



Request for City Council Committee Action

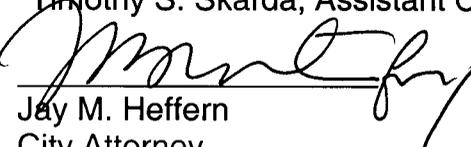
Date: March 1, 2002
To: Ways & Means/Budget Committee
Referral to: None

Subject: Claim of Darien D. Williams

Recommendation: That the City Council approve settlement of the claim of Darien D. Williams in the amount of \$12,500.00, payable to Darien D. Williams and his attorney, Marshall Tanick, 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:

City Goals: Build Community

Background/Supporting Information Attached

The underlying incident involves allegations of defamation, negligence and violation of due process rights under 42 U.S.C. § 1983 arising from the mistaken identification of Mr. Williams as a suspect in an interstate prostitution ring on August 12, 1999.

Claim of Darien D. Williams
March 1, 2002
Page 2

In 1999, the Federal Bureau of Investigation and the Minneapolis police department conducted a joint investigation of a prostitution ring operating between St. Louis and Minneapolis. The investigation resulted in the charging and conviction of various members of the "Evans Family" with federal felony charges. On August 12, 1999, the FBI and the Minneapolis police department held a press conference to announce the indictment of various individuals. In preparation for the press conference the police department obtained photographs of the suspects, many of whom were not in custody, for release to the news media. Police officials mistakenly released a photograph of Darien Williams and identified him as Darrian Evans. The photograph of Mr. Williams was used in the print and broadcast media. The error was not discovered until Darrian Evans was arrested and the photograph compared to the person. The police department issued a correction on August 19, 1999. Mr. Williams had no connection to the criminal investigation or prosecution.

Mr. Williams has filed a claim seeking damages for the mistaken release of this photograph. He has alleged that he lost his job and was ridiculed by co-workers and acquaintances. He has alleged that he suffered a variety of problems in a personal relationship with a female friend.

On February 26, 2002, a mediation session was held with mediator Don Lewis. Representing the City were Council Member Barbara Johnson, Deputy Chief Richard Schultz and Timothy Skarda. Mr. Williams initially demanded \$125,000.00 in settlement. A proposed settlement was reached in the amount of \$12,500.00. The claim was mediated before a lawsuit was filed in an attempt to resolve the case before costs and fees became prohibitive and a bar to settlement. The City made an error by identifying Mr. Williams as having been indicted in a high profile prostitution crime. Because the proposed settlement was reached before discovery, the specifics of the Mr. Williams' damages are not well documented. However, it is clear that he did suffer and could prove some level of damage. Council Member Johnson, Deputy Chief Schultz and Mr. Skarda are in agreement in recommending that settling this claim is in the best interests of the City. A lawsuit would involve added expenses in a situation where the City was admittedly in error. The proposed settlement resolves all claims for costs, attorney's fees and damages related to the release of Mr. Williams' photograph.