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

Date: June 1, 2011
To: Ways & Means/Budget Committee
Referral to:

Subject: *Carlton Davis vs. City of Minneapolis*
Notice of Claim

Recommendation: That the City Council approve the settlement of this claim by payment of $25,000.00 payable to Carlton Davis and his attorney, Larry E. Reed, from Fund/Org. 06900 1500100 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

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

Approved by: Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, 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.
_X_ Other financial impact (Explain): Fund/Org. 6900 1500100 145400
___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact
City Goal(s): A safe place to call home

Background/Supporting Information

This claim involves the detention and use of force against Carlton Davis on July 3, 2010. While Mr. Davis has not filed a lawsuit, we anticipate that a lawsuit would include federal causes of action for false arrest and use of excessive force pursuant to 42 U.S.C. § 1983 under the Fourth Amendment and Fourteenth Amendment.

On July 3, 2010, at approximately 1:00 a.m., Mr. Davis, his girlfriend and his roommate were packing to move from his apartment. Children were sleeping in their respective bedrooms. Police officers responded to a call of a fight at the address. Mr. Davis says that he told the officers that there was no fighting going on and then put his feet on a coffee table. An officer told Mr. Davis to take his feet off the table and when he refused, Mr. Davis alleges that he was taken by the arm and flipped over a chair. The officer indicated that he took Mr. Davis by the arm when the officer stumbled he passed Mr. Davis to other officers in the hallway who took Mr. Davis to the ground and handcuffed him.

Mr. Davis' wrist began to bother him after the police left. Later on July 3, 2010, he went to the Hennepin County Medical Center where he was diagnosed with a fracture of triquetral bone of wrist. Medical records indicate some diffuse abrasions and that the left wrist was swollen and deformed and may require surgery.

This claim was reviewed by the City Attorney Litigation Committee and discussed with the Minneapolis Police Department. A settlement of all claims, including fees and costs, was negotiated in the amount of $25,000.00. The proposed settlement is at an amount recommended by the Litigation Committee and has been approved by the Minneapolis Police Department.

We believe that the proposed settlement is in the best interests of the City. We recommend approval by this Committee and the City Council.