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NEWS

'I can't breathe': Wrongful death lawsuit filed against Lansing Police Department officers

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LANSING — A wrongful death lawsuit has been filed against several Lansing Police Department officers after a man died in custody at the Lansing jail in April.

Anthony Hulon died April 11 after four officers handcuffed him behind his back and pinned him to the ground, according to the lawsuit.

The Ingham County Medical Examiner's Office ruled Hulon's cause of death as positional asphyxia and his manner of death as homicide, according to the lawsuit.

Through spokesperson Valerie Marchand, Mayor Andy Schor declined to comment because of the pending lawsuit. Lansing Police Public Information Director Robert Merritt did not immediately respond for comment.

Hulon was arrested April 10 for misdemeanor domestic violence. He was taken to the hospital eight hours later for an evaluation after exhibiting what police said was erratic behavior and he complained of being hot and sweaty. Officers believed he was on methamphetamine.

Jennifer Damico, the Hulon family's attorney, said Michigan State Police recommended criminal charges be filed by the Michigan Attorney General's Office.

Attorney General's Office spokesperson Ryan Jarvi said an investigation is ongoing.

When the incident in question occurred, Hulon had just returned from Sparrow Hospital, where he was found to have methamphetamine and ecstasy in his system. He was agitated and twitching, something medical records said was "involuntary," according to the lawsuit.

After ruling out an overdose and issuing Ativan, officers returned with Hulon to the cell

Initial report: Lansing man arrested on suspicion of domestic violence dies in city's detention center

Jessica Spalding: Lawsuit alleges woman went to jail with an infected hand from a heroin needle. 3 days later, she was dead

Christopher Phillips: Judge dismisses lawsuit claiming Lansing Police Department's negligence caused in-custody death

Joseph Manning: Mother seeks change after son's death in Lansing police custody

When he first comes into view in the cell camera at the Lansing Police Department jail, Hulon is agitated, growling and fighting officers. His wrists and ankles are restrained.

Officers pinned Hulon to the ground on his chest and stomach, compressing his lungs and restricting his ability to breathe as they attempted to place him in a waist restraint belt, according to the lawsuit.

The officers, Edgar Guerra, Gary Worden, Charles Wright and Trevor Allman continued to restrain Hulon even after he repeatedly said "I can't breathe," according to video from the jail cell.

Worden held down Hulon's upper body while Guerra tried to remove his handcuffs, according to the lawsuit. Wright knelt in the middle of his back and placed his full body weight on Hulon's chest and torso.

Hulon said "I'm passing out" seconds later, according to the video. His breathing appears labored and slows down.

The officers rolled Hulon onto his side three and a half minutes after his last voluntary movement, according to the lawsuit. He had been face down on his stomach for 5 minutes and 23 seconds.

One of the officers asked, "Is he sleeping?"

One officer checked his pulse and said he did not know. About a minute later, they sat Hulon up against the wall and checked his pulse. When they couldn't find a pulse and noted he was not breathing, they called for medics.

They didn't start CPR for more than a minute. They called his name multiple times and pulled him onto his back. Officers did not give rescue breaths to Hulon, even after the AED machine advised them to do so eight times, according to the video.

“This isn’t the first time this has happened in the Lansing City Jail, in the same cell,” Damico said. “This department knows better and knows about the risks associated with positional asphyxia. It shows that this department turned a blind eye to the rights of citizens and has learned nothing from prior incidents.”

Sgt. Billy Windom is also named in the lawsuit for failing to intervene as he watched the incident. Chief Daryl Green is named for "failure to properly hire, train, supervise, monitor, staff and/or discipline the officers in the Department," according to the lawsuit.

"It’s tragic that we continue to see more and more instances of police brutality,” Damico said. “This department, once and for all, needs to be held accountable.”

Lansing City Attorney Jim Smiertka and officials with the Capitol City Labor Program Inc., the union representing Lansing police officers, did not immediately respond to requests for comment on Monday.

The city of Lansing has been sued at least five other times related to deaths in its lockup.

In 1992, prominent Michigan personal injury attorney Geoffrey Fieger won a \$1.5 million settlement from the city while representing the family of Richard Vine, who died inside the city lockup after drinking windshield-wiper fluid. Police reportedly thought Vine was drunk and sleeping it off.

Seven years later, the city approved a \$10.25 million settlement in the death of Edward Swans, who, in 1996, died minutes after he was shackled by his wrists and ankles to a waistband while lying face down. Lansing police restrained him as he fought with officers trying to book him into the city jail. His death occurred in the same cell Hulon died in, according to the lawsuit filed on behalf of Hulon's family.

In October 2017, the city settled a lawsuit brought by Fieger over the death of 23-year-old Joseph Manning, who died after his cries for help following a suicide attempt were ignored, according to the lawsuit.

In August 2018, the city was sued by the family of Jessica Spalding after she slowly died from an infection contracted from a needle she'd used to shoot up heroin. Spalding bounced through three jails, including the Lansing lockup, and did not receive proper treatment for her injury, according to the lawsuit.

In May, a judge dismissed a lawsuit against the city and five detention officers over the 2015 death of Christopher Phillips. The lawsuit alleged that Phillips experienced a "medical

episode" and was found "unresponsive with his head lying in a pool of vomit" hours later. The judge determined there were not enough disputed facts to take the case to trial.

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