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SOUTH JERSEY

Camden council to vote on \$1.4M settlement of police-shooting lawsuit

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CAMDEN - A lawsuit brought by a man who was shot by a police officer here could be resolved soon with a payment of \$1.4 million.

City Council members are expected to vote at a special meeting Tuesday on a proposed settlement of the suit brought by Bryheim Jamar Baskin.

The pending agreement was reached after the state Supreme Court last year narrowly ruled a former city policeman, Rafael Martinez, could not claim qualified immunity against Baskin's suit.

Baskin contends he was shot while holding his hands above his head after being chased by Martinez in September 2012.

Baskin was carrying a handgun when the chase began, but he tossed the weapon when he was briefly out of Martinez' sight, according to the July 2020 Supreme Court ruling.

The decision said Baskin jumped over several fences before being trapped in a walled yard.

Baskin and a witness contend Baskin raised his hands above his head and turned toward Martinez, who shot him in the abdomen.

Martinez contended Baskin pointed "an object that looked like a gun" in his direction and that he shot while "fearing for his life," according to last year's ruling.

A trial court initially awarded summary judgment to Martinez

But an appeals court overturned that ruling in a 2-1 decision, and the Supreme Court ruled 4-3 in Baskin's favor.

Baskin's lawyer, Zachary Grayson of Mount Laurel, declined to comment "prior to the city council actually approving the settlement."

But the attorney on Wednesday pointed to a passage in the Supreme Court's ruling that said, "Our constitutional jurisprudence makes clear what every police officer understands — it is not objectively reasonable to shoot a person suspected of committing a crime after he has placed his empty hands above his head in an act of surrender."

The proposed settlement includes no admission of liability by the city.

Instead, it says the case would be resolved "in recognition of the risks of litigation and in order to avoid the continued costs and expenses" of a continued court fight.

An insurance carrier will cover the amount of the settlement above \$750,000, the agreement says.

Council members initially were to vote on the settlement at a meeting on Tuesday, but that session was canceled due to the lack of a quorum. A copy of the settlement was on the meeting's agenda.

An investigation by the Camden County Prosecutor's Office found Martinez was justified in using deadly force because he "reasonably believed Bryheim Baskin's actions placed him in imminent danger of death or bodily injury," according to the high court's decision.

Camden's municipal police was replaced in May 2013 by the Camden County Police Department.

Martinez served on the county force until a 2017 suspension when he allegedly admitted to fathering a child with a 15-year-old girl. He received a five-year probationary term in April 2018 after admitting guilt to endangering the welfare of a child,

Jim Walsh covers public safety, economic development and other beats for the Courier-Post, Burlington County Times and The Daily Journal.

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