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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of March – 2024

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Synnott v. Burgermeister and Northrup, No. 22-1104, 2024 WL 108784, January 10, 2024.

THE CASE: Two police officers made a warrantless entry into the home of Synnott and his sisters. Once inside, the Officers held the plaintiff (Synnott) and his sisters at gunpoint while they investigated a 911 call. Synnott sued the Officers for unlawfully entering his home and using excessive force and won a verdict. This case is about whether the Officers (and their City employer) are going to have to pay the amount the jury awarded Synnott.

FACTS: Synnott and two of his sisters were at his home when a process server arrived. According to Synnott, without speaking to anyone there, the process server phoned 911. Two Officers responded to the 911 call.

According to Synnott, the following occurred. [*Because Synnott was the prevailing party in the District Court, the Court of Appeals declared that it would view the facts of this case in favor of Synnott.*] It was undisputed at trial that the officers lacked a warrant, a reason to suspect criminal wrongdoing, and, from the outside of the home, anything to suggest that anyone inside was in danger. Although the officers said that an “open” door at the home concerned them, Synnott testified that the door was closed. The officers entered the home without ringing the doorbell, knocking, or (as one of Synnott's sisters testified) “say[ing] who they were,” despite knowing that entering the home in this manner without an emergency was prohibited. Once inside, an Officer drew his gun and pointed it at Synnott and his sisters—even though he knew, as he admitted at trial, that “one of the safety rules” was not “to point at anything you're not intending to kill.” Synnott presented evidence that the other Officer, too, aimed his gun at Synnott. This one-sided, armed confrontation inside Synnott's home lasted a half hour.

Synnott sued the Officers. The case was tried twice. The first trial occurred after the district court dismissed all of Synnott's claims except for those against the Officers for unlawful entry and excessive force. The first jury returned a verdict in favor of Synnott, awarding him \$100,000 in punitive damages (\$30,000 against Burgermeister and \$70,000 against Northrup) and \$250,000 in compensatory damages. The defendants moved for a new trial or, alternatively, a remittitur of the damages award. [*Remittitur involves the reduction of a monetary award by the trial court when the court views the award as excessive.*] The district court granted the motion in part, allowing Synnott either to proceed to a new trial or to accept the award of punitive damages with a reduced amount of compensatory damages (i.e., remittitur). After Synnott declined the remittitur, the parties proceeded to a second trial only on damages [i.e., the second trial was not concerning with whether or not the Officers were liable for their actions. Their only purpose of the second jury was to determine the amount of damages owed to Synnott.]

The second jury awarded Synnott no compensatory damages but \$85,000 in punitive damages (\$10,000 against Burgermeister and \$75,000 against Northrup), [*Perhaps Synnott should had agreed to the remittitur?*] and the defendants once again moved for a new trial or a remittitur of damages. This time, the district court denied this motion. It ruled that the evidence at trial—that the defendants “recklessly disregarded” the “sanctity” of the home and unjustifiably endangered Synnott—supported the award, that Synnott could be awarded punitive damages even without compensatory damages, and that no bias infected the award. The defendants then took this appeal.

ISSUE: Was the judgment against the Officers reasonable?

ARGUMENT: In this appeal, the Officers argued that the District Court erred in denying their motion for remittitur or a new trial.

SUB-ISSUE #1: Did Synnott present sufficient evidence to show that the Officers acted with “callousness or reckless indifference,” the showing required for punitive damages?

FINDINGS: In response to this argument, the Court of Appeals declared that the Officers’ argument rested on a view of the evidence in their favor, not Synnott's. The Court concluded that when it construes the evidence most favorably to Synnott, as the district court did in rejecting this argument, the jury could find callous or reckless conduct based on the following: Without reason to think that a probable crime or emergency justified a warrantless entry into Synnott's home, the defendants barged in through a closed door without warning and aimed their loaded guns at the family despite knowing that this behavior was unlawful. The Court held that such evidence of callous or reckless indifference to Synnott's rights supported an award

of punitive damages. Therefore, the Court of Appeals concluded that the district court did not abuse its discretion in rejecting this argument.

SUB-ISSUE #2: *Next, the Officers make several arguments that the punitive damages against them were unconstitutionally excessive.* Each argument will be discussed in turn.

KEY CASE: **BMW of North America, Inc., v. Ira Gore, Jr., 116 S. Ct. 1589, May 20, 1996.** **What are excessive punitive damages?** In this case, an automobile purchaser brought an action against a foreign automobile manufacturer, its American distributor, and its dealer based on the distributor's failure to disclose that the automobile had been repainted after being damaged prior to delivery. The Alabama Circuit Court entered judgment on jury verdict awarding buyer compensatory damages of \$4,000 and punitive damages of \$4,000,000. The United States Supreme Court declared that the award of \$2,000,000 punitive damages was grossly excessive. In making its ruling, the Supreme Court identified three “guideposts” when considering the issue of excessive punitive damages. They were: **1). Degree of Reprehensibility.** (Just how bad was the conduct of the defendants?) **2).** The **ratio of the amount of punitive damages to the actual harm inflicted on the plaintiff.** (Punitive damages must bear a “reasonable relationship” to compensatory damages.) **3).** **Sanctions for Comparable Misconduct.** (Comparing the punitive damages awards and the civil or criminal penalties in prior cases that could be imposed for comparable misconduct.)

A: Did the \$85,000 in punitive damages properly reflect the required degree of reprehensibility on the part of the conduct of the Officers? The Officers argued that it did not because Synnott suffered no physical injury in this case and the officers acted out of concern for the family's welfare based upon the 911 call.

FINDINGS: The Court of Appeals responded by noted that physical injury is just one of five factors relevant to reprehensible conduct. Among the other four factors: **[1. a reckless disregard for health or safety, 2. the financial vulnerability of the victim, 3. a repetition of the misconduct, and 4. malice]** the Court noted that Synnott supported at least two. First, the Court noted that far from showing genuine concern for the family's welfare, trial evidence shows that the Officers recklessly disregarded Synnott's health and safety by aiming their loaded guns at him and his family without justification. And second, the officers showed **malice** by entering Synnott's home without a warning, warrant, probable cause, or reasonable belief of an emergency, while aware that they were prohibited from doing so. The Court declared that because all five factors must be absent to render a punitive award suspect, the jury in this case permissibly found the required degree of reprehensibility to support the punitive damages award.

B: Was the disparity between the lack of compensatory damages (\$0) and the punitive damages award (\$85, 000) excessive? The Officers argued that a “0” to “85,000” ratio was clearly excessive.

FINDINGS: In response, the Court of Appeals noted that although courts usually require only a single-digit ratio between punitive and compensatory damages, that ratio is not mandatory where the compensatory damages are low or the constitutional rights at issue protect dignitary harms. Further, a higher ratio does not automatically violate due process but merely requires special justification. Here, the Court of Appeals declared that in properly allowing the higher ratio, the district court cited the need to deter through meaningful punitive damages the loss of privacy, the fright, and the peril that an unjustified, armed home invasion can cause.

C: Could the difference between the damages in this case and in comparable cases explained or justified? After citing several older cases dealing with punitive damages that approved a lower award of punitive damages, the Officers argued that the award in this case was excessive when compared to those previous cases.

FINDINGS: The Court of Appeals concluded that it is not clear that Synnott's award was particularly different from other similar cases. although the appellants cite some older cases (and do not adjust for inflation) where juries awarded lower punitive damages, they also reference awards comparable to Synnott's. Further, the potential harm in this case could explain the upward variation: i.e., Northrup's firearm could have accidentally or intentionally discharged, causing greater harm than in cases involving less force. Finally, the Court noted that an upward deviation from the “norm” was also appropriate where, as here, the jury reasonably found that the officers’ actions were “completely unjustified.”

CONCLUSION: The Court of Appeals affirmed the judgment against the Circuit Court. Specifically, the Court declared that because a reasonable jury could have found that the Officers acted with callousness or reckless indifference, and the jury’s award of \$85,000 in punitive damages was not excessive or otherwise improper, it affirmed the Circuit Court’s refusal to order a new trial or remittitur of the punitive damages award.

QUIZ QUESTIONS FOR THE MONTH OF MARCH – 2024

Taylor v. City of Chicago, 2024 IL App (1st) 221232, January 5, 2024.

1. Synnott argued that the defendant Officers violated his constitutional rights by illegally entering into his home. In such cases, a jury can, if it finds the defendant's liable, impose both compensatory and punitive damages.
 - a. True.
 - b. False.

2. In order to justify an award of punitive damages, the conduct of the defendant Officers must have been found to have been "reprehensible." The Court of Appeals in this case listed five factors that were relevant in finding such conduct "reprehensible." Which of the following was ***not*** on the Court's list of factors?
 - a. the victim suffered physical injury.
 - b. the financial vulnerability of the victim.
 - c. criminal conduct on the part of the defendants.
 - d. the defendants acted with a reckless disregard for the health or safety of the victims.
 - e. the defendants acted with malice.

3. In this case, the defendant Officers argued that punitive damages should not have been awarded because Synnott failed to introduce sufficient evidence to show that they acted with reckless or callous indifference to the federally protected rights of Synnott. Did the Court of Appeals agree with this argument?
 - a. Yes.
 - b. No.

4. The Officers argued that punitive damages should not have been awarded in this case because Synnott failed to introduce sufficient evidence to show that their conduct was "reprehensible." This was the case, the Officers argued, because Synnott suffered no physical injury as a result of their actions, and they acted out of concern for the family's welfare. The Court of Appeals agreed with this argument.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF MARCH – 2024

Taylor v. City of Chicago, 2024 IL App (1st) 221232, January 5, 2024.

1. Synnott argued that the defendant Officers violated his constitutional rights by illegally entering into his home. In such cases, a jury can, if it finds the defendant's liable, impose both compensatory and punitive damages.
 - a. True. As the United States Supreme Court has stated, "We hold that a jury may be permitted to assess punitive damages in an action under § 1983 when the defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally protected rights of others."
2. In order to justify an award of punitive damages, the conduct of the defendant Officers must have been found to have been "reprehensible." The Court of Appeals in this case listed five factors that were relevant in finding such conduct "reprehensible." Which of the following was not on the Court's list of factors?
 - c. *criminal conduct on the part of the defendants.* This factor was not on the Court's list.
3. In this case, the defendant Officers argued that punitive damages should not have been awarded because Synnott failed to introduce sufficient evidence to show that they acted with reckless or callous indifference to the federally protected rights of Synnott. Did the Court of Appeals agree with this argument?
 - b. No. The Court concluded: "The jury could find callous or reckless conduct based on the following: Without reason to think that a probable crime or emergency justified a warrantless entry into Synnott's home, the defendants barged in through a closed door without warning and aimed their loaded guns at the family despite knowing that this behavior was unlawful. Such evidence of callous or reckless indifference to Synnott's rights supports an award of punitive damages."
4. The Officers argued that punitive damages should not have been awarded in this case because Synnott failed to introduce sufficient evidence to show that their conduct was "reprehensible." This was the case, the Officers argued, because Synnott suffered no physical injury as a result of their actions, and they acted out of concern for the family's welfare. The Court of Appeals agreed with this argument.
 - b. False. The Court of Appeals rejected this argument and noted that: "far from showing genuine concern for the family's welfare, the trial evidence showed that the Officers recklessly disregarded Synnott's health and safety by aiming their loaded guns at him and his family without justification and the officers showed malice by entering Synnott's home without a warning, warrant, probable cause, or reasonable belief of an emergency, while aware that they were prohibited from doing so."