



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

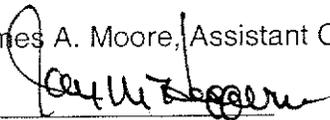
Date: July 22, 2004
To: Ways & Means/Budget Committee
Referral to:

Subject: Vladimir Skyy Verhovskoy v. City of Minneapolis
United States District Court File No.: 03-1199 (RHK/RLE)

Recommendation: That the City Council approve settlement in the above-referenced matter in the amount of \$36,250.00, payable to Vladimir Verhovskoy III and his attorneys Flynn, Gaskins & Bennett payable from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney to execute any documents necessary to effectuate the 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

<p>Financial Impact (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): Payable from Fund/Org. 6900 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>

<p>Community Impact: City Goals: Build Community</p>

Background/Supporting Information

On October 24, 2002, Officer Angela Taylor observed Plaintiff's vehicle violate several traffic laws. She called for assistance, but before other squads arrived, the Plaintiff jumped out of his vehicle and challenged her. According to Officer Taylor, she ordered him to stop and to get on the ground. She immediately handcuffed him. At that point he became verbally abusive to her. Plaintiff denies that he was handcuffed without incident. He claims that he was knocked to the ground by Officer Alan Williams, handcuffed, beaten

and dragged to the squad car. He claims that his pants came down to his ankles when he was dragged to the squad car.

The officers deny that Officer Williams had any physical contact with the Plaintiff at the scene of the arrest. Instead, Officer Williams responded to City Hall to assist Officer Taylor in getting the uncooperative Plaintiff out the squad car and into the Chem Test room. Officer Williams dragged Plaintiff from the car. Plaintiff was uncooperative as he was escorted into City Hall. At one point, it appeared as though Plaintiff was going to spit on Officer Williams. Officer Williams reacted by pushing Plaintiff's face away and Plaintiff fell into a glass door, breaking the glass. Plaintiff went to the ground and was dragged into the Chem Test room. In the process of being dragged, his pants went down to his ankles and his underwear came down. He was videotaped in this condition. On the Chem Test videotape, Plaintiff is angry and uncooperative. The officers appear patient, but refuse to assist him in pulling up his pants, despite his repeated requests to do so.

The criminal charges against Plaintiff were dismissed and Hennepin County District Court Judge Gomez opined that the treatment of the Plaintiff on the video amounted to a violation of his due process rights. Plaintiff sustained multiple bruises. He also claims an exacerbation of his multiple sclerosis as a result of the treatment by the officers. This claim is supported by his doctors. As a result of the incident, Plaintiff alleges that he was unable to function normally for a period of time and consequently lost his cab business. He no longer works and is currently on Social Security Disability income.

Plaintiff demanded \$170,000.00 to settle the case. A settlement conference was held with Magistrate Judge Raymond Erickson and was attended by Council Member Barret Lane, Inspector Donald Harris, and the Defendant police officers. Although no settlement was reached during the settlement conference, the settlement discussions continued and ultimately resulted in an agreement to settle the case for \$36,250.00. This settlement is supported by Council Member Lane and police administration.