



**Request for City Council Committee Action
From the City Attorney's Office**

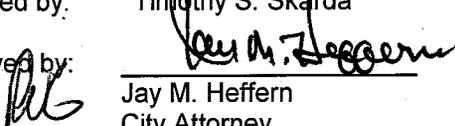
Date: July 16, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Felicia Craig v. City of Minneapolis
Notice of Claim

Recommendation: That the City Council approve the settlement of this case by payment of \$35,000.00, payable to Felicia Craig and her attorney, Jeremy Brantingham, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None.

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
 Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Build Community

Background/Supporting Information

This is a notice of claim filed by Ms. Craig related to an incident of February 8, 2003. The City negotiated a proposed settlement of the claim prior to the initiation of litigation by Ms. Craig because of the substantial information available for evaluation of the claim, the nature of the allegations and the cooperation of Ms. Craig in supplying access to medical records and agreeing to voluntarily attend adverse medical examinations.

The incident arose at approximately 2:15 a.m., when police officers arrived at Ms. Craig's home at 3635 Emerson Avenue North in response to a noisy party complaint. The officers told Ms. Craig that she had to shut down a birthday party being held at her residence. A dispute arose between the officers and Ms. Craig concerning whether she needed to shut down the party immediately and whether family members had to leave the premises. Ms. Craig maintained that because family members had been consuming alcohol it would not be safe for them to drive home. Ms. Craig remained inside her home while she spoke to the officers. She alleges that when she attempted to call 911 to ask whether the officers' request was legal. Ms. Craig alleges that before she could speak to an operator, an officer grabbed by her left arm and a second officer grabbed her hair

and right arm and dragged by her arms and hair down the front steps, across the yard to a squad car. She also alleges that she was maced and kicked.

Officers Christopher Tucker and Jeremy Hulke indicate that they were dispatched to Ms. Craig's address on the report of a large party involving over 50 people. The officers heard loud talking, yelling and music. There were people in the rear yard with open bottles of beer. Ms. Craig denied to the officers that the party was loud. Officer Hulke told Ms. Craig that they intended to give her warning and not issue any citations if she would end the party and have all non-residents leave. Ms. Craig said she would not end the party. Officer Hulke had his foot in the door and Ms. Craig asked him to remove his foot so she could shut the door. Officer Hulke refused to remove his foot. Ms. Craig was insistent that the door be shut. Officer Hulke became suspicious that Ms. Craig was trying to get him to move so that she could shut the door and lock the officers out. Ms. Craig tried to shut the door shut. Officer Hulke placed Ms. Craig under arrest, grabbed her by the arm and began to escort her to the squad car. She tried to pull away. Additional officers assisted in pulling Ms. Craig out of her residence. Mace was used to disperse the crowd.

The incident was investigated by and a hearing held before the Civilian Review Authority. The Civilian Review Authority sustained excessive force findings against Officers McGinty and Bohnsack; and sustained inappropriate conduct findings against officers McGinty, Bohnsack and two other officers. Officers Bohnsack and McGinty received oral reprimands from the police department.

Ms. Craig alleged injuries to her neck, head, back, shoulder, right arm, wrist and eyes. She was treated at the Hennepin County Medical Center and diagnosed with contusions on the wrist and elbow, migraine headaches and soft tissue injures to her neck and shoulder. Ms. Craig's right arm was in a sling for a period of time. Ms. Craig was later diagnosed with a ganglion cyst on her wrist that required surgery. Ms. Craig alleges total medical expenses of \$9,098.60. She also asserts future medical expenses for twelve physical therapy sessions per year for the next three years costing approximately \$5,700.00. The City has disputed that the ganglion cyst was related to the incident with the police. The medical records related to her wrist surgery indicate that she began to complain of wrist pain in March, 2005, however, emergency room records at the time of the incident reference wrist pain. Comparisons between 2001 and 2005 MRI examinations of Ms. Craig's shoulder show degenerative and post traumatic changes.

While a lawsuit has not been filed, it is clear that Ms. Craig is asserting claims related to the use of excessive force, false arrest and unreasonable search and seizure pursuant to 42 U.S.C. § 1983. The ability of police officer to enter a home to make an arrest in a non-emergency situation is very limited. It is problematic that a court would find the removal of Ms. Craig from her residence to be legal. If the seizure of Ms. Craig was determined to be illegal, the force used to seize Ms. Craig would be excessive. Finally, the claims being asserted would allow for the recovery of attorney's fees and costs by Ms. Craig.

After protracted negotiations, a proposed settlement was reached in the amount of \$35,000.00, including all claims for attorneys' fees and costs. The settlement amount has been reviewed and approved by the City Attorney Litigation Committee. Chief Dolan has reviewed the proposed settlement and recommends its approval. All parties believe that the proposed settlement is in the best interest of the City and recommend approval by this Committee and the City Council.