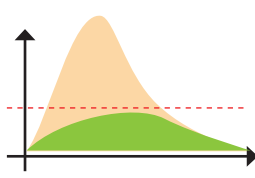




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S O C I A L



D I S T A N C E



Coronavirus pandemic reshapes life in Minneapolis

▲ Top left: Lowry Hill Meats owner Erik Sather provides an order for curbside pickup. Top right: Haytham Mehdawi of DoorDash departs from World Street Kitchen with a delivery. Bottom: Krishna and Jon Crabtree chat with Peter Allen at a social distance in East Harriet. Photos by Michelle Bruch

By Michelle Bruch, Zac Farber and Andrew Hazzard

Local life lost all normalcy this week, as the arrival of COVID-19 prompted local governments to declare a state of emergency and shutter schools and gathering places.

Residents of the high-rise Lake Point Condominiums tried to figure out how to take the elevator without spreading germs. Butter Bakery Cafe checked on staff who signed up for unemployment, and changed the layout so takeout customers couldn't touch much of anything. The Jones-Harrison Residence traded group bingo for solo Sudoku, with residents dining one per table or in private

rooms. The Semple Mansion postponed five weddings.

Spread primarily through respiratory droplets related to coughing and sneezing, 77 confirmed cases of COVID-19 had reached Minnesota as of March 18, including 28 in Hennepin County and six cases statewide through community transmission. The Minnesota Department of Health has a 1,700-sample backlog and has been forced to ration tests for the new coronavirus; the actual number of cases is likely significantly higher. A Minneapolis police spokesperson said

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Settling an unsettling case

City of Minneapolis awards Terrance Franklin's family \$795,000

By Michelle Bruch

Moments before he died on May 10, 2013, Terrance Terrell Franklin, age 22, hid from police in a basement at 2717 Bryant Ave. S. and talked to his friends.

Responding to his urgent Facebook message, Bamnet Woldegabriel drove to the Wedge neighborhood and called him. There was absolutely no way she could get to him, she later said in a court deposition. She saw police surrounding the entire area, holding big guns. What the heck is going on?, she asked him. Franklin said he would be in jail for a long time. They exchanged "love you's", and he asked her: Are you going to wait for me? Are you going to talk to me? He heard dogs coming into the house, and her phone went blank.

Starting with broken glass, a SWAT team's house search led to a struggle that ended when police shot Franklin in the head, neck and torso. Police carried two officers to the front yard with gunshot wounds to the legs.

Franklin's father sued two officers, the police chief and the City of Minneapolis in 2014 for excessive force and wrongful death. The case settled on Feb. 11 for \$795,000. More than \$428,000 of the settlement went to legal fees. Of the remaining funds, \$250,000 will be paid to Franklin's minor son starting at age 18, \$16,500 to his son's mother, \$70,000 to his father and \$10,000 each to his mother and two siblings.

SEE FRANKLIN / PAGE A19

District's plan scrutinized as deadline nears

School Board intends to vote in April despite coronavirus

By Nate Gotlieb

The Minneapolis School Board still intends to vote next month on a plan to remake the district, despite the state-mandated school closure stemming from the coronavirus pandemic.

Superintendent Ed Graff and School Board chairwoman Kim Ellison have set the Comprehensive District Design (CDD) vote for April

28. District buildings will be closed until at least April 6, though officials are gearing up for a longer closure.

Graff and Ellison might delay the CDD vote another two weeks to May 12 if the pandemic forces them to significantly restrict public feedback or cancel meetings.

SEE SCHOOLS / PAGE A18



Students and parents protest a plan to remake Minneapolis Public Schools on March 10 outside the school district headquarters. The plan is set for a vote in April, despite the schools closure stemming from coronavirus. Photo by Nate Gotlieb



HOME GUIDE



Focus PAGE B1

Interim City Attorney Erik Nilsson said in a statement the case had been heavily litigated, and additional litigation was not in the best interest of anyone, including Franklin’s family, MPD and the officers involved.

The president of the police union voiced “complete and utter disappointment” with the settlement. “It seems instead of punishing violent offenders, the City Council is in the business of rewarding violent offenders. This payment only assists with promoting and perpetuating violent acts towards the citizens and visitors of this great city and violence towards Police Officers,” Lt. Bob Kroll said in a statement.

The Minneapolis Police Department deferred comment to the City Attorney’s Office.

“No amount of money is ever going to change the hurt that I had to deal with and watch my family go through,” said Rev. Marlon Bell, Franklin’s uncle. “Justice hasn’t been served.”

He said it’s hard to watch the city’s Police Federation continue to stand by the officers’ actions, and he said the police narrative, that a highly trained SWAT team would lose control of a gun, doesn’t make sense.

“The settlement acknowledges that they know there are some loopholes, in my opinion,” he said.

Everyone knows what would happen if someone grabbed an officer’s gun, he said.

“That was never something he would do, because he was all about life. He had a young child,” Bell said.

The man

“I just wish they knew the person, not the person that was portrayed on the TV and in the news,” Bell said. “He made a lot of dumb mistakes, I will give you that, but Terrance was truly a good person. And he definitely had a head on his shoulders and he had a future to look forward to.”

Bell, who is associate pastor at New Beginnings Baptist Tabernacle, said Franklin grew up attending the Kingfield church that hosted his funeral. Everyone called him “Mookie” from the time he was young.

Woldegabriel told attorneys she’d been encouraging Franklin to enroll in school or get a job. She found his application to Dunwoody College in her car. He previously worked at Olympic Steel and Edina Couriers, she said.

“He used to sing all of the time, rap and stuff,” his mother, whose name was redacted, told the Franklin legal team in a deposition.

A YouTube video of Franklin’s funeral shows guests at the cemetery rapping Franklin’s track called “The Dopest.” His ReverbNation bio says “this 22yr old star is ready to shine.”

At the time of his death, Franklin was on probation for stabbing a Sentyrz grocery store employee in 2011 after staff tried to stop him from stuffing items into his backpack, according to court documents. Age 20 at the time with a GED, Franklin told the court he’d been treated for a mental or nervous condition in the past, although not recently. He pleaded guilty to two counts of second-degree assault.

Franklin tried to help his siblings stay on the “right path,” his mother said in her deposition.

“Even though, you know, he had a past criminal history, but he still would tell his brother, you know, to be a better person than what he was. Don’t make the same mistakes I did,” she said.

The chase

After nearly six years of litigation, much more is known today about what occurred on May 10, 2013. And much remains in dispute.

The following is drawn from firsthand accounts in court documents:

The original 911 call came from a maintenance tech at Greenleaf Apartments at 2743 Lyndale Ave. S., who noticed Franklin and thought he seemed familiar. There had been a burglary about two weeks earlier, and staff member Shawn Keohen suspected Franklin had jumped a fence to enter an unlocked ground-floor unit. Franklin was dating a woman whose grandmother lived in the

building, and they were hanging out in the community room the night of the burglary. Keohen called 911 and told police a burglary suspect was in the parking lot.

Franklin sat in the parking lot in a PT Cruiser, rolling a blunt, with girlfriend Anquanette Hollman and her two children in the backseat. Sgt. Katherine Smulski blocked the parking lot exit with her squad, and two other officers confronted Franklin. With his gun drawn, Department of Corrections Officer Dave Schiebel told Franklin to stop the car and raise his hands and said if he continued to drive toward Smulski, he would shoot him. Franklin drove toward the exit, and as another officer moved to line up a shot, Hollman yelled not to shoot, there were children in the car. Smulski got out of the way and Franklin hit the squad door, slamming it shut as he exited the parking lot. An officer later documented a scuff mark on the squad and no damage to the PT Cruiser left bumper.

After driving a couple blocks, Franklin pulled over and ran. Hollman, who had been dating Franklin for about three months, said this wasn’t normal behavior for him, and she couldn’t understand why he was acting this way. Keohen called 911 again when he saw Franklin running into and out of Flanders Bros Cycle, and chased until he lost sight of him in an alley. Police began to set up a perimeter, and Keohen passed out surveillance screenshots of Franklin.

A SWAT team stationed in a van at a downtown parking ramp responded to the scene. At least one SWAT member recalled Smulski nervously saying on the radio that Franklin had tried to hit her or run her over.

Inside the perimeter, James Bickal was returning home from work to find police searching backyards and looking in garbage cans. He opened the door to his screen porch, and noticed the rug was askew and the glass was broken on his back door. Police asked permission to search his house with a dog.

The basement

The following account comes from court depositions and officers’ initial statements to MPD, which were provided between three and 20 days after the shooting. Prior to giving statements, six SWAT team members, with the exception of the two injured officers, met together with an attorney.

A team of five SWAT officers entered the Bryant Avenue house. Officer Mark Durand moved the selector of his MP5 submachine gun into the semiautomatic position, which allows the gun to fire once per trigger pull.

Durand thought he heard a noise in the basement, and Sgt. Andrew Stender yelled that Franklin had nowhere to go and he needed to come up now, or he was going to get hurt. The police dog Nash ran downstairs and emerged with a cat in his mouth. (The normally vocal cat didn’t make a sound for a few days, but seemed fine, the owner said.) Officers followed Nash downstairs, and he started growling and pulling at Franklin, who was behind the water heater.

Nash held Franklin’s clothing, causing his elbows to be pulled down and back. Stender commanded Franklin to show his hands, and said Franklin stared back at him and twisted from side to side. Thinking he might have a gun, Stender said he punched him in the face as hard as he could, and as Franklin continued to stare without responding, he struck his flashlight over Franklin’s right eye. Stender asked if anyone had a Taser, and no one said they did. With Nash still attached to Franklin, Stender placed Franklin in a headlock as he tried to pull away.

Officer Michael Meath said he delivered several knee strikes to Franklin’s stomach and chest, but Franklin lunged forward like a “football player” and Meath fell backwards.

Officer Lucas Peterson said Franklin punched him in the face with a wild swing and charged at Peterson and knocked him into a wall. Peterson attempted to take Franklin to the ground by grabbing his dreadlocks, ripping hair out of his head.

Durand said Franklin tackled him into the dryer. As he was falling, Durand said Franklin had his finger in the trigger of the MP5 he was carrying. Durand screamed: “He’s got a gun, he’s got a gun,” and then two shots went off.

Meath said it felt like someone had struck a baseball bat to his right hip, and Muro said he felt a sharp pain in his right hip.

Peterson said Durand appeared to be pinned down by Franklin, and Franklin had control of the MP5 and was preparing to shoot Peterson. Peterson said he trapped the barrel of the gun with his bulletproof vest, reached out in the darkness for Franklin’s head and shot him several times. Meath also fired his handgun, seeing Peterson on top of Franklin apparently struggling over a gun.

Bickal watched from the window next door, and when his neighbor heard shots, she hit the floor. She had instructed her kids to stay upstairs and get on the floor. Later, she asked police to personally tell her kids it was all over.

Upon hearing shots, more officers entered the house. Schiebel said he put on gloves and checked Franklin for a pulse. Durand draped the MP5 strap over Schiebel’s shoulder while he helped carry injured officers outside, telling him this was the gun that caused the injuries.

Police secured tourniquets while waiting for ambulances to arrive. Sgt. Michael Strauss went down to the basement and asked Durand if he was okay, and recalled Durand saying, “It was my gun, Sarge.”

Franklin’s autopsy documents gunshot wounds to the right scalp, right ear, right temple, right side of the neck, right arm, right armpit and right side of the back. His body had blunt force injuries to the head and trunk and abrasions to the upper and lower extremities that include an animal bite to the right arm.

During a deposition taken in 2015, Muro said he was wounded in the upper part of the right thigh, and he still limps and feels pain after walking for a long time. Meath said it was the most traumatic experience of his life.

A Hennepin County grand jury did not find sufficient evidence for probable cause for criminal charges against the officers.

Franklin family legal argument

Franklin’s estate pointed to Peterson’s 13 excessive force complaints, costing the city \$700,000 since he joined the force in 1999. Peterson described one 2002 incident in his deposition. Attempting to arrest Christopher Burns during a domestic assault call, Peterson said Burns tried to grab his gun, and Peterson placed him in a neck restraint hold, a trained use-of-force technique at the time. Burns’ fiancée and young children watched Burns suffocate and die. Their lawsuit alleged that Burns was handcuffed at the time. The city approved a \$300,000 settlement.

Judges repeatedly ruled in favor of Franklin’s estate over the course of six years of litigation. In 2016, U.S. District Judge Donovan Frank denied the city’s motion for summary judgment and denied qualified immunity to the officers. Officers may use deadly force if a suspect poses a significant threat of death or serious physical injury, but the facts are disputed in this case, Donovan wrote.

Franklin’s legal team said an iPod Touch video shot from across the street on Bryant contradicts the timeline of at least one officer, who said Franklin was killed within seconds of the MP5 firing. A consultant who enhanced the audio reported that after hearing “officer shot,” about 30 seconds later he can hear voices including: “Come out (unintelligible) . . . put those hands up now.” The consultant also detected the phrase “let me go.” The attorneys said the time gap between the MP5 discharging and officers shooting Franklin could be up to 72 seconds, “an eternity” in this situation. If Franklin had truly grabbed a gun and shot two cops, the attorneys said, all of the armed SWAT team members would have killed him immediately.

There was no blood on the MP5 at a bloody scene, providing circumstantial evidence that Franklin didn’t have the MP5 when he was shot, Donovan wrote.



I just wish they knew the person, not the person that was portrayed on the TV and in the news.

—The Rev. Marlon Bell, Terrance Franklin’s uncle

The city’s legal argument

The city appealed to the Eighth Circuit Court of Appeals. The city said no reasonable jury would be able to discern anything meaningful from the garbled video. Official immunity is broadest when officers act in emergency situations and high-risk circumstances, the city said, and the plaintiff would have to prove malice. In this case, officers were dealing with a suspect fleeing arrest, fighting with officers and allegedly shooting a gun.

DNA analysis on the MP5 by the Bureau of Criminal Apprehension said Franklin’s DNA matched the predominant DNA found on the trigger and magazine. Predominant DNA on the grips and stock matched Schiebel, and an unidentified man’s DNA dominated the foregrips.

In 2017, a panel of judges dismissed the city’s appeal for lack of jurisdiction. In a 2-1 decision, the judges highlighted the district court’s earlier finding that “the estate raised a genuine dispute as to whether the officers’ story was true.” Whether each officer reasonably believed Franklin posed a sufficient threat depends on what occurred, a determination the court could not make based on evidence presented.

The dissenting judge argued there was court precedent to use deadly force in similar situations, including a case with a toy gun where helicopter footage showed a suspect might have attempted to surrender or lost his balance.

In 2018, the U.S. Court of Appeals declined the city’s request to rehear the case, and later that year the Supreme Court denied a petition to review the case.

The parties reached a binding settlement on Feb. 11, 2020, after a nearly six-hour settlement conference attended by Police Chief Medaria Arradondo and City Council President Lisa Bender.

The response

Council Member Andrea Jenkins told constituents that the tragic events in 2013 “represent a dark day in the history of this city.” She said the settlement does not in any way reflect the value of a human life. The shooting led to significant changes in the MPD, she said, including standard-issue body worn cameras and policies that limit officer chases that put public safety at risk.

“It is my hope that this settlement brings some closure so that the family and the officers can begin to move past this tragedy,” Jenkins said.

Following the case, Chief Janeé Harteau asked the Bureau of Criminal Apprehension to investigate all officer-involved shootings. Harteau said in a deposition she had been thinking about the change earlier in the year to improve public perception, but no agreement was in place at the time of Franklin’s shooting.

In 2016, MPD revised its policies to emphasize de-escalation and the “sanctity of life.”

“This is the thing I want to say,” Franklin’s mother said in her deposition. “There’s not enough money in the world to bring my son back. . . . It’s just never closure. It gets better with time, but it’s just — it’s just not. . . . I lost my son to a devastating tragedy. He didn’t die from no illness or anything like. This just doesn’t justify justice.”