



PRESS RELEASE - Police Killing of Unarmed Black Man Leads to Record Settlement in Waterloo, Iowa: The Spence Law Firm, LLC and Frerichs Law Office, P.C.

Date | January 15, 2016

Suit Alleged Pattern of Police Misconduct, "Indifference" to Excessive Force Complaints

WATERLOO, Iowa, Jan. 4, 2016 /PRNewswire/ -- The family of an unarmed 22-year-old man fatally shot by a Waterloo, Iowa police officer in 2012 has settled a wrongful death lawsuit against the city, according to his attorneys at [The Spence Law Firm, LLC](#) and the [Frerichs Law Office, P.C.](#)

Derrick Ambrose, Sr., a decorated U.S. Army sergeant major with service in Iraq and Afghanistan, raised questions in the litigation about the local and state investigations of the incident, the city police shooting review board, and the Black Hawk County, Iowa grand jury presentation to justify the shooting of his son, Derrick Ambrose, Jr. The killing was part of "a pattern of constitutional violations and deliberate indifference" regarding excessive force complaints against Waterloo police, the lawsuit alleged.

Under the settlement agreement, Mr. Ambrose and Toya Ambrose, Derrick Ambrose, Jr.'s mother, will receive \$2.5 million before attorneys' fees and court costs in what is believed to be the largest city settlement of a police-shooting lawsuit in Iowa history.

[Thomas P. Frerichs](#), of Frerichs Law Office, P.C., of Waterloo, Iowa; and [Mel C. Orchard, III](#) and [Noah Drew](#), of The Spence Law Firm, LLC, of Jackson, Wyo., represent the Ambrose family.

Early in the morning of Nov. 18, 2012, Derrick Ambrose, Jr. was shot in the back of the head and the back of the leg by Waterloo police officer Kyle Law. The officer chased him away from an alleged disturbance outside a nightclub. A witness to the incident asked the officer why he shot the younger Ambrose since he never turned toward the officer or pointed anything at the officer, the lawsuit alleged. Before he was shot, Ambrose, Jr. had dropped a handgun, for which he had a permit, as ordered by the officer.

Mr. Orchard said, "Courage, in the face of unbridled power, can be the catalyst for change. I believe that in my bones; or I wouldn't do this work. The Ambrose family courageously fought for justice, and I am so proud to tell their story. We all know that excessive force happens too often in this country. We read about it every day in the papers. Until people stand up and force leaders to demand better training and supervision of police, we all are vulnerable. My work, and the work of my firm, can make a difference in the lives of those who are hurt. But until citizens are willing to act, to vote, to support leaders who strengthen our of the justice system, these victories will be a side-note in a losing war."

Mr. Ambrose said, "This settlement will not bring back my son, but it may raise awareness of what is wrong with law enforcement in Iowa and around the nation. We must take a hard look at how we can better support the good police officers and how cities can better investigate and discipline excessive force by police officers. Contrary to the city's earlier statements, the evidence showed that my son posed no threat to the officer who chased and shot him or anyone else that terrible night."

Mr. Frerichs said, "This tragedy reflects the larger problem that the City of Waterloo too often refuses to adequately investigate or discipline officers alleged to have used excessive force against civilians and detainees. Too many excessive-force incidents occur in Waterloo and throughout Iowa, which has one of the nation's highest incarceration rates of African-Americans and a troubling history of racial divides."

In the lawsuit, which was pending in the U.S. District Court for the Northern District of Iowa, the legal team for Mr. Ambrose alleged:

- 12 of the 16 city police officers who reported to the shooting scene had body microphones the city later claimed “malfunctioned” or were intentionally turned off during and after the shooting.
- the audio recorder in the car of the police supervisor at the scene inexplicably “malfunctioned” after recording part of the supervisor’s conversation with the shooting officer.
- the shooting officer provided different accounts of the incident to local investigators and to the Iowa Department of Public Safety’s Division of Criminal Investigation, according to deposition testimony in the lawsuit.
- nationally respected law enforcement experts retained for the Ambrose family found inconsistencies in the city’s investigative procedures, multiple official versions of the incident, that the city “misrepresent[ed] the gunshot wound trajectory,” and “inconsistent” statements by the shooting officer about the body position of Derrick Ambrose, Jr. at the time of his death.
- the Waterloo police department shooting review board meeting about the incident was not recorded, in violation of department regulations, except for the vote that found the officer’s actions “reasonable.”
- Black Hawk County hired one of the nation’s most controversial police procedures expert to testify to the grand jury that the shooting was justified.

The case is “Derrick Ambrose, Sr. v. Waterloo, Iowa, Municipal Corporation, et al,” Civil Case No. 14-CV-2079-LRR in U.S. District Court for the Northern District of Iowa, Eastern Division.

Contact: Erin Powers for The Spence Law Firm, LLC and Frerichs Law Office, P.C., 281.703.6000, info@powersmediaworks.com.