



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

Date: January 31, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Christopher Perry v. City of Minneapolis, et al.
Conniss Chatmon et al. v. City of Minneapolis, et al.

Recommendation: That the City Council approve the settlement of this case by payment of \$10,000.00 payable to Christopher D. Perry and his attorney, Albert T. Goins, and \$5,000.00 payable to Mario P. Perry and his attorney, Albert T. Goins, both 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. Lyn Fundingslan,
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

Plaintiffs Chris and Mario Perry are brothers who each brought independent suits against the City of Minneapolis and Minneapolis Police Officers James Burns and Michael Geere for the events of November 16, 2004. Conniss Chatmon is Plaintiffs' mother and she brought suit on Mario Perry's behalf because he was a minor at the time of filing. Mario has now reached the age of majority.

On November 16, 2004, Officers Burns and Geere went to 4050 Bryant Avenue North looking for an identified murder suspect known to frequent the address. At approximately 6:00 p.m., the

officers drove down the alley behind the address and saw a car with four occupants parked illegally behind 4050 Bryant. They passed the car to see if they could identify the murder suspect among the occupants but were unsuccessful. Burns and Geere then circled the block and returned to the car to initiate a traffic stop. When Burns approached the driver, Brian Thompson, he smelled marijuana and saw a "philly blunt" in the ashtray. He also looked at Plaintiff Mario Perry and saw that Mario resembled the murder suspect he was seeking. As Burns was speaking to the car's driver, a cousin of Plaintiffs approached Burns from 4050 Bryant and confronted him with a tire iron. Burns took the cousin into custody and then decided to empty the car and identify the occupants.

The parties differ on the events that followed. The officers claim that Plaintiffs verbally and physically resisted police orders and that Plaintiffs' actions forced the officers to respond with force. Plaintiffs claim that they were minding their own business and that the officers immediately became verbally abusive and physically forceful. However, all parties agree that force was used upon both of the Plaintiffs in order to effectuate their arrests. Plaintiff Mario Perry received various scrapes and bruises and Plaintiff Chris Perry suffered a broken tooth, a laceration on the inside of his lip, and various scrapes and bruises. Both Plaintiffs sought psychological counseling as a result of the incident. Both Plaintiffs are credible and presented well. Further, there were witnesses at the scene who support the Plaintiffs' version of the facts.

Chris Perry was taken into custody, charged with obstruction, and released. The obstructing charge against Chris Perry was dismissed. Mario Perry was a juvenile at the time of his arrest and was released to his mother Connie Chatmon during the night of the incident. Mario was never charged with a crime.

On January 24, 2007, a settlement conference was held before Magistrate Judge Graham. In attendance were the named officers, Geere and Burns, Inspector Lee Edwards of the Minneapolis Police Department Administration, Council Member Sandra Colvin Roy, and Assistant City Attorneys Gregory Sautter and C. Lynne Fundingsland. As a result of a full day of negotiations, a proposed settlement was reached whereby the City would pay Plaintiff Chris Perry \$10,000.00 and Plaintiff Mario Perry \$5,000.00 for a full and complete settlement of these two cases. While the City has certain defenses in this matter, should the jury believe the Plaintiffs and their witness' version of the facts, a jury may return a verdict against the officers. If that were the case, the City would not only be responsible for any judgment, but also for all attorneys' fees incurred in pursuing the judgment. For these reasons, all parties present at the settlement conference agree that the settlement as reached was in the best interest of the officers and the City of Minneapolis and urge its approval.