

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

E.G., by his next friend Vania Gonzalez;	§
N.M., by his next friend Lindsay Hallmark;	§
M.D., by his next friend Kristina Dornin;	§
	§
Plaintiffs,	§
	§
V.	§
	§
BARRY BOND; CITY OF ABILENE;	§
ABILENE INDEPENDENT SCHOOL	§
DISTRICT;	§
	§
Defendants.	§
_____	§

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

1. Plaintiffs E.G., N.M., and M.D. are minor schoolchildren who were attending school in the Abilene Independent School District (“AISD”) when, in three separate incidents, the same School Resource Officer (“SRO”)—Defendant Barry Bond (“Officer Bond”)—used unreasonable physical force and restraint against them, thereby causing them substantial physical and emotional injuries. Plaintiffs bring this lawsuit to vindicate their constitutional rights to be free from unreasonable and excessive uses of force and unjustified seizures.

2. At the time of the incidents, Officer Bond was an employee of the City of Abilene Police Department (“APD”). While acting in his capacity as a SRO, he violently assaulted each Plaintiff on three separate occasions that spanned ten months. These egregious uses of force were objectively unreasonable and excessive under the circumstances.

3. Specifically, in May 2014, Officer Bond used a “pain compliance” maneuver against then six-year-old E.G. Despite numerous complaints by E.G.’s parents, police and school district officials did not discipline Officer Bond or require him to undergo additional training. In February 2015, Officer Bond used a potentially deadly chokehold against then twelve-year-old N.M. and then handcuffed and detained him without cause. In late February or early March 2015, Officer Bond repeatedly slammed then fifteen-year-old M.D. against a concrete wall and to the ground, and then handcuffed and detained him without cause. These vicious assaults were completely unjustified. Plaintiffs never posed any danger to themselves or others, nor were they suspected of committing any crimes. By assaulting them nonetheless, and by then handcuffing and detaining N.M. and M.D. without probable cause, Officer Bond violated Plaintiffs’ Fourth Amendment rights.

4. At the time of the incidents, the Defendant City of Abilene, which operates the APD, employed Officer Bond as a peace officer. Pursuant to a written agreement with AISD implementing its SRO program, APD and AISD stationed Officer Bond at the school where the assaults took place. They did so without properly training or otherwise preparing Officer Bond to work with young children. They then failed to remove him from his post even after learning of his abusive conduct toward E.G. This failure led directly to the subsequent assaults on N.M. and M.D.

5. Defendants City of Abilene (acting through APD) and AISD therefore are municipally liable for Officer Bond’s actions, as their policies, practices, and customs directly resulted in the deprivation of Plaintiffs’ rights. In contravention of state law and national SRO best practices, APD and AISD acted with deliberate indifference by adopting a written policy authorizing SROs to use force and restraint against schoolchildren in minor, non-criminal

incidents where the schoolchildren pose no threat of imminent physical harm to others or destruction of property. APD and AISD also are liable based on their customs, final decisions by their policymakers to leave Officer Bond in place after he assaulted E.G., and their repeated failures to adequately train, supervise, or discipline Officer Bond. Finally, APD and AISD are liable for conspiring to violate Plaintiffs' constitutional rights.

6. Plaintiffs suffered significant physical and emotional injuries as a result of Officer Bond's actions in violating their constitutional rights, and they are entitled to recover compensatory and exemplary damages. Plaintiffs additionally bring state tort claims for Officer Bond's actions, which also entitle them to recover compensatory and exemplary damages.

JURISDICTION AND VENUE

7. This is a civil rights action arising under 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and § 1343 (civil rights jurisdiction).

8. Venue in this district is proper under 28 U.S.C. § 1391(b)(1) because Defendants City of Abilene and Abilene Independent School District reside in this district, and under § 1391(b)(2) because a substantial part of the events giving rise to Plaintiffs' claims occurred in this district.

PARTIES

9. Plaintiff E.G. is eight years old. At all times relevant to this lawsuit, he was enrolled as a student in AISD. He proceeds in this lawsuit through his mother and legal guardian, Vania Gonzalez, who is acting as his next friend. Fed. R. Civ. P. 17(c).

10. Plaintiff N.M. is thirteen years old. At all times relevant to this lawsuit, he was enrolled as a student in AISD. He proceeds in this lawsuit through his mother and legal guardian, Lindsay Hallmark, who is acting as his next friend. *Id.*

11. Plaintiff M.D. is sixteen years old. At all times relevant to this lawsuit, he was enrolled as a student in AISD. He proceeds in this lawsuit through his mother and legal guardian, Kristina Dornin, who is acting as his next friend. *Id.*

12. Defendant Barry Bond was continuously employed as a peace officer by the APD from at least September 1999 until on or about January 30, 2016. At all times relevant to this lawsuit, pursuant to a written agreement between the entities, APD employed and AISD used Officer Bond as a SRO in the Jefferson Center, a reassignment and alternative school in AISD where the incidents occurred. At all times relevant to this lawsuit, Officer Bond was acting under color of state law as an agent of the City of Abilene and AISD.

13. Defendant City of Abilene is a municipality organized under the laws of the State of Texas. The City of Abilene operates the APD, a department that does not have independent legal existence. Claims stemming from conduct of the APD must be brought against the City of Abilene. The City of Abilene may be served with process by serving Stanley Smith, Interim City Attorney, at P.O. Box 60, Abilene, Texas 79604. At all times relevant hereto, the City of Abilene, through the APD, employed Defendant Barry Bond.

14. Defendant Abilene Independent School District is a school district organized under the laws of the State of Texas. Pursuant to Texas Education Code, Chapter 37, AISD is responsible for the operation of school safety policies, including providing methods for managing students in the classroom, disciplining students, and preventing and intervening in student discipline problems. Tex. Educ. Code §37.001(a)(8)(A)-(C). AISD may be served with

process by serving Danny Wheat, President of the AISD Board of Trustees; Dr. David Young, the Superintendent of Schools for AISD; or any other official Board member, at One AISD Center, 241 Pine Street, Abilene, TX 79601.

FACTS

I. E.G.

15. E.G. is eight years old. He currently is enrolled as a second grade student in AISD.

16. Officer Bond assaulted E.G. when E.G. was six years old and enrolled in kindergarten. At the time of the assault, E.G. was approximately four feet tall and weighed about 45 pounds.

17. During the 2013-14 school year, E.G. attended kindergarten at Austin Elementary School in AISD. In late April 2014, an AISD principal temporarily suspended E.G. and sent him to the Jefferson Center, a reassignment and alternative school in AISD.

18. During the 2013-14 school year, Vania Gonzalez, E.G.'s mother, had been taking E.G. to see a therapist. In the spring of 2014, E.G.'s parents notified AISD teachers and administrators that E.G. potentially had Attention Deficit Hyperactivity Disorder ("ADHD") and requested that the district have him tested.

19. During the 2013-14 school year, E.G.'s doctor suspected he had hypoglycemia. The doctor provided AISD personnel with specific dietary instructions to manage E.G.'s hypoglycemia. Those instructions required AISD personnel to give E.G. additional mid-morning and afternoon snacks.

20. Like many six-year-olds, E.G. did not like separating from his mother in the mornings when it was time to attend school. On the morning of May 2, 2014, while on his way in to school at the Jefferson Center, E.G. grabbed the door to the school and tried to stop his mother, Ms. Gonzalez, from bringing him inside the classroom.

21. E.G.'s teacher's aide asked Ms. Gonzalez to walk down the hallway and ask Officer Bond to come to the classroom. The teacher's aide had no reason to believe that E.G. was committing a crime or otherwise posed any danger to himself or others.

22. At that time, Ms. Gonzalez had not had any previous contact with Officer Bond or any AISD SRO. Trying to cooperate, Ms. Gonzalez went down the hallway, saw Officer Bond in uniform, and asked him to come with her to the classroom to help with her son. Upon information and belief, Officer Bond was approximately six feet tall and weighed roughly 220 pounds.

23. As they walked toward the classroom, Officer Bond told Ms. Gonzalez that if E.G. was misbehaving like he had been "the other day," he would take him to the Refocus Room, a designated "time out" room for misbehaving children, and "rough him up." Ms. Gonzalez was alarmed but remained silent because she did not know what he meant. She later learned that a teacher had taken E.G. to the Refocus Room a few days before for a minor disciplinary incident and had called Officer Bond to assist.

24. When Officer Bond and Ms. Gonzalez arrived at the classroom, E.G. was standing in the hallway and holding on to the building door. Officer Bond immediately began yelling at E.G. and grabbed his arms, twisting them behind his back. Officer Bond then lifted E.G. off the ground by grabbing his arms, which were still twisted behind his back, and carried him into the classroom.

25. Ms. Gonzalez was in shock as she watched Officer Bond take these actions. She thought she could not interfere because Officer Bond was a SRO and because she was personally scared of Officer Bond.

26. Officer Bond used an arm bar maneuver on E.G. to bring him into the classroom. An arm bar maneuver is a “pain compliance” technique that peace officers are trained to use to force dangerous, physically resisting adults into submission.

27. E.G. began squealing in pain as soon as Officer Bond grabbed him. Officer Bond, however, did not stop. Officer Bond forced E.G. into a chair and slammed E.G.’s head, face down, onto a desk. As he did that, E.G.’s head hit the bottom corner of a nearby chalkboard frame, causing E.G. to scream and his head to bleed.

28. When E.G.’s teacher saw Officer Bond assault E.G., she left the classroom. The teacher’s aide also looked away and told other students to look away. Neither the teacher nor the teacher’s aide asked Officer Bond to stop hurting E.G. Ms. Gonzalez stood behind Officer Bond in shock.

29. Officer Bond continued holding E.G. against the desk, with E.G.’s arms twisted behind his back, while yelling at him. Officer Bond then put E.G.’s hands on the desk, squeezed E.G.’s wrists, and dug his own nails into E.G.’s knuckles, leaving scratches and cuts on E.G.’s hands.

30. E.G. struggled and freed one hand, and in the process, he crumpled a lunch menu that was on the desk. Officer Bond yelled at E.G. and said that because E.G. had crumpled a lunch menu, he would not be eating lunch that day. Officer Bond’s threat to withhold lunch from E.G. was especially cruel given E.G.’s hypoglycemia, which teachers and administrators at the Jefferson Center specifically had been informed of by E.G.’s doctor.

31. E.G. tried to push away from Officer Bond’s painful hold. Officer Bond yelled again, accusing E.G. of trying to strike him and telling E.G. to “never strike an officer.” Officer Bond repeated that E.G. would not get lunch.

32. Officer Bond then told Ms. Gonzalez that he had the situation handled and instructed her to leave and go to work. Ms. Gonzalez was scared to leave E.G. with Officer Bond, but she also was afraid of Officer Bond. Ms. Gonzalez did not think she had a choice about complying with Officer Bond's instruction because he was a law enforcement officer.

33. As she left the classroom, Ms. Gonzalez told the teacher's aide that she was very concerned that Officer Bond was hurting her son. The aide told Ms. Gonzalez that Officer Bond's actions were normal, and that E.G. needed to learn how to behave. Ms. Gonzalez was very worried and did not want to leave. The teacher's aide told her to go to work, and that Ms. Gonzalez could call later to check on her son. Ms. Gonzalez went to her car and cried.

34. After leaving, Ms. Gonzalez called the classroom to ask if E.G. was okay. The teacher denied that any assault had occurred. The teacher transferred Ms. Gonzalez to Officer Bond, who told Ms. Gonzalez that it was normal for him to "rough up" children who do not behave. He told Ms. Gonzalez that E.G. likely had felt pressure and pain, but that it was in the six-year-old child's best interest.

35. Later that day, Ms. Gonzalez called and spoke with Jane Allred, the principal at the Jefferson Center. Principal Allred said she was unaware of the incident but would look into it. When Ms. Gonzalez talked to Principal Allred a little later, Principal Allred said E.G. had gone to the nurse and was fine. Ms. Gonzalez told Principal Allred that Officer Bond's behavior was unacceptable. Principal Allred apologized to Ms. Gonzalez and promised to remove Officer Bond from the elementary section of the Jefferson Center. She also promised that Officer Bond would no longer have contact with E.G., and that she would talk to the AISD superintendent about the incident.

36. E.G. suffered substantial physical injuries as a result of Officer Bond's actions, including a cut and a knot on his head from where it hit the corner of the chalkboard, along with scratches on his hands and bruising on his wrists and upper arms where Officer Bond had grabbed him.

37. E.G. also suffered substantial emotional injuries as a result of Officer Bond's actions. He suffered from nightmares, became fearful of SROs and police officers generally, and began talking about harming himself. His parents sought additional treatment for him after the incident.

38. Officer Bond's use of force on E.G. lacked any justification. He had no reason to believe that E.G. was committing a crime, that E.G. posed any immediate danger to himself or anyone else, or that E.G. was engaging in property destruction. Officer Bond obviously was far taller, heavier, and stronger than six-year-old E.G., who was less than four feet tall and weighed 45 pounds. Despite all of this, Officer Bond used significant, pain-inducing force against E.G. An objectively reasonable officer would have known that using a painful arm bar maneuver on a six-year-old child in those circumstances was dangerous, unlawful, and unreasonable.

39. The Jefferson Center has two cameras that captured Officer Bond's assault on E.G. Immediately after the incident, Ms. Gonzalez and her husband sought to view and copy the video. AISD officials denied their requests for approximately two weeks. During those two weeks, Principal Allred stated that the flash drive containing the video footage was in Officer Bond's possession.

40. On May 5, 2014, three days after the incident, Ms. Gonzalez and her husband met with Principal Allred to discuss the incident. Mr. and Ms. Gonzalez voiced their concerns regarding Officer Bond's actions. Principal Allred assured them that Officer Bond had been

moved away from the elementary classrooms and would have no further contact with E.G.

Principal Allred agreed that the situation should have been handled differently. Principal Allred stated that she would consult with the AISD superintendent to determine what action should be taken with regard to disciplining or reassigning Officer Bond.

41. After the May 5 meeting, Ms. Gonzalez saw Officer Bond near the elementary classrooms in the Jefferson Center on at least two occasions.

42. On May 8, 2014, Mr. and Ms. Gonzalez met with two APD officials, Lt. Joe Tauer, who headed APD's Youth Division, and Sgt. Brian Cokonougher, the SRO Sergeant who was Officer Bond's direct supervisor. Mr. and Mrs. Gonzalez complained to the officers about Officer Bond's assault of E.G.

43. At first, Lt. Tauer and Sgt. Cokonougher attempted to justify Officer Bond's actions. They later said that they had reviewed Officer Bond's report of the incident and the video. Sgt. Cokonougher explained that Officer Bond had used a "pain compliance" technique known as an arm bar on E.G., which is a technique frequently used on intoxicated, violent, and/or uncooperative adults. Lt. Tauer and Sgt. Cokonougher agreed that Officer Bond should not have used this pain compliance technique on E.G. Mr. and Mrs. Gonzalez asked them to reprimand Officer Bond and require him to undergo proper training. Lt. Tauer admitted that APD did not train SROs like Officer Bond on children and adolescent behavior, or on how to handle children in an educational setting. They said they would investigate further and possibly do more training.

44. Sgt. Cokonougher stated that Officer Bond's placement in the elementary section of the Jefferson Center was a new "experimental" practice to place SROs in contact with young children. Lt. Tauer and Sgt. Cokonougher apologized for Officer Bond's actions. They

confirmed that Principal Allred had stated that she would remove Officer Bond from the elementary section.

45. On May 12, 2015, Mr. and Ms. Gonzalez met with several AISD and APD officials. These officials included Principal Allred, Sgt. Cokonougher, Officer Bond, and Carla Garrett, the principal of AISD's Austin Elementary School.

46. During the May 12 meeting, AISD and APD officials changed their position and began defending Officer Bond. Principal Allred stated that AISD personnel had a regular practice of calling on SROs to assist with students who misbehaved or were disruptive, even if there was no suspicion of criminal behavior or any risk of immediate danger to anyone. Principal Allred also stated that they regularly called on SROs to remove disruptive or uncooperative students at the Jefferson Center to the Refocus Room, an empty classroom where children can "cry and scream" until they calm down.

47. E.G.'s parents made clear that they did not agree with using pain compliance methods like an arm bar on E.G. or any six-year-old child. Mr. Gonzalez asked all officials present what the plan would be for handling E.G. and other children who have behavioral or other special needs. Sgt. Cokonougher replied that APD would continue to use their regular APD training and protocols to address SRO interactions with children, without modification.

48. Shockingly, Sgt. Cokonougher endorsed Officer Bond's use of pain compliance techniques on E.G. He stated that these techniques were part of APD training, and he did not see a need for any additional training for SROs.

49. APD and AISD officials told Mr. and Ms. Gonzalez that they would not reassign Officer Bond, despite Principal Allred's earlier promises to the contrary. APD and AISD officials stated that if the same situation happened again, the same techniques would be used.

50. On information and belief, neither Abilene ISD nor the Abilene Police Department ever disciplined Officer Bond for this use of force against E.G. or required him to undergo any additional training.

51. On May 16, 2014, AISD officials finally allowed Mr. and Ms. Gonzalez to view the video footage of Officer Bond's assault on E.G. Mr. and Ms. Gonzalez viewed the video under the supervision of Lt. Tauer, Mark Neal, AISD's Associate Superintendent and General Counsel, and Kari Leong, AISD's Director of Student Services. Mr. and Ms. Gonzalez requested that AISD preserve the video.

52. At the recommendation of AISD officials, Mr. and Ms. Gonzalez withdrew E.G. from enrollment in AISD. He re-enrolled the following school year in first grade.

53. Later that month, Ms. Gonzalez spoke with then-AISD Board Trustee Kelvin Kelley regarding Officer Bond's assault on her son. Kelley said he had heard about the incident. Ms. Gonzalez described the assault in detail and AISD and APD's inadequate responses to her complaints. In response, Trustee Kelley advised her to file a complaint with AISD and APD.

54. Upon information and belief, after Officer Bond's assault on E.G., APD and AISD, including the AISD Board, took no action to prevent objectively unreasonable uses of force on schoolchildren. APD and AISD did not discipline or re-train Officer Bond. APD and AISD did not take any steps to ensure that AISD personnel did not use SROs for minor school discipline incidents that did not involve law enforcement or pose any immediate danger.

II. N.M.

55. N.M. is thirteen years old. He was enrolled in sixth-grade in AISD during the 2014-15 school year.

56. In February 2015, nine months after the assault on E.G., Officer Bond used a chokehold against then twelve-year-old N.M. At the time, N.M. was temporarily attending classes at the Jefferson Center.

57. On the morning of February 19, 2015, after a substitute teacher made a comment that upset him, N.M. rose from his chair and left the classroom to go speak to the assistant principal. After a school administrator told him to go back to class, N.M. began walking down the hallway toward his classroom when he passed Officer Bond, who was walking in the opposite direction. Officer Bond did not acknowledge N.M., talk to him, or otherwise give him any instructions.

58. Suddenly, N.M. felt something pull on the hood of his sweatshirt. Without any warning, Officer Bond took N.M. by the sweatshirt and threw him to the ground with great force. N.M. wound up lying on his stomach, with his hands pinned under his own body.

59. When N.M.'s body hit the ground, his head simultaneously hit the ground near his temple. Officer Bond immediately kneeled on either side of N.M.'s body, sat with his weight on N.M.'s buttocks, and put N.M. in a chokehold by squeezing his forearm and upper arm around N.M.'s neck. A chokehold is a use of force technique that can be deadly because it can restrict breathing.

60. As a result of Officer Bond's use of the chokehold, N.M. lost consciousness. N.M.'s vision faded to black, and he felt as if he were falling asleep. As a result, N.M.'s memory of the next few minutes of the incident is unclear. N.M. remembers screaming out in pain at some point during the assault. He also remembers a witness calling out to him and asking him questions. N.M. believes that Officer Bond choked him three times while he was pinned to the ground.

61. N.M. recollects the sensation of waking up and pushing up on his hands to try to relieve the pressure on his neck. He heard Officer Bond yell “stop resisting” and felt Officer Bond choke him harder. N.M. believes he may have lost consciousness again.

62. A parent named Joanna Wilson witnessed a portion of Officer Bond’s assault on N.M. When she attempted to videotape the incident, a school staff member tried to stop her from doing so. After witnessing Officer Bond’s assault on N.M., Ms. Wilson made a written statement in which she stated that she saw a cop slam a child face first onto the floor, get on top of the child as he lay on the ground, put the child in a chokehold, and then choke him.

63. Officer Bond eventually released N.M.’s neck and handcuffed N.M.’s hands behind his back. Officer Bond brought N.M. to his office in handcuffs.

64. Officer Bond held N.M. in his office, in handcuffs, for twenty to thirty minutes. When the Assistant Principal came into Officer Bond’s office, Officer Bond told him that they could not hold N.M. because they did not have any basis on which they could arrest him. Officer Bond later removed N.M.’s handcuffs, and his mother was notified to come pick him up.

65. Shortly after the incident, Ms. Hallmark, N.M.’s mother, drove to the Jefferson Center and picked up her son. Ms. Hallmark spoke with both Officer Bond and Principal Allred. Officer Bond stated that a misunderstanding led him to grab N.M. in the hallway, but that he “had to take him down to the ground” after N.M. asked Officer Bond to take his hands off him. Officer Bond stated that N.M. had been to the school nurse, and Principal Allred interjected, saying that N.M. was fine. Principal Allred and Officer Bond did not inform Ms. Hallmark of the chokehold.

66. Once they were in the car, Ms. Hallmark noticed red marks on her son’s neck. He told her how Officer Bond had assaulted him and had put him in a chokehold.

67. Ms. Hallmark returned with N.M. to the Jefferson Center a short while later. Ms. Hallmark confronted the school nurse, who admitted that she had not examined N.M.'s neck because Officer Bond had only asked her to look at an old scab on N.M.'s hand. Ms. Hallmark also spoke with the Assistant Principal Sellers and asked him to call APD to retrieve the surveillance footage of Officer Bond's assault on N.M.

68. Soon thereafter, an APD officer arrived at the Jefferson Center, went into a separate office with Officer Bond, and shut the door. Once they were finished talking, Officer Bond and the APD officer spoke with Ms. Hallmark and communicated their refusal to release the tape. The following day, Jefferson Center administrators called Ms. Hallmark and claimed that there was no surveillance footage of the incident.

69. On the afternoon of the incident, Ms. Hallmark drove to AISD's administrative building. She asked to speak with the AISD superintendent, but she was unsuccessful. Ms. Hallmark ran into Principal Allred at that building and asked why she had not told Ms. Hallmark that Officer Bond had placed her son in a chokehold. Principal Allred claimed that she had witnessed the incident and that Officer Bond had not put N.M. in a chokehold.

70. Ms. Hallmark next drove with N.M. to APD and filed a complaint against Officer Bond. She also spoke with Sgt. Cokonougher and showed him N.M.'s injuries.

71. Ms. Hallmark then took N.M. to the emergency room because she was worried that he had lost consciousness. N.M. was examined by a doctor.

72. Officer Bond had no justification for using any force against N.M., much less using deadly force via a chokehold. Officer Bond had no reason to suspect that N.M. was committing a crime, posed any danger to anyone, or was involved in serious property destruction. Officer Bond used a dangerous restraint technique against N.M. even though he is a child, and

without speaking to N.M. beforehand or giving him any instructions to follow. An objectively reasonable officer would have known that using a chokehold on a twelve-year old child in those circumstances was dangerous, unlawful, and unreasonable.

73. Officer Bond had no probable cause to handcuff or arrest N.M. His handcuffing of N.M. was punitive and lacked any legitimate purpose, since N.M. did not pose any danger.

74. As a result of Officer Bond's assault, N.M. suffered substantial physical and emotional injuries. After the assault, N.M. had bruising around his neck, along with redness and swelling around his wrists and where his head hit the ground. His head, back and shoulder were stiff and aching for days.

75. N.M. also suffered substantial emotional injuries as a result of Officer Bond's assault. N.M. became more afraid of police officers, experienced mood swings, and engaged in acts of serious self-harm. He subsequently went to counseling. A few months after the incident, doctors diagnosed N.M. with ADHD and a mood disorder.

76. Days after Officer Bond's assault of N.M., Ms. Hallmark met with AISD Associate Superintendent Audra Ude and Principal Allred. Superintendent Ude would neither speak with Ms. Hallmark about Officer Bond nor apologize for his use of force against N.M. Contradicting her earlier statement to Ms. Hallmark, Principal Allred claimed that she had not witnessed the incident.

77. Frustrated by AISD officials' refusal to take any action regarding Officer Bond's treatment of their children, Ms. Hallmark, Ms. Gonzalez, and other parents with children in the district went to the AISD Board of Trustees. Ms. Gonzalez and Ms. Hallmark testified in front of the AISD Board on April 13, 2015, sharing their children's stories and voicing their concerns about the district's SROs, their excessive use of force, and school discipline practices. Ms.

Gonzalez testified again on these issues on April 20, 2015 at a special board meeting. On May 11, 2015, Ms. Hallmark again attended and testified on these issues at an AISD Board meeting.

78. The City of Abilene investigated Officer Bond's assault of N.M. and in July 2015, APD issued a "Notice and Order of Suspension to Bond". That document stated:

[Officer Bond] attempted to detain a 12 year old student [N.M.] for a minor school rule infraction for which you have no authority to make an arrest. Therefore, your force option was limited to verbal commands. The arrest process should not have been started unless a crime had been committed or the student was a danger to himself or others.

OP D-4 [Abilene Police Department Operating Procedures D-4] specifically states that an officer shall never use force in response to mere verbal provocation or abusive language directed at the officer. OP D-4 further states that the use of the Carotid Restraint (CR) should be considered as a last resort in the prevention of serious physical injury to an officer or another person. It is to be used only when other methods have failed or when circumstances prevent the officer from employing other control techniques. The CR *will not* be used for administrative reasons. This incident was clearly an administrative stop where the only appropriate use of force was verbal commands. The use of the CR to gain control of a 12 year old student was excessive.

See Exhibit A, "Notice and Order of Suspension" issued to Officer Barry Bond (July 22, 2015) at 3 (emphasis in original).

79. According to the July 22, 2015 suspension order, Officer Bond had admitted using a "carotid restraint" on N.M. three times. Even if Officer Bond in fact used a carotid restraint instead of a chokehold, as he claimed, an objectively reasonable officer would have known that using a carotid restraint on a twelve-year-old in those circumstances was dangerous, unlawful, and unreasonable.

80. As a result of the incident with N.M., APD suspended Officer Bond from employment for three days, beginning on July 26, 2015.

81. After his suspension concluded, APD continued to employ Officer Bond. On January 30, 2016, Officer Bond retired from employment with the Abilene Police Department.

III. M.D.

82. M.D. is sixteen years old. He was enrolled in AISD as an eighth-grade student during the 2014-15 school year.

83. In late February or early March 2015, Officer Bond used excessive force against then fifteen-year-old M.D. At the time, M.D. was attending classes at the Jefferson Center. When he was in elementary school, M.D. had been diagnosed with ADHD. AISD teachers and administrators were aware of M.D.'s diagnosis.

84. On an afternoon in early February or late March 2015, M.D. was in class at the Jefferson Center when his teacher yelled at him, upsetting and embarrassing M.D. As a result, M.D. attempted to walk out of the Jefferson Center. M.D. exited his classroom, walked down the main hallway past students and teachers, and pushed open the door into a breezeway.

85. Officer Bond, who was standing inside the breezeway to M.D.'s right, suddenly and abruptly rushed at M.D. without warning, pinning him against the wall with his elbow. He did not give any warning or instructions to M.D. prior to assaulting him. Officer Bond's forearm pushed against M.D.'s throat while his elbow jammed into M.D.'s left shoulder. A few seconds later, Officer Bond slammed M.D. to the ground by putting his right leg against M.D.'s left leg and pushing down on M.D.'s shoulders. M.D. was shocked, hurt, and upset.

86. Once M.D. was on the ground, Officer Bond rolled him onto his stomach, sat on M.D.'s back, and placed him in handcuffs. At that moment, an eighth grade teacher at the Jefferson Center entered the breezeway and helped restrain M.D. by sitting on the back of M.D.'s knees to pin down his calves.

87. While on the ground, M.D. asked Officer Bond why he had thrown him to the ground. Officer Bond responded that M.D. was destroying school property by forcefully opening

the door into the breezeway. Officer Bond then pulled M.D. up and escorted M.D. back to his office through the school hallway.

88. M.D. did not cause any damage to school property by opening the door into the breezeway.

89. On the walk to Officer Bond's office, M.D. complained about the tightness of the handcuffs and attempted to move his shoulder to get more comfortable. Officer Bond told M.D. to "stop resisting," grabbed M.D. by his shoulder and wrist, and slammed M.D. face first into the hallway's concrete wall. Officer Bond then immediately threw M.D. on top of a nearby plastic trash can, which M.D. slammed into and then fell onto the ground. Officer Bond next pinned M.D. on the ground with his cheek against the floor. Officer Bond then forced M.D. up and walked M.D. the rest of the way to his office, where M.D. remained in handcuffs for thirty to forty-five minutes. M.D. was in the office all alone with Officer Bond. Officer Bond did not take M.D. to see the school nurse.

90. M.D. suffered substantial physical injury as a result of Officer Bond's actions. As a result of the assault, the sides of M.D.'s face were red, cut, and bruised from where his face hit the concrete wall and ground. Today, M.D. still has a scar above his right cheekbone that resulted from the incident. In addition, M.D.'s wrists remained red and swollen from the tight handcuffing for days after the incident. Further, M.D. had trouble moving his shoulder and had to wear an arm sling for approximately ten days while it healed. M.D.'s hip was also injured, and the stiffness caused him to limp for several days.

91. M.D. also suffered substantial emotional injury as a result of Officer Bond's assault. M.D. became fearful of police officers, experienced heightened anxiety and depression,

and engaged in acts of self-harm as a result. His mother and grandmother noticed that M.D. showed signs of severe trauma immediately after the assault.

92. Officer Bond had no justification for using any force against M.D., much less repeatedly slamming M.D.'s body against multiple hard surfaces. Officer Bond had no reason to believe M.D. was committing a crime or that M.D. posed any danger to himself or others. An objectively reasonable officer would have known that using forceful takedowns and slamming M.D. on several surfaces in those circumstances was dangerous, unlawful, and unreasonable.

93. Officer Bond had no probable cause to handcuff or arrest M.D. His handcuffing of M.D. was punitive and lacked any legitimate purpose, since M.D. did not pose any danger to anyone.

94. Officer Bond's stated justification for forcefully detaining and restraining M.D. was baseless because M.D. did not cause any damage to school property by opening a door.

95. On information and belief, neither AISD nor the APD ever disciplined Officer Bond for this use of force against M.D.

IV. APD and AISD's SRO Program

96. At the time of each incident described above, Officer Bond was employed by the APD as a SRO at the Jefferson Center. A SRO is a peace officer stationed on a campus within a school district.

97. According to the APD website, the SRO program began in the fall of 1990 with the assignment of a single SRO on the campus of Abilene High School. According to an email from Terry Bull, former principal of Abilene High School, APD and AISD operated the SRO program from 1990 to 2013 without any formal written policy or guidelines.

98. In June 2013, APD and AISD signed and adopted a formal written policy, titled the School Resource Officer Agreement ("SRO Agreement"). Upon information and belief, the

AISD School Board and the APD Chief of Police read, negotiated and reviewed the Agreement before its adoption. Upon information and belief, APD and AISD jointly operate the SRO program.

99. According to Paragraph 5(A) of the SRO Agreement, the duty of a SRO is “[t]o be a visible, active law enforcement figure on campus dealing with law enforcement matters originating on the campus.”

100. According to Paragraph 5(G) of the SRO Agreement, “[T]he SRO should not be involved in ordinary school discipline, unless it pertains to preventing a potential disruption and/or climate that places students at risk of harm.” Paragraph 5G further states that “[d]isciplining students is a School District Responsibility and only when the principal and the SRO agrees [sic] that the SROs assistance is needed to maintain a safe and proper school environment would the principal request SRO involvement.”

101. Paragraph 5B provides that SROs are “[t]o act on the presumed call and consent of the campus administrator of the assigned campus at all times.”

102. The SRO Agreement does not restrict SRO use to high schools or particular campuses. The SRO Agreement applies to all 17,000 students enrolled in AISD at twenty-seven campuses. In an email to school board members dated September 7, 2012, AISD Director of Student Services Kari Leong confirmed that secondary campuses have a SRO available, and elementary campuses have access to SROs “in their feeder schools.”

103. According to emails from former AISD Superintendent Heath Burns to AISD Board members, dated June 14, 2012 and June 13, 2013, APD and AISD evenly share the cost of the SROs.

104. Upon information and belief, at all times relevant to this lawsuit, the AISD Board of Trustees had knowledge of the SRO program, significant SRO related incidents, and the incidents involving Plaintiffs.

105. For example, in an email from Superintendent Burns to the board members on September 9, 2011, Burns informed the board of an arrest of an AISD student made by Officer Bond. In an email from Burns to board members on June 13, 2013, Burns sought the board's approval, which was required, to hire two new SROs. In an email from Burns to board members on March 7, 2014, Burns informed the board of two incidents involving SROs.

106. Officer Bond assaulted N.M. on February 19, 2015. In an email from Associate Superintendent Audra Ude to the AISD Board on February 20, 2015, Ms. Ude informed the board of the incident between Officer Bond and N.M., noting that Ms. Hallmark had complained about Officer Bond's actions and asked for video footage. The email also notes that an AISD employee had tried to stop a parent who witnessed the incident from filming it on her phone.

107. In an email from Stan Standridge, APD Chief of Police, to Associate Superintendent Ude and other AISD and APD officials, written on March 3, 2015, Standridge stated in part: "We will continue to work with the District to legally protect our officers while on all campuses, but in the interim, I have concerns that officers cannot legally assist school personnel with hall duties, ushering students to or from, accountability, school discipline, etc. Preliminary research suggests our officers do not have loco parentis protections, thus necessitating a review of our framework and MOU."

108. In an email from Ms. Ude to the AISD Board on March 6, 2015, Ms. Ude updated the Board on the specific facts of Officer Bond's assault on N.M., as well as her and Principal

Allred's meetings with Ms. Hallmark regarding Officer Bond's assault of N.M. and his mother's complaints.

109. Upon information and belief, at all times relevant to this lawsuit, AISD and APD communicated regularly regarding the operation of the SRO program, and use of restraint incidents involving SROs.

V. The City of Abilene and AISD's Official Promulgated Policy Regarding the SRO Program

110. The City of Abilene, acting through APD, and AISD are liable for Officer Bond's foregoing acts against Plaintiffs on the basis of municipal liability. *See Monell v. Dep't of Soc. Serv's*, 436 U.S. 658 (1978). Specifically, APD and AISD's adoption and implementation of the SRO Agreement foreseeably resulted in Officer Bond's excessive use of force on E.G., N.M., and M.D., and his false arrest of N.M. and M.D.

111. Pursuant to the SRO Agreement, AISD and APD intend for and require SROs to engage in law enforcement actions involving children, including use of restraints and use of force when necessary, in order to "provide a safe environment" and "prevent[] a potential disruption and/or climate that places students at risk of harm." SRO Agreement, Paras. 5(B), 5(G).

112. The SRO Agreement fails to provide adequate guidance or restrictions regarding use of force and/or restraints by SROs against schoolchildren. The Agreement also does not provide guidance on appropriate use of handcuffing, arrest, or detention; on appropriate uses of force for children in school settings, including children with disabilities; or on methods of de-escalation prior to using force on children. While Paragraphs 5(A) and 5(G) of the Agreement limit SRO use to "preventing a potential disruption and/or climate that places students at risk of harm," AISD and APD provide no further guidance to school administrators or SROs on the

interpretation of that very broad statement. As a result, school district officials and SROs believe that SROs can be involved in situations where there is no risk of criminal matters or imminent danger. SROs also believe, as Officer Bond did, that they can use force as they would on adults.

113. By contrast, Section 89.1053 of the Texas Administrative Code (“TAC”) sharply restricts uses of restraint by SROs and school officials. Section 89.1053(c) states that “a school employee, volunteer, or independent contractor may use restraint only in an emergency.” Tex. Admin. Code § 89.1053(c). The Code defines “restraint” as “the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student’s body.” Tex. Admin. Code § 89.1053(b)(1). The Code defines “emergency” as “a situation in which a student’s behavior poses a threat of: imminent, serious physical harm to the student or others; or imminent, serious property destruction.” Tex. Admin. Code § 89.1053(b)(2). The SRO Agreement contravenes Section 89.1053 by allowing SRO to use restraints in situations other than emergencies as defined in the Code.

114. The SRO Agreement also contravenes principles of school discipline endorsed by educational experts and by the U.S. Department of Justice (“DOJ”) and U.S. Department of Education (“DOE”). The DOJ and DOE have emphasized that “SROs should not enforce the school code of conduct or engage in routine discipline of students; indeed, the authority and responsibilities of disciplinarian fall squarely in the hands of school administrators.” *See* Statement of Interest of the United States, *S.R. v. Kenton Co.*, 15-CV-WOB-JGW (E.D. Ky.) (Doc. 32, at 13) (Oct. 2, 2015), available at <https://www.justice.gov/opa/file/780346/download>. SROs should use law enforcement actions such as arrests “as a last resort” and only for “serious criminal conduct or when necessary to protect students and staff from a threat of immediate harm.” *Id.* Law enforcement agencies should ensure that policies clearly delineate SRO

responsibilities, that SROs do not enforce school codes of conduct or become a substitute for in-school discipline, and that SROs deploy non-punitive alternatives and always select the least coercive measure for each incident. *Id.* at 14; *see also*, U.S. Dep't of Education and U.S. Dep't of Justice, Dear Colleague Letter: Nondiscriminatory Administration of School Discipline (Jan. 8, 2014), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>; U.S. Dep't of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline (Jan. 2014), *available at* <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>; Council of State Governments Justice Center, The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and out of the Juvenile Justice System (2014), *available at* https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf. According to DOJ and school discipline experts, failing to provide clearly delineated SRO responsibilities will undermine rather than promote school safety. *Id.*

115. The SRO Agreement does not add or modify the APD's existing written policy authorizing use of force against adults. The Agreement also does not modify APD's written policy authorizing handcuffing, arrest, and detention of adults.

116. The SRO Agreement does not require any relevant training for SROs, such as: appropriate uses of force and of restraints against children, people of small stature, and/or in school environments; negotiation, de-escalation, and conflict resolution techniques to use with children and adolescents; child and adolescent development and psychology; mental and behavioral health needs of children with disabilities or special needs; or mental health crisis intervention for children. The DOJ has stated that such specialized training for SROs, including training "to recognize and respond appropriately to youth behavior that may be a manifestation

of disability,” is critical to protect school safety. *See* Statement of Interest of the United States, *S.R. Kenton Co.*, at 15.

117. APD and AISD made a conscious decision in failing to provide guidance or restrictions on use of force and arrests by SROs; failing to modify the APD’s use of force and arrest policies meant for adults; and failing to require relevant training of SROs.

118. At all times relevant to this lawsuit, Officer Bond and other SROs, like all APD officers, received training in use of force, restraint, handcuffing, and arrest techniques designed for use on adults. They did not receive training on use of force, restraint, handcuffing, arrest, negotiation, de-escalation, and conflict resolution techniques that are appropriate for use on children, people of small stature, children with disabilities, or in school environments.

119. Defendants City of Abilene and AISD consciously disregarded the risk of obvious physical and emotional harm to AISD schoolchildren, including Plaintiffs, from the lack of guidance or restrictions, modifications to APD’s use of force and arrest policies, and lack of relevant training.

120. As a result of the lack of guidance, modifications to APD’s use of force and arrest policies and lack of proper training, implementation of the SRO Agreement resulted in the highly probable consequences of Officer Bond using excessive force on E.G., N.M., and M.D., and falsely arresting N.M. and M.D.

121. Officer Bond’s actions in subjecting all three Plaintiffs to excessive use of force, and subjecting N.M. and M.D. to false arrest and/or unreasonable seizures, were a highly predictable and foreseeable result of the policy adopted and implemented by AISD and APD. This risk was obvious to policymakers at AISD and APD, who are education and law enforcement officials, because they knew that the policy would result in uses of force and

restraint by SROs on schoolchildren, and the policy intended for SROs to use force and restraint on schoolchildren.

122. The risk of harm to Plaintiffs N.M. and M.D. was further made obvious because AISD and APD knew of Officer Bond's assault of E.G., and because AISD and APD received Ms. Gonzalez's complaints and requests, described above, after Officer Bond's assault of E.G.

123. The risk of harm to M.D. was obvious because AISD and APD knew about Officer Bond's assault of N.M., and there was at least one Abilene newspaper article about Officer Bond's assault of N.M.

124. By adopting the Agreement and failing to provide adequate guidance on the appropriate use of SROs, Defendants City of Abilene and AISD consciously disregarded the risk of obvious physical and emotional harm to children from the use of SROs in situations that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. As a result, AISD officials routinely used SROs for minor school discipline and other incidents that did not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction, and the SROs used excessive force and restraints, applied handcuffs unnecessarily, and made false arrests in those situations.

125. As a direct result of the City of Abilene's and AISD's official written policy, Officer Bond used force that was excessive to the need on E.G., N.M., and M.D., and falsely arrested N.M. and M.D.

VI. The City of Abilene and AISD's Official Customs Regarding the SRO Program

126. AISD and APD have a policy based in custom, in which they deploy SROs to incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. This custom directly caused Officer Bond to become

involved in the incidents involving E.G., N.M., and M.D., and resulted in the excessive use of force and false arrests.

127. AISD teachers and school personnel have a consistent and widespread practice and custom of calling SROs to help in incidents that do not involve criminal matters, and where there is no threat of imminent physical harm or serious property destruction. AISD teachers and school personnel routinely call on SROs to handle minor school discipline issues, and they considered the practice to be commonplace and ordinary. APD has a widespread practice and custom of allowing SROs to be involved in such incidents, and SROs have a widespread practice and custom of using excessive force and making false arrests in such incidents. The APD chief and SRO program supervisors receive regular incident reports from SROs and as such are aware of SROs' involvement in minor school discipline issues that do not involve criminal matters, and where there is no threat of imminent physical harm or serious property destruction.

128. AISD and APD policymakers had actual and constructive knowledge of this policy based in custom. APD Chief Standridge's email of March 2015 shows that APD and AISD officials had known of, condoned, and approved for years of the practice of using SROs for "hall duties, ushering students to or from, accountability, school discipline, etc." In addition, AISD officials, including Principal Allred, informed Ms. Gonzalez that they routinely called Officer Bond to assist with minor "misbehavior" and discipline issues in the absence of any criminal matter or immediate danger. On numerous occasions, Plaintiff N.M. observed school personnel calling SROs for minor student misbehavior such as talking back to a teacher, not going to one's desk quickly enough, or not tucking in one's shirt. AISD Board member Kelley was personally informed of Officer Bond's assault of E.G. by E.G.'s mother. Superintendent Burns and Ude's emails, detailed above, show that they had knowledge of the N.M. incident.

Upon information and belief, Lt. Tauer knew or should have known of all SRO uses of force, restraint, handcuffs and arrests, since he oversaw the SRO program and reviewed SRO incident reports, including Officer Bond's reports. Taken together, these and other facts show that Officer Bond's assaults on Plaintiffs were not isolated incidents, but examples of consistent practice.

129. AISD school records show that, on at least two occasions prior to Officer Bond's assault on N.M., AISD teachers called a SRO to assist with N.M. Both were for minor school discipline issues that did not involve criminal matters, and where there was no threat of imminent physical harm or serious property destruction.

130. Defendants City of Abilene and AISD consciously disregarded the risks of harm to schoolchildren posed by their policy based in custom and acted with deliberate indifference by condoning and endorsing the custom. As a direct and proximate result of routine and frequent involvement in minor school discipline incidents, without adequate guidance or training, SROs used excessive force and made false arrests. This custom resulted in Officer Bond using excessive force against E.G., N.M., and M.D, and making a false arrest of N.M. and M.D.

VII. The City of Abilene's Failure to Train Officer Bond

131. As Officer Bond's employer, APD was responsible for his job-related SRO training. APD had reason to know and did know that Officer Bond would come into physical contact with schoolchildren, including very young schoolchildren, and would use force, restraint, and handcuffs and make arrests if needed, as evidenced by the SRO Agreement, as set forth above.

132. APD and AISD placed Officer Bond in the elementary area of the Jefferson Center, knowing that he would come into contact with very young schoolchildren. APD and

AISD knew that AISD had students with disabilities with whom Officer Bond would come into physical contact.

133. Despite this knowledge, APD failed to train Officer Bond, and all SROs, on how to modify use of force and restraint techniques for children, people of small stature, and children who may have disabilities or mental health needs. APD failed to train Officer Bond on de-escalation and negotiation with youth, communicating with young children, use of force and restraint on children and in a school environment, handcuffing and arrests of children and in a school environment, and child and adolescent development and behavior. Indeed, APD had no written training materials on these topics, at all times relevant to this complaint. As a highly predictable result of APD's failure to train, Officer Bond used excessive force on E.G., N.M., and M.D. and falsely arrested N.M. and M.D., as described above.

134. Having adopted the SRO Agreement and authorized SROs to restrain schoolchildren, APD and AISD knew of the risks of unreasonable and excessive force and unreasonable seizures posed by inadequate training. APD consciously disregarded those risks and acted with deliberate indifference by failing to train Officer Bond.

135. Upon information and belief, the APD chief and supervisors learned of the incident involving E.G. and Officer Bond soon after it happened. Mr. and Mrs. Gonzalez specifically complained to APD officials, as described above. Despite this, APD continued to fail to train Officer Bond on the topics enumerated above. As a highly predictable result of APD's failure to train Officer Bond, including APD's failure to train him after the E.G. incident, Officer Bond used excessive force on N.M. and M.D. and handcuffed and falsely arrested them, as described above.

136. The APD chief and supervisors learned of the incident involving N.M. and Officer Bond soon after it happened. Ms. Hallmark filed a complaint with APD, as described above. Despite this, APD continued to fail to train Officer Bond on any of the topics enumerated above. As a highly predictable result of APD's failure to train, including its failure to train after the N.M. incident, Officer Bond used excessive force on and falsely arrested M.D., as described above.

VIII. The City of Abilene's Failure to Supervise and Discipline Officer Bond

137. As Officer Bond's employer, APD was responsible for supervising, disciplining, and investigating complaints made against Officer Bond.

138. According to Officer Bond's APD personnel records, APD hired Officer Bond as a peace officer in 1999, and employed him as a patrol officer from 1999 until 2005. In 2005, APD transferred Officer Bond to the Youth Division to work as a "Safety City" officer. According to the APD website, Safety City is a child-sized town created as a safe place where children can learn good traffic and safety habits.

139. In his 2005 APD annual performance appraisal, a supervisor noted that Officer Bond "had several discipline issues that were documented." In one instance, Officer Bond reportedly told a juvenile to "sit your butt down," which resulted in verbal counseling. In another instance, Officer Bond followed a motorist to his house after he pulled in front of Officer Bond and his family, also resulting in verbal counseling. As the performance appraisal states, these incidents "demonstrate Officer Bond's tendency to be abrupt," and although Officer Bond was rated "Standard" the appraisal indicates that he had a "definite need for improvement."

140. APD continued to employ Officer Bond as a Safety City officer until 2007, when APD transferred Officer Bond back to being a patrol officer. In 2009, APD again transferred

Officer Bond to the Youth Division, where he eventually began working as a SRO. APD and AISD jointly placed Officer Bond at the Jefferson Center, where he worked at all times relevant to this complaint.

141. Upon information and belief, Lt. Tauer regularly reviewed incident reports from Officer Bond and other SROs. Lt. Tauer, who is a final policymaker for APD, knew or should have known that SROs were involved in minor school discipline incidents that did not involve criminal matters, and where there was no threat of imminent physical harm or of property destruction, and that SROs like Officer Bond were using excessive force and making false arrests in those incidents. Despite this, Lt. Tauer failed to take corrective action to prevent these unconstitutional actions by Officer Bond and other SROs.

142. Upon information and belief, the APD chief and supervisors learned of the incident involving Officer Bond's assault of E.G. soon after it happened. They also knew about his performance evaluations in the past including his discipline issues. They knew that the SRO Agreement authorized Officer Bond to engage with young children in incidents that did not involve criminal matters, and where there was no threat of imminent physical harm or of serious property destruction. Despite this, APD failed to investigate or take corrective action after the incident with E.G., and as a direct result, Officer Bond later used excessive force and falsely arrested N.M. and M.D., as described above.

143. As a result of APD's lack of proper supervision, discipline, and oversight, the SRO program resulted in the highly predictable consequence that SROs like Officer Bond would use inappropriate levels of force against children. Despite regularly receiving SRO incident reports, the APD chief and supervisors failed to investigate and take corrective measures to prevent unreasonable uses of force and false arrests and/or unreasonable seizures.

144. The risks of harm to young children posed by inadequate supervision should have been obvious to APD and AISD, who adopted and approved of the SRO Agreement, because they knew that SROs would come into physical contact with schoolchildren in the school environment. APD consciously disregarded those risks and acted with deliberate indifference by failing to supervise and discipline Officer Bond.

145. As a highly predictable result of APD's failure to properly supervise and discipline Officer Bond, including its failure to investigate and discipline Officer Bond after the E.G. incident, Officer Bond used excessive force and falsely arrested N.M. and M.D., as described above. As a highly predictable result of APD's failure to properly supervise and discipline Officer Bond after the N.M. incident, Officer Bond used excessive force and falsely arrested M.D., as described above.

IX. The City of Abilene and AISD's Liability for the Final Decisions by Policymakers

146. APD Chief Standridge and Lt. Tauer, who supervised the SRO program, decided to continue assigning Officer Bond as a SRO at the Jefferson Center despite (1) his previous performance reviews and work history, (2) his assault of E.G., and (3) parent complaints following E.G.'s assault. They decided to consciously disregard the risk posed by Officer Bond's continued employment as a SRO, and acted with deliberate indifference, which resulted in the highly probable result of Officer Bond's use of excessive force on and false arrest of N.M. and M.D. In addition, Chief Standridge and Lt. Tauer failed to discipline or train Officer Bond adequately, as set forth above.

147. APD Chief Standridge and Lt. Tauer are final policymakers for the City of Abilene because they oversee APD and APD's Youth Division, respectively. Their decisions condoned and endorsed Officer Bond's use of excessive force on young schoolchildren, in

violation of state law and the Fourth Amendment. The City of Abilene is liable for the decisions of these APD policymakers.

148. AISD Superintendent Heath Burns and Associate Superintendent Audre Ude decided to continue allowing Officer Bond to serve as a SRO at the Jefferson Center despite (1) his previous performance reviews and work history, (2) his assault of E.G., and (3) parent complaints following E.G.'s assault. They decided to consciously disregard the risk posed by Officer Bond's continued employment as a SRO, which resulted in the highly probable result of Officer Bond's assaults on N.M. and M.D. In addition, Burns and Ude failed to take corrective action to prevent AISD teachers and school personnel from involving Officer Bond and other SROs in minor incidents of school discipline.

149. Superintendent Burns and Associate Superintendent Ude are final policymakers for AISD because they respectively oversee all district operations and implement the School Board's policies, and oversee all school discipline matters. *See* Tex. Educ. Code 11.1511, 11.1512. Their decisions condoned and endorsed Officer Bond's use of excessive force on young schoolchildren, in violation of state law and the Fourth Amendment. AISD is liable for the decisions of these AISD policymakers.

150. Neither AISD nor APD ever disciplined Officer Bond for using excessive force against E.G. or M.D. or for falsely arresting M.D.

151. The persistent inaction by APD and AISD policymakers demonstrates that these policymakers were deliberately indifferent to the obvious risk posed by the SRO program and by Officer Bond. APD and AISD, through its policymakers, made a conscious decision not to adequately train, supervise, or discipline the SROs on uses of force against children, yet still authorized SROs to use force while interacting with children on a daily basis.

X. AISD and APD's Conspiracy to Violate Plaintiffs' Civil Rights

152. The City of Abilene, acting through APD, and AISD have engaged in a conspiracy to violate the civil rights of E.G., N.M., and M.D.

153. AISD and APD willfully and maliciously conspired among themselves to deprive Plaintiffs of their civil rights under the Fourth Amendment. As described above, Defendants AISD and APD entered into the SRO Agreement. Pursuant to the SRO Agreement, APD stationed Officer Bond at the Jefferson Center, where he subjected young schoolchildren, including Plaintiffs E.G., N.M., and M.D., to unreasonable and excessive force and false arrests, in violation of the Fourth Amendment of the U.S. Constitution.

154. Pursuant to the SRO Agreement, AISD and APD authorized Officer Bond and other SROs to become involved in minor school discipline incidents that did not involve criminal matters and where there was no threat of imminent physical harm or of serious property destruction. At the Jefferson Center, teachers, administrators, and law enforcement operated in close concert with one another, with school personnel frequently calling Officer Bond to get involved in minor incidents of childish misbehaviors—such as talking back to a teacher, not going to one's desk quickly enough, or not tucking in one's shirt—even though disciplining students is a school district responsibility. Instead of de-escalating these situations, Officer Bond threatened the safety he was charged with protecting. Officer Bond was quick to resort to excessive force, and Jefferson Center personnel not only watched but also assisted and supported Officer Bond's use of excessive force to discipline young schoolchildren. AISD and APD compounded these actions by failing to train, discipline, and supervise Officer Bond adequately, as described above. AISD and APD policymakers decided to continue assigning Officer Bond as a SRO despite his assault on E.G., without re-training or discipline.

155. AISD and APD knew that Officer Bond had used excessive and unnecessary force against young schoolchildren in the course of his duties. As set forth above, based on numerous parent complaints, parent meetings, communications between AISD and APD officials, direct observation, and other sources, AISD and APD knew of the policies, practices, and customs described above.

156. Upon information and belief, AISD and APD shared the contents of parent complaints and meetings, met multiple times to discuss their investigations into Officer Bond's use of force incidents, and worked together to keep Plaintiffs' parents from viewing footage of the incident. AISD and APD emails described above, including the March 2015 email from Chief Standridge, demonstrate ongoing communication between APD and AISD regarding the SRO program and SRO incidents, as well as specific knowledge of inappropriate uses of SROs, and Officer Bond's assault on N.M.

157. The City of Abilene, acting through APD, and AISD acted each and all together to conspire to violate the Fourth Amendment rights of Plaintiffs, and their conspiracy included agreements between or among the Defendants to allow Officer Bond to administer school discipline pursuant to unconstitutional policies, customs, and practices over the course of one or more years. As a direct result of the SRO Agreement, and the conspiracy, APD and AISD created and condoned an unreasonable risk of harm to schoolchildren including Plaintiffs, and effectively authorized Officer Bond's excessive force and false arrests of E.G., N.M., and M.D., as described above.

158. The violations of E.G.'s, N.M.'s, and M.D.'s Fourth Amendment rights were not a mere coincidence, but rather part of a joint conspiracy by AISD and APD to deprive Plaintiffs

of their constitutional rights. Accordingly, the City of Abilene and AISD are liable for conspiring to violate the Fourth Amendment rights of E.G., N.M., and M.D.

159. By reason of the above-described acts and omissions of Officer Bond, the City of Abilene and AISD, Plaintiffs sustained injuries, including but not limited to physical pain, discomfort, and impairment, as well as psychological trauma, humiliation, indignity, and emotional distress.

160. The above-described acts and omissions of Officer Bond, the City of Abilene, and AISD were willful, wanton, and oppressive, and done with reckless indifference to and callous disregard for Plaintiffs' rights. These acts and omissions justify exemplary and punitive damages.

161. By reason of the above-described acts and omissions of Officer Bond, the City of Abilene, and AISD, Plaintiffs were required to retain an attorney to prosecute this action so that they might vindicate loss and impairment of their rights.

CLAIMS FOR RELIEF

COUNT ONE

Use of Excessive Force in Violation of the Fourth Amendment Pursuant to 42 U.S.C. § 1983

By Plaintiff E.G. Against All Defendants

162. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

163. The Fourth Amendment to the U.S. Constitution protects an individual's right to be free from objectively unreasonable uses of force that are excessive to the need.

164. Defendant Barry Bond's assault of E.G., as described in the foregoing paragraphs, was an objectively unreasonable and excessive use of force under the circumstances. Officer Bond's actions violated E.G.'s clearly established constitutional rights. At all times relevant, Officer Bond acted under color of state law and is liable pursuant to 42 U.S.C. § 1983. Officer Bond's actions were intentional, malicious, and reckless and showed a callous disregard for

Plaintiff E.G.'s rights. Officer Bond's actions directly and proximately caused Plaintiff E.G. to suffer significant physical and psychological injuries. Accordingly, Officer Bond is liable to E.G. for compensatory and exemplary/punitive damages.

165. Defendant City of Abilene, acting through APD, adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected E.G. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene authorized Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or property destruction. Officer Bond's actions directly resulted from the City's deliberate indifference to the risk of excessive use of force against schoolchildren like E.G. created by its written policy and/or its custom, and created by its deliberately indifferent failure to train, supervise, and discipline Officer Bond and other SROs. Defendant City of Abilene violated E.G.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. The City of Abilene's actions directly and proximately caused Plaintiff E.G. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene is municipally liable to E.G. for compensatory and exemplary/punitive damages.

166. Defendant AISD adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected E.G. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene permitted and requested Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not

involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from AISD's deliberate indifference to the risk of excessive use of force against schoolchildren like E.G. created by its written policy and/or its custom. Defendant AISD violated E.G.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. AISD's actions directly and proximately caused E.G. to suffer significant physical and psychological injuries. Accordingly, AISD is municipally liable to E.G. for compensatory and exemplary/punitive damages.

COUNT TWO

Assault

By Plaintiff E.G. Against Defendant Barry Bond, Individually

167. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

168. Defendant Barry Bond made physical contact with E.G. Specifically, Officer Bond grabbed E.G. by his arms, twisting them behind his back. Officer Bond then lifted E.G. off of the ground by grabbing both of E.G.'s arms, which were still twisted behind his back, and carried him into the classroom while keeping E.G. off the ground. Officer Bond used an arm bar maneuver on E.G., which is a pain compliance technique used on dangerous, unruly adults. Finally, Officer Bond put E.G. down in a chair, and slammed E.G.'s head, face down, onto a desk. As Officer Bond did that, E.G.'s head hit the bottom corner of a nearby chalkboard frame, causing E.G. to scream and his head to bleed. Officer Bond continued to hold E.G. against the desk, with E.G.'s arms twisted behind his back.

169. Officer Bond recklessly caused E.G.'s bodily injury. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to E.G. would result from his actions.

170. As a result of Officer Bond's assault on him, E.G. sustained injuries including, but not limited to, a cut and knot on his head from where it hit the corner of the chalkboard frame, along with scratches on his hands and bruising on his wrists and upper arms where Officer Bond had grabbed him. Further, as a result of Officer Bond's actions, E.G. suffered from nightmares, became fearful of school and of police officers, and began talking about harming himself. Officer Bond's actions directly and proximately caused E.G. to suffer significant physical and psychological injuries. Accordingly, Office Bond is thus liable to E.G. for compensatory and exemplary/punitive damages.

COUNT THREE

**Intentional Infliction of Emotional Distress
By Plaintiff E.G. Against Defendant Barry Bond, Individually**

171. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

172. In the alternative to Counts One and Two, above, Defendant Barry Bond intentionally caused E.G. emotional distress.

173. Officer Bond acted recklessly when he used force against six-year-old E.G. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to E.G. would result from his actions.

174. Officer Bond's conduct towards six-year-old E.G., including his use of a pain compliance maneuver meant for use on dangerous and unruly adults, was extreme and outrageous in character, and so extreme in degree as to be considered outrageous by a reasonable person.

175. The emotional distress suffered by E.G. as a result of Officer Bond's assault was severe. As a result of the assault, E.G. had numerous nightmares relating to the assault and became fearful of school and of police officers. E.G. also began talking about harming himself.

176. Officer Bond's conduct towards E.G. was a proximate cause of E.G.'s emotional distress.

COUNT FOUR
Use of Excessive Force in Violation of the Fourth Amendment
Pursuant to 42 U.S.C. § 1983
By Plaintiff N.M. Against All Defendants

177. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

178. The Fourth Amendment to the U.S. Constitution protects an individual's right to be free from objectively unreasonable uses of force that are excessive to the need.

179. Defendant Barry Bond's assault of N.M., as described in the foregoing paragraphs, was an objectively unreasonable and excessive use of force under the circumstances. Officer Bond's actions violated N.M.'s clearly established constitutional rights. At all times relevant, Officer Bond acted under color of state law and is liable pursuant to 42 U.S.C. § 1983. Officer Bond's actions were intentional, malicious, and reckless and showed a callous disregard for the rights of Plaintiff. Officer Bond's actions directly and proximately caused N.M. to suffer significant physical and psychological injuries. Accordingly, Officer Bond is liable to N.M. for compensatory and exemplary/punitive damages.

180. Defendant City of Abilene, acting through APD, adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected N.M. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene authorized Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or property destruction. Officer Bond's actions directly resulted from the City's deliberate indifference to the risk of excessive use of force against schoolchildren like N.M.

created by its written policy and/or its custom, and created by its deliberately indifferent failure to train, supervise, and discipline Officer Bond and other SROs. Defendant City of Abilene violated N.M.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. The City of Abilene's actions directly and proximately caused Plaintiff N.M. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene is municipally liable to N.M. for compensatory and exemplary/punitive damages.

181. Defendant AISD adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected N.M. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene permitted and requested Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from AISD's deliberate indifference to the risk of excessive use of force against schoolchildren like N.M. created by its written policy and/or its custom. Defendant AISD violated N.M.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. AISD's actions directly and proximately caused Plaintiff N.M. to suffer significant physical and psychological injuries. Accordingly, AISD is municipally liable to N.M. for compensatory and exemplary/punitive damages.

COUNT FIVE

**False Arrest and Unreasonable Seizure in Violation of the Fourth Amendment
Pursuant to 42 U.S.C. § 1983
By Plaintiff N.M. Against All Defendants**

182. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

183. The Fourth Amendment to the U.S. Constitution protects an individual's right to be free from false arrest, arrests lacking in probable cause, and unreasonable seizures.

184. Defendant Barry Bond's arrest, detention, and handcuffing of N.M., as described in the foregoing paragraphs, lacked probable cause, was excessive in length and manner, and was punitive. Officer Bond's actions violated N.M.'s clearly established constitutional rights. At all times relevant, Officer Bond acted under color of state law and is liable pursuant to 42 U.S.C. § 1983. Officer Bond's actions were intentional, malicious, and reckless and showed a callous disregard for the rights of Plaintiff.

185. Defendant City of Abilene, acting through APD, adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected N.M. to Officer Bond's false arrest. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene authorized Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from the City's deliberate indifference to the risk of false arrest against schoolchildren like N.M. created by its written policy and/or its custom, and created by its deliberately indifferent failure to train, supervise, and discipline Officer Bond and other SROs. Defendant City of Abilene violated N.M.'s clearly established right to be free of false arrests under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. The City of Abilene's actions directly and proximately

caused Plaintiff N.M. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene is municipally liable to N.M. for compensatory and exemplary/punitive damages.

186. Defendant AISD adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected N.M. to Officer Bond's false arrest. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene permitted and requested Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from AISD's deliberate indifference to the risk of false arrests against schoolchildren like N.M. created by its written policy and/or its custom. Defendant AISD's actions violated N.M.'s clearly established right to be free of false arrests under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. AISD's actions directly and proximately caused Plaintiff N.M. to suffer significant physical and psychological injuries. Accordingly, AISD is municipally liable to N.M. for compensatory and exemplary/punitive damages.

COUNT SIX

**False Imprisonment/False Arrest
By Plaintiff N.M. Against Defendant Bond, Individually**

187. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

188. Defendant Barry Bond willfully detained N.M. by wrongfully arresting him, handcuffing him, and holding him against his will in the assistant principal's office for twenty to thirty minutes.

189. N.M. did not consent to this detention.

190. Officer Bond had no legal authority or justification to detain N.M. In fact, Officer Bond admitted he had no basis to arrest N.M. Moreover, after an investigation into Officer Bond's assault of N.M., the City of Abilene concluded that Officer Bond had "no authority to make an arrest" of N.M. *See* Ex. A, "Notice and Order of Suspension" (July 22, 2015) at 3.

191. Officer Bond's wrongful acts caused N.M. to sustain injuries including, but not limited to, loss of consciousness, bruising around his neck, and redness and swelling where his head hit the ground and around his wrists where he had been handcuffed by Officer Bond.

192. Because N.M.'s injury resulted from Officer Bond's malice, Officer Bond is liable for exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a)(2). Officer Bond admitted he had no basis to arrest 12-year-old N.M. at his school, yet he repeatedly and inexcusably used deadly force against N.M. while arresting and detaining him.

COUNT SEVEN

Assault

By Plaintiff N.M. Against Defendant Bond, Individually

193. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

194. Defendant Barry Bond made physical contact with N.M. Specifically, Officer Bond grabbed N.M. by the hood of his sweatshirt and threw him to the ground. Officer Bond then kneeled on either side of N.M.'s body, sat with his weight on N.M.'s buttocks, and put N.M. in a chokehold by squeezing his forearm and upper arm around N.M.'s neck. Officer Bond maintained his hold around N.M.'s neck until N.M. lost consciousness. Officer Bond applied this chokehold to N.M. three times while he had N.M. pinned to the ground. Finally, Officer Bond handcuffed N.M. and kept him restrained in the cuffs for at least twenty to thirty minutes.

195. Officer Bond recklessly caused N.M.'s bodily injury. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to N.M. would result from his actions.

196. As a result of Officer Bond's assault on him, N.M. sustained injuries including, but not limited to, loss of consciousness, bruising around his neck, and redness and swelling where his head hit the ground and around his wrists where he had been handcuffed. Further, as a result of Officer Bond's assault on him, N.M. became more afraid of police officers, experienced mood swings, and engaged in acts of self-harm. Officer Bond's actions directly and proximately caused N.M. to suffer significant physical and psychological injuries. Accordingly, Office Bond is thus liable to N.M. for compensatory and exemplary/punitive damages.

COUNT EIGHT
Intentional Infliction of Emotional Distress
By Plaintiff N.M. Against Defendant Bond, Individually

197. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

198. In the alternative to Counts Four, Five, Six, and Seven above, Defendant Barry Bond intentionally caused N.M. emotional distress.

199. Officer Bond acted recklessly when he used deadly force against N.M. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to N.M. would result from his actions.

200. Officer Bond's conduct towards N.M., including repeatedly applying deadly force in the form of a carotid restraint control hold to N.M., was extreme and outrageous in character, and so extreme in degree as to be considered outrageous by a reasonable person.

201. The emotional distress suffered by N.M. as a result of Officer Bond's assault on his was severe. As a result of Officer Bond's assault on him, N.M. became more afraid of police officers, experienced mood swings, and engaged in acts of self-harm.

202. Officer Bond's conduct towards N.M. was a proximate cause of N.M.'s emotional distress.

COUNT NINE
Use of Excessive Force in Violation of the Fourth Amendment
Pursuant to 42 U.S.C. § 1983
By Plaintiff M.D. Against All Defendants

203. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

204. The Fourth Amendment to the U.S. Constitution protects an individual's right to be free from objectively unreasonable uses of force that are excessive to the need.

205. Defendant Barry Bond's assault of M.D., as described in the foregoing paragraphs, was an objectively unreasonable and excessive use of force under the circumstances. Officer Bond's actions violated M.D.'s clearly established constitutional rights. At all times relevant, Officer Bond acted under color of state law and is liable pursuant to 42 U.S.C. § 1983. Officer Bond's actions were intentional, malicious, and reckless and showed a callous disregard for the rights of Plaintiff. Officer Bond's actions directly and proximately caused M.D. to suffer significant physical and psychological injuries. Accordingly, Officer Bond is municipally liable to M.D. for compensatory and exemplary/punitive damages.

206. Defendant City of Abilene, acting through APD, adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected M.D. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene authorized Officer Bond and other SROs to use force and restraints on schoolchildren in

minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from the City's deliberate indifference to the risk of excessive use of force against schoolchildren like M.D. created by its written policy and/or its custom, and created by its deliberately indifferent failure to train, supervise, and discipline Officer Bond and other SROs. Defendant City of Abilene violated M.D.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. The City of Abilene's actions directly and proximately caused Plaintiff M.D. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene is municipally liable to M.D. for compensatory and exemplary/punitive damages.

207. Defendant AISD adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected M.D. to Officer Bond's use of excessive force. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene permitted and requested Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from AISD's deliberate indifference to the risk of excessive use of force against schoolchildren like M.D. created by its written policy and/or its custom. Defendant AISD violated M.D.'s clearly established right to be free of excessive force under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. AISD's actions directly and proximately caused Plaintiff M.D. to suffer significant physical and psychological injuries. Accordingly, AISD is liable to M.D. for compensatory and exemplary/punitive damages.

COUNT TEN

**False Arrest and Unreasonable Seizure in Violation of the Fourth Amendment
Pursuant to 42 U.S.C. § 1983
By Plaintiff M.D. Against All Defendants**

208. Plaintiffs incorporate by reference allegations in the foregoing paragraphs.

209. The Fourth Amendment to the U.S. Constitution protects an individual's right to be free from false arrest, or arrests lacking in probable cause, and unreasonable seizures.

210. Defendant Barry Bond's arrest, detention, and handcuffing of M.D., as described in the foregoing paragraphs, lacked probable cause, was excessive in length and manner, and was punitive. Officer Bond's actions violated M.D.'s clearly established constitutional rights. At all times relevant, Bond acted under color of state law, and is liable pursuant to 42 U.S.C. § 1983. Officer Bond's actions were intentional, malicious, reckless, and showed a callous disregard for the rights of Plaintiff.

211. Defendant City of Abilene, acting through APD, adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected N.M. to Officer Bond's false arrest. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene authorized Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from the City's deliberate indifference to the risk of false arrest against schoolchildren like M.D. created by its written policy and/or its custom, and created by its deliberately indifferent failure to train, supervise, and discipline Officer Bond and other SROs. Defendant City of Abilene violated M.D.'s clearly established right to be free of false arrests under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. The City of Abilene's actions directly and proximately

caused Plaintiff M.D. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene is municipally liable to M.D. for compensatory and exemplary/punitive damages.

212. Defendant AISD adopted, enforced, and implemented a policy, widespread practice, and custom that unreasonably subjected M.D. to Officer Bond's false arrest. Through the SRO Agreement, as well as through a widespread practice forming a custom of which final policymakers had knowledge, the City of Abilene permitted and requested Officer Bond and other SROs to use force and restraints on schoolchildren in minor incidents that do not involve criminal matters and where there is no threat of imminent physical harm or of serious property destruction. Officer Bond's actions directly resulted from AISD's deliberate indifference to the risk of false arrests against schoolchildren like M.D. created by its written policy and/or its custom. Defendant AISD's actions violated M.D.'s clearly established right to be free of false arrests under the Fourth Amendment and is liable pursuant to 42 U.S.C. § 1983. AISD's actions directly and proximately caused Plaintiff M.D. to suffer significant physical and psychological injuries. Accordingly, AISD is municipally liable to M.D. for compensatory and exemplary/punitive damages.

COUNT ELEVEN
False Imprisonment/False Arrest
By Plaintiff M.D. Against Defendant Bond, Individually

213. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

214. Defendant Barry Bond willfully detained M.D. by wrongfully arresting him, handcuffing him, and holding him against his will in Officer Bond's office for at least thirty to forty-five minutes.

215. M.D. did not consent to this detention.

216. Officer Bond had no legal authority or justification to detain M.D.

217. Officer Bond's wrongful acts M.D. to sustain injuries including, but not limited to, marks and bruises on his face, red and swollen wrists, impaired use of his shoulder, and a damaged hip.

218. Because M.D.'s injury resulted from Officer Bond's malice, Officer Bond is liable for exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a)(2). Officer Bond had no basis to arrest 15-year-old M.D. at his school, yet he repeatedly and inexcusably used excessive force against M.D. while arresting and detaining him.

COUNT TWELVE

Assault

By Plaintiff M.D. Against Defendant Bond, Individually

219. Plaintiffs incorporate by reference allegations in the foregoing paragraphs.

220. Defendant Barry Bond made physical contact with M.D. Specifically, Officer Bond abruptly forced M.D. onto the ground and, once M.D. was on the ground, Officer Bond placed M.D. in handcuffs. While M.D. was still in handcuffs, Officer Bond threw M.D. against a concrete wall and slammed M.D.'s body onto a trashcan. Officer Bond next placed M.D. in a restraint hold, pinning M.D.'s cheek against the concrete ground. Officer Bond kept M.D. restrained in handcuffs for at least thirty to forty-five minutes.

221. Officer Bond recklessly caused M.D.'s bodily injury. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to M.D. would result from his actions.

222. As a result of Officer Bond's assault on him, M.D. sustained injuries including, but not limited to, marks and bruises on his face, red and swollen wrists, impaired use of his shoulder, and a damaged hip. Further, as a result of Officer Bond's assault, M.D. became fearful of police officers, experienced heightened anxiety and depression, and engaged in acts of self-

harm. Officer Bond's actions directly and proximately caused M.D. to suffer significant physical and psychological injuries. Accordingly, Office Bond is thus liable to M.D. for compensatory and exemplary/punitive damages.

COUNT THIRTEEN
Intentional Infliction of Emotional Distress
By Plaintiff M.D. Against Defendant Bond, Individually

223. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

224. In the alternative to Counts Nine, Ten, Eleven, and Twelve, above, Defendant Barry Bond intentionally caused M.D. emotional distress.

225. Officer Bond acted recklessly when he used force against M.D. Officer Bond was aware but consciously disregarded the substantial and unjustifiable risk that harm to M.D. would result from his actions.

226. Officer Bond's conduct towards M.D., including slamming him into a wall multiple times, slamming him onto a trashcan, and shoving his face against the concrete, was extreme and outrageous in character, and so extreme in degree as to be considered outrageous by a reasonable person.

227. The emotional distress suffered by M.D. as a result of Officer Bond's assault on his was severe. As a result of the assault, M.D. became fearful of police officers, experienced heightened anxiety and depression, and engaged in acts of self-harm.

228. Officer Bond's conduct towards M.D. was a proximate cause of M.D.'s emotional distress.

COUNT FOURTEEN
Conspiracy to Violate Civil Rights: Excessive Force
Pursuant to 42 U.S.C. § 1983
By Plaintiffs E.G., N.M., and M.D. Against Defendants City of Abilene and AISD

229. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

230. Defendants City of Abilene, acting through APD, and AISD have engaged in a conspiracy to violate Plaintiff E.G., N.M., and M.D.'s rights under the Fourth Amendment of the U.S. Constitution to be free from objectively unreasonable and excessive use of force.

231. Defendants City of Abilene and AISD willfully and maliciously conspired among themselves to deprive E.G., N.M., and M.D. of their Fourth Amendment rights. As detailed above, AISD and APD entered into a SRO agreement and assigned Officer Bond to the Jefferson Center to administer school discipline pursuant to unconstitutional policies, customs, and practices, and with deliberate indifference to and conscious disregard of the unreasonable risk of harm to schoolchildren. Pursuant to this agreement, AISD and APD effectively authorized Officer Bond's use of excessive force against E.G., N.M., and M.D.

232. Defendants City of Abilene and AISD's actions directly and proximately caused Plaintiffs E.G., N.M., and M.D. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene and AISD are liable to E.G., N.M., and M.D. for compensatory and exemplary/punitive damages.

COUNT FIFTEEN

**Conspiracy to Violate Civil Rights: Unreasonable Seizure/ False Arrest
Pursuant to 42 U.S.C. § 1983
By Plaintiffs N.M. and M.D. Against Defendants City of Abilene and AISD**

233. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs.

234. Defendants City of Abilene, acting through APD, and AISD have engaged in a conspiracy to violate Plaintiff N.M. and M.D.'s rights under the Fourth Amendment of the U.S. Constitution to be free from false arrest, made without probable cause, and unreasonable seizures.

235. Defendants City of Abilene and AISD willfully and maliciously conspired among themselves to deprive E.G., N.M., and M.D. of their Fourth Amendment rights. As detailed above, AISD and APD entered into a SRO agreement and assigned Officer Bond to the Jefferson

Center to administer school discipline pursuant to unconstitutional policies, customs, and practices, and with deliberate indifference to and conscious disregard of the unreasonable risk of harm, including the risk of false arrests and unreasonable seizures, to schoolchildren. Pursuant to this agreement, AISD and APD effectively authorized Officer Bond's false arrests and unreasonable seizures of N.M., and M.D.

236. Defendants City of Abilene and AISD's actions directly and proximately caused Plaintiffs N.M. and M.D. to suffer significant physical and psychological injuries. Accordingly, the City of Abilene and AISD are liable to N.M. and M.D. for compensatory and exemplary/punitive damages.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court issue the following relief:

1. Assume jurisdiction over this matter;
2. Award compensatory damages, including but not limited to damages for emotional pain, suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, to Plaintiffs;
3. Award actual damages to Plaintiffs;
4. Award Plaintiffs punitive and exemplary damages as may be awarded by the trier of fact;
5. Award Plaintiffs the costs of this lawsuit, including reasonable and necessary attorney fees and expert fees pursuant to 42 U.S.C. § 1988;
6. Award Plaintiffs pre-judgment and post-judgment interest as allowed by law; and
7. Grant any other relief, at law or in equity, which this Court deems just and proper.

Dated: April 28, 2016

Respectfully submitted,

/s/ Daniel McNeel Lane, Jr.

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