

Settlement: Victim's mother to train police on use of force

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CHATTANOOGA, TN — A woman whose son suffocated during an arrest when at least four Chattanooga police officers held him face down on the ground will teach city police recruits about his death in a settlement of an excessive force lawsuit.

Police said the Jan. 2, 2004 death of Leslie Prater was an accident and no one was charged.

His mother, Loretta Prater of Cape Girardeau, Mo., described the fatal arrest as "murder."

"What happened to our family can happen to your family," she said. "This is domestic terrorism."

Loretta Prater, a university administrator who oversees a criminal justice academic program, will teach three classes of Chattanooga police recruits about the positional asphyxia death of her son, Leslie Vaughn Prater, attorneys for Prater and the city said today.

Police have said officers were called the evening when Leslie Prater got out of his parked car, stripped naked and began running around and yelling. Prater, 37, resisted being taken into custody and was wrestled to the ground by officers, police said.

The settlement also includes a \$1.5 million damage payment by the city and a required independent audit of the police department's internal affairs division that concluded there was no wrongdoing in the fatal arrest.

Prater's mother, dean of the College of Health and Human Services at Southeast Missouri State University, said money was not the goal of the suit.

"That isn't what would have made a change," she said. "This is wrong. Everyone should have a right to life, liberty and pursuit of happiness. This street justice, or street injustice, has got to stop."

She said her sessions with police recruits would give them a "sense of how important their role is when they are out there on the street."

An attorney for the city and police officers, Phillip A. Noblett of Chattanooga, said "no wrongdoing was established on behalf of any officer," the city or any agency in the settlement.

Noblett said City Council members approved the settlement payment in October. He said a federal civil rights trial would have required the city to pay legal costs for numerous police officers named as defendants and expert witnesses.

"We engaged in an offer of settlement at the front end and that offer was approved," he said.

Police Chief Steve Parks was not available for comment but the department released a statement

saying that Prater's death was a tragedy for his family, the officers who were sued and their families.

"The primary reason for taking the naked Mr. Prater into custody on that cold night was to protect him from hurting himself or others," the statement said.

The suit contends Prater's civil rights were violated when police "covered up the truth" about his death from not being able to breathe.

A police report described the death as an accident and the officers involved returned to work after a paid week off.

A medical examiner's report shows Prater died from "positional asphyxia," with contributing factors of acute alcohol and cocaine intoxication, a heart condition and mild obesity.

Besides multiple fractured ribs and a dislocated shoulder joint with a fracture, the 5-foot-11, 232-pound Prater suffered multiple abrasions in the arrest. A "small amount of green-brown apparent grass" was in Prater's mouth, the report shows.

Police previously said there was no physical evidence of excessive force and with an enlarged heart, the presence of cocaine and alcohol, Prater's "lungs were deprived of oxygen."

"He definitely was intoxicated," the victim's mother said.

Chattanooga officials also agreed in the settlement to pay for an independent evaluation of police policies about face-down restraints and avoiding positional asphyxia. City spokeswoman Michelle Michaud said the four officers would attend a Thursday meeting with the victim's family to discuss the death.

Nick Brustin, one of the mother's attorneys, said officers testified in depositions after Prater's death that they "were put in a room where they were asked to generate a single report. So they discussed what happened. They got their stories straight and wrote it down."

He said that is "exactly how you would never conduct an investigation. This was the policy of the department."

Brustin said before Prater's death the department had developed training to avoid such deaths but "the problem is they didn't give it to anybody. They had it available and it wasn't being used."

He said some officers testified in depositions that "they never heard of this problem."

Brustin said the settlement does not require city or police officials to take any actions based on the internal affairs audit or the policy evaluation.

The lawsuit includes a list of at least 17 excessive force deaths involving Chattanooga police between 1990 and Jan. 2, 2004 and civil rights groups in Chattanooga contend there have been

more than 50 deaths in police custody in the past 25 years.

"There is still justice to be done in a lot of cases," said Maxine Cousin, a spokeswoman for Concerned Citizens for Justice.