



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

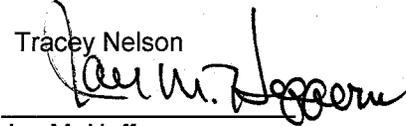
Date: August 15, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Cook v. City of Minneapolis, et. al., United States District Court, Court File No. 06-579

Recommendation: That the City Council approve the settlement of this case by payment of \$6,000.00 payable to Charles Cook, Sylvia Mae Cook, Timothy Cook and their attorneys, Albert Goins and Maya Sullivan, 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: Tracey Nelson Phone: (612) 673-2254

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, 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.
 Other financial impact (Explain): \$6,000 from Fund/Org. 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact: Other

Background/Supporting Information:

On January 13, 2005, officers executed a high-risk search warrant on Plaintiff Charles Cook, Sylvia Mae Cook and Timothy Cook's residence at 3845 2nd Avenue South in Minneapolis. Because of the possibility the suspect, Cortez Cook, could be armed, the SWAT team entered first to secure the residence. When the SWAT team arrived, Sylvia Mae Cook, and several grandchildren and great-grandchildren were seated on the couch. Charles Cook, an elderly man with kidney disease, alleges he was kicked down to the ground. When Timothy Cook came up to the first floor, he was taken down to the ground and flex-cuffed. Timothy Cook alleges that while cuffed, he was repeatedly kicked in the head, lifted up by his hair and thrown back down, stepped on, and had the door repeatedly slammed into his head. He also alleges that an officer poked his finger into Timothy Cook's forehead and stated, "I ought to put a bullet in your head right now." Charles and Sylvia Mae Cooks' allegations were dismissed on summary judgment but have threatened to appeal to the Eighth Circuit Court of Appeals.

After negotiations, a proposed settlement was reached in the amount of \$6,000.00. No one from Police Administration was able to attend the settlement conference due to staffing issues relating to the 35-W bridge collapse. Police Administration is aware of the proposed settlement and has no objections. We believe the proposed settlement amount is reasonable compared with the risks associated with and the actual cost of a jury trial. The proposed settlement extinguishes all claims by all three plaintiffs, including any claims for attorneys' fees.