013, when Dobbins was employed as a Deputy Sheriff of Humphreys County, Timmy Smith of Isola, Mississippi, filed a complaint against Dobbins for stopping him on the road, allegedly in a routine traffic stop, arresting him for possession of a weapon, and holding him in the county jail for nearly three and a half months. *See* N. Gray Desai, S. Boudreau & E. Debra, “Fired Lexington police chief exposed in racist recording had a checkered past in law enforcement”, *Jackson Advocate* (Mississippi) (August 18, 2022), pg. 1A, Vol. 84, No. 47, ISSN: 00471704 (Aug. 18, 2022) (reporting on Dobbins’s career-long history of brutal racist remarks and practices).

27. Smith alleged that the arrest was part of an escalating pattern of harassment by Dobbins. In the arrest, Dobbins and his fellow officers reportedly donned black gloves, used mace, and beat Smith mercilessly “to the point of requiring treatment at the surgical intensive care unit at the University of Mississippi Medical Center.” *Id.* Smith’s case against Dobbins and others settled out of court on undisclosed terms. *See id.*

28. Further, on April 14, 2021 (about three months before Lexington appointed Dobbins as Lexington Police Chief), a woman named Natasha Deering filed a complaint with the

Lexington Police Department, alleging, among other things, that Dobbins demanded that she pay an amount of money as “bail” and threatened that, if she did not pay it promptly, her “bond” would increase substantially.

29. On information and belief, when the Lexington Board of Aldermen appointed Dobbins as Lexington Police Chief in July of 2021, each board member knew of or deliberately or recklessly disregarded his history of violent, racially discriminatory, and unconstitutional policing. Once Dobbins was Lexington Police Chief, Lexington senior policymakers—including the mayor and the Board of Aldermen—then failed to (1) adequately investigate complaints concerning Dobbins and the other Individual Defendants; (2) train them on proper policing practices and people’s constitutional rights (particularly in connection with police stops, arrests, and custodial detention); and (3) adequately investigate or respond in connection with the many complaints during the year when Dobbins was Police Chief about unconstitutional and sometimes brutal police practices under his watch, discussed below, (4) or supervise and oversee them. Such Lexington senior policymakers failed to take any such action despite not only ample evidence of Dobbins’s past, often violent and discriminatory, violations of persons’ constitutional rights, but also examples of Dobbins and the other Individual Defendants continuing to violate persons’ constitutional rights on their watch, under color of state law, while Dobbins was Police Chief.

30. During Dobbins’s short tenure as Lexington Police Chief, Lexington’s senior policymakers continued to receive additional information that Dobbins continued to engage in unconstitutional law enforcement and policing practices, but failed to adequately and appropriately respond. Between July 2021 and April 2022, Lexington’s residents lodged at least twenty public complaints regarding the discriminatory policing practices of the Lexington Police Department, twelve of which concerned Dobbins.

31. Between June 2021 and May 2022, a log book maintained by the Holmes County Jail includes seven entries with the word “cash” in the section where bond amounts are listed. These entries also note that the Lexington Police Department subsequently released those individuals. Six out of seven of these individuals were Black. On information and belief, many of these cash payments have no corresponding arrest record.

32. On information and belief, Dobbins kept cash payments from detainees in his office and/or used them for his own personal benefit, without documenting them or remitting to the City of Lexington.

33. These complaints and incidents should have served as red flags alerting Lexington senior policymakers to Dobbins’s continuing violations of persons’ constitutional rights and Mississippi law. Yet, knowing of these violations or with reckless disregard for the facts, senior Lexington policymakers did nothing to protect people—whether residents of Lexington or others passing through—from Dobbins’s unconstitutional and often violent and discriminatory acts.

34. Lexington senior policymakers’ repeated and reckless failure to investigate, monitor, or address Dobbins’s conduct demonstrates their deliberate indifference to continuing violations of people’s constitutional rights. By such conduct, these senior policymakers tacitly established, condoned, and fostered Lexington’s custom or policy of unconstitutional policing in violation of people’s constitutional rights. On information and belief, through the Lexington Police Department, and having delegated authority to Dobbins, the City has adopted and followed an implicit but clear and persistent custom or policy of, among other things, harassing, intimidating, or otherwise violating the constitutional rights of people—principally Black persons—under color of state law. This custom and policy includes, but is not limited to, the Individual Defendants’ frequent and continuing (1) arrest, detention, and/or imprisonment of

persons on purely pretextual grounds or otherwise without probable cause; (2) arrest and/or detention of persons in violation of their due process rights and of applicable Mississippi law; (3) demands that to secure their release, persons who have been arrested, detained and imprisoned deliver cash payments to Dobbins or other Individual Defendants. Such policies or customs violate the Fourth and Fourteenth Amendments, and Mississippi law.

**The Public Release of Definitive Evidence of Dobbins’s Misconduct
Resulted in His Dismissal as Lexington Police Chief**

35. Sometimes, when things gets too hot or too public, even the most recklessly disengaged policymaker is forced to address unremediated misconduct. In the case of Lexington’s senior policymakers, they were finally forced to terminate Dobbins’ employment when, in July 2022, a 17-minute tape recording of Dobbins was publicly released and became widely available. In it he used the racial slur “n****r,” made additional racist remarks, and bragged about his violent acts against Black people. Ex. 2; *see* J. Mitchell, “Mississippi police chief linked to racist recording”, Mississippi Center for Investigative Reporting (Aug. 16, 2022) *available at* <https://www.mississippicir.org/news/mississippi-police-chief-linked-to-racist-recording>. That video remains available on the Internet through various YouTube channels. In that recording, Dobbins bragged that he had shot and killed 13 different people, including one Black man—to whom he referred as a “n****r”—claiming to have shot him 119 times. Ex. 2. Dobbins told another Lexington Police officer that he would not care if the officer “killed a motherfucker in cold blood” and that he was glad the Lexington community “fears” him. Ex. 2.

36. As a result of the general availability of this recording and the public uproar it engendered, on July 20, 2022, with the support of the Lexington Mayor, the Lexington Board of Aldermen finally fired Dobbins, but only after he had violated the constitutional rights of Russell and others during his tenure as Lexington Police Chief.

37. That Dobbins was able so egregiously and repeatedly to violate the constitution and to cause so much harm in only one year is almost as shocking as the fact that it took Lexington's senior policymakers a full year to fire him and that, until then, they were deliberately or recklessly asleep at the switch while Dobbins and his men ravaged on. Indeed, the breadth and depth of Dobbins's misconduct, and Lexington's senior policymakers' tacit endorsement of it for that year, make them and the City of Lexington responsible for the consequences of the customs or policies of unconstitutional policing described herein.

38. In recent months, several pleadings filed in this Court, have alleged, in detail, further examples of Dobbins and the Lexington Police Department's egregious misconduct and contempt for Mississippians' constitutional rights. Allegations from those pleadings, as relevant to this Complaint, are excerpted in the accompanying Appendix.

39. On information and belief, other people of Lexington and the surrounding areas have suffered unconstitutional treatment at the hands of the Lexington Police Department, Dobbins, and those under his command.

40. Recent news of the Lexington Police Department's treatment of Black people demonstrates that its commitment to unconstitutional policing practices has continued even after the Lexington Board of Aldermen finally dismissed Dobbins. Indeed, the Lexington Police Department went so far as to arrest, on pretextual grounds, an attorney prosecuting a Section 1983 case in this Court against some of the same defendants named in this litigation. *See* J. Mitchell "Lexington police jail civil rights attorney days after she complained to Justice official about them," *Mississippi Today* (June 11, 2023), *available at* <https://mississippitoday.org/2023/06/11/lexington-police-arrest-civil-rights-attorney/> (last visited June 30, 2023) (detailing the arrest of Jill Collen Jefferson).

The Unlawful Arrest of Javarius Russell

41. On December 31, 2021, and in celebration of New Year's Eve, Russell attended a community gathering in Holmes County, Mississippi, just outside the city limits of Lexington, Mississippi, along with, on information and belief, more than 30 other mostly Black individuals riding on or in a variety of motor vehicles and coming together for some social New Year's Eve fun.

42. That evening, some of the attendees decided to go for a drive near the location of the gathering. They drove mostly on the state and county roads outside Lexington city limits. Russell participated by driving his four-wheeler, all-terrain vehicle ("ATV").

43. As he drove, Russell had his valid Mississippi driver's license, and his ATV was well-maintained, licensed, and registered with the state authorities.

44. As the group headed back to the place where the others were still gathering, Russell noticed at least two Lexington Police Department cars following them.

45. After following for about two miles, one of the Lexington Police Department cars turned on its lights and sirens, signaling for Russell to pull over his ATV. As soon as Russell saw the lights and heard the sirens, he promptly pulled over to the side of the road and turned his ATV off. On information and belief, the stop occurred on County Road 50 (Torrey Creek Road), just west of the intersection of County Road 50 and Old Balance Due Road 3, outside the limits of the City of Lexington.

46. At that point, Dobbins, then Chief of the Lexington Police Department, approached Russell. Dobbins was in plain clothes and did not identify himself. He had his weapon drawn as he approached Russell.

47. Even though Russell had already turned off the ATV, Dobbins shouted at him to “turn the fucking four-wheeler off.” Continuing to use profanity, Dobbins again ordered Russell to get off the ATV. Dobbins then pushed Russell against the police vehicle, patted him down and detained him, and seized the firearm that Russell’s employer, the Jackson Public Schools Campus Police, had issued to him, which Russell lawfully carried. At no time did Russell strike or touch Dobbins, resist arrest, or fail to comply with any of his orders. Dobbins then ordered Russell to sit in the backseat of the police car, but did not handcuff him.

48. Dobbins did not inform Russell of the reason for his arrest or read him his *Miranda* rights, but Russell overheard Dobbins saying over the radio, presumably to other officers, that he had “the guy who hit the car.” Russell had no idea to what that statement could possibly have referred; he had not been involved in any accident of any sort that evening, with a police vehicle or otherwise.

49. Only later would Russell learn that Dobbins had arrested him on the pretext that he, Russell, had collided with and damaged a police vehicle. No such thing ever happened.

50. While awaiting the arrival of additional officers, Dobbins learned that Russell was a Jackson school district patrol officer. Dobbins then abruptly told Russell that he was “going to jail” and threatened to “ruin” Russell’s career.

51. Once additional officers arrived at the scene, one of them approached the police car in which Russell was detained. When he looked in the back of the car and saw Russell, within Russell’s clear earshot the officer informed Dobbins that Russell had not hit the car. Despite this clear statement to Dobbins by an officer that Russell was not responsible for any damage to a police car, at around 8:08 p.m. on Friday, December 31, 2021, Dobbins and other Individual

Defendants under his direction jailed Russell, a man who had neither violated any laws nor given the Individual Defendants any reason to suspect that he had commit a crime.

52. Dobbins and other Individual Defendants held Russell in the Holmes County Jail over the long holiday weekend, unlawfully, without probable cause and in violation of Mississippi law and of Russell's constitutional rights..

53. Russell was not brought before a judge until on or about Monday, January 3, 2022. On Thursday, January 6, 2022, he was finally released on bond.

The Arrest Report

54. At the jail on or about the evening of December 31, 2021, Epps created a report of Russell's arrest. Ex. 1. The arrest report listed Russell's charges as, "Aggravated Assault on an LEO [law enforcement officer]; Felony Fleeing; Reckless driving; Failure to yield to blue lights and siren; ATV on Public Road." It further stated that Russell had "no bond."

55. The arrest report did not indicate that Dobbins had witnessed any collision with a patrol vehicle that day or evening. Nor did it mention that an officer had told Dobbins that Russell did not, in fact, strike a police car. The arrest report contained no collision report or photos of a damaged police vehicle, nor did it not describe the damage or indicate when or where the alleged collision had occurred.

56. Officer Brad Stanley filed the charges against Russell. Russell was charged with "Unauthorized vehicle"; "Felony Fleeing"; "Aggravated Assault/Officer"; and "Malicious Mischief." Ex. 1.

Dobbins's Demands for Cash and the Delay of Russell's Initial Appearance

57. In the booking area of the Holmes County Jail that evening, for the first time Dobbins informed Russell of the charges against him, as listed above.

58. James Smith, who also attended the New Years' Eve social gathering and drove with Russell, was also arrested at the time Dobbins arrested Russell. Dobbins accused Smith of committing similar offenses. Like Russell, Smith is a Black man.

59. Over the weekend, Dobbins offered Russell and Smith a "deal": if they would pay Dobbins more than \$2,700 in cash, putatively to repair the police vehicle, Dobbins would drop the charges and let them go.

60. Russell asked if the amount could be paid by check or card. Dobbins responded, "it needs to be cash."

61. Subsequently, Dobbins permitted Russell to make a phone call to his family members to request the money. Over the weekend, Dobbins spoke several times with Russell's relatives by phone. Dobbins repeatedly stated that, if Russell's family could pay him a certain amount of cash, putatively to pay for the damage to the police vehicle, Russell would be released from jail and all the charges would be dropped. He said that he alone could arrange that.

62. Over the weekend, Henderson told Russell that Dobbins had offered him a "good deal," especially because there would not be a "record," implying that, if Russell paid up, he would not be charged. Henderson encouraged Russell to pay Dobbins.

63. On information and belief, Henderson said substantially the same thing to Mr. Smith.

64. On information and belief, Dobbins intended to keep the cash for his personal benefit.

65. On Monday January 3, 2022, in Russell's file in the Holmes County Jail Docket, an official noted "Need to make this bail bond at LPD per order of Chief Dobbins," but someone

subsequently crossed out that note. Per Mississippi law, only a judge may set bail. Cash bail must be paid into the court or a bail surety bond must be issued in favor of the State of Mississippi.

66. On or about January 3, 2022, Russell made an initial appearance before a judge of the 21st Circuit Court. The judge set Russell's bail at \$80,000.

67. Russell's family engaged a bail agent to post a surety bail bond on his behalf and, on information and belief, on January 6, 2022, Russell was released from Holmes County Jail. Russell's \$8,000 bond premium and a \$200 cash fine payment to the Lexington Municipal Court have been paid in full and have never been refunded.

The Additional Harm that Russell Suffered

68. Defendants' unlawfully detained, arrested, imprisoned and held Russell for several days without probable cause. That misconduct significantly injured Russell's mental and emotional wellbeing.

69. Immediately following the incident, Russell had to take additional time off of work because of the trauma he had suffered.

70. As a direct and proximate result of his unconstitutional arrest and detention, Russell has suffered mental and emotional distress, including, but not limited to severe anxiety connected to those in law enforcement positions, even though he himself is a law enforcement officer.

71. The Lexington Police Department did not return Russell's employer-issued firearm to him until approximately one month following his January 6, 2022, release. During that month, Russell was denied use of a firearm in connection with his duties as a law enforcement officer, subjecting him to needless danger and causing him to suffer emotional distress.

72. Defendants' unlawful conduct and the City's unconstitutional custom or policy have also caused Russell to suffer financial harm. Russell was unable to work while he was

detained and for the time he took off to recover emotionally from the incident, resulting in lost wages for January 2, 2022 through January 7, 2022.

COUNT I: 42 U.S.C. § 1983 Against Dobbins for Unlawful Arrest In Violation of the Fourth Amendment

73. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

74. The Fourth Amendment to the U.S. Constitution protects against unlawful arrest.

75. Dobbins was, at all times relevant herein, an employee of the Lexington Police Department.

76. Dobbins conducted the acts alleged above within the scope of his employment or duties.

77. Dobbins's arrest of Russell on December 31, 2021 lacked probable cause because the facts and circumstances within Dobbins's knowledge at the time of Russell's arrest were not sufficient to warrant a prudent person's belief that Russell had committed, was committing, or was about to commit an offense.

78. Dobbins's unlawful arrest of Russell violated his rights protected by the Fourth Amendment to the U.S. Constitution.

79. As a result of Dobbins's unlawful and unconstitutional misconduct, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. Dobbins is therefore liable for damages in an amount to be proven at trial.

COUNT II: 42 U.S.C. § 1983 Against Dobbins, Epps and Stanley for Unlawful Detention (*Manuel*) Under the Fourth Amendment

80. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

81. The Fourth Amendment to the U.S. Constitution protects against pretrial detention brought about through wrongful legal process. This constitutional protection is made applicable to the State through the Fourteenth Amendment.

82. Dobbins, Epps, and Stanley were, at all times relevant herein, employees of the Lexington Police Department.

83. Dobbins, Epps and Stanley acted as alleged above within the scope of their employment or duties and under color of state law.

84. As described more fully above, the Individual Defendants made or participated in the decision to arrest, detain, and charge Russell on December 31, 2021, without probable cause.

85. Dobbins, the arresting officer, did not witness the alleged crimes or reasonably and lawfully rely on credible information provided under oath or affirmation by an eye witness. As to the alleged accident involving Russell's four wheeler, another officer informed Dobbins that Russell was *not* suspected of hitting the police vehicle. The statements in the arrest report charging Russell with Aggravated Assault on a Law Enforcement Officer and Malicious Mischief were knowingly false or made with reckless disregard for the truth, and the arrest of Russell was without probable cause.

86. On the basis of this false arrest report, Russell was unlawfully detained over the holiday weekend until he could be taken before a judge for an initial appearance. After his initial appearance, Russell then returned to Holmes County Jail, where he was unlawfully detained until he was released, based on information and belief, on January 6, 2022.

87. As the officer who arrested Russell without probable cause and in bad faith and who conveyed the false information for the arrest report, Dobbins violated Russell's rights protected by the Fourth Amendment to the U.S. Constitution.

88. On or about December 31, 2021, Epps wrote the false narrative in the arrest report (which was signed neither by the arresting officer or the officer's supervisor, as required). That report, used improperly in connection with Russell's arrest, was a direct and proximate cause of the violation of Russell's rights protected by the Fourth Amendment to the U.S. Constitution and of the consequent injuries and damages Russell has suffered. In the arrest report, Epps listed Russell's charges as: "Aggravated Assault on an LEO [law enforcement officer]; Felony Fleeing, Reckless driving; failure to yield to blue lights and siren; ATV on Public Road." Used improperly in connection with Russell's arrest, the false and misleading arrest report was a direct and proximate cause of the violation of Russell's rights protected by the Fourth Amendment to the U.S. Constitution and of the consequent injuries and damages Russell has suffered.

89. This misconduct was objectively unreasonable and was undertaken intentionally with malice, willfulness, and reckless indifference to Russell's constitutional rights, the truth, and his innocence.

90. As a result of Dobbins, Epps, and Stanley's unlawful and unconstitutional misconduct, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. Dobbins, Epps, and Stanley are therefore liable for damages in an amount to be proven at trial.

COUNT III: 42 U.S.C. § 1983 Against Dobbins, Epps and Stanley for Unlawful Detention Under the Fourteenth Amendment

91. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

92. If the Court finds that Russell's arrest and detention was supported by probable cause, Plaintiff pleads in the alternative that Dobbins, Epps, and Stanley violated his rights protected by the Due Process Clause of the Fourteenth Amendment.

93. Dobbins deprived Russell of his constitutionally protected liberty interest by placing him in the back of his police vehicle on December 31, 2021 without probable cause or due process of law. Dobbins, Epps, and Stanley continued to deprive Russell of his constitutionally protected liberty interest by detaining him at the Holmes County Jail.

94. Dobbins, Epps, and Stanley delayed Russell's initial court appearance. Russell's unlawful detention in the custody of the Lexington Police Department until on or about January 3, 2022, violated Russell's rights under the Fourteenth Amendments.

95. The process Dobbins, Epps, and Stanley followed violates Mississippi law, offends principles of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental, and transgresses any recognized principle of fundamental fairness in operation.

96. As a result of the Individual Defendants' unlawful and unconstitutional misconduct, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. Dobbins, Epps and Stanley are therefore liable for damages in an amount to be proven at trial.

COUNT IV: 42 U.S.C. § 1983 (*Monell*) against the City of Lexington for the Policy or Custom of Unconstitutional Arrests and Detentions in Violation of the Fourth Amendment under Police Department Senior Policymaker Dobbins

97. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

98. At all relevant times, Lexington Police Chief Dobbins was a final policymaker of the City of Lexington for the conduct of the Lexington Police Department and the officers and other personnel in his command, including but not limited to the other Individual Defendants, who created, expressly or tacitly communicated, directed, fostered and perpetuated a spoken or unspoken policy or custom of unconstitutionally carrying out arrests without probable cause,

targeting Black individuals, and holding them in jail, sometimes demanding cash payments for their release, in violation of their Fourth and Fourteenth Amendment rights and of Mississippi law.

99. Through the actions and omissions of Dobbins, the City of Lexington established and maintained a policy or custom of violating the Fourth and Fourteenth Amendment rights of citizens or other persons within the jurisdiction of the U.S. by unlawfully arresting and detaining people and demanding illicit cash payments to be released from detention.

100. In addition, the unconstitutional misconduct of Dobbins and the other Individual Defendants was so conspicuous and pervasive that senior Lexington policymakers above Dobbins either knew of the Police Department's custom and policy of violating arrestees' constitutional rights or turned a blind eye to the horrific facts; by doing nothing, they tacitly endorsed and perpetuated it.

101. As a direct and proximate result of the City of Lexington's policies, practices, and customs, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. The City of Lexington is therefore liable for damages in an amount to be proven at trial.

COUNT V: 42 U.S.C. § 1983 – (*Monell*) Against City of Lexington for the Policy or Custom of Unconstitutional Arrests and Detentions in Violation of the Fourth Amendment Established by its Reckless Appointment of Dobbins as Police Chief Without Due Diligence and its Failure to Investigate, Train, or Supervise Lexington Police Chief

102. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

103. When they appointed Dobbins as Lexington Chief of Police, Lexington final policymakers knew of, recklessly disregarded or deliberately ignored substantial evidence of his prior violations of Mississippi law and the United States Constitution while serving in law enforcement departments of other Mississippi municipalities and counties.

104. Then, during Dobbins's yearlong tenure as Lexington Police chief, Lexington final policymakers knew of, recklessly disregarded or deliberately ignored additional reports, of unconstitutional and unlawful arrests and imprisonment of Black persons in Lexington by Dobbins and others under his command. They failed adequately to investigate or to respond to such reports or to put in place appropriate training, oversight, supervision or other safeguards to protect people against such violations of law and of the U.S. Constitution.

105. During Dobbins's tenure as Lexington Police Chief, such other senior policymakers acted or failed to act with deliberate indifference to violations by Dobbins and the Lexington Police Department of peoples' constitutional rights.

106. By such behavior, such Lexington senior policymakers established, condoned and fostered a municipal custom and policy of unconstitutional acts and practices carried out through Dobbins and the Lexington Police Department.

107. As a direct and proximate result of that custom and policy of the City of Lexington, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. The City of Lexington is therefore liable for damages in an amount to be proven at trial.

COUNT VI: 42 U.S.C. § 1983 against Dobbins and Henderson for Racial Discrimination in Violation of the Fourteenth Amendment (Equal Protection)

108. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

109. Russell's right to equal protection under the law is protected by the Fourteenth Amendment to the U.S. Constitution.

110. Dobbins and Henderson were, at all times relevant herein, employees of the Lexington Police Department.

111. Dobbins and Henderson conducted the acts alleged above within the scope of their employment or duties.

112. As a Black man, Russell is a member of a constitutionally protected class.

113. Dobbins and Henderson treated Russell differently than similarly situated individuals who are not members of a constitutionally protected class.

114. As more fully described above, Dobbins and Henderson disproportionately arrested Black people and told them they would be released if they paid a large sum in cash directly to the Lexington Police Department.

115. As more fully described above, Dobbins acted with an intentionally discriminatory purpose when stopping and arresting Russell, as Dobbins has expressed his discriminatory views regarding Lexington's Black residents.

116. Dobbins also acted with an intentionally discriminatory purpose when he offered Russell a "deal" to release him in exchange for payment of over \$2,000 in cash. Dobbins attempted to obtain a cash payment from Russell because Russell is Black. On information and belief, Dobbins seeks to obtain cash payments from Black detainees in far greater proportion than from white detainees.

117. Henderson acted with an intentionally discriminatory purpose when encouraging Russell to accept the "deal" Dobbins offered him.

118. As a result of this unlawful misconduct, Russell was injured, including by losing liberty and income and suffering emotional damage and mental distress. Dobbins and Henderson are therefore liable for damages in an amount to be proven at trial.

**COUNT VII: Against the City of Lexington for
Violations of Title VI of the Civil Rights Act of 1964**

119. Plaintiff restates and re-alleges paragraphs 1-72 of this Complaint as though fully set forth herein.

120. The City of Lexington received federal funding at the time of Russell's arrest because Lexington Police Department was awarded \$147,476 through the COPS Hiring Program in 2020, an award covering a percentage of officer salaries for three years. As a program receiving Federal financial assistance, City of Lexington is subject to Title VI of the Civil Rights Act of 1964, at minimum, from 2020-2023.

121. Russell, as a visitor of Lexington, was an intended beneficiary of the Lexington Police Department's services.

122. As more fully described above, the City of Lexington intentionally discriminated against Russell and this discrimination was so severe, pervasive and objectively offensive that it denied Russell equal treatment under law.

123. As a result of this unlawful misconduct, Russell was injured, including loss of liberty, unlawful bond, emotional damage, and mental distress. The City of Lexington is therefore liable for damages in an amount to be proven at trial.

PRAYER FOR RELIEF

As a result of these violations, Plaintiff requests that the Court grant relief against Defendants by entering an order:

- A. awarding Plaintiff all recoverable damages in an amount to be determined at trial, including but not limited to
 - 1. compensatory damages,
 - 2. punitive damages, and

3. nominal damages; and
- B. awarding to Plaintiff the costs of this action, including reasonable attorneys' fees to be assessed and paid to them in accordance with 42 U.S.C. § 1988 and 29 U.S.C. § 794; and
- C. declaring that the Defendants have violated the rights guaranteed to Plaintiff under the United States Constitution and Title VI of the Civil Rights Act of 1964; and
- D. enjoining
 1. Defendants from interfering with the Fourth and Fourteenth Amendment rights of persons, including by (a) arresting and imprisoning them without probable cause or on purely pretextual grounds or (b) holding them without the opportunity to make an initial appearance before a judge in the time required under Mississippi law;
 2. Defendants from soliciting or accepting cash payments of any kind except in strict accordance with the controlling codes and statutes of the State of Mississippi, local rules and ordinances or duly adopted and published rules of court, and with all applicable record-keeping, reporting and disclosure requirements;
 3. Defendants from stating or suggesting, at any time, to any person whom they have detained or arrested or who is in their custody (a "Detainee"), that there is something that the Detainee could or should do for the personal benefit of the arresting officer or other law enforcement officer or government official, whether in the nature of conferring a monetary benefit or otherwise, to influence any decision to detain or continue to detain the Detainee, to charge the Detainee, or to drop charges against the Detainee; and
 4. Defendants from engaging in racially-discriminatory policing practices;

5. and affirmatively enjoining Henderson, the City of Lexington, and the Lexington Police Department to implement such policies and programs for training, compliance, and promotion as may be required to ensure the non-recurrence of discriminatory, unlawful and unconstitutional acts and practices; and

E. providing for

1. continuing federal Court jurisdiction over, among other things, the implementation of such policies and programs for training, compliance, and promotion as may be required to ensure the non-recurrence on the part of Lexington (including the Lexington Police Department) of discriminatory, unlawful and unconstitutional acts and practices, as required by the above-mentioned injunctive relief;
2. the appointment of an independent special monitor reporting directly to the Court for so long as the Court shall require for the purpose stated in the foregoing paragraph E.1.; and
3. such other and further relief as the Court deems appropriate.

JURY DEMAND

Plaintiff respectfully demands trial by jury for all triable matters.

* * *

Dated: August 1, 2023

Respectfully submitted,

/s/Joshua Tom

ACLU OF MISSISSIPPI

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APPENDIX

<i>Harris v. Dobbins, Case No. 3:22-cv-479-TSL-MTP, ECF 126</i>	
Page	Quote
10	“Sherriff March testified that after Dobbins became chief of LPD, he was fielding complaints about LPD’s abuses day and night, all through the night. . . Sherriff March testified that these complaints concerned the way the citizens of Lexington have been treated and how Dobbins talked to them when he stopped them, and how long he let them stay in jail, or wouldn’t let them out of jail until they pay the old fines, and wouldn’t set a bond of them unless they pay their old fine, or LPD officers wouldn’t take them to court to see a judge in the constitutionally required 48 hours post-arrest.” (citation and internal quotations omitted)
12	“Maytice Shields, a former LPD officer, filed an affidavit with the Holmes County Sherriff’s Department in January and a complaint with Mississippi Attorney General Lynn Fith’s Public Integrity Unit days ago in which she described viewing body-camera footage of another LPD officer assaulting a woman and baby: I saw Officer Jackson snatch the woman out of her car, and her infant fell to the ground on the concrete. The young woman weighed less than 100lbs and was no match for the officers. The child had to be hospitalized due to the assault.” (internal quotations omitted)
12	“The ACLU’s August 2022 letter described several alleged instances of excessive force against arrestees and detainees, including an allegation that LPD officers ‘pistol whipped’ a man in the face and refused to transport him to receive necessary medical care.”
12- 13	“The letter also cited information from a former LPD officer, who described an instance when Defendant Dobbins kicked someone in the head multiple times during an arrest. . . The same former officer explained that Dobbins often beat people for no reason and then would falsely charge them with resisting arrest.” (citation and internal quotations omitted)
13	“In April 2023, LPD officers beat a mentally ill woman after they had placed her in handcuffs. Several civilians witnessed and recorded the event, publicly sharing the videos of the beating on Facebook.”
13	“Mr. Stewart testified [at the TRO hearing] that when he was arrested in April 2022, LPD officers would not release him from jail until his sister paid an old traffic fine that Mr. Stewart had already paid off. . . Mr. Stewart testified that LPD officers claimed they had a warrant for his arrest based on the paid fines, but they never showed Mr. Stewart the warrant.” (citation omitted)
14	“Ms. Shields stated, I personally witnessed Chief Charles Henderson deleting the bodycam footage from LPD’s assault of a woman as well as deleting other incriminating body camera footage on more than one occasion. The woman who had been assaulted

	filed a report with LPD against Agee and Jackson. I personally witnessed Investigator Agee throw the only copy of her report in the trash.” (internal quotations omitted)
16	“Sheriff March testified [at the TRO hearing] to the flood of roadblocks beginning under Defendant Dobbins’ leadership, as did Malcolm Stewart. . . Plaintiff Peter Reeves testified to the same and stated that the excessive and harassing roadblocks continue under Defendant Henderson’s leadership.” (citations omitted)
16	“In her affidavit, former LPD Officer Shields stated, I have witnessed Lexington Police Officers committing unethical and, at times, illegal acts. For example, tickets written against women often go missing. My understanding is that officers would use their badges to request sexual favors from women by threatening to ticket or arrest them if they did not comply. Officers would throw away tickets issued to women who agreed to have sexual intercourse.” (internal quotations omitted)
16-17	“In her affidavit, former LPD Officer Shields stated. . . I have heard Chief Henderson say ‘Y’all [n*****s] need to stop having sex on the clock’ during a staff meeting.”

<i>Gibson v. City of Lexington, Mississippi, Case 3:23-cv-00033-TSL-MTP, ECF 1-1</i>	
Paragraph	Quote
12-14	“The Plaintiffs [Shirley Gibson and Oliver Brooks] were not committing, nor had they committed, a crime, and were not the subject of any active warrant for their arrest. As the Plaintiffs enjoyed the peace and comfort of their home, Dobbins, Henderson, and Moore, officers with the Lexington Police Department, kicked open the Plaintiffs’ front door. Such officers then entered the home of the Plaintiffs and began to physically and verbally abuse, abuse, humiliate, and torture the Plaintiffs. The Plaintiffs were subsequently dragged from their home where they were subjected to continued physical and verbal abuse, humiliation, and torture, including, but not limited to, striking and hosing the Plaintiffs with a fire hose for a sustained period of time. Such attacks and abuse continued unabated while being accomplished in the presence of Dobbins, the acting Chief and highest ranking officer of the Lexington Police Department. As a direct and proximate result of the Defendants' actions, the Plaintiffs incurred severe mental and emotional anguish, humiliation, and pain and suffering, among other things.”
25-26	“The Lexington Police Department has an established history of using excessive force and otherwise violating the Constitutional rights of its resident citizens. In one similar incident, its officers, including Defendant Henderson, broke down a female resident's door without a warrant, pepper-sprayed her, arrested her without probable cause and without Mirandizing her, and hosed her down with a fire hose, thereafter leaving her outside in the elements without proper care or clothing. In fact, more than a dozen female citizens have reported to civil rights organizations and City staff that Defendant Henderson has propositioned them for sex, and

	<p>proceeded to ticket or arrest them when they refused. One aged female individual reported being detained for three months after denying Defendant Henderson's advances. Yet, in another incident, Defendant Henderson shoved an elderly female against her automobile during an unnecessary and unwarranted stop, even though she was not actively resisting Defendant Henderson's orders or attempting to flee. Various victim accounts and images of injuries confirm that on multiple occasions Lexington Police Department officers have beaten individuals in their custody. In one account, officers left a particular male individual on a hospital curb after assaulting him."</p>
30	<p>"Upon information and belief approximately twenty-three (23) officers with the Lexington Police Department have resigned within the last year after refusing to accede with the City of Lexington's policy and culture of corruption. Some police officers have reported seeing other officers pull civilians from the rear of patrol cars and brutally beat such individuals. One officer reported witnessing the Defendant and former Police Chief, Dobbins, kick a restrained suspect in the head; that officer subsequently resigned from the Lexington Police Department. At least four (4) officers have reported being forced out of the Lexington Police Department after refusing to violate individuals' Constitutional rights."</p>