

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>MALIKAH ASANTE-CHIOKE</b>	<b>:</b>	<b>CIVIL ACTION NO. 22-4587</b>
	<b>:</b>	<b>JUDGE _____</b>
<b>VERSUS</b>	<b>:</b>	<b>MAG JUDGE _____</b>
<b>NICHOLAS DOWDLE, JONATHON DOWNING, GERARD DUPLESSIS, JOHN DOES, COL. LAMAR A. DAVIS, CHIEF ROBERT GARNER AND THE STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY &amp; CORRECTIONS</b>	<b>:</b>	

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**COMPLAINT**

Plaintiff, Malukah Asante-Chioke, individually, and on behalf of her father, Jabari Asante-Chioke, herein files this action against the defendants named below.

**INTRODUCTION**

1. This suit involves the unnecessary use of excessive force by police officers on a black man suffering a mental health crisis.

2. On November 21, 2021, during a mental health crisis, Mr. Jabari Asante-Chioke encountered Louisiana State Police (“LSP”) Officer Nicholas Dowdle, and East Jefferson Levee District (“EJLD”) Officers Jonathon Downing, and Gerard Duplessis (all three referred herein and collectively as “Officer Defendants”). The ill-trained, ill-disciplined, and ill-supervised Officer Defendants failed to de-escalate the encounter and failed to use less-than-lethal methods in accordance with training and state and federal law to subdue Mr. Asante-Chioke. Sadly, the scene ended in a firing squad when the Officer Defendants shot Mr. Asante-Chioke twenty-four times in

an unjustifiably excessive application of deadly force. Many of the gunshots suffered by Mr. Asante-Chioke impacted him after he was disarmed, heavily wounded, and incapacitated.

3. Each shot after when Mr. Asante-Chioke was subdued reflects a separate instance of excessive force and, at a minimum, negligence on the part of the Officer Defendants.

4. LSP has a long history of violence, discrimination, and police misconduct against Black people and people of color.<sup>1</sup> In 2019, 49-year-old Ronald Greene was killed by LSP officers during an arrest and violent beat down. A subsequent cover-up by LSP sparked national outrage and multiple calls for a federal Department of Justice (“DOJ”) probe.<sup>2</sup> Moreover, external investigations have revealed a long pattern of racist violence and corruption by LSP.<sup>3</sup> On June 9, 2022 the DOJ officially opened a “pattern and practice” investigation into LSP regarding racially discriminatory policing practices in cases of excessive force, stating in a news release that “[t]his civil investigation will assess whether LSP uses excessive force and whether it engages in racially discriminatory policing. The investigation will include a comprehensive review of LSP policies, training, supervision, and force investigations, as well as LSP’s systems of accountability, including misconduct complaint intake, investigation, review, disposition, and discipline.”<sup>4</sup> Ronald Greene’s death, along with countless other less publicized cases, shed light on the rampant misconduct and brutality that has plagued LSP for years.<sup>5</sup>

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<sup>1</sup> See, e.g., Timothy Bella, State troopers texted about the ‘whoopin’ they gave a Black man, records show: ‘He’s gonna have nightmares,’ The Washington Post (Mar. 13, 2021, 4:29 PM), <https://www.washingtonpost.com/nation/2021/03/13/louisiana-police-black-man-text>; Jim Mustian et al., Beatings, buried videos a pattern at Louisiana State Police, AP News (Sept. 8, 2021), <https://apnews.com/article/police-beatings-louisiana-video-91168d2848b10df739d73cc35b0c02f8>

<sup>2</sup> Alanah Odoms et al., Pattern-or-Practice Investigation into Louisiana State Police, ACLU Louisiana (Aug. 27, 2021), [https://www.laclu.org/sites/default/files/8.27.21\\_letter\\_to\\_doj\\_re\\_lsp\\_investigation.pdf](https://www.laclu.org/sites/default/files/8.27.21_letter_to_doj_re_lsp_investigation.pdf).

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Dep’t of Justice, *Justice Department Announces Investigation of the Louisiana State Police*, Office of Public Affairs: Justice News. (June 9, 2022), <https://www.justice.gov/opa/pr/justice-department-announces-investigation-louisiana-state-police>.

<sup>5</sup> Jim Mustian, AP: Use of slurs not ‘isolated’ at Louisiana State Police, AP News (Oct. 30, 2020), <https://apnews.com/article/race-and-ethnicity-louisiana-baton-rouge-racial-injusticed7f77f196571892d71bd010ce4109677>.

5. A review by the Associated Press of internal records and videos related to at least a dozen cases revealed that, over the past decade, LSP officers or supervisors ignored or concealed evidence of beatings, including turning off body cameras, rubberstamping use-of-force reports without reviewing body camera footage, and lying about suspects being violent to justify use of excessive force.<sup>6</sup>

6. Individuals with mental illness make up a disproportionate number of those killed at the very first step of the criminal justice process, and Mr. Asante-Chioke's unfortunate death is yet another representation of the failure of law enforcement agencies to utilize de-escalation techniques and training when dealing with persons suffering from severe mental illness.

7. Mr. Asante-Chioke is just one of many other victims who has suffered violence at the hands of LSP and the EJLD. Now Plaintiff, Mr. Asante-Chioke's surviving child, seeks to hold these officers accountable for violating Mr. Asante-Chioke's constitutional rights by using excessive force against him, and brutally taking his life without legal justification.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction under 28 U.S.C. sections 1331, 1343, and 1988.

9. Plaintiff further invokes this Court's supplemental jurisdiction pursuant to 28 U.S.C. section 1367 to adjudicate claims arising under state law.

10. Venue is proper in the Eastern District of Louisiana under 28 U.S.C. section 1391 as a substantial part of the events or omissions of which Plaintiffs complain occurred in Jefferson Parish, Louisiana, which sits in this Court's jurisdiction.

### **PARTIES**

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<sup>6</sup> Beatings And Buried Videos Are A Pattern With The Louisiana State Police, NPR (Sept. 9, 2021), <https://www.npr.org/2021/09/09/1035446605/louisiana-state-police-bodycam-videos-beatings>.

11. Plaintiff is the surviving, lawful and biological descendant of decedent Mr. Asante-Chioke and appears individually as Mr. Asante-Chioke's surviving daughter.

*Officer Defendants*

12. **Defendant Officer Nicholas Dowdle** was at all pertinent times acting under the color of state law and the authority of the Louisiana State Police, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Nicholas Dowdle** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

13. **Defendant Officer Jonathon Downing** was at all pertinent times acting under the color of state law and the authority of the East Jefferson Levee District Police Department, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Jonathon Downing** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

14. **Defendant Officer Gerard Duplessis** was at all pertinent times acting under the color of state law and the authority of the East Jefferson Levee District Police Department, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Gerard Duplessis** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

15. At all times relevant hereto, **Defendant John Doe Officers** ("Defendant John Does") were officers at LSP or EJLD. Plaintiff is not aware of the true names of Defendant John Does, and therefore sues them by such fictitious name. On information and belief, Defendant **John**

**Does** reside in the Eastern District of Louisiana. Defendant **John Does** are sued in their individual capacity, and at all relevant times, they were acting under the color of law of the State of Louisiana. Plaintiff will amend this complaint to state the true name of Defendant **John Does** when they have been ascertained.

*Supervisor Defendants*

16. **Defendant Colonel Lamar A. Davis** serves as the Superintendent of the Louisiana State Police, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Lamar A. Davis** is named in his individual capacity and is vicariously liable under state law for the negligent acts and omissions of the defendants operating under his supervision.

17. **Defendant Robert Garner** serves as the Police Chief of the East Jefferson Levee District, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Robert Garner** is named in his individual capacity and is vicariously liable under state law for the negligent acts and omissions of the defendants operating under his supervision.

18. **The State of Louisiana through the Louisiana Department of Public Safety & Corrections ("DPSC")** pursuant to La. R.S. 36:401, a statutorily created and established body corporate having the power to sue and be sued, the domicile of which is the Parish of East Baton Rouge in the State of Louisiana, which is the governing authority over the Louisiana State Police and East Jefferson Levee District. The DPSC is the lawful employer of the Officer Defendants and the Supervisor Defendants, and is therefor responsible for their acts of negligence pursuant to La. C.C. arts. 2315, 2317, and 2320.

## FACTS

### *Initial Encounter*

19. On November 21, 2021, at approximately 10:00 PM, Mr. Asante-Chioke, a 52-year-old Black man, was spotted by a concerned citizen at the intersection of Airline Drive and North Causeway Boulevard in Jefferson Parish, Louisiana.

20. Mr. Asante-Chioke was visibly distressed and was traveling along the highway on foot carrying in his hands what was later identified as a gun and a knife.

21. The passer-by who saw Mr. Asante-Chioke thought he might be experiencing a mental health crisis and subsequently flagged down a police officer directing traffic around a nearby construction site.

22. Two Louisiana State Police Department (“LSP”) officers and two East Jefferson Levee District Police Department (“EJLD”) officers, including Officers Dowdle, Downings, and Duplessis, located Mr. Asante-Chioke at the intersection under the bridge and parked their vehicles along the Airline Drive roadway.

23. The officers then attempted to approach and apprehend Mr. Asante-Chioke as he jogged slowly away from them southbound in the northbound lanes of U.S. Highway 61.

### *The Chase*

24. Witnesses driving by the scene caught via cellphone video the critical fifty-seven second segment of the interaction between Mr. Asante-Chioke and police officers where he was fatally shot. The video was later uploaded by the filming witness to the social media platform Instagram with a caption that read “Omg Be [sic] Could Have Been A Person With Mental Health Problems.”

25. The video footage—filmed from a car traveling in the westbound lane of Airline Drive—begins where Mr. Asante-Chioke slowly jogging westbound along the edge of the eastbound lane. At one point, Mr. Asante-Chioke was observed putting the gun he was carrying to his own head.

26. In the background a cacophony of officers are screaming continuously for Mr. Asante-Chioke to “get on the ground.” One exasperated officer screams as Mr. Asante-Chioke slowly jogs away from him, “you better fucking stop!” and then, “get on the fucking ground! I swear to God I’ll fucking shoot you!” Another officer is heard screaming “I will fucking kill you!”

27. The next frames of the video show that approximately fifty feet in front of Mr. Asante-Chioke, parked in the middle of the eastbound lane, was a white police truck with its emergency lights flashing.

28. One officer is seen exiting on the driver’s side of the vehicle as Asante-Chioke jogs past the vehicle, and another officer is standing at the back bed of the truck pointing his weapon at Mr. Asante-Chioke.

29. The officer at the truck instructed Mr. Asante-Chioke to “get on the ground” twice while the officer standing at the truck bed also clearly stated, “get on the ground” twice as Mr. Asante-Chioke approached and slowly jogged past.

30. The third officer then comes into the frame where the truck is, jogging behind Mr. Asante-Chioke, about ten feet width distance away and twenty feet behind him. Once Mr. Asante-Chioke clears the truck he slows to a walk, still walking away from the scene with his head to the ground.

31. The officer in pursuit stopped about 10 feet from Mr. Asante-Chioke and advanced, stepping forward with his weapon sharply drawn and pointed at Mr. Asante-Chioke. This officer screamed again “get on the ground.”

*The Failure to Deescalate*

32. Upon this command Mr. Asante-Chioke, without turning or making any direct eye contact, raised his arms parallel to the ground and then dropped them before raising his right arm with the gun in hand in the direction of the third officer.

33. When Mr. Asante-Chioke’s right arm reached a forty-five-degree angle the third officer opened fire on Mr. Asante-Chioke.

34. Almost immediately, Mr. Asante-Chioke dropped the gun in his hand, and was no longer armed or a threat. Nevertheless, the officers continued to fire at Mr. Asante-Chioke.

*Death, Autopsy, & Aftermath*

35. After suffering several bullet wounds, Mr. Asante-Chioke fell to the ground. Nevertheless, officers continued to fire their weapons at Mr. Asante-Chioke, even as he was incapacitated as he was slumped over and motionless on the ground.

36. A subsequent investigation conducted by Louisiana State Police determined that a total of thirty-six rounds were fired by Defendants Dowdle, Downing, and Duplessis at Mr. Asante-Chioke.

37. A subsequent autopsy of Mr. Asante-Chioke revealed that he was shot twenty-four times. He had six gunshot wounds on his right and left arms, eight gunshot wounds on his right and left legs, and ten gunshot wounds on his torso.

38. These gunshots fractured his left leg; fractured his ribs, pierced his lungs, and caused a litany of other fatal wounds.



39. A spokesperson for LSP stated publicly in a news broadcast that the officer who initially shot at Mr. Asante-Chioke attempted to tase him, but the results of the autopsy revealed that Mr. Asante-Chioke's body did not have marks consistent with taser-use.

#### *Institutional Failures*

40. Indeed, LSP and EJLD are known and frequently sued for alleged violations of the Fourth Amendment for unreasonable searches and seizures, and excessive force, including deadly force.

41. LSP, the agency responsible for conducting internal investigations on police excessive force incidents, is itself under a federal "pattern and practice" investigation for both police brutality and potential coverups, including LSP's proclivity for deflecting blame and impugning victims. A recent Associated Press investigation has revealed that LSP has an extensive history of rubberstamping its investigations. According to a recent Associated Press report:

When [excessive force] footage is recorded, the agency [LSP] routinely refuses to release it. And a recently retired [LSP] supervisor who oversaw a particularly violent clique of troopers told internal investigators this year that it was his "common practice" to rubber-stamp officers' use-of-force reports without reviewing body-camera video.<sup>7</sup>

42. None of the body camera footage obtained to date demonstrates that the Officer Defendants were legally justified in shooting and killing Mr. Asante-Chioke. Instead, it demonstrates that this violent outcome could have been entirely avoided with even a modicum of professional competence or compassion, and that the actions of the Officer Defendants were completely negligent.

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<sup>7</sup>Jim Mustian and Jake Bleiberg, *Beatings, buried videos a pattern at Louisiana State Police*, <https://apnews.com/article/police-beatings-louisiana-video-91168d2848b10df739d73cc35b0c02f8> (last visited September 27, 2021). See also Associated Press & Jim Mustian, *Louisiana state police undergo review after string of beatings of Black motorists*, <https://www.wvlv.com/article/news/crime/la-state-police-undergo-outside-review/289-d40aaa9c-91a3-49e2-8f3a-3cb2c7883dcb> (last visiting March 24, 2021) ("The Louisiana State Police have hired an outside consultant to conduct a top-to-bottom review of the scandal-plagued agency....").

43. The failure of the Officer Defendants to utilize any de-escalation tactics or approach Mr. Asante-Chioke in a manner consistent with handling of persons with mental illness clearly demonstrates that the Officer Defendants did not receive proper training on de-escalation tactics and the proper use of force in situations regarding persons with severe mental illness, and as such were negligent in the exercise of their duties. As law enforcement agents often encounter and interact with persons suffering from mental illness, training on how to interact with persons suffering from severe mental illness is critical. Nearly one in four of all fatal police shootings involve a person suffering from a severe mental illness.<sup>8</sup>

44. As such, the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers.<sup>9</sup> Where official government data regarding police shootings and mental illness have been analyzed – in one U.S. city and several other Western countries – the findings indicate that mental health disorders are a factor in as many as 1 in 2 fatal law enforcement encounters.<sup>10</sup>

45. The Supervisor Defendants either know or should have reasonably known that persons with severe mental illness are vastly overrepresented in fatal police encounters.

46. The Supervisor Defendants, as the chief policy makers of LSP and EJLD, are responsible for setting the training and oversight standards of the officers under their supervision.

47. The Supervisor Defendants are responsible for failing to institute adequate training and policies regarding the handling of persons with severe mental illness, and how to de-escalate those encounters without resorting to deadly force. Had the Supervisor Defendants competently

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<sup>8</sup> Treatment Advocacy Center, *Overlooked and Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*, <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf> (last visited on November 17, 2022).

<sup>9</sup> Kesic, D. (2013). The role of mental disorders in use of force incidents between the police and the public. In D. Chappell (Ed.), *Policing and the mentally ill: International perspectives* (pp. 153–170). Boca Raton, FL: CRC Press.

<sup>10</sup> Clifford, K. (2013). Mental health crisis and interventions and the politics of police use of deadly force. In D. Chappell (Ed.), *Policing and the mentally ill: International perspectives* (pp. 171–195). Boca Raton, FL: CRC Press.

instituted these policies and training, or, in the alternative, enforced the policies and training already nominally required, Mr. Asante-Chioke would still be alive. Had the Supervisor Defendants properly supervised their subordinates, Mr. Asante-Chioke would still be alive.

### CAUSES OF ACTION

#### **Count I – 42 U.S.C. § 1983 Excessive Force (Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

48. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

49. With no legal cause, the Officer Defendants used repeated, excessive, and deadly force against Mr. Asante-Chioke, a person of color experiencing a mental health crisis, by shooting him multiple times even after he was disarmed and incapacitated.

50. A use of force that is reasonable at one moment can become unreasonable in the next if the justification for the use of force has ceased. Each of the shots that struck Mr. Asante-Chioke after he was incapacitated represents a separate, legally distinct exercise of excessive and deadly force, each of which was alone capable of fully incapacitating (or killing) Mr. Asante-Chioke.

51. It is clearly established law that after an individual has been incapacitated a law enforcement officer may not continue to use deadly force. The Fifth Circuit has recently affirmed this in its ruling in *Roque v. Harvel*, 993 F.3d 325 (5th Cir. 2021), a case that also involved the deadly officer shooting of a person of color in mental crisis, by denying the police officers qualified immunity.

52. The Officer Defendants, who were acting under the color of state law, and acting with deliberate indifference, deprived Mr. Asante-Chioke of the rights, privileges, and immunities

afforded to him under the Constitution and laws of the United States, including those under the Fourth and Fourteenth to the Constitution.

53. The actions of the Officer Defendants reflect their reckless disregard for Mr. Asante-Chioke's constitutional rights and his humanity; and, the willful, cruel, and unconscionable actions of the Officer Defendants warrant both compensatory and punitive damages for the incredible suffering caused to Plaintiff as a result of the completely unnecessary death of her father.

**Count II – Wrongful Death  
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

54. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

55. The Officer Defendants are liable jointly, severally, and *in solido* for wrongfully causing Mr. Asante-Chioke's death. They each used unjustifiable deadly force against him multiple times with deliberate indifference to his constitutional rights and humanity, including their callous disregard for his medical needs for every shot after he was incapacitated.

56. The actions of the Officer Defendants were the proximate cause of the damages suffered by Mr. Asante-Chioke and Plaintiff, Ms. Malikah Asante-Chioke. The repeated uses of excessive and deadly force by the Officer Defendants proximately caused Mr. Asante-Chioke to be physically injured to the point of death and experience conscious pain and suffering, and severe emotional distress before he died.

57. Plaintiff, the daughter of Mr. Asante-Chioke, is entitled to recover for Mr. Asante-Chioke's wrongful death, including general damages and other compensable injuries. These damages and compensable injuries include pecuniary losses such as funeral and burial expenses. Plaintiff has also suffered damages in the form of loss of love, affection, and support from her father, with whom she was exceptionally close. Additionally, the willful, cruel, and

unconscionable actions of the Officer Defendants warrant punitive damages for the incredible suffering caused to Plaintiff.

**Count III – Survival Action  
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

58. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

59. Plaintiff, as Mr. Asante-Chioke’s surviving child, has standing to bring this claim under to La. C.C. Art. 2315.1 A(1) (“If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of: The surviving spouse and child or children of the deceased, or either the spouse or the child or children.”).

60. The Officer Defendants, who were acting under the color of state law, deprived Mr. Asante-Chioke of the rights, privileges, and immunities afforded to him under the Constitution and laws of the United States by subjecting him to unreasonable and repeated excessive and deadly force.

61. As explained above, the Officer Defendants’ conduct ultimately caused Mr. Asante-Chioke’s death. These Officer Defendants not only lacked any regard for Mr. Asante-Chioke’s humanity, but they also acted in callous disregard and with deliberate indifference to the rights afforded to him under the Constitution, including to be free from excessive and deadly force. Their wrongful acts and omissions not only caused Mr. Asante-Chioke’s wrongful death, but were willful, oppressive, malicious, and shocking to ordinary citizens’ conscience, all of which warrant an award of punitive damages against each of the Officer Defendants.

62. Plaintiff has suffered, and continues to suffer, damages as result of the wrongful death of her father, including pain and suffering, grief, loss of enjoyment of life, severe emotional distress, loss of support, and other similar damages.

**Count IV – Battery  
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

63. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

64. Plaintiff, as Mr. Asante-Chioke’s surviving child, has standing to bring this claim under to La. C.C. Art. 2315.1 A(1) (“If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of: The surviving spouse and child or children of the deceased, or either the spouse or the child or children.”).

65. The Officer Defendants battered Mr. Asante-Chioke, causing his death. As explained above, the Officer Defendants intentionally and without Mr. Asante-Chioke’s consent used harmful and offensive conduct against him when they unlawfully shot him shot him twenty-four times. Each of these uses of force beyond that needed to subdue him constitute a battery on Mr. Asante-Chioke by the Officer Defendants.

66. In doing so, the Officer Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

**Count V – Negligence  
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

67. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

68. Plaintiff seeks relief pursuant to La. C. C. Art. 2315. The Officer Defendants were negligent in their duties as law enforcement officers and in their training insofar as they clearly failed to adhere to proper training standards that clearly dictate that uses of force are to cease when a suspect has ceased all resistance. In this case, the Officer Defendants continued to shoot Mr. Asante-Chioke even after he was disarmed and incapacitated, thus acting with extreme negligence in the exercise of their lawful duties to protect and serve the public.

69. In doing so, the Officer Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

**Count VI – Negligent Supervision & Training  
(Against Supervisor Defendants Davis and Garner)**

70. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein

71. The supervisor defendants knew or should have known that the officers under their supervision were routinely receiving insufficient training and insufficient supervision regarding de-escalation tactics employed in incidents with citizens with mental illness, and that that poor training and lack of supervision was leading to unnecessary, negligent, and deadly uses of force.

72. The above-described widespread lack of proper supervision and training were allowed to exist because the Supervisor Defendants, who are policymakers with authority over their acts, exhibited deliberate indifference to the problem, thereby effectively ratifying it. This failure to act was negligent under Louisiana law, and Plaintiff herein seeks relief under La. C.C. Art. 2315.

73. As such, the Supervisor Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

**Count VII – Supervisory Liability**  
**(Against the State of Louisiana through the Department of Public Safety & Corrections)**

74. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

75. An employer is liable pursuant to the doctrine of *respondeat superior* for the tortious acts committed against third parties by its employees during the course and scope of employment and while under its control, direction and supervision pursuant to La. C.C. arts. 2315, 2317, and 2320.

76. As the employer of the Officer Defendants and Supervisor Defendants, DPSC is responsible for the negligent actions of the Officer Defendants and for the negligent supervision and training of the Officer Defendants by the Supervisor Defendants.

77. As such, the State through DPSC injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

78. Plaintiff further expressly requests trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that after due proceedings, this Honorable Court enter judgment in their behalf and against all Defendants, jointly, severally, and *in solido*, as follows:

1. Compensatory damages, including funeral and burial costs for Mr. Jabari Asante-Chioke;
2. Reasonable attorneys' fees and costs;
3. Punitive damages; and
4. All other relief that this Court deems just and proper.

/s/ E. Bridget Wheeler



**ACLU FOUNDATION OF LOUISIANA**

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