

LOCAL

Lawsuit: Minneapolis police used Taser on man in 'full-blown bipolar episode'

Suit against city, officers says police mishandled mental health episode.

By Libor Jany (<https://www.startribune.com/libor-jany/6134700/>) Star Tribune |

JANUARY 28, 2019 — 8:56PM

Footage from the Minneapolis police officer's body camera shows Clifford Johnson clearly in the midst of a mental health episode.

Agitated but unarmed, he alternates between yelling and pacing in his south Minneapolis front yard and sitting on his stoop to catch his breath.

The officers remain calm as they try to reason with him. Soon, the red lights of a Taser appear on his shirtless torso as he ignores their commands, screaming that they're going to shoot him "like that white woman from Australia" — a reference to the 2017 death of Justine Ruszczyk Damond at the hands of a Minneapolis police officer.

It's during a quiet moment as Johnson, 60, sits, sipping his beer, that an officer fires his Taser without warning, handcuffing him before he is eventually sedated by medics and loaded into a waiting ambulance.

The body camera video from August 2017 shows how the hundreds of interactions between police and the mentally ill that unfold every year can escalate without warning.

Now, Johnson is suing the City of Minneapolis and the two officers, Kevin Franek and Brian Cummings, accusing them of mishandling what he called a "full-blown bipolar episode."

In the lawsuit, filed Jan. 15 in Hennepin County District Court, Johnson argues that the August 2017 episode caused "a severe mental breakdown, which required hospitalization for approximately 10 days and then a prolonged period of outpatient treatment and recovery."

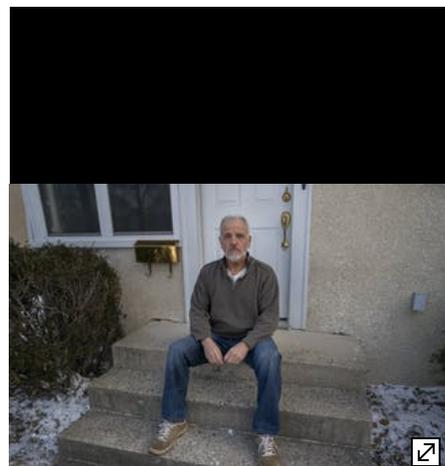
"Due to the Officers' continued presence on his property, the flashing emergency lights, the recent police shooting, and Mr. Johnson's mental illness, Mr. Johnson's mental state continued to escalate and he started exhibiting verbal outbursts of yelling," reads the lawsuit. "However, Mr. Johnson did not engage in any physical threats or aggression towards the Officers." The lawsuit further argued that Franek and Cummings violated department policy on Taser use, which reads that officers should, "unless it is not feasible to do so, give verbal warnings and/or announce their intention to use a [Taser] prior to actual discharge."

In its response to the lawsuit, the city disputed most of Johnson's claims, including that the officers' presence on his lawn caused his mental breakdown.

City Attorney Susan Segal said through a spokesman that without commenting on the specifics of the case, "the Minneapolis Police Department seeks continuous improvement in its response to persons experiencing a mental health crisis."

Johnson said in an interview last week that he has been diagnosed with bipolar disorder, characterized by wide mood swings between mania and depression. He said the symptoms are sometimes brought on by flashing lights after a traumatic childhood episode in which his family's home caught on fire.

He admitted that he got loud and cursed at the officers, but contended that they should have handled the situation differently, particularly in a time of increased scrutiny of when and how police use force against those with mental illness.



Cliff Johnson sat on his steps where he was tasered by two Minneapolis Police officers

"Nobody believes me: There's no way that you could be sitting on my steps, doing nothing and they Tased me, you must've been doing something, acting crazy," he said.

Johnson's attorney, Zorislav Leyderman, declined to elaborate on the case beyond court filings.

On the night of Aug. 27, 2017, Franek and Cummings were called to Johnson's neighbor's house in the 5500 block of 38th Avenue South, where paramedics were already tending to someone with an unspecified medical issue. The neighbor told officers that Johnson walked out of his house and had been yelling incoherently in the street.

The officers walked next door to find Johnson — shirtless and shoeless, with only rolled-up pajama pants on — sitting calmly on his front stoop, a can of beer at his side. They shined a flashlight on him and asked why he had been yelling, addressing him by name. At one point, Johnson sprang up and started pacing in the yard, and was told to sit down.

Johnson did so, but started yelling about a loud party across the street and jabbing his finger at the officer. After Johnson stood up again, Franek pulled out his Taser, training its red light on him. It's unclear whether Johnson heard the officers' repeated commands as he jumped to his feet again, and resumed shouting. Moments after he sat back down, Franek fired the Taser without warning, sending Johnson falling to the sidewalk.

The case is the latest of several in the city regarding police calls and those with mental illness.

The City Council last fall [approved](http://www.startribune.com/minneapolis-council-trims-police-budget-increase-to-fund-anti-violence-efforts/501681431/) a \$422,000 one-time bump and \$18,000 in ongoing funding to expand the department's co-responder program, which pairs officers with counselors on calls involving mental health crises. The move came after a public outcry over the November [death of 36-year-old Travis Jordan](http://www.startribune.com/minneapolis-officers-won-t-be-charged-in-travis-jordan-s-death/503865812/), an apparently suicidal man who was shot after he emerged from his home armed with a large kitchen knife and refused police orders to drop the weapon. The two officers involved were later cleared of wrongdoing in the shooting. And last month, a federal judge [called the department's policy on involuntary mental health holds unconstitutional](http://www.startribune.com/ex-minneapolis-officer-mohamed-noor-dismissed-as-defendant-from-mental-health-hold-lawsuit/502813802/).

Sue Abderholden, executive director of the state chapter of the National Alliance on Mental Illness, said that based on the video, the officers employed some of the tactics taught in crisis intervention training. But she wondered whether the officers could have done more to avoid using force.

"I realize he was being loud and not wanting to be handcuffed, but unless I missed something he wasn't actually looking to hurt anyone," she said. "I hope that the department honestly looks at it and says, 'What can we learn from this? Perhaps there are different things that we can do next time.'"

She added: "It could potentially have gone differently — we'll never know for sure, certainly the potential was there."

Johnson said last week that he had in the past called the police to bring him to the hospital when his mental problems took hold. But this experience had left him scarred, he said.

"That it ever happened, it's appalling," he said, adding that the lingering stress of the ordeal caused him to lose 30 pounds. He has also given up drinking.

"Those are two good things out of this, besides now being paranoid wherever I go," he said.

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Monday January 28, 2019 in Minneapolis, MN.]

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