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## St. Clair Shores, officers sued over fatal shooting

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### Body

The family of a man shot by police outside a St. Clair Shores banquet hall in the fall filed a wrongful death lawsuit against the city and five officers.

The suit alleges that authorities who arrived on the scene at the Lakeland Manor violated state law and the Fourth Amendment when opening fire on **Theoddeus Gray**.

The officers were "grossly negligent, wanton, and/or willful" in breaching their duties by "discharging their firearms multiple times when they knew or should have known that they were not in imminent or immediate harm and that Gray did not pose a physical threat to their safety or that of other officers or civilians," according to the lawsuit, filed Thursday in U.S. District Court in Detroit.

The filing, which seeks \$10 million in damages, also claims St. Clair Shores had unconstitutional policies, practices and customs allowing officers to use excessive or deadly force against citizens as well as failing to train them regarding the proper use of force.

An attorney representing the officers, John Goldpaugh, did not immediately respond to a request for comment Thursday night.

The St. Clair Shores police chief and city manager could not be reached.

Gray, 29, was attending his girlfriend's baby shower on Nov. 4 when he brandished a gun and sparked panic, according to records obtained by The Detroit News.

He had been arrested six days earlier in a North Dakota motel by federal narcotics agents and was facing a hearing that week on a charge of drug possession with intent to distribute. An associate to whom allegedly he owed a drug debt was heading to the banquet facility.

After a woman called 911 to report Gray's behavior, St. Clair Shores police descended on the business.

Police reports show Gray ignored orders to drop his weapon and lie down, fleeing as a K-9 officer, Axe, pursued him. According to the reports, Gray then turned and fired a shot, striking the canine before his FN 5.7 handgun jammed.

The five police officers fired their weapons, at least 42 rounds in all, wounding him six times in the head, arms, legs, chest, left back and foot. At least one round is believed to also have hit Axe, who died from a wound in the left shoulder and lungs, according to necropsy records.

The lawsuit claims police drew their weapons "within seconds of deploying Axe," striking Gray at least once in the right foot. He then "was shot to death while unarmed by defendants ... after having surrendered."

The five officers were placed on administrative leave pending the outcome of an independent investigation by the Macomb County Sheriff's Office, which issued a report saying police used justifiable deadly force in the incident.

The Sheriff's Office probe "did not locate any evidence to substantiate requesting criminal charges" against police. The officers have since returned to active duty, their attorney told The Detroit News in December.

## Graphic

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Gray

## Classification

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