



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

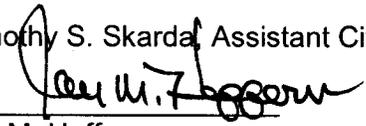
Date: April 25, 2006
To: Ways & Means/Budget Committee
Referral to: None

Subject: Haggins v. City of Minneapolis
U.S. District Court file no. 04-4564 JNE/FLN

Recommendation: That the City Council approve settlement of the lawsuit filed by Dejuan Haggins, United States District Court File No. 04-4564, in the amount of \$1,250.00, payable to Dejuan Haggins and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 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 - 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): Payment from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

The present case arises out of an incident in which the Plaintiff, Dejaun Haggins, was arrested by a Minneapolis Police officer on October 12, 2003. The Plaintiff has brought a lawsuit alleging violations of 42 U.S.C. § 1983 for excessive force and false arrest. Mr. Haggins has been pursuing the case without the assistance of an attorney.

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On October 12, 2003, at approximately 2:00 a.m. Mr. Haggins was present at 8th Street and Hennepin Avenue. The arresting officer testified that Mr. Haggins was involved in a fight with another party who left as the squad car approached. Mr. Haggins did not see the officer arrive. Mr. Haggins picked up a jacket that the officer feared might contain a weapon and refused to drop the jacket or identify himself to the officer. Mr. Haggins was spayed with mace while his hand was concealed in the jacket. Mr. Haggins was shouting, "Shoot me." He began to walk away and refused to stop. The officer pursued him, knocked him to the ground, landed on top of him and handcuffed him. Mr. Haggins suffered a bloody nose, minor scrapes and broken front teeth.

Mr. Haggins alleges that he was standing on the corner watching two individuals fight when the officer arrived. Mr. Haggins alleges he began to laugh at the situation and the officer got mad. He alleges that without provocation he was spayed with mace and knocked to the ground. Mr. Haggins alleges that after being handcuffed, his head was slammed into the sidewalk, breaking his teeth and bloodying his nose while the officer made comments about laughing at the police. Mr. Haggins alleges ongoing pain and discomfort from the injury to his teeth.

There were no independent witnesses to the incident, everyone having left as the officer arrived. The arresting officer was alone and no other officers arrived at the scene before the incident had ended.

The Defendants brought a Motion for Summary Judgment before Magistrate Judge Franklin Noel. Magistrate Noel denied the Motion on January 27, 2006, finding material issues of fact in dispute. The Report and Recommendation from Magistrate Noel was affirmed by Judge Joan N. Erickson.

A settlement conference was held on April 20, 2006, before Magistrate Judge Noel. The settlement conference was attended by Council President Barbara Johnson, Deputy Chief Don Harris, Officer Mark LaNasa and Assistant City Attorney Timothy Skarda. The Plaintiff initially demanded \$200,000.00 in settlement of his claims. Subject to City Council approval, a proposed settlement was reached in the amount of \$1,250.00. We believe that considering all the facts and circumstances of the case, the proposed settlement would be in the best interests of the City and the officer and jointly recommend approval by this Committee.