



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

Date: February 14, 2005
To: Ways & Means/Budget Committee

Subject: Teflon Edwards v. City of Minneapolis, et al.

Recommendation: That the City Council authorize settlement of Teflon Edwards v. City of Minneapolis, et al. in the amount of \$5,000.00 payable to Teflon Edwards and his attorney, Al Goins, from Fund/Org. 6900 150 1500 4000 that the City Attorney be authorized to execute any documents necessary to effectuate this settlement.

Previous Directives:

Prepared by: James A. Moore/ Sydnee N. Woods, Assistant City Attorneys Phone: 673-2072

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): \$5,000.00 from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

City Goals: Build Community

Background/Supporting Information

At approximately, 3:00 am on October 19, 2003, 4th Precinct Minneapolis Police Officers responded to a domestic disturbance call at 2620 Colfax Avenue North. The caller, Barbara Shaw, stated she had been cut by her sister with a shard of glass. Upon arrival, officers observed the entire front window broken out and glass covering the living room floor. Officers Troy Walker and Peter Fahnhorst announced and entered the home through the window. They observed Plaintiff Teflon Edwards, and Ms. Shaw's sister, Lashea Shaw, at the top of the stairs. Edwards came down the stairs and began shouting obscenities at the officers. Officers patted him down and, finding no weapon, told him to leave the premises. Lashea Shaw remained

at the top of the stairs, refusing to come down. Officers walked up the stairs and handcuffed Lashea. At this point, Barbara came out of the bathroom. She had cuts on her arm, neck and shoulder. When the door opened, Lashea lunged at Barbara and kicked her in the stomach.

As Officer Walker escorted Lashea to the squad car, she attempted to twist and turn her body to escape Officer Walker's grasp. Officer Walker then brought Lashea to the ground to control her. Officer Fahnhorst assisted him. Plaintiff observed this encounter from across the street. Upon seeing Lashea taken to the ground, Plaintiff began yelling loudly and ran towards the officers. Fearing for the safety of his fellow officers, Officer Michael Sanden stepped in front of Plaintiff and sprayed a short spray of mace in his path. Plaintiff turned away and stated the mace had no effect on him. He continued to walk towards the officers and Lashea. Officer Sanden again issued a short spray of mace. Plaintiff continued to be verbally combative; officers then stated he was under arrest him for obstruction. Plaintiff continued to yell and did not comply with officers' commands. Officer McGinty informed Plaintiff that he would be tased if he did not comply. Plaintiff did not comply and Officer McGinty advised his fellow officers he was going to use the taser. At this point, Plaintiff began to turn away and Officer McGinty fired his taser at Plaintiff's back. Plaintiff immediately went to the ground but did not comply. Officer McGinty fired a second cycle and Plaintiff immediately complied and was arrested without further incident. Paramedics treated Plaintiff on the scene for minor injuries to his back from the taser. He was taken to HCJ and booked.

The issue is whether the police officers' use of force was justified given Plaintiff's alleged combative behavior. There is an issue of fact as to whether he complied prior to the use of force by the officers. Plaintiff alleges the two sisters and a third witness (a 13 year old nephew) will testify that Plaintiff was not combative and attempted to leave the area prior to be tased. Viewing the facts in the light most favorable to the plaintiff, the City Attorney recommends this case be settled in the amount of \$5,000.00. The City Attorney believes that this is substantially lower than the costs of defense.

The City Attorney recommends that the City Council authorize settlement of Teflon Edwards v. City of Minneapolis, et al. in the amount of \$5,000.00 payable to Teflon Edwards and his attorney, Al Goins, payable from Fund/Org. 6900 150 1500 4000 and that the City Attorney be authorized to execute any documents necessary to effectuate this settlement.