

OFFICERS FOUND LIABLE FOR THE DEATH OF A HOMELESS AFRICAN-AMERICAN MAN

Kalamazoo, Michigan, April 15, 1998

Family Awarded \$12.9 Million

A Federal jury in Kalamazoo, MI today awarded \$12.9 million in damages against the City of Lansing and eight detention officers. The officers were accused of violating the civil rights of Edward Swans, an African-American man who suffered from schizophrenia, and who had recently become homeless. Swans died while hog tied face down on the jailhouse floor. The jury of two men and six women found that the officers had used excessive force in subduing Swans and had denied him medical care, in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

Swans had been approached by the police after an elderly woman who ran a daycare center reported that Swans had been trying to get into the building and had been hitting the door with a pick axe. When the officers arrived and approached Swans, he panicked, ran, and when he was caught, kicked one of the officers. He was arrested for assaulting a police officer, and brought to the detention center for booking. There Swans refused to cooperate and was 'taken down' by the officers, who placed him in handcuffs and leg irons and proceeded to drag him back to the cell area.

Once inside the cell, all the officers had to do was shut the door, but a decision was made to hog tie Swans. The act of hog tying Swans by six of the officers was filmed by the Detention Center's security system, and served as the centerpiece of the plaintiff's case. The videotape shows Swans lying motionless, face down, as the officers bound his hands to his feet behind his back. During the incident, the strap that was used to hog tie Swans was pulled so hard that it broke. One of the officers can be seen with his foot on Swans' back and another appeared to move his body in front of the camera so as to hide what was going on. In the face of this striking evidence, the officers nonetheless claimed that Swans was struggling during the incident, which was their sole rationale for the continued use of force presented at trial.

During his closing, plaintiff attorney Geoffrey Fieger challenged the jury to overcome their prejudices against the homeless and against African-Americans; to remember that all men are equal before the law; and to let their verdict ring throughout the land, because, he told them, "We can never become what they represent".

Defense attorney James O'Leary responded with a two hour closing filled with minute, mostly irrelevant facts strung together with very little coherence.

After sitting through six weeks of trial and testimony, the jury deliberated about a day and a half before coming to their unanimous verdict in favor of the plaintiff. Disgruntled and astonished, defendants left the courthouse vowing to appeal.

Litigation Strategies provided pre-trial jury research, voir dire and opening statement consultation to plaintiff attorney Geoffrey Fieger, best known for his defense of Dr. Jack Kevorkian.

- Strategic Research
- Witness Preparation
- Demonstrative Exhibits



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