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8 Attorney for Plaintiff, Taneysa Carter

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Taneysa Carter,

12 Plaintiff,

13 v.

14 Officer Drew Lawrence (#24038), in his
15 individual capacity, City of Mesa, a
16 municipality,

17 Defendants.

No.

COMPLAINT

DEMAND FOR JURY TRIAL

18 Plaintiff, Taneysa Carter (“Plaintiff” or “Ms. Carter”), by counsel, alleges as
19 follows:

20 **INTRODUCTION**

21 This case arises from the attempted murder of a distraught, African-American
22 woman, Taneysa Carter, by City of Mesa police officer Drew Lawrence. On July 7,
23 2022, Ms. Carter was experiencing a health crisis and sought the help of Officer
24 Lawrence. In doing so, she followed him in her Mercedes SUV to the Mesa police
25 station where they both entered a gated parking area.

26 As she entered the parking area, Ms. Carter was following Officer Lawrence’s
27 patrol car too closely. As a result, the front of her vehicle came into contact with his rear
28 bumper. Without any explanation or warning, Officer Lawrence exited his vehicle while

1 it was still moving. He then drew his firearm and unloaded eight to nine shots into her
2 stopped vehicle while she sat inside.

3 Scared for her life, Ms. Carter then exited her vehicle and began running away.
4 With her back turned, Officer Lawrence then fired 2-3 additional shots from a cover
5 position from over 100 feet away. Ms. Carter was struck in the upper back and crumpled
6 to the ground.

7 When Officer Lawrence shot Ms. Carter, she was obviously unarmed and not a
8 threat to him or anyone else. She was heading into a fully confined gated area and no
9 one else could be seen in her immediate vicinity. She was also headed in the opposite
10 direction from where Officer Lawrence was positioned. Officer Lawrence used lethal
11 force and attempted to kill Ms. Carter in violation of the law and her civil rights.

12 No reasonable officer would take the actions that Officer Lawrence did that night.
13 His actions were contrary to Arizona POST training and his Department's written
14 policies and procedures. Nevertheless, the City of Mesa Police Department did not
15 terminate him and did nothing to punish him.

16 The City of Mesa Police Department has an established history of excessive force
17 incidents involving its officers. It also has an established history of its officers using
18 lethal force on individuals who were experiencing a behavioral health crisis. The City of
19 Mesa Police Department has a policy, practice and custom of failing to adequately train
20 its officers in the permissible uses of force and on how to handle individuals who are
21 mentally ill or experiencing a behavioral health crisis. It also has a proven pattern of
22 failing to reprimand or terminate officers who used unwarranted lethal force.

23 The acts and omissions complained of herein deprived Ms. Carter of her Fourth
24 Amendment right to be free from the use of excessive force. Ms. Carter is suing Officer
25 Lawrence in his individual capacity under 42 U.S.C. § 1983 for these constitutional
26 violations. She is also suing the City of Mesa and its police department for their failures
27 pursuant to *Monell v. Department of Social Services*.

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1 **JURISDICTION AND VENUE**

2 1. This action arises under 42 U.S.C. § 1983, conferring jurisdiction upon
3 this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

4 2. Venue is proper in the District of Arizona because a substantial part of the
5 events or omissions giving rise to the claims occurred in Maricopa County, which is
6 within the judicial district. 28 U.S.C. § 1391(b).

7 **PARTIES**

8 3. Plaintiff, Taneysha Carter, is, and at all relevant times was, a citizen of
9 Arizona residing in Maricopa County.

10 4. Defendant, Officer Drew Lawrence, is, and at all relevant times was,
11 employed by the City of Mesa as a police officer with the City of Mesa Police
12 Department. While engaged in the conduct alleged herein, Officer Lawrence was acting
13 under color of state law and within the scope of his employment as a City of Mesa police
14 officer. Officer Lawrence is being sued in his individual capacity.

15 5. Defendant, City of Mesa, is a municipality formed and existing under the
16 laws of the State of Arizona that is responsible for the City of Mesa Police Department.

17 **STATEMENT OF FACTS**

18 **The Excessive Force Used On Taneysha Carter**

19 6. On July 7, 2022, Taneysha Carter experienced a health crisis in the late
20 afternoon while she was in Phoenix, Arizona.

21 7. Ms. Carter was experiencing heat stroke and became ill and confused.

22 8. Due to her health crisis, police and fire personnel were called to her
23 location at a Quick Trip gas station located in Phoenix.

24 9. Police and fire personnel made contact with her at the gas station but
25 ultimately did not provide her with, or take her for, medical treatment.

26 10. Afterward, Ms. Carter drove to Mesa, where she lived at the time, but was
27 still ill and confused.

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1 11. Ms. Carter spotted a City of Mesa police patrol unit and began following it
2 hoping that the officer driving it would help her. The officer driving that patrol unit was
3 Officer Lawrence.

4 12. Ms. Carter was driving a white 2015 Mercedes ML 350 SUV. Ms. Carter
5 activated her hazard lights and positioned her vehicle directly behind Officer Lawrence's
6 patrol unit. Ms. Carter was hoping that Officer Lawrence would see her hazard lights and
7 stop his vehicle to assist her.

8 13. Instead, Officer Lawrence drove his vehicle for approximately five minutes
9 and several miles during which time Ms. Carter followed him. Ms. Carter believed that
10 Officer Lawrence was leading her to a location to help her.

11 14. Eventually, Officer Lawrence arrived at the Mesa Police Department and
12 brought his vehicle to a stop near a gated parking area. Ms. Carter stopped her vehicle
13 directly behind his.

14 15. Officer Lawrence did not turn on his sirens, exit his vehicle, call in to
15 dispatch for back up or attempt to speak to Ms. Carter over his P.A. system at any point
16 in time when Ms. Carter was following his patrol unit or behind him.

17 16. Officer Lawrence then opened the gate and drove his patrol unit inside the
18 gate to a fenced-in parking area.

19 17. Ms. Carter believed that Officer Lawrence wanted her to follow him and
20 was taking her to safety inside the gated parking area.

21 18. She continued to follow his patrol unit inside the gate. While doing so, she
22 was following very close to his patrol unit. As a result, when she drove into the gated
23 parking area, her front bumper made contact with the rear of his patrol unit.

24 19. Officer Lawrence then accelerated and exited his patrol unit while it was
25 still moving.

26 20. Ms. Carter's vehicle was at a complete stop as Officer Lawrence stood up,
27 turned in her direction and then fired eight to nine shots at her from a distance of over 35
28 feet away.

1 21. At the time that Officer Lawrence fired these shots, he had not activated his
2 body worn camera as required by City of Mesa Police Department policy.

3 22. Several of the bullets penetrated Ms. Carter's driver-side windshield and
4 entered the cabin of her vehicle.

5 23. Ms. Carter ducked down in her driver's seat and waited until she heard no
6 further gunfire. Then, after sufficient time passed and scared for her life, she made the
7 decision to exit her vehicle in an attempt to run to safety.

8 24. After Officer Lawrence fired the initial shots, he moved to a cover position
9 by a forensic services van.

10 25. When Ms. Carter exited her vehicle, Officer Lawrence could see her. He
11 could see that she was unarmed and running in the opposite direction.

12 26. He could see that the area toward where she was running was completely
13 enclosed by a fence.

14 27. Officer Lawrence could see no other individuals in the direction she was
15 running for whose safety he would be concerned.

16 28. Officer Lawrence had time to deliberate and make a decision on what to do.

17 29. Officer Lawrence was at the police station where several other police
18 officers were present.

19 30. Officer Lawrence made the decision to not call for any of those other
20 officers to assist him.

21 31. Officer Lawrence was equipped with a taser and made the decision not to
22 use it.

23 32. Officer Lawrence made the decision to use lethal force and discharged his
24 firearm two to three more times.

25 33. Officer Lawrence was more than 100 feet from Ms. Carter when he
26 employed lethal force and discharged his firearm two to three more times.

27 34. Officer Lawrence did so after making the decision to not give any warnings
28 or commands.

1 35. Ms. Carter was struck in the upper back and she collapsed to the ground.

2 36. Ms. Carter had two bullet wounds in her upper back after being shot by
3 Officer Lawrence.

4 **The City of Mesa Police Department's Repeated Uses of Excessive Force**

5 37. The City of Mesa Police Department has an established history of excessive
6 force incidents involving its officers.

7 38. The City of Mesa Police Department has an established history of its
8 officers using lethal force on individuals who were experiencing a behavioral health
9 crisis.

10 39. On January 18, 2016, a City of Mesa police officer shot and killed Daniel
11 Shaver. Shaver was crying and begging for officers not to shoot him as he crawled
12 unarmed toward them at their request. The City of Mesa paid 8 million dollars to settle an
13 excessive force lawsuit against it and the officer involved with respect to that incident.

14 40. On April 20, 2017, City of Mesa police officers shot and killed Sariah Lane
15 who was 17 years old. She was not armed and not suspected of any crime. The City of
16 Mesa paid 2.45 million dollars to settle an excessive force lawsuit against it and the
17 officers involved with respect to that incident.

18 41. On April 1, 2018, City of Mesa police officers physically assaulted and beat
19 James Wright for refusing to provide his identification. Wright was unarmed at the time
20 and not suspected of any serious crimes. The City of Mesa paid \$175,000 to settle an
21 excessive force lawsuit against the officers involved with respect to that incident.

22 42. On May 23, 2018, City of Mesa police officers physically assaulted and
23 beat Robert Johnson. Johnson was compliant with the commands given by officers and
24 was not suspected of any serious crimes. The City of Mesa paid \$350,000 to settle an
25 excessive force lawsuit against it and the officers involved with respect to that incident.

26 43. On December 6, 2019, a City of Mesa police officer shot Randy Sewell in
27 the buttocks and shattered his femur. Sewell was unarmed and not suspected of a serious
28 crime. Sewell was charged with resisting arrest because of the recommendation of City of

1 Mesa officers. A jury found him not guilty of that charge. The City of Mesa paid 1.75
2 million dollars to settle an excessive force lawsuit against it and the officers involved
3 with respect to that incident.

4 44. On September 25, 2020, City of Mesa police officers shot and killed Angel
5 Benitez who was 20 years old at the time. Benitez was unarmed and shot by multiple
6 officers as he was following their instructions to exit the vehicle he was in. The City of
7 Mesa paid \$250,000 to settle an excessive force lawsuit against it and the officers
8 involved with respect to that incident.

9 45. On September 5, 2021, a City of Mesa police officer employed lethal force
10 on Diego Varela. Varela attempted to evade the officer causing his vehicle to brush the
11 officer's patrol unit. After Varela and his vehicle passed the officer, and was no longer a
12 threat to his safety, the officer discharged multiple rounds from his firearm at Varela.

13 46. On July 2, 2022, a City of Mesa police officer employed lethal force on an
14 eighteen-year-old who was pulled over on a routine traffic stop. The officer did not
15 activate his body worn camera as required by Department policy. As the officer asked the
16 teenager to exit his vehicle, the teenager began driving away. As the vehicle was leaving,
17 the officer discharged two rounds from his firearm at the teen and his vehicle. At the
18 point the shots were fired, the officer was approximately 20-30 feet away from the
19 vehicle and it did not pose a safety threat.

20 47. On October 2, 2022, City of Mesa police officers physically assaulted and
21 beat Daniel Barraza until he was unconscious. Barraza was unarmed, compliant with the
22 officers' commands and not suspected of any serious crimes. An excessive force lawsuit
23 is currently pending against the City of Mesa and the officers involved with respect to
24 that incident.

25 48. On September 29, 2023, City of Mesa police officers shot and killed
26 Thomas McGinty who was suicidal and experiencing a behavioral health crisis. Officers
27 failed to de-escalate the situation and chose not to employ less lethal force. The family of
28 McGinty has retained an attorney to advance a claim for excessive force.

1 60. Officer Lawrence was required to attempt giving commands and warnings
2 before using lethal force.

3 61. Officer Lawrence did not attempt to give any warnings or commands before
4 firing the initial shots.

5 62. Officer Lawrence was required to investigate and to gather information as to
6 what was occurring before using lethal force.

7 63. Officer Lawrence did not investigate or gather information as to what was
8 occurring before firing the initial shots.

9 64. Officer Lawrence was required to consider if Plaintiff could be
10 experiencing a medical emergency before using lethal force.

11 65. Officer Lawrence did not consider that Plaintiff could be experiencing a
12 medical emergency before firing the initial shots.

13 66. Officer Lawrence was required to consider that Plaintiff may be
14 experiencing a behavioral health crisis before using lethal force.

15 67. Officer Lawrence did not consider that Plaintiff may be experiencing a
16 behavioral health crisis before firing the initial shots.

17 68. Officer Lawrence was required to attempt de-escalation techniques before
18 using lethal force.

19 69. Officer Lawrence did not attempt any de-escalation techniques before firing
20 the initial shots.

21 70. Officer Lawrence was required to consider other alternative uses of force
22 before using lethal force.

23 71. Officer Lawrence did not consider other alternative uses of force before
24 firing the initial shots.

25 72. Officer Lawrence was required to take a position where he could
26 reasonably be protected, escape or move away from Plaintiff's vehicle before using lethal
27 force and shooting at Plaintiff who was operating the vehicle.

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1 83. As Plaintiff exited her vehicle, Officer Lawrence could see she was
2 unarmed and running in the opposite direction.

3 84. No one else was visible in the area to where Plaintiff was running to whom
4 Plaintiff could pose a safety threat.

5 85. Any threat Plaintiff could have posed from being inside her vehicle had
6 ceased at the point in time when she exited it.

7 86. Officer Lawrence pointed and discharged his firearm two to three more
8 times at Plaintiff as she ran in the opposite direction from him with her back turned.

9 87. Plaintiff was struck in the upper back causing her to fall to the ground.

10 88. Officer Lawrence was at a distance of over 100 feet away at the time he
11 discharged his firearm a second time.

12 89. Officer Lawrence's safety was not at risk when he discharged his firearm a
13 second time.

14 90. There was a temporal break between the time that Officer Lawrence fired
15 the initial shots and discharged his firearm at Plaintiff a second time.

16 91. The circumstances had changed between the time that Officer Lawrence
17 fired the initial shots and discharged his firearm at Plaintiff a second time.

18 92. Officer Lawrence was required to attempt giving commands and warnings
19 before using lethal force.

20 93. Officer Lawrence attempted no warnings or commands before discharging
21 his firearm at Plaintiff a second time.

22 94. Office Lawrence was required to investigate and to gather information as to
23 what was occurring before using lethal force.

24 95. Officer Lawrence did not investigate or gather information as to what was
25 occurring before discharging his firearm at Plaintiff a second time.

26 96. Officer Lawrence was required to consider if Plaintiff could be
27 experiencing a medical emergency before using lethal force.

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1 97. Officer Lawrence did not consider that Plaintiff could be experiencing a
2 medical emergency before discharging his firearm at Plaintiff a second time.

3 98. Officer Lawrence was required to consider that Plaintiff may be
4 experiencing a behavioral health crisis before using lethal force.

5 99. Officer Lawrence did not consider that Plaintiff could be experiencing a
6 behavioral health crisis before discharging his firearm at Plaintiff a second time.

7 100. Officer Lawrence was required to attempt de-escalation techniques before
8 using lethal force.

9 101. Officer Lawrence did not attempt any de-escalation techniques before
10 discharging his firearm at Plaintiff a second time.

11 102. Officer Lawrence was required to consider other alternative uses of force
12 before using lethal force.

13 103. Officer Lawrence did not consider other alternative uses of force before
14 discharging his firearm at Plaintiff a second time.

15 104. Officer Lawrence had time to deliberate and to provide commands and
16 instructions to Plaintiff before discharging his firearm at Plaintiff a second time.

17 105. Officer Lawrence made the deliberate choice to discharge his firearm at
18 Plaintiff a second time.

19 106. No reasonable officer would believe that lethal force was justified under
20 similar circumstances.

21 107. Officer Lawrence's use of excessive force violated Plaintiff's Fourth
22 Amendment right and caused Plaintiff to suffer injuries and damages. Plaintiff's injuries
23 and damages include, but are not limited to, pain, discomfort, suffering, disability,
24 disfigurement, anxiety, emotional distress and multiple bullet wounds with associated
25 scarring and internal complications.

26 108. Officer Lawrence's conduct was driven by an evil motive or intent or,
27 alternatively, amounted to a callous or reckless indifference to Plaintiff's constitutional
28 rights. As a result, an award of punitive damages is proper to punish Officer Lawrence

1 for his wrongful conduct and to deter him and others from engaging in similar conduct in
2 the future.

3 **THIRD CLAIM FOR RELIEF**

4 ***Monell Liability Against City of Mesa for Policy, Practice or Custom***

5 **(42 U.S.C. § 1983)**

6 109. Plaintiff incorporates by reference the allegations contained in paragraphs 1
7 through 108 as though fully set forth herein.

8 110. The City of Mesa and its Police Department had, and has, a policy, practice
9 and custom of allowing its officers to use excessive force including unwarranted lethal
10 force.

11 111. The City of Mesa and its Police Department had, and has, a policy, practice
12 and custom of failing to properly investigate its officers for using excessive force
13 including unwarranted lethal force.

14 112. The City of Mesa and its Police Department had, and has, a policy, practice
15 and custom of failing to discharge or adequately punish officers who used excessive force
16 including unwarranted lethal force.

17 113. The acts of Officer Lawrence deprived Plaintiff of her right to be free from
18 excessive force as guaranteed to her by the Fourth Amendment.

19 114. The acts of Officer Lawrence were pursuant to a widespread and
20 longstanding practice and custom of the City of Mesa and its Police Department that
21 allowed and encouraged their officers to use unreasonable and excessive force with
22 impunity.

23 115. The City of Mesa and its Police Department's widespread and longstanding
24 practice and custom of allowing their officers to use unreasonable and excessive force
25 with impunity caused the violation of Plaintiff's Fourth Amendment rights by Officer
26 Lawrence.

27 116. The City of Mesa and its Police Department's widespread and longstanding
28 practice and custom of allowing their officers to use unreasonable and excessive force

1 with impunity was so closely related to the violation of Plaintiff's Fourth Amendment
2 right that it was the moving force that caused her ultimate injury.

3 117. As a direct and proximate result of the City of Mesa and its Police
4 Department's failures, Plaintiff suffered injuries and damages. Plaintiff's injuries and
5 damages include, but are not limited to, pain, discomfort, suffering, disability,
6 disfigurement, anxiety, emotional distress and multiple bullet wounds with associated
7 scarring and internal complications.

8 **FOURTH CLAIM FOR RELIEF**

9 ***Monell Liability Against City of Mesa for Acts of Final Policymaker***

10 **(42 U.S.C. § 1983)**

11 118. Plaintiff incorporates by reference the allegations contained in paragraphs 1
12 through 117 as though fully set forth herein.

13 119. The current Chief of Police for the City of Mesa Police Department is Ken
14 Cost.

15 120. Chief Cost succeeded to the title after previous Chief of Police, Ramon
16 Batista, abruptly resigned.

17 121. Former Chief of Police Batista was critical of the rampant use of excessive
18 force in the City of Mesa Police Department and sought to implement changes in policies
19 and procedures governing the use of force by City of Mesa police officers.

20 122. Former Chief of Police Batista was critical of the excessive force used on
21 Robert Johnson by City of Mesa police officers in 2018. He publicly condemned the
22 actions of the officers and changed the Department's use of force policy in response.

23 123. Batista's efforts to right the culture at the City of Mesa Police Department
24 were not embraced by the officers who worked there. The Mesa Fraternal Order of Police
25 and Mesa Police Association issued a vote of "no confidence" against him.

26 124. The President of the Mesa Police Association at the time, Nate Gafvert, was
27 quoted as saying "throwing our officers under the bus and making dramatic changes to
28

1 how things are done overnight does nothing but cause [officers] to hesitate, and hesitation
2 gets officers and citizens hurt and killed.”

3 125. Ken Cost assumed responsibility as the Chief of Police for the City of Mesa
4 Police Department starting in November 2019 after Batista left.

5 126. Chief Cost was in power when a City of Mesa police officer employed
6 lethal force and discharged his firearm at Diego Varela on September 5, 2021 as set forth
7 above.

8 127. The officer was not investigated, terminated or punished by Chief Cost for
9 his actions.

10 128. Chief Cost was in power when a City of Mesa police officer employed
11 lethal force and discharged his firearm at a teenager who drove away from a routine
12 traffic stop on July 2, 2022.

13 129. The officer was not investigated, terminated or punished by Chief Cost for
14 his actions.

15 130. Starting in November 2019 and at all times relevant to this Complaint,
16 Chief Cost was the highest-ranking member in charge of the City of Mesa Police
17 Department and its final policymaker. In this role, he had the power, responsibility and
18 duty to oversee all officers of the City of Mesa Police Department. This included the
19 power and responsibility to train officers, reprimand officers, terminate officers,
20 investigate excessive use of force incidents, investigate incidents where lethal force was
21 employed, and implement policies and procedures, among other things.

22 131. Chief Cost, in performing his duties for the City of Mesa Police
23 Department, acted under the color of state law and had final policymaking authority from
24 the City of Mesa.

25 132. By failing to investigate and punish officers for their excessive uses of
26 force, including the employment of lethal force when not warranted, Chief Cost
27 established that his officers, including Officer Lawrence, could use excessive force with
28 impunity. These were deliberate decisions by Chief Cost that were politically motivated

1 and because he did not want to lose the support of the officers that he was in charge of
2 overseeing like former Chief Batista.

3 133. By doing so, Chief Cost knew that a substantial risk of serious harm could
4 result when his officers used unreasonable force and of the likelihood that constitutional
5 violations would occur. As such, he made a conscious choice to disregard the
6 consequences of his acts and omissions.

7 134. The conduct of Chief Cost was the moving force behind the constitutional
8 violation that Plaintiff suffered when Officer Lawrence used excessive force against her
9 in violation of her Fourth Amendment rights. As such, Chief Cost deprived Plaintiff of
10 her right to be free from the use of excessive force by the officers who he was controlling
11 and as guaranteed to her by the Fourth Amendment.

12 **FIFTH CLAIM FOR RELIEF**

13 ***Monell Liability Against City of Mesa for Ratification By Final Policymaker***

14 **(42 U.S.C. § 1983)**

15 135. Plaintiff incorporates by reference the allegations contained in paragraphs 1
16 through 134 as though fully set forth herein.

17 136. Officer Lawrence acted under color of state law when he used excessive
18 force on Plaintiff in violation of her Fourth Amendment rights.

19 137. Chief Cost, in performing his duties for the City of Mesa Police
20 Department, acted under the color of state law and had final policymaking authority from
21 the City of Mesa with respect to all policies and procedures that controlled Officer
22 Lawrence's conduct as a City of Mesa police officer.

23 138. As Chief of Police for the City of Mesa Police Department, Chief Cost has,
24 and had, the power, responsibility and duty to oversee all officers of the City of Mesa
25 Police Department. He was also the final policymaker with respect to all policies and
26 procedures promulgated by the Department. Chief Cost was the final policymaker with
27 respect to all policies involving: hiring officers, officer training, reprimanding officers,

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1 terminating officers, investigating excessive use of force incidents by officers,
2 investigating incidents where lethal force was employed by officers, among other things.

3 139. After Officer Lawrence used excessive force on Plaintiff, Chief Cost had
4 the choice of punishing him or not punishing him for his actions. Chief Cost made the
5 deliberate choice to not punish Officer Lawrence and in so doing approved his actions
6 with respect to the incident with Plaintiff.

7 140. After Officer Lawrence used excessive force on Plaintiff, Chief Cost had
8 the choice of terminating him or not terminating him for his actions. Chief Cost made the
9 deliberate choice to not terminate Officer Lawrence and in so doing approved his
10 actions with respect to the incident with Plaintiff.

11 141. Chief Cost ratified the unconstitutional actions of Officer Lawrence with
12 respect to the incident with Plaintiff by deliberately choosing not to punish or terminate
13 him and affirmatively ratified Officer Lawrence's conduct.

14 142. Chief Cost also made deliberate choices to not punish or terminate other
15 officers responsible for other excessive force incidents since November 2019. This
16 includes the incidents on September 5, 2021 and July 2, 2022 wherein lethal force was
17 employed against unarmed fleeing individuals without warning who did not pose a safety
18 threat to the officers who utilized the force.

19 143. Chief Cost made the affirmative choice to not use any of these three
20 incidents to train his police officers on impermissible uses of force. Specifically, he did
21 not showcase these incidents within his Department as officer involved shootings where
22 the employment of lethal force violated policies and procedures and officer training and
23 expectations.

24 144. Unlike Chief Batista, who changed the Department's policies and
25 procedures in response to the excessive force used on Robert Johnson, Chief Cost did not
26 even use the above excessive force incidents as training and teaching moments at the
27 Department. By so doing, Chief Cost and the City of Mesa made the deliberate choice to
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1 ratify the unconstitutional use of lethal force by their officers on fleeing individuals who
2 posed no immediate safety threat to officers or the public in general.

3 145. These were deliberate decisions by Chief Cost that were politically
4 motivated and because he did not want to lose the support of the officers that he was in
5 charge of overseeing like former Chief Batista.

6 146. The acts and decisions of the City of Mesa and Chief Cost caused the
7 deprivation of Plaintiff's Fourth Amendment rights by Officer Lawrence and was a
8 substantial factor in causing Plaintiff's injuries and damages.

9 **SIXTH CLAIM FOR RELIEF**

10 ***Monell Liability Against City of Mesa for Failure to Train***

11 **(42 U.S.C. § 1983)**

12 147. Plaintiff incorporates by reference the allegations contained in paragraphs 1
13 through 146 as though fully set forth herein.

14 148. Officer Lawrence acted under color of state law when he used excessive
15 force on Plaintiff in violation of her Fourth Amendment rights.

16 149. The training policies of the City of Mesa, as promulgated by Chief Cost,
17 were inadequate to train its officers, including Officer Lawrence, on the constitutional
18 limitations concerning the use of force and lethal force.

19 150. This includes the failure to adequately train its officers on using lethal force
20 on fleeing individuals who pose no immediate safety threat to officers or the public in
21 general.

22 151. Within one year there were three incidents wherein City of Mesa police
23 officers employed lethal force on unarmed fleeing individuals without warning and who
24 posed no immediate safety threat to the officers using the force.

25 152. Despite these similar and repeated unconstitutional uses of force, no
26 additional policies were enacted, or specific training implemented, by the City of Mesa
27 and its Police Department to train its officers to prevent similar acts and future
28 constitutional violations.

1 153. The training policies of the City of Mesa, as promulgated by Chief Cost,
2 were also inadequate to train its officers, including Officer Lawrence, on how to
3 approach mentally ill individuals or individuals experiencing a behavioral health crisis.
4 This included the failure to adequately train officers to consider the mental health or
5 medical issues of an individual before employing serious force.

6 154. City of Mesa police officers encounter individuals who are experiencing a
7 mental health issue or a behavioral health issue on a weekly if not daily basis.

8 155. Despite the prevalence of encounters with individuals who are experiencing
9 these issues, the City of Mesa does not have mandatory annual training on dealing with
10 such individuals. This includes a lack of annual training on how to de-escalate situations
11 with those experiencing a mental health or behavioral health crisis to avoid the use of
12 force on these individuals.

13 156. Most, if not all, City of Mesa police officers only received training on how
14 to deal with individuals who are experiencing mental health issues or a behavioral health
15 crisis during their police academy training.

16 157. The City of Mesa was deliberately indifferent to the known or obvious
17 consequences of its failure to adequately train its officers, including Officer Lawrence, in
18 the aforementioned areas and subjects.

19 158. By failing to train its officers in these critical areas, the City of Mesa
20 employed a policy of inaction and was indifferent to the likelihood that the failure to train
21 its officers in these areas would result in the constitutional violations of its citizens.

22 159. The acts and omissions of the City of Mesa and Chief Cost to implement
23 adequate policies on training and to provide adequate training to its officers caused the
24 deprivation of Plaintiff's Fourth Amendment rights by Officer Lawrence and was a
25 substantial factor in causing Plaintiff's injuries and damages.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. For compensatory damages in an amount according to proof at trial;
- B. For punitive damages in an amount sufficient to punish and deter;
- C. For pre-judgment interest as allowed by law;
- D. For costs and attorney’s fees; and
- E. For such other relief as the Court deems just and proper.

Dated: __March 26, 2024__

SCOTTSDALE INJURY LAWYERS, LLC

/s/ C.T. Piccuta

C. Tony Piccuta
Attorney for Plaintiff, Taneysha Carter

JURY TRIAL DEMAND

Plaintiff, pursuant to Fed. R. Civ. P. 38, demands a trial by jury on all issues so triable.

Dated: __March 26, 2024__

SCOTTSDALE INJURY LAWYERS, LLC

/s/ C.T. Piccuta

C. Tony Piccuta
Attorney for Plaintiff, Taneysha Carter