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San Jose to pay \$360,000 to settle suit alleging cops beat mentally ill man

By John Woolfolk
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San Jose officials have agreed to pay \$360,000 to settle a federal lawsuit by a mentally ill man who claimed police severely beat him in 2006 when they found him acting erratically near the airport.

"It's a fairly large settlement from our part due to the seriousness of the injuries," City Attorney Rick Doyle said. "The fact that his leg was severely injured, he had broken ribs and a punctured lung doesn't have a lot of jury appeal from our standpoint."

The City Council, which considered the proposed settlement in closed session last week, is scheduled to approve it April 7.

According to the lawsuit filed in U.S. District Court, Kenneth Grason of San Jose was walking near Mineta San Jose International Airport about 9:30 p.m. July 14, 2006, emotionally disturbed from a psychosis triggered by changes in his prescription medication for schizophrenia.

Doyle said officers Pierre Vida, Rodney Daniels, Stephen Greenlee, Anthony Luisi, and David Santiago and Sgt. Joe Hernandez found Grason wandering in the street on South Airport Boulevard heading toward the airport. They attempted to subdue him to put him under a psychiatric hold, but he fled toward the airport.

"He was walking in the middle of the road,

disheveled and rambling," Doyle said. "When he wouldn't respond and went the other way, the officers went after him and there was a scuffle."

The suit alleged the officers punched, kicked and struck Grason with batons. Grason was hospitalized 19 days for treatment of injuries suffered during his arrest, including a broken left leg and right foot and fractured ribs, it said.

The suit, filed on Grason's behalf by Oakland personal-injury lawyer Michael Haddad, argued police should have given Grason, who was unarmed, appropriate medical treatment rather than a severe beating. The suit called their use of force "unjustified and objectively unreasonable under the circumstances." The suit further alleged the city's police department failed to adequately train officers in handling emotionally disturbed people. "He was just brutalized by these officers, who never came up with a credible explanation for why he was hurt so bad," Haddad said. He added that the city has agreed to consider outside advice in improving training for handling the mentally disturbed.

Doyle said that with the possibility that San Jose could get socked with Grason's medical bills totaling up to \$150,000 plus his legal fees if it lost in court, the settlement is appropriate. "From a risk-management standpoint, it's probably a fair number," Doyle said.

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