

# Rhoades McKee

*attorneys & counselors*

Contact: Robin Burns  
Marketing Manager  
Rhoades McKee  
616.233.5160  
rfburns@rhoadesmckee.com

## **Derek Copp v. Ryan Huzinega, Sheriff Gary A. Rosema, and County of Ottawa, Michigan**

Statement of Frederick D. Dilley regarding lawsuit filed on behalf of Derek Copp against Ryan Huizenga, Sheriff Gary A. Rosema and the County of Ottawa, Michigan on March 8, 2011. The lawsuit was filed today in Federal Court in Grand Rapids.

### **Case Overview**

On March 11, 2009 at approximately 9 pm, members of the Ottawa County Sheriff's Department serving with the West Michigan Enforcement Team executed a search warrant at the residence that Plaintiff shared with another person who had become the focus of an undercover drug investigation by WEMET. The same undercover police officer had visited the Plaintiff's apartment on at least three previous occasions in the weeks before March 11, 2009. She also visited the apartment, under cover, about an hour and a half before the search warrant execution on March 11 to purchase one-eighth ounce (3.5 grams) of marijuana for \$60. At that time, she observed that the subject of their investigation, Derek Copp's roommate, was not present. The same undercover deputy observed that Derek Copp, an honors student with no prior criminal record, presented no apparent threat, that no firearms were likely present in the apartment, that Derek Copp was mild mannered and appropriate in his demeanor, and that a reasonable threat assessment was very low. Nevertheless, a decision was made to obtain and execute a search warrant and to make a tactical assault on Derek Copp's apartment to serve the warrant in a "high risk" manner.

In the process of this tactical assault, one of the deputies shined an M3 tactical light attached to his weapon directly into Derek Copp's face. At the same time, Ryan Huizenga fired his .40 caliber Glock automatic pistol striking Derek Copp with a single round in the chest and knocking him backwards onto the floor. Investigators concluded and Huizinga admitted that he had improperly and dangerously placed his trigger finger inside the trigger guard on a weapon that had no external safety device. Also, his weapon was pointed at Derek Copp and did not remain in the "low ready" position, as it should have. Derek Copp suffered grave and serious injuries.

After searching the premises, Sheriff's Deputies found and seized a total of 1.2 ounces (34.6 grams) of marijuana. No weapons and no other drugs were found.

This action is brought against Deputy Ryan Huizenga, Sheriff Gary A. Rosema and Ottawa County, acting through its Sheriff's Department, to recover damages for their gross negligence and willful recklessness, violations of substantive due process rights, the use of unreasonable and excessive force, assault and battery and for improper or inadequate policies, practices, and training regarding the use of deadly force and the means of accomplishing investigatory entries, search warrant executions, tactical assaults, the use of deadly force and other activities of potential danger to the West Michigan Community.

This action seeks compensatory and punitive damages against the Defendants and also seeks a declaratory ruling in regard to the constitutional propriety of the policies, procedures, and training of the Ottawa County Sheriff's Department applicable to the use of firearms and execution of search warrants and asks the Court to enter such injunctive orders as are necessary to prevent future violations of federally protected constitutional rights of the Plaintiff and persons similarly situated.

### **Statement of Fred Dilley on Behalf of Derek Copp**

This lawsuit questions the actions of West Michigan Law Enforcement Agencies carrying out S.W.A.T. team assaults with automatic weapons and full battle gear against college honor students and others with no prior criminal records, who are believed to be in possession of small quantities of marijuana. I would like to think that they have more important things to do to protect the public in a time of shrinking budgets. Unlicensed marijuana possession is illegal. But this isn't crack cocaine, heroin, or methamphetamine either. If they persist in pursuing marijuana users, they should do so with caution and not in a reckless, cowboy-like manner as was done in this case. This is West Michigan, not the Wild West. This case seeks compensation for Derek Copp's medical bills and injuries. It also seeks a Court Order that would help prevent a repetition of this kind of abusive and reckless police activity.