



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

Date: March 17, 2004
To: Ways & Means/Budget Committee
Referral to:

Subject: Lamont Johnson v. City of Minneapolis, et al.
United States District Court File No.: 02-CV-1654 RHK/AJB

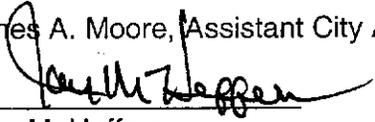
Recommendation: That the City Council approve payment of \$1,000.00 payable to Lamont Johnson and his attorneys, Goins & Wood, P.C. payable from Fund/Org. 6900 150 1500 4000 and further that the City Council authorize the City Attorney's Office to execute any documents necessary to effectuate this settlement.

Previous Directives:

Prepared by: James A. Moore, Assistant City Attorney

Phone: 673-2063

Approved by:


Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): \$1,000.00 payable from Fund/ Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

On April 17, 2002, Minneapolis Police Officers Peterson and Johnson were patrolling in the area of Franklin Avenue and Park Avenue South in the City of Minneapolis. They observed two individuals standing on the northeast corner of the intersection. The officers observed a hand-to-hand exchange of something and believed that they had witnessed a narcotics transaction. The officers pulled their vehicle over and the individuals fled on foot. Officer Peterson chased one of the individuals and observed him throw something

as he fled through an alley. Officer Peterson ultimately caught up with the individual and kicked him to knock him to the ground. The individual got back to his feet and Officer Peterson tackled him. Other officers arrived to assist and after a struggle in which the individual was maced and bit by a Canine, he was apprehended. Crack cocaine was found in the alley.

Mr. Johnson sued alleging excessive force. He claimed that his hand was stepped on when he was on the ground and compliant, breaking a finger. He also alleged that he was maced twice after he had been placed in handcuffs and that the police canine was sicced on him after he was in handcuffs and after one of the officers allegedly said "let the dog have some of that nigger". Mr. Johnson was ultimately convicted of possession with intent to sell drugs.

A settlement conference was held on March 11, 2004, with United States Magistrate Judge Arthur Boylan. After a lengthy settlement discussions, the City Attorney with the authorization of Council President Paul Ostrow, Deputy Chief Sharon Lubinski, and the individually-named Defendant police officers, offered \$1,000.00 for a full and final settlement of the case. The offer was made with the understanding that Plaintiff's attorneys had taken and paid for four depositions in the case and had also incurred the costs of the deposition of the Plaintiff in addition to any other costs. The offer was accepted. Therefore, the City Attorney recommends settlement of all claims, including claims for attorney's fees in the amount of \$1,000.00.