

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROSS LaFONTAINE
[REDACTED]
[REDACTED]

Plaintiff,

v.

AARON RUDOLPH, Badge No. 8688, in his individual capacity,
District of Columbia Metropolitan Police Department
300 Indiana Avenue, NW
Washington, DC 20001

and

ANAM MUMTAZ, Badge No. 11327, in her individual capacity,
District of Columbia Metropolitan Police Department
300 Indiana Avenue, NW
Washington, DC 20001

Defendants.

Civil Action No. 1:23-cv-779

JURY TRIAL DEMANDED

COMPLAINT

Introduction

1. On December 12, 2020, in late afternoon just before dusk at Black Lives Matter (“BLM”) Plaza in Washington, D.C., the D.C. Metropolitan Police Department undertook a massive and forceful assault upon those peaceably assembled at the Plaza. No less than forty officers, many with bikes, violently stormed into the Plaza creating widespread

- disarray and disruption of peaceful First Amendment activities.
2. The period of November and December, 2020, was marked by violent right-wing incidents in Washington, D.C., during which the Proud Boys, Oath Keepers, and other groups carried out raging incursions into the District, attacking those they perceived as anti-fascists and supporters of the movement for Black lives, and assessing the law enforcement response in precursor events to the January 6, 2021, insurrection and sacking of the U.S. Capitol.
 3. The D.C. MPD largely stood down from any proportionate response to these right-wing attacks. The November 14, 2020, “Million MAGA March,” left a trail of violence and victims of right-wing marauders in the District.
 4. The MPD response to the right-wing hate groups contrasted sharply with its aggressive and violent police response to Black Lives Matter protestors.
 5. The MPD’s response to fascist groups’ violence, or lack thereof, is striking as these violent events were predecessor and testing actions in advance of the January, 2021, insurrection and sacking of the U.S. Capitol.
 6. In sharp contrast, the response of the D.C. MPD to Black Lives Matter activists was aggressive, provocative, retaliatory, and frequently violent, including, most notably, the false arrests and use of munitions against protestors in the aftermath of the police murder of George Floyd.
 7. Over many months, the MPD repeatedly attacked protestors who were present in BLM Plaza, which had been so designated ostensibly as a welcoming and protected space for protest and assembly. Over the second half of 2020, BLM Plaza was subject to physical assaults by officers in riot gear and by onslaughts and barrages of less lethal weaponry.

8. The massive police incursion into Black Lives Matter Plaza that was executed on December 12, 2020, was justified with a thin excuse, the false arrest of Ross LaFontaine, a Navy veteran who was present to show his solidarity and alliance with the BLM movement.
9. Mr. LaFontaine that day wore a “Vets for BLM” hoodie with orange/red writing. The arrest of Mr. LaFontaine was false. The officers who conducted the arrest knew that Mr. LaFontaine had committed no offense and pressed forward with his arrest in order to justify the massive use of force and disruption that police had utilized to effectuate his arrest.
10. Officer Rudolph falsely targeted Mr. LaFontaine for arrest, creating the grounds for the police’s massive assault on persons peacefully present in the Plaza and disruption of assembly in that location. Arresting Officer Mumtaz went so far as to present a false sworn statement to justify the arrest and further Mr. LaFontaine’s prosecution.
11. The aggressive posture against peaceful BLM activists, along with the kid-glove approach to violent right-wing forces storming through District streets, raises serious concerns about relationships within the D.C. MPD to those latter groups, and is a form of police corruption which, unchecked, furthers the threat from violent right-wing militias to democratic norms and constitutional rights.

JURISDICTION

12. This civil rights action is brought pursuant to 42 U.S.C. § 1983 and § 1988. The court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question) and 28 U.S.C. § 1343(3) and (4) (Civil Rights).
13. Venue is proper in the United States District Court for the District of Columbia pursuant

to 28 U.S.C. § 1391(e)(1) as the District of Columbia is a judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.

PARTIES

14. Plaintiff ROSS LaFONTAINE is a resident of Maryland.
15. Defendant AARON RUDOLPH, Badge No. 8688, is a uniformed officer of the District of Columbia Metropolitan Police Department and acted as an assisting arresting officer of LaFONTAINE. He is sued in his individual capacity.
16. Defendant ANAM MUMTAZ, Badge No. 11327, is a uniformed officer of the District of Columbia Metropolitan Police Department and acted as the arresting officer of Mr. LaFONTAINE. She is sued in her individual capacity.
17. At all times relevant to this Complaint, defendants RUDOLPH and MUMTAZ were acting within the scope of their employment as District of Columbia police officers.
18. At all times relevant to this Complaint, defendants RUDOLPH and MUMTAZ acted under color of state or District of Columbia law.

FACTUAL ALLEGATIONS

19. On the afternoon of December 12, 2020, Ross LaFONTAINE attended a demonstration in Black Lives Matter Plaza in downtown Washington, D.C.
20. LaFONTAINE was a volunteer with “Continue to Serve,” an organization founded by veterans in the wake of the militarized response to nationwide protests that followed the murder of George Floyd in the summer of 2020. The group provides volunteer opportunities for veterans to uphold their “oath to support and defend the Constitution” by standing with those who are “denied justice, liberty, and equality” at demonstrations by grassroots organizations advocating for the protection of marginalized groups,

accountability for police misconduct, the protection of democracy, and more.¹

21. In Washington, D.C., specifically, the “Vets for BLM” slogan was a regular fixture on placards and clothing at demonstrations throughout the latter half of 2020.
22. On the day of his arrest, like many others, LaFONTAINE was himself wearing a black hoodie with the words “Vets for BLM” written on the front.
23. The stylized hoodie, which could be emblazoned with large letters in differing colors, was worn by many vets who were present that day at BLM Plaza. The large lettering on some were brown, on others yellow, on LaFONTAINE’s they were orange/red.
24. LaFONTAINE also wore green pants, black boots, and a white face mask distinctively adorned with illustrations of blue bicycles. He carried a khaki backpack with black straps. His curly red hair was pulled back into a short ponytail.
25. Around 3:45 p.m., LaFONTAINE headed toward the Farragut North metro station to meet up with friends.
26. LaFONTAINE and his friends caught up with one another near the Farragut North metro station, remaining at that location until approximately 4:00 - 4:05 p.m.
27. LaFONTAINE and his friends then left the Farragut North metro station and continued to walk and chat for another approximately twenty minutes.
28. They eventually made their way towards BLM Plaza and parted ways on 16th Street,

¹ For instance, the organization was featured in a Washington Post article for organizing a clean-up effort just days after the “Stop-the-Steal” rally and subsequent insurrection of Jan 6, 2021, where roughly 200 volunteers cleaned up trash, “pro-Trump paraphernalia,” and adhesive stickers “featuring logos and symbols from various neo-Nazi and alt-right groups” which still littered the city. Sydney Page, *Upset by veterans who stormed the Capitol, these vets decided to clean up trash the mob left on the streets of D.C.*, WASHINGTON POST (Jan. 14, 2021), <https://www.washingtonpost.com/lifestyle/2021/01/14/vets-clean-up-capitol-seige/>.

- somewhere between its intersections with K Street and I Street NW, at roughly 4:20 p.m.
29. LaFONTAINE, now alone, made his way a short distance into the Plaza to the intersection of 16th and I Streets, where he joined an assembly of demonstrators who were milling about peacefully.
 30. He stood next to a concrete barrier in the middle of the crosswalk on the southern side of the intersection and noticed a large gathering of police at I Street around the east side of the intersection.
 31. LaFONTAINE commented out loud to a person near him, “What are all those cops doing there?” The person, a stranger, said, “I don’t know.”
 32. Moments later, with no warning whatsoever, approximately forty MPD officers violently and provocatively charged into the crowd.
 33. The assault created a violent disturbance.
 34. Approximately six to eight officers targeted LaFONTAINE specifically, suddenly surrounding him and seizing him.
 35. He was ordered to put his hands behind his back and he complied.
 36. LaFONTAINE was handcuffed behind his back.
 37. LaFONTAINE was in shock and terrified at the unprovoked assault and the seizure of his person. He was certain there was some mistake and they would release him momentarily.
 38. LaFONTAINE remained peaceful and presented no resistance.
 39. He was taken into custody and was aggressively moved out of the Plaza towards a police vehicle although he was not resisting.
 40. LaFONTAINE was handcuffed with his hands behind his back, with his backpack remaining on his back, and left in that painful condition in the police car for a protracted

period of time.

41. LaFONTAINE repeatedly asked questions to the effect of, “Why am I being detained?,” “Why am I being arrested?,” and “Why am I here?” The officers present would not provide him explanation for his arrest.
42. After LaFontaine had been in the back of the police car for approximately half an hour, a plainclothes law enforcement officer came over to question LaFONTAINE.
43. LaFONTAINE asked again why he was being arrested and was told that other than being arrested for simple assault, no other information could be provided to LaFONTAINE. He was told he would learn more at the police station.
44. He was held in the police car, with his hands handcuffed behind his back and with his backpack still affixed behind him, for more than an hour from the time he was arrested until the time he was taken inside the police station. Officer Mumtaz was present at the police station.
45. At the police station, LaFONTAINE was told he was being arrested for simple assault without other explanation.
46. He was left in a cell for several hours and was told that eventually he would be released on citation.
47. He remained in the cell as the evening wore on.
48. At a point, he heard officers speaking very loudly to each other stating that LaFONTAINE was not going to be released that night after all. They said that he was arrested for assaulting an undercover Secret Service agent. LaFONTAINE was shocked and in fear of what that meant and had no idea what they were talking about.
49. He was scared that he would not be released in time to perform his work duties and that

he would lose his job.

50. LaFONTAINE was ultimately released from the cell to retrieve his belongings at approximately 10:30 p.m.
51. LaFONTAINE suffered ongoing soreness and pain in his shoulder, neck, wrists, and back for days as a result of the handcuffing and holding methods employed by the police.
52. The police justified the arrest of LaFONTAINE based on events that occurred at the southwest side of BLM Plaza midway between I and H Streets at 4:00 p.m., a time when LaFONTAINE was not at the Plaza but was at or near the metro station.
53. At that time, when LaFONTAINE was not even at the scene, an incident occurred involving what police describe as “an undercover Secret Service Officer.”
54. Secret Service Officer Matthew Reisenweber was then on duty in plain clothes on a “counter-surveillance” detail in BLM Plaza.
55. Reisenweber, despite being so deployed and on duty, was accompanied by someone he identified as a “friend.”
56. According to Reisenweber’s statement to police, his friend was not a law enforcement officer, and was just “walking around with [him]” despite the fact that Reisenweber was on duty and assigned by federal law enforcement to perform “counter-surveillance” against demonstrators at BLM Plaza as an undercover operative.
57. The pair entered together into BLM Plaza and into the demonstrators peacefully assembled there.
58. Upon entering, some demonstrators quickly became suspicious of them.
59. According to Reisenweber, “They made me as soon as I walked in.”
60. Demonstrators, aware of the substantial number of Proud Boys and other hate groups

- pouring into the District that day, approached and challenged the counter-surveillance agent and his friend, noting their provocative presence among peaceful demonstrators.
61. They asked Reisenweber “Who are you with?” and “What are you doing?”
 62. Reisenweber explained to the MPD, “They didn’t like my answers.”
 63. Defendant MPD Officers MUMTAZ and RUDOLPH were both present and watching the incident unfold.
 64. MUMTAZ and RUDOLPH were within approximately four to eight feet of the incident and had clear sightlines of the above-described individuals – Reisenweber and his friend.
 65. MUMTAZ and RUDOLPH claim to have observed an individual wearing a “Vets for BLM” hoodie, one of multiple in the immediate vicinity, push Reisenweber without causing injury.
 66. Reisenweber and his friend were permitted to cross over police lines outside of BLM Plaza, where officers interviewed them.
 67. Reisenweber indicated to police he was not able to identify whoever allegedly pushed him, explaining that the push came from his side.
 68. Reisenweber told RUDOLPH, “I’m not sure which one pushed me.”
 69. Officer RUDOLPH stated, “I saw him push you, so I know who did that.”
 70. RUDOLPH, apparently referencing himself and MUMTAZ as eyewitnesses, said “We’re going to go with his simple assault for the one that we witnessed. . .”
 71. The alleged pusher was, in fact, wearing a black hoodie with “Vets for BLM” written in brown text. He wore light-blue jeans, and carried a tan camouflage backpack. He wore a black baseball cap and all-black face mask.
 72. RUDOLPH radioed a Be On the Lookout (BOLO) for a white male with a black hoodie

with brown writing that says “Vets for BLM” on the front, wearing a tan backpack.

Based on that description, which, given the numerosity of the “Vets for BLM” hoodies that day, was utterly non-distinguishing, police mounted a massive intervention and incursion into BLM Plaza.

73. RUDOLPH identified LaFONTAINE as the person who committed the alleged assault and police then seized LaFONTAINE, who was at that time wearing a black hoodie emblazoned with large red/orange writing that said “Vets for BLM.”
74. The police intervention was violent, assaultive, and provocative.
75. Officers forced themselves into a peaceful First Amendment protected assembly, where their use of force was certain to violate rights including extinguishing protected activity.
76. It caused an immediate disturbance and disarray where there had before been peaceful BLM-affiliated protestors.
77. Notably, on this same day, MPD largely stood down as Proud Boys and their associates marauded violently through the streets.
78. Ross LaFONTAINE could not have been genuinely identified as the person who allegedly pushed Reisenweber.
79. The suspected pusher, in fact and as observed by RUDOLPH and MUMTAZ, was wearing a hoodie with “Vets for BLM” written across it in large brown letters. LaFONTAINE wore a hoodie with the same slogan in large orange/red letters.
80. The alleged pusher, in fact and as observed by RUDOLPH and MUMTAZ, was wearing light-blue jeans. LaFONTAINE wore olive green military-colored pants.
81. The alleged pusher, in fact and as observed by RUDOLPH and MUMTAZ, wore a black baseball cap. LaFONTAINE did not have a cap.

82. The alleged pusher, in fact and as observed by RUDOLPH and MUMTAZ, wore an all-black face mask. LaFONTAINE wore a distinctive white face mask which displayed images of bicycles.
83. The alleged pusher, in fact and as observed by RUDOLPH and MUMTAZ, wore low-top sneakers. LaFONTAINE wore black boots.
84. The alleged pusher, in fact and as observed by RUDOLPH and MUMTAZ, was carrying a brown backpack with camouflage canvas and matching brown straps. LaFONTAINE was carrying a brown backpack with large black straps.
85. Officer MUMTAZ was the arresting officer, according to police reports.
86. Officer RUDOLPH was identified as an assisting officer.
87. According to police reports, Witness 1, believed to be RUDOLPH, specifically identified LaFONTAINE as the person who assaulted Reisenweber.
88. Officer RUDOLPH knew or should have known that the person arrested, Mr. LaFONTAINE, was not the person he witnessed allegedly push Reisenweber.
89. RUDOLPH's identification was false.
90. Officer MUMTAZ knew or should have known that the person arrested, Mr. LaFONTAINE, was not the person she witnessed allegedly push Reisenweber.
91. Neither RUDOLPH nor MUMTAZ caused LaFONTAINE to be released at the scene.
92. Neither RUDOLPH nor MUMTAZ caused LaFONTAINE to be released without citation or charge from processing at the 2nd District.
93. In order to justify the false arrest of LaFONTAINE, MUMTAZ vouched for and affirmed RUDOLPH's false identification of LaFONTAINE, writing in police reports "W-1 responded to the location and *correctly* identified [LaFONTAINE] as the person that

- assaulted [Reisenweber].” (emphasis added).
94. Four days later, on December 16, 2020, in order to justify the false arrest and to cause LaFONTAINE to be subjected to the pain of prosecution, MUMTAZ falsely swore in a charging document (her *Gerstein* affidavit) that W-1 “*correctly identified*” LaFONTAINE as the alleged pusher. (emphasis added).
95. MUMTAZ swore her *Gerstein* affidavit “was made under penalty of criminal prosecution and punishment for false statements pursuant to D.C. Code 22-2405.”
96. MUMTAZ further falsely stated in her sworn *Gerstein* affidavit that “V-1 [Reisenweber] who is an undercover US Secret Service Officer reports that the group including D-1 [LaFONTAINE] who was wearing a black hoody stating “Vets for BLM”, green pants, brown backpack, and black boots follow[ed] V-1 into the block.”
97. This false statement back-filled the *Gerstein* affidavit with the actual details of LaFONTAINE’s dress when, in fact, the person suspected of pushing Reisenweber was observed wearing highly distinctive and different clothing.
98. This sworn statement falsely claims that Reisenweber specifically identified LaFONTAINE on the basis of the particular clothing he, in fact, was arrested in.
99. In reality, Reisenweber made no such identification. In fact, he told officers he had not seen the person who allegedly pushed him from the side.
100. This was an after-the-fact false statement under oath by a sworn member of the D.C. MPD.
101. Not only was the arrest of LaFONTAINE unlawful, knowingly false, and without probable cause, but the method of arrest was a flagrantly hostile and escalatory maneuver.

102. Immediately following the seizure of LaFONTAINE and as a result of the police attack on the BLM Plaza, which used the seizure of LaFONTAINE as its ostensible predicate, police began assaulting demonstrators and engaged in multiple avoidable arrests that were, at the onset, provoked by the violent police incursion into the crowd.
103. The D.C. MPD took the highly unusual step of having personnel create a list drawing from all arrests over extended periods to identify, segment out, and highlight persons they arrested who they asserted were arrested in the context of “unrest” starting with the George Floyd protests of May 30, 2020. They labeled this spreadsheet as “Unrest-Related Arrest Data.”
104. The D.C. MPD then published this spreadsheet as an official police publication on the internet, where they maintain it.
105. They included the false arrest of Ross LaFONTAINE in their spreadsheet, listing him to the world as a person arrested for assault, along with his age and state of residence.
106. This doxing, a result of his false arrest, poses an ongoing threat to LaFONTAINE’s future and professional work and causes him ongoing fear and anxiety.
107. This document has been reproduced by others and persists both on the MPDC.dc.gov website and on others.
108. In doing the acts and/or omissions alleged herein, each defendant acted with reckless or callous indifference to the federally protected rights of the plaintiff.
109. As a consequence of this misconduct, Ross LaFONTAINE suffered torment and as well as constant fear that he would lose his job due to the false assault-on-officer charge leveled against him and his ongoing prosecution. He was held in custody for approximately six hours until he was released on citation. He suffered physical injury,

shock, pain, anxiety, and suffering from the false arrest. He suffered the pain and anxiety of having a pending criminal charge hang over his head and was required to mount a defense to the criminal charge from December 2020 until February 2022, at which time the U.S. Attorney's Office finally dismissed the charge against him. The attack on LaFontaine, false arrest, and false prosecution impacted his participation in First Amendment protected activities, chilling him from such activities, including assembly at Black Lives Matter Plaza.

VIOLATIONS OF CLEARLY ESTABLISHED LAW

110. The actions of the above-referenced Defendants violated clearly established and well-settled federal constitutional rights, including:
 - a. Freedom from the unreasonable seizure of one's person;
 - b. Freedom from government disruption of, interference with, abridgement of free speech, assembly, petition activities and other First Amendment protected activities; and
 - c. Freedom from retaliation for engaging in constitutionally protected activity.
111. Clearly established law was violated by the arrest of Plaintiff for simple assault in the absence of probable cause.
112. As a direct and proximate result of the acts or omissions of the Defendants identified herein, Plaintiff has suffered personal injury and harm including deprivation of constitutional rights under the First and Fourth Amendments to the U.S. Constitution, loss of liberty, as well as physical harm, and emotional pain and suffering.

COUNT I False Arrest in Violation of The Fourth Amendment to the U.S. Constitution; 42 U.S.C. § 1983

113. The preceding paragraphs are incorporated by reference as if set forth herein.

114. Defendants RUDOLPH and MUMTAZ acted jointly to cause the arrest of Ross LaFONTAINE.
115. The arrest of Ross LaFONTAINE was without probable cause.
116. The arrest of LaFONTAINE was without any basis to believe that he had committed any criminal offense.

COUNT II

**Violation of Free Speech and Associational Rights
The First Amendment to the U.S. Constitution; 42 U.S.C. § 1983**

117. The preceding paragraphs are incorporated by reference as if set forth herein.
118. The arrest of LaFONTAINE was substantially motivated by his association with the BLM movement, as reflected visibly in the shirt he wore and his presence at BLM Plaza.
119. MUMTAZ and RUDOLPH falsely arrested LaFONTAINE and did not release him at the scene or later, in order to justify (as part and parcel of) the massive and biased MPD intervention against and disruption of the peaceably assembled BLM activists and supporters in BLM Plaza.
120. In so doing, MUMTAZ and RUDOLPH extinguished LaFONTAINE's First Amendment protected right to peaceably assemble and lawfully engage in free speech and associational activities in BLM Plaza, a public forum established for such activities.

COUNT III

Fifth Amendment – Fabrication of Evidence – 42 U.S.C. § 1983

121. The preceding paragraphs are incorporated by reference as if set forth herein.
122. In events occurring after the arrest of LaFONTAINE, Officer MUMTAZ intentionally fabricated evidence and provided it to the United States Attorney to aid in the prosecution of LaFONTAINE for a crime he did not commit.

123. Officer MUMTAZ falsely swore in a police report and a “*Gerstein*” affidavit (a sworn probable cause affidavit used to aid in prosecution) the false statement that Reisenweber identified “D-1 who was wearing a black hoody stating ‘Vets for BLM’, green pants, brown backpack, and black boots. . .”
124. Reisenweber did not make this identification, as falsely claimed in these statements.
125. This purported identification was fabricated.
126. The Assistant United States Attorney (AUSA) relied on Officer MUMTAZ’s fabrications to continue a prosecution of LaFONTAINE for simple assault that persisted for over a year, until February 2022, when the AUSA dropped the charge.

JURY TRIAL DEMAND

Trial by jury is demanded for all claims and issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant the following:

- a. Entry of a declaratory judgment that the arrest described herein constitutes a violation of the First and Fourth Amendments to the U.S. Constitution; and that the fabrication of evidence described herein constitutes a violation of the Fifth Amendment to the U.S. Constitution.
- b. Entry of a Court order declaring the arrest null and void and authorizing Plaintiff to deny such arrest under oath;
- c. Compensatory damages against Defendants MUMTAZ and RUDOLPH for violations of federal rights pursuant to 42 U.S.C. § 1983 in an amount appropriate to the proof adduced at trial;
- d. An award of punitive damages against each Defendant;

- e. An award of Plaintiff's reasonable attorneys' fees and costs and expenses pursuant to 42 U.S.C. § 1988 and any other applicable statutes or rules or law; and
- f. Such other and further relief, including all appropriate and equitable relief, as this Court may deem just and proper.

March 23, 2023

Respectfully submitted

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**Application Pending*

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