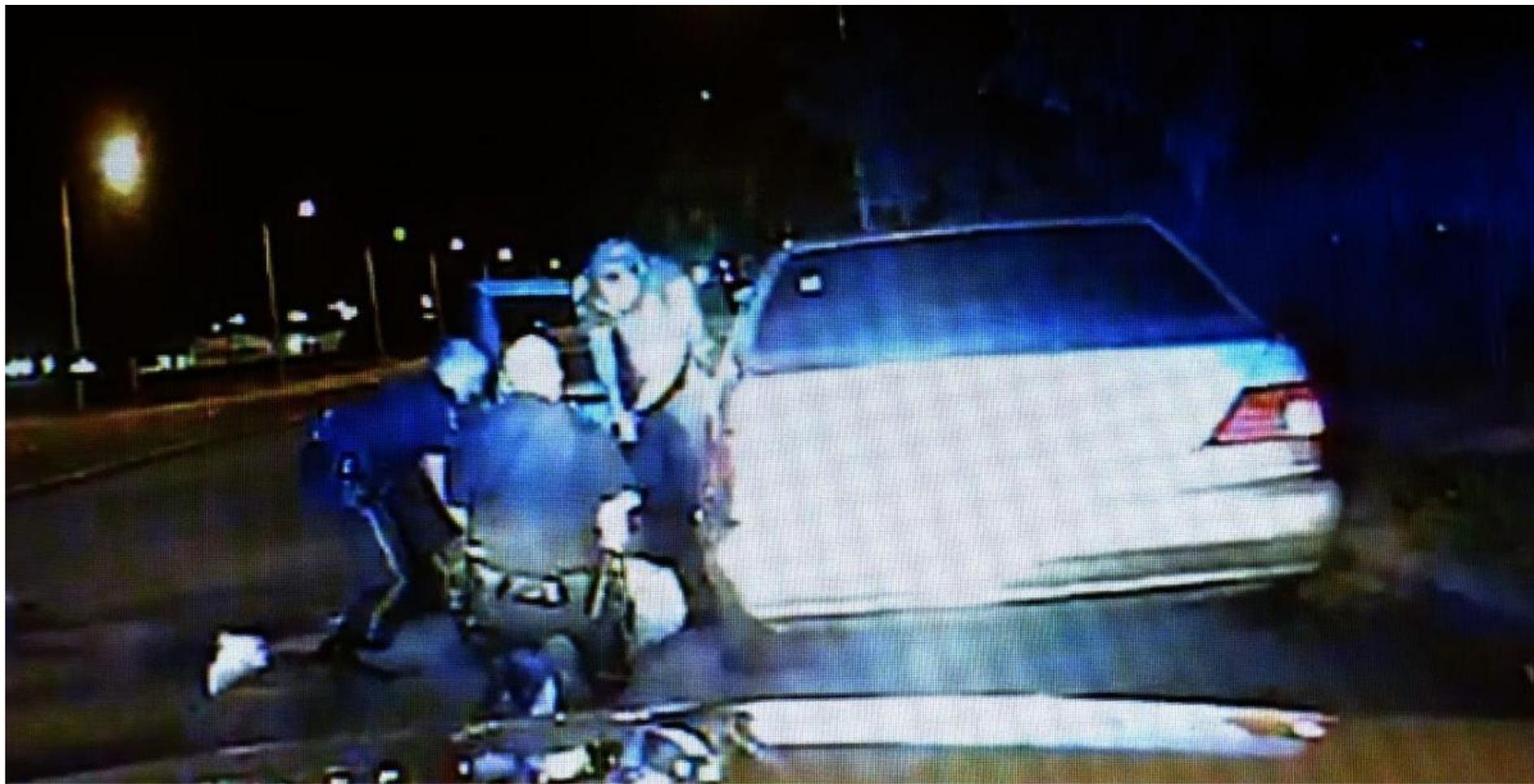


[https://www.postandcourier.com/news/with-court-decisions-on-taser-use-latest-600-000-settlement-could-be-new-norm/article\\_d4962d7a-953d-11e6-ac1d-5f7823db6a72.html](https://www.postandcourier.com/news/with-court-decisions-on-taser-use-latest-600-000-settlement-could-be-new-norm/article_d4962d7a-953d-11e6-ac1d-5f7823db6a72.html)

## With court decisions on Taser use, latest \$600,000 settlement could be new norm

BY ANDREW KNAPP AKNAPP@POSTANDCOURIER.COM

OCT 16, 2016



Video from a North Charleston Police car shows Michael Slager, standing at right, fire his taser at Julius Wilson on the ground.

PROVIDED

A man shocked with a Taser and paralyzed by a Charleston County deputy's bullet will get \$600,000 in a settlement from his excessive force lawsuit.

Coupled with the U.S. Supreme Court's refusal this month to review a ruling that deemed many stun gun uses in South Carolina to be excessive, such high-dollar settlements might be the new normal in allegations of police brutality. The court's decision means little for past cases, but for those to come, it lends even greater leverage to people who claim to have been abused at the hands of police.

The federal appeals court that oversees the Palmetto State and four others made the new law when it ruled that officers cannot fire Tasers if a suspect's resistance doesn't pose an immediate danger. The weapons cannot be used on people simply trying to get away.

Ricky Jennings, a felon, ran in June 2013 from a traffic stop near McClellanville. Deputy Kimberly Poirier tried stopping him with a Taser, and a fight ensued. Jennings ran again and, Poirier said, kept reaching into his pockets. Poirier shot him once in an arm and once in his back.

West Ashley attorney Sandy Senn's firm defended Poirier, who "could have been easily killed" if she hadn't acted, the lawyer said. Despite facts favoring Poirier, Senn said, the case is another example of anti-police sentiment in the courts and in the public that is forcing settlements. Agencies are covered up to \$1 million, but larger verdicts can jeopardize an officer's own finances.

Jennings' case had been set for trial days before he settled.

“I just want to see the return of the days where officers aren’t afraid to go into court and defend their actions,” Senn, a Republican candidate for the S.C. Senate, said. “They have a whole lot of other challenges to face as it is.”

Jennings’ attorney, Patrick Wooten, said the suit against Poirier proved significant because the deputy’s defense team had acknowledged that his client had been shot in the back. Before then, the deputy and prosecutors who examined the case had wrongly concluded, Wooten said, that a bullet had first entered Jennings’ stomach, then exited his back.

“The \$600,000 settlement is wholly inadequate to compensate Mr. Jennings for his injuries, which have left him paralyzed for the rest of his life,” said Wooten, who said he waived his fees so Jennings could pocket the full amount. “The Sheriff’s Office is drastically underinsured, and it allows the Sheriff’s Office to drive down settlements in even the most egregious cases, such as this one.”

Senn agreed that agencies need more coverage in this new age of policing.

She often fights suits for the S.C. Insurance Reserve Fund, which covered Jennings’ payout and a \$380,000 settlement in August for a soldier who was shocked with a Taser by North Charleston officers. She also is leading an effort locally to retrain police officers in the latest laws on excessive force. A lead component is the new standards for Taser use. She, too, was disappointed that the Supreme Court didn’t take up the issue.

“It has eviscerated what we taught officers for the past 10 years,” Senn said. “One officer said (in a class) that maybe they just need to keep their Tasers in the trunk.”

The S.C. Criminal Justice Academy does not put recruits through technical, real-world training with Tasers, spokeswoman Florence McCants said. That's because the agencies that employ the new officers often have different stun gun models and policies.

But instructors there do cover legal concepts behind the "use of force continuum," the level of resistance officers must see before firing a weapon or using a physical maneuver, McCants said. They recently drafted a "legal update" to cover the 4th U.S. Circuit Court of Appeals' ruling in a lawsuit brought by Ronald Armstrong's family. Officers in Pinehurst, N.C., who sought to commit Armstrong for a mental illness, used a Taser on him five times as he clung to a post, hoping to avoid being taken. He died minutes later.

The legal update for academy class work explains the case law that resulted from Armstrong's death.

"When we talk about that (with recruits), we're reminding them not only of the case, but the impact of the case," McCants said. "We just give them that basic foundation."

The Dorchester County Sheriff's Office enlisted an independent attorney to review its policy, which Maj. Tony Phinney said proved consistent with the ruling. Still, deputies have been schooled on the new rules through semiannual training courses and a yearly Taser recertification class, Phinney said.

Deputies will "roll" with the new law, but Phinney said they have concerns.

“It does create a conflict, if you think about it,” he said. “You put a less-lethal tool in the field, but now we’re encountering obstacles to using it. The argument then becomes: When the less-lethal method is taken away, are we jumping over that into deadly force?”

Many attorneys have adopted a favorable view.

John Gentry III of Charleston represents Julius Wilson, a man who sued former North Charleston police officer Michael Slager last year after video emerged showing Slager shooting Walter Scott to death. The officer had tried to use a Taser to stop Scott before they struggled.

Wilson claims to have been a victim of excessive Taser use by Slager and other officers during an August 2014 traffic stop.

While his client’s suit is still pending, Gentry said the court ruling will help stop officers from using a Taser to “indiscriminately respond to any degree of noncompliance.”

The case, the lawyer said, “certainly will have a positive impact for plaintiffs who are victims of excessive force by the police.”

---

Reach Andrew Knapp at 843-937-5414 or [twitter.com/offlede](https://twitter.com/offlede).

---

#### **ANDREW KNAPP**

Andrew Knapp is editor of the Quick Response Team, which covers crime, courts and breaking news. He previously worked as a reporter and copy editor at Florida Today, Newsday and Bangor (Maine) Daily News. He enjoys golf, weather and fatherhood.

