

ST. PAUL

# St. Paul man sues police after detainment in wake of Philando Castile protest

Osha Joseph vomited and complained about the heat during his hourlong arrest.

By Chao Xiong (<https://www.startribune.com/chao-xiong/10646266/>) Star Tribune |

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A St. Paul man is suing the city and several of its police officers for allegedly violating his constitutional rights by detaining him in the wake of last year's [Philando Castile protest on I-94](#) (<http://www.startribune.com/marchers-block-i-94-to-westbound-traffic/386158771/>) that turned violent between demonstrators and police.

Osha Joseph was held in a squad for about an hour in hot weather, causing him to vomit and experience distress after an officer closed the door on his foot, said a suit filed Tuesday in federal court. The suit names the city, Sergeants Bobby Donahue and Tom Arnold and officers Mon Notthakun and Marshall Titus as defendants.

Joseph's attorneys, Adam Johnson and David Lundgren, brought the suit after reviewing squad video of the incident.

"It's disturbing, what's occurring in the video," Johnson said Tuesday.

St. Paul police declined to address the suit, saying the department does not comment on pending litigation. The St. Paul Police Federation also declined comment.

Johnson said that Joseph was arrested on July 10, 2016 and his St. Paul home was searched after a car that was allegedly associated with the protest was traced back to the address. Johnson said he could not address Joseph's association with the car, a GMC Yukon, other than that it was not his vehicle.

"I don't believe he was in or near that vehicle," Johnson said.

Joseph was placed in the squad at 2:12 p.m. and released about 3:10 p.m. He told officers several times that the squad was too hot and that his foot hurt, but he was ignored and sworn at, said the suit, which implied that he was also denied water.

"At 2:44 p.m., Mr. Joseph is seen seated, covered in perspiration," the suit said. "He continues to vomit on the floor of the squad. After raising himself to the window, Mr. Joseph yells 'I'm throwing up! I can't breathe!'"

According to the suit: police identified a Yukon in connection with the July 9 demonstration protesting [Castile's killing by then-Falcon Heights police officer Jeronimo Yanez](#) (<http://www.startribune.com/fifth-day-of-jury-deliberations-underway-in-yanez-trial/428862473/#1>), who fatally shot Castile during a July 6 traffic stop. Yanez was found not guilty of manslaughter in June.

The suit did not specify the Yukon's alleged role or actions during the protest, during which police said at least five officers were injured by rocks, glass bottles or fireworks thrown by protesters. Demonstrators on an overpass also threw bricks and rebar at officers and dumped liquid on them.

After the protest, police sought out the Yukon, which they had identified via license plate, the suit said. On July 10, they found it parked across from Joseph's then-home in the 300 block of East Cook Avenue.

Police conducting surveillance watched the Yukon drive away. Police stopped the vehicle about a mile from Joseph's home and arrested the driver and passenger. Authorities later searched the house. Joseph was home at the time, and was placed in



GLEN STUBBE - STAR TRIBUNE FILE

FILE - In this July 9, 2016 file photo, marchers block part of Interstate 94 in St. Paul, Minn., during a protest sparked by the recent police

Titus' squad by Titus and Notthakun, apparently at Donahue's and Arnold's behest, according to the suit.

Joseph, who was wearing a medical boot on his right leg, sat in the back of the squad with his legs outside and asked if he could sit in the open doorway. He told the officers he didn't want to talk to them because police had killed his cousin, presumably Castile, but then provided his identifying information after Titus allegedly threatened to "bring you down to the jail and have you fingerprinted."

Titus then instructed Joseph to move his feet into the squad. Notthakun allegedly closed the door on Joseph's left foot. A presumed medic at the scene told officers that Joseph's foot was possibly sprained and should be elevated and iced, which did not occur, according to the suit.

About 10 minutes into his detainment, Joseph asked if he could exit the squad because of the heat. The suit said it was 80 degrees Fahrenheit that day, and that the squad windows were "raised."

"Someone on the recording states 'Nope, you gotta stay in there,' " the suit said.

"Defendant Titus then states 'You gotta slide over and sit tight.' "

Joseph complained several more times, and was told by Titus that his boss ordered him to remain in the squad, and that he was being detained and was not under arrest, the suit alleged.

"So, sit back, relax," Titus allegedly said. "You're fine."

Titus later allegedly threatened to place Joseph in hand and leg restraints after Joseph struck the passenger seat and window with his fists and elbow to complain about his arrest and the heat.

Joseph asked for his inhaler, which he later received, told the officers he was not involved in anything, rocked back and forth, cried and vomited at least twice, according to the suit.

Johnson said that Joseph was not charged with any crimes related to the car or search.

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