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NC cop threw Black woman on glass shards after smashing car window with club: lawsuit

BY MICHAEL GORDON

APRIL 06, 2021 12:52 PM, UPDATED APRIL 06, 2021 03:55 PM



A Charlotte woman has sued the Mooresville Police Department and one of its officers over a 2018 traffic stop that turned violent. The driver, Danielle Downing, is Black; the officer, Josh Barlow, is white.



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Multiple studies of traffic stops in North Carolina have come to the same conclusion: Black drivers are far more likely to be pulled over, searched and arrested by police.

Now, a new federal lawsuit uses harrowing, roadside detail to bring those statistics to life.

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In her complaint, a Black driver from Charlotte says she was brutalized during an April 2018 police stop in Mooresville, even as she tried to comply with the officer’s orders.

Danielle Helena Downing, now 39, claims that Mooresville police Officer Josh Barlow used his billy club to smash her car window of her Toyota Camry as she was attempting to hand him her vehicle registration, her lawsuit says.

She says Barlow, who is white, then dragged her from the car and threw her to the pavement on top of the shards of window glass, leaving her with multiple cuts and other injuries that required hospital treatment. Days later, she says in the complaint, Downing pulled a piece of the window glass from her mouth.

At no point did Barlow ever tell her why she had been stopped, according to the complaint. A copy of the incident report obtained by the Observer does not indicate what initiated the stop. Downing’s subsequent arrest, she alleges, was based on Barlow’s “false version of events.”

Two days after the incident, according to the lawsuit, Downing filed a formal complaint with the Mooresville police. Soon afterward, one of Barlow’s superiors — an unnamed lieutenant — broached a discussion with Downing about what had taken place along the roadside.

He asked her: “What is it going to take to get all of this to go away?” the lawsuit says.

Downing’s lawsuit names Barlow, the Town of Mooresville in Iredell County and the police department as defendants. It accuses them of constitutional violations involving unreasonable seizure and excessive force, negligence, and assault and battery.

Barlow, a police corporal, did not respond to an Observer email Monday seeking comment. Neither did Charlotte attorney Pat Flanagan, who represents the town and police department.

Mooreville spokeswoman Kim Sellers said Tuesday that the town had not received a copy of the complaint, but it would not be commenting on a pending case.

Downing could not be reached. Her attorney, Cheyenne Chambers of Charlotte, said she could not comment on an ongoing case.

TRAFFIC STOPS THAT TURN VIOLENT

Protests and headlines gravitate toward police use of deadly force against Black residents — as is the case in the ongoing murder trial of a Minneapolis officer charged in the killing of George Floyd.

Yet, traffic stops remain one of the lowest common denominators of what communities of color see as longstanding racial inequities.

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Black drivers disproportionately stopped, searched, analysis of CMPD data shows

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Charlotte Observer analyses in 2015 and 2020 of Charlotte-Mecklenburg Police stops found an unchanging needle: Black people make up only 35% of the county's population but 57% of the traffic stops.

Black drivers are almost three times as likely to be searched during those stops, according to an Observer analysis of 150,000 CMPD traffic stops from January 2019 to November 2020.

In Mooreville, according to figures compiled by UNC Chapel Hill political scientist Frank Bumgartner, Black people make up about 10% of the population but 20% of the stops. They are also three times as likely to be searched.

Police say such statistics offer too narrow a window into public safety strategies — that more Black drivers are pulled over in most cases because they are more likely to live in higher-crime neighborhoods and be victims of crime.

“What we’re talking about is trying to help the most highly victimized citizens in our county,” then-CMPD Deputy Police Chief Jeff Estes told the Observer in December.

Yet, while most traffic stops remain peaceful, some escalate into violence.

[An Observer analysis in 2015](#) of more than a decade of CMPD data found that officers reported encountering force three times as often when Black drivers and passengers were involved. Charlotte officers also used force more than twice as often against Black drivers and passengers as whites.

Against that backdrop, Downing's experience three years ago in Iredell County, 30 miles north of Charlotte, sounds almost commonplace, though it has never been reported before. What's more, according to the lawsuit, the incident may have been captured by Barlow's body-worn camera.

Just before 1 a.m. on April 25, 2018, Downing was pulled over by Barlow as she neared a gas station on Williamson Road in Mooresville.

According to Downing's lawsuit, Barlow was "noticeably agitated and impatient" from the start.

The officer asked for her license and registration without explaining why he had stopped her. Downing, according to the complaint, handed over her license. But she told the officer that she had misplaced her registration, keeping her hands on the wheel as she scanned the dashboard for the card, the lawsuit says.

Barlow returned to his cruiser to scan the license. When he returned, the lawsuit says, his demeanor had worsened.

DRIVER'S LICENSE AND REGISTRATION

When the panicking Downing found a pouch that held her registration card, she handed it to the officer through the opening in her driver's side window.

Barlow shoved the pouch back at her. In "a loud and abrupt tone of voice," he ordered the driver to give him only her card, the lawsuit says.

"Please give me one second, one second please," Downing replied, according to the complaint.

Instead, Barlow ordered her to get out of the car, later adding: "If you don't hurry up, I'm going to break your window," according to the lawsuit.

Before Downing had time to unfasten her seat belt or open her door, Barlow began pounding on her window with his billy club, the complaint alleges. The window soon gave way, showering her with broken glass.

The officer, who is described in the lawsuit as being well over 6 feet tall and weighing 250 pounds, then unlocked the door and unbuckled Downing's seat belt. He dragged her from the car by the shoulders and threw her to the ground on top of the broken glass, the complaint alleges. Downing, who suffered numerous cuts and bruises along with a chipped tooth, was then handcuffed and left on the ground.

Another officer approached her. "You know what you did," the second officer said.

In fact, according to the lawsuit, Downing still had not heard why she had been stopped or what she had been charged with.

She soon learned. Downing was arrested on two misdemeanor charges: Resisting a Public Officer and Assault on a Government Official, public records show.

Both charges were dropped six months later.

Barlow, a native of Jamestown, N.Y., joined the police department in 2016 after several years as a police officer in the Rowan County town of Landis. He was perhaps best known as the longtime partner of Baks, a K-9 officer who died in 2019 shortly after his retirement.

The officer's Facebook page includes tributes to Baks. Barlow posts under the pseudonym of "John Bulletjr."

Gavin Off and Joe Marusak contributed to this story.

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Michael Gordon has been the Observer's legal affairs writer since 2013. He has been an editor and reporter at the paper since 1992, occasionally writing about schools, religion, politics and sports. He spent two summers as "Bikin Mike," filing stories as he pedaled across the Carolinas.

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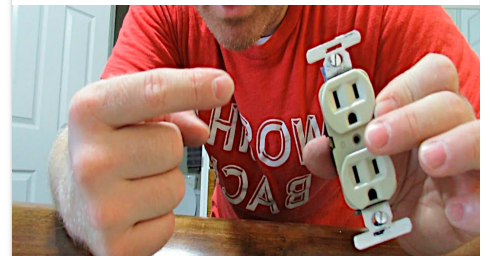
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