

Jury: City responsible in shooting

Boy accidentally killed with officer's handgun

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A Circuit Court jury held the city of Plantation responsible Wednesday for the accidental death of a teen-ager shot in a police captain's home with the officer's service revolver.

The jury awarded \$850,000 to Connie Kraft, the dead youth's mother.

Plantation was negligent in the 1982 accident because it had no policy for police officers on the safe handling of their handguns in their homes, the jury ruled.

Kraft's attorney David Gold said the verdict carries a message for local law-enforcement agencies.

"They're saying, if you're going to allow your people to carry guns, make sure they're locked up in a safe place when they are not in use," he said.

George Lanza, representing Plantation, called the ruling "an emotional verdict not based on logic and reason.

"It makes an employer responsible for every act of its employees while they're off duty, as well as the relatives of the employees," Lanza said.

Greg Scifers, 18, died on the night of Jan. 22, 1982, after he was accidentally shot with a .38-caliber service revolver belonging to police Capt. Ben Butler.

The gun was fired by Butler's son, Kenneth, 16, who testified Wednesday that Scifers was his best friend.

Capt. Butler, who was not at home, testified that he routinely

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left the loaded gun in an unlocked dresser drawer.

Butler, a Plantation policeman for 18 years, testified that he had received hundreds of hours of instruction in handgun use. He said he had never been instructed by the city or anyone else on how to safely keep guns in his house.

He had warned his son about the dangers of handguns, he said, and had thought that sufficient to prevent any accidents.

Criminologists called as expert witnesses in the trial differed on whether an "accepted standard" exists for police on the issue.

George Kirkham, a professor of criminology at Florida State University, testified for the plaintiff that many departments require their officers to unload their weapons, secure them with trigger guards or lock them up when not in use.

"It's my opinion that the city of Plantation failed to perform to minimum standards," he said.

Criminologist Bill Bopp, a professor at Florida Atlantic University, testified for the defense. He said he was unaware that such measures were generally accepted police practice and said such a policy would be unenforceable.

"It's like telling police officers to tie their shoes," he said.

The plaintiff's case rested in part on whether Capt. Butler, who was visiting his mother at the time of the accident, was in any sense "on duty" for the city.

Butler testified that he was on call, driving a city police vehicle, carrying a paging device and armed with an "off-duty" handgun.

The jury interpreted this to mean that Butler was acting as an employee of the city, according to foreman Hyman Fox.

"We felt he's on duty 24 hours a day, and the city is responsible for him," Fox said. "One of the contributing factors is that the city had not given him any instruction on the safe handling of guns."

Lanza said the city will appeal the ruling.

"It's our position that Capt. Butler had a duty with regard to his weapon and that the city of Plantation had no responsibility," he said.

Butler was originally named a defendant in the suit, but was dropped before the case came to trial.