

The Washington Post

FRIDAY, NOVEMBER 3, 2000
A SECTION, A.01

Md. Man Wins Police Abuse Suit; Jury Awards \$900,000 in '90 Beating in Pr. George's

BY CRAIG WHITLOCK

A jury awarded more than \$900,000 in damages yesterday to a Hyattsville man after finding that he was beaten by a Prince George's County police officer who arrested him in a case of mistaken identity.

The jury award brought to more than \$6 million the damages the county has been ordered to pay this year in lawsuits stemming from county police misconduct. That is believed to be a record annual awards total for such suits. Prince George's officials refuse to reveal the total that has been paid in settlements.

Kirk Simms, 36, an elementary school guidance counselor, testified that he was walking from his apartment to a convenience store just before midnight July 23, 1990, when he was surrounded by six squad cars from the Prince George's, Hyattsville and Mount Rainier police departments.

The officers forced Simms against a cruiser and handcuffed him because they thought he matched the description of a man wanted in an assault on a police officer, according to testimony. The police struck Simms in the head and knees, "pounding him to the ground," before realizing they had detained an innocent man, said **Steven D. Kupferberg**, one of Simms's attorneys.

After a two-day trial, a Prince George's Circuit Court jury found that one of the Prince George's officers, Cpl. Joseph Zeigler, had battered Simms and ruled that the officer and the county must pay \$902,433 in compensatory damages, **Kupferberg** said. The jury also found that Zeigler had violated Simms's state constitutional rights.

Zeigler, 38, joined the department in 1986. A police spokesman said yesterday that he is still on the force. Andrew Murray, the county attorney involved in the case, did not return a phone call

seeking comment.

The verdict is the latest big jury penalty against the Prince George's police department. Last week, a federal jury awarded \$319,500 in damages to a dozen people--including a 3-year-old girl-- after finding they were illegally rounded up in April 1995 by police during a botched investigation into the slaying of a fellow officer.

On April 3, another federal jury ordered the county and three of its officers to pay a Temple Hills man \$4.1 million after finding that he was beaten so badly after a traffic stop near his home in June 1997 that he lost his right eye and partial use of his left hand.

The same day, a different federal jury awarded a Salvadoran immigrant \$647,000 after finding that two Prince George's officers violated his civil rights in August 1996 when they handcuffed him to a utility pole and drove away.

County attorneys have settled a number of other lawsuits against police officers this year but have refused to disclose the amount of money involved in those cases.

The jury decision in the Simms case came one day after the U.S. Department of Justice announced that it will conduct a civil rights investigation of the entire Prince George's police department to determine whether there is an ingrained pattern of brutality and racial discrimination on the force.

Simms was "elated and vindicated" by the verdict yesterday but did not want to speak with reporters, **Kupferberg** said. "It's been a long time coming," he added.

Simms, who has no criminal record, suffered torn cartilage in one knee and still needs surgery, according to his attorneys. He also suffered lacerations to his face.

Kupferberg said the other officers who were involved in Simms's arrest were dropped from the lawsuit before trial because they could not be conclusively identified. "We couldn't say for sure who was involved, and everybody denied responsibility," he said.

Zeigler denied any wrongdoing, testifying that Simms resisted arrest and that the officers were forced to place him on the ground, **Kupferberg** said. No other officers testified to corroborate Zeigler's account, **Kupferberg** said.

Simms sued the county in 1991, but the lawsuit took nine years to go to trial, partly because the attorney originally involved in the case died more than two years ago, **Kupferberg** said. ■

Staff writer Ruben Castaneda contributed to this report.

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