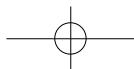
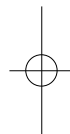


The Crisis of Police Liability Lawsuits



The Crisis of Police Liability Lawsuits Prevention and Management

Walter P. Signorelli, Esq.

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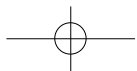
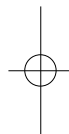
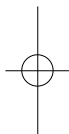
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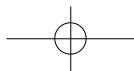
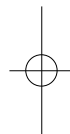
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About the Author

Walter Signorelli was a member of the New York City Police Department for thirty-one years. He served in ranks from police officer to inspector, held positions as the commanding officer of precincts in Brooklyn and Manhattan, and as an executive officer in the Detective Bureau, the Organized Crime Control Bureau, and the Narcotics Division. He is a graduate of St. John's University School of Law, cum laude, and of the Columbia University Police Management Institute. Since his retirement from the police department in 1998, he has practiced law and acted as a police practices consultant and expert witness for both plaintiffs and defendants in numerous police-liability lawsuits. Currently, he is an adjunct professor of law and police science at John Jay College of Criminal Justice and at St. John's University, School of Professional Studies.



Introduction

While I was a member of the New York City Police Department from 1967 to 1998, I was well aware of the hazards police officers faced from potential lawsuits, but I did not realize the full extent of police vulnerability until I retired and became a participant in the lawsuit process. During my practice as an attorney and a consultant, I have noted the dramatic increase in the number of lawsuits against police, the expanding types of theories on which to sue, and the exorbitant jury awards given to some undeserving plaintiffs. I have also noticed the patterns of recurring mistakes made by officers—mistakes that have allowed attorneys to prove liability even when the officers had acted in good faith and in accordance with their responsibilities.

Many lawsuits against the police are justified and serve the purpose of obtaining compensation for injured plaintiffs. Many more are unjustified, and proceed through the legal system only because police officers have been ill prepared to defend themselves and their departments. Some of the more egregious cases that have resulted in coerced settlements or unjust verdicts against the police have encouraged further lawsuits. As the number of successful lawsuits increases, the implications for law enforcement are profound. Levels of police morale, public confidence, and the recruitment of qualified candidates are showing severe signs deterioration.

The explosion of federal lawsuits through civil rights actions has magnified the problem, and has increased the potential liability of police supervisors, agencies, and the municipalities that employ them.

A premise of this book is that police officers are unnecessarily losing cases through inadequate awareness and preparation, and they unwittingly provide the ammunition for attorneys to use against them.

I attempt to raise awareness of these critical issues and to instruct law enforcement personnel regarding the risks they take and the common mistakes that increase their vulnerability. The book is also designed to train officers on how to conduct themselves during deposition examinations and trial testimony. Several chapters discuss the differences between criminal law, state

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tort law, and federal civil rights litigation, and the different roles police officers play in each category. The history and more recent developments of police-liability law are outlined.

Actual case summaries and transcripts of testimony are used as examples. Some of these have been abridged and altered to avoid the unnecessary identification of the participants. These examples illustrate the tactics used by attorneys to undermine the credibility and positions of police witnesses. They also illustrate proper and improper responses that police witnesses have given, and the results of these responses.

Police practices and procedures that tend to expose police agencies to liability are discussed. The exclusionary rule in criminal law, tailored testimony, and the disastrous consequences of even minor falsehoods are highlighted. Finally, strategies and recommendations for changes that will help prevent liability are offered.

The information and materials in this book are presented for general discussion, training, and educational purposes only and are not meant to be a source of legal advice to be applied to a particular case. Law enforcement officers and agencies should consult their attorneys for specific legal advice.