

Palo Alto: Claim filed in fatal officer-involved shooting of mentally ill man

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San Jose Mercury News

Posted: Tue Mar 22 08:21:02 MDT 2016

PALO ALTO -- The mother of a mentally ill man fatally shot in a Christmas night confrontation with police has filed a claim for damages against the city, alleging officers did not follow state-mandated training and standards for de-escalating such situations.

The claim further alleges officers stopped a staff member at Momentum for Mental Health, a residential treatment program, from "aiding, restraining and disarming" patient William Raff and delayed potentially lifesaving emergency medical treatment.

Michael Haddad, the attorney for Raff's mother, Tina Cremer, said officers knew they were dealing with a mentally ill man when they were dispatched to investigate a "false emergency." In a 911 call, Raff, 31, told dispatchers someone at the facility was threatening to harm another person, but police determined no one was in any danger.

"That's the information they have when they arrive," Haddad said. "There's just some mentally ill guy who is confused and feeling unsafe."

Raff ran out of the facility with a butter knife in one hand as officers arrived, a staff member hot on his heels, Haddad said. The staff member shouted at the officers not to shoot and that Raff only had a butter knife, but the officers drew their weapons and opened fire when Raff was 30 or 40 feet away, Haddad said.

State-mandated training and standards for dealing with a mentally ill person like Raff call for officers to "keep their distance, maintain a position of safety and calm him down," said Haddad, adding that the 130-pound Raff did not pose a threat to the officers.

"Anyway you look at it," he said, "the shooting was unnecessary and a violation of generally accepted standards."

Haddad said the staff member, a former Marine, was prevented from gathering Raff in a bear hug and disarming him.

Police have offered a different version of events.

As officers arrived at Momentum for Mental Health and began walking toward the front lawn, Raff emerged from the shadows, brandishing a table knife and jumping around erratically, according to a statement released by police shortly after the shooting.

The officers called for backup and retreated toward their patrol cars, repeatedly ordering Raff to drop the knife as they did so, the statement said. One of the officers also asked for a unit equipped with a less-lethal weapon that fires a rubber round to respond to the scene.

Raff, meanwhile, moved to the middle of the street and continued jumping around erratically, according to the statement.

"Officers continued to repeat their commands to drop the knife, but the suspect ignored them," police said in the statement. "The suspect then suddenly sprinted directly at the officers while screaming and waving the knife."

Raff got close enough to one of the officers that he had to move to avoid being hit by Raff as he fell after being shot, according to Lt. Zach Perron of the Palo Alto Police Department.

The officers who shot and killed Raff have been identified as Nicholas Enberg and Zachary Wicht.

The 19-second encounter was captured by patrol car cameras, but the city has declined requests to release the footage, Haddad said.

"I think it's highly suspicious they won't even show it to the bereaved mother," he said.

Reached by email Monday night, City Attorney Molly Stump said the claim hadn't reached her desk yet. Cremer will have up to six months to file a lawsuit if the city takes action on the claim within 45 days of its receipt, Stump said.

The claim does not list a dollar amount. Haddad said he would present a figure if the case goes to trial.

"Anytime the police needlessly take a human life, you're talking about a multimillion dollar claim," he said.

The claim is about more than money, Haddad said.

"It's about getting clarity about why this was done," he said. "It's about holding the government accountable when they needlessly take a human life. And it's about shining some sunlight on this whole thing so that hopefully this won't have to happen again."

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