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Tuesday, July 26, 2016 Last Update: 8:19 AM PT

Black Man Riddled With Bullets for a Toy Gun

By HELEN CHRISTOPHI

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SAN FRANCISCO (CN) — Oakland police say a black man "brandished a firearm" before they riddled him with bullets, but his daughter says in a lawsuit that Richard Perkins was merely tossing away a toy pistol to get rid of it when police killed him without a word of inquiry.

What's certain is that Oakland police killed Richard Hester Perkins Jr. at Bancroft and 90th avenues at around 5:30 p.m. on Nov. 15, 2015, after "sideshows" of "automotive stunts" had concluded.

Perkins' daughter, TDP, suing through her mother Andrea Dupree, says her father merely "removed an Airsoft toy pistol from his clothes to get rid of it before approaching any closer to the officers."

The complaint continues: "As Mr. Perkins was dropping the toy pistol, one of the defendant officers yelled something to the effect of 'He's got a gun!' and without warning, defendants [Joseph] Turner, [Jonathan] Cairo, [Joshua] Bernard, and [Allahno] opened fire on Mr. Perkins, causing at least 15 bullet wounds to his body."

Perkins died where he lay, and "all defendants were wearing body cameras but failed to activate their cameras until after decedent was shot," his daughter says in the complaint.

TDP, now 15, was 14 years old when her father was killed.

"This particular case raises an overarching issue that American police these days are trained to shoot too soon before an immediate threat ever materializes," her attorney Michael Haddad told Courthouse News. "That's not the law."

Sgt. Turner was a seven-year veteran with the Oakland Police; the other officers were rookies, according to the lawsuit.

The Oakland City Attorney's Chief of Staff Alex Katz said Monday he could not comment because the city has not yet been served.

TDP and her mother claim the defendant city and then-Police Chief Sean Whent encouraged officers to use deadly force as a first line of defense rather than only when faced with an immediate threat of death or serious injury.

Haddad said in an interview that the Oakland Police Department's use-of-force policy violates the Supreme Court standard that officers can open fire only when facing an immediate threat. Oakland allows officers to use deadly force when they face an "imminent" threat. Police trainers around the country train officers to do the same, Haddad said.

"That's legally wrong and morally wrong," Haddad said. "We expect more when government is going to take a life."


TDP also claims the city and its police fail to properly investigate officer-involved shootings and use of excessive force, and to discipline violent officers.

After an internal investigation, former Police Chief Whent said Perkins had not indicated he was going open fire on the officers, according to the complaint. But CBS News reported five days after the shooting that police claimed Perkins had brandished a gun before he was shot, and only afterward did officers see it was a toy.

Perkins' daughter seeks punitive damages for civil rights and constitutional violations, negligence and assault and battery. She also wants the city and its police ordered to stop the constitutional and civil rights violations, properly investigate officer-involved shootings and law enforcement-related deaths, stop withholding information from investigators about officer misconduct, and train officers to use deadly force according to accepted procedures.

Sean Whent resigned in June. The city burned through four police chiefs in four weeks this summer in a sex scandal involving a teenager who says she had sex with more than two dozen officers. At least one officer killed himself as the scandal unraveled.

Asked whether a proposal for a new police commission could change the culture of the department, Haddad said it could if it is staffed correctly.

"Whether the commission is going to be staffed with impartial, knowledgeable, courageous people remains to be seen," the attorney said. "Because that's what it's going to take to really rein in a police department like Oakland, with a long history of lawlessness." 

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