

NEWS

Why settlement will stop public from knowing what led Dover police to break woman's leg

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Dover officials agreed to a six-figure settlement to end a lawsuit filed after their police officers broke a woman's leg during a traffic stop in 2020.

The lawsuit accused two Dover officers, Dale Starke and James Piazza, of employing excessive force and misrepresenting their actions in police reports to justify slamming the woman on the ground. Separately, it accused Starke of leveraging his family connections to "escape responsibility" for the incident.

The lawsuit was filed by 28-year-old ShaRon Caldwell in 2022 against the officers, as well as the former police chief and the city generally. The lawsuit recently closed, and public records show that the city, through its insurer, agreed to pay \$200,000 to the woman to drop the legal claim.

It's one of multiple lawsuit settlements tied to lawsuits claiming excessive force by Dover officers since 2020 and it is the largest such settlement by the city's Police Department since it paid \$300,000 to a man who was kicked in the head by a former officer as he was surrendering.

Through her attorney, Caldwell declined to discuss the case. Dover police also declined to comment for this article. The settlement was finalized in September and recently disclosed by the city through a Freedom of Information Act request.

What the lawsuit claimed

In May 2020, Starke stopped Caldwell while her car was parked outside her home. By the time Starke had activated his emergency lights, Caldwell was out of her vehicle and heading inside her home, according to the lawsuit.

The lawsuit claims he aggressively ordered her back in the vehicle as she tried to ascertain why his attention was on her.

She reentered her vehicle where he “grabbed” at her, the lawsuit claims. Eventually, she was ordered back out of her car and as she exited, Starke again grabbed at her arm.

“She still had no idea why this officer had stopped her and why he continued to physically grab at her,” her attorney said in court filings.

Her attorney claimed she pulled her arm away, prompting Starke and Piazza to “violently” slam her to the ground. The force broke her leg in two places, which required surgical repair, according to the lawsuit.

In court filings, an attorney representing the city disputed Caldwell's telling of the interaction and claimed that the officers' actions were justified.

Inconsistent claims, dropped charges

The lawsuit also accused Starke and Piazza of inconsistent statements about the interaction in their subsequent police reports.

In his initial report, Starke didn't state that he initiated the stop because her lights were off. The lawsuit claimed Starke was racially profiling her and the three other Black women inside the vehicle.

In a subsequent report, Starke included the lights-out justification and said some sort of technical malfunction caused that omission in his previous report. In a deposition, Caldwell said she wasn't aware her lights were off until she saw video of the incident afterward.

Starke also stated in a report that she struck him with her “right hand” as she exited the car, prompting his takedown. In a subsequent report required to justify charges including resisting arrest with the force of violence, he stated that she punched him with a closed fist before she was “successfully escorted to the ground,” according to court filings.

The lawsuit also accuses Piazza of lying, pointing to a report in which he stated that Caldwell clenched both of her fists and began throwing “closed fist blows” toward Starke’s face and head and that she landed multiple closed-fisted blows to his face before the takedown.

However, video of the incident, which is only described in court records, shows that she was holding her cell phone in her right hand during the interaction, according to filings by her attorney. In a deposition, she said she simply pulled her hand away from Starke before the takedown.

She was taken to the hospital, arrested and charged with serious crimes, including assault and injury to a police officer; resisting arrest with force or violence; offensive touching of a police officer; disorderly conduct by fighting or violent, tumultuous or threatening behavior, as well as the headlight infraction.

Those serious charges did not stick after prosecutors with the Delaware Department of Justice became involved with the case. Court records show that the more serious charges were dropped by prosecutors, leaving only the misdemeanor disorderly conduct and the traffic charge.

Caldwell later pleaded no contest to a simple disorderly conduct charge and was discharged from probation.

Both Starke and Piazza remain employed by Dover police, and Starke was named the department's officer of the year one year after Caldwell's arrest.

Accountability?

Two months after the stop, Caldwell and her family stood in front of the Dover Police Department with a boot on her broken leg and asked for accountability from the police.

"I would just like to see justice served for the police officer that did this to me," she said to media gathered outside the department. "I don't believe he should be a part of this police force because if you [use] this type of force to me, what force will you [use] to anyone else when you stop them for something as minor as headlights."

From that time: Broken leg leads to calls for accountability

But a tradition of police and government secrecy in Delaware makes it impossible to fully evaluate what accountability came from this situation.

The public is unable to see police records, like dashcam video, to view exactly what happened that night and use that information to evaluate both the officers' conduct and whether they lied in official reports to justify serious felony charges against the woman.

That's because Delaware public records law has been interpreted by state attorneys in a way that gives police departments legal backing to hide police reports, body camera footage and most other records detailing and justifying their actions. Limited information may become available for specific court proceedings, but that is not the case in Caldwell's situation and many others.

The city of Dover rejected a Freedom of Information Act request filed by Delaware Online/The News Journal to view footage of this incident and review relevant reports.

The office of Delaware Attorney General Kathy Jennings evaluates appeals of such public record request rejections under the state's public record law. The office has, in recent years, endorsed police departments' hiding all so-called investigatory documents in perpetuity and regardless of the situation.

A spokesperson for the Dover Police Department also declined to allow a review of relevant documents and declined comment on the case.

Additionally, the public has no way of ascertaining whether the officers were disciplined by the department for their role in the incident and whether the department judged their actions as legitimate.

Failed proposal: A renewed, bipartisan effort to create Delaware government inspector general watchdog

The Police Department spokesperson declined to comment on this, citing state law that specifically prevents the release of police disciplinary matters to the public.

And while an attorney representing the city's insurance company apparently felt it would be in his client's interest to pay out \$200,000 instead of having a jury evaluate the evidence, potential liability and monetary damages, the settlement also explicitly denies any wrongdoing on the part of the officers.

Most of the time, these settlements occur in secrecy and the incidents that led to them are not discussed publicly and forgotten.

That's partially due to the settlement including a confidentiality clause barring both sides from disparaging one another, a standard clause in police violence settlements in Delaware. Frequently, it serves as a self-imposed muzzle cited by police departments when asked questions about the cases that they settle.

And so, the public is left with a civil lawsuit that makes claims that were met with general denials by city officials – litigation that ended before any direct evidence became publicly available.

Police violence: A municipal business expense in Delaware

Caldwell's case is indicative of the state of police transparency in Delaware, as well as how municipalities essentially treat police violence as a business expense.

Caldwell's case against Dover was defended by Dan Griffith, an attorney who represents Travelers Indemnity Co., which the city uses to insure itself against police misconduct settlements, as well as liability in areas like cybersecurity, auto liability and property damage.

Coverage: Delaware agencies paid out more than \$3M in 3 years for injuries by police. Here's why

In a 2023 email commenting generally on police settlements, Dover Police Chief Thomas Johnson Jr. said that the city's insurer "takes over" in lawsuits against the police and that his department is "not involved" in the final disposition of the lawsuit.

"Litigation is costly, for both sides, and settlements usually represent a business decision rather than a true reflection of the merits of any particular case," Johnson wrote.

Caldwell's settlement amount will ultimately be paid out by the insurance company in an arrangement that is similar to that used by the state's largest municipal governments.

In 2022, Dover paid about \$900,000 annually for its insurance coverage with a \$15,000 police liability deductible, city officials said at the time.

Caldwell's settlement is the largest regarding police violence by Dover since the city paid out \$300,000 to Lateef Dickerson.

In that case, police dashcam video showed Cpl. Thomas Webster IV in 2013 kicking Lateef Dickerson in the head, knocking him out and breaking his jaw while Dickerson was

surrendering to officers. The footage captured national attention and spurred local calls for reform in Dover and other police departments.

The city also paid out \$230,000 to Webster as part of his departure from the force.

A survey of police settlements involving Dover shows multiple, smaller payouts for police violence in the three years leading up to 2023. Those include:

A \$27,000 payment to dismiss a lawsuit by a man who claimed he was pulled over by Dover police while riding a bike, shocked with a Taser, beaten and had officers plant a gun on him, according to claims in the man's lawsuit, which police denied.

Two other settlements totaling \$22,000, stemming from people who claimed they were unnecessarily harmed by officers.

Additionally, and unrelated to police violence, the city reached a settlement to pay out \$125,000 to Maj. David Spicer, Dover's current deputy chief of police, who sued the city in 2019 claiming that he didn't get the chief's job in 2017 because he is white.

Coverage:Dover settles complaint over a police promotion because of race

Complaints by white officers over the ascension of a Black man first to deputy chief and then to chief of the Dover Police Department have seen the city agree to nearly half a million dollars in legal settlements with those complaining officers in recent years.

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