

**IN THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

“K.B.”)	
)	
Plaintiff,)	
)	Case No. 1:19-cv-145
v.)	
)	JURY DEMAND
CITY OF CHATTANOOGA,)	
)	
)	
Defendants)	

COMPLAINT

Plaintiff, “K.B.,” respectfully files this Complaint against Defendant City of Chattanooga for injuries she sustained when Officer Desmond Logan raped her during an arrest. Logan was on duty, in uniform, and purporting to enforce the law of Tennessee when he raped Plaintiff.

Officer Logan had a prior history of inappropriate sexual misconduct, including a previous rape incident, during his employment. The City of Chattanooga was aware of Logan’s prior sexual misconduct but allowed him to continue working.

Plaintiff brings suit pursuant to 42 USC § 1983.

PARTIES

1. "K.B." is a citizen and resident of Hamilton County, Tennessee.
2. Defendant City of Chattanooga is a municipal city government entity operating pursuant to the laws of the State of Tennessee.

JURISDICTION

3. This action arises under the United States Constitution and under the laws of the United States of America, particularly under the provisions of the Fourth and Fourteenth Amendments of the United States Constitution, and particularly under the Civil Rights Act, codified at 42 U.S.C. § 1983 et seq.
4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1343.
5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because all the events giving rise to Plaintiffs' claims occurred in this District.

FACTUAL BACKGROUND

6. On June 11, 2018, while on duty and in uniform, Chattanooga Police Officer Desmond Logan sexually assaulted “K.B.”
7. The circumstances leading to these horrific acts were as follows:
8. Around 9:00 p.m. on June 11, 2018, “K.B.” was driving with some friends.
9. As the car approached the intersection of Bailey Ave. and Dodds Ave., they pulled into a nearby gas station. Officer Desmond Logan followed the vehicle into the gas station parking lot.
10. “K.B.” got out of the car and went into the gas station bathroom.
11. When she exited the bathroom, Logan placed her under arrest, handcuffed her, and escorted her to his police car.
12. At all times relevant to this Complaint, Officer Logan acted in the course and scope of his employment.
13. At all times relevant to this Complaint, Officer Logan acted under the color of law, in his official role as an on-duty police officer for the City of Chattanooga, utilizing the uniform, vehicle, and authority vested in him by the City.
14. While in the car, Logan threatened “K.B.” with felony charges. Logan said that “K.B.” would “have the chance to talk her way out of it.”

15. This statement confused “K.B.”. She did not understand what he wanted from her.
16. Logan then pulled the car over in a parking lot. He took “K.B.” out of the car. He told her now was the chance to talk.
17. He then removed his penis from his pants.
18. He then pushed her against the cop car and raped her.
19. He ejaculated inside of her.
20. Logan put her back in the car and took her to the Hamilton County Jail. He took her inside and dropped her off.
21. “K.B.” was placed in a room alone and was not allowed to speak to the magistrate.
22. She repeatedly tried to tell the officers about the assault, but they would not listen to her or believe her.
23. She was strip searched.
24. She was not booked until the following day, nearly 24 hours later.
25. She was then sent to Silverdale the following day around 11:30 a.m.
26. She refused to shower and was crying and screaming. She demanded a rape kit.

27. Finally, she was taken to Erlanger, where a rape kit exam was performed at approximately 11:00 a.m. on the Thursday following the incident, June 14, 2018.

28. While at Silverdale, “K.B.” made a report to Internal Affairs. Following this report, on June 16, 2018, Chattanooga Police Department Chief David Roddy issued a public statement announcing “K.B.”’s allegations.

29. The statement read, in part: “The Chattanooga Police Department and me personally does not condone any type of sexual misconduct by our officers.”¹

30. Chief Roddy further stated that “CPD was notified of the alleged incident the night of June 13 after the victim reported it to the sheriff's office.”²

31. Chief Roddy did not mention that “K.B.” was assaulted on June 11, and had been screaming, crying, and protesting that she been raped since that time.

¹ Times Free Press, *Chattanooga officer under investigation for sexual misconduct*, June 16, 2018, available at <https://www.timesfreepress.com/news/breakingnews/story/2018/jun/16/c-hattanooga-officer-under-investigation-sexual-misconduct/473253/>, last visited January 21, 2019.

² *Id.*

32.Roddy also said that “the alleged incident is the first report of sexual misconduct against [Logan].”³

33.In fact, this was untrue.

Prior Reports of Sexual Misconduct Against Logan

a. 2015 Incident

34.One month after the June 16, 2018 press statement of Chief Roddy, the Chattanooga Times Free Press reported that “a Chattanooga police officer under investigation for sexual misconduct was previously accused of raping a woman while on the job in 2015, according to another police officer and an alleged victim.”⁴

35.The article continues:

Their statements contradict information provided by police Chief David Roddy, who stated during a June 16 news conference that “there have been [no complaints] relative to this type of investigation” against the officer. The alleged victim, Hamilton County Sheriff's Office spokesman Matt Lea, and an internal affairs file confirm the subject of the current investigation is Officer Desmond Logan.

³ *Id.*

⁴ Times Free Press, *Victims, officer claim Chattanooga police officer raped multiple women while on duty*, July 16, 2018, available at <https://www.timesfreepress.com/news/local/story/2018/jul/16/victims-officer-claim-chattanooga-police-office/475111/>, last visited January 25, 2019.

A police officer, who spoke under the condition of anonymity for fear of retaliation, said the most recent alleged assault was just one of at least two Logan committed while on duty.

“It echoed back to the last time when they didn't act on this kid [Logan],” the officer said. “They knowingly allowed a predator to keep that uniform on.”⁵

36. The details of the 2015 incident are strikingly similar to those of the assault on “K.B.”:

A police officer pulled alongside [the victim] after she left her friend’s house. He told her she was stumbling. That wasn't true, she said. She hadn't been drinking and wasn't on drugs. She was going to a family member's home for the night.

The officer changed his message. He told her there had been rapes in the area and he was looking out for her. Then, he became agitated. He told her she was being arrested and handcuffed her. She asked why and told him she had done nothing wrong. He placed her in the front seat of his car, she said, and drove.

She said the officer told her his name was “Officer Tate,” but his name tag said “Logan.” Years later, she found out from detectives his first name was Desmond. She became uneasy; she had been arrested before, but this arrest seemed different. She hadn't done anything wrong, she said. But “Tate” kept telling her she was going to jail.

He eventually turned into a business parking lot on Rossville Boulevard. She thought he was going to remove the handcuffs and let her go. Instead, he pushed her into the back seat and raped her, she said . . .

⁵ *Id.*

He dropped her off at her brother's, again telling her not to tell anyone, she said. She promised she wouldn't.

She rushed inside, crying and shaking, and told her brother what happened. She wrote down everything she could remember before calling police, she said.

She explained what happened and was told to go to a hospital. The hospital sent her to the Partnership Rape Crisis Center, where she told her story and was tested for signs of rape. She also turned over her written account of what happened that night to the rape crisis center, where she was told it would help with an investigation into the officer, she said.⁶

b. 2015 Incident

37.The 2015 prior incident is not the only instance of Logan's sexual misconduct of which the Chattanooga Police Department was aware.

38.On January 4, 2016, Chattanooga Police Lieutenant John Boe received a report that Officer Logan had attempted to sexually harass a female Aramark employee working at McKenzie Arena.

39.Officer Logan had offered to escort the woman to her vehicle at approximately 10:30 p.m. The woman then offered to give Logan a ride to his car, because it was "late at night and cold outside."

⁶ *Id.*

40. The woman alleged that when Logan was alone with her in the car, “Logan reached over and grabbed the gear shift and pushed it into park without her consent.”
41. The woman received a phone call, and Logan whispered to her “don’t tell her I’m in the car.”
42. After the call concluded, Logan removed his handcuffs from the carrying case and started twirling them around his fingers.
43. The woman told him to put the handcuffs away because they were making her nervous.
44. Logan put the handcuffs away but removed his taser and actuated the trigger.
45. The woman felt a shock in her right thigh. She shouted: “what did you do that for?” Logan then tried to get out of the vehicle and calm her down.
46. Logan eventually left the vehicle.
47. Following the woman’s report, Logan was relieved of his term-service to the University Police Department.

Prior Instances of Misconduct

by Other Chattanooga Police Officers and City Officials

48. The City has long-established patterns of overlooking or providing excuses and reasons to justify the misconduct of its officers and civilian employees in order to retain, promote, and/or re-hire officers. Such a pattern created the environment that allowed Logan to act in the manner he did against Plaintiff. Plaintiff avers the following past incidents of police officer misconduct and the seemingly lax responses of the City to these examples contributed to Plaintiff's damages:

- a. **Karl Fields**. The City refused to fire Detective Karl Fields after he made false claims that he was a victim of a carjacking in order to cover up that he wrecked his car while drunk and shooting his gun. The City allowed Fields to remain as a homicide investigator, despite his obvious deceit that could have caused an innocent person to be charged with carjacking. Fields was later fired by the City for misconduct with a victim of a sexual assault. (Fields was alleged to have sexually assaulted a rape victim.)
- b. **Janet Crumley**. Now retired Captain Janet Crumley ("Crumley") was the supervisor over the CPD Internal Affairs Unit ("IAU")

until late 2003 when former Chief of Police Jimmy Dotson removed Crumley from her post as the supervisor of IAU for allowing investigations to linger for months without conclusion.

- c. **Edwin McPherson** The City refused to follow the recommendations of its own IAU to discipline now retired Captain Edwin McPherson for untruthfulness after the investigators found McPherson took actions to interfere with a murder investigation that involved his niece as a suspect. The City's command "cleared" McPherson without review by an entity outside of the police department.

- d. **Paul Page** Former Mayor Ron Littlefield ("Littlefield") hired his friend Paul Page as the director of the City's General Services. While employed as an agent for the City, Page was actively engaged in acts of sexual harassment against female City employees and one non-employee outside of Page's duties with the City. Despite Littlefield's full knowledge of Page's misconduct, the City failed to take action to stop Page's wrongdoing beyond a meager warning and requirement to take lessons on sexual harassment. Rather than take firmer action against Page, the City terminated the

employment of one of the women who complained against Page. Despite a finding by the EEOC that Page's misbehavior (which included comments to the female employees about their breasts and comments about sex acts) constituted violations of federal law, the City stood by Page and refused to fire him. Page eventually resigned.

CAUSE OF ACTION:

MUNICIPAL LIABILITY UNDER 42 USC § 1983

49. Plaintiff realleges and reasserts each of the preceding paragraphs as if fully set forth herein.

50. Officer Desmond Logan, at all times relevant to this Complaint, acted in his official capacity as an employee of the City of Chattanooga in his role as police officer.

51. At all times, Logan acted under color of law, in his official role as an on-duty police officer for the City of Chattanooga, utilizing the uniform, vehicle, and authority vested in him by the City.

52. Logan violated Plaintiff's constitutional rights when, under color of law, he sexually assaulted and raped her.

53. The City of Chattanooga is liable for these actions because of its custom, tolerance, and acquiescence to repeated federal rights violations by its police officers, including, specifically, Officer Logan.
54. The City is liable for these actions based also on its custom, tolerance, and acquiescence to repeated federal rights violations by its officers through its official policy of inaction in investigating the sexual misconduct of police officers and other City officials.
55. Logan's behavior, as evidenced by repeated inappropriate and illegal sexual misconduct, including prior rape and sexual assault and harassment incidents, evidenced a clear and persistent pattern.
56. The City of Chattanooga had notice or constructive notice of Logan's unconstitutional behavior.
57. A Chattanooga Police Officer told the Times Free Press that the City "knowingly allowed a predator to keep that [police] uniform on."
58. The City thus tacitly approved of Logan's unconstitutional conduct, and its failure to act in light of the known circumstances amounts to an official policy of inaction.
59. Had Logan been removed from the force following either or both of the prior incidents, "K.B." would have been spared the humiliation,

indignity, and violation to which she was subjected by Officer Logan while he was on duty, in uniform, and in a police vehicle.

PRAYER FOR RELIEF

60. Plaintiff respectfully demands judgment against Defendant for compensatory damages as determined by the jury and for costs in bringing this action.

61. Plaintiff specifically reserves the right to amend this Complaint to conform to the evidence.

Respectfully submitted,

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