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

Date: January 17, 2008
To: Ways & Means/Budget Committee
Referral to:

Subject: *Grover T. Harris vs. City of Minneapolis*
Court File No.: 06-CV-4457 DSD/JJG

Recommendation: That the City Council approve the settlement of this case by payment of $7,500.00 payable to Grover T. Harris and his attorney, John Dunlap, Dunlap & Ritts, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: James A. Moore Phone: (612) 673-2063

Approved by: Jay M. Heffern
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.
_X_ Other financial impact (Explain): $7,500.00 from Fund/Org 6900 150 1500 4000
___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact
City Goal(s): Build Community

Background/Supporting Information

Plaintiff alleges that he has been harassed and illegally arrested by Officer Daniel Wells. Plaintiff is a recovering drug addict and alcoholic who over the years has frequented areas of south Minneapolis in which Officer Wells has been assigned to patrol. Plaintiff has had numerous contacts with Officer Wells. Plaintiff complains about several specific contacts. On or about September 24, 2004, Plaintiff says he was coming out of an acquaintance's building when Wells approached him and accused him of trespassing. Plaintiff was arrested for trespassing and for an outstanding warrant. Plaintiff admits that there was a valid warrant for his arrest, but complains that the trespassing charge was baseless and that there was no probable cause to approach him. He also complains that Officer Wells lost his wallet. On or about October 15, 2004, Plaintiff says that Officer Wells saw him walking down the street and ordered him to leave the area. Plaintiff went to a bus stop and waited for a bus. He says that Officer Wells then pulled up across the street. Plaintiff went over to explain that he was waiting for a bus to leave the area. As he approached Officer Wells, Plaintiff claims that the officer pulled his gun and ordered him to stay away. Plaintiff claims to have been frightened for his life. On or about October 19, 2004, Plaintiff says that Officer Wells picked him up and threatened to frame him for a murder. Plaintiff called the Civilian Review Authority to report this threat. Later, on February 11, 2005, Officer Wells stopped Plaintiff and asked him about alias he had used. Officer Wells ran a records check on a wanted person named Eddie Von Clay who was

wanted for murder and also used an alias of Grover Harris. Officer Wells detained Plaintiff based upon this records check even though the police bulletin stated "do not arrest based solely on this record". Officer Wells transported Plaintiff to the Hennepin County Adult Detention Center for identification. Hennepin County declined to process Mr. Harris because he was not being charged with anything. Officer Wells did not make a report of this contact. Police records show that Officer Wells had run records checks on Mr. Harris at least ten times prior to this detention so his stated confusion about Plaintiff's true identity is called into question. Based upon concerns about the February 11, 2005, arrest the City Attorney's Office negotiated a settlement with Plaintiff in the amount of $7,500.00. This amount includes any claim for attorney's fees. The Chief of Police has concurred in the settlement.

JAM/HHP/ 06-19382