

# TrialNews

## VERDICTS & SETTLEMENTS: CIVIL RIGHTS

November 18, 2010

### **Police officer arrests, humiliates deputy sheriff who responded to call**

Arthur Phillips, a Baltimore deputy sheriff with 16 years on the force, received a call from a friend asking for help with his brother, Andrew Powell, who was having delusional thoughts. Phillips arrived in his marked police car wearing his uniform and called a crisis response team. The team determined that an emergency evaluation was necessary and called 911 to have a Baltimore City police officer transport Powell to the hospital.

Phillips kept Powell calm as Baltimore Police Sergeant Michael Pool arrived with other officers. When Phillips attempted to provide Pool and the others with the information he had gathered, Pool rebuffed his attempts and allegedly shouted, "I'm in charge! Back off!" When Phillips attempted to remain and assist, Pool arrested him and handcuffed him. Phillips was left alone on the porch with Powell, who was unrestrained, for 20 to 30 minutes. Phillips was then escorted down the block and placed in a marked police car, where Pool read him his rights and had him transported to the police precinct. The police report cited "hindering." Phillips was later released into the custody of other deputy sheriffs, who let him go. No charges were filed.

Phillips suffered humiliation and embarrassment. He also suffered anxiety over whether he would be prosecuted or would lose his job. In addition, both he and his wife had difficulty sleeping for months after the incident.

Phillips sued Pool, alleging assault, battery, false arrest and imprisonment, false-light defamation, and violation of his state constitutional rights. At trial, two members of the crisis response team testified that Phillips was calm, polite, professional, and helpful; that he was trying to provide useful information to Pool; and that Phillips remained professional during his interactions with Pool. The witnesses also testified that when Pool arrived on the scene, he brushed past them without hearing what they had to say, ignored Phillips, and yelled at him to back up, pushing him against the wall before arresting him.

Pool testified at trial that Phillips bumped him and cursed at him twice. He also testified that he did not know why Phillips was at the scene. The plaintiff countered that Pool did not mention any alleged bumping or cursing in his police report, in his statement to the internal investigation

division, or in his deposition testimony. Other evidence showed that in his statement to the division, Pool wrote that he assumed Phillips was there to help handle the emergency evaluation procedure.

The plaintiff did not claim medical expenses or lost wages.

The jury awarded \$600,000, including \$400,000 in nominal damages and \$200,000 for pain and suffering and related noneconomic damages. The city is responsible for the award under an indemnification agreement.

The plaintiff anticipates that the defense may move to reduce the verdict based on an argument that the Maryland Local Government Tort Claims Act caps damages at \$200,000. The plaintiff contends that the act does not apply here.

**Citation:** *Phillips v. Pool*, No. 24-C-09-002978 (Md., Baltimore City Cir. Oct. 6, 2010).

**Plaintiff counsel:** Matthew E. Bennett, Silver Spring, Maryland; and Adam Sean Cohen, Baltimore.

**Defense expert:** Charles Key, police policy and procedure/use of force, Vesuvius, Virginia.