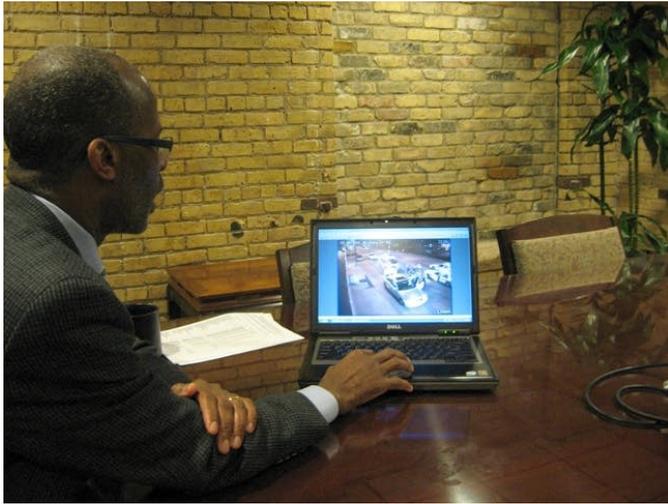


MPRnews

In Minneapolis, costs of police misconduct add up

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Attorney Stephen Smith reviews security camera footage of a police stop that was used as evidence in a \$100,000 claim against the city of Minneapolis. MPR Photo / Brandt Williams

Over the last few months, incidents involving Minneapolis officers have become the subject of media scrutiny and six-figure lawsuit settlements.

The settlements prompt questions about police training, culture and discipline -- as well as concerns about the leadership of Police Chief Tim Dolan.

Dolan, who is up for reappointment to a new three-year term, says he's committed to cracking down on misconduct.

Ralph Remington, who represents the city's tenth ward, was the only council member to not vote for Dolan's appointment three years ago saying that the Minneapolis Police Department hadn't done a good job disciplining officers and wasn't willing to change a police culture that encourages officers to stay silent when cases are challenged.

Attorney John Klassen, who sued the city on behalf of five black officers, says the MPD has historically applied a double standard of discipline between black and white officers and he says in the past three years, Dolan has done little to change it. Klassen won a \$740,000 settlement against the Minneapolis on behalf of his clients.

“ Interactive Graphic

See details of [lawsuits the Minneapolis Police Department has settled since 1992.](#) ”

But some say no matter what Dolan does, lawsuits and settlements are just part of the price of policing.

Caught on camera

An incident that took place three years ago in North Minneapolis is a prime example.

Nancy Johnson and her fiance, Derrick Simmons, were pulled over by a white police van.

Two officers approached Simmons' silver Mercedes Benz. The officers had their guns drawn, pointed toward the ground.

A security camera captured what happened next.

"Almost immediately, Mr. Simmons is being told to get out of the vehicle," says Stephen Smith, the couple's attorney, as the footage rolls. "Ms. Johnson, who is the passenger, is still in the car at this time."

There is no audio to capture what is said. According to Smith, Simmons suddenly turns around when officers tell him he's under arrest. That's when Simmons begins to struggle with the two officers.

“ "There's a joke among officers: 'You never get fired for just sitting in your car.'" ”

"Once the fight starts, you see here that Ms. Johnson has gotten out of the vehicle and she does approach them as they are fighting," Smith continues. "So, at some point during the scuffle you see she doesn't touch anyone. She's ordered back into the vehicle and that is where she now remains."

A few minutes later, more officers arrive. Both Simmons and Johnson are handcuffed and taken away - charged with obstruction.

But a report written by one of the officers provides a completely different account.

Officer Lucas Peterson wrote that Nancy Johnson jumped on his partner, Mark Kaspszak. The report says he had to pull her away twice and the second time he sprayed her with mace.

"As a result of his lie and as a result of Officer Kaspszak going along with this depiction of events, Nancy Johnson was charged with obstructing the legal process with force, which is a gross misdemeanor," Smith says.

Smith says after viewing the video, the prosecutor dropped the charges against the couple. Then, Johnson and Simmons sued the department. The city settled the case for \$100,000, and police officials say the episode is under internal affairs investigation.

Smith says more cases are coming, as members of the city council consider Dolan's appointment for another term. They will have to weigh the public relations impact of the settlements versus the steady decrease in crime which has also occurred during Dolan's watch.

Council members are expected to their decision before the end of the year.

A multi-million dollar issue

This Simmons-Johnson case is one of the latest in which alleged police misconduct has cost the city money.

Earlier this year, the council signed off on a settlement for nearly \$500,000 to pay an unarmed man who was punched in the head by an officer.

The city also paid a Hmong family more than \$600,000 after police officers raided their home. A SWAT team, acting on a search warrant, had gone to the wrong address.

Dolan says he didn't discipline the officers who took part in that raid because the mistake was not their fault. Dolan also says that just because the city settles a lawsuit doesn't mean officers broke the law, or should lose their job.

"Often times a case is settled for reasons that people have no knowledge of," he says. "So it's - can be a business decision based on the totality of the incident and the facts and maybe the injuries involved and the seriousness of those injuries and some of those - you might be able to dispute them and call them accidental."

According to data from the city attorney's office, the city has paid out more than \$1.5 million to settle officer conduct cases filed during Dolan's tenure which began in April of 2006. Complaints filed under predecessor William McManus cost nearly \$850,000. And under Robert Olson, who led the force from 1995 to 2004, the city paid out more than \$9.5 million in settlements. That includes the city's largest payout -- [\\$4.5 million to officer Duy Ngo](#), who was shot by a fellow officer.

While many of the cases involving officer misconduct are complicated, Dolan offers examples of what he considers to be fireable offenses.

"Things like, where people may have lied either in an official statement or misused their authority, we also take those at a high level where that's either going to be a termination or somebody's probably going to leave on their own volition," he says.

Like all sworn officers in the state, Minneapolis police officers must be licensed by the Peace Officer Standards and Training board - also known as the POST board. POST officials say they will revoke an officer's license if he or she is convicted of a felony, most gross misdemeanors, theft, criminal sexual conduct or possession of drugs in any amount.

Dolan says he'll also fire officers who are convicted of crimes that place restrictions on them. He says if an officer is guilty of driving under the influence and can't legally drive, he'll let them go. The same goes for an officer convicted of domestic assault who's been ordered to give up their gun.

Dolan says he doesn't like to fire police officers. But according to department data, in his first three-year term, 10 officers have been terminated and 7 have resigned. Over nine years, Olson approved 16 firings and 15 resignations. Police officials say reasons given for resignations are "non-public, personnel data," so it's not known if an officer has been told to resign or face termination.

Consequences of discipline

Some warn that Dolan's focus on discipline can lead to inaction by police officers.

"There's a joke among officers: 'You never get fired for just sitting in your car,'" says Gregg Corwin, a lawyer who represents public sector employees, including police officers. "It's the more aggressive officers who normally are the ones who get into trouble."

Corwin is perhaps best known for representing Lt. Mike Sauro, who, in the mid 1990s, was fired after his off-duty scuffles with two men resulted in judgments against the city for \$1 million. Sauro filed a grievance over his firing, and Corwin helped him get his job back.

Corwin says lawsuits against officers are common because they sometimes have to use force as a part of their job. It's dangerous work, and Corwin says police officers have to feel that they are supported by their superiors. And he cautions that Dolan's approach to discipline may hurt morale.

Smith is bringing several more police misconduct suits against the city. He says, ultimately, the cost of real and perceived police misconduct is too high to put a dollar figure on.

"It slowly, but surely, erodes the public's confidence with those that are sworn to protect and serve."

Gallery



Attorney Stephen Smith reviews security camera footage of a police stop that was used as evidence in a \$100,000 claim against the city of Minneapolis.

MPR Photo / Brandt Williams

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