

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

**DANIELLE STEELE BROWN, Individually and
as the Personal Representative of the
Estate of Raymond Scott Brown, II**

Plaintiff,

v.

**VERNON R. HERRON
Director of the Prince George's County
Office of Homeland Security
9200 Basil Court, Suite 301
Largo, MD 20774**

and

**PRINCE GEORGE'S COUNTY, MD.
Serve:
Stephanie P. Anderson, Esq.
County Attorney
Prince George's County
Room 5121
14741 Governor Oden Bowie Dr.
Upper Marlboro, Md. 20772-3050**

and

**SOUTHLAKE AT LAKE ARBOR HOMEOWNERS
ASSOCIATION, INC.
Melton Turner, Southlake Property Manager
Legurn & Norman, Inc.
1300 Spring Street, Suite 201
Silver Spring, MD 20901**

Defendants.

obtained and prepared by:

www.911Dispatch.com

Civil Action No.

COMPLAINT
(Survival Act; Wrongful Death Act)

Plaintiff, by and through the undersigned counsel, complains of defendants and asserts as follows:

JURISDICTION

1. This Court has original subject matter jurisdiction over this case by virtue of the fact that this is a matter arising under the Fifth and Fourteenth Amendments to the Constitution and 42 U.S.C. § 1983.

PARTIES

2. At all times relevant hereto, the plaintiff was a resident of Prince George's County, Maryland, and a citizen of the State of Maryland.

3. At all times relevant herein, Southlake at Lake Arbor Homeowners Association Inc., was responsible for promoting the health, safety and welfare of the lot owners of the Southlake at Lake Arbor subdivision in Prince George's County, MD.

4. Defendant Vernon R. Herron at all times relevant herein was the Director of the Prince George's County Office of Homeland Security. As such, he had direct responsibility for the oversight of the processing of 9-1-1 calls and dispatching Police, Sheriff, Fire and Emergency Medical Services. He is being sued in both his official and individual capacities.

5. Prince George's County maintains an Office of Homeland Security which operates under and administers emergency service to county residents.

FACTS COMMON TO ALL CLAIMS

6. For more than a year, the residents of the Southlake community where the plaintiff and

her husband resided had been plagued by countless car thefts, burglaries and attempted car thefts.

7. In fact, the car theft problem had become so prevalent and common, the topic was a major issue for the community and was openly discussed at homeowners association meetings.

8. In the months preceding his death, plaintiff's decedent and others had undertaken the task of obtaining bids for the placement of fencing around the subject community which was to be strategically placed so as to regulate entry to and exit from the community. This task was undertaken by plaintiff's decedent and others at the request and with the full support of the defendant Homeowner Association. Indeed, the defendant Homeowner's Association provided plaintiff's decedent and others guidance in the form of parameters and budget concerns that had to be met in order for fencing to be undertaken.

9. Plaintiff's decedent fully complied with the guidelines with which he and others were provided he presented to the defendant Homeowner's Association a bid for fencing which fully and completely met all of the specifications and budget concerns of the defendant Homeowner's Association. Inexplicably, the defendant Homeowner's Association never acted upon fencing prior to the shooting death of plaintiff's decedent during a confrontation with the criminals who were stealing his car from his driveway, or otherwise addressed the well-documented safety concerns of the plaintiff, her murdered husband, or any of the other residents of the Southlake community.

10. As a direct result of the misfeasance and/or malfeasance of the defendant Homeowner's Association, armed car thieves were able to enter the Southlake community in the early morning hours on October 13, 2006. Once in the community, the armed car thieves, who were in possession of a tow truck, went about the business of picking a vehicle to take, all the while unobstructed by any security roadblocks and/or other hindrance of any kind.

11. Unfortunately for plaintiff and her late husband, Raymond Scott Brown, the armed car thieves, chose Mr. Brown's vehicle as their target. While the armed car thieves were in the process of stealing the vehicle of Mr. Brown from his driveway, he and the plaintiff were alerted to the in progress theft, and Mr. Brown immediately called "911."

12. When Mr. Brown called "911" to report this emergency that was unfolding before his eyes, the 911 operator, instead of sending emergency help immediately, made inquiries of Mr. Brown regarding his payment of his car note, and explicitly suggested that what was happening was an automobile repossession as opposed to a theft.

13. Upon information and belief, on October 13, 2006, it was the practice of the office headed by defendant Herron, to screen calls regarding car thefts associated with tow trucks from residents from predominately African-American communities, by way of making inquiry as to the probability of automobile repossession as opposed to actual car theft.

14. The aforementioned screening of calls was based on nothing more than the likelihood that the caller seeking assistance was African American, given the location that he/she was calling from and was therefore more likely to have issues regarding repossession.

15. After explaining to the 911 operator that his vehicle was not being repossessed, the 911 operator informed Mr. Brown that there was nothing that could be done unless he could provide information about the towing company taking his vehicle or some other information about the company taking his vehicle.

16. Immediately thereafter, the plaintiff and her husband got in their other vehicle and followed the tow truck which had their vehicle. It was their intent to gather as much information about the vehicle as possible and provide it to 911 as they had been told they would have to do if

they wanted the County police to take any action.

17. After following the tow truck a short distance, the vehicle stopped. At that point, plaintiff's decedent exited his vehicle and attempted to inform the operator of the tow truck that he had made a mistake. Before he had a chance to explain anything, the passenger in the tow truck fired a pistol at plaintiff's decedent striking him once in the chest. As the plaintiff ran to her husband's side, pleading with him not to die, the tow truck and a second vehicle sped off ironically, past the location where a gate would have been had the defendant Homeowner's Association taken the safety concerns of the citizen's of the Lake Arbor Community seriously.

18. At all times relevant to this action, the defendant Homeowner's Association had a duty to address the safety concerns of the residents of the Lake Arbor Community consistent with its By-Laws and Articles of Incorporation

19. At all times relevant to this action, defendant Herron was responsible for the policies and procedures followed by the Office of Homeland Security in the actions taken relating to the decedent, and was further responsible for the training, supervision, monitoring and disciplining of the employees involved.

COUNT I

(Negligent Training and Supervision-Defendants Herron & Prince George's County)

20. Plaintiff incorporates, by reference, paragraphs 1 through 19 as if fully set forth herein.

21. At all times relevant herein, Defendant Herron was acting under the direction and control, and pursuant to the rules, regulations, policies and procedures, of Defendant Prince George's County.

22. Defendants Prince George's County and Herron acted negligently, carelessly, recklessly and with deliberate indifference by failing to properly train, supervise, control, direct and monitor their emergency services telephone employees in their duties and responsibilities.

23. As a direct and proximate result of the acts and omissions of Defendants Prince George's County and Vernon Herron, Raymond Brown was negligently directed and guided to seek additional information regarding the theft in progress of his automobile which directly put him in harms way and subsequently cost him his life at the hands of the thieves.

Wherefore, Plaintiff demands judgment against Defendants, jointly and severally, in the full and fair amount of Ten Million Dollars (\$10,000,000.00) in compensatory damages plus interest and costs and whatever other relief the Court deems just and proper

COUNT II
(Negligence - Defendant Southlake)

24. Plaintiff incorporates, by reference, paragraphs 1 through 19 as if fully set forth herein.

25. Defendant Southlake owed a duty to the plaintiff and her deceased husband to abide by the covenants, declarations and restrictions applicable to all homeowners subject to governance by defendant Southlake Homeowners Association, and to make the subject property reasonably safe.

26. In failing to heed warnings of unsafe conditions on the property, defendant Southlake Homeowners Association breached its duty to the plaintiff to exercise ordinary care.

27. In failing to take any action whatsoever to address the issue of safety in the community and in particular with regard to the issue of car theft, Southlake Homeowners' Association breached its duty to the plaintiffs to exercise ordinary care.

28. As a direct result of the negligence of Defendant Southlake Homeowners' Association,

plaintiff's decedent was murdered by car thieves that ventured into the community in which plaintiff and her husband lived because it lacked any security measures of any kind, for the purpose of stealing a vehicle.

29. As a direct result of the negligence of Defendant Southlake, plaintiff's decedent was shot to death as she looked on.

Wherefore, plaintiff demands judgment against Defendant Southlake, in the full and fair amount of Five Million Dollars (\$5,000,000.00) in compensatory damages, plus interest and costs and whatever other relief the Court deems just and proper.

COUNT III

(Fifth Amendment-Equal Protection - Vernon Herron)

30. Plaintiff adopts and incorporates the allegations of complaint paragraphs 1-19 as if fully set forth herein.

31. This Count arises under the Fifth Amendment to the United States Constitution, and is alleged against defendant Herron in his individual capacity.

32. At all times relevant herein, plaintiff's decedent enjoyed the protections of the Fifth Amendment to the United States Constitution, which prohibits inter alia deprivation of the right to equal protection under the law.

33. Throughout the period referenced herein, defendant Herron was subject to the constitutional obligation not to deprive plaintiff's decedent of his right to equal protection under the law.

34. Plaintiff's decedent was an African American who resided in a community that is overwhelmingly African American. As a consequence of that fact, when he made an emergency call

to "911" requesting assistance because his vehicle was being stolen out of his driveway, instead of sending assistance, plaintiff's decedent was queried regarding his car note payment history.

35. Because plaintiff's decedent was telephoning from a community that was overwhelmingly African American, defendant Herron allowed the employees under his direct control to delay dispatching the police where car theft was alleged in order to make inquiry regarding repossession.

36. As a result of the outrageous and despicable disparate treatment which defendant Herron caused plaintiff's decedent to be subjected to, which on its face shocks the conscious, plaintiff's decedent was shot to death as he attempted to gather the information that he was told he needed in order to obtain police assistance, in direct contravention of his rights to equal protection under the law by the Fifth Amendment to the United States Constitution.

Wherefore, plaintiff demands judgment against defendant Herron in the full and fair amount of Five Million Dollars (\$5,000,000.00) plus interest and costs and whatever other relief the Court deems just and proper.

COUNT IV

(Maryland Constitution - Defendants Herron and Prince George's County)

37. Plaintiff incorporates by reference, paragraphs 1 through 19, as is fully set forth herein.

38. The acts of defendant Herron, in allowing his personnel to subject emergency assistance callers, from predominately African American neighborhoods, relating to car theft to undergo an inquiry into their payment history violates Article 24 of the Maryland Declaration of Rights which provided plaintiff's decedent a right to equal protection of law.

39. Prince George's County is liable on the basis of respondeat superior for any violations

of the Maryland Constitution by defendant Herron that deprived plaintiff's decedent of his rights under Article 24.

Wherefore, plaintiff demands judgment against defendants, jointly and severally, in the full and fair amount of Five Million Dollars (\$5,000,000.00) in compensatory and punitive damages, plus interest and costs and whatever other relief the Court deems just and proper.

Jury Demand

The plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/

Gregory L. Lattimer [15462]
1100 H Street, N.W.
Suite 920
Washington, D.C. 20005
Tel. (202) 638-0095

Counsel for the Plaintiff