

Indianapolis settles Brandon Johnson's police brutality lawsuit for \$150,000

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Brandon Johnson's face shows the results of an encounter with IMPD officers on May 16, 2010. / Matt Detrich / The Star 2010 file

Timeline of the case

May 16, 2010: Brandon Johnson, 15, is arrested by Indianapolis Metropolitan Police Department officers in an Eastside subdivision. Johnson was severely beaten. According to police, they had detained his brother, Vincent Johnson, who matched the description of someone trying to kick in the door of a home. While Vincent was being arrested, Brandon Johnson tried to "instigate" a crowd of teenagers, police said. Police said they felt unsafe as they tried to handcuff the teen. Brandon Johnson suffered severe facial injuries that were shown in local media, causing community concern.

May 21, 2010: Officers David Carney, Oliver Clouthier, Stacy Lettinga and Joshua Shaughnessy were placed on

desk duty pending an IMPD investigation.

June 1, 2010: To help calm a volatile situation, a group of Indianapolis church leaders and elected officials said they would ask the U.S. Department of Justice's civil rights division to investigate the alleged beating by white police officers of Johnson, who is biracial.

June 2, 2010: An FBI spokesman said investigators from the FBI, the U.S. attorney's office for the Southern District of Indiana and the U.S. Justice Department's Civil Rights Division would consider whether Johnson's civil rights were violated and excessive force was used.

June 4, 2010: Then-Marion County Prosecutor Carl Brizzi said he decided not to file charges against Johnson and would defer prosecution of the police officers involved to the feds if they determined the officers' actions merit charges.

June 10, 2010: Police Chief Paul Ciesielski recommends firing Piland, who police say excessively kned the teenager.

November 5, 2010: The city's civilian police merit board voted 6-1 to exonerate Piland and insisted their decision was the correct one, based on evidence from 28 hours of hearings, including testimony by witnesses, experts and the emergency room doctor who examined Johnson. Officer David Carney, who initiated Johnson's arrest, was cleared by the board, which agreed with Ciesielski's finding that he acted within the bounds of appropriate conduct during a struggle with an arrestee. The board also exonerated Clouthier, the officer who came in later and helped Carney subdue Johnson.

Dec. 16, 2010: The city's citizens police complaint board ruled Piland used excessive force when he arrested Johnson. The 5-2 decision by the advisory panel would go to Police Chief Paul Ciesielski but won't result in disciplinary action.

March 15, 2011: Johnson arrested on preliminary charges of criminal gang activity, a felony, and a misdemeanor count of dangerous possession of a firearm after police allegedly find a photograph of a gun on his cell phone. The gang charge is dropped.

July 28, 2011: Federal officials announce they do not have sufficient evidence to bring criminal charges against the officers involved in Johnson's arrest.

Nov. 30, 2011: Johnson found not guilty in Marion County Juvenile Court of misdemeanor dangerous possession of a firearm.

May 15, 2012: Johnson's mother, Shantay Chandler, files federal lawsuit against city and police officers.

May 3, 2013: City and Chandler agree to \$150,000 settlement.

Images of Johnson's swollen and bruised face ignited community outrage, prompted local and federal investigations and thrust the city into an ugly national spotlight.

At the time, then-Police Chief Paul Ciesielski called it one of the worst cases of excessive force he had seen in 23 years. Then-Public Safety Director Frank Straub issued a public apology. And activist Al Sharpton came to town

twice to call for IMPD to fire the officers involved.

The teen landed back in the news about a year later, when he was charged with felony criminal gang activity and misdemeanor dangerous possession of a firearm. The gun charge stemmed from a picture of a gun Johnson allegedly had on his cell phone. The criminal gang activity charge was dropped days after the arrest, and he was found not guilty on the firearm charge.

Johnson, now finishing his junior year in high school, said Thursday he is ready to put all of that behind him.

The teen's comment came after his mother settled a federal lawsuit against the city of Indianapolis for \$150,000. In addition to the city, the suit named Indianapolis Metropolitan Police Department officers Oliver Clouthier, David Carney, Joshua Shaughnessy and Jerry Piland.

"The last three years have been really tough on me and my family," Johnson said in a statement issued by his attorney. "I just want to move on with my life, finish high school and go to college."

Johnson added he was appreciative of support he received from some IMPD officers after the May 2010 incident.

"That meant a lot," he said, "especially because I really didn't trust the police after this happened."

Stephen Wagner, the Indianapolis attorney who represented Johnson and his mother, Shantay Chandler, in the federal lawsuit, said the family would have no comment other than the statement he issued.

The settlement was reached during a pretrial conference May 3 in U.S. District Court for the Southern District of Indiana.

Samantha Karn, corporate counsel for the city, said the deal calls for the city to pay Chandler \$150,000. She said the money comes from a legal settlement fund the city has established.

Karn declined to say why the city chose to settle the suit with a six-figure payout rather than allow the case to go to trial. The settlement, she added, does not include any admission of fault.

Wagner, in the statement, had a different take.

"We believe the settlement represents a fair outcome for all parties," he said. "To Brandon, the settlement also represents an acknowledgment that the police were wrong."

The settlement represents something else to the family: In many ways, Wagner said, it is their first taste of justice since the May 16, 2010, incident.

The beating took place after police came to Fisher Creek Drive on Indianapolis' Eastside to arrest Johnson's younger brother on suspicion of burglary. When Johnson, then 15, tried to intervene, he was struck by police in the knees and head. He suffered a swollen eye, facial bruises and chipped teeth.

Family members say the white police officers repeatedly called Johnson, who is half black and half white, a "mutt."

The officers involved said the teen's actions escalated the conflict and that they were correct to use force.

But Ciesielski recommended discipline, including the firing of Piland, who lived nearby and came to the scene even though he was off duty. He was accused of hitting and kneeling Johnson in the face multiple times.

But after a two-day hearing, the city's civilian Police Merit Board in November 2010 disagreed with Ciesielski — and no one was fired.

"We have serious questions about whether the Merit Board heard all of the relevant evidence, including admissions the officers made just minutes after the beating," Wagner said in the statement.

A month later, the Citizens Police Complaint Board found that Piland used excessive force and that IMPD officer Stacy Lettinga and another officer violated other rules. But it had no authority to punish the officers.

The U.S. Justice Department also investigated. In July 2011, federal officials announced they didn't have sufficient evidence to bring criminal charges against the officers involved in Johnson's arrest.

Authorities didn't think they could prove the officers "willfully" violated Johnson's rights, Tim Horty, public affairs officer for the U.S. attorney's office in Indianapolis, said at the time.

The Merit Board's refusal to take action against the officers, Wagner said, revealed something is wrong with the system.

"Fortunately, our laws provide two means — criminal and civil — to protect and enforce an individual's constitutional rights," Wagner said.

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