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Woman Whose Child Was Taken in Viral Arrest Video Sues New York City, NYPD

Justice Craig Walker, who presided over Headley's court appearance said her arrest was a "horrific scene that was broadcast all over the United States."

By Dan M. Clark | August 07, 2019



Jazmine Headley speaks to the media after she was released from the Rikers Island jail facility last year. Photo: WABC-TV/ABC7 via AP

Jazmine Headley, whose chaotic arrest went viral after her one-year-old son was taken from her during the encounter at a public benefits office in Brooklyn, has filed a lawsuit against New York City seeking damages.

Headley is represented by attorneys with Manhattan law firm Emery Celli Brinckerhoff & Abady, which filed suit (https://drive.google.com/file/d/17_ypl0NfixhtrcD-K30_4X0FgGCbebFW/view?usp=sharing) in the U.S. District Court for the Eastern District of New York on Wednesday.

They alleged in the lawsuit that Headley's case is not unique. The way she was treated by officers while waiting at the DeKalb Job Center for help with her public benefits is a systemic issue within the New York City Human Resources Administration, they claimed.

"Such mistreatment and abuse of HRA clients at New York City HRA offices is not a new problem," the lawsuit said. "The City of New York has permitted HRA peace officers to treat HRA clients with violence and contempt for far too long. And NYPD officers continue to arrest parents in front of their children in ways that are needlessly traumatic."

That's what happened in Headley's case last December, the lawsuit said. She took the day off work to visit the public benefits office after her child care benefit was cut off. She brought her 1-year-old son with her because he could no longer attend day care without the benefit.

After waiting for hours to be seen by a representative of the city agency, Headley was directed to a second room to wait for a different caseworker. No seats were available in the room, according to the suit, so she decided to sit against the wall by her son's stroller.

A security guard at the office told Headley she couldn't sit on the floor and asked her to stand up. Two peace officers, who are named as defendants in the lawsuit, then repeated to her "in an aggressive manner" that she couldn't sit on the floor. A third peace officer said the same while clapping her hands close to Headley's face.

After each encounter, Headley told the officers that she had a number to be seen and was waiting to speak with a caseworker.

One of the peace officers then called the New York City Police Department to have officers sent to the scene, according to the lawsuit. Neither the HRA nor the New York Police Department had a plan to manage the situation, which quickly devolved, Headley's attorneys said.

When two officers with the NYPD told her she had to leave, Headley asked to speak to a supervisor. That request was denied, which is when Headley picked up her son, who had been reaching for her.

After another exchange with the officers, one of them grabbed Headley's shoulder and she fell to the ground while still holding her son, the lawsuit said. While on her back, Headley continued to hold her son and told onlookers the officers were hurting him. That's when someone started recording the encounter on their cell phone (<https://www.nytimes.com/video/nyregion/100000006256133/nypd-baby-jazmine-headley-brooklyn-video.html>).

One of the officers, at one point, pulled a taser out and pointed it at the crowd, then pointed it at Headley and her son. The taser was then dropped and Headley's son was "forcibly pulled" from her before she was handcuffed, the lawsuit alleged.

Headley and her son were separated following the arrest, and she was taken to a precinct for booking. Her son was eventually retrieved by his grandmother, but Headley was left in Central Booking overnight.

One of the officers said in a criminal complaint that Headley had obstructed governmental administration, resisted arrest, endangered the welfare of a child, and trespassed. She was arraigned and ordered to stay away from her son.

Headley was then transferred to Rikers Island where she stayed for two days until she appeared in Brooklyn Criminal Court. By that time, the video of her arrest had gone viral and several public officials, including Mayor Bill de Blasio and Brooklyn District Attorney Eric Gonzalez, had denounced the way the situation was handled.

The Brooklyn District Attorney's Office, at that point, dismissed all the charges against Headley. Justice Craig Walker, who presided over Headley's court appearance, said her arrest was a "horrific scene that was broadcast all over the United States."

A preliminary review of the incident by the NYPD Internal Affairs Bureau found that "the incident was escalated by HRA personnel, and would likely have been avoided without that escalation."

Attorneys for Headley said in the lawsuit that the type of behavior exhibited by the peace officers with HRA was the norm, not the exception.

"The City has long known that HRA security staff frequently mistreat HRA clients at HRA offices. HRA staff instigate physical violence," the lawsuit said. "They foster an environment of fear. And they are quick to summon the NYPD to make arrests, even absent probable cause or where HRA staff themselves initiated the conflict."

They claimed that reports from advocacy groups and the media have long highlighted various incidents involving clients and HRA peace officers, and that the agency has been sued on a number of other occasions over behavior similar to what Headley experienced.

"These lawsuits make painfully clear that the violent abuse of HRA clients is a feature, not a bug, of the HRA system," the lawsuit said.

That was the result of a lack of training for HRA security staff by the city, attorneys for Headley claimed. That included a failure to train those officers on child-sensitive arrest policies, which they said would have prevented a situation like Headley's, where her child was a witness to her arrest and then taken from her.

Their complaint is composed of 12 causes of action, including allegations of a false arrest by police officers, malicious prosecution, excessive force and other claims. Headley is seeking compensatory and punitive damages, the amounts of which would be determined at trial. She's also seeking attorneys' fees.

The lead attorneys on the case from Emery Celli are Katie Rosenfeld and Emma Freeman.

"Ms. Headley refused to be demeaned by HRA officers just because she needed help," Rosenfeld said. "What followed was a shameful display of violence and punishment."

A spokesman from the New York City Department of Social Services said the agency couldn't comment on the litigation, but that the incident was a wake-up call for them to improve the experience at public benefit centers.

"While we cannot comment on pending litigation, last year's incident involving Ms. Headley painfully illustrated that more has to be done to improve the client experience in our centers," said Isaac McGinn, a spokesman for the agency.

They've now implemented and continue to implement systemic changes, like retraining all security staff on deescalation techniques and new response protocols with the NYPD, to prevent an incident like Headley's from happening again, McGinn said.

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