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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of March – 2025 - ALTERNATIVE

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# **LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

## **Month of March - 2025 - ALTERNATIVE**

### **Blake Stewardson v. Christopher Titus, et al., No. 23-3262, 126 F.4th 1264, January 23, 2025.**

**THE CASE:** Stewardson was arrested for DUI. At the jail, Titus used excessive force against Stewardson numerous times. Did the jury's award of \$850,000 in punitive damages against Titus violate his due process rights?

**FACTS:** On January 1, 2018, shortly after midnight, Stewardson was arrested for DUI. He was taken in handcuffs to the County Jail. Upon arrival, Stewardson was visibly intoxicated, and he began directing profanities at the police. At intake, officers attempted to pat him down, but he struggled, making the task more difficult. During the attempted search, surveillance video showed that Titus slammed Stewardson's face against a wall while he remained handcuffed. Titus's supervisor was walking over to help restrain Stewardson and witnessed this use of force. After Biggs arrived to assist, Titus again slammed Stewardson's face into the wall. As a result, Stewardson received a cut over his left eye, which began to bleed.

Following the head slams, the supervisor decided the officers would need to move Stewardson to the jail's padded cell to complete the search. The supervisor and Titus guided Stewardson to the cell, and immediately upon entering, Titus executed a leg sweep, taking Stewardson's feet out from under him. Stewardson fell to the ground and hit his head. The officers then restrained Stewardson, and Titus began removing his handcuffs. He successfully uncuffed one of Stewardson's hands. But because the key for the handcuffs broke in the lock, Titus was unable to uncuff the other hand. While one officer went to retrieve bolt cutters to free the handcuffs, other officers kept Stewardson pinned to the ground for more than twenty-five minutes. During this time, the partially handcuffed Stewardson began to struggle with the police. To regain control of him, the supervisor delivered what is called a "common peroneal knee strike." This involves driving one's knee into the common peroneal nerve located in the leg of another. The supervisor had been trained how to properly execute this strike. After recovering control of Stewardson, the police were able to remove his handcuffs. But, according to the officers, Stewardson remained non-compliant, refusing orders to stay on his stomach and directing additional profanities at them. So, the supervisor employed another knee strike.

According to the supervisor, Stewardson made a suicidal comment while he resisted the officers. Stewardson cannot recall whether he made such a comment, but he did not deny doing so. As a result, the officers removed his clothing and brought an anti-suicide blanket to the padded cell. Once he was left alone, Stewardson unsuccessfully attempted to cover the cell's camera with the blanket. In response, the supervisor instructed the officers to place Stewardson in a restraint chair. Titus returned to the padded cell before the restraint chair arrived. He spoke to Stewardson for a few seconds through a window in the cell door. Titus then abruptly swung the door open and into Stewardson, briefly pinning him to the wall. Titus then entered the cell and performed a hip toss—he lifted Stewardson off the ground and across his body before throwing Stewardson back to the floor. This occurred approximately thirty minutes after Titus had executed the leg sweep. The supervisor was in the jail's intake area but not present in the padded cell to witness the hip toss. The Officers then strapped Stewardson to the restraint chair where he remained for the next forty minutes.

Thereafter, Stewardson sued both Titus and the supervisor. Specifically, Stewardson alleged that Titus used excessive force against him. Stewardson then argued that the supervisor used excessive force against him with his knee strikes and, also, failed to intervene to prevent Titus from using excessive force. The District Court granted the supervisor's motions to dismiss concerning both his use of excessive force and his failure to intervene. The Court, however, allowed the jury to decide the liability of Titus. The jury found in favor of Stewardson and awarded him \$400,000 in compensatory damages and \$850,000 in punitive damages. Both Titus and Stewardson appeal the District Court's judgments.

### **ISSUE #1: Did the jury's award of \$850,000 in punitive damages against Titus violate his due process rights?**

**THE LAW – Punitive Damages:** The Supreme Court has long held that punitive damages are among the enforcement mechanisms available in a (civil rights) action. Punitive damages are only appropriate, the Court has said, when a defendant's conduct was driven "by evil motive or intent" or when "it involve[d] reckless or callous indifference to the federally protected rights of others." Because punitive damages are "retributive in nature," they must comply with principles of due process.

The Supreme Court has identified three “guideposts” courts must consider when reviewing a punitive damages award. Those are: “(1) the degree of reprehensibility of the defendant's misconduct; (2) the disparity between the actual or potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases.” Concerning **Reprehensibility**, five considerations are listed. (1) [T]he harm caused was physical as opposed to economic; (2) the tortious conduct evinced an indifference to or a reckless disregard of the health or safety of others; (3) the target of the conduct had financial vulnerability; (4) the conduct involved repeated actions or was an isolated incident; and (5) the harm was the result of intentional malice, trickery, or deceit, or mere accident.

**Sub-Issue #1: Reprehensibility:** The Court in this case concluded that Titus both physically harmed Stewardson and showed a disregard for his health and safety. Further, the Court found that Titus repeatedly used excessive force against Stewardson and Titus acted maliciously against Stewardson. Based upon these findings, the Court found Titus’s conduct reprehensible. Viewing “the facts in the light most favorable to the verdict,” his level of force exhibited an intent to harm Stewardson, rather than merely restrain him. “To throw a man's head against concrete when he is handcuffed and presents no threat is clearly excessive and malicious.” Titus did more than just that. The jury also heard evidence that officers were laughing outside Stewardson's cell in the aftermath of Titus using excessive force. The district court judge, who observed Titus throughout the trial, described him as an unsympathetic witness who was “seemingly flippant” about the incident. All told, the evidence supported the jury's conclusion that Titus displayed a malicious disregard for Stewardson's well-being during and after the night in question.

**Sub-Issue #2: Ratio Between Compensatory and Punitive Damages:** Courts often evaluate this factor with reference to the “ratio between the compensatory and punitive damages.” As a rule of thumb, an award that exceeds a single-digit ratio generally violates due process. The Court noted that in this case, the jury awarded Stewardson \$400,000 in compensatory damages and \$850,000 in punitive damages. According to the Court, the resulting punitive to compensatory damages ratio was 2.1 to 1. So, as an initial matter, the Court declared that the award failed to raise any constitutional red flags. [NOTE: *Kapelanski v. Johnson*, 390 F.3d 525, 534 (7th Cir. 2004) (finding a ratio of 3.3 to 1 “easily permissible”).]

In response, Titus complained that given the jury’s compensatory damages award of \$400,000, the punitive damages award constituted an unjustified “windfall” for Stewardson. In rejecting this argument, the Court acknowledged the size of the jury's punitive award in this case. However, it declared that Titus's actions justify it. According to the Court, when a defendant's conduct is sufficiently reprehensible it may “warrant the imposition of further sanctions to achieve punishment or deterrence.” Titus's repeated use of excessive force against Stewardson was worthy of deterrence. Moreover, the Court noted that courts are to compare the jury's punitive award to the actual and potential harm to the injured party. Given the level of force Stewardson endured, it held that one could imagine his injuries having been far more serious. The extent of possible harm further justified deterrence.

**Sub-Issue #3: Comparable Cases:** While Titus was able to identify several cases that awarded smaller punitive damages than what was awarded in this case, the Court noted that it has sustained cases where far greater punitive damages were awarded. [A jury awarded \$27.5 million in punitive damages against two officers. *Est. of Moreland*, 395 F.3d at 751.]. Further, the Court declared that courts should hesitate before disturbing a jury's award simply because it surpasses the size of awards distributed in other cases. In this case, Titus's use of force was reprehensible and the damages ratio of 2.1 to 1 falls short of raising constitutional concerns. And while \$850,000 is a significant punitive damages award, the Court held that it was unwilling to overturn the jury's punitive damages award simply because Titus identified smaller awards in other excessive force lawsuits.

Taken together, this Court declared that the Supreme Court's guideposts for evaluating whether a punitive damages award complies with due process counseled in favor of affirming the judgment against Titus. The award did not exceed what was constitutionally permissible.

**ISSUE #2: Did the District Court err in granting judgment in favor of the Supervisory Officer?** Concerning the Supervisor’s alleged use of excessive force with his knee strikes and his failure to intervene, the Court of Appeals found that the Supervisor was entitled to qualified immunity from liability for his conduct because his liability was not clearly established. Therefore, the District Court properly granted judgment in his favor.

**CONCLUSION:** In this case, the Court declared that the jury assessed a punitive damages award against Titus that fell within the constitutionally permissible range. Therefore this Court affirmed that judgment. And because Supervisor did not violate clearly established law when he delivered two knee strikes or when he failed to prevent Titus's final use of force against Stewardson, he was entitled to qualified immunity.

## QUIZ QUESTIONS FOR THE MONTH OF MARCH – 2025 - ALTERNATIVE

### Blake Stewardson v. Christopher Titus, et al., No. 23-3262, 126 F.4th 1264, January 23, 2025.

1. An Officer who violates the civil rights of a suspect may be required to pay punitive damages to that suspect.
  - a. True. “The Supreme Court has long held that punitive damages are among the enforcement mechanisms available in a § 1983 (Civil Rights) action. Smith v. Wade, 461 U.S. 30, (1983).
  - b. False.
  
2. If the conduct of an Officer is found to be sufficiently “reprehensible,” the Officer may be required to pay punitive damages. In this case, the Court listed several “considerations” to be used in determining whether the conduct of an Officer was reprehensible. Which one of the following was not one of those considerations?
  - a. The harm caused was physical as opposed to economic.
  - b. The conduct of the Officer evinced a reckless disregard of the health or safety of others.
  - c. The prior acts of the Officer that violated a suspect’s constitutional rights.
  - d. The harm caused by the Officer was the result of intentional malice.
  
3. In this case, the Supervisory Officer argued that he should be immune from liability as a consequence of his alleged use of excessive force against Stewardson and his alleged failure to intervene to prevent Officer Titus from using excessive force. Did the Court of Appeals agree with this argument?
  - a. Yes. The Court of Appeals declared that the Supervisory Officer was entitled to Qualified Immunity from any liability in this case.
  - b. No.
  
4. In this case, Stewardson was awarded \$850,000 in punitive damages against Officer Titus. Pursuant to the Illinois Law, the public entity employing Officer Titus would be required to indemnify Officer Titus for any award of punitive damages against Officer Titus up to a sum of \$1,000,000.
  - a. True.
  - b. False. Illinois law provides: “It is hereby declared to be the public policy of this State, however, that no local public entity may elect to indemnify an employee for any portion of a judgment representing an award of punitive or exemplary damages.” 745 ILCS 10/2-302. Although (the Plaintiff) may pursue punitive damages directly from Officer Titus, in Illinois “municipalities may not indemnify individual defendants for punitive damage awards against them.” Hammond v. Town of Cicero, 822 F. Supp. 512, 516 (N.D. Ill. 1993)

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**c.** ***The prior acts of the Officer that violated a suspect’s constitutional rights.***

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**a.** ***Yes.*** The Court of Appeals declared that the Supervisory Officer was entitled to Qualified Immunity from any liability in this case.

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**b.** ***False.*** Illinois law provides: “It is hereby declared to be the public policy of this State, however, that no local public entity may elect to indemnify an employee for any portion of a judgment representing an award of punitive or exemplary damages.” 745 ILCS 10/2-302. Although (the Plaintiff) may pursue punitive damages directly from Officer Titus, in Illinois “municipalities may not indemnify individual defendants for punitive damage awards against them.” Hammond v. Town of Cicero, 822 F. Supp. 512, 516 (N.D. Ill. 1993)

