Police Liability Trends

UTAH RISK MANAGEMENT MUTUAL ASSOCIATION
GENRE (OUR REINSURANCE PROVIDER)
TOP 5 LIABILITY CONCERNS FOR THIS NEXT YEAR:

1. Police
2. Police
3. Police
4. Police
5. Police
SPECIFIC AREAS OF CONCERN:

- Dealing with the mentally ill
- Taser
- Shooting people
- Gun points
- Suicide by Cop
- Duty to intervene
BODY CAM: POLICE USE TASER ON MENTALLY ILL PATIENT
NAKED NINJA VS. COPS
MENTALLY ILL

Â5% of population.
Â7-10% of law enforcement contacts.
ÂAverage of 6 encounters/month per officer (based on 3 city study).
Â25% of people killed by police are mentally ill.
Â1 6% of people in jail are mentally ill.
ÂAlmost ¾ of mentally ill prisoners have substance abuse issues.

[Image of word cloud with mental health terms]
CHALLENGES FOR OFFICERS:

- Sometimes hard to recognize.
- Officers have to deal with what is happening in dynamic situations.
- De-escalation is not always effective or, in some rapidly evolving situations, appropriate.
- Impossible to predict how they will respond to use of force (Taser).
- 30 minute cure.
- Lack of training.
WHAT ARE THE COURTS SAYING?

Armstrong v. Village of Pinehurst
Aldaba v. Marshall County
When you go to a call to save or help a person, it’s not a good idea to kill them.
SO WHAT DO WE DO?

Training – lots of it.
Ideal – every officer receive CIT training. At a minimum, always have someone on duty who has had the training.
Memphis implemented CIT’s – reduced injuries to mentally ill by 40%.
New online training available through URMMA.
REDNECK WEDDING – GROOM GETS TASED TWICE
THE TASER

No tasing unless there is an immediate threat to the officer???

New evidence that the Taser can cause ventricular fibrillation.

Excited delirium – the fight is on then they die.

Repeated applications problematic.

Can’t aim for face, chest or genitals. What’s left?
BODY CAM VIDEO: GLENDALE OFFICER SHOOTS KNIFE-WIELDING MAN ON I-75
SHOOTING PEOPLE

Perspective:

- Police kill about 500 people/year in the United States (Washington Post says 990 last year):

  - 25% are suffering from mental illness.
  - 25% are fleeing from the police.
  - 9% unarmed.
  - 6% of shootings caught on body cameras.
BLACK LIVES MATTER

32.2% of people killed by police between 2009 and 2012 were black males.

Black males only comprise 6% of the population.

—BUT…
41% of officers murdered in the line of duty are killed by black males.

Blue lives matter also.

19,000 black males killed in the same time period (2009-2012):

- 2.5% killed by police
- 93% killed by criminals
- 90% killed by other black males.
Officers are being prosecuted for manslaughter by overzealous prosecutors.

44,000 to 98,000 killed each year by medical malpractice.

Supreme Court says only what is happening at the time of the shooting is relevant.

Courts are starting to look at the police conduct leading up to the fatal shooting.

A couple of circuits are departing from that stance.

Officers’ prior history is being examined.
OFFICERS HAVE TO ACT PROFESSIONALLY AFTER SHOOTING

• Don’t text about it. Your text will bite you.
• Give aid if it’s safe to do so.
• No cussing. It appears common to drop an f-bomb or two after shooting someone.
GUN POINTS

• Courts starting to consider it a use of force, even though no physical force is applied.
• Absent an articulable threat, it’s a violation of civil rights.
• Gun points are a common police tactic.
• Police are VERY unhappy about this trend. They don’t want to lose the tactical advantage.
• Document gun points as a use of force.
  Compile data on how many times you point a gun at someone and don’t shoot them.
• Low ready is not a gun point.
SUICIDE BY COP

- There is no duty to save someone from themselves.
- If you punt the door, you are going to have to shoot someone. Don’t force the issue.
- It’s okay to back away as long as the suspect is isolated, and there is no real threat to the safety of others.
- Not good to kill someone when you go to see if they need help.
**Duty to Intervene**

- Officers cannot stand by and watch a partner beat on somebody.
- They have to intervene.
- Officers are being sued for failure to intervene.
- Once a suspect is cuffed, get off of him. Move him to a position where he can breathe better.
Supervisors must review body cam footage on a consistent basis.

Write use of force reports from a standpoint of response to resistance. Detail in the report the resistance given by the suspect.

Relax a little on the handcuffs. You don’t need to handcuff 90 year old ladies.

Be careful with people who have a previous injury.
CAR CHASE IN HOUSTON ENDS IN HELICOPTER PILOT TACKLING SUSPECT