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# The cost of policing gone awry

## Has the Philadelphia Police Department been doing enough to reduce liability?

By Robert Moran

Inquirer Staff Writer



STEVEN M. FALK / Philadelphia Daily News

Porsche Brown, who was arrested at school for having scissors in her school bag, with her mother, Rose Jackson.

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Police work is dangerous for sure, but it can also be costly when it goes awry.

Each year, Philadelphia spends millions of dollars to settle lawsuits against the Police Department.

The payouts cover shootings and beatings, auto accidents, officers who sued the department, and even a man who injured his knee stepping into a pothole in a police parking lot.

In the last five years, the city has settled nearly \$32 million in claims, records show.

For fiscal 2007, which ended June 30, the city paid out more than \$8 million, the most in the last five years, according to records kept by the City Controller's Office.

For comparison, Los Angeles settled \$9.6 million in calendar year 2006. New York City paid \$38.3 million to settle cases involving "police misconduct" in fiscal 2006.

In Philadelphia, many of the settlements stem from civil-rights cases, typically covering allegations of excessive force, false arrest or false imprisonment.

Nearly \$4.5 million in fiscal 2007 was paid to settle civil-rights cases.

That figure is far from the amounts paid out during the 1990s when the city dealt with lawsuits after the MOVE bombing and the 39th Police District corruption scandal. In one 12-month period in the mid-1990s, the city paid \$12.6 million for civil-rights complaints alone.

There are competing views on whether the department is doing enough to reduce its - and taxpayers' - liability for police actions.

Advocates for the plaintiffs, for instance, argue that Police Department standards are slipping. Other experts, including former City Solicitor Judith Harris, counter that costs are more likely driven by the vagaries of the civil court system.

David Rudovsky, one of the city's leading civil-rights lawyers, contends the problem lies with the department.

The recent settlements "reflect a continuing problem with police misconduct in the city of Philadelphia," he said.

That view was supported by R. Paul McCauley, a criminologist who has testified as an expert witness against the department in a number of civil-rights cases.

Based on evidence in those cases, McCauley said internal procedures, such as training, supervision and discipline - keys to reducing incidents that lead to lawsuits - had improved under former Police Commissioner John F. Timoney.

Since Timoney left in 2002, however, "some of the practices that were initiated and enhanced by Timoney have slipped, regressed," said McCauley, a professor at Indiana University of Pennsylvania and a former police officer.

Lt. Francis Healy, special adviser to Police Commissioner Sylvester M. Johnson, said the settlements were "not indicative of police misconduct" and involved many factors. Some cases are settled to contain costs "even though the merits are on our side."

"We're proactively trying to fix anything we can," Healy said. "We don't want bad cops out there."

City Solicitor Romulo Diaz Jr. did not respond to interview requests.

When considering a settlement in a lawsuit against the department and its officers, the city's attorneys weigh a number of factors. Chief among them is the potential size of a jury award should the city lose its case.

Harris was Mayor Ed Rendell's first city solicitor in 1992 and 1993. While she was in the job, the city was hit with a \$2.6 million jury verdict for a man who had been left paralyzed when shot by an off-duty police officer.

Harris said she had decided to create a civil-rights unit that would focus on these cases and figure out which ones were worth settling rather than deal with the uncertainty of a jury outcome.

Harris said the recent amounts appeared to indicate the city law department was doing a good job of managing the cases and minimizing the cost of complaints against the Police Department.

Walter P. Signorelli, author of the book *The Crisis of Police Liability Lawsuits*, argues, however, that settling too many cases can make matters worse.

"The more they settle, the more they get sued," said Signorelli, a former New York City police inspector and lawyer who teaches law and police science at John Jay College and St. John's University.

In the end, Signorelli said, it is important that police officers make sure they are making good arrests, even if it means making fewer arrests.

"If you're a cop, you've got to get your facts straight, dot your i's and cross your t's," Signorelli said.

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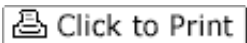
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