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Judge Recommends New Civil Trial in Chamberlain Killing Case

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A federal judge Monday recommended a new civil trial in the killing of Kenneth Chamberlain Sr. in 2011 in White Plains based on newly revealed evidence.

On Monday morning, Judge Cathy Seibel read her long and detailed ruling for more than an hour in a packed courtroom that overflowed into the jury box at the U.S. District Courthouse in White Plains. At the front of the courtroom sat Chamberlain's son, Kenneth Chamberlain Jr., with his team of lawyers. Across from them sat lawyers for the City of White Plains.

The ruling showcases the issue of civil rights violations by law enforcement, who are protected by qualified immunity. That issue has become a flashpoint for police reform advocates in the years following the murder of George Floyd, a 46-year-old Black man murdered in 2020 by a white Minneapolis police officer.

The case centers on Chamberlain Sr., a 68-year-old Black, retired Marine, and 20-year Westchester County Department of Corrections veteran who lived in White Plains and was killed by White Plains police in November 2011.

Chamberlain, who suffered from numerous health conditions and was mentally unstable, had accidentally triggered his LifeAid medical alert. When police came to Chamberlain's home, a hostile situation escalated. Police broke down the front door and were confronted by Chamberlain, who was holding a butcher knife. An officer tased him, and another shot him with a bean bag gun, usually meant to harm, not to kill.

Police reported that Chamberlain still resisted, and they shot him again with live ammunition. Chamberlain later died in surgery at White Plains Hospital.

A civil suit was filed by Kenneth Chamberlain Jr. in 2012 for \$21 million against the City of White Plains and the White Plains Police Department. In 2016, Seibel dismissed most of the lawsuit's claims and excused several original defendants, including police officers who claimed qualified immunity, a legal doctrine that shields police officers and other public officials from facing consequences for civil rights violations.

But in a turnaround from her past rulings and with new evidence to support her, Seibel determined the case could be tried again for unlawful entry, excessive non-lethal force, battery, and assault resulting in Chamberlain's wrongful death. Seibel, who referenced being shot by a bean bag shotgun having "the same velocity as a Mike Tyson punch," gave the green light for all possible charges to be considered, from forced entry to Chamberlain's death.

New evidence that surfaced and included in Seibel's ruling was a detailed and, at times, distressing account of what happened for 90 minutes that was never before shared with the court. The evidence included the forced entry and heated verbal exchanges between Chamberlain and police officers recorded by a LifeAid device in his home. The audio revealed that one police officer used the "N" word.

Seibel strongly suggested both parties try to resolve the case and agree to mediation instead of going through another lengthy trial.

"We're very pleased with the judge's decision today," said Randolph McLaughlin, one of Chamberlain Jr.'s attorneys. "She's essentially told the city that we're going to trial unless they decide to go to mediation to resolve this. Eleven years of fighting this case is 11 years too many for this family to go through this pain. Hopefully, this would shame the policies that led to the death of Mr. Chamberlain."

McLaughlin said the hope was the city would choose mediation.

"But just to be clear, we're ready to try this case right now," he said. "But does the city want to put this family and itself through another trial?"

Chamberlain Jr., founder of the Westchester Coalition for Police Reform, said the city was still alleging that there were no facts to be tried in this case.

"Instead of treating Mr. Chamberlain like a permanently ill patient, they treated him like a criminal suspect. That alone speaks volumes. I have no doubt in my mind that on Nov. 11, 2011, my father was murdered by White Plains police officers," he remarked.

Chamberlain said his family looks forward to taking the next steps, whether going to trial or mediation.

Reflecting on his experience Monday in the courtroom, he said, "There's always anxiety when you're inside the courtroom because we know there is a system in place that doesn't place value on Black life. But again, we are pleased with the ruling today."



Kenneth Chamberlain Jr. outside the U.S. District Courthouse in White Plains Monday after Judge Cathy Seibel recommended a new civil trial based on new evidence in the killing of Chamberlain's father, Kenneth Chamberlain Sr., in 2011 by White Plains police. (PHOTO: Abby Luby)



Abby Luby

Abby is a local journalist who has reported on breaking news for more than 20 years. She currently covers community issues in The Examiner as a full-time reporter and has written for the paper since its inception in 2007. [Read more from Abby's editor-author bio here.](#) Read Abby's archived work here: <https://www.theexaminernews.com/author/ab-lub2019/>