



## HOLWELL SHUSTER & GOLDBERG AND ACLU OF LOUISIANA'S JUSTICE LAB FILE LAWSUIT AGAINST POLICE OFFICERS FOR EXCESSIVE FORCE AGAINST A COOPERATING BLACK MAN WITH PREEXISTING INJURIES

04.29.2021

**N**ew York—Holwell Shuster & Goldberg LLP and Justice Lab, the American Civil Liberties Union of Louisiana's litigation and advocacy campaign against racist policing, filed today a lawsuit against officers in the Hammond Police Department, as well as the City of Hammond, Louisiana.

The complaint asserts that on April 30, 2020, Timothy Watkins, a 45-year-old Black man, called 911 seeking police assistance to mediate a dispute over a broken windshield. Upon arrival, the police instead arrested Mr. Watkins on an unrelated shoplifting charge, handcuffed him, and severely injured him in the process through the use of excessive force. During the arrest, officer Anthony Fox heartlessly ignored Mr. Watkins' repeated pleas to handcuff him from the front rather than the back to avoid exacerbating his chronic sciatica. The force of the behind-the-back handcuffing caused Mr. Watkins debilitating injuries that had an immediate and profound effect on his life, for which he is seeking damages.

"While the facts may seem less extreme compared to the many incidents of police brutality dominating the national news, this case is no less a 'knee on the neck of justice for Black Americans,' to use President Biden's words," said Priyanka Timblo, associate at Holwell Shuster & Goldberg and attorney for Mr. Watkins. "Under the prevailing Supreme Court standard, the police often justify using excessive force on the basis that there was a 'tense' or 'rapidly evolving' situation that necessitated a 'split-second judgment' on the part of the officer. But that standard doesn't help the officers here. Mr. Watkins was unarmed, fully cooperative, posed no threat or flight risk, and was being arrested for a minor non-violent charge," she added. "There can be no excuse for injuring him in this case."

The complaint further asserts that on the day Mr. Watkins was arrested, the law was clear that handcuffing a non-threatening, non-fleeing suspect from the back rather than the front constitutes excessive force when the arresting officer knows of a medical condition that could be aggravated by a behind-the-back handcuffing. Yet, several other police officers stood by and did nothing to stop Officer Fox as he did so. The complaint also seeks to hold the City of Hammond responsible for its failure to train and supervise its officers on how to handcuff suspects in non-exigent circumstances in a way that respects their Constitutional rights, and for its failure to discipline its officers when they use excessive force.

“We are deeply saddened by the lack of regard for Mr. Watkins’ human dignity and the City of Hammond’s failure to uphold the protections afforded to all citizens by the Constitution,” noted Nora Ahmed, legal director of the ACLU of Louisiana. “The unwarranted abuse of a Black man during a routine handcuffing—when it was that Black man who called the police for help in the first place—underscores how deeply entrenched systemic racism is in the fabric of our nation. If those called to serve and protect our country continually fail to do so, prioritizing excessive force instead—even when circumstances are safe and easy—the situation is virtually certain to turn tragic when the call is slightly more nuanced.”

Ms. Ahmed added, “Only by putting an end to the routine and daily less-than-lethal injustices against people of color, which turn victims into purported ‘criminals’ on a dime, will we start to see fewer lives being lost at the hands of police. This is what we hope to see happen over time with Justice Lab. We want to identify and root out police misconduct before those engaging in that conduct ever maim or kill anyone.”

The complaint, filed in the United States District Court, Eastern District of Louisiana, is available [here](#).

Holwell Shuster & Goldberg is one of over three dozen leading private law firms to join Justice Lab’s initiative to challenge racially discriminatory policing practices. Louisiana has the highest incarceration rate in the world and the ratio of police officers to residents is the highest of any state in the country. By focusing intensive efforts on a single state, Justice Lab aims to test the impact that litigation has on police conduct. Since the initiative began last summer, the ACLU has received nearly 300 complaints of police misconduct from Louisiana residents, ranging from verbal abuse, to racial profiling, to use of excessive and lethal force. This is Justice Lab’s eighth lawsuit. Summaries of each case filed since the initiative’s inception less than a year ago can be found [here](#).

## **ATTORNEYS**

Priyanka Timblo