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# Police broke her ankle in 2016. She just settled for \$6.7 million.

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By Bay City News

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**T**he City of Santa Clara has settled a lawsuit alleging that its police department entered a home without a warrant and broke a woman's ankle while detaining her under questionable circumstances in 2016 for \$6.7 million.

Sgt. Gregory Hill and officers Mitchell Barry, Mark Shimada, Peter Stephens and Greg Deger were all named defendants in the suit, which claims that officers kicked down the door of Danielle Harmon Burfine's home after she refused to let them in without a warrant on April 12, 2016, according to attorneys Michael Haddad and Julia Sherwin.

They were there to arrest Harmon Burfine's 15-year-old daughter on suspicion of arson in connection with a fire that caused an evacuation and \$350,000 in damage at a Santa Clara high school roughly a week earlier on April 4.

After forcing entry into the plaintiff's home, officers grabbed her and swung her to the ground, smashing her ankle up against a stone wall.

She suffered a fracture, and the injury may be permanently disabling, according to her attorneys.

After multiple surgeries Harmon Burfine developed a condition called Complex Regional Pain Syndrome, in which the chronic pain in her injured leg has spread to other limbs.

City attorney Brian Doyle said in a statement that while there was "significant disagreement about the extent of the injury" they do not dispute the claim that Harmon Burfine suffered a broken ankle when police entered her home without a warrant.

Doyle said:

***"The City's insurer determined that the most prudent course of action was to pay an amount that would result in a settlement."***

But as a result of the settlement, evidence disputing the injury claim will never be presented at trial, according to the city.

Santa Clara police Chief Michael Sellers called that disappointing in the city's statement:

***"I fully support the police officers who acted in good faith to arrest this arsonist wanted on felony charges."***

During a news conference in Oakland Thursday afternoon, Harmon Burfine's attorneys called Sellers out for that support.

Sherwin said:

***“When he makes a statement like that he’s sending a message to all of the officers in his department that they should keep breaking the law, they should keep breaking into peoples homes without a warrant and they should keep breaking the bones of innocent women.”***

Sherwin also urged the people of Santa Clara to ask Sellers “what’s wrong with him.”

Sherwin and Haddad said that one of the most troubling aspects of this incident is that it occurred shortly after the City of Santa Clara reached a \$500,000 settlement in a similar case filed on behalf of one of their other clients, in which police officers entered the home of two federal agents without a warrant.

Haddad said:

***“We had hoped that would begin to fix the problem with that department with warrants. ... It didn’t.”***

During a statement made at Thursday’s news conference, Harmon Burfine, who earned an Associate’s Degree in criminal science and was in the process of applying to work as an officer for the San Jose Police Department when she was injured, started out by thanking good cops all across the country.

She also said this could not have been about taking her daughter into custody because she had already made arrangements to surrender the child into police custody the following morning at 8 a.m.

This is about rights, Harmon Burfine said:

***“Those can’t be taken away. ... I have a message, mostly for Chief Sellers, but also for the officers who entered my home without a warrant: You need to think back to that oath, the one you swore to uphold.”***

Haddad and Sherwin had released video of the incident in question from an officer's bodyworn camera. They told reporters at Thursday's news conference they'd been forced to take the video down at the insistence of the Santa Clara Police Department – but the video has already been reposted by other accounts on social media.

In the video Harmon Burfine can be heard screaming at length, crying, repeatedly informing officers that her leg had been broken and begging officers to summon medical assistance. At one point she informed officers that she was about to vomit, and subsequently did.

The officers who forced entry into Burfine's home waited roughly seven minutes before calling medical personnel to the scene. While she was screaming in pain, one of them also threatened her with arrest if she didn't "calm down."

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**MITCHELL BARRY**

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**SANTA CLARA POLICE DEPARTMENT**

**SETTLEMENT**

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