

# The High Cost of Living in a Police State: US Officers Shielded from Justice

By [John W. Whitehead](#)

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“It’s been over five months since the night a SWAT team broke into the house in which we were staying...We were staying with relatives and my whole family was sleeping in one room. My husband and I, our three daughters and our baby (nicknamed “Baby Bou Bou”) in his crib. Dressed like soldiers, they broke down the door. The SWAT officers tossed a flashbang grenade into the room. It landed in Baby Bou Bou’s crib, blowing a hole in his face and chest that took months to heal and covering his entire body with scars...

“Doctors tell us that my son will have to have double reconstructive surgeries twice a year, every year for the next 20 years... [I]n five short months our family has taken on nearly \$900,000 in medical bills, some of which have now gone into collections... After initially offering to cover the medical expenses, the county has since refused to cover any of our medical costs, all of which would never have happened if the SWAT team hadn’t broken into the home.”—Alecia Phonesavanh

Who pays the price for the police shootings that leave unarmed citizens dead or injured, for the SWAT team raids that leave doors splintered, homes trashed, pets murdered, and family members traumatized and injured, if not dead?

I’m not just talking about the price that must be paid in hard-earned dollars, whether by taxpayers or the victims, in attempting to restore what was vandalized and broken by police. It’s also the things that can’t be so easily calculated to a decimal point: the broken bones that will never quite heal right, the children’s nightmares at night, the uneasy sleep, the broken family heirlooms, the loss of faith in a system that was supposed to serve and protect you, the grief for loved ones whose lives were cut short.

Baby Bou Bou may have survived the misdirected SWAT team raid that left him with a hole in his face and extensive scars on his body, but he will be the one to pay the price for the rest of his life for the SWAT team’s blunder in launching a flashbang grenade into his crib. And even though the SWAT team was wrong about the person they were after, even though they failed to find any drugs in the home they’d raided, and even though they may have regretted the fact that Baby Bou Bou got hurt, it will still be the Phonesavanh family who will pay and pay and pay for the endless surgeries every year to reconstruct their son’s face as he grows from toddler to boy to teenager to man. Already, they have racked up more than \$900,000 in medical bills. Incredibly, government officials refused to cover the family’s medical expenses.

That is just one family’s experience, the price they must pay for living in a police state. Tally their pain, their loss and their medical bills, and add it to that of the hundreds of other

families in cities and towns across the nation who are similarly reeling from the blows inflicted by the government's standing armies, and you will find yourself reeling. For many of these individuals, there can never be any amount of reparation sufficient to make up for the lives lost or shattered.

As for those who do get "paid back," at least in monetary terms for their heartache and loss, it's the taxpayers who are footing the bill to the tune of millions of dollars. Incredibly, these cases hardly impact the police department's budget. As journalist Aviva Shen points out, "individual officers are rarely held accountable for their abuses, either by the police department or in court... Internally, police departments rarely investigate complaints of misconduct, let alone punish the accused officers. Because cities insulate police officers and departments from the financial consequences for their actions, police on the street have little incentive to avoid unnecessary force, and their departments may not feel the need to crack down on repeat offenders. And so the bill for taxpayers keeps growing."

For example, Baltimore taxpayers have paid roughly \$5.7 million since 2011 over lawsuits stemming from police abuses, with an additional \$5.8 million going towards legal fees. That's money that could have been spent on a state-of-the-art recreation center or renovations at more than 30 playgrounds. As the *Baltimore Sun* reports: "Victims include a 15-year-old boy riding a dirt bike, a 26-year-old pregnant accountant who had witnessed a beating, a 50-year-old woman selling church raffle tickets, a 65-year-old church deacon rolling a cigarette and an 87-year-old grandmother aiding her wounded grandson... Officers have battered dozens of residents who suffered broken bones — jaws, noses, arms, legs, ankles — head trauma, organ failure, and even death, coming during questionable arrests. Some residents were beaten while handcuffed; others were thrown to the pavement."

New York taxpayers have shelled out almost \$1,130 per year per police officer (there are 34,500 officers in the NYPD) to address charges of misconduct. That translates to \$38 million every year just to clean up after these so-called public servants. Over a 10-year-period, Oakland, Calif., taxpayers were made to cough up more than \$57 million (curiously enough, the same amount as the city's deficit back in 2011) in order to settle accounts with alleged victims of police abuse.

Chicago taxpayers were asked to pay out nearly \$33 million on one day alone to victims of police misconduct, with one person slated to receive \$22.5 million, potentially the largest single amount settled on any one victim. The City has paid more than half a billion dollars to victims over the course of a decade. The Chicago City Council actually had to borrow \$100 million just to pay off lawsuits arising over police misconduct in 2013. The city's payout for 2014 should be in the same ballpark, especially with cases pending such as the one involving the man who was reportedly sodomized by a police officer's gun in order to force him to "cooperate."

Over 78% of the funds paid out by Denver taxpayers over the course of a decade arose as a result of alleged abuse or excessive use of force by the Denver police and sheriff departments. Meanwhile, taxpayers in Ferguson, Missouri, are being asked to pay \$40 million in compensation—more than the city's entire budget—for police officers treating them "as if they were war combatants," using tactics like beating, rubber bullets, pepper spray, and stun grenades, while the plaintiffs were peacefully protesting, sitting in a McDonalds, and in one case walking down the street to visit relatives."

That's just a small sampling of the most egregious payouts, but just about every community—large and small—feels the pinch when it comes to compensating victims who have been subjected to deadly or excessive force by police. The ones who rarely ever feel the pinch are the officers accused or convicted of wrongdoing, “even if they are disciplined or terminated by their department, criminally prosecuted, or even imprisoned.”

Indeed, a study published in the *NYU Law Review* reveals that 99.8% of the monies paid in settlements and judgments in police misconduct cases never come out of the officers' own pockets, even when state laws require them to be held liable. Moreover, these officers rarely ever have to pay for their own legal defense. As law professor Joanna C. Schwartz notes, police officers are more likely to be struck by lightning than be made financially liable for their actions.

Schwartz references a case in which three Denver police officers chased and then beat a 16-year-old boy, stomping “on the boy's back while using a fence for leverage, breaking his ribs and causing him to suffer kidney damage and a lacerated liver.” The cost to Denver taxpayers to settle the lawsuit: \$885,000. The amount the officers contributed: 0.

Kathryn Johnston, 92 years old, was shot and killed during a SWAT team raid that went awry. Attempting to cover their backs, the officers falsely claimed Johnston's home was the site of a cocaine sale and went so far as to plant marijuana in the house to support their claim. The cost to Atlanta taxpayers to settle the lawsuit: \$4.9 million. The amount the officers contributed: 0.

Meanwhile, in Albuquerque, a police officer was convicted of raping a woman in his police car, in addition to sexually assaulting four other women and girls, physically abusing two additional women, and kidnapping or falsely imprisoning five men and boys. The cost to the Albuquerque taxpayers to settle the lawsuit: \$1,000,000. The amount the officer contributed: 0.

In its report on police brutality and accountability in the United States, Human Rights Watch notes that taxpayers actually pay three times for officers who repeatedly commit abuses: “once to cover their salaries while they commit abuses; next to pay settlements or civil jury awards against officers; and a third time through payments into police ‘defense’ funds provided by the cities.”

A large part of the problem can be chalked up to influential police unions and laws providing for qualified immunity, which invariably allow officers to walk away without paying a dime for their wrongdoing. Conveniently, those deciding whether a police officer should be immune from having to personally pay for misbehavior on the job all belong to the same system, all cronies with a vested interest in protecting the police and their infamous code of silence: city and county attorneys, police commissioners, city councils and judges.

In a nutshell, the U.S. Supreme Court's reasoning when it comes to qualified immunity for government officials (not just police officers) is essentially that these officials might be too cautious in carrying out their duties if there was a risk that they might be held personally liable for wrongdoing on the job. Frankly, we'd be far better off if government officials operated under the constant fear that there would be ramifications for wrongdoing on the job. As it now stands, we've got way too many lawbreakers, scoundrels, cheats and thugs on the government's payroll, (many of whom are actually elected to office).

So what's the solution, if any, to a system so clearly rigged that it allows rogue cops who engage in excessive force to wreak havoc with no fear of financial consequences? As HRW concludes:

The excessive use of force by police officers, including unjustified shootings, severe beatings, fatal chokings, and rough treatment, persists because overwhelming barriers to accountability make it possible for officers who commit human rights violations to escape due punishment and often to repeat their offenses.... Officers with long records of abuse, policies that are overly vague, training that is substandard, and screening that is inadequate all create opportunities for abuse. Perhaps most important, and consistently lacking, is a system of oversight in which supervisors hold their charges accountable for mistreatment and are themselves reviewed and evaluated, in part, by how they deal with subordinate officers who commit human rights violations. Those who claim that each high-profile case of abuse by a "rogue" officer is an aberration are missing the point: problem officers frequently persist because the accountability systems are so seriously flawed.

Unfortunately, we're so far gone as a nation in terms of cronyism, corruption and unequal justice that there's little hope of reformation working from the top down. As I point out in [A Government of Wolves: The Emerging American Police State](#), if any change is to be made, if any hope for accountability is to be realized it must begin, as always, at the local level, with local police departments and governing bodies, where the average citizen can still, with sufficient reinforcements, make his voice heard.

So the next time you hear of a police shooting in your town of an unarmed citizen, don't just shrug helplessly and turn the page or switch the channel. Form a coalition of concerned citizens and call your prosecutor's office, email the police department, speak out at your city council meeting, urge your local paper to cover the story from both sides, blog about it, stage a protest, demand transparency and accountability—whatever you do, make sure you send the message loud and clear that you do not want your taxpayer dollars supporting illegal and abusive behavior.

*Constitutional attorney and author John W. Whitehead [[send him mail](#)] is founder and president of [The Rutherford Institute](#). He is the author of [A Government of Wolves: The Emerging American Police State](#) and [The Change Manifesto](#) (Sourcebooks).*

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