

Posted 4/14/13

Who Wants to be a Millionaire (L.A. Edition)?

Officer missteps come with big price tags

By *Julius (Jay) Wachtel*. If you're willing to risk a posthumous reward there's no need to spend your bucks on Powerball. Just give the cops a hard time. Federal law (42 USC 1983) lets citizens who feel they have been wronged by police sue in U.S. District Court for violations of their Constitutional rights. Interested? Here are some recent civil verdicts in the Los Angeles area:

- [September 2012](#): In 2005 LAPD officers chased a drive-by suspect on foot, then shot him multiple times when he turned around. All the cops found was a cell phone. Left a near-paraplegic, the suspect was convicted of the drive-by in 2009 and paroled last year. He then sued. Jurors awarded \$5.7 million.
- [October 2012](#): In 2009 a mentally ill 39-year old woman knocked an officer to the ground with a wooden board. His partner fired, striking her three times. Officers followed up with a Taser shot. Jurors called their acts "malicious" and awarded \$3.2 million.
- [November 2012](#): Also in 2009 LAPD officers encountered an older, disabled man while searching a home. They handled him roughly, applying handcuffs so tightly that he was left permanently injured. Jurors awarded \$1.6 million, plus \$70,000 in punitive damages against an officer.
- [November 2012](#): In 2009 L.A. County sheriff's deputies boxed in a drunk driver who rammed two parked cars. The driver jammed his vehicle into reverse, striking a patrol car and knocking a deputy down. His colleagues then fired a barrage of sixty-one rounds, killing the man. Jurors awarded his widow \$8,756,000.
- [December 2012](#): *Twenty-four million dollars*. That's what the City of Los Angeles must pay for the December 2010 shooting of a teen whose air gun – he was playing with friends – was mistaken for a real weapon. The boy was paralyzed, and jurors agreed that the officer who fired the shot had been negligent.
- [March 2013](#): In a similar incident in 2009 deputies shot a 15-year old boy who was holding what turned out to be a toy gun. Fortunately, the youth recovered. Jurors recently awarded him \$1.1 million.
- [April 2013](#): We previously posted about [Douglas Zerby](#). In December 2010 Long Beach police responded to a call about an intoxicated man with a gun. Officers fired twelve rounds, killing him. The "gun" turned out to be a water nozzle. Zerby's family was recently awarded \$6.5 million.

As one might predict, all the above verdicts were denounced by police and city leaders. [Here's what LAPD Chief Charlie Beck said](#) after the \$24 million judgment: "If our officers delay

or don't respond to armed suspects, it could cost them their lives." [Here's his comment after losing the \\$3.2 million case](#): "I don't expect my officers to be hurt or killed by someone before they act" (he also announced that internal and external review boards had cleared the officers. What he didn't point out is that the department conducts the actual investigations.)

Most cops accept considerable risks. They have to. Given the uncertainties of policing and the propensity of citizens to behave oddly, bodies would otherwise line the streets by the end of each shift. To be sure, officer skills vary. Some cops are more levelheaded than others. But tragic outcomes are not unavoidable. They're certainly not foreordained.

Your writer likes to tell students that officers should comport themselves as though their chief is in the right front seat. Yet if their public pronouncements are to be taken at face value, Chief Beck and Sheriff Baca would be useless as ride-alongs. Perhaps they're afraid that encouraging reflection and self-criticism might endanger their careers. Both are surely aware of the example of former LAPD Chief Bernard Parks, a strict disciplinarian whose contract wasn't renewed, supposedly because of pressures from the police union.

Tolerating lousy police work might make a chief popular with the troops, but it's certainly no solution. Despite evidence that some of his officers were seriously out of control, [Seattle PD Chief John Diaz kept looking the other way](#). Citizens finally had enough, sparking a Federal civil rights inquiry and [forcing the chief into retirement](#). Closer to home, [citizen protests over a spate of police shootings](#) led to the recent resignation of Anaheim's city manager and the sudden retirement of police chief John Welter.

Meanwhile the problem/denial cycle persists. Consider [LAPD's recent mistaken shooting](#) of two women pizza delivery persons during the manhunt for ex-cop Chris Dorner. Chief Beck called it "a tragic misinterpretation" by officers who were under "incredible tension." That lame excuse [didn't sit well](#) with everyone. After all, properly handling "incredibly tense" situations is what we *expect* officers to do.

Attending to the quality of policing is what we *demand* from their chiefs.