

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LATEEF DICKERSON,

Plaintiff,

v.

CPL. THOMAS W. WEBSTER, IV, and

CITY OF DOVER, DELAWARE,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

C.A. No. \_\_\_\_\_

DEMAND FOR TRIAL BY JURY

**COMPLAINT**

---

COMES NOW, Lateef Dickerson, by and through his attorneys, Richard H. Morse, Esquire, and Daniel C. Herr, Esquire, who brings this Complaint against Cpl. Thomas W. Webster, IV and the City of Dover, Delaware.

**FACTS**

**Parties**

1. Plaintiff, Lateef Dickerson, (“Plaintiff”), is a Delaware resident who may be contacted, for purposes of this litigation through his counsel, Richard H. Morse, Esquire, at the ACLU of Delaware, 100 West 10<sup>th</sup> Street, Suite 603, Wilmington, DE 19801 and/or Daniel C. Herr, Esquire, at The Norman Law Firm, 1225 North King Street, Suite 1000, Wilmington, DE 19801.

2. Defendant, Cpl. Thomas W. Webster IV (“Webster”), was a police officer employed by the City of Dover and its police department and was acting under color of law as an agent or employee of the City of Dover Police Department at all relevant times hereto.

3. Defendant, City of Dover, Delaware (“City” or “Dover”) is a municipal corporation duly organized, existing and operating under and pursuant to the applicable laws of the State of Delaware and at all relevant times was the employer of Webster. It has, and at all times material hereto has had responsibility for hiring, training, supervision, disciplining and retention of police officers employed by the City including Webster.

### **Jurisdiction and Venue**

4. This is a civil action for damages and injunctive relief arising under the Fourth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983 and § 1988, Article I, § 6 of the Delaware Constitution and the statutory and common law of the State of Delaware.

5. This Court has subject matter jurisdiction over the claims asserted herein pursuant to 28 U.S.C. §1331, 1343(a)(3) and supplemental jurisdiction pursuant to 28 U.S.C. §1367 to entertain claims arising under state law.

6. Personal jurisdiction is proper since all parties reside in the District, conduct business in the District, and the unlawful actions giving rise to the claim took place within this District.

7. Venue is properly in this Court pursuant 28 U.S.C. §1391(b) because the events giving rise to the suit occurred in this judicial District.

### **General Allegations**

8. On August 24, 2013, in the evening hours, while Plaintiff and others were at a Hess Service Station located on North DuPont Highway in Dover, Delaware to purchase gasoline, a disturbance involving several customers, including Plaintiff, occurred inside the Hess Service Station.

9. Shortly thereafter, the Hess Service Station clerked warned all present that he was going to call the police.

10. As a result, Plaintiff and others left the premises.
11. Plaintiff crossed North DuPont Highway. As he approached a nearby building that was across the street from the Hess Gas Station, Webster arrived in a police vehicle.
12. Webster got out of his vehicle and instructed Plaintiff to freeze and to put his hands in the air.
13. Plaintiff complied. As Plaintiff stood there, Webster then approached him from behind, struck Plaintiff, and commanded Plaintiff to get on his knees and put his hands up.
14. Plaintiff complied again. Webster then knocked Plaintiff unconscious.
15. Prior to Webster knocking Plaintiff unconscious, Webster did not tell Plaintiff he was under arrest.
16. Plaintiff regained consciousness as he arrived at Kent General Hospital in a police vehicle driven by Webster. Webster told Plaintiff he was being taken to the hospital because he might have a broken jaw.
17. Plaintiff had suffered, *inter alia*, a broken jaw and facial lacerations, including lacerations to his lip, nose, and forehead.
18. At Kent General Hospital Plaintiff received stitches in his upper lip, to the area in and around his nose and nostril, and to his forehead.
19. After an x-ray, Plaintiff was also told his jaw was broken. Plaintiff was instructed to follow-up with a specialist.
20. Following Plaintiff's discharge from Kent General Hospital, Plaintiff received medical treatment for his injuries, including surgery on his jaw.
21. Thereafter, Plaintiff was taken to the Dover Police Department and charged with crimes.

22. An officer took Plaintiff to Justice of the Peace Court 5, where he was released on his own recognizance at around 5 a.m.

23. Thereafter, Plaintiff received medical treatment for his jaw, including but not limited to surgery on or about September 3, 2013.

24. Plaintiff did not prevent or attempt to prevent Webster from effecting an arrest and did not struggle with Webster.

25. There were no circumstances that justified such a use of force against Plaintiff.

26. Webster's use of force against Plaintiff was not necessary to effect a detention or arrest of Plaintiff.

27. Webster's use of force against Webster was not justified.

28. As a direct and proximate result of the foregoing actions by Webster, Plaintiff:

- a. suffered physical injuries, which are or may be permanent in nature; and
- b. has been required to undergo medical treatment and incur costs for medical treatment.

29. Upon information and belief, Defendant City initiated an internal investigation concerning Webster and his alleged use of excessive force against Plaintiff.

30. Upon information and belief, Defendant City discontinued its internal affairs investigation concerning the incident described herein without finding that Webster had violated police department policies or had otherwise done anything wrong.

31. Upon information and belief, Webster received no discipline, punishment, or further training or counseling as a result of the incident described herein.

**COUNT I: VIOLATION OF 42 U.S.C. §1983,**  
**4TH AMENDMENT USE OF EXCESSIVE FORCE – DEFENDANT WEBSTER**

32. Plaintiff re-alleges and incorporates by reference all of the allegations in this Complaint, above and below, as though fully set forth herein.

33. Webster used excessive force when he violently struck Plaintiff.

34. The arrest and the beating violated Plaintiff's clearly established and well settled constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution to be free from the unreasonable, excessive and unjustified use of force.

35. Plaintiff is entitled to recover under 42 U.S.C. § 1983 against Webster.

**COUNT II: BATTERY – DEFENDANT WEBSTER**

36. Plaintiff re-alleges and incorporates by reference all of the allegations in this Complaint, above and below, as though fully set forth herein.

37. Webster's actions described hereinabove were without Plaintiff's consent.

38. Webster's actions were unreasonable and unjustified under the circumstances.

39. Webster committed an intentional, willful, and malicious battery against Plaintiff when he violently struck Plaintiff.

40. Plaintiff is entitled to recover against Webster under the common law of Delaware for his injuries and losses

**COUNT III: VIOLATION OF 42 U.S.C. §1983 – MONELL CLAIM AS TO CITY**

41. Plaintiff re-alleges and incorporates by reference all of the allegations in this Complaint, above and below, as though fully set forth herein.

42. Upon information and belief, City failed to mandate policies, practices, and/or customs concerning – and adequately and properly supervise and train its police officers in – various aspects of law enforcement, including but not limited to, the constitutional bounds and limits concerning the use of excessive force against persons and suspects within the geographic and jurisdiction limits of Dover, Delaware.

43. Upon information and belief, City had a policy and/or custom of failing to properly

investigate alleged incidents of its officers using excessive force or engaging in other police misconduct. Therefore, City failed to properly supervise, discipline, punish, train, and counsel its officers that used excessive force or engaged in other police misconduct, providing no accountability for City's police officers. This, in turn, has fostered more instances of excessive force and other police misconduct, including but not limited Webster's use of excessive force against Plaintiff.

44. The above-described acts and omissions by City demonstrated a deliberate indifference to the constitutional rights of the citizens of Dover, Delaware and were the direct and proximate cause of the violations of Plaintiff's constitutional rights as set forth herein.

45. As a direct and proximate result of the foregoing failures by City, Plaintiff suffered the damages alleged herein.

46. Plaintiff is entitled to recover under 42 U.S.C. § 1983 from City for his injuries and losses.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. All lawful general and special damages in an amount to be determined, against all Defendants.

B. Injunctive relief ordering and mandating that Defendant City create and mandate policies, procedures, and customs (including training, counseling, and heightened supervision of its officers) that would provide for robust and proper internal affairs investigations and resulting discipline, punishments, training and counseling as is and may be necessary to avoid further instances of excessive force and other police misconduct. Plaintiff seeks an enforcement

mechanism that will enable the public to determine whether Defendant City has taken appropriate remedial measures and complied with the orders of this Court.

C. Plaintiffs' cost in this action, including reasonable attorney fees and pre and post-judgment interest.

D. Such other relief as this Court deems just and equitable.

E. Trial by Jury.

Respectfully submitted,

Date: September 29, 2014

/s/ Richard H. Morse  
Richard H. Morse, Esquire, Bar I.D. 531  
**ACLU FOUNDATION OF DELAWARE**  
100 West 10<sup>th</sup> Street, Suite 603  
Wilmington, DE 19801  
302-654-5326  
302-654-3689 (fax)  
[rmorse@aclu-de.org](mailto:rmorse@aclu-de.org)

**THE NORMAN LAW FIRM**

/s/Daniel C. Herr  
Daniel C. Herr, Esquire, Bar I.D. 5497  
1225 N. King Street, Suite 1000  
Wilmington, DE 19801  
302-595-9084  
302-235-3712 (fax)  
[DHerr@thenormanlawfirm.com](mailto:DHerr@thenormanlawfirm.com)

*Attorneys for Plaintiff*