



**LAW  
ENFORCEMENT  
LEGAL UPDATE**

**A nationwide view of  
shootings involving  
police officers**

**BY TED GAISFORD AND STEVE LEONE, GENESIS**

On August 9, 2014, an 18-year-old African-American man named Michael Brown was fatally shot by a white police officer in Ferguson, Missouri, which brought national media attention to fatal shootings involving police officers. *The Washington Post* has been tracking all fatal police shootings since Ferguson, and according to its data, for the past two years there have been just under 1,000 fatal police shootings per year. Mental illness played a role in almost 25% of the incidents. The Genesis Public Entity Claim Unit monitors this data and tracks police use of force nationwide through settlements and verdicts, as well as other law enforcement trends.

The cases outlined in this publication are by no means all-inclusive and are intended to provide our clients with a representative sampling of case outcomes throughout the country.

## Police Fatal Shootings – 2017

# 773

people have been shot and killed by police in 2017.

# 963

people were fatally shot by police in 2016.

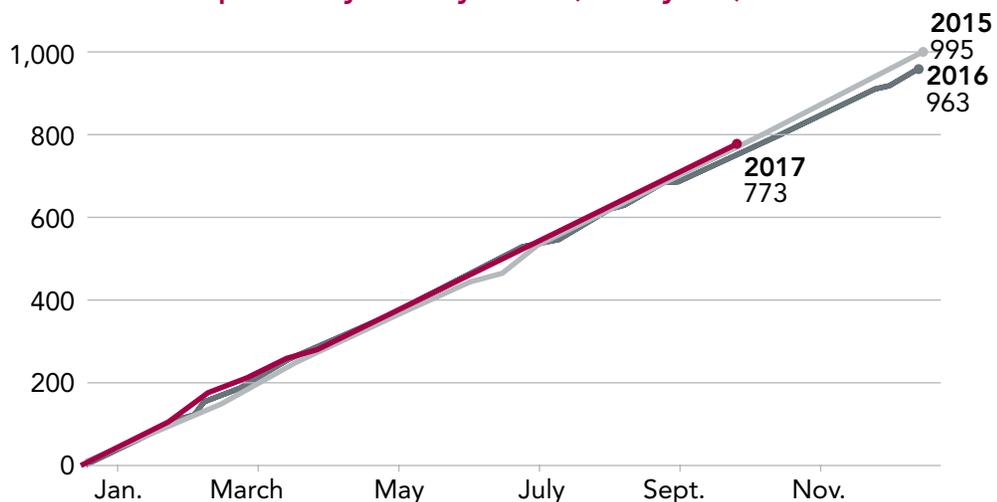


Mental illness played a role in almost 25% of the incidents.

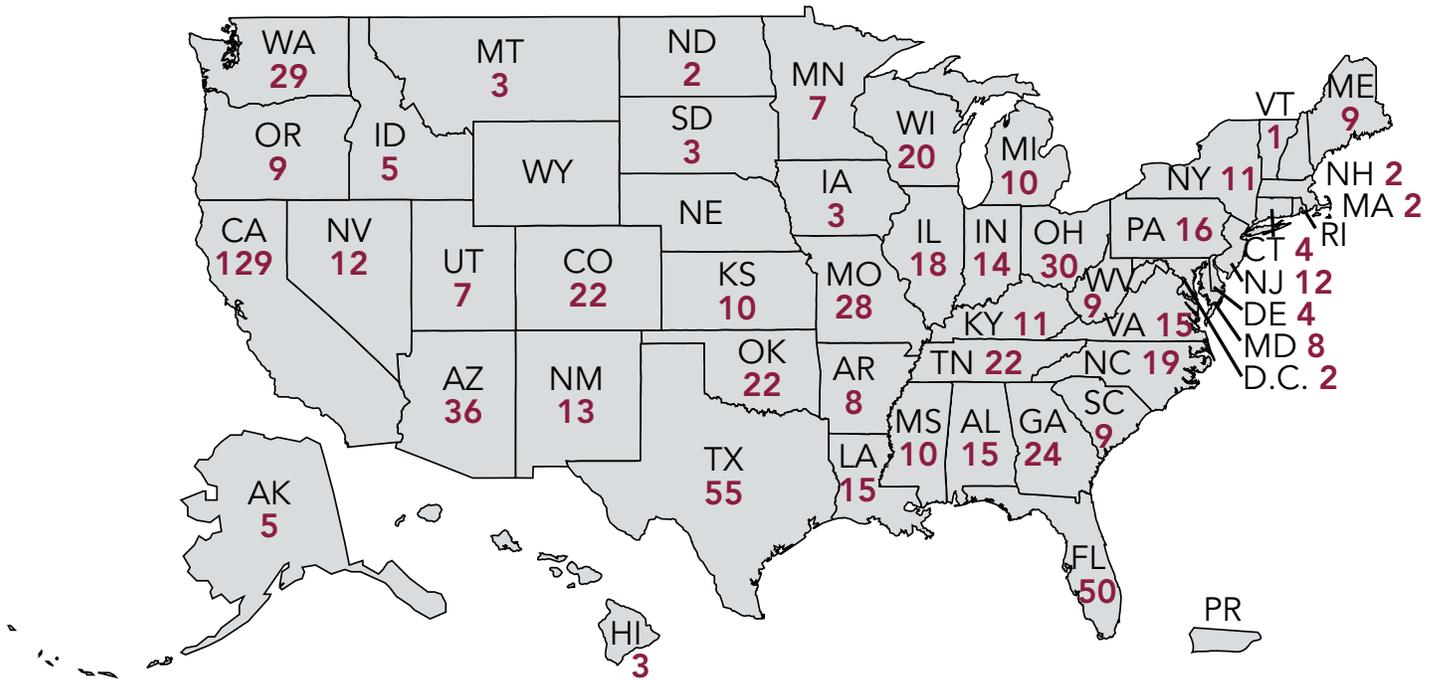
“As of a week ago, there have been **18 more** fatal shootings this year than at the same time last year.”

—The Washington Post, 10/13/17

### Number of People Fatally Shot by Police (last 3 years)



## Police Fatal Shootings – 2017 by State



Sources: <https://www.washingtonpost.com/graphics/national/police-shootings-2017/>; <https://github.com/washingtonpost/data-police-shootings>, 10/13/17.

## DID YOU KNOW?

### Police Body Cams

With the evolution of technology everywhere, police body cams may be changing too. Some police departments are testing the use of smartphone cameras.

*“The Jersey City Police Department is the first in the nation to test a new smartphone app called CopCast that allows officers to turn everyday cellphones into body cameras. After months of testing the system with 10 officers, the department is expected to sign an agreement this week to expand the technology to as many as 250 officers.”*

–USA Today, 6/25/17

*“A small number of police departments are showing interest in a new type of video camera that can be mounted directly on officers’ guns, saying it may offer a better view of officer-involved shootings than body cameras. Some law enforcement officials and civil rights groups are skeptical.”*

–phys.org, 10/14/17

### Taser Litigation

A report from Reuters found that 1,005 people died in the U.S. following interaction with police in which Tasers were involved. Key findings were:

- > **Autopsy findings**—In at least 153 cases, Taser deployment was a cause or contributing factor in the deaths. Taser International has long argued that its weapons are almost never to blame.
- > **Settlements and award**—More than three-fifths of the 366 concluded lawsuits against governments, resulted in judgments or settlements for the plaintiffs (220 settlements and 12 judgments).
- > **Reuters was able to determine the payouts in 193 cases**, totaling \$172 million paid by cities and their insurers. That dollar figure does not include three dozen cases in which settlements remained confidential or were unavailable.
- > **More than 440 lawsuits** were filed against police and municipalities.

Source: Reuters, 8/22/17. Review of court documents, police reports, other public records and news accounts from 1983 through 7/31/17.

# Examples of Settlements & Verdicts With Police Use of Force

## 2017

### July 2017

\$7M verdict

*Ashley DiPiazza vs. City of Madison, WI*

The jury found that two Madison police officers used unreasonable force when they shot and killed a 26-year-old woman who was pointing a gun at her head. (No mention of body cam video.)<sup>1</sup>

### July 2017

\$15M verdict

*Leonard Thomas vs. Lakewood, et al., WA*

An unarmed African-American man, who was drunk and suffering from bi-polar disorder, was shot and killed in front of his young son. Two armored vehicles and at least 27 officers, including a metro SWAT team, responded to a misdemeanor domestic violence call, which led to the fatal encounter. No firearms were found in the house. (No mention of body cam video.)<sup>2</sup>

### June 2017

\$1.5M settlement

*Michael Brown vs. Ferguson, MO*

An 18-year-old unarmed African-American man was fatally shot by a white police officer who argued that during the struggle, Brown was reaching into the police vehicle and the officer feared for his life. In the aftermath of the shooting, a grand jury declined to charge the officer with murder. Following the decision, widespread unrest, including protests and demonstrations, broke out in Ferguson as well as in other major U.S. cities. (No police body cam video.)<sup>3</sup>

### June 2017

\$3M settlement

*Philando Castile vs. City of St. Anthony, MN*

A 32-year-old man was fatally shot after a routine traffic stop (for a broken tail light) when the officer thought he was reaching for a gun. (In addition to police video of the incident, the aftermath was livestreamed on Facebook by his fiancée passenger.)<sup>4</sup>

### May 2017

\$2.3M settlement

*Dontre Hamilton vs. City of Milwaukee, WI*

A mentally ill African-American man was fatally shot in a 2014 confrontation with a white police officer. (No mention of police video.)<sup>5</sup>

### April 2017

\$5.5M settlement

*Stanislav Petrov vs. Alameda County, CA*

Petrov was severely beaten with metal batons by deputies while attempting to surrender. He led them on a 38-minute vehicle pursuit in a suspected stolen car. He sustained a concussion, deep head cuts and multiple fractures. Deputies stated that Petrov used his car to ram two patrol cars. The officers have since been fired and face assault with a deadly weapon and other charges. (Private surveillance video captured the incident.)<sup>6</sup>

### March 2017

\$10.25M verdict

*Elliott Williams vs. Tulsa County, OK*

An inmate sustained an unexplained broken neck and spent five days in that condition, leading to his death. (Cell surveillance video was in place.)<sup>7</sup>

### February 2017

\$2.25M settlement

*Tanisha Anderson vs. City of Cleveland, OH*

A mentally ill woman died of positional asphyxiation following a well-care call to police. (No mention of body cam video.)<sup>8</sup>

### February 2017

\$1.5M settlement

*Ezell Ford vs. City of Los Angeles, CA*

A mentally ill African-American man was shot and killed by L.A. police during a struggle over an officer's gun. (No mention of body cam video.)<sup>9</sup>



### February 2017

\$3.35M settlement

*Tony Robinson vs. the City of Madison, WI*

A Madison officer fired seven shots and fatally shot an unarmed 19-year-old, who, according to news reports, had taken hallucinogenic mushrooms and had become combative with the responding officer. Robinson's friend had called police because Robinson was acting erratically. (No mention of body cam video.)<sup>10</sup>

### January 2017

\$4.4M settlement

*Philippe Holland vs. City of Philadelphia, PA*

The alleged wrongful shooting of a deliveryman, 14 times, resulted in extensive surgery and seizure disorder. (No mention of body cam video.)<sup>11</sup>

### January 2017

\$1.5M settlement

*Jeremy McDole vs. City of Wilmington, DE*

The fatal police shooting of a 28-year-old wheelchair-bound man was captured on a by-stander's video.<sup>12</sup>

## 2016

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### November 2016

\$3M verdict

*Jason Moore vs. St. Louis, MO*

In the wake of the *Brown* shooting in Ferguson, a case was filed alleging the death by police stun gun of a mentally ill man in 2011. (No mention of body cam video.)<sup>13</sup>

### November 2016

\$9M settlement

*Brandon Ellingson vs. State of MO*

College student drowned after he fell out of a boat handcuffed and in an improperly secured life vest while he was in custody of a state trooper. (No mention of body cam video.)<sup>14</sup>

### October 2016

\$3.75M settlement

*Eurie Stamps vs. Town of Framingham, MA*

The 68-year-old grandfather of 12 was accidentally shot and killed by police during a drug raid. He was shot in the head while down on the floor as a SWAT team executed a drug-related search warrant at his home. His stepson was the target of the warrant. (No mention of body cam video.)<sup>15</sup>

### September 2016

\$587,500 settlement

*Steven Askew vs. Memphis, TN*

Police were investigating a noise complaint when they found the 24-year-old asleep in his car. MPD said Askew pointed a gun at the officers when they tried to wake him up. There were 22 shots fired, with 9 hitting him. The officers said, in conflicting statements, that Askew grabbed his gun, which was in the car. (Bystander video evidence.)<sup>16</sup>

### September 2016

\$1.9M settlement

*Sandra Bland vs. Waller County, TX*

A woman's in-custody suicide by hanging at the county jail led to an allegation of wrongful death and a police officer's indictment for perjury for making false statements about the circumstances surrounding her arrest. The charge was eventually dismissed in conjunction with an agreement with prosecutors, where the officer agreed to end his career in law enforcement in exchange for the dismissal. (Police body cam evidence of arrest.)<sup>17</sup>

### September 2016

\$6.4M settlement

*Freddie Gray vs. City of Baltimore, MD*

Gray, an African-American male, suffered a fatal spinal injury while he was transported in a Baltimore police van without proper restraints. Widespread protests broke out following the incident. The case garnered national media attention. (No police video.)<sup>18</sup>

### September 2016

\$1.2M settlement

*Demoria Hogg vs. Oakland, CA*

Firefighters saw the 30-year-old asleep inside a running car and called police because there was a gun on the passenger seat. Police spent more than an hour trying to wake Hogg, using a loudspeaker, breaking out the car's windows and banging on the doors. A rookie police officer said she shot Hogg because he reached toward the gun. She was cleared of any wrongdoing. (No video evidence.)<sup>19</sup>

July 2016

\$3.75M settlement

*Esau Castellanos-Bernal vs. Chicago, IL*

A father of three was shot and killed by two officers who claimed the pizza deliveryman opened fire on them after crashing his car. The family alleged excessive force claiming that the CPD detectives who investigated the shooting whitewashed the case—and that rigged investigations of police shootings were de facto city policy, citing that no gun was found. (No video evidence.)<sup>20</sup>

June 2016

\$22M verdict

*Arnold Black vs. East Cleveland, OH*

Black alleged that following a brutal beating by a police detective, he was locked in a storage closet with no toilet for four days and given nothing to eat or drink except for a carton of milk. Black testified that the officers put him in the storage closet to hide the severity of his injuries. (No mention of video evidence.)<sup>21</sup>

April 2016

\$4.85M settlement

*Sam DuBose vs. University of Cincinnati (UC)*

DuBose, an unarmed black male, was shot and killed by a UC police officer, following an off-campus traffic stop. The 43-year-old DuBose reportedly had 13 children with 11 different women. Under the settlement, the university will also establish a memorial for the victim, and it will provide a free undergraduate education for each eligible child. (Police body cam evidence.)<sup>22</sup>

April 2016

\$6M settlement

*Tamir Rice vs. City of Cleveland, OH*

An officer fatally shot 12-year-old Rice who was playing with a toy gun in a park when police were called to the scene. This death was one of several high-profile incidents that propelled an ongoing national discussion over how police officers use deadly force. (Area surveillance video captured incident.)<sup>23</sup>

April 2016

\$1.95M settlement

*Justin Cook vs. City of Chicago*

Cook's family alleged that while Cook was handcuffed and detained, he had an asthma attack and died. Although he allegedly told the officers he was having difficulty breathing and needed medical attention, help was not provided promptly. (No video evidence.)<sup>24</sup>

April 2016

\$2.2M jury verdict

*Christian Eaddy vs. Los Angeles, CA*

A well-care call received by police stated a 26-year-old mentally ill man had stabbed himself and was wielding two knives. When officers arrived, he refused orders to get on the ground and advanced at them. The responding officer fired a single fatal shot. During the civil trial, his family contended that the bullet struck Eaddy in such a way that it showed he had turned away from officers. (No video evidence.)<sup>25</sup>

April 2016

\$4.95M settlement

*Philip Coleman vs. City of Chicago*

A mentally ill man died soon after police arrested him for domestic violence. A video in his holding cell showed police officers deploying a Taser 13 times before dragging him on the ground in handcuffs. An autopsy concluded that Coleman died from a reaction to an antipsychotic drug he received while receiving medical care later that day. The report also revealed that he had experienced severe trauma, including more than 50 bruises during the altercation with police. (Video evidence from jail cell.)<sup>26</sup>

March 2016

\$6M settlement

*Danroy Henry, Jr. vs. Pleasantville, NY*

A local college student was parked in a fire zone late at night outside of a bar when an officer knocked on his window to ask him to move it. The student (with a .13BAL) reacted by attempting to speed off. Observing this, an officer from another town stepped in front of the car at which time the student is alleged to have accelerated toward the officer. Upon impact and while clinging to the hood of the car, the officer fired through the windshield striking and killing him. (Post incident bystander video.)<sup>27</sup>

## 2015

### October 2015

\$6.5M settlement

*Walter Scott vs. North Charleston, SC*

An unarmed, 50-year-old was fatally shot after being pulled over, reportedly for a broken brake light, and later shot in the back as he was running away from police. Not long after the shooting, the officer dropped his Taser next to Mr. Scott's body, in what the prosecutors stated was an effort to plant evidence to cover up a murder. The officer eventually plead guilty in the shooting. This case garnered national attention. (Bystander video evidence.)<sup>28</sup>

### September 2015

\$5.5M jury verdict

*Kenneth Smith vs. Cleveland, OH*

Smith was shot and killed after a disturbance outside a downtown nightspot by an off-duty police officer. The prosecutor concluded that Smith was lunging for a gun and that the officer fired to protect others, but Smith's family questioned that account suggesting he was shot when he was outside the car he'd been riding in—and away from a gun later found in the vehicle. (No video evidence.)<sup>29</sup>

### July 2015

\$5.9M settlement

*Eric Garner vs. City of NY*

Garner, an African-American man, was taken down and being held in an apparent chokehold by police. He had been apprehended for allegedly illegally selling cigarettes. He repeatedly yelled, "I can't breathe! I can't breathe!"—words that would later become a rallying cry at anti-police demonstrations. (Bystander cell phone video.)<sup>30</sup>

### July 2015

\$4.7M settlement

*Zeferino vs. Gardena, CA*

Zeferino settled for \$2.8M and his injured coworkers, Mendez and Amado, settled for \$1.7M and \$200K respectively. They were with Zeferino looking for Zeferino's brother's stolen bicycle when officers mistook the three men as the robbers. The video, which is online, depicts the men with their hands raised as officers had their guns drawn. Zeferino then drops his hands near his waist multiple times, resulting in a flurry of shots, killing Zeferino and wounding his coworkers. (Police video mounted on two patrol cars.)<sup>31</sup>

### July 2015

\$5M settlement

*James Boyd vs. Albuquerque*

A schizophrenic homeless man, who was holding two knives, was shot and killed. The 2014 standoff occurred near a tent in the foothills of the Sandia Mountains where he had been camping. The incident sparked angry demonstrations around Albuquerque. (Police body cam evidence.)<sup>32</sup>

### April 2015

\$650K settlement

*Francis Pusok vs. San Bernardino County, CA*

Pusok was punched and kicked by a group of deputies following a pursuit on horseback. He had been a suspect in a theft investigation. When deputies arrived to serve a search warrant in an unrelated case, he fled, triggering the police chase. Eventually Pusok abandoned a car and stole a horse, officials said. (Bystander video KNBC TV helicopter.)<sup>33</sup>

### April 2015

\$5M settlement

*Laquan McDonald vs. City of Chicago, IL*

McDonald, 17, who police say was wielding a three-inch knife, was shot 16 times. The involved officer's testimony was subsequently found to be in conflict with the police video, which led to the indictment of three of the officers. (Dash cam video captured the confrontation but there was a delay in releasing the video to the public.)<sup>34</sup>

### February 2015

\$8.3M settlement

*Martin Harrison vs. Alameda County, CA & Corizon Health*

A 49-year-old father of five was arrested for jaywalking and a warrant check revealed an outstanding failure to appear for a DUI. While in custody at the Santa Rita Jail, he was tasered and beaten to death while he was in life-threatening Delirium Tremens caused by the defendant's failure to implement proper alcohol withdrawal protocols. An additional \$1M was paid to settle one of the minor claims prior to mediating the rest. (No mention of surveillance cameras.)<sup>35</sup> ■

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## Endnotes

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