

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

Civil Action No.

22-0575 F

MAVERNIE WILLIAMS,)
Plaintiff)

v.)

COMPLAINT

JURY TRIAL DEMANDED

CITY of BOSTON, and BOSTON)
POLICE OFFICER JOHN DOES 1-20,)
Defendants)

PARTIES

1. The plaintiff, Mavernie Williams, is an individual who resides at 15 Chamberlain Street, Dorchester (Boston), Suffolk County, Commonwealth of Massachusetts.

2. The defendant, City of Boston, is a municipal corporation, duly incorporated under the laws of the Commonwealth of Massachusetts, located in Suffolk County, Commonwealth of Massachusetts.

3. The defendants, Boston Police Officer John Does 1-20, are individuals whose identities are presently unknown to the plaintiff, who at all times material were employed as uniformed officers and/or supervisory officers by the defendant City of Boston's Police Department ("BPD"), and were acting under color of law, and have principal places of business in Boston, Suffolk County, Commonwealth of Massachusetts.

MICHAEL JOSEPH DOROVAN
CLERK / MAJISTRATE

2022 MAR 16 PM 3:15

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

FACTS COMMON TO ALL COUNTS

4. On Wednesday afternoon, March 20, 2019, Boston Police officers and detectives, including a SWAT team, executed a search warrant at 11 Chamberlain Street, Dorchester, the subject of which was that address and the object of which was a 19 year old male named Keion Rowell, Jr., who had an active warrant out of the Dedham District Court and outstanding charges.

5. At the time, the plaintiff, Mavernie Williams, was an almost 62 year old woman who lived at 15 Chamberlain Street and was neither connected to any activities of Mr. Rowell nor alleged to be connected to any activities of Mr. Rowell nor of any other occupants of 11 Chamberlain Street.

6. The plaintiff, Mavernie Williams, obviously was not the 19 year old male the defendants sought.

7. At the time the BPD was about to execute the warrant, the plaintiff, Mavernie Williams was leaving her home on her way to a nail salon.

8. Although the warrant had been obtained as part of an active investigation and identified the target of that investigation as 11 Chamberlain Street, shortly before the raid at 11 Chamberlain Street, the SWAT team blocked homes and vehicles in the vicinity of 15 Chamberlain Street.

9. The number "15" was prominently displayed in the door of the plaintiff's home at the time the plaintiff, Mavernie Williams exited her home.

10. The number "15" was also in bold numbers on one of the posts on the front porch.

11. Some of defendant Boston Police Officer John Does 1-20 had been watching as the plaintiff, Mavernie Williams entered her car.

12. Six members of the BPD SWAT team, including some of defendant Boston Police Defendant John Does 1-20, surrounded the plaintiff's car after she entered it.

13. Two members of the BPD SWAT team, including defendant Boston Police Officer John Does 1-20, stood in front, two behind and two stood on the sides of the plaintiff, Mavernie Williams's car.

14. The defendants pointed firearms at the plaintiff as she sat in her car's front seat.

15. The plaintiff, Mavernie Williams began to scream in panic.

16. Some of defendant Boston Police Officer John Does 1-20 yelled at the plaintiff, Mavernie Williams to "shut up," to crack her driver's side window open, and to throw her car keys out her window.

17. The plaintiff did as the defendants ordered her to do at gunpoint.

18. One of defendant Boston Police Officer John Does 1-20 put the plaintiff's keys on the hood of her car.

19. Some of defendant Boston Police Officer John Does 1-20 yelled at the plaintiff, Mavernie Williams to put one hand on her steering wheel and to find her license in her pocket book with her other hand.

20. Crying the entire time, the plaintiff, Mavernie Williams did as the defendants ordered.

21. The defendants kept their weapons pointed at the plaintiff, Mavernie Williams and kept telling her to "shut up" as she continued crying.

22. The plaintiff, Mavernie Williams, asked the defendants, "Am I going to die?"

23. One of defendant Boston Police Officer John Does 1-20 said she would not die.

24. The defendants told the plaintiff, Mavernie Williams to throw her license out the open window.

25. Examining the license the plaintiff, Mavernie Williams provided, one of defendant Boston Police Officer John Does 1-20 remarked, "Oh my G_d, wrong address" and repeated this exclamation two more times.

26. Notwithstanding the defendants' recognition that they were at the wrong address and had accosted an innocent civilian unconnected with their investigation and police raid, one of defendant Boston Police Officer John Does 1-20 remarked that the defendants could not release the plaintiff, Mavernie Williams as that might disrupt the defendants' raid.

27. The defendants told the plaintiff, Mavernie Williams to scoot down.

28. The plaintiff, Mavernie Williams' car did not have space on the floor in the front, so Mavernie twisted her body across the front seats.

29. Two of Boston Police Officer John Does 1-20 remained by the plaintiff's car as the others relocated to 11 Chamberlain Street.

30. Both of the two defendant Boston Police Officer John Does 1-20 who remained at the plaintiff's car kept their weapons out and ready; one remained pointed at the plaintiff, Mavernie Williams's windshield.

31. The plaintiff, Mavernie Williams, continued crying and shaking, was obviously distraught, and continued asking if she was going to die.

32. One of defendant Boston Police Officer John Does 1-20 put his hand through the open window, told the plaintiff to hold his hand to calm her, apologized, and said the defendants

were at the wrong address but could not let the plaintiff, Mavernie Williams go.

33. The plaintiff, Mavernie Williams vomited and urinated in her car in fear and anxiety.

34. One of defendant Boston Police Officer John Does 1-20 had tears in his eyes, apologized for detaining the plaintiff, Mavernie Williams, said he was "so sorry," and told her that a BPD captain would speak with her later.

35. Outside, police yelled at the 11 Chamberlain Street occupants through a bull horn or other amplifying device and commenced their raid.

36. Rowell was arrested on charges of unlawful possession of a firearm, ammunition and a high capacity feeding device, and assault by means of a dangerous weapon, and a stolen Glock semi-automatic firearm was seized.

37. Rowell has not returned to the vicinity of 11 Chamberlain Street, Dorchester, since his arrest that day and has not again resided at 11 Chamberlain Street, to the best of the plaintiff's knowledge.

38. After Rowell was arrested, the defendants released the plaintiff, Mavernie Williams.

39. The defendants had detained the plaintiff for approximately an hour; most of which she spent twisted across the front seats of her car in her own vomit and urine

40. A BPD captain approached the plaintiff, Mavernie Williams's car, said he was "sorry," and offered to call an ambulance.

41. Still shaking in fear, the plaintiff, Mavernie Williams said, "just let me go," and the defendants released her.

42. The plaintiff, Mavernie Williams changed her clothes and cleaned up the vomit and urine.

43. The plaintiff, Mavernie Williams drove to her nail salon but could not stay.

44. At the time, the plaintiff, Mavernie Williams's head was hurting, her chest was pounding, and she found herself short of breath.

45. The plaintiff, Mavernie Williams drove to Carney Hospital, where Hospital physicians kept her overnight because her heart was racing and she was suffering extreme anxiety symptoms.

46. While the plaintiff was at Carney Hospital, Boston Police Department Captain Haseeb Hosein appeared at the plaintiff, Mavernie Williams's home, inquired as to her condition, and left his business card.

47. The defendants failed to properly plan and execute the police raid on 11 Chamberlain Street and Mr. Rowell.

48. The defendants failed to familiarize themselves and the police officers who conducted the raid with the layout of the target building and surrounding area, and failed to concentrate the defendants' focus on their intended target.

49. The defendants lacked probable cause to seize the plaintiff, Mavernie Williams.

50. The defendants had no basis to seize, threaten or terrorize the plaintiff, Mavernie Williams.

51. None of the defendants ever formed the conclusion that the plaintiff, Mavernie Williams had or was about to commit a crime.

52. The facts and circumstances which confronted the defendants were not sufficient to warrant a prudent man in believing that the plaintiff had committed or was committing an offense.

53. The defendants' assault violated the plaintiff, Mavernie Williams's federal and state constitutional rights to be free of unlawful searches and seizures.

54. The legal principle that police cannot seize a peaceful citizen without either a warrant or probable cause predates the foundation of this Republic and is well established in Massachusetts state and federal courts.

55. The defendants applied excessive force to the plaintiff, Mavernie Williams, who they illegally seized at

gunpoint without probable cause, detained illegally after concluding that they had seized her without probable cause or warrant, denied her permission to leave, and terrorized her by their misconduct.

56. The defendants have negligently and/or with deliberate indifference planned and illegally executed raids to effectuate warrants and/or make warrantless arrests on previous occasions, injuring innocent residents of the defendant, City of Boston, and violating their civil rights.

57. The training and supervision which the defendant supervisory police officers of the defendant, City of Boston, provided to defendants Boston Police Officer John Does 1-20 was negligent or reckless and/or evidenced a custom, policy and/or practice of failing to train and supervise Boston police officers in proper methods of investigation, arrest and use of force, which demonstrated deliberate indifference to the civil rights of those members of the public with whom the defendant City's police officers reasonably would be expected to interact, including without limitation, the plaintiff, Mavernie Williams.

58. As a direct and proximate result of the defendants' negligence and illegal assault, battery, tortuous misconduct, and violations of the plaintiff's constitutional, statutory and civil rights, the plaintiff, Mavernie Williams, has suffered

severe and permanent physical and emotional injuries, manifested by physical symptoms which have included, *inter alia*, nausea, diarrhea, heart palpitations, headaches, crying, tearfulness, hypervigilant behavior, panic attacks, difficulty sleeping, nightmares and flashbacks of the illegal seizure; has required and has received psychotherapeutic care and treatment for anxiety, depression and symptoms of post traumatic stress disorder, and has incurred the reasonable and necessary costs of such treatment, and likely will require such care and treatment in the future; has developed a fear of police; has required medication to function and to sleep; has suffered lost earning capacity; and has suffered the loss of the pleasures and enjoyments of life.

59. On or about March 2, 2021, the plaintiff, Mavernie Williams served a timely written demand for relief upon the defendant, City of Boston, in accordance with G.L. c. 258, §4, the Massachusetts Tort Claims Act.

60. Pursuant to G.L. c. 258, §4, the defendant, City of Boston, had six (6) months within which to respond to the plaintiff's presentment demand letter; by virtue of which, the defendants' response would be due in early September 2021.

61. During the review period afforded the defendants by statute, on the morning of July 26, 2021, officers of the defendant City of Boston's Police Department, wearing uniforms

identifying them as members of the BPD SWAT team and carrying firearms, including without limitation, some of defendant Boston Police Officer John Does 1-20, banged on the plaintiff, Mavernie Williams's front door at 15 Chamberlain Street, Dorchester, and demanded to speak with her.

62. Upon opening her door, the plaintiff observed a large number of BPD officers blocking her driveway and surrounding her home and car.

63. The defendants stated that they were looking for Rowell and inquired whether she had seen Rowell.

64. The plaintiff, Mavernie Williams, stated that she had not seen Rowell since the police arrested him in March 2019, that he had not lived at 11 Chamberlain Street since his arrest, that new tenants lived at 11 Chamberlain Street, that her address was 15 Chamberlain Street, not 11 Chamberlain Street, and that the number was clearly indicated on her door.

65. The plaintiff, Mavernie Williams, demanded to know whether the defendants intended to continue to "confuse" the two addresses, intended to continue to harass her, and intended to continue to send highly armed SWAT forces to her home when they knew she had done nothing wrong.

66. During the July 2021 police action, some of the plaintiff's neighbors stepped outside their homes and shouted that the police action constituted harassment.

67. The defendants apologized to the plaintiff, Mavernie Williams, and withdrew from her property.

68. The defendants failed to timely respond to the plaintiff's written demand for relief pursuant to G.L. c. 258.

69. At the request of the defendants' counsel, the plaintiff's counsel extended the time for the defendants to respond to the plaintiff's written demand for relief pursuant to G.L. c. 258 to November 2, 2021, and again until December 31, 2021, upon the defendants' counsel's further request for extension.

70. Notwithstanding the twice extended time allowed the defendants to respond to the plaintiff's written demand for relief pursuant to G.L. c. 258, the defendants have repeatedly failed to timely respond to the plaintiff's written demand for relief, thus constituting a denial of said demand within the meaning of the statute.

COUNT I: TORT CLAIM AGAINST DEFENDANT, CITY OF BOSTON

71. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

72. The defendant, City of Boston, is the public employer of defendants Boston Police Officer John Does 1-20 and of their supervising superior officers of the Boston Police Department,

all of whom are public employees, within the definition of G.L. c. 258, §1.

73. The defendant, City of Boston, as "public employer", is liable for injuries caused by the negligent acts or omissions of any public employees while said employees act within the scope of their office or employment, pursuant to G.L. c. 258, §2.

74. The defendant, City of Boston, is liable for the negligence of defendants Boston Police Officer John Does 1-20 and of their supervising superior officers of the Boston Police Department in connection with their negligent failure to properly investigate, plan and execute the raid of March 2019 at 11 Chamberlain Street; their negligent decision to seize the plaintiff, Mavernie Williams without probable cause; their illegal assault, battery and false imprisonment of the plaintiff, Mavernie Williams; their failure to properly investigate, supervise, monitor, command and control the raid of March 2019 at 11 Chamberlain Street; and their failure to properly instruct, train, supervise, and command defendants Boston Police Officer John Does 1-20 and their supervising superior officers of the Boston Police Department in proper methods of investigation, arrest and use of force, in general, and in particular with respect to the raid of March 2019 at 11 Chamberlain Street.

75. As a direct and proximate result of the negligence of the public employees of the defendant, City of Boston, the plaintiff, Mavernie Williams, suffered the damages aforesaid.

76. The plaintiff, Mavernie Williams, met all of the conditions precedent to the filing of this Complaint, and, in particular, timely and in good faith satisfied the presentment requirement of G.L. c. 258, §4.

COUNT II: VIOLATION OF THE MASSACHUSETTS CIVIL RIGHTS ACT

77. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

78. At all times material, the plaintiff, Mavernie Williams, possessed the inalienable rights afforded to her, *inter alia*, by the First, Fourth, and Fifth Amendments to the United States Constitution, applied to the Commonwealth of Massachusetts through the Fourteenth Amendment of the United States Constitution, not to be deprived of her liberty without due process of law; not to be seized without warrant or probable cause; not to be subjected to excessive force; and to lawfully petition the government for redress of grievances.

79. At all times material, the plaintiff, Mavernie Williams, possessed the inalienable rights afforded to her, *inter alia*, by the Preamble and Articles I, X, XI, XII, XIV,

and XIX of the Declaration of Rights of the Constitution of the Commonwealth of Massachusetts, not to be deprived of her liberty without due process of law, not to be deprived of her safety, security and tranquility but by the judgment of her peers or the law of the land, not to be seized without warrant or probable cause, not to be subjected to excessive force, and to redress grievances by petition to the government.

80. The defendants interfered with the plaintiff's enjoyment and exercise of her aforesaid rights protected by the constitutions and laws of the United States and of the Commonwealth of Massachusetts, by engaging in threats, intimidation and coercion during the raids of March 2019 and July 2021.

81. As a direct and proximate result of the defendants' violations of the plaintiff's civil rights, the plaintiff suffered the damages aforesaid.

COUNT III: FALSE IMPRISONMENT

82. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

83. The defendants illegally arrested and falsely imprisoned the plaintiff, Mavernie Williams, without probable

cause, in violation of law, and without justification or defense.

84. As a direct and proximate result of the defendants' false imprisonment, the plaintiff suffered the damages aforesaid.

COUNT IV: ASSAULT

85. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

86. The defendants illegally assaulted the plaintiff, Mavernie Williams, without probable cause, in violation of law, and without justification or defense.

87. As a direct and proximate result of the defendants' assault, the plaintiff suffered the damages aforesaid.

COUNT V: INTENTIONAL INFELICTION OF EMOTIONAL DISTRESS

88. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

89. The defendants' conduct in planning and executing the raid of July 2021 constitutes extreme and outrageous misconduct beyond all bounds of decency which is utterly intolerable in a civilized society.

90. As a direct and proximate result of the defendants' intentional misconduct, the plaintiff suffered the damages aforesaid.

COUNT VI: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

91. The plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.

92. The defendants' negligent planning and execution of the raid of March 2019 caused the plaintiff, Mavernie Williams, to suffer severe and permanent emotional distress, which was manifested by objective physical symptoms.

93. As a direct and proximate result of the defendants' negligent infliction of emotional distress, the plaintiff suffered the damages aforesaid.

RELIEF SOUGHT

WHEREFORE, the plaintiff, Mavernie Williams, respectfully demands judgment against the defendants, jointly and severally, in the amount to be determined by a jury, plus costs, interest, reasonable attorney fees where authorized by law, multiple and punitive damages where authorized by law, and such other and further relief as this Court deems equitable and just.

JURY TRIAL DEMAND

THE PLAINTIFF, MAVERNIE WILLIAMS, DEMANDS A TRIAL BY JURY
ON ALL COUNTS OF HER COMPLAINT.

The Plaintiff,
By her Attorneys



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