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SATAE’ZJA DEVEREAUX

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SATAE’ZJA DEVEREAUX, an individual,)
)
Plaintiff,)
)
v.)
)
BRIAN P. LUCAS in his individual)
capacity as a police officer for the BART)
Police Department; KARL L. CARPIO in)
his individual capacity as a police officer for)
the BART Police Department; CASEY A.)
TYLER in his individual capacity as a)
police officer for the BART Police)
Department; and DOES 1-50, inclusive.)
)
Defendants.)

Case No.:
COMPLAINT FOR DAMAGES
(42 U.S.C § 1983)

JURY TRIAL DEMANDED

INTRODUCTION

1. This action is brought to redress the unlawful beating and unreasonable seizure

1 Bay Area Rapid Transit District (hereinafter “BART”).

2 7. Defendant CASEY A. TYLER (hereinafter “Defendant”) is a competent adult of
3 majority age. He is being sued in his individual and official capacity as a police officer for the
4 Bay Area Rapid Transit District (hereinafter “BART”).

5 8. Defendant BRIAN P. LUCAS (hereinafter “Defendant”) is a competent adult of
6 majority age. He is being sued in his individual and official capacity as a police officer for the
7 Bay Area Rapid Transit District (hereinafter “BART”).

8 9. Plaintiff is ignorant of the true names and capacities of those Defendants named
9 herein as DOES 1 through 50, inclusive. Plaintiff will amend this Complaint to allege said
10 Defendants true names and capacities when that information becomes known to Plaintiff.

11 Plaintiff is informed and believes, and thereon alleges that DOES 1 through 50, inclusive, are
12 legally responsible and liable for the incident, injuries, and damages hereinafter set forth, and
13 that each of said Defendants proximately caused the injuries and damages by reason of
14 negligent, careless, deliberately indifferent, intentional, or willful misconduct, including the
15 negligent, careless, deliberately indifferent, intentional, willful misconduct in creating and
16 otherwise causing the incidents, conditions, and circumstances hereinafter set forth, or by
17 reason of direct or imputed negligence or vicarious fault or breach of duty arising out of the
18 matters herein alleged. Plaintiff will seek to amend this Complaint to set forth said true names
19 and identities of DOES 1 through 50, inclusive when they have been ascertained.

20 10. Due to the acts and/or omissions alleged herein, Defendants, and each of them,
21 act as the agent, servant, and employee and/or concert with each of said other Defendants
22 herein.

23 **FACTUAL ALLEGATIONS**

24 11. On December 31, 2019, Plaintiff, 22-year-old Ms. SaTae’zja Devereaux, left her
25 work at an Oakland law firm intent on taking BART to Bay Fair BART station en route to her

1 home.

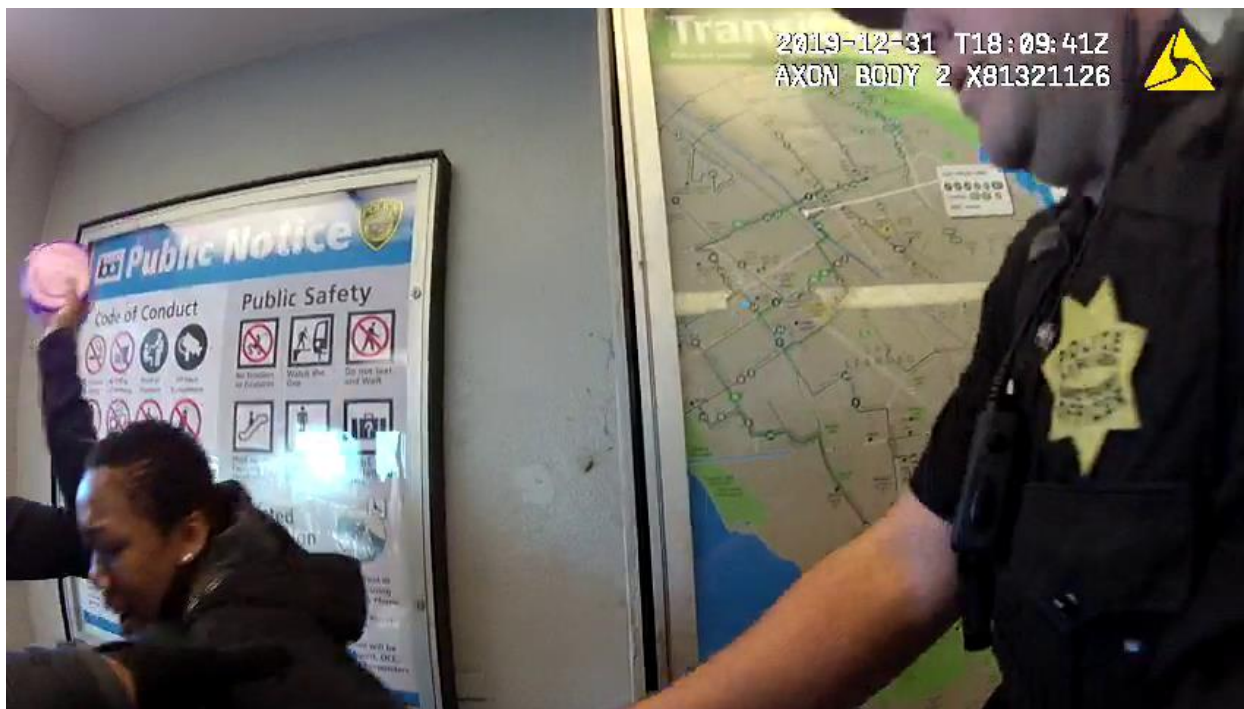
2 12. Ms. Devereaux boarded BART and rode the train to the Bay Fair BART Station.
3 As she was exiting the station, she was approached by Bart Police Officers Carpio, Tyler, and
4 Lucas.

5 13. The Defendant Officers accused Ms. Devereaux of the minor citable violation of
6 toll/fare evasion. Officer Carpio proceeded to ask for Ms. Devereaux's identification card. Ms.
7 Devereaux asked if she could simply pay the fare owed; however, Officer Lucas refused her
8 suggestion and told Ms. Devereaux it was too late to rectify the issue. None of the Officers told
9 her why they needed or wanted her to produce her identification. With the ultimate intention of
10 using force, the Officers proceeded to put on their gloves (apparently preparing to attack her)
11 without even explaining to Ms. Devereaux that they intended to give her a ticket for fare
12 evasion.



24 14. Without warning Ms. Devereaux of their intent to use force nor attempting to de-
25 escalate the situation, Officer Tyler suddenly stepped forward and reached out to grab Ms.

1 Devereaux. Out of fear, Ms. Devereaux recoiled from Officer Tyler's unannounced and
2 physically aggressive approach. Next, Officers Tyler, Carpio, and Lucas immediately jumped
3 onto Ms. Devereaux, who was half their size, and proceeded to violently and forcefully slam her
4 down onto the pavement.



1 15. The three Officers placed their body weight on top of Ms. Devereaux and
2 pressed her down on the ground for over seven minutes. The combined weight of the Officers
3 made it extremely difficult for her to breathe. She repeatedly cried out to the three Officers that
4 she was unable to breathe. They ignored her cries.



17 16. At some point during the incident, Officer Lucas forcefully punched Ms.
18 Devereaux in the face twice. Nevertheless, the Officers continued to hold their body weight on
19 Ms. Devereaux for over three minutes after she was placed in handcuffs. Officer Lucas
20 brazenly proceeded to taunt Ms. Devereaux, as well as the outraged witnesses who were
21 observing and recording the beating. Ms. Devereaux vomited and urinated on herself as a result
22 of the three Officers' use of force.

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23 17. Ms. Devereaux never attempt to assault or run from any of the Officers during
24 the course of this incident. Indeed, at no point during this incident did Ms. Devereaux pose a
25 credible threat to the three Officers.

1 18. Ms. Devereaux was treated at the scene for her injuries and then hauled off to
2 Santa Rita Jail. The Officers charged her with three counts of resisting arrest and assaulting a
3 police officer, and one count of fare evasion. Even though Ms. Devereaux had never been
4 arrested before and had no criminal history, she was forced to post a \$15,000.00 bail. Adanté
5 Pointer represented Ms. Devereaux in her criminal case and managed to get all of the criminal
6 charges dismissed.

7 19. As a result of BART Officers Carpio, Tyler, and Lucas' use of force, Ms.
8 Devereaux suffered financial loss, physical injuries, and emotional distress including, but not
9 limited to pain, suffering, and humiliation. To this day, she is haunted by this traumatic
10 incident.

11 **DAMAGES**

12 20. As a consequence of Defendants' violations of Plaintiff's federal civil rights
13 under 42 U.S.C. §1983 and the Fourth Amendment, Plaintiff was physically, mentally,
14 emotionally, and financially injured and damaged as a proximate result of Defendants' wrongful
15 conduct.

16 21. Plaintiff found it necessary to engage the services of private counsel to vindicate
17 her rights under the law. Plaintiff is therefore entitled to an award of attorneys' fees and/or
18 costs pursuant to statute(s) in the event that he is the prevailing party in this action under 42
19 U.S.C. §§ 1983 and 1988. Plaintiff is also entitled to punitive damages under 42 U.S.C. §§
20 1983 and 1988.

21 **CAUSES OF ACTION**

22 **FIRST CAUSE OF ACTION**

23 **(Fourth Amendment – Excessive Force under 42 U.S.C. Section 1983)**
24 *(PLAINTIFF against Defendants CARPIO, TYLER, LUCAS, and DOES 1-50)*

25 22. Plaintiff hereby re-alleges and incorporates by reference each and every

1 paragraph of this Complaint.

2 23. The Officers failed to issue a verbal warning to Plaintiff before using force.
3 Plaintiff was suspected of merely committing an infraction. There was no need for Defendant
4 Officers to tackle, pile on, and/or punch Plaintiff, as she did not pose a physical threat to the
5 officers or the public and had not tried to flee or resist. Defendant officers' conduct was
6 excessive and unreasonable, which violated both their training and Plaintiff's constitutional
7 rights under the Fourth Amendment.

8 24. As a result of their misconduct, Defendants are liable for Plaintiff's injuries,
9 either because they were integral participants in the excessive force or because they failed to
10 intervene to prevent these violations.

11 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

12 **JURY DEMAND**

13 25. Plaintiff hereby demands a jury trial in this action.

14 **PRAYER**

15 Wherefore, Plaintiff prays for relief, as follows:

- 16 1. For general damages in a sum according to proof;
17 2. For special damages, including but not limited to past, present, and/or future wage loss,
18 income and support, medical expenses, and other special damages in a sum to be
19 determined according to proof;
20 3. For punitive damages against Defendants Carpio, Tyler, Lucas, and DOES 1-50 in a sum
21 according to proof;
22 4. All other damages, penalties, costs, interest, and attorney fees as allowed by 42 U.S.C.
23 §§ 1983 and 1988, and as otherwise may be allowed by federal law against Defendants
24 Carpio, Tyler, and Lucas;
25 5. For cost of suit herein incurred; and

1 6. For such other and further relief as the Court deems just and proper.
2

3 Date: August 11, 2021

Respectfully submitted,

4 **POINTER & BUELNA, LLP**
5 **LAWYERS FOR THE PEOPLE**
6

7 /s/ Adanté Pointer
8 ADANTE D. POINTER
9 PATRICK M. BUELNA
10 ANGEL M. ALEXANDER
11 Attorneys for Plaintiff
12 SATAE'ZJA DEVEREAUX
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