

Lawsuits against Dallas police costing city millions

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Crime may not pay, but the Dallas Police Department has been making people rich the past few years.

Since 2011, the Dallas City Council has approved 10 six-figure settlements or verdicts for lawsuits against the police department, according to city records. Those payouts have added up to about \$6 million.

Lawyers and officials are conflicted on what those payouts mean for the city and the department. Some believe the lawsuits reflect cultural problems within the department, while others say there is no real trend at all.

But two things are certain: Video is increasingly playing a major role in the cases, and the city has had to dole out money frequently and in some of the biggest sums since the fake drugs episode in the early and mid-2000s. That scandal rocked the department and led to millions of dollars in lawsuit payments, demotions, firings and even criminal charges.

In the past six months alone, three cases — two settlements and a jury verdict — have led to the city paying out more than \$1 million each.

Between 2006 and 2010, the city paid out more than \$100,000 in lawsuits against the department only six times, for a total of nearly \$1.6 million. The biggest was an employment retaliation case that led to a former police sergeant and his attorney splitting \$535,000 in October 2008.

Dallas lawyer Daryl K. Washington, who recently filed a lawsuit for a man who was shot at by two officers last year outside his apartment, said the payouts reflect that officers and commanders keep putting the city at risk.

“It signals and identifies that there is a major problem that is taking place in the city of Dallas,” he said. “And it’s about time someone came in and understood that the

system and the police department, the training that is being offered — something needs to be done. There needs to be some kind of overhaul to the system.”

Chief David Brown said recently that people appear to be more litigious than in years past.

But, he added, “I’m not making excuses for us because in some of the cases, our officers didn’t do what we’d like them to do.”

“They did violate our policies and didn’t follow our training procedures,” Brown said. “There is no excuse for that leading to a payout.”

Videos level the field

Some of the cases have led to changes in departmental policy. For instance, police officials banned a controversial neck hold after the 2003 death of Allen Simpson at the hands of two officers. The city later paid \$800,000 to the family and lawyers in that case.

More recently, Brown increased the amount of use of force training for officers and has fired officers involved in questionable incidents. He said he would “continue to be firm” on both training and discipline to help avoid future lawsuits.

The department is also field-testing cameras worn on the uniform. Brown has called them “the future of law enforcement.”

Scott Palmer, a Dallas lawyer who won a false-arrest case in 2012 that involved video, said all officers should be issued body cameras and wear body microphones. He said the devices can protect the officers against frivolous lawsuits — and hold them accountable if they really do screw up.

He said that for the small percentage of officers who are “behaving badly,” video — despite its one-dimensional nature and possible clarity issues — has been a game-changer for civil court jurors.

“The video doesn’t lie and they trust it, and it is trustworthy,” he said. “Twenty years ago, or even 10 years ago, you weren’t seeing as many videos.”

Videos helped Dallas lawyer Don Tittle — who represented wrongly accused clients in the fake drugs scandal — hit the city with a one-two punch in false-arrest cases earlier this year.

“The frequency with which we now have videotapes has certainly leveled the playing field,” he said. “Now, in all those scenarios where we had an individual’s word

against an officer — which was always a loser for the individual — if there is videotape, it doesn't lie, and it has changed things.”

In January, a jury awarded \$800,000 to Olivia Lord, a woman who was arrested and jailed for nine days in connection with the death of her boyfriend. The city agreed to pay Tittle \$400,000 in attorney's fees on top of that. During the trial, the jury saw video of a homicide detective screaming at Lord during an interrogation that she killed the man.

And in March, the city approved a \$1.1 million settlement for Tittle's client Ronald Jones. He was beaten during a December 2009 arrest and jailed for months on a charge of aggravated assault against a public servant that was later dropped. In that case, dash-cam video showed the arrest unfolding much differently than in officers' account.

Brown said that officials believed the Jones case wasn't cut and dried. But he said the city attorney's office decided to settle after determining it wouldn't play well with a jury.

He also said then he didn't see the lawsuits slowing down any time soon.

Another peak?

Tittle has filed another lawsuit against the department for Officer Cardan Spencer's October shooting of Bobby Gerald Bennett. Police originally charged Bennett, who had a knife, with aggravated assault of a public servant.

The charge wasn't dropped until a neighbor released surveillance video of the incident. The video showed that Bennett — who survived the shooting — never stepped toward Spencer and his partner, contrary to the partner's account. Spencer was later fired and was indicted last month.

Tittle has alleged in the suit that the department failed to properly train Spencer, even after the officer's tactics were questioned in another police shooting years before.

Bob Gorsky and his legal partners have represented some of the officers questioned in lawsuits, including Spencer. He said he doesn't see a larger cultural problem among officers or with the department's training.

But he does believe some commanders haven't learned from past mistakes. That has led to some big employment-related cases involving whistleblowers at the department that his firm has won.

“It would seem like over a period of time the department would learn how to treat officers who report misconduct in an even-handed way,” Gorsky said.

He said the civil rights case payouts are probably just another peak in the ordinary ups and downs of litigation. Still, high-profile cases can make jury trials difficult these days, he said.

“In general, I think people in our community still respect the police,” he said. “But obviously, when police officers take a beating in the news night after night, and these cases receive the notoriety that they do, it can’t help but impact jurors when they hear these cases.”

Meanwhile, Washington, who has several pending cases against the department, commended city officials for settling some cases rather than trying to drag out battles in court.

“In a lot of cases, people have lost their lives,” he said. “And there isn’t a dollar amount you can put on a person’s life.”

AT A GLANCE: Settlements and verdicts

March 2014: The Dallas City Council approves a \$1.1 million settlement for Ronald Jones, who was beaten up and jailed on a charge of aggravated assault against a public servant in December 2009. The charge was later dropped, and dash-cam video contradicted much of the officers’ account of the incident.

January 2014: A jury awards Olivia Lord \$800,000 after finding that a homicide detective wrongly jailed her on a murder charge. Video of an interrogation shows the detective yelling at her that she was guilty.

December 2013: The City Council approves \$1.15 million for the family of Fred Bradford, who was fatally struck by a squad car while he was apparently trying to elude officers on his bicycle on April 21, 2013. The lawsuit alleged that the officers moved evidence and tried to cover up the incident.

June 2013: The City Council approves a \$435,000 settlement for James Gurski. The lawsuit alleged that Gurski was discriminated against after he told supervisors that he had mental disorders that limited his ability to work a patrol rotation. He was placed on leave, and bulletins with his picture were posted all over police buildings saying he wasn’t allowed inside. He also alleged that officers were assigned to monitor him and guard his supervisors.

June 2012: The City Council approves a \$423,000 settlement for Lavell Fairbanks. He alleged that officers beat him repeatedly in the head with a flashlight, which later led to the removal of part of his skull.

June 2012: The City Council approves a \$500,000 settlement for Rodarick Lyles. Dash-cam video showed an officer kicking Lyles in the head and pepper spraying him after he was handcuffed and lying on the ground motionless.

May 2012: The City Council approves a \$500,000 settlement for Andrew Collins. Dash-cam video showed Collins, who was fleeing officers on a motorcycle in September 2010, get clipped by a squad car. The video then showed officers beating him on the ground.

February 2012: A jury awards Thomas Hannon \$169,000. Hannon was arrested in 2007 after police said he was holding a bag with guns and drugs outside a hotel. He spent 10 months in county jail awaiting trial before the charge was dropped. Surveillance video showed he wasn't the suspect in the case. His attorneys accused officers of hiding the video.

Note: Some settlements include attorney fees.

SOURCE: *Dallas Morning News* research