

Lawsuit claims officers broke San Jose woman's leg while seeking daughter in school arson

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SANTA CLARA -- A San Jose woman is suing the Santa Clara Police Department in federal court, claiming officers broke her leg after storming her home without a warrant while looking for her daughter, a suspect in an arson at Santa Clara High School earlier this year.

Filed on Wednesday on behalf of Danielle Harmon, the civil rights lawsuit seeks unspecified damages and names as defendants the city of Santa Clara, Chief Michael Sellers, officers Mark Shimada, Mitchell Barry and Peter Stephens, Sergeant Gregory Hill and Detective Greg Deger, as well as 10 unnamed people.

About two weeks after the April confrontation that is the basis of Harmon's lawsuit, Santa Clara reached a nearly \$500,000 settlement with a family who filed a federal civil rights suit claiming that police illegally searched their home multiple times in 2014 based on theft suspicions that never materialized. Oakland-based attorney Michael Haddad was the attorney in that case and is now representing Harmon.

"It shows once again that Santa Clara Police Department needs to be reminded of the warrant requirement in the Constitution," Haddad said. "Innocent people shouldn't be having their bones crushed because they insist on having a warrant before the government enters the house."

The Santa Clara Police Department declined to comment on the case, citing the pending litigation, but confirmed that Harmon's 15-year-old daughter was one of two suspects in an April 4 fire that destroyed the snack shack near the school's football field. Police said the fire caused about \$350,000 in damage to the structure and sports equipment housed there. Two students were later arrested in connection with the blaze.

It was while police were looking for the teen girl that five officers purportedly went to Harmon's home in the Rose Garden neighborhood of San Jose in the late afternoon of April 12. The lawsuit claims police demanded to know where Harmon's daughter was and that Harmon insisted that the officers show her a warrant before letting them in.

After some back and forth, the lawsuit contends that Hill said, "You either let us in or we break down the door," and that the officers circumvented their lack of a warrant by claiming they were in "fresh pursuit" of Harmon's daughter. The lawsuit states an objection to the premise because the fire occurred eight days earlier.

Harmon states in the filing that the officers forced their way into the home and that Hill and Barry threw her down, causing her leg to break when it smashed into a stone pillar. Her daughter was reportedly located upstairs in the home and arrested.

The lawsuit further asserts that the aggressive confrontation was retaliation against Harmon for not allowing police to fully interrogate her daughter in the days after the fire and refusing on multiple occasions to discuss the case without their attorney present.

That led to Shimada describing Harmon as "uncooperative, adversarial, and confrontational" in enlisting the police department's Special Enforcement Team to conduct the home visit and eventual arrest of Harmon's daughter, according to the lawsuit.

In addition to unspecified monetary damages, Harmon's suit seeks injunctive relief that includes ordering the police department to reform its practices to prevent officers from conducting unconstitutional policing.

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