

The Press Democrat: Print a Story

© The Press Democrat. For copyright information visit our User Agreement page at <http://www.pressdemocrat.com/services/agreement.html>

RP TO PAY \$1 MILLION IN KAO KILLING CITY SETTLES WITH FAMILY OF MAN SHOT DEAD BY POLICE IN 1997

Published on August 14, 2001

© 2001- The Press Democrat

BYLINE: RANDI ROSSMANN

THE PRESS DEMOCRAT

PAGE: A1

More than four years after a Rohnert Park **police** officer **shot** and killed a resident brandishing a fighting stick, Rohnert Park officials have agreed to pay the **man's** family \$1 million.

The negotiated settlement is expected to go to court later this month for final approval, said Andrew Schwartz, attorney for the family of Kuan Chung Kao.

Kao, 33, was **shot** and killed in front of his Maria Place home in April **1997** by now-retired Officer Jack Shields. Shields and another officer went to the home at about 2 a.m. after neighbors complained of a **man** yelling loudly and swinging a long wooden pole, **police** said.

Shields **shot** Kao moments after getting out of his patrol car and confronting him, investigators said.

The incident galvanized the Asian community throughout the Bay Area and became a symbol for groups claiming that local **police** officers were racially insensitive and too quick to use deadly force.

Kao's wife, Ayling Wu, filed a \$50 million wrongful death lawsuit on behalf of herself and their three young children.

``We consider this to be some acknowledgement by the city of wrongdoing," Schwartz said of the settlement. ``It's a sad chapter in a lot of people's lives. I hope that somebody, somewhere learned a lesson."

But an attorney who negotiated for the city said the agreement specifically excludes any admission of wrongdoing.

``The settlement does not alter the fact that the city of Rohnert Park and the Department of Public Safety still strongly believe that the actions taken by the involved officers, including those of Officer Shields, were legally justified and appropriate and were made in response to an unprovoked and deadly attack by a drunk, enraged individual armed with a potentially lethal weapon," Santa Rosa attorney Steve Mitchell said.

Four criminal investigations, including two by the city and the Sonoma County district attorney, cleared Shields of wrongdoing.

Mitchell said the city decided to settle based on economics.

“The reality is that juries are unpredictable and the potential exposure if we lost, even with a small finding of liability, could be in the \$4 million to \$5 million range,” he said.

Police Chief Jeff Miller, who joined the department in March 2000, declined to comment.

The city's payout is being paid by a joint powers authority that self-insures numerous cities, including Rohnert Park. The \$1 million will be divided among the family and four law firms that represented them since the shooting.

Kao had been drinking heavily at a couple of local bars the night he was **shot**, authorities said. He'd almost been arrested in one, but a bartender said he'd pay for a cab ride home for the intoxicated **man**.

Kao arrived home at about 2 a.m. and began shouting in the street, at one point lying down and writhing on the ground, authorities said.

Eleven neighbors called 911, including one who warned **police** that the **man** might have a gun. Officers arrived and found Kao stripped to the waist and rapidly twirling a large stick outside of his home, authorities said.

Although Kao didn't have a gun, he was holding a six-foot staff used in Kobudo, a traditional Okinawan martial art, investigators said.

Kao poked the stick through the grill of a patrol car, striking the radiator hard enough to bend a metal pipe, they said.

Officer Michael Lynch backed off and stayed in his car, using his radio to tell Shields to do the same and wait for more help.

But Shields got out of his car, twice ordered Kao to drop the stick and fired when he didn't comply, authorities said.

A panel of the U.S. Civil Rights Commission later reviewed the case and nine other Sonoma County shootings involving **police** officers. The panel said it was “appalled” by the frequency of **police** shootings in the county.

A trial on Wu's lawsuit was scheduled to start in April 2000, but Rohnert Park sought to have the case dismissed, arguing Shields was immune from liability because of his law enforcement position.

In January, the family won a crucial court victory, paving the way for its civil suit against the city to go to trial.

Schwartz intended to seek a new trial date as soon as possible, but the city began negotiating and an agreement was reached late last month.

Kao's family moved to Southern California about two years ago.

The agreement requires court approval. It is expected to become final within the next few weeks.

You can reach Staff Writer Randi Rossmann at 521-5249 or e-mail rossman@pressdemocrat.com.

Infobox: SETTLING LAWSUIT

- * \$1 million will settle \$50 million wrongful death suit.
- * Deal must be approved by court, and will be divided among the family and four law firms.
- * Being paid by joint powers agency that insures cities.

Keywords: SHOOTING POLICE SETTLEMENT DEATH YEAR END

[Go back](#)