



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

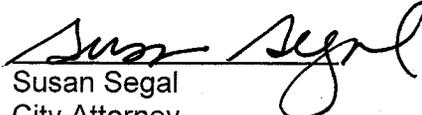
Date:  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Angel McKinney v. City of Minneapolis, et al.

**Recommendation:** That the City Council approve the settlement of this claim by payment of \$10,000.00 payable to Angel McKinney and her attorney, Christopher Johnston from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:** None

**Prepared by:** Gregory P. Sautter, Assistant City Attorney Phone: 673-2683

Approved by:   
Susan Segal  
City Attorney

**Presenter in Committee:** Susan Segal, City Attorney

<p><b>Financial Impact</b> (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): Fund/Org. 6900 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> City Goals: Build Community</p>
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**Description of the Claim:**

On June 14, 2006, Ms. Angel McKinney's son was stopped for shoplifting by an off duty Minneapolis Police Officer and private security as he was exiting the West Broadway CUB Foods store. McKinney approached her son and told him to return any stolen merchandise, which he did. McKinney then attempted to leave the store with her son.

Security advised McKinney that her son would have to be photographed and issued a trespass form banning him from the store. McKinney objected and demanded that she and her son be permitted to depart. Security then escorted McKinney's son to the security office at the rear of the store. McKinney followed and protested to the officer and security.

The officer states that McKinney physically and verbally protested as they approached the office, and at one point, McKinney tried to push through him to get to her son. McKinney also slashed at the officer's arm and tried to enter the office. The officer grabbed McKinney and spun her around to handcuff her. When the officer grabbed McKinney, her son became agitated and lunged towards them. McKinney and her son ran into each other and she collapsed to the ground. When she hit the ground McKinney urinated and lost control of her bowels. The officer placed her in handcuffs. Medical assistance was called, but McKinney denied any assistance.

McKinney claims that while she protested to the officer, she was not out of line and that when she got to the office, the officer grabbed her arm, spun her around, and ran her head first into the wall. She then fell to the ground, urinated and lost control of her bowels. Two third-party witnesses describe circumstances to McKinney's recitation of events. Neither third-party witness knew McKinney before the date of the incident.

### **Settlement Activity:**

McKinney, through her attorney Christopher A. Johnston submitted a claim and supporting documents to the City of Minneapolis. Assistant City Attorney Gregory Sautter evaluated the case and presented it to the City Attorney's Office Litigation Committee for assessment, and informed Deputy Chief Gerlicher of the matter. After extensive negotiation, the parties were able to come to a settlement whereby the City agreed to pay McKinney a sum of \$10,000 in exchange for a release of all claims against the City of Minneapolis and the officer involved. The release would not include a release of claims against Jerry's Foods or the contract security guard on duty at the time.

While the City and the officer have certain defenses in this matter, the confirmation of McKinney's story by independent third-party witnesses raises the risk of loss at trial. Were that the case, the City's liability would not be just for the physical claims of McKinney, but, potentially, for any attorney's fees incurred in pursuing that judgment. For these reasons, early settlement is in the best interest of the officer involved and the City of Minneapolis and its approval is urged.