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

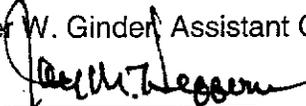
Date: March 24, 2003
To: Ways & Means/Budget Committee
Referral to:

Subject: Lola Annette Jeffries Daniels v. City of Minneapolis, et al.
Court File No.: 01-1673 JEL/JGL

Recommendation: That the City Council approve settlement of this matter for the sum of \$7,500.00, payable to Lola Annette Jeffries Daniels and her attorney, Frederick J. Goetz, from Fund/Org. 690 150 1500 4000.

Previous Directives:

Prepared by: Peter W. Ginder, Assistant City Attorney Phone: 673-2478

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): Fund/Org. 690 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

This claim involves a lawsuit by a 47 year old woman, Lola Annette Jeffries Daniels, who alleges that she was unlawfully arrested, assaulted and battered by Minneapolis Police Officer Scott Downing. On January 22, 2001, Officer Downing responded to a call of a person with a gun in the vicinity of 36th Street between Oakland and Portland Avenues. When Downing arrived, he observed Plaintiff standing in front of 3600 Park Avenue holding what appeared to be a rifle. Unbeknownst to Downing, Plaintiff had purchased a BB gun which she was using to scare pigeons aware from her home. Downing began yelling commands that

Plaintiff should drop the weapon, and, after some tense moments, Plaintiff dropped her weapon to the ground. During the interaction, Downing was assisted by Department of Corrections Investigator who had also arrived at the scene. Although the facts are vigorously disputed, Plaintiff alleges that although she responded immediately to Downing's command, that he forced her to kneel on the sidewalk for ten minutes. Plaintiff claims that Downing used excessive force slamming her to the sidewalk, handcuffed too tightly, and used a racial epithet towards her. Plaintiff was released at the scene and never charged criminally. In addition to physical injuries, Plaintiff alleges that she suffered significant psychological and emotional injuries. Plaintiff alleges that her emotional injuries are permanent and resulted in a diagnosis of post traumatic syndrome from her treating medical providers. After completion of discovery, Defendants moved for summary judgment on all claims on the grounds of qualified and official immunity. District Court Judge Joan Lancaster granted that motion in part but left the majority of the claims intact.

On Friday, March 21, 2003, the parties participated in a settlement conference before Magistrate Judge Jonathan G. Lebedoff. The settlement conference was attended by Council Member Barb Johnson and Deputy Chief Lucy Gerold. Subject to Council approval, the parties have agreed to resolve this matter by payment from the City of Minneapolis to Plaintiff and her attorney in the amount of \$7,500.00, which is a full and final settlement of all claims including attorney's fees.