

May - June 2015



# In Service

The Voice of Texas Law Enforcement

## In This Issue:

The Thin Blue Line

True Cost of an  
Officer's Sacrifice

## TMPA Remembers

Police in the Spotlight

Operation Blue Shield



# Police in the Spotlight

Chad Hyde, TMPA Staff Attorney

Mike Thompson, Wright & Greenhill Attorney



America's police officers are once again in the public spotlight – particularly after the Ferguson and New York incidents where police-citizen contact ended with the death of the citizen. While each of those cases is tragic, they are also rare. They are rare when you consider the large number of contacts between citizens and law enforcement, and the fact that the overwhelming majority of such interactions end with no harm, much less in a death.

There may be a legitimate debate about what conduct a community should make illegal, but once a law has passed making conduct illegal, an officer is expected to enforce that law. Furthermore, an officer does not lose the right of self-defense when he puts on his uniform.

There are three possible legal causes of action that can arise after a police officer uses force. First, the officer can be charged with a crime such as murder or assault. If convicted, the officer could face prison time. Second, the officer can be sued for violating a person's civil rights. In that situation, a court or jury must find that no rational officer in the same situation could have believed the actions taken by the officer were reasonable given the totality of the circumstances. If the officer is found liable, the victim can recover monetary damages to include attorney fees. Third, the officer can be disciplined internally if found in violation of department policies.

We have defended police officers charged with violating citizens' civil rights in a number of cases, including those involving a citizen's death. Make no mistake; officers have emotional reactions and responses to these situations. That is why most departments place officers on paid leave involved in such incidents. In some cases officers leave law enforcement, or undergo counseling in order to cope with the trauma of the event. In our experience, police officers do not hope they will "get" to discharge their weapon or administer lethal force. To the contrary, their hope is to get through their shift, do their duty, and get home safely.

In considering the mountain of press about these incidents and the role of police in our society, we would encourage everyone to reconsider some of the words of an old commentary by Paul Harvey:

“

“... ‘What is a policeman? He of all men is at once the most needed and the most wanted. A strangely nameless creature who is sir to his face and pig or worse behind his back. He must be such a diplomat that he can settle differences between individuals so that each will think he won.

But if a policeman is neat, he's conceited, if he's careless he's a bum, if he's pleasant, he's a flirt, if he's not he's a grouch. He must make instant decisions which would require months for a lawyer. But if he hurries he's careless, if he is deliberate he's lazy.

He must be first to an accident, infallible with a diagnosis. He must be able to start breathing, stop bleeding, tie splints, and above all be sure the victim goes home without a limp or expect to be sued.

The police officer must know every gun, draw on the run, and hit where it doesn't hurt. He must be able to whip two men twice his size and half his age without damaging his uniform and without being brutal. If you hit him, he's a coward. If he hits you, he's a bully.”

”

Bottom line: police officers have extremely difficult jobs whose actions are often publicly scrutinized before all the facts are known. If the officer is in error, it can be addressed and corrective measures can be taken as necessary by the officer's employer, with the Department of Justice, or ultimately through the court system. The lesson learned here is: if you make contact with a police officer, obey orders and do not resist. If this simple advice is followed, police-citizen encounters that end tragically like in Ferguson and New York can be avoided.

***TMPA Staff Attorney Chad Hyde & Mike Thompson Jr. of the law firm Wright & Greenhill, are local Austin attorneys who represent officers who have been accused or sued for civil rights violations.***