

\$2 Million Settlement Reached In “Preventable Death” of Ventnor Police Officer’s Girlfriend Who Died by Suicide In Their Home Using His Unsecured, Loaded Service Gun

Agreement reached following landmark court ruling on gun-related police liability, responsibility

Atlantic City, N.J., September 5, 2023 – A \$2 million settlement with Ventnor City and Police Lt. Francisco O’Neill has been reached in the lawsuit brought by the family of O’Neill’s former girlfriend, the late Kelly Ann McDowell, who died in 2017 from a self-inflicted gunshot wound using O’Neill’s loaded service weapon. His gun was left unsecured on the floor of their unlocked walk-in bedroom closet in the house they shared with their combined five young children. The settlement followed a precedent-setting Superior Court of New Jersey ruling in the case that then Sgt. O’Neill (his promotion followed the incident) could be held financially responsible for failing to properly secure his gun, even when “off-duty”. The plaintiffs, Ms. McDowell’s parents, administrators of her estate, and her eldest of three children, were represented in the litigation by, respectively, [The D’Amato Law Firm](#), and [Barry, Corrado & Grassi, PC](#)

Kevin and Carol McDowell, Ms. McDowell’s parents, said following the settlement, “We feel daily the pain of Kelly’s loss, as do her three children, and the pain is even more searing knowing her death was absolutely preventable. Kelly Ann (*family photo*), who was a remarkable working single parent, would be alive today if police rules about gun safety and storage had only been followed. We hope, in the aftermath of this settlement, and the court ruling, other innocent lives can be saved through stricter compliance by law enforcement – individuals and departments - regarding gun-safety, including when officers are off-duty.”



The family alleged in its lawsuit (*SCNJ/No. ATL-L-000793-18*) that O’Neill violated mandatory departmental firearms storage procedures, and was negligent by failing to keep his .45 caliber Glock service pistol secured either with a trigger-lock device, gun safe, or other safeguards. Prior to the settlement, the trial court determined O’Neill’s failure to exercise due care was so blatant it found him negligent as a matter of law.

“There is no closure, no celebration that comes with the end of this case, “ said attorney Paul R. D’Amato. “But there’s vindication for the plaintiffs in having the court substantiate in its Motion for Summary Judgement finding, our position that O’Neill was obligated, and could be held financially accountable, under New Jersey law to follow his department’s gun-safety and storage requirements, even in his residence when he was off-the-clock. The case could have far-reaching implications throughout New Jersey and beyond for responsible gun safety applicable to law enforcement.”

The attorneys said, “By failing to comply with state and departmental regulations, Officer O’Neill put all those in his residence, including Kelly and their five children, in grave danger. He was trained not only in proper gun safety, but also to identify signs of mental health issues, such as clinical depression, that she was successfully fighting to overcome at the time of her death. As our medical and police-science experts would have testified at trial, O’Neill’s conduct and the department’s failure to take reasonable steps to supervise whether its policies were followed, were actual and proximate causes of Kelly’s death.”

Attorneys Oliver Barry and Erika Lezama, on behalf of Kelly’s son, Ryan Strazzeri, added, “We hope that this case will serve as a notice for law enforcement officers and agencies that they are responsible for taking firearms safety seriously and that they can help avoid further preventable injuries and deaths.”

The family's legal team lauded the efforts of the Court, defense attorneys (Michael Barker and Thomas Reynolds) for their professionalism, the mediator in the case, and their team of renowned forensic medical/scientific experts, including Dr. Maki Haberfeld, Chair of the Department of Law, Police Science and Criminal Justice Administration, at John Jay College. In her deposition testimony, Dr. Haberfeld, an internationally recognized expert in sound police practices, said the problem was not the absence of departmental gun safety and storage protocols, but that the Ventnor Department "took no actions to ensure compliance by its officers." Plaintiffs' forensic Psychiatrist, Dr. Eric Caine, co-founder of the Center for the Study and Prevention of Suicide (CSPS) at the University of Rochester Medical Center, and Forensic Psychologist Thomas Joiner, Director of Florida State University's Laboratory for the Study and Prevention of Suicide-Related Conditions and Behaviors, testified in depositions that it was the introduction of the all-too-easy opportunity to use fast-acting, or particularly deadly methods of self-harm, that led to the preventable outcome – Kelly taking her life with O'Neill's loaded gun.

The plaintiffs' legal team also commended the work of the [Brady Center to Prevent Gun Violence](#), which has long advocated for responsible gun storage to prevent persons at risk of suicide from obtaining firearms.

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