

The following court cases show the need for live-fire shoot/don't shoot judgment training.

### *Zuchel vs. City and County of Denver, Colorado*

Plaintiff's son was shot and killed by a city police officer during a street disturbance. The plaintiff settled claims against the police officer before the trial, and the jury considered only federal civil rights claims against the city. The jury awarded damages of \$330,000.00, finding that the department's training program, which constituted only a movie and a lecture on the use of deadly force, to be constitutionally inadequate.

Federal appeals court upheld this result, finding that the training provided was inadequate and indicated that the city was "deliberately indifferent" to the need for more training on the use of deadly force. The court found sufficient evidence to show that the officer's use of deadly force was unjustified. The appeals court criticized the city's lack of "live-fire shoot/no-shoot drills" providing practice on when to shoot or not to shoot.

"Viewing the above evidence most favorably to plaintiffs," the court concluded, "it is clearly sufficient to support the jury's determination that the Denver police training program in place prior" to the shooting "was inadequate, and that a direct connection existed between the inadequacy and the shooting."

The court held that Denver Police Department was "Deliberately Indifferent" to the need for better firearms training of its officers and stated that this inadequate training led to an officer's fatal shooting of an unarmed citizen.

### *Lundren vs. McDaniel*

The court held that the deputies who shot and killed a store owner while responding to what they believed was a burglary in progress were responsible for their actions. The Sheriff of the county was equally at fault since training and supervision falls within his realm of responsibility.

### *McLeod vs. City of Philadelphia*

This case involved a 2.2 million dollar settlement. A police officer shot a man who was helping a store clerk who had been shot during a robbery.

### *Watson vs. City of Los Angeles*

The jury awarded \$4,911,668 to a man who was shot and rendered a paraplegic by the officer pursuing him as he fled from a stopped vehicle, because of outstanding warrants and illegal possession of a firearm. The plaintiff claimed he had abandoned his weapon before the officer shot him.

### *Camacho vs. City of Cudahy*

City held liable for a \$4,370,000 settlement to surviving family of a man shot and killed by officer responding to a domestic disturbance call. Officer thought a stick in the man's hand was a rifle.

### *Tuttle vs. Oklahoma,*

The court strongly suggested the need for realistic firearms training. The court held that for law enforcement firearms training to be valid, it must incorporate: stress, decision making, attitude, knowledge, skill, shoot-don't-shoot, moving targets, officer required to move, low light or adverse light shooting, in-service training and shotgun training.

### *Popow vs. City of Margate,*

The court held that the firearm's training was inadequate for the circumstances officers had to operate under. The court specifically stated that training needs to include;

- a) moving targets
- b) low light or adverse light shooting
- c) residential areas

or any experience with film or simulations designed to teach the practical application of deadly-force decision making. The court held that firearms training should also include instruction on State Laws, City Regulations, (and/or policies) on shooting, and how they are applied in practice. The court also held that firearms training must be given on a continual basis.

### *City of Canton Ohio vs. Harris,*

The Supreme Court stated that “A Municipality’s inadequate training may give rise to 42 U.S.C., section 1983 liability when it is deliberately indifferent to the rights of the city's inhabitants and actually causes the plaintiff's injury.” The Court enumerated as one example of deliberately inadequate training as being:

“Instances in which the need for more of different training is obvious and the inadequacy is likely to result in the violation of constitutional rights.”

### *McCelland vs. Facticeau*

The court stated that “Police Chiefs may be held liable if they breach their duty to train subordinates and establish department procedures that will provide protection for constitutional rights.”

### *Voutour vs. Vitale,*

The court allowed a jury's conclusion to stand that undocumented 'reserve' police training and military training did not constitute adequate training for officers. The court stated, "It seems likely that police training, in addition to teaching proficiency in the use of handguns, would include training as to the circumstances in which a police officer should not shoot."

### *Acosta vs. City and County of San Francisco*

In this case a Federal Appeals Court reinstated a jury's \$259,358.19 judgment against the officer for shooting and killing the driver of a car making an escape from an alleged purse snatching. The jury necessarily found that officer could not have reasonably believed himself in danger from a slow moving vehicle, and accordingly officer was not entitled to qualified immunity.

### *Monell vs. New York City*

Monell holds that plaintiffs who can prove that the civil rights violations they suffered at the hands of government employees were the result of serious shortcomings in agency custom and practice (deficient supervision or training) may recover damages from government treasuries as well as from the employees involved. This decision opened government's deep pockets to plaintiffs and to holds police agencies accountable in the courts for establishing and applying reasonable standards of police behavior.