

The pressure of litigation, even when you win

By Harlan Stientjes and Tiffany Ambrose

Back in 2020, two officers were on patrol and recognized an individual driving another vehicle. They knew that his license was suspended and when they called his name into dispatch, found out he had active DOC (Department of Corrections) warrants as well. This individual was also known to have guns on his person, so officers were cautious.

Seeing the officers, the claimant got out of the vehicle. Officers did as well, and a foot pursuit began. When the claimant saw he was being pursued, he began to run. Officers used verbal commands to get him to stop, but he did not. One of the officers deployed a taser which struck and knocked the assailant down, but the probes didn't hold in his baggy clothing and he got up and began to run away again. A short while later, while still running with officers in pursuit, he tripped and fell in an alley. When he fell, a gun came flying out of his pocket onto the ground. He grabbed the weapon and looked back at officers, as he did, he was shot. Our member's officer shot three times striking him once, yet he still got up and continued to run away. Officers continued to pursue him and eventually found him bleeding out a short distance away. Eventually, the assailant succumbed to his injuries and passed away.

His estate and parents filed a lawsuit against both officers, the Chief, and our member in 2022 alleging negligence, assault / battery, excessive force, and deprivation of familial relationship. The plaintiff's theory of the case was that this individual just wanted to run away, and that should not be a justification for being shot. They also argued, based on their interpretation of a surveillance video from an alley that the officer shot after the plaintiff had re-pocketed the gun, got up, and begun to run away again, which officers disputed.

As soon as the plaintiffs filed this case, *The Seattle Times* ran an article which heavily quoted the plaintiff and their theories which received substantial viewership. The local community also had much to say on social media groups and in local papers. The officer's name was attached to much of the social media and press coverage. Beyond the publicity, the officer had to sit for depositions, respond to interrogatories, and had the potential to lose his police certification under [RCW 43.101.105](#). The mental toll litigation takes can be substantial and can last years. Here it took two years between the filing of the lawsuit and the verdict.

WCIA-assigned defense counsel was successful ahead of trial on a motion for summary judgement in striking all but the assault / battery and excessive force claims. He was also able to get the Chief and other officers dismissed from the case before trial. This left the officer and the city as the only defendants at trial.

WCIA engaged in mediation before trial wherein the plaintiffs sought well into seven figures to resolve the case. WCIA staff did not think the value of the risk was that high so trial proceeded in the Western District at Tacoma. After a 6-day trial and a 2.5-hour deliberation, the jury returned a defense verdict.

Often plaintiff attorneys utilize the media to elicit emotional responses and taint the pool of potential jurors when initially filing claims or suits. Years afterward when a defense verdict or low settlement is achieved many defendants, both cities and officers, want to put the matter to rest and not risk further backlash within the communities they serve so no media is notified. This effectively leaves consumers of media with the misperception that law enforcement is not doing their job and that every case is worth millions of dollars.

The member's officer is back on duty, diligently performing his job for the public. He is thankful to have the litigation over and wrote to WCIA after the case: "It is great to finally be done with this case and having each of you there supporting me and the department, made this process even easier. I knew throughout the entire process that myself and the Police Department were in good hands and this was exceptionally exemplified during trial."

While any loss of life is tragic, litigation and the scrutiny it brings can be an incredibly heavy weight on all those involved.