

MEDIA MENTION

Ben Eggert Quoted on Rise in Law Enforcement Misconduct Claims

Business Insurance

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Benjamin C. Eggert, partner in Wiley Rein's preeminent Insurance Practice, was quoted extensively by *Business Insurance* in a June 12 article about how municipalities and insurers are seeing rising costs and payouts from law enforcement misconduct claims amid an increased call by the public for police accountability. Mr. Eggert spoke at a presentation on "Five Years After Ferguson: The Quiet Transformation of Qualified Immunity" at the annual Public Risk Insurance Management Association conference in Orlando earlier this week.

According to the article, recent controversial cases surrounding excessive force by police against minorities has led to a lack in confidence in local police forces and an increase in social justice groups such as Black Lives Matter. Mr. Eggert points to insurance claim data as an indicator of the state of relations between the public and local law enforcement.

"Black Lives Matter is premised on the idea of insufficient accountability by police. When you're looking at data on shootings and payouts and lawsuits, you're looking at mechanisms for that," said Mr. Eggert.

While media tends to focus on data from major cities such as Chicago, Los Angeles and New York, "some 78% of officers serve localities with 1 million or less, 66% or two-thirds are serving in towns with 500,000 or less and 46% of officers serve localities with 100,000 or less," said Mr. Eggert.

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"If you are trying to measure how the police are doing and how accountability is doing, find a way to capture how small towns and medium-sized cities are doing," he said.

Mr. Eggert acknowledged that there are many different ways to track police accountability, but that anonymized insurance claims data provides the best insight.

Mr. Eggert cited a data set by an assistant professor of law at the University of Chicago that showed there has been no apparent increase in the frequency of law enforcement claims, despite heightened public focus since Ferguson.

"Whether you're looking at fatality, or excessive force, or seizure of a person, you're generally seeing a drop in claims data from this study since 2014," Mr. Eggert said.

"However, the flip side of that story that may be more in line with public focus is that whether looking at the total number of payouts or mean payouts – you're seeing a giant spike since Ferguson," he said.

The article can be found here (*subscription may be required*).