

# Police-chase crash victim's estate sues the city of Toledo in federal court

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**BY DAVID PATCH / THE BLADE**

The estate of a North Carolina man who was fatally struck by a car fleeing police after a traffic stop almost two years ago has sued the city of Toledo in federal court, alleging that its officers habitually violate the official department pursuit policy and engage in reckless chases.

Mohamed Souare, 36, of Harrisburg, N.C., was standing along Alexis Road talking with Toledo Edison workers at an overnight work zone west of Talmadge Road shortly after midnight on Feb. 28, 2022 when the fleeing driver lost control, hit an Edison truck, overturned, and struck Mr. Souare, according to the lawsuit filed Monday in U.S. District Court in Toledo.

Driver Michael Jackson, 35, of the 3500 block of Willys Parkway, had been pulled over several blocks from his home for driving without headlights lit, the lawsuit says. The ensuing pursuit traveled about nine miles at speeds up of to 113 mph and involved as many as 20 officers in 15 police vehicles, it says.

“Officers relentlessly chased Mr. Jackson down one-way streets, into oncoming traffic, onto someone’s front lawn, through dozens of intersections, through stop signs, and red lights throughout West Toledo,” the lawsuit stated.

The lawsuit filed by Oumar Diombe as the administrator of Mr. Souare’s estate, names the city of Toledo, former Police Chief George Kral, and police officer Dustin Kindle as defendants and has been assigned to U.S. District Judge Jeffrey Helmick. Mr. Diombe is represented locally by the Charles E. Boyk Law Offices, LLC.

The lawsuit contends the “chaotic and reckless vehicle pursuit” resulted in a violation of Mr. Souare’s civil rights.

The city of Toledo and Chief Kral “knew officers were regularly engaging in inherently dangerous vehicular pursuits, placing the public at risk of severe injury or death,” it continues. “Despite its knowledge, the city and Chief Kral ignored, or even worse, reviewed and condoned the Toledo Police Department’s pursuit practices.”

And Officer Kindle, who is named as a defendant in his official capacity, “fully embraced the Toledo Police Department’s dangerous pursuit practices,” as did “many other” officers, the lawsuit states.

“Police are supposed to protect the public,” lawyer Charles Boyk said in a statement issued Tuesday morning. “But time and time again, the City of Toledo’s pursuit practices endanger the public. They won’t police themselves, so one of the goals of bringing this suit is to expose the dangers of their practices and try to bring change to this horrible policy.”

Jackson, who had no driver's license, recorded a video of his face during part of the police pursuit, according to prosecutors of a criminal case against him in Lucas County Common Pleas Court. He pleaded no contest April 13, 2022 to aggravated vehicular homicide, failure to stop after an accident, and failure to comply with an officer's signal. Judge Stacy Cook convicted him and 12 days later sentenced him to nine to 12 years in state prison.

The lawsuit argues that Jackson fled after pulling over near Willys and Sylvania Avenue because four officers tried to force their way into his vehicle after he refused to exit it voluntarily and instead asked for time for his wife to arrive from their nearby home.

The TPD pursuit policy's first line "unequivocally states, 'A vehicle pursuit shall be terminated whenever the level of danger created by the pursuit outweighs the immediate consequences of the suspect's escape,'" the lawsuit remarks, noting that the language is in bold type and in all capital letters.

Yet in 2022, the most recent year cited, Toledo police terminated fewer than five of the 170 pursuits initiated, even though traffic violations and other "minor offenses" account for more than half of such pursuits, while more than one-third of them end with a crash. In more than half of the pursuits ending with an injury-causing crash, the lawsuit states, a third party was injured or killed.

The Toledo Police Department announced that March 9 that the pursuit of Jackson was appropriate because Jackson had outstanding warrants, although those warrants were for traffic violations including operating without a license, driving without headlights lit, and failure to wear a seat belt.

"There was no need for Mr. Jackson to drive 113 mph, nor flee in the first place," Lt. Paul Davis, a police department spokesman, said at the time. "Officers have a duty to apprehend fleeing suspects based on [those] factors."

A message seeking comment about the lawsuit was left Tuesday morning with Dale Emch, city law director.