

Health and Handcuffing – Day v. Wooten

Description

From time to time here at DLG we feel it is important to review liability cases in order to ensure that departments' policies are up to date. This particular case comes to us from the 7th Circuit, which oversees agencies in the states of Illinois, Indiana and Wisconsin. We have covered a number of handcuffing cases over the years and, while today's case is a win for the officers, it brings up a number of handcuffing-related issues that deserve review. So, without further ado, let's take a look at the facts in the *Day* case and what the 7th Circuit had to say about the officers' actions.

FACTS

Terrell Day was 18 years old and weighed 312 pounds when he decided to steal clothing at an Indianapolis store. On the day of the crime a store loss prevention officer observed that Day was armed with a handgun and stealing clothing. The loss prevention officer confronted Day and a foot chase ensued.

Indianapolis police officers were called to the scene and found Day laying on a grassy slope where he had collapsed. Officers secured the handgun that was found a short distance from where Day was laying. One officer handcuffed Day with his hands behind his back and observed that Day was sweating profusely, overweight and breathing heavily. Day told the officers he was having trouble breathing and the officer instructed Day to take slower breathes to lower his heart rate. Officers were not aware that along with Day's obese condition, he also had a heart condition. The officers tried to place Day in an upright position, but he then rolled down the hill. An officer placed Day on his side and noticed he had defecated on himself.

Five minutes into the detention the Sergeant requested an ambulance and paramedics responded to the scene. The paramedics performed a number of medical tests, concluding that Day did not need to go to the hospital. Day remained handcuffed through the procedure and the Sergeant signed the patient refusal form per EMS protocol.

The officers requested a "jail wagon" to transport Day to booking and officers applied a second pair of handcuffs to extend the spacing of Day's hands behind his back. However, when the wagon arrived the officers found Day laying on the asphalt on his back and he was unresponsive. Officers requested a second ambulance, however, resuscitation efforts proved futile and Day was pronounced dead an hour after the first ambulance had left the scene. The coroner noted Day's cause of death as "sudden cardiac death" with contributory causes listed as "sustained respiratory compromise due to hands cuffed behind the back and obesity".

Day's parents filed a lawsuit in federal district court alleging the officers violated their son's Fourth Amendment protections. The officers filed a summary judgment motion claiming they were entitled to Qualified Immunity. The trial court denied the officers' motion, finding that *"reasonable officers would know they were violating an established right by leaving Day's hands cuffed behind his back after he complained of difficulty breathing."*

This appeal followed.

Seventh Circuit Findings

On appeal the plaintiffs first claimed that by signing the refusal form the police Sergeant cut off appropriate medical treatment for Day. The appellate court disagreed, stating there was no dispute that the paramedics had determined on their own that Day did not require hospitalization and it was policy to have the officer on scene sign the refusal form when the suspect was handcuffed.

The court then addressed a litany of other factors that separated this case from other handcuffing cases raised by the plaintiffs: First, there was no evidence that the handcuffs were applied too tightly or in a manner meant to cause injury to the suspect. Second, the officers were unaware of a physical condition that would be exacerbated by handcuffing the suspect. Other than the suspect's obesity, the officers were unaware of any underlying heart or pulmonary condition.

Finally, the court determined that there was no case that put the officers on notice that an out-of-breath arrestee could not be handcuffed with his hands behind his back, and the officers' actions were not "obviously unlawful". Noting that the case arose from an "unfortunate tragedy" the court determined that Qualified Immunity was warranted under the circumstances and remanded the case back to the trial court.

TAKEAWAYS

While this case is certainly a "win" for the defendant officers, there are a number of issues that merit review. First, the court noted several handcuffing practices that have been clearly established as violating 4th Amendment protections:

- Yanking a suspect's arm and applying excessively tight handcuffs to a suspect who is not resisting arrest and is accused of a minor crime;
- An officer's knowing use of handcuffs in a way that would cause unnecessary injury or pain; and
- Officers failing to consider an arrestee's stated medical or physical injuries or conditions while handcuffing the individual.

Your agency should cover the provision of medical attention in your directives and when it is clear that the suspect is experiencing a medical condition err on the side of caution. When in doubt you should always have the suspect transported to the hospital as soon as possible. As we know from our day to day life, when it comes to health it is better to be safe than sorry.

Day v. Wooten, 947 F.3d 453 (7th Cir 2020)

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