

...s it shows Raritan Twp. police brutality

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In this raw edit of police car video obtained by MyCentralJersey.com, Raritan Township police arrest a father who showed up at his daughter's traffic stop in 2012. Did police use too much force? STAFF VIDEO BY SERGIO BICHAO

Sergio Bichao, @sbichao 11:37 a.m. EDT August 12, 2014

The incident on Aug. 5, 2012, followed several run-ins with authorities by Shuman's daughter, Alexa, who two months earlier was charged twice in one week for possession of marijuana under 50 grams.



(Photo: File photo)

RARITAN TOWNSHIP – It's a video that police in this Hunterdon County township didn't want the public to see.

On Aug. 5, 2012, Alexa Shuman was pulled over by police on South Main Street, allegedly for not using a turn signal. Having been stopped by police frequently in the previous two months, and arrested twice for charges of having small amounts of marijuana and paraphernalia, she called her father, who drove to the traffic stop to try to talk to officers.

What ensued is the subject of a federal civil rights and police brutality lawsuit — and it's all on tape.

A copy of the video was obtained by the Courier News under the state's Open Public Records Act, but not without protest by township officials, who argued that releasing the footage would have a "chilling effect" on internal police investigations.

In the nearly 40-minute video, Alexa's father, Dennis Shuman, is grabbed by Officer D.S. Carson from behind. Carson puts his arm across Shuman's neck, twice sends him onto the hood of the police car, then takes him to the ground, where Shuman's head hits the concrete curb.

While the action on the ground is out of sight of the police car's dashboard camera, the officer's microphone picks up Shuman's cries that he cannot breathe.



A still from the dashboard camera. The Raritan Township police officer grabs Dennis Shuman and places his arm around Shuman's neck before throwing him to the curb. (Photo: RARITAN TOWNSHIP/MyCENTRALJERSEY)

During the ordeal, officers yell "Stop resisting arrest! Stop resisting arrest!" as Shuman replies "I'm not resisting you!"

Township officials in court filings have denied wrongdoing and police said Shuman was interfering with a traffic stop and did not follow orders to return to his vehicle. The officers apparently were cleared of any wrongdoing by the department's internal affairs investigation, records of which are not released to the public but were provided to Shuman.

The video, however, might allow a federal jury, and now the public, to draw their own conclusions.

The Courier News provided the video to a retired police officer and critic of the state's internal affairs policies who said that while Shuman should not have approached the traffic stop, the officer acted inappropriately and used an unnecessary amount of force.

The incident comes as a bill mandating the installation of dashboard cameras on police cars or cameras that can be worn by officers sits on Gov. Chris Christie's desk. A similar bill was passed by the Legislature a year ago but died after Christie failed to take action.

Meanwhile, another bill sponsored by state Sen. Peter Barnes III, D-Middlesex, which would make internal investigations in Edison the responsibility of the state Attorney General's Office as a trial for an eventual statewide overhaul, languishes in Trenton.

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This summer, a police recording became national news when a passerby last month recorded a New York City police officer wrapping his arm around the neck of Eric Garner, 43, and dragging him to the ground. Garner's death has been ruled a homicide and the recording raised questions about police policies.

Shuman's attorney, Shelley Stangler, of Springfield, said the video raises questions of training and supervision. The lawsuit calls the internal affairs investigation a "sham and a farce."

"The police were not dealing with a criminal element, so why is this happening?" Stangler said. "The facts are pretty outrageous. There was no basis for the action that police took at all."

Roll the tape

The incident on Aug. 5, 2012, followed several run-ins with authorities by Alexa Shuman, who lives in Florida with her father but whose family is from the township.

Shuman's lawsuit says that the Aug. 5 stop was "predated by a history of harassment and intimidation of Alexa" by the department.

In June 2012, officers Carson, Aaron Roth and others "were in the practice of harassing and intimidating" her, the lawsuit says. Police would "often make U-turns and follow" without stopping her. On six occasions, police drove by her driveway with flashing lights and sirens, the lawsuit says.

On June 12, 2012, she was stopped by Carson and Roth for making a "too quick right turn" out of the commuter lot in Liberty Village. She was stopped two days later for an obstruction of her windshield. On Aug. 3, 2012, she was stopped for "touching a white line" while driving.

During the Aug. 5 stop at about 1:30 a.m., Alexa called her father via her car's audio system to tell him that she was being tailed by police.

As soon as Shuman arrives, the video shows, Carson repeatedly tells him to get back into his car across the street.

"Hey, get back in your car! Get back in your car! Get back in your car! You're standing in an active roadway. Get back in your car or you're under arrest."

"You're right," Shuman says, crossing in front of the police vehicle to the passenger side. "Now I'm over on the shoulder."

"Get back in your car! Sir, get back in your car or you'll be placed under arrest."

Shuman then asks if the chief is "on tonight." After being told to get back into his car several more times, Shuman starts walking back onto the street while dialing his cellphone.

"I'm calling the chief," he says. As he begins to cross the street, he turns around and tells Carson: "You are harassing my daughter, OK?"

He turns around again and Carson grabs him from behind.

"You're under arrest. Come here," Carson says, forcing him onto the hood of his car twice and then onto the ground. "Get on the ground!"

"I'm not resisting you!" Shuman screams. "Stop! You're hurting me!"

His daughter, visibly upset, gets out of the car and dials 911.

Other officers arrive on scene in less than three minutes. Carson tells them, "I don't even know who he is." Earlier in the video, however, Shuman clearly identifies himself as Alexa's father.

As Alexa Shuman continues talking into the phone, Carson points to her and says: "Get back into the car or you're next!"

Shuman repeatedly shouts that he can't breathe. Another officer tells him to "knock it off!"

"Please get off my back," he says, amid sobs. "I can't breathe!"

"Nobody is getting off your back," the unidentified officer responds.

"If you keep moving, you're going to get sprayed and then you're not going to be able to breathe, you got it?" a third officer shouts. A few moments later, a cop tells Shuman to "sit up and act like a human being!"



A still from the police dashcam video. Raritan Township Officer D.S. Carson orders Alexa Shuman back into her car as her father, off camera, cries that he can't breathe. (Photo: RARITAN TOWNSHIP/MyCENTRALJERSEY)

Officer's perspective

In a police incident report obtained by the Courier News, Carson says he decided to arrest Shuman because he feared that Shuman would get hit by traffic.

"Dennis pulled away from my handcuffing technique and again tried to use his cellular telephone," Carson writes. "I pulled Dennis to the hood of my patrol vehicle and pushed him down over the hood and attempted to handcuff him. I was unsuccessful again because Dennis continually pulled his arms up under his chest. I heard Alexa yelling behind me and decided that I needed to get Dennis to the ground as quickly as possible so my back was not exposed to Alexa."

SCROLL DOWN to end of the article to read the police reports yourself.

He adds, "When Dennis fell, the left side of his head struck the cement curbing at the edge of the roadway. Dennis screamed in pain and I immediately saw blood on his face from the injury. Dennis attempted to push off the ground and get back up."

After Shuman told officers his side of the story, Carson drove him to Hunterdon Medical Center. His lawsuit says Shuman suffered a head cut, several tears in his left retina, a chip fracture in his left elbow and nerve damage to his left hand and arm.

Carson submitted a workman's compensation claim for a swollen right elbow.

Expert sees problems

Law-enforcement consultant and former Hudson County Police Officer Rich Rivera, of the Latino Leadership Alliance of New Jersey, said Shuman does not appear to be without blame, but says police acted inappropriately and that the "force in this incident was unnecessary."

Among the problems Rivera spotted on the tape, which he said should have been addressed by internal affairs:

- Carson places his right arm "inappropriately across the man's throat";
- Carson "was listening to music that was loudly picked up on his microphone inside the vehicle, which is contrary to universally accepted police regulations and also is a safety issue";
- Carson "hesitated at times as to whether he was going to arrest the man," and he did not instruct Shuman to place his hands behind his back;
- When backup arrived, an officer "inappropriately remains on the subject's back while he is already under control, causing him breathing difficulty";
- Shuman's handcuffs should have been adjusted when he complained they were too tight.

"The officer's technique and approach was inappropriate, as was his use of the vehicle to effectuate handcuffing the person who was not under physical control," Rivera said.

"Use of force in response to resisting persons is a rare occurrence for which New Jersey police officers are ill prepared," he added. "In addition, interpersonal communication and handcuffing techniques are not emphasized in police training, in my opinion."

Support for cameras

Dashboard cameras in police vehicles have the support of civil liberties groups and law enforcement.

"They have been invaluable," said North Plainfield Police Chief William Parenti, whose department's patrol cars have had cameras for nearly a decade.

"The officer knows he's being recorded and you get a better officer," he said. "People can say the officer did (something wrong), and when you look at the video, it didn't happen."

Parenti said there have been cases in his department in which a citizen has withdrawn a complaint after seeing a dashboard video.

On the other side, videos have exonerated people wrongly accused by police.

Bill sponsor Assemblyman Paul Moriarty, D-Gloucester, said his 2012 drunken driving charges were dropped after a review of the video from the arresting officer's car.

Bloomfield police officers Sean Courter and Orlando Trinidad are facing official misconduct charges after charging a man with eluding police, resisting arrest and aggravated assault — charges that were dropped after a dashboard video showed officers swerving into the man's car, smashing his window, punching his face and ordering him out at gunpoint. The officers initially were cleared by their department's internal affairs unit before they were suspended.

Some law-enforcement and municipal officials, however, oppose the law because they do not believe that increasing the \$100 drunken driving surcharge by \$25 will be enough to offset the cost of installing recording systems.

Dashboard recordings, like 911 calls, are considered public records in New Jersey. Udi Offer, executive director of the New Jersey chapter of American Civil Liberties Union, says that's a good thing.

"It's important that the public have access in order for people to act as watchdogs regarding the actions of the police," he said.

Shuman was charged with obstruction of administration of law, a disorderly persons offense to which he later pleaded guilty in Raritan Township Municipal Court. Alexa Shuman's earlier drug offenses also were heard in Municipal Court and dismissed.

Also named as defendants in the suit, which was filed June in federal district court, are Lt. Nicklas Buck, Sgt. Scott Lessig and Chief Glenn Tabasko.