

Judge: Camden men can pursue excessive-force claims against police

Jim Walsh, Cherry Hill Courier-Post Published 2:22 p.m. ET April 1, 2019 | Updated 4:41 p.m. ET April 1, 2019

CAMDEN – A man left paralyzed after his arrest by Camden County police officers can pursue a lawsuit alleging violations of his civil rights, a federal judge has ruled.

Xavier Ingram claims he was the victim of excessive force after he fell on a rain-slicked street during a police chase near 7th and Chestnut streets in June 2014.

Ingram contends a police officer stepped on his neck, causing injuries that left him a quadriplegic, and that police worsened his situation by mishandling him in the wake of his injury.

Police deny wrongdoing, saying the Camden man caused his own injuries when he fell.

More: [Seven SJ residents charged in alleged Liberation Way insurance fraud \(/story/news/crime/2019/04/01/liberation-way-gerner-fetterman-sarubbi-armstrong-collins-concepcion-survaiva-insurance-fraud/3329332002/\)](/story/news/crime/2019/04/01/liberation-way-gerner-fetterman-sarubbi-armstrong-collins-concepcion-survaiva-insurance-fraud/3329332002/)

More: [Vic Carstarphen, Camden High School coach, running for city council \(/story/news/local/south-jersey/2019/04/01/vic-carstarphen-camden-high-school-basketball-coach-city-council-candidate/3329305002/\)](/story/news/local/south-jersey/2019/04/01/vic-carstarphen-camden-high-school-basketball-coach-city-council-candidate/3329305002/)

In two rulings Friday, U.S. District Judge Jerome Simandle said a jury could consider allegations brought by Ingram and by Darren Dickerson, a city man who alleges police beat him after he cursed officers at the arrest scene.



4 A surveillance video shows the scene of a police chase that left a city man paralyzed five years ago. (Photo: Photo provided)

In a third decision, Simandle ruled two expert witnesses for Ingram — an orthopedic surgeon and a researcher who specializes in the causes of human injuries — could testify that they believed police were responsible for the man's paralysis.

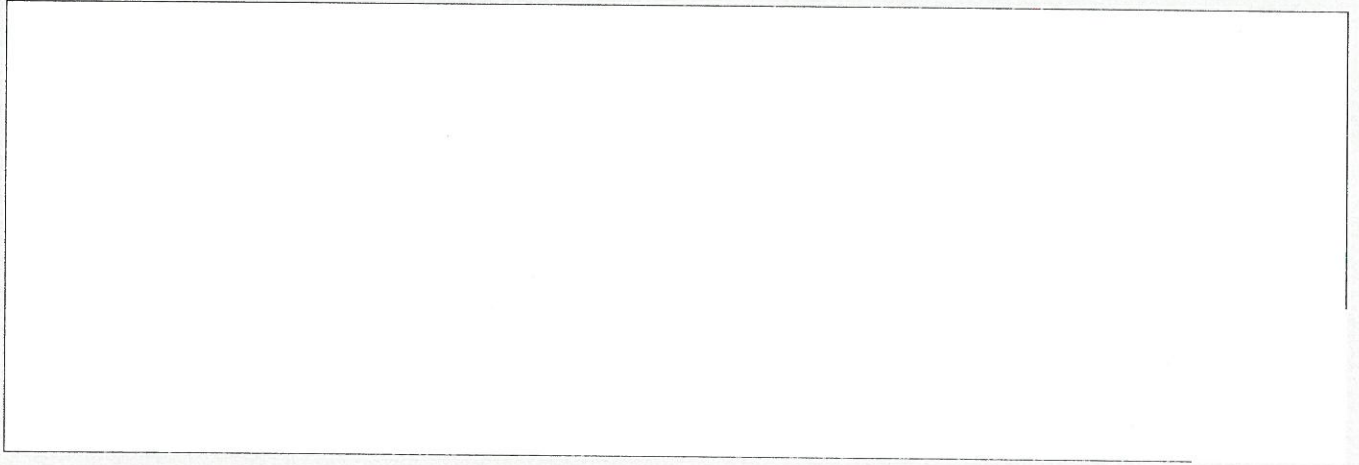
According to the decision, Ingram says he fled from police after leaving a liquor store because he had an outstanding warrant.

In contrast, police officers said they suspected Ingram, then 21, had tossed a gun between two parked cars as he walked away from officers in an area known for drug activity around 9:45 p.m.

A grainy surveillance video recorded the pursuit.

"As Ingram ran from the officers, he slipped and fell, seemingly feet first, on wet pavement, striking his buttocks and probably shoulders and head as he fell, all without being touched by the officers," said the judge's ruling. "Within less than a second, the officers jumped on or near his torso as he lay on the ground."

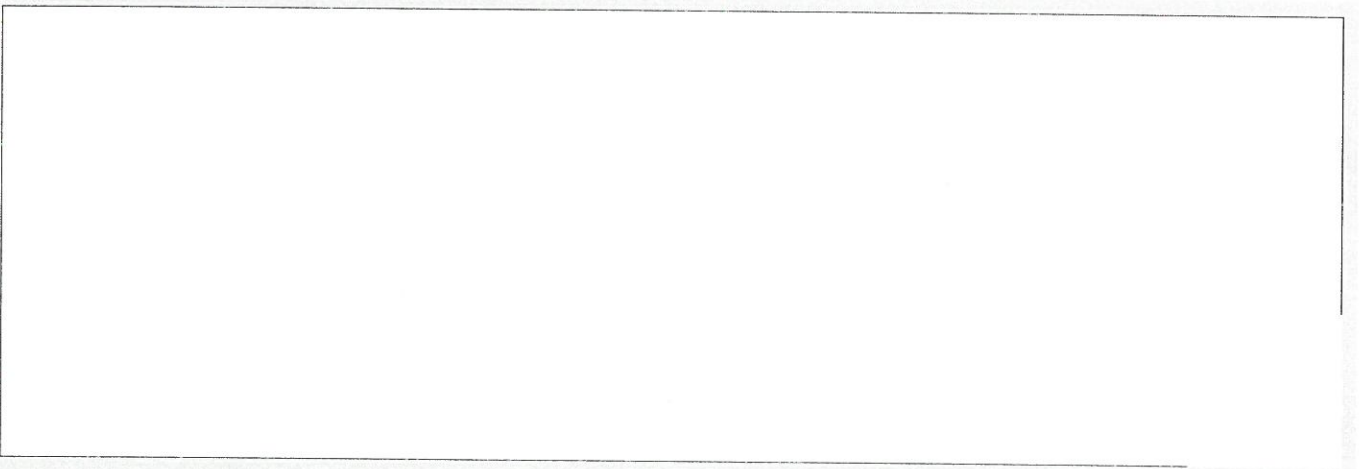
ADVERTISEMENT



Ingram's lawsuit contends one officer jumped on his back and two officers punched and kicked him "as soon as he hit the ground."

The city man alleged he "was screaming that he could not breathe and that he could not feel his legs" when a supervising officer, Jeremy Merck, told him to 'shut up,' stepped on his neck, and ... Ingram heard it crack," according to Simandle's ruling.

ADVERTISEMENT



Ingram's lawsuit alleges excessive force by Merck and two other officers, Nicholas Marchiafava and Antonio Genetta. Among other claims, it also contends the officers showed deliberate indifference to the serious medical needs of a person in custody.

Dickerson alleges excessive force against a fourth officer, Nigel Shockley.

In denying defense motions for summary judgment on those claims, Simandle said a jury might decide in favor of Ingram and Dickerson if it viewed the incidents in a way that's most favorable to the city men.

He also acknowledged the jury might come to a different verdict if it saw contested facts in a light that favored the police officers.

4 free articles left. Only \$3 for 3 months.

The judge disputed the defense claim that the surveillance video supported the officers' actions against both men.

Simandle said the video "is of such low quality that it cannot be used to definitively ascertain the amount of force" that police used in arresting both men.

The judge also said officers involved in the incident could not claim legal immunity for their actions, asserting a jury might find they had knowingly violated the men's civil rights.

"The most significant claims in this case survived summary judgement and are going to trial to be decided by a jury," said Ingram's attorney, Beth Baldinger of Roseland, Essex County.

Camden County spokesman Dan Keashen said the police department "fully respects the court's decision," but contended Ingram's claims were "baseless and frivolous"

An attorney for the county, William Tambussi of Haddon Township, said the police department "fully expects that, at trial, its officers will be found to have acted reasonably under the circumstances they encountered on the night that Mr. Ingram was injured."

He noted Simandle had granted summary judgment for the defendants on several claims.

Simandle also said a jury could consider whether the police department had failed to train and supervise Shockley.

He noted Dickerson's assertion that Schockley had a "history of at least six incidents of the use of force that, under Camden County Police Department's own policies, should have triggered an 'early warning' intervention by his supervisors."

Simandle said "a reasonable jury viewing the video could find it confirms ... Dickerson's version that he never moved toward any officer and was walking away when tackled violently from behind."

He also noted "no evidence that Dickerson was acting violently (although he was noisy and disrespectful)," or that Shockley lacked time "to have taken another, non-violent course of action."

"Under this version of the facts, a jury could reasonably find that this force was not for the purpose of arresting Dickerson, but rather for the purpose of summarily punishing him for being obnoxious toward the officers at a time of heightened emotion due to his witnessing the alleged beating of Ingram in the street nearby," the judge wrote in his decision.

Ingram, who also alleges false arrest, was charged with drug and weapons offenses, as well as resisting arrest and receiving stolen property.

Ingram has pleaded not guilty to the charges, contending the gun and other evidence against him was planted at the scene.

Jim Walsh: @jimwalsh_cp; 856-486-2646; jwalsh@gannettnj.com

Also in South Jersey

- [Moorestown man accused of tax crime at suburban Philadelphia restaurant \(/story/news/crime/2019/03/29/vitangelo-duva-moorestown-marco-polo-elkins-park-tax-charge/3316451002/\)](/story/news/crime/2019/03/29/vitangelo-duva-moorestown-marco-polo-elkins-park-tax-charge/3316451002/)
- [Campbell Soup Co. names McLoughlin as chairman \(/story/news/local/south-jersey/2019/03/29/campbell-soup-vinney-mcloughlin-chairman-camden/3308233002/\)](/story/news/local/south-jersey/2019/03/29/campbell-soup-vinney-mcloughlin-chairman-camden/3308233002/)
- [Gold Star Mother Melinda Kane named to freeholder board \(/story/news/local/south-jersey/2019/03/29/melinda-kane-camden-county-freeholder-gold-star-mother-cherry-hill/3308169002/\)](/story/news/local/south-jersey/2019/03/29/melinda-kane-camden-county-freeholder-gold-star-mother-cherry-hill/3308169002/)

Don't miss a thing



Download our apps and get alerts for local news, crime, weather, traffic and more. Search "Courier-Post" in the app store or use these links from your device: [iPhone app \(https://itunes.apple.com/us/app/courier-post/id566331284?mt=8\)](https://itunes.apple.com/us/app/courier-post/id566331284?mt=8) | [Android app \(https://play.google.com/store/apps/details?id=com.gannett.local.library.news.courierpostonline\)](https://play.google.com/store/apps/details?id=com.gannett.local.library.news.courierpostonline) | [iPad app \(https://itunes.apple.com/us/app/courier-post-for-ipad/id789840748?mt=8\)](https://itunes.apple.com/us/app/courier-post-for-ipad/id789840748?mt=8). And be sure to 'like' us on Facebook (<http://www.facebook.com/courierpost>).