

City of Detroit



CITY COUNCIL


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To: The Honorable City Council

From: Kathie Dones-Carson  Aniline Powers 

Date: September 19, 2000 

Re: Report on Police Lawsuit Activity, 1987-1999

An analysis has been done on the Police Lawsuit Activity for the period January 1987 through December 1999. The data in the July 29, 2000 Preliminary Report is incorporated into this report. A copy of the Preliminary Report is included at the end of this Report.

Summary of findings for the thirteen year period of time:

- ◆ The **total amount of money** paid out for police lawsuit settlements for this 13 year period is **\$123,974,439**. The settlements include pre-trial agreements, mediations, arbitrations, and judgements.
- ◆ The **total number of cases** brought before Council in this 13 year period is **2,051**. Of those 2,051 cases, **1,109 were for settlement cases** and **1,004 were requests for representation**. The total number of settlements plus the total number of representation requests does not equal the total number of cases because some cases came before the City Council for both representation and settlement in the same year.
- ◆ The **average pay out** for these lawsuits over the 13 year period is **\$111,789 per case**.
- ◆ The total amount of money paid out for settlement cases which involved one or more officers who had been involved in at least one other lawsuit (referred to as "**Repeaters**") for this 13 year period is **\$46,215,494**. This represents 38% of the total amount of money paid out by the City.
- ◆ The number of cases involving officers who have been involved in more than one lawsuit for this time period is 645. This represents 32% of the total cases for the 13 years. Of the 645 cases, 44% (278 cases) were requests for representation and 57% (363 cases) were settlement cases. Some officers had multiple requests for representation or multiple cases for settlement, or both representation requests and settlements before the City Council during this time period.
- ◆ The 2,051 cases that have appeared before City Council over the 13 year period involved **2,890 named officers**. Many of these named officers appear in multiple

cases so the 2,890 does not represent 2,890 different individuals. Of the 2,890, **756 (27%) represent Repeaters**, officers who have been involved in more than one lawsuit.

- ◆ From 1997 through 1999, there was a significant increase in cases brought before Your Honorable Body in which at least one of the named officers has been involved in more than one lawsuit.
- ◆ Likewise, the amount of money paid out because of officers involved in more than one lawsuit has steadily increased over the past 3 years.
- ◆ In 1999, 170 named officers who have a history of lawsuits, were involved in cases that came before the City Council, representing the highest number of individuals in the 13 year time period. Only in 1997, do we find a number almost as high with 148 repeater officers named.

GENERAL OBSERVATIONS ON POLICE LAWSUIT DATA, 1987-1999

I. ANALYSIS OF TABLES

TABLE I — TOTAL POLICE LAW CASES

TABLE I TOTAL POLICE LAW CASES							
YEAR BEFORE COUNCIL₁	NUMBER OF CASES	REP REQ₂	% OF TOTAL	SETTLEMENT REQ₃	% OF TOTAL	\$/CASE	AMOUNT (\$) OF PAYMENT
1987	85	13	15%	72	85%	\$46,522	\$3,349,575
1988	227	90	40%	140	60%	\$49,845	\$6,978,362
1989	124	58	46%	66	54%	\$48,162	\$3,178,700
1990	200	113	57%	87	43%	\$185,257	\$16,118,974
1991	175	99	56%	76	44%	\$188,855	\$14,352,970
1992	229	144	62%	85	38%	\$153,486	\$13,046,300
1993	135	94	70%	41	30%	\$78,456	\$3,216,700
1994	207	109	44%	131	56%	\$93,934	\$12,305,365
1995	121	44	36%	77	64%	\$102,523	\$7,894,310
1996	128	49	38%	79	62%	\$143,898	\$11,367,956
1997	126	61	49%	70	56%	\$121,428	\$8,499,968
1998	100	15	15%	88	88%	\$112,337	\$9,885,625
1999	194	115	60%	97	50%	\$275,592	\$13,779,964
TOTAL	2051	1004	49%	1109	54%	\$111,789	\$123,974,439

1. TOTAL NUMBERS:

- ◆ The total number of Police law cases brought before the City Council from January 1987 through December 1999 was 2,051. These 2,051 cases involved 2,890 named police officers.
- ◆ There is still missing data. For 1997, 13 settlements and 12 requests for representation are missing. The 13 settlements total \$918,860. The 12 representation requests involve 20 named officers. For 1998, there are 2 settlements, totaling \$12,500 and 1 representation request involving 2 named officers still missing. Since the specific information is missing from these cases, the gross data mentioned here is not included in this report.

2. REQUESTS FOR REPRESENTATION VERSUS SETTLEMENTS:

- ◆ Of these 2,051 cases, 1,004 were requests for representation and 1,109 were requests for settlements. Requests for settlements include any cases which involve money paid out for settlements, judgements and mediation awards.
- ◆ There are five percent more settlement requests than requests for representation during this thirteen year period. The only discernable pattern is that one versus the other appears to be predominant for a few successive years, then the other becomes predominant for a few years. From 1994 through 1998, settlement requests far outweighed requests for representation. In 1999, even if we include the missing data, the requests for representation are more than the settlement requests. This may suggest a shift back to more representation requests for 2000.
- ◆ Beginning in 1996, cases began to appear before the City Council, with more regularity, for both representation and settlement in the same year. In 1996, 7 of the 128 (18%) cases appeared for both representation and settlement. In 1997, 6 of the 126 (5%) appeared for both; in 1998, only 2 of the 100 (2%) appeared for both; and in 1999, 14 of the 194 (8%) appeared before the City Council for both representation and settlement in the same year

3. COST PER CASE:

- ◆ The total amount of money paid out for the 1,109 settlement cases in this thirteen year period was \$123,974,439. This represents an average payout of \$111,789 per case.
- ◆ The most expensive cost-per-case occurred in 1999 when \$13,779,964 was paid out in settlements for 97 cases. The represents \$275,592 per case. The least expensive year was 1987 when \$3,349,575 was paid for 72 settlement requests, representing

only \$46,522 per case. (This observation would change if the missing data for 1997 were included in this report).

- ◆ Settlement of the Malice Green case, for \$5.25 million, came before the City Council for approval in 1994. This case alone represents 43% of the total amount of money paid out in 1994 for police law case settlements.

4. MILLION DOLLAR SETTLEMENTS:

- ◆ In 1988 and again in 1989, only one case involved a settlement of \$1 million or more. In 1990, there were five \$1 million plus settlements. In 1991, there were three cases of more than \$1 million, one of which was for \$6.2 million and another for \$2.1 million. In 1992, there were three cases of more than \$1 million: \$4,343,000 \$2,343,000, \$1,075,000. For 1993, there was one settlement of \$1 million or more (\$1,225,000).
- ◆ In 1994, there were two million plus cases. One of these was the Malice Green settlement of \$5.25 million and the other was \$2,100,000. In 1995, only one case was in this category, at \$2 million.
- ◆ Of the 79 cases settled in 1996, four were settled for \$1 million or more: one at \$1,175,000; one at \$2 million; one at \$1,476,145; and one at \$1 million. These four cases, which total \$5,651,145, represent 49% of the money paid out in 1996.
- ◆ In 1997, two cases settled for \$1 million or more: one at \$3 million and one at \$1,675,000. In 1998, there were also just two cases settling for \$1 million or more: one at \$3.4 million and one at \$1.6 million.
- ◆ In 1999, there were four cases that settled for \$1 million or more: one at \$3,175,715, one at \$2,250,000, one at \$1,050,000, and one at \$1 million.
- ◆ Settlement amounts prior to January, 1995, do not include judgements, settlements or mediation awards for cases resulting from police high speed chases

TABLE II — NUMBER OF CASES INVOLVING POLICE OFFICERS WITH A HISTORY OF LAWSUITS

TABLE II POLICE OFFICERS WITH A HISTORY OF LAWSUITS₄							
YEAR BEFORE COUNCIL₁	NUMBER OF CASES	REP REQ₂	% OF TOTAL	SETTLEMENT REQ₃	% OF TOTAL	COST/CASE	AMOUNT (\$)
1987	49	10	20%	39	80%	\$50,818	\$1,981,925
1988	95	42	44%	53	56%	\$86,416	\$4,580,052
1989	27	8	30%	19	70%	\$102,414	\$1,945,870
1990	27	9	33%	18	67%	\$223,183	\$4,017,300
1991	14	5	36%	9	64%	\$57,519	\$517,670
1992	22	13	59%	10	41%	\$26,500	\$265,000
1993	21	14	67%	7	33%	\$29,636	\$207,450
1994	44	24	55%	20	45%	\$291,420	\$5,828,400
1995	26	10	38%	16	61%	\$75,656	\$1,210,500
1996	23	11	48%	12	52%	\$48,146	\$577,750
1997	85	51	60%	54	64%	\$148,046	\$7,994,468
1998	60	11	19%	50	84%	\$97,604	\$8,198,725
1999	116	70	61%	56	49%	\$158,757	\$8,890,384
TOTAL	645	278	44%	363	57%	\$127,315	\$46,215,494

1. GENERAL:

- ◆ This table presents case data for police officers who have been involved in two or more lawsuits. With the exception of 1988 and 1994, there has been an overall decrease in the number of cases involving "repeaters".

- ◆ For 1993, 21 cases involved repeaters, about the same as the year before. In 1994, 44 cases included officers who were involved in at least one other case. Eighteen of those officers (41%) had two cases before the City Council in 1994; and two of those forty-four had three cases before the City Council in 1994.
- ◆ In 1995, 26 cases involved officers who were involved in at least one other case. This represents 22% of the total number of cases brought before the City Council in 1995. These 26 cases involved 34 police officers. Of those 34 officers, five had two cases before the City Council in 1995.
- ◆ in 1996, 23 cases before the City Council involved officers with a lawsuit history. This represents 18% of the total number of cases for the year. These 23 cases involved 20 police officers. Eight of these 20 had 2 cases before the City Council in 1996.
- ◆ In 1997, 85 cases involved one or more officers named in more than one lawsuit. This represents 68% of the total number of cases for the year. These 85 cases involved 148 named police officers. Thirteen of those 148 had two separate cases appear before the City Council in that year and one officer had three separate cases appear before the City Council in 1997.
- ◆ In 1998, only 60 cases involved one or more officers named in more than one lawsuit. This represents 60% of the total number of cases for the year. These 60 cases involved 96 named officers, five of whom had two separate cases appear before Council in that year.
- ◆ In 1999, there is a significant increase. The 116 cases (60% of the total cases for 1999) involving one or more officers named in more than one lawsuit involved 170 named officers. Twenty-four of these 170 had two separate cases appear before the City Council in that year and three officers had three separate cases.

2. MONEY AMOUNTS

- ◆ In 1990, \$4 million was paid out for only 18 cases. In 1991 only 14 cases brought before the City Council involved repeaters; of these, 9 were requests for settlement with only \$517,670 being paid out for these cases. In 1992, there was a slight increase in cases from 14 to 22. There was, however, a 60% decrease in settlement money paid out for officers involved in multiple cases.
- ◆ The dramatic increase in the amount of money paid out in 1994 for officers involved in multiple lawsuits (\$5,828,400) is due primarily to the \$5.25 million Malice Green

settlement. One of the officers involved was also involved in another lawsuit. Factoring out the Green settlement, there is still an increase in money paid out in this category over 1993 (\$207,450 to \$578,400 in 1994). The cost per case also increased from \$29,636 in 1993 to \$30,442 in 1994 without the Green settlement. The cost per case in 1995 increased from \$30,442 in 1994 (without Green) to \$75,656 in 1995. This represents a 60% increase. Total amount of money paid out for cases with officers involved in multiple cases was \$578,400 in 1994 (without Green). This increased to \$1,210,500 in 1995; a 52% increase.

- ◆ In 1996, there was a significant decrease in this category. Only \$577,750 was paid out in cases involving officers with a history of lawsuits. This represents a 52% decrease from 1995.
- ◆ For the years 1997, 1998 and 1999, there is a dramatic increase in the amount of money paid out for cases involving one or more officers named in multiple lawsuits. Likewise, the average cost per case also increased. Factoring out the Malice Green settlement in 1994, the cost per case in 1999 (\$158,757) was the second highest in the thirteen year period. Only 1990 had a higher cost at \$223,183 per case. The total amount paid out for these case in 1990, however, was less than half as much as paid out in 1999.
- ◆ The total number of cases involving repeaters for this thirteen year period is 645. Of these, 363 were requests for settlement. The total amount of money paid out for these 645 cases was \$46,215,494 or \$127,315 per case.

TABLE III — PERCENT OF CASES INVOLVING POLICE OFFICERS WITH A HISTORY OF LAWSUITS COMPARED WITH TOTAL CASES

TABLE III PERCENT OF CASES INVOLVING POLICE OFFICERS WITH A HISTORY OF LAWSUITS COMPARED WITH TOTAL CASES				
YEAR BEFORE COUNCIL₁	NUMBER OF CASES	REP REQ₂	SETTLEMENT REQ₃	AMOUNT (\$)
1987	58%	77%	54%	59%
1988	42%	47%	39%	66%
1989	22%	14%	29%	61%
1990	14%	8%	21%	25%
1991	8%	5%	12%	4%
1992	10%	8%	12%	2%
1993	16%	15%	17%	6%
1994	21%	22%	15%	47%
1995	21%	22%	20%	15%
1996	18%	22%	15%	5%
1997	68%	84%	78%	94%
1998	60%	74%	57%	83%
1999	60%	61%	58%	65%
TOTAL	32%	28%	33%	38%

1. TOTAL NUMBERS:

- ◆ This Table compares cases involving police officers named in more than one lawsuit with all lawsuits involving police officers for the thirteen year time period. The results are presented in percentiles.

- ◆ Compared to the total number of lawsuits brought before the City Council, the percent of cases involving police officers involved in multiple lawsuits steadily decreased from 1987 to 1991. In 1992, however, the trend reverses and the percentage of cases involving officers with a history of lawsuits starts to increase.
- ◆ In 1997, that increase is dramatic, going from 18% to 68%. For 1998 and 1999, that number remains at 60%.
- ◆ The total number of cases involving repeaters for this thirteen year period represents 32% of the total cases brought before the City Council. Of these, 28% of the total cases were requests for representation and 33% were settlement requests. Each of these three percentages, represents a 10 point, or more, increase in the totals compared to the pre-1997 numbers.

2. MONEY AMOUNTS:

- ◆ The \$46,215,494 paid out for lawsuits involving repeaters represents 38% of the total amount of money paid out for this thirteen year period.
- ◆ The \$5,828,400 paid out for settlements of lawsuits with officers involved in multiple cases represents 47% of the total \$12,305,365 paid out for 1994. This is a dramatic but misleading figure because it includes the \$5.25 million Malice Green settlement. Without that case, the percentage would be the same as in 1993 (6% of the total). In 1995, we see a significant increase in the amount of money paid out for repeaters (without Green) and a corresponding increase of 15% in the total money paid out.
- ◆ In 1996, the amount of money paid out for cases involving officers with a history of lawsuits significantly decreases to represent only 5% of the total amount of money paid out for the year. This percentage is similar to the percentages in the three year period from 1991 to 1993. During that time period the percentages were 2, 4, and 6 respectively.
- ◆ In 1997, there is a dramatic change in the relationship between the total amount of money paid out for police lawsuits and the amount paid out for cases involving at least one named officer involved in more than one lawsuit. In 1997, 94% of the total amount of money approved by the City Council went for cases that involved at least one officer with a history of lawsuit activity.
- ◆ In 1998 and 1999, these percentages continued to remain high at 83% and 65%, respectively.

TABLE IV — NUMBER OF INDIVIDUAL OFFICERS INVOLVED IN MULTIPLE CASES BY YEAR

TABLE IV NUMBER OF INDIVIDUAL OFFICERS INVOLVED IN MULTIPLE CASES BY YEAR						
YEAR BEFORE COUNCIL₁	NUMBER OF NAMED OFFICERS	NUMBER OF OFFICERS W/ REP REQ₂	NUMBER OF OFFICERS W/ SETTLEMENTS₃	SETTLEMENT AMOUNTS: TOTAL FOR REPEATERS	SETTLEMENT AMOUNTS: WITH OTHERS	SETTLEMENT AMOUNTS : BY SELF
1987	65	10	39	\$1,981,925	\$726,137	\$1,255,788
1988	95	42	53	\$4,580,052	\$915,974	\$3,664,078
1989	32	8	19	\$1,945,870	\$674,497	\$1,271,373
1990	23	9	18	\$4,017,300	\$3,989,800	\$27,500
1991	14	5	9	\$517,670	\$517,670	\$0
1992	15	13	10	\$265,000	\$24,000	\$241,000
1993	17	14	7	\$207,450	\$186,950	\$20,500
1994	27	24	20	\$5,828,400	\$5,250,000	\$578,400
1995	34	12	22	\$1,210,500	\$89,500	\$1,121,000
1996	20	11	12	\$577,750	\$451,500	\$126,250
1997	148	62	158	\$7,994,468	\$2,929,229	\$5,042,239
1998	96	21	163	\$8,198,725	\$7,693,725	\$393,500
1999	170	97	198	\$8,890,384	\$2,943,274	\$4,516,360
TOTAL	756	328	728	\$46,215,494	\$26,392,256	\$18,257,988

1. TOTAL NUMBERS:

- ◆ This table contains summary data for police officers who have been named in more than one lawsuit.
- ◆ In 1987, 65 officers were involved in more than one lawsuit and 1988, there were 95 named officers.

- ◆ For the next eight years, there was a sharp decrease in the number of named officers involved in multiple lawsuits.
- ◆ In 1997, we see a dramatic increase in the number of named officers with 148 individuals for the year. This is up from 20 named officers in the previous year.
- ◆ The number of named officers falls to 96, the third highest, in 1998 but jumps up to 170 named officers in 1999.
- ◆ Likewise, the number of officers involved in settlement request cases drastically increases for that same three year period. In 1996, 12 repeat officers were involved in settlement cases while in 1997, 158 repeat officers were involved in settlement cases. The next two years see an even greater increase with 163 officers in 1998 and 198 officers in 1999.
- ◆ Correspondingly, requests for representation also increase in the last three years. In 1997, 62 repeat officers requested representation; in 1998, only 21 repeat officers requested representation; but in 1999, 97 repeat officers requested representation, which is the largest number in the 13 year period.

2. MONEY AMOUNTS:

- ◆ The total amount of money paid out for these cases over thirteen years is \$46,215,494. Of this amount, \$26,392,256 is the result of repeat officers acting in conjunction with other officers while \$18,257,988 is the result of them acting alone (sole defendant in the lawsuit or City/Chief of Department also named). Cases involving multiple officers represent 58% of these settlements.

3. INDIVIDUALLY VS. WITH OTHERS:

- ◆ As would be expected because of the way officers are assigned, there are more cases with multiple defendants hence there is more money paid out for repeat officers acting in conjunction with other officers than those acting alone. In this case, \$26,392,256 paid out for those named with others in a suit versus \$18,257,988 in suits where the repeat officer is the sole defendant.

**TABLE V — NUMBER OF CASES PER YEAR BY
YEAR INCIDENT OCCURRED**

1. TIME DURATION:

- ◆ The time lag between the date the incident occurred and the first appearance before the City Council for that case has decreased over time. In 1987, the first year of this report, it took three to six years before a case would appear before the City Council. From 1988 through 1990, the time span became two to four years. From 1991 to the present, cases appear before the City Council one to three years after the incident has occurred. These cases include both requests for settlement and requests for representation.
- ◆ On the average, it takes between 1 to 2 years from the time a case comes up for representation until that case reappears for settlement.

2. CONCENTRATION OF CASES:

- ◆ Because it takes one to three years between the year the incident occurs and when the case comes before the City Council, we would expect that most incidents resulting in lawsuits that occurred prior to 1997 have come before the City Council at least as a representation request.

TABLE V NUMBER OF CASES PER YEAR BY YEAR INCIDENT OCCURRED

YEAR OF INCIDENT	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	
YEAR BEFORE COUNCIL																							
1987 N=85 ₁	5	2	4	12	10	11	11	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1988 N=227 ₂	6	2	2	7	9	29	37	36	49	21	6	0	0	0	0	0	0	0	0	0	0	0	0
1989 N=124 ₃	2	0	0	1	4	5	9	22	31	25	14	7	0	0	0	0	0	0	0	0	0	0	0
1990 N=200	1	2	2	3	1	3	3	10	30	38	58	39	8	0	0	0	0	0	0	0	0	0	0
1991 N=175	0	0	0	1	2	4	2	4	9	12	40	58	40	3	0	0	0	0	0	0	0	0	0
1992 N=229 ₄	0	1	0	0	0	0	0	3	4	10	18	53	87	48	6	0	0	0	0	0	0	0	0
1993 N=135	0	0	0	1	1	0	0	1	1	4	4	10	34	44	32	3	0	0	0	0	0	0	0
1994 N=207	0	0	0	0	0	0	0	0	0	0	4	8	68	108	146	50	5	0	0	0	0	0	0
1995 N=121	0	0	0	1	0	0	0	0	0	0	2	5	2	12	28	18	18	14	0	0	0	0	0
1996 N=128 ₅	0	0	1	0	0	0	1	0	2	0	1	0	2	4	20	20	37	25	7	0	0	0	0
1997 N=126	0	0	0	1	0	0	0	0	0	0	0	0	0	1	7	11	22	50	23	5	0	0	0
1998 N=100	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	5	14	34	28	11	0	0	0
1999 N=194	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	7	31	56	75	39	3	3
TOTAL N=2051	14	7	8	27	27	52	62	84	126	111	146	180	239	216	219	108	103	154	114	91	39	3	3

II. CONCLUSIONS AND COMMENTARY:

TABLE I — TOTAL POLICE LAW CASES

- ◆ The percent of cases that were requests for representation steadily and dramatically increased from 1987 through 1993. In 1994, however, there was a significant drop in the percent of cases that were requests for representation; from 70% in 1993 to 44% in 1994. The next three years were within a few percentage points of 1994.
- ◆ In 1998, however, we see a significant drop in the requests for representation; down to 15%. In 1999, we once again see a dramatic increase in the requests for representation. This fact combined with the increase in settlement amounts would lead us to expect a greater amount of money being paid out for settlements in 2000 and 2001.
- ◆ It was hoped in the last report that the decrease in the requests for representation seen in 1995 and 1996, signaled a decrease in the number of officers getting involved in situations which result in a lawsuit. Unfortunately, that did not turn out to be the case. In both 1997 and 1999, there were significant increases in representation requests.

TABLE III — PERCENT OF CASES INVOLVING POLICE OFFICERS WITH A HISTORY OF LAWSUITS COMPARED WITH TOTAL CASES

1. NUMBERS/HISTORY:

- ◆ For six years, officers involved in multiple lawsuits were becoming less of a problem. In 1991, only 8% of the total cases involved officers named in multiple lawsuits. In 1992 that number was 10%. It appeared that these frequent defendants were (in order of likelihood) (1) going off duty on duty disability (physical or psychiatric), (2) retiring, (3) being dismissed from the force, or (4) receiving counseling to correct their behavior. The one percent increase from 1991 to 1992 did not seem significant until we saw that 16% of the total cases for 1993 are attributable to officers involved in

multiple lawsuits. In 1994 and 1995, that trend continued with 21% of the total cases due to these officers. There was a slight decrease to 18% in 1996.

- ◆ In 1997, 1998 and 1999, however, there was a dramatic increase in the percentage of cases that involved named officers who had previously been named in at least one other lawsuit; from 21% in 1996 to 68% in 1997, 60% in 1998 and 60% in 1999.
- ◆ Correspondingly, there was a dramatic increase in the percentage of cases that were requests for representation and settlement requests by these repeat officers.
- ◆ Based upon the downward trend in the number of cases that involved repeat officers from 1989 to 1996 that was observed in the last analysis, it was hoped that police officers involved in multiple cases were no longer the major problem the major source of generating lawsuits against the City. Unfortunately, the dramatic increases seen over the last three years has proven that observation incorrect.

2. MONEY AMOUNTS:

- ◆ From 1987 to 1989, "repeat offenders" were responsible for two-thirds of the money paid out in settlements by the City. In 1990, that dropped to 25%; in 1991, 4%. By 1992, only 2% of the money paid out was due to the actions of officers involved in two or more lawsuits.
- ◆ That downward trend continued until 1997 when we see phenomenal increase in the percentage of money paid out for cases that involve at least one named officer who previously had been named in at least one other lawsuit. Ninety-four percent of the money paid out for lawsuits by the City of Detroit in 1996 involved at least one repeat officer.
- ◆ Likewise, these high percentages continued for 1998 and 1999. We have not had such a high number since 1988, when 66% of the money fell into this category.

3. REPEATERS VS FIRST TIME INVOLVEMENT:

- ◆ Since the total number of cases in 1992 was 31% more than 1991 and only 8% of the 144 requests for representation were from officers involved in other lawsuits, it suggested that more new officers (i.e. not involved in previous lawsuits) were becoming involved in a lawsuit. In 1994 there was a 71% increase in requests for representation by officers involved multiple case and the total number of requests for representation increased by 15%. This, and the fact that 22% of the requests for

representation in 1994 through 1996 involved repeat officers suggested that once again these repeat officers may be becoming more active.

- ◆ That observation proved correct when we analyzed 1997-1999 and found that the percentages had increased to 84% , 74% and 61% respectively.
- ◆ In 1996 we saw a 6% increase in the number of police lawsuits but a 12% decrease in the number of those cases which involved officers with a history of lawsuits. This suggested that more new officers were becoming involved in lawsuits while those with a lawsuit history were less active. In fact, there were 14 fewer officers who have a history of lawsuits involved in cases in 1996 than in 1995, a 41% decrease.
- ◆ To fully understand the reversal that occurred in the three year period, 1997-1999, the following table is included here.

1987-1996 COMPARED TO 1997-1999					
	1987-96	Percent of 10 year period	1997-99	Percent of 3 year period	Percent of 13 year period
Total number of cases	1631	100%	420	100%	21% of 13 yrs
Total representation request cases	813	100%	191	100%	19% of 13 yrs
Total settlement cases	854	100%	255	100%	23% of 13 yrs
Total amount of money paid out	\$91,809,219	100%	\$32,165,227	100%	26% of 13 yrs
Cost per case	\$107,505		\$76,584		
Total number of cases with at least one repeat officer	348	22% of the total cases	261	63% of the total cases for 3 yrs	43% of the total cases for 13 yrs
Total number of representation request cases with a repeat officer	146	42% of the total cases	132	70% of the total cases for 3 yrs	48% of the total cases for 13 yrs
Total number of settlement cases with a repeat officer	203	58% of the total cases	160	63% of the total cases for 3 yrs	44% of the total cases for 13 yrs

1987-1996 COMPARED TO 1997-1999					
	1987-96	Percent of 10 year period	1997-99	Percent of 3 year period	Percent of 13 year period
Total amount of money paid out for cases with at least one repeat officer	\$21,131,917	23% of the total cases	\$25,083,577	78% of the total cases for 3 yrs	55% of the total cases for 13 yrs
Cost per case	\$104,098		\$96,106		
Total number of named officers with two or more cases	340		414 out of 819 total named officers	51% of the total named officers for 3 yrs	55% of the total named officers for 13 yrs
Total number of named officers with two or more cases requesting representation	148		180 out of 362 total named officers	50% of the total named officers for 3 yrs	55% of the total named officers for 13 yrs
Total number of named officers with two or more cases for settlement	209		261 out of 519 total named officers	51% of the total named officers for 3 yrs	56% of the total named officers for 13 yrs

- ◆ The data for the 1997-1999 period are found in the Preliminary Report.
- ◆ A comparison of the last three years with the previous ten shows that total number of cases, of representation requests, and of settlements are all about 20% of the thirteen year period. This is about what would be expected.
- ◆ A similar comparison of the cases involving officers named in more than one lawsuit yields very different results. At least one repeat officer was named in 63% of the total cases in the 1997-1999 period and 43% of the cases in the 13 year time period.
- ◆ Likewise, 70% of the representation requests for 1997-1999 and 48% of the representation requests for the 13 year period involved at least one repeat officer. For settlements, 63% if the three year period and 44% of the 13 year period were for cases with at least one repeat officer.

- ◆ Perhaps the most shocking figure, however, is the total amount of money payed out for cases involving at least one officer named in at least one other case. Here we find that for the 10 year period, this figure represented 23% of the total amount payed out. For the 3 year period, however, it represents 78% of the total payed out from 1997 through 1999. Even more startling is that this 3 year figure represents 19% more than the amount payed out for the 10 year period and 55% of the money for the 13 year period.
- ◆ These data raise concern since they suggest that once involved in a lawsuit an officer is more likely to become involved in subsequent lawsuits
- ◆ The data indicate that officers named in more than one lawsuit have become a significant problem for the Department in the last three years. These data also suggest that once involved in a lawsuit an officer is more likely to become involved in subsequent lawsuits. Since the percentage of cases that are settlements and the percentage of cases that are requests for representation for these officers is about the same, we can expect that cases associated with these officers will continue to be a drain on the City for the next few years.
- ◆ The pre-1995 database contains 174 named officers who have been involved in more than one lawsuit. Of those 174, 75 (44%) are no longer with the Police Department. Of the 75 individuals who left the Department, 49 had been involved in 2 lawsuits; 20 had been involved in 3 lawsuits; 4 had been involved in 4 lawsuits; and 2 had been involved in 5 lawsuits.
- ◆ Sixty-seven of the 174 individuals continued to be named in lawsuits between 1995 and 1999. Of those 67 officers, 20 have left the Department. Of the 20 who are no longer with the Police Department, 2 had been involved in 2 lawsuits; 8 had been involved in 3 lawsuits; 4 had been involved in 4 lawsuits; 3 had been involved in 5 lawsuits; 2 had been involved in 6 lawsuits; and 1 had been involved in 9 lawsuits.
- ◆ Once the pre-1995 and post-1995 databases are merged, we will be able to give a more accurate account of the current status of the officers who have been named in more than one lawsuit.

TABLE IV — NUMBER OF INDIVIDUAL OFFICERS INVOLVED IN MULTIPLE CASES BY YEAR

1. ACTING ALONE OR WITH OTHERS:

- ◆ Over the 13 year time period presented in this report, 20% more money was paid out for cases in which officers named in multiple cases were acting in conjunction with other officers (i.e. there was more than one defendant named). These other officers/defendants may or may not also be involved in multiple lawsuits. Since the Department has a policy of pairing up its officers, an individual would have less opportunity to act alone which may account for this difference.

IMPLICATIONS

- ◆ These data continue to represent a serious problem for the City of Detroit. Huge sums of money will continue to be paid out for several years to come. The situation becomes even more dire when the actions of a few individuals cause multimillion dollar settlements. The City Council alone cannot stop the payouts. By the time the case comes before the City Council for approval, the pre-trial agreements, including mediations and arbitrations, and judgements have been done by the Law Department deems is in the best interest of the City to settle. If the City Council refuses to accept these recommendations, it ends up costing the City more through either accumulating interest costs or higher jury awards.
- ◆ We know what accounts for these large payouts. We cannot control them but we can reduce the risk. The fiscal health of the City requires that they be drastically reduced as soon as possible.
- ◆ In the Report which will cover the lawsuit activity for 2000, we hope to be able to include a more complete analysis of cases that are settled through arbitration, mediation, pre-trial agreements and judgments in an attempt to better understand the City's settlement policy.
- ◆ Clearly, the cases causing these payouts must continue to be analyzed beyond the ability of the Research and Analysis Division. We recognize the immensely stressful

nature of police work in today's society and know that police officers need a strong and sensitive support system in order to function safely and effectively. It is hoped that the Department's Risk Management Unit is now including a review of recruiting criteria, in-service education, stress management, counseling, job reassignment, therapy, etc. and that the services are easily and privately available to police officers. It is also hoped that the Risk Management Unit carefully examines the payout and incident data and designs and implements a comprehensive risk management campaign to reduce costs, prevent more violent episodes, and save both police officers' careers and citizen's lives.

- ◆ We suggest that the City Council request a complete and comprehensive description of the current risk management program implemented by the Police Department. We also suggest that the Law Department inform the City Council what efforts are being made by the Law Department to work with the Police Department in order to (1) identify officers involved in multiple lawsuit cases and (2) identify, correct or neutralize situations and circumstances which are likely to result in a lawsuit.
- ◆ We realize that there will always be nuisance lawsuits about which little can be done. This City, however, cannot afford to continue paying out these sums of money for events that, for the most part, should not have happened. We must continue to identify and neutralize the risks to Detroit's police officers, citizens and financial well being.
- ◆ We must also realize that some cases are disposed of based on legal strategy , not necessarily on the merit of the charge or wrong doing of the officer(s) involved.

Notes for Tables 1-4:

1. The year the case appeared before Council.
2. Requests for representation
3. Requests for settlements includes all money paid out for settlements, judgements and mediation awards.
4. Those officers who have been involved in two or more lawsuits.

Notes for Table 5:

1. In 1987, there was one case from 1975
2. In 1988, there was one case from 1977
3. In 1989, there was one case from 1973 and one unknown date
4. In 1992, there was one case from 1973
5. In 1996, there was one case from 1974
6. Other discrepancies are due to unknown dates or because the case came before the City Council for both representation and settlement in the same year.