

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

TERRY HENDERSON,)	
)	
Plaintiff,)	
)	
v.)	Case #1:17-cv-_____
)	
JOHN P. JONES,)	
Alexandria Police Department)	
3600 Wheeler Avenue)	
Alexandria, VA 22304)	
)	
Defendant.)	

COMPLAINT

Preliminary and Jurisdictional Statement

1. Defendant John P. Jones, a white police officer with the Alexandria Police Department on detail as a security guard for a property management firm, wrongfully arrested plaintiff Terry Henderson, an African-American housing inspector with the Alexandria Redevelopment and Housing Authority (“ARHA”), and used excessive force against him while Mr. Henderson was lawfully and peacefully at the Brent Place Apartments in Alexandria to perform pre-arranged inspections of several residential units. Officer Jones’ charge against Mr. Henderson of trespassing, which was fabricated and baseless, was dropped at the scene after a supervising police officer arrived and inquired into Mr. Henderson’s arrest. Mr. Henderson now seeks compensation for his wrongful arrest and for the injuries he sustained due to Officer Jones’ use of excessive force. This case arises under the Fourth Amendment of the United States Constitution and 42 U.S.C. §1983. This court has jurisdiction under 28 U.S.C. §1331.

Parties

2. Terry Henderson is a 54 year-old housing inspector with ARHA, a position he had held for fourteen years at the time of the incident described herein. He was on duty as a housing inspector at the time he was accosted, arrested and injured by Officer Jones. He is African-American.

3. Officer Jones is, and at all relevant times was, a police officer employed by the Alexandria Police Department. He is white. He is sued in his individual capacity for damages.

Claim for Relief

4. On or about June 30, 2015, Mr. Henderson was on duty as a housing inspector with the City of Alexandria, Virginia. That morning, he made arrangements to inspect two apartment units at the Brent Place Apartments, a government-subsidized apartment complex in Alexandria, later that morning.

5. Mr. Henderson drove to Brent Place Apartments, arriving at approximately 11:15 a.m. He parked his car in the on-site parking lot facing the side entrance of the apartment building, as was his practice.

6. Mr. Henderson approached the side door of the building with his inspection clipboard in hand, on which was visibly clipped an ARHA inspection document and also his card identifying him as an ARHA building inspector. A photocopy of his clipboard and card are attached hereto as Exhibit A.

7. At the door Mr. Henderson encountered Officer Jones exiting the building. Officer Jones was wearing his uniform and his gun and otherwise displaying his authority as a police officer for the City of Alexandria.

8. As a housing inspector for the City, Mr. Henderson had in his possession his key fob that allowed him access to the apartment complex through any of its entrances, including the side entrance. He had routinely used the side entrance in the past when at Brent Place.

9. When Mr. Henderson attempted to enter the building, Officer Jones stood in the doorway, stopped Mr. Henderson, and asked if he was a tenant. Mr. Henderson answered that he was not, explained that he was the housing inspector, there to inspect units in the building, and showed Officer Jones his key fob allowing him access to the building.

10. Officer Jones refused to allow Mr. Henderson to access the building through the side entrance and informed Mr. Henderson that he would be trespassing by attempting to enter through that door. Mr. Henderson again explained that he was there on official business and had a key to all entrances to the building.

11. Officer Jones repeated that Mr. Henderson would be trespassing by entering the side door, blocked his access to the side door, and insisted that Mr. Henderson use only the front entrance if he wished to gain access to the building.

12. Frustrated, but unwilling to push his way into the building, Mr. Henderson turned and complied with the demand that he enter through the front door. He began walking along the side of the building toward the steps leading to a walkway to the front door.

13. Mr. Henderson was indignant at what he viewed as unwarranted abusive action by a white police officer towards a law-abiding African-American city official.¹ He contained himself, except for muttering a rude non-threatening comment, with neither racial nor lewd connotation, regarding Officer Jones as he walked toward the front door per Officer Jones' command.

14. Mr. Henderson's comment did not warrant further action or intervention by Officer Jones, who had been trained to ignore rude comments by irate citizens who were otherwise complying with his commands.

15. Officer Jones followed on Mr. Henderson's heels. He then stepped in front of Mr. Henderson and asked Mr. Henderson to repeat what he had said. When Mr. Henderson did so, Officer Jones began to address him in an angry manner.

16. At no point did Mr. Henderson verbally or physically threaten Officer Jones.

17. After yelling at Mr. Henderson, Officer Jones told him he was placing him under arrest for trespassing, and to put his hands behind his back.

18. There was no factual basis for believing that Mr. Henderson, who had in his possession the keys to the apartment building, an ARHA inspection file and an ARHA identification card – all of which was available to Officer Jones – was anything other than a housing inspector who had both authority and permission to be in the Brent Place Apartments at that time, as he repeatedly told Officer Jones.

¹This case has not been brought as an intentional racial discrimination case. Should discovery confirm a sufficient basis for such a claim, Mr. Henderson will move to amend his complaint to add one.

19. There was no reason for Officer Jones to have believed that Mr. Henderson was trespassing or committing any crime, and no reason for him to detain or arrest Mr. Henderson for trespassing or any other crime.

20. There was no legal justification for Officer Jones to have ordered Mr. Henderson from the side door to the front door, as entrance through the front door would have remedied any alleged “trespassing.”

21. Throughout the time that Officer Jones was berating Mr. Henderson, numerous persons walked freely into and out of the building by the very door Officer Jones refused to let Mr. Henderson access.

22. Without the slightest justification for doing so, Officer Jones told Mr. Henderson that he was arresting him for trespass, and to put his hands behind his back to be handcuffed. Officer Jones said that he would pepper spray Mr. Henderson if he did not comply.

23. While deeming his arrest preposterous, Mr. Henderson calmly placed his ARHA clipboard on a ledge immediately adjacent to where he and Officer Jones were standing, put his hands behind his back, and suffered himself to be handcuffed without difficulty. Once handcuffed, he continued to abide by Officer Jones’ commands to step back towards the concrete steps going up to the main building plaza.

24. Officer Jones then directed Mr. Henderson to get down on the ground. Mr. Henderson, a large man 54 years of age, asked why, now that he had been peacefully handcuffed, he had to get on the ground. Officer Jones did not respond other than to yell, “get on the ground, get on the ground.”

25. Mr. Henderson, handcuffed behind his back, could not readily get to the ground, and did not offer to do so. In response, Officer Jones, increasingly agitated and infuriated with Mr. Henderson for being uppity, began to push him backwards towards the concrete steps leading to the walkway to the front of the building. Seeking to avoid being pushed backwards into concrete steps he could not see, Mr. Henderson instinctively resisted, whereupon Officer Jones grabbed him, turned him around, and moved him forward, away from the steps. Mr. Henderson was now facing the steps, with Officer Jones at his back.

26. Officer Jones called for backup, which from his experience he expected to arrive promptly, as it did.

27. Officer Jones then pushed Mr. Henderson forward and violently pushed him down upon the steps. Mr. Henderson's hands being handcuffed behind him, he could not break his fall, and landed heavily on the steps. Twisting his body so that he not land in a fully frontal position on concrete steps, Mr. Henderson succeeded in landing on his right side rather than his chest.

28. Officer Jones thereupon rolled Mr. Henderson over and sat him on the ground.

29. Officer Jones' pushing Mr. Henderson violently onto the steps caused him pain and injury. The violence of his fall, or the rough manner in which Officer Jones rolled him over thereafter, also caused the ring he was wearing on his right hand to be crushed, to the point that it had to be sawed off his finger once he got to MedStar Prompt Care at Alexandria, where he went for treatment of injuries caused by Officer Jones' assault.

30. The events set forth above were captured in whole or in part by a security camera at the rear of the apartment building. A copy of the resulting video, which has been cropped to

focus on the interaction between Officer Jones and Mr. Henderson, is accessible on line at <<https://www.youtube.com/watch?v=CAjsNkqx8N0>> or on You Tube at <Henderson v. Jones>.

The contents of that video are incorporated herein by reference as though set forth in full.

31. Mr. Henderson was thereafter lifted to his feet from behind by Officer Jones and another officer who had arrived pursuant to Officer Jones' call for back-up. The officers escorted him to the rear of a police car that had arrived in the parking lot.

32. At the police car, Officer Jones examined Mr. Henderson's housing official inspection documents. Even though this review confirmed Mr. Henderson's status and lawful presence, Officer Jones still did not release him.

33. While Mr. Henderson remained handcuffed and standing behind the police cruiser, the assistant manager of the building informed Officer Jones that Mr. Henderson was a housing inspector who was there to inspect several units in the building.

34. Officer Jones told the assistant manager to leave and still did not release Mr. Henderson from custody.

35. In response to Mr. Henderson's repeated requests that a police supervisor be called to the scene, a police sergeant arrived.

36. After conferring with Officer Jones, the sergeant instructed him to remove the handcuffs from Mr. Henderson and told him he was free to go. He was never formally charged.

37. At all times it was perfectly clear, as a matter of well-established law, that no grounds existed for Officer Jones to have stopped Mr. Henderson nor, thereafter, to have arrested him, nor to have shoved him violently to the ground. On information and belief, in so doing, Officer Jones acted out of an inflated sense of his power as a police officer when faced with a

person did not immediately kowtow to his demands, no matter how inappropriate.² His actions were intentional, malicious, and in derogation of Mr. Henderson's clearly established rights.

38. As a result of Officer Jones' actions set forth above, Mr. Henderson suffered severe physical injury requiring physical therapy for a lengthy period of time, permanent partial disability negatively impacting his work as a housing inspector, permanent damage to his ring that had to be sawed off his finger at the hospital where he went for treatment of his injuries at the hands of Officer Jones, expenses for doctors and therapists addressing his injuries, disruption of his work at ARHA, embarrassment and humiliation at being manhandled, arrested and handcuffed at a site where he served as building inspector and was known by residents and management, loss of confidence in the police department and its officers, and emotional distress.

Causes of Action

Count I: Stop Without Reasonable Suspicion

39. By stopping Mr. Henderson by the concrete steps after Mr. Henderson had, as directed, undertaken to enter the building by the front entrance, Officer Jones engaged in an unconstitutional *Terry* stop supported by no reasonable suspicion that Mr. Henderson was actually or potentially engaged in criminal activity. On information and belief, Officer Jones was driven in this regard merely, and improperly, by what he viewed as contempt-of-cop.³ By stopping Mr. Henderson without reasonable suspicion of trespass or other criminal activity, Officer Jones acted in violation of the Fourth Amendment of the United States Constitution.

²See fn.1 at 4, *supra*.

³See fn. 1 at 4, *supra*.

Count I: Seizure Without Probable Cause

40. By arresting Mr. Henderson without probable cause to believe that he had or was engaged in trespass or other criminal activity, Officer Jones unconstitutionally seized him in violation of the Fourth Amendment of the United States Constitution.

Count II: Use of Excessive Force

41. By forcefully shoving Mr. Henderson to the ground, from behind, without justification for such force, causing him severe injury, as set forth above, Officer Jones unconstitutionally used excessive force upon Mr. Henderson, in violation of the Fourth Amendment of the United States Constitution.

* * *

Wherefore, Mr. Henderson requests an order of this court granting him:

- * His actual damages against Officer Jones appropriate to the proof at trial,
- * Punitive damages against Officer Jones appropriate to the proof at trial,
- * His costs, including reasonable attorney's fees, and
- * Such other relief as is just.

Mr. Henderson requests trial by jury.

Respectfully submitted,
TERRY HENDERSON,
By Counsel

Dated: June 16, 2017

Counsel for Plaintiff:

//s// Victor M. Glasberg

Victor M. Glasberg, #16184
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
vmg@robinhoodesq.com
HendersonTerry\Pleadings\Complaint

//s// Maxwelle C. Sokol

Maxwelle C. Sokol, #89589
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
msokol@robinhoodesq.com