

How to Spend Millions Settling Lawsuits

City Pages, 2005

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On 17 occasions in the past five years, the city of Minneapolis has paid out more than \$50,000 in a single case to settle claims of police misconduct. City Pages examined the court records associated with 14 of these cases, as well as the personnel files of the officers involved in the incidents. (The officers involved were given the chance, through MPD spokesman Ron Reier, to comment. The only one who responded was Officer William Palmer.) The following narratives, culled from these public documents, are a sampling of the types of altercations that end up costing the city significant amounts of money.

Shyanna Freeman

In December 2003, the Minneapolis City Council was weighing a settlement in Shyanna Freeman's lawsuit against the city. There was more than a little reticence, since Freeman is the daughter of Alfred Flowers, who has had numerous high-profile run-ins with the police. Additionally, Alisa Clemons, sister to Flowers and Freeman's aunt, was a former Minneapolis cop who had won two separate six-figure discrimination suits against the department. Freeman herself contended that she had been roughed up by several Minneapolis cops, including Officer Gary Nelson, late on July 19, 2001, when she was 17 years old.

This history prompted council member Barbara Johnson to utter disdainfully, "It seems we have a family business going," while the council pondered a settlement figure. But regardless of where the Flowers/MPD feud started, the civil complaint filed in U.S. District Court offers a glimpse at some puzzling police behavior.

According to the complaint, Freeman and three step-siblings got off a bus at the corner of Central and 27th Avenue Northeast at about 9:45 p.m. After they crossed the street on their way home, a "gray unmarked car, without its headlights on, pulled up beside them, and the man in the driver's seat leaned over and yelled, 'Do you know I could have hit you?'" Freeman's complaint contends that the man, in street clothes, was Officer Nelson. He allegedly asked Freeman for a state ID and eventually got out of the car and rifled through her purse. According to the complaint, he never identified himself as a police officer.

From there confusion and a scuffle ensued, with Nelson allegedly throwing Freeman, a national honor society student, up against the car and then striking her head against the car door frame while putting her in the back seat. Freeman asked a passerby to go get her father, Flowers. When Flowers arrived, Nelson called for backup, and six squads came to the scene. Shyanna Freeman was eventually handcuffed and taken to Hennepin County jail for fingerprints and mug shots. She was charged with "obstructing legal process" and released, though a city attorney dismissed the citation because "the officer was in an unmarked squad car and obstructing couldn't be proved." (Nelson's personnel and internal affairs files contain no mention of the incident.)

Though Freeman sustained no permanent physical injuries, City Council members got over their misgivings, swallowed hard, and settled with Freeman to the tune of \$180,000.

James Strickling

The civil complaint of James A. Strickling vs. the City of Minneapolis offers little help in clarifying the events of December 8, 1999. Without providing a storyline, the complaint alleges that Strickling suffered multiple injuries to his chest, neck, back, and groin. He also apparently suffered "severe facial and eye injuries, including the loss of an eye."

The MPD's recitation of the facts of the case states that at 4:40 p.m., Officers Sean McGinty and Mark Bohnsack arrived at 3546 Girard Avenue North on a stabbing call. They arrived to find a party of 12 to 15 people upstairs in the house. One partygoer, Anthony Range, was bleeding profusely from the chest. Range claimed that Sheila Strickling, wife of the plaintiff, had stabbed him. He later changed his story, claiming that James Strickling had stabbed him. Yet Range and the two Stricklings, according to the defendant's statement, refused to come downstairs, away from the party. Soon, three other officers arrived at the scene.

Once upstairs, the officers ordered everyone facedown on the floor, "unsure who the suspect or suspects were, or which of the people present were armed." The MPD's version of events claims that one person at the party said the Stricklings and Range "had consumed vodka, a large amount of beer, and smoked crack cocaine during the afternoon." Thinking James Strickling had a weapon, Officer Andrew Stender attempted to subdue him, which he tried to do by kicking Strickling's feet out from under him. Two other cops got involved as Strickling fell to the ground, hitting his eye on an electric space heater. After a struggle, Stender eventually handcuffed Strickling. The eyewitness claimed Strickling had "jumped" at Stender. (The eyewitness's account was later discredited, on grounds she'd given police a fake name.) Sheila Strickling was arrested for stabbing Range.

Stender, who joined the MPD in March 1992, was suspended in May 2004 for 80 hours, without pay. (The union later filed a grievance and the suspension was reduced to one day.) According to his personnel file, Stender had violated "a procedural code of conduct" by giving out "confidential information regarding prisoners in confinement, suspects in a case, property held, or records of the Department."

The rest of the officers involved have clean records; no officer was disciplined over the Strickling matter. The city settled, handing over \$85,000 to James Strickling.

John Hagen

On May 23, 2002, Minneapolis police officer William Palmer responded to a call shortly before 11:00 p.m. that reported suspicious activity inside Annunciation School in the Windom neighborhood. Upon arriving, Palmer encountered John Hagen, the school's night janitor. Hagen was just locking up when the squad car pulled up behind him.

According to the civil complaint filed by Hagen in U.S. District Court, Palmer exited the squad car with his weapon drawn and demanded that the custodian clasp his hands behind his head and face the wall. Hagen immediately obeyed and informed the officer that he worked at the school.

Despite Hagen's compliance, according to the complaint, Palmer proceeded to grab Hagen's hands and hair and yank them downward. At the same time he planted his knee in the back of the custodian's legs. The force was sufficient to rip hair from Hagen's head and injure his shoulder, neck, and back.

After requiring Hagen to sit in the squad car for five to ten minutes, Palmer released him. He was never arrested or charged with any crime.

The next day Hagen visited the emergency room at Fairview Southdale Hospital and was found to have a herniated disc in his back and a torn rotator cuff. Over the ensuing months, Hagen alleges in court documents, he incurred \$34,000 in medical bills. More than a year after the altercation with the officer, he was still unable to return to his \$11.75 an hour job owing to the injuries.

"Hagen attempted to file a complaint with the Internal Affairs division of the Minneapolis Police Department," according to one court filing by Hagen, "but was, as is almost always the case, rebuffed in that attempt."

Palmer defends his actions. "The frisking technique is what Mr. Hagen's attorney alleged to have caused the reported injury to Mr. Hagen," Palmer writes in an e-mail, noting that Hagen was "cordial and completely compliant." "I have used that technique throughout 11 and a half years on the street and Mr. Hagen is the first person to complain of injury as a result."

Even so, according to court records and his personnel file, Palmer has a history of notable incidents. In 2001 the 12-year veteran of the force was ordered to participate in "anger management" counseling after kicking his squad car hard enough to damage the vehicle. The next year he was suspended for 20 hours and again ordered into counseling for violating department policies on use of force. In that incident, while transporting three individuals in the back of his squad car, Palmer had slammed on the brakes of his squad car, causing one of the handcuffed suspects to slam into the Plexiglas shield and cut his eye. (This practice is known in cop parlance as "waffling.")

Palmer has also been involved in a couple of incidents in which suspects died. In May 1997, a demented 38-year-old homeless man named Stewart Dogan died after a physical altercation with Palmer and another officer. The cause of death was ultimately deemed to be a cocaine-induced heart attack, and both officers were exonerated of any wrongdoing.

Then in June 2000, Palmer was involved in the fatal shooting of another mentally ill person, Barbara Schneider. When officers arrived at Schneider's residence, she was brandishing a knife and screaming about Satan. There were six cops on the scene, and Palmer was one of two to fire his weapon. That shooting was ultimately ruled legitimate by department brass. However, there is a pending case in U.S. District Court regarding the Schneider incident.

In February of last year, the City Council agreed to settle the Hagen case by paying him \$327,375.

Jessica Streich

Officer Jeffrey Boeltl was working the "party" car in the early morning hours of November 3, 2002. Such a patrol had been requested by residents of the Como neighborhood owing to the large number of college parties in the area.

Shortly before 2:00 a.m. Boeltl, who has been on the force since 1991, was dispatched to investigate a complaint about noise emanating from a tent set up near Como Avenue and the railroad tracks. Upon arriving, the officer began breaking up the Halloween party, informing people that they had to go home. Many of the revelers then retreated to a nearby house on 21st Avenue Southeast.

When Boeltl approached the house, he was met at the door by Jessica Streich, who was a guest at the party. According to Streich, she had been drinking moderately, consuming approximately four drinks in the previous four hours. The then-33-year-old pharmacist asked the officer if he had a warrant. According to the complaint subsequently filed by Streich in U.S. District Court, his response was, "I don't need one." Around this time, Boeltl had been joined by another cop, Michael Roberts.

The officers informed the partygoers, all of whom were of legal drinking age, that they needed to disperse immediately. Streich protested that many of the people had been drinking, weren't fit to drive, and intended to stay the night. Her arguments fell on deaf ears, however. The cops allegedly refused even to allow people to call cabs.

At some point during this dispute, according to her complaint, Streich was grabbed by Boeltl and Roberts and dragged down the back steps of the house. At the bottom of the steps she reached back to grab a handrail with her left hand. According to court documents, Boeltl responded by violently grabbing her right arm. Everyone heard a pop. It was immediately evident that Streich's arm had been broken. At this point Streich's sister-in-law, who was also present at the party, began screaming: "Oh my god, what happened?"

Streich was dispatched to Fairview University Medical Center. She was diagnosed with a fractured humerus, the largest bone in the arm. Streich eventually underwent surgery, during which a metal plate and screws were inserted into her arm. Her medical bills totaled between \$15,000 and \$20,000.

Streich sued Roberts, Boeltl, and the city of Minneapolis in U.S. District Court in January 2003. Roberts, however, was subsequently dropped as a defendant. Boeltl's personnel file shows no disciplinary history, other than a letter of caution for a driving infraction more than a decade ago. In April 2004, the city agreed to pay Streich \$235,000.

Wayne and Danielle Long Crow, et al.

On Sunday, September 15, 2002, at least a dozen Minneapolis police officers executed a no-knock search warrant at a residence in the Phillips neighborhood. At approximately 10:00 a.m., the cops broke into the three-story house by crashing through a glass door. Most of the eight people staying at the home, all of whom were American Indian, were asleep at the time. The search warrant had been authorized in order to look for drugs.

In a complaint subsequently filed in U.S. District Court, the plaintiffs claimed the officers proceeded to assault and humiliate the residents while scouring the house for more than three hours. Elizabeth Hill and

Wayne Long Crow were sleeping in a single bed on the third floor of the residence when the officers entered. Long Crow had his hands raised in the air when an unnamed officer allegedly struck his head with the butt end of a rifle, opening a bloody gash in his scalp. He was dispatched by the cops to Hennepin County Medical Center for treatment.

Sleeping in the other bedroom on the third floor was Lonnie High Rock. He'd been drinking the previous night and did not wake up when the officers entered the residence. According to the complaint, officers began beating him with a baton and a rifle until he awoke and stood up. The unnamed officers then charged at High Rock, knocking him to the ground and handcuffing him.

Danielle Long Crow was taking a shower on the second floor of the residence at the time the warrant was executed. She was eight months pregnant. Several officers stormed the bathroom with a battering ram. The complaint alleges that an unnamed officer proceeded to grab Long Crow by the neck and throw her down on her stomach. Nude and pregnant, she was forced to stay on her stomach for approximately 15 minutes. She too was dispatched to Hennepin County Medical Center to be treated for injuries, including abdominal trauma.

The complaint documents allegations that other people present at the raid were similarly abused and humiliated. Shirley Groskruetz was kicked in the head. Her husband's head was sliced open by broken glass after he was thrown to the floor. Kurt LaPointe was kicked in the ribs.

Despite this rough treatment, attempts to locate drugs in the house were initially fruitless. The complaint goes on to claim that the officers then retired to the kitchen to watch a football game. Around this time, Officer Michael Kaneko arrived at the residence. He directed one of the officers to inspect a toy box in the living room that had previously been searched. Inside the officers allegedly found "Mexican crack cocaine." The complaint claims that this evidence was planted by Kaneko. None of the people present during the search have been prosecuted for possession of drugs discovered during the search.

Kaneko's personnel file reveals no disciplinary history. Some of the other officers involved in the search, however, have occasionally been punished for breaking the rules. Officer Victor Mills was issued a letter of reprimand in March of this year for violating department policies on use of force. In 2000, officer Richard Thomas was suspended for two days for ignoring guidelines regarding impartial policing and computer use. He was also required to attend training seminars on "gender communication" and "respect in the workplace." Sgt. Robert Kroll was demoted for three months in 2003 for "ethical violations." And in 1994 Kroll was initially suspended for five days for excessive use of force, but that decision was later overturned by then-Chief John Laux.

No officers were disciplined for their actions during the raid on the Phillips residence. The city settled the case last year for \$60,000.

Kamyar Farahan

Roughly a month after the World Trade Center attacks in September 2001, Kamyar Farahan was pulled over by the police at 5th Street South and Marquette Avenue in downtown Minneapolis. The officers who made the traffic stop were Robert Mooney and Patrick McCarver.

According to Farahan's version of events, detailed in a complaint filed in Hennepin County District Court in May 2002, the officers proceeded to assault and mace Farahan after he protested what he believed to be an illegal search of his vehicle. During the altercation he suffered a broken nose, a deviated septum, and lost 70 percent of the vision in his right eye. In addition, the officers repeatedly disparaged Farahan, who is Jewish, for what they believed to be his Arab ethnic background. During the arrest one of the officers allegedly announced, "We've got Osama's brother here." The cops also asked Farahan and his passenger, Puya Doustan, if they had any anthrax and stated that it looked like they wore diapers on their heads.

Farahan was arrested and booked into the Hennepin County Adult Detention Center. According to the civil complaint, police officers continued to harass him at the jail. He was allegedly called a "rag head" and a "towel head." At another point, according to Farahan, one of the officers proclaimed that they had prevented a jihad by arresting him.

The officers denied that they engaged in any such ethnic harassment. They further stated that Farahan was only maced after he spit on officer Mooney. Farahan was initially charged with assault, assault in the fifth degree, disorderly conduct, driving without a license, and possession of marijuana. All but the last charge, however, were subsequently dismissed.

Farahan's civil case against the police department was originally slated for trial in March of this year. But two weeks before the scheduled court date, the Southwest Hennepin Drug Task Force executed a search warrant on Farahan's apartment in Minnetonka. According to the warrant, police officers believed (based on the testimony of a confidential informant) that Farahan was dealing methamphetamine or crack cocaine.

The search, however, turned up far less. The only charge brought against Farahan stemming from the warrant was a petty misdemeanor count for possession of marijuana. That charge was subsequently dropped. In court pleadings, Farahan's attorney speculated that the search was retaliation for filing a lawsuit against the MPD.

Farahan's civil case never made it to trial. The city of Minneapolis settled the matter in April by paying him \$90,000.

Kevin Buford

Call it the case of the parking-ramp pisser. Around 8:30 p.m. on May 12, 1999, Kevin Leroy Buford says he got off a bus in downtown Minneapolis and went to look for the public restroom in the Dayton's-Radisson parking complex. There he encountered Steven Tatro, an off-duty Minneapolis police officer working security in the ramp. According to the federal complaint filed on behalf of Buford, Tatro refused to allow Buford to use the restroom.

Buford left the ramp with the intention, according to the complaint, of urinating in a nearby alley. Tatro, according to the complaint, followed Buford and threw his flashlight at him. Tatro then pulled out his handcuffs and started whipping Buford in the face and head with the cuffs, eventually landing a punch on Buford's jaw. Other officers arrived at the scene and--after allegedly holding back a crowd of onlookers--took Buford to Hennepin County Medical Center. There, he had fragments of three shattered teeth and pieces of bone removed from his jaw.

The Civilian Review Authority and the MPD's Internal Affairs department both found that Tatro, who began his career with the department in September 1995, had used excessive force. Further, Tatro's police report denied that he had repeatedly struck Buford, but parking lot surveillance tape revealed that he had. By April 2000, the MPD had canned Tatro.

In a strange twist, however, Tatro and Buford ended up on the same side of the subsequent court maneuvers, both claiming that the city of Minneapolis was responsible for the incident. After Tatro's employment was terminated, the city refused to represent him in court--or "indemnify" him--claiming that his actions were so egregious that they were not in line with his duties as a police officer or an employee of the city. Lawyers for both men sued. In the federal complaint, Buford's lawyer argues "that the actions of the Minneapolis City Council in flatly refusing to indemnify Officer Tatro have as their purpose the aim, goal, and effect of refusing and denying Buford any meaningful remedy for his claims against Officer Tatro."

As both cases made their way through the courts, the city of Minneapolis continued to protest. His superior assigned to review the case, Doug Belton, and then-Chief Robert Olson testified that Tatro, whose prior personnel record was clean, was not entitled to defense or indemnification. Tatro never succeeded in compelling the city to defend him, but one judge ruled that he was acting as a police officer and therefore the city was liable for his actions. In 2003, the city settled with Kevin Buford, paying \$125,000 to a man who just had to pee.

Robert Greenberg

Robert Greenberg had been arrested twice on misdemeanor charges related to civil disobedience by the time he participated in the so-called "May Day protest" on May 1, 2000. The massive WTO protests in Seattle had taken place six months earlier; subsequent gatherings around the country were marked by a heavy police presence, and many believed law enforcement agencies were gathering and sharing intelligence on groups involved in the actions. By the end of May Day, Greenberg had been arrested a third time and, he claimed later in a lawsuit, been badly beaten by several Minneapolis police officers.

According to a complaint filed in U.S. District Court, several demonstrators were participating in a "labor picket and protest" outside the Minneapolis Hilton hotel on 11th Street and Marquette Avenue downtown. At 11:20 a.m., someone bumped into Greenberg and blocked his path. The person was later identified as David Menter, a Minneapolis police officer working in plain clothes. According to the complaint, Menter continued to block Greenberg's path, and then "at least three other undercover officers" jumped Greenberg and threw him into a nearby alley. "Since the officers were not wearing uniforms and did not identify themselves as police," the complaint continues, "plaintiff did not at first realize he was being assaulted by police officers."

Greenberg suffered severe injuries to his back, neck, and shoulders from the skirmish, and after he was handcuffed, "one of the officers squeezed Plaintiff's testicles at least two times and then shoved his testicles into his body."

An additional document filed during the suit claimed that the MPD held a briefing for all officers prior to the demonstration: "Lt. Scott Gerlicher, the coordinator of the response to the demonstration, circulated to

other officers several photographs of several people who he identified as likely leaders of the demonstration," including one of Greenberg. During the pretrial period, neither the city nor Gerlicher produced any documents or evidence showing that they had prior information on Greenberg. Nevertheless, the complaint concludes, "police officers involved in the protest state that they were ordered to arrest the people in the photographs for any offense that they observed."

Gerlicher is a veteran who joined the force in April 1989. His record shows three separate squad accidents, a letter of reprimand questioning whether an arrest he made inside a suspect's apartment was legal, and a two-day suspension for a sustained complaint of "excessive force." He was recently promoted to inspector and is the commander of the city's Third Precinct.

Another officer in the Greenberg case, Kris Arneson, also has a lengthy employment history with the MPD, going back to January 1986. Her personnel file shows many commendations, along with a letter of reprimand for "inappropriate language." She was recently put in charge of the city's Fifth Precinct. Officer Andrew Stender has been involved in at least one other major payout the city had to make (see Long Crow, *above) but nevertheless has a clean record.

None of them, or any other officers, were disciplined in the Greenberg matter, even though he was arrested but never charged with any crime. The city eventually settled out of court in 2003, paying him \$75,000.