



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

Date: November 15, 2005  
To: Ways & Means/Budget Committee  
Referral to: None

Subject: Erickson v. City of Minneapolis  
U.S. District Court file no. 05-1453 (DSD/SRN)

**Recommendation:** That the City Council approve settlement of the lawsuit filed by Caroline L. Erickson, United States District Court file no. 05-1453, in the amount of \$25,000.00, payable to Caroline L. Erickson and her attorney, Andrew Noel, 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, Carolyn Erickson, was arrested and injured after receiving a citation for expired license tabs. The Plaintiff has brought a lawsuit alleging violations of 42 U.S.C. § 1983 for the use of excessive force and false arrest and claims against the City for failure to supervise, train and discipline police officers.

Ms. Erickson is a 44 year old Ph.D. candidate in physics at the University of Minnesota. On July 12, 2004, shortly after noon, Ms. Erickson was returning home after walking her dogs when she saw a Minneapolis police officer writing a citation for expired license tabs to a vehicle parked in front of her home. The vehicle had been left in her custody by a friend who was attempting to sell the car. Ms. Erickson was told that the vehicle was being towed. She assumed responsibility for the vehicle and attempted to convince the officer to allow her to move the vehicle onto her private property. The officer refused. Ms. Erickson became verbal with the officer and called him names. The officer indicated that Ms. Erickson blocked him from getting out of the squad car and he had to kick the door open. Ms. Erickson denies blocking the officer's egress. The officer decided to arrest Ms. Erickson for interfering with the ticketing and towing of the parked vehicle.

After being arrested, Ms. Erickson was allowed to put her dogs into her home. The officer drew his service weapon and kept it at his side until the dogs were safely in the home. The officer asserts that Ms. Erickson attempted to walk into the house and that when he took her arm she turned toward him, raised her arm and let out a loud guttural growl. Ms. Erickson denies the actions, indicating that she reached inside to open an interior door to let the dogs into the house and was grabbed by the neck from behind. The officer testified that he believed that Ms. Erickson was preparing to strike him. Ms. Erickson was placed into a carotid neck restraint and after a brief struggle taken to the ground. She was handcuffed. While being walked to the squad car, Ms. Erickson attempted to pull away from the officer and, to prevent her escape, was pushed and fell to the ground.

The tow truck driver indicated that the Plaintiff was verbally abusive to the officer. However, the remainder of his recollection is different from both the officer's and the Plaintiff's. A neighbor observed the Plaintiff lean in the doorway and then be pulled from behind by the officer. The neighbor states that the officer 'lost it' and corroborates much of Ms. Erickson's description.

Ms. Erickson was booked into the Hennepin County Adult Detention Center, where she was strip searched and went through the book process. She spent the night in jail. Criminal charges were subsequently dismissed.

Ms. Erickson's physical injuries have healed. She suffered scrapes, cuts and bruises that have healed. Injuries to her right knee and right shoulder were treated and she was without pain after two months. Ms. Erickson had never been arrested and appears to have been deeply affected by the arrest, booking process and having spent the night in a communal jail cell.

Ms. Erickson is an excellent witness who does not exaggerate her injuries and accepts responsibility for the language used toward the officer. She denies any threatening physical conduct toward the officer. She is articulate and able to clearly state her case.

A settlement conference was held on November 15, 2005, before Magistrate Judge Susan Richard Nelson. The settlement conference was attended by Council Member Robert Lilligren, Deputy Chief Don Harris and Assistant City Attorney, Timothy Skarda. Prior to the settlement conference, the Plaintiff demanded \$100,000.00. Subject to City Council approval, the case was settled in the amount of \$25,000.00, including all claims for attorney's fees and costs. The Plaintiff has agreed to dismiss the individual police officer from the lawsuit. When the suit was filed and before discovery began, the City made a Rule 68 Offer of Judgment at \$10,000.00 that would be valued between \$15,000.00 and \$18,000.00, when costs and fees are included.

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 jointly recommend approval by this Committee.