

MPRnews

Suit alleges Mpls. police shot Terrance Franklin as he tried to surrender

Brandt Williams Minneapolis May 9, 2014 7:08 p.m.



Terrance Franklin, 22, of Minneapolis, shown in an undated family photo. Franklin was shot and killed during an altercation with two Minneapolis police officers on Friday, May 10, 2013. Photo courtesy of Starr Reynolds



Nehemiah Martin, center, holds up a picture of his father, Terrance Franklin, who was last year during an altercation with Minneapolis police officers. At left is Nehemiah's grandmother, Teresa Reynolds, and at right is his mother, Ashley Martin with son Ayden. Elizabeth Dunbar / MPR News, File

A civil lawsuit filed in U.S. District Court Friday alleges Minneapolis police officers wrongfully shot and killed 22-year-old Terrance Franklin last year as he tried to surrender.

It names as defendants the officers involved, the police chief and city of Minneapolis -- and seeks compensatory and punitive damages of no less than \$2 million.

According to police accounts, Terrence Franklin was a burglary suspect who -- during a struggle -- grabbed an officer's gun and wounded two officers before police shot and killed him.

•Previously: [Police describe details of Terrance Franklin shooting](#)

The lawsuit offers a very different version of events and accuses the officers of shooting Franklin out of racial bias and anger. It alleges that Franklin, who was 5-10 and weighed 173 pounds, did not forcibly grab an officer's weapon and wound two cops while cornered in the basement of a southwest Minneapolis home on May 10 of last year.

The officers were so angry by this time, the lawsuit claims, that they killed Franklin quote, "execution style."

"We feel very confident that we know exactly what happened in that basement," said Mike Padden, an attorney who represents Franklin's father. Padden said he is basing those allegations partially on the audio from a cellphone video recorded from across the street.

•Related: [What's really being said on the Terrance Franklin video?](#)

The video, shot on a phone by a private citizen, was posted on YouTube shortly after the shooting. MPR News cleaned up some of the background noise out of this version of the audio. However, no gun shots are audible. Padden said he can clearly hear officers using racial slurs and Franklin yelling for them to let him go.

"The final, most significant one, 'Don't go putting those hands up now,' was obviously an indication that he had capitulated; his hands were up in the air," Padden said. "That's the kind of thing they would say, meaning, 'why didn't you give up in the beginning,' kind of a thing."

Padden said that statement, along with with evidence from the Hennepin County Medical Examiner's report has convinced him that police shot Franklin while trying to surrender.

•Previously: [Autopsy report: Franklin shot 10 times](#)

According to the Medical Examiner, most of the 10 bullets that hit Franklin struck him in the neck and head. Padden alleges that a bullet wound to Franklin's right armpit is proof the young man had his hands up in a surrender position when he was shot.

A Hennepin County Grand Jury empanelled last fall did not bring criminal charges against officers Lucas Peterson and Michael Meath, who fired their weapons. Meath and another officer, Ricardo Muro, were wounded during the confrontation. Minneapolis police chief Janee Harteau declined to comment on the lawsuit, but released a written statement saying the department has provided extensive evidence [to support the officer's claims](#).

"I continue to fully support the actions of my officers and agree with the decision of the Grand Jury," Harteau wrote.

Sgt. John Delmonico, president of the Minneapolis Police Federation, said Franklin gave the officers no other choice but to use lethal force.

"He chose to take an officer's gun and shoot two cops," Delmonico said. " He is a criminal. He made the decisions that led to his demise that day. And these cops are the heroes in this story."

Delmonico calls the lawsuit allegations quote, 'crazy.' He also challenges its claim that Franklin's death was the result of a culture of racism and brutality within the police department. "I don't think there's this culture," Delmonico said. "I think cops do an outstanding job. And to the people who disagree with me, if cops aren't getting hung at noon on Hennepin Avenue, then justice isn't being served."

Padden and other critics of the police department say police and city leaders aren't doing enough to reduce the amount of payouts in officer misconduct litigation. An MPR News analysis of data provided by the Minneapolis City Attorney's Office [found that since 2003 the city has paid out more than \\$21 million in officer conduct-related lawsuit settlements](#), judgments and claims. The payouts involve incidents which occurred as far back as 1992.

The Franklin shooting led to protests in which demonstrators called for an independent investigation by an outside agency, such as the FBI.

Padden claims an outside investigator would have done a better job in this case. In the complaint, he wrote that, Minneapolis police ignored the video, "because they knew or should have known that their SWAT members could be heard multiple times using the word 'nigger' and therefore, they did not want to take the PR hit with audio enhancement confirming use of that word."

He said the department neglected to check for residue on Franklin's hands that would have shown if he had fired a gun.

Padden claims Minneapolis police also erred in not promptly interviewing officers Peterson, Meath and Muro. According to the complaint, investigators interviewed Peterson four days after the shooting, Meath two weeks later and Muro nearly three weeks later.

However, Delmonico said that's not usual. Noting that Meath and Muro were taking pain medication because of their injuries, he said, "I would argue they were not in the best shape to give a statement."

Delmonico also said some experts say sometimes a person's memory is best a few days after a traumatic incident.

Late last year, Harteau announced a plan to have the state Bureau of Criminal Apprehension investigate incidents of Minneapolis officers killing civilians. However, that plan was scuttled by Gov. Mark Dayton.

MPR News examined a series of emails and documents sent between the department of Public Safety and the police department which showed the police union also opposed the plan. Union officials oppose having officer's statements recorded -- which is standard practice in BCA investigations.

Read the complaint:

CASE 0:14-cv-01467-DWF-JSM Document 2 Filed

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Walter Louis Franklin, II, Trustee For the Estate of Terrance Terrell Franklin,)	
)	CASE FILE T
)	
Plaintiff,)	
)	
v.)	COMPLAIN
)	
LUCAS PETERSON individually, and in his official capacity; MICHAEL MEATH, individually, and in his official capacity; JANEÉ HARTEAU, Chief of Police for the Minneapolis Police Department, individually and in her official capacity; and the CITY OF MINNEAPOLIS,)	(JURY TRIA
)	
)	
)	
)	
)	
Defendants.)	

To: Defendants above named and their respective attorneys brought pursuant to 42 U.S.C. §§ 1983, and various Amendments to the U.S. Constitution. The Plaintiff also brings Minnesota common law claims pursuant to 2013 Minn. Stat. § 573.02.

I. INTRODUCTION

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