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

Date: August 16, 2004
To: Ways & Means/Budget Committee
Referral to:

Subject: Joshua Taylor v. City of Minneapolis, et al.

Recommendation: That the City Council approve the settlement of this claim by payment of $9,000.00 payable to Joshua Taylor and his attorney Robert Bennett, 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: C. Lynne Fundingsland, Assistant City Attorney Phone: 673-3339

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
_X_ Other financial impact (Explain): 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

The above-entitled matter is in claim status. Joshua Taylor, who is a 27 year old graphic designer and music promoter, has brought this claim against the City of Minneapolis alleging excessive force. On October 19, 2003, Mr. Taylor went to visit his ex-girlfriend, hoping that he could repair their relationship. As he was trying to get into the rear door of her house, the police received a call to a prowler in that area. As the officers approached, Taylor initially was unaware that they were police officers, did not know who they were, and began running away. The officers pursued Taylor, who fell down on the sidewalk. The officers approached him and attempted to handcuff him. Taylor was on his stomach with his left arm under him.

Because he refused to put his left hand behind his back, one officer administered several open hand slaps to Taylor's head. The officers were able to get Taylor's left arm out from underneath him, and, at that time, the officer hand slapped Taylor two more times. Taylor was then handcuffed.

The officers noted a scrape on the inside of Taylor's hand and blood coming out of his mouth. Once Taylor was transported to Hennepin County Jail, he told the staff that his left wrist hurt and that he could not hear out of his left ear. He was then transported to Hennepin County Medical Center for evaluation. Medical reports show that Taylor's left eardrum was perforated and that his left wrist was fractured. The torn eardrum caused pain and hearing difficulty for approximately one month, but has since resolved. The fractured wrist left Taylor in a cast for approximately eight weeks.

Taylor's out of pocket medical expenses are $1,706.00. He lost approximately $1,000.00 in income for being out of work for two weeks. I have had discussions with Mr. Bennett, Taylor's attorney, and we have reached a proposed settlement whereby the City would pay $9,000.00 to Taylor for full and complete settlement of this matter. While the City and the officers have certain defenses to this matter, should this case go to court and Taylor succeed, his claim would involve attorneys fees. The $9,000.00 payment is a total and complete settlement, including attorney's fees. I have spoken with Chief McManus about this proposed settlement and he is in agreement with it.