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

Date: January 12, 2011
To: Ways & Means/Budget Committee
Referral to:

**Subject:** *Claim of Toshiba Gibson, Clifford Gibson, Zorina Gibson, Armand Gibson and Akira Gibson*

**Recommendation:** That the City Council approve the settlement of this claim by payment of $17,500 from Fund/Org. 06900-1500100-145400 to Toshiba Gibson, Clifford Gibson, Zorina Gibson, Armand Gibson and Akira Gibson and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Amanda M. Trelstad Phone: 612-673-2429

Approved by: Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, 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): $17,500 from Fund/Org. 06900-1500100-145400
___ Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact: Other**

## Background/Supporting Information

On September 1, 2010, the MPD Gang Enforcement Team applied for and was issued a no-knock narcotics search warrant for *3456* Penn Avenue North. The MPD SWAT Unit served the warrant because there was information that the residence contained gang members, guns and narcotics. On September 7, 2010, SWAT officers mistakenly served that warrant on *3454* Penn Avenue North. During the warrant execution, the officers deployed a flash-bang, broke three side windows and rammed the

porch door and inner door. The officers caused damage to the doors and windows and ordered the Gibson family to lie down on the ground before they realized their mistake.

The Gibsons filed a claim against the City of Minneapolis seeking compensation for "anger, distress, emotional [and] mental anguish." After negotiations, they have accepted a global settlement of $17,500. Because the settlement of this claim involves two minors, the District Court will need to approve the minors' settlements.

The settlement amount has been reviewed and approved by the City Attorney Litigation Committee. The Minneapolis Police Department has also had a chance to review the file and supports the settlement. Therefore, staff recommends approval of the settlement of this matter in the amount of $17,500.