

MINNEAPOLIS

# Minneapolis settles cop brutality case

Minneapolis will pay \$125,000 in all for the incident caught on cameras.

By **STEVE BRANDT** Star Tribune | **FEBRUARY 12, 2010** — 9:16PM

A man who was caught breaking into cars in a downtown Minneapolis parking ramp will be paid \$75,000 by the city after videos showed a police officer kicking him repeatedly and tasing him as he lay on the pavement.

The City Council on Friday approved that settlement of the man's federal lawsuit, plus attorney fees that his lawyer, Frederick Goetz, estimates at about \$50,000.

The settlement goes to Nicholas Kastner of Roseville. In December 2008, police apprehended Kastner and another man breaking into a car in the ramp at 19 S. 4th St. The driver with Kastner, Brian Thomas McCarthy of St. Paul, sideswiped a police car before McCarthy fled on foot and Kastner lay face down.

According to Kastner's lawsuit, officer Sherry Appledorn "stomped on his back, kicked him at least a dozen times and shocked him at least twice with her Taser." Goetz said that Appledorn's partner, Joseph Will, also punched Kastner's head. The incident was captured by ramp cameras and cameras in the squad car and Taser.

Appledorn later was disciplined; Will was not. "We did find the force to be excessive," Police Chief Tim Dolan said after the council voted 11-0 for the settlement. The department had clarified use of force rules because of previous incidents, according to Dolan.

"We made it very clear that kicking and punching for the sake of compliance is not appropriate unless officers can justify why they are skipping over other control techniques," Dolan said.

Goetz credited department leaders with taking police violence seriously, but added: "There needs to be a top-to-bottom culture change. There's no place for street justice. ... When it comes to punishment, leave that to the courts."

Kastner suffered bruises to his back and shoulders but no lasting physical damage, Goetz said. Still, he added, "It was an intensely traumatic experience." He described Kastner, who pleaded guilty to two misdemeanors and served three weeks in jail, as "a simple man who spends his days living with his grandmother, serving as her de facto home health aide." McCarthy was sentenced to nearly three years in prison after pleading guilty to second-degree assault.

Dolan said that the incident needs to be considered in terms of the crash into the police cruiser that was parked to block the men from exiting. "It was a very, very high-stress situation," Dolan said. He said that Appledorn still believes she took action to force Kastner to the pavement, something video recordings don't show.

Meanwhile, two activists on police brutality issues asked a court to order Dolan to comply with city ordinances by more frequently disciplining officers involved in police conduct complaints sustained by the Civilian Review Authority. Michelle Gross and Dave Bicking also asked the court to order the civilian review board to notify the council that Dolan isn't complying. The council is considering Dolan's reappointment.

Dolan and the board agree that he has discretion in imposing discipline for sustained cases, but the civilian board recently faulted him for doing so for only five of 37 officers involved in complaints sustained by the board. Dolan has said he won't discipline if the process is unfair.

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