

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

**Civil Action No. 20-cv-3088**

GRAYSON DENNIS

Plaintiff,

v.

GRANT LAEHR, individually;  
JOSHUA LYONS, individually;  
DARON HASHIR, individually

Defendants.

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**CIVIL RIGHTS COMPLAINT AND JURY DEMAND**

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Plaintiff Grayson Dennis, by and through his attorneys, HOLLAND, HOLLAND EDWARDS & GROSSMAN, LLC, complains against Defendants and request a trial by jury as follows:

**I. INTRODUCTION**

1. On February 18, 2020, Grayson Dennis was tased at least five times without any justification. The officers intentionally took repeated aim at Mr. Dennis' heart area, and at least four of these tasings occurred after he was handcuffed.

2. At the time, it was well-known to the Defendant officers that Mr. Dennis was unarmed and reporting a mental health crisis which included depression, auditory hallucinations, and a suicide attempt earlier that day. Grayson Dennis had called 911 himself and was not suspected of committing any crime. Nonetheless, he was subjected to grossly unreasonable and excessive force by Officers Joshua Lyons, Daron Hashir, and Grant Laehr, who tased him

repeatedly without using any Crisis Intervention Team (“CIT”) or de-escalation techniques as clearly established law requires. See *Estate of Ceballos v. Husk*, 919 F.3d 1204 (10th Cir. 2019).

3. Rather than calming the situation down and offering professional help to this confused and distraught young man, the Defendant officers unconscionably escalated the situation.

4. These officers knew they were not responding to a crime or attempting to effectuate an arrest.

5. They knew they were charged with ensuring Mr. Dennis received the necessary medical treatment for his compromised mental and physical condition.

6. They knew not only that Mr. Dennis was unarmed, but also that he was obviously emotionally disturbed, his capacity to reason was diminished, and that his arms were restrained behind his back for many of the tasings. He was not a threat or danger to anyone.

7. All assault charges filed against Mr. Grayson were dismissed by the District Attorney, and he was not convicted of any conduct causing or threatening physical injury to anyone.

8. In the words of the Tenth Circuit, the officers knew “[t]he situation [they] faced in this case called for conflict resolution and de-escalation, not confrontation and tasers.”<sup>1</sup>

9. The use of such a severe level of force against Mr. Dennis, under these circumstances, in which he was known to be mentally compromised and physically restrained, was grossly excessive.

## II. JURISDICTION, VENUE AND NOTICE

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<sup>1</sup> *Aldaba v. Pickens*, 777 F.3d 1148 (10th Cir. 2015) (vacated on other grounds).

10. This action arises under the Constitution and laws of the United States and is brought pursuant to 42 U.S.C. §1983 and 42 U.S.C. § 1988.

11. The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331.

12. This case is instituted in the United States District Court for the District of Colorado pursuant to 28 U.S.C. §1391 as the judicial district in which all relevant events and omissions occurred and in which Defendants maintain offices and/or reside.

### **III. PARTIES**

13. At all times relevant hereto, Plaintiff Grayson Dennis was a resident of the State of Colorado in Craig, and a citizen of the United States of America.

14. At all times relevant hereto, Defendant Grant Laehr was a citizen of the United States and a resident of the State of Colorado and was acting under color of state law in his capacity as a law enforcement officer employed by the Craig Police Department. Defendant Laehr is sued individually.

15. At all times relevant hereto, Defendant Joshua Lyons was a citizen of the United States and a resident of the State of Colorado and was acting under color of state law in his capacity as a law enforcement officer employed by the Craig Police Department. Defendant Lyons is sued individually.

16. At all times relevant hereto, Defendant Daron Hashir was a citizen of the United States and a resident of the State of Colorado and was acting under color of state law in her capacity as a law enforcement officer employed by the Craig Police Department. Defendant Hashir is sued individually.

### **IV. STATEMENT OF FACTS**

17. Plaintiff hereby incorporates all of the forgoing paragraphs of this Complaint as if fully set forth herein.

18. Grayson Dennis is a slight, 27-year-old man who has suffered with drug-use and suicidality.

19. On February 18, 2020, Mr. Dennis ingested several pills in an attempt to end his life, but then reconsidered and called 911.

20. Mr. Dennis told the dispatcher he was “having a nervous psychotic breakdown” and that he was sorry before hanging up.

21. The dispatcher broadcast that someone at 403 Taylor St. was having a “psychotic breakdown.”

22. Craig police officers Joshua Lyons, Daron Hashir, and Grant Laehr were expressly sent on a “mental health” call to 403 Taylor St. in Craig, Colorado.

23. The interactions between the officers and Mr. Dennis were captured on the officers’ body cameras.<sup>2</sup>

24. All three officers understood that Mr. Dennis had self-reported a mental health breakdown, and that they had been dispatched to ensure Mr. Dennis’ mental, emotional, and physical wellbeing.

25. When the officers entered Mr. Dennis’ home, they found him asleep in bed next to his girlfriend, Danielle Morris.

26. Officer Lyons entered Mr. Dennis’ bedroom and asked him some questions.

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<sup>2</sup> These videos are attached to the Complaint as **Exhibits 1, 2, & 3**.

27. In response, Mr. Dennis told Officer Lyons that he had been really depressed recently, that he had been having breakdowns, hearing voices, wanted to hurt himself, and that he had taken “lots of different things” in an attempt to kill himself that day.

28. He and Ms. Morris informed Officer Lyons that Mr. Dennis had ingested an unknown amount of Benadryl, Xanax, and Cyanide, and that he hadn’t slept for days because he was “having a problem with meth.”

29. Mr. Dennis was lethargic. His speech was slow, calm, and slurred, evidencing his clear impairment.

30. Officer Lyons understood Mr. Dennis needed medical attention and made that clear to the other Defendants when he asked Officer Laehr to call for an ambulance.

31. Mr. Dennis expressed willingness to be evaluated by medical personnel.

32. When Mr. Dennis sat up in bed it was clear to Officer Lyons that he was “very unbalanced” and that he was struggling to even sit up straight.

33. When the EMTs arrived, Mr. Dennis was only able to stand with the help of others and was very unsteady on his feet, but he remained calm and cooperative.

34. Mr. Dennis followed instructions to stand, allowed Officer Lyons to pat him down to further confirm he was unarmed, and began walking with officers and medical personnel to the ambulance waiting outside.

35. On his way down the stairs Mr. Dennis asked: “Let me talk to my Dad real quick.”

36. Although he was not suspected of committing any crime, was known to be unarmed, and was not under arrest, the officers and EMTs refused to allow Mr. Dennis this small

comfort. They told him no, that they were going to the ambulance first, and he could speak with his father there.

37. Clearly concerned about his father and girlfriend's whereabouts, Mr. Dennis began turning around and looking behind them once he and the officers reached the front porch.

38. Not allowed to see his father and girlfriend before departing, and confused even as to who was escorting him, thinking it was just police rather than police and medical personnel, Mr. Dennis became visibly fearful, and attempted to pull away to go back inside his home.

39. He asked the police officers escorting him whether his dad was really in the ambulance.

40. Clearly distraught and in the midst of an escalating mental health crisis, Mr. Dennis continued to pull away from officers and medical personnel.

41. Mr. Dennis was not attempting to flee or injure officers, but simply to go back inside his home and have an opportunity to talk with his father and girlfriend.

42. Mr. Dennis was obviously very upset, confused, acting paranoid, and was not responding to verbal commands to stop.

43. Even before the officers tased him, Mr. Dennis cried out that he was "being fucked up," and for Danielle, who he could then see, to run.

44. His judgment was grossly impaired such that he was obviously unable to understand the situation.

45. Less than a minute after Mr. Dennis initially asked to talk to his Dad, Officer Lyons drew his taser, took aim, and intentionally fired two barbed probes<sup>3</sup> into Mr. Dennis' chest, contrary to Craig Police Department's policies, training, and the manufacturer's warnings, which say "[w]hen possible, avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death."

46. Here is Officer Lyons cruelly aiming at Mr. Dennis' chest, which he admits doing in his report:



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<sup>3</sup> Tasers generally have two modes. "In dart mode, a taser shoots probes into a subject and overrides the central nervous system." *Estate of Booker v. Gomez*, 745 F.3d 405, 414 n. 10 (10th Cir. 2014). Drive stun mode, on the other hand, "does not cause an override of the victim's central nervous system"; that mode "is used as a pain compliance tool with limited threat reduction." *Id.* (internal quotation marks omitted).

47. Officer Lyons gave Mr. Dennis no sufficient prior warning that he would be tased, or reasonable opportunity to comply, and allowed the taser cycle for the full five second discharge cycle.

48. Confused and in excruciating pain from the taser shock being administered, Mr. Dennis ran about 10 steps before he fell to the ground in his own driveway, as shown here:



49. His shoes fell off and he laid barefoot in the snow.

50. Officer Lyons' taser probes remained lodged in Mr. Dennis' body.

51. Officer Hashir nonetheless drew her taser, took aim at Mr. Dennis, and yelled, "you will get tased again!"

52. When Officer Laeher commanded Mr. Dennis to roll onto his stomach, Mr. Dennis expressed his intention to comply but was unable to do so immediately as he was still under the immediate effects of Officer Lyons' taser.

53. His whole body felt like it was both on fire and numb. He had the feeling of pins and needles everywhere – even in his teeth.

54. As he laid on the ground below multiple officers, Mr. Dennis was terrified. His chest was painful and tightening, and he was finding it hard to breathe. He was profoundly scared and embarrassed. He was then fearing for his life.

55. Before Mr. Dennis was capable of complying with the command to roll over, Officer Laehr forced Mr. Dennis onto his stomach and shoved his face into the ground. Officer Lyons quickly knelt on Mr. Dennis' back.

56. Apparently recognizing that it is unreasonable and grossly excessive to continue tasing a restrained and now subdued person, Officer Lyons discharged his taser cartridge after he finished handcuffing Mr. Dennis.

57. It was equally apparent and obvious to Officers Laehr, Lyons, and Hashir that Mr. Dennis was barefoot and handcuffed with his hands behind him when Mr. Dennis rolled onto his back and started kicking his legs in the air, as shown here:



58. Officer Laehr was near Mr. Dennis' head and shoulders, which he quickly grabbed and shoved into the ground.

59. Officer Lyons, supposedly trained in CIT, was positioned near Mr. Dennis' legs and could easily avoid contact by simply taking a few steps away from the handcuffed man at his feet.

60. Officer Hashir was not in close proximity to Mr. Dennis and was not in any danger of being kicked.

61. Handcuffed behind his back and pinned to the ground, Mr. Dennis posed no immediate threat to the safety of the officers or anyone else.

62. Rather than giving Mr. Dennis space or attempting to de-escalate the situation in any way, Officers Laehr and Lyons immediately jumped on Mr. Dennis.

63. Officer Hashir, who had been dealing with Mr. Dennis' very upset and distraught father and girlfriend, rushed into the mix with her taser drawn.

64. Just seconds after he rolled over, Officer Hashir intentionally again shot Mr. Dennis in the chest with her taser, this time while handcuffed.

65. She too gave Mr. Dennis no advanced warning that she was going to tase him or reasonable opportunity to voluntarily comply with commands.

66. While Officer Hashir's first taser shot was still cycling, Officer Laehr, who also knew that Mr. Dennis was then handcuffed, grabbed Officer Hashir's hand, pulled it close to Mr. Dennis, and cruelly instructed her to tase him again in drive stun mode.

67. None of these officers used CIT time and distance principles or created space between themselves and this now already multiple-tased and handcuffed Plaintiff.

68. Instead, Officer Hashir grabbed Mr. Dennis by the shirt and tased Mr. Dennis' right thigh, even further worsening his mental crisis, as shown here:



69. She then yet again tased Mr. Dennis in the back of his right thigh, as shown here:



70. Officer Hashir then, yet again, tased Mr. Dennis near his hip, as shown here:



71. Although she had already shot Mr. Dennis with probes once and drive-stunned him at least three times since he had been handcuffed, Officer Hashir then fired a third set of probes directly into Mr. Dennis' leg, near his groin, as shown here:



72. Officer Hashir allowed the taser to cycle for a full five seconds.

73. Mr. Dennis' father and girlfriend looked on as he writhed on the ground with his hands behind his back and screamed out in excruciating pain.

74. It was readily observable, and Officer Hashir was fully aware, that Mr. Dennis was handcuffed when she tased him multiple times, as shown below:



75. These officers' repeated use of force against a handcuffed young man who had committed no crime, was not resisting arrest, and did not pose a threat to anyone was grossly excessive.

76. Mr. Dennis was taken to Memorial Regional Health following this grossly excessive use of force.

77. Predictably, having been tased at least five times Mr. Dennis' blood pressure and pulse rate sky-rocketed to potentially lethal levels. He had recorded blood pressures as high as 206/154 and was suffering arrhythmias.

78. He was in serious condition, his heart was beating irregularly, and his blood chemistry was dangerously altered.

79. At the hospital Mr. Dennis was heavily sedated and intubated.

80. He by then had fluid build-up in his lungs, was diagnosed with acute respiratory failure, and was flown via Flight for Life to St. Mary's Cardiovascular Intensive Care Unit in Grand Junction, Colorado.

81. Mr. Dennis remained heavily sedated and on a ventilator for nearly 24 hours.

82. When he woke up Mr. Dennis had tubes coming out of his mouth, a catheter, and was unsure where he was or what had happened.

83. These serious medical outcomes were a highly predictable result of Defendants' excessive force.

84. Taser's own manufacturer recognizes the risks that its electric shock weapon poses, especially when used repeatedly, and warns law enforcement users that tasers cause physiologic and/or metabolic effects that can increase the risk of death or serious injury, including changes in blood chemistry, blood pressure, respiration, heart rate and rhythm, and adrenaline and stress hormones.<sup>4</sup>

85. Taser's manufacturer specifically warns that repeated taser applications can "contribute to cumulative exhaustion, stress, cardiac, physiologic, metabolic, respiratory and associated medical risks," that people suffering from drug intoxication or chronic drug abuse may be particularly susceptible to the effects of tasing, and that "[i]n a physiologically or metabolically compromised person, any physiologic or metabolic change may cause or contribute to sudden death."<sup>5</sup>

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<sup>4</sup> Axon, *TASER Conducted Energy Weapon (CEW) Law Enforcement Warnings*, 1-2 (Oct. 30, 2018), available at [https://axon.cdn.prismic.io/axon%2F3cd3d65a-7500-4667-a9a8-0549fc3226c7\\_law-enforcement-warnings%2B8-5x11.pdf](https://axon.cdn.prismic.io/axon%2F3cd3d65a-7500-4667-a9a8-0549fc3226c7_law-enforcement-warnings%2B8-5x11.pdf).

<sup>5</sup> *Id.*

86. The manufacturer expressly and specifically directs that law enforcement users should not repeatedly drive-stun “emotionally disturbed persons” or others who may be experiencing a “mind-body disconnect.”<sup>6</sup>

87. In fact, there is a national consensus amongst the law enforcement community that officers should not tase people under the effects of drugs, those experiencing excited delirium, or people in handcuffs, like Plaintiff here.

88. Defendants’ conduct severely violates Craig Police Department’s own written policies, including their Conducted Energy Device (Taser) policy, which directs that officers should not tase people multiple times, and that police should not tase “individuals who are handcuffed or otherwise restrained.”<sup>7</sup>

89. Nonetheless, no Defendant was disciplined for their egregious excessive force, total failure to intervene, and complete disregard of CIT and de-escalation principles, despite their conscious awareness that this situation obviously called for their application.

## V. CLAIM FOR RELIEF

### **42 U.S.C. § 1983 – Excessive Force in violation of the Fourth Amendment (Plaintiff against Defendant Officers Laehr, Lyons, & Hashir)**

90. Plaintiff hereby incorporates all of the forgoing paragraphs of this Complaint as if fully set forth herein.

91. 42 U.S.C. § 1983 provides that:

Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the

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<sup>6</sup> *Id.* at 6.

<sup>7</sup> **Exhibit 4**, Craig Police Department Conducted Energy Device Policy, at 63.

constitution and law shall be liable to the party injured in an action at law, suit in equity, or other appropriate proceeding for redress . . .

92. Plaintiff is a citizen of the United States and the individual police officer Defendants are persons for purposes of 42 U.S.C. § 1983.

93. Defendants, at all times relevant hereto, were acting under the color of state law in their capacity as Craig police officers, and their acts or omissions were conducted within the scope of their official duties or employment.

94. At the time of the complained of events, Plaintiff had a clearly established constitutional right under the Fourth Amendment to be secure in his person from unreasonable seizure through excessive force by law enforcement.

95. Any reasonable police officer knew or should have known of this right at the time of the complained of conduct as it was clearly established at that time.

96. Officers Laehr, Lyons & Hashir actively and jointly engaged in a use of force that was objectively unreasonable in light of the facts and circumstances confronting them, violating Mr. Dennis' Fourth Amendment right to be free from excessive force.

97. Defendants own reckless and deliberate actions immediately preceding the use of force precipitated any need to use such force and was immediately connected to any threat by Plaintiff.

98. In addition to engaging in excessive force these Defendants all failed to intervene to prevent their co-officers' blatant uses of excessive force, despite opportunity to do so.

99. It was not objectively reasonable for Officers Laehr, Lyons, and Hashir to repeatedly tase the unarmed, intoxicated, and emotionally distraught young man they were supposed to be protecting from injury, especially after he was handcuffed.

100. Mr. Dennis was not suspected of committing any crime, and his diminished capacity was apparent. He was known to be unarmed, was not resisting arrest or attempting to flee, and posed no threat to the police officers or anyone else.

101. Officers Laehr, Lyons, and Hashir engaged in the acts and omissions described herein pursuant to the custom, policy, and practice of Craig Police Department, which encourages, condones, tolerates, and ratifies the use of excessive force and deprivation of constitutionally protected interests by law enforcement officers.

102. Defendants' acts or omissions were the legal and proximate cause of Plaintiff's damages.

103. As a proximate cause and result of Defendants' unlawful conduct, Plaintiff has suffered actual physical bodily and emotional injuries, and other damages and losses as described herein entitling him to compensatory and special damages, in amounts to be determined at trial. These injuries include, but are not limited to, loss of constitutional and federal rights, physical injuries, great pain and emotional distress.

104. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. §1988, pre-judgment interest and costs as allowable by federal law.

105. In addition to compensatory, economic, consequential and special damages, Plaintiff is entitled to punitive damages against Defendants, in that their actions were taken maliciously, willfully or with a reckless or wanton disregard of Plaintiff's constitutional rights.

## **VI. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Court enter judgment in his favor and against each of the Defendants, and award him all relief allowed by law, including but not limited to the following:

A. Compensatory and consequential damages, including damages for physical injuries, emotional distress including but not limited to upset, anger, flashbacks, loss of trust, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;

B. Special damages including for all past and future health and medical/psychological care charges in an amount to be determined at trial including sums to satisfy any lien interests;

C. Punitive damages against the individual Defendants in amounts to be determined at trial;

D. Attorneys' fees and the costs associated with this action under 42 U.S.C. § 1988;

E. Pre- and post-judgment interest at the lawful rate;

F. Any further relief that this court deems just and proper, and any other appropriate relief at law or in equity.

**PLAINTIFF REQUESTS A TRIAL BY JURY.**

Respectfully submitted this 15<sup>th</sup> day of October, 2020.

/s/ Rachel Kennedy

Rachel Kennedy

John R. Holland

Anna Holland Edwards

Erica T. Grossman

Dan Weiss

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