

MINNEAPOLIS

Minneapolis will pay \$600K to settle suit by woman Derek Chauvin violently arrested for drunken driving

Patty Day had been drinking and was sitting in her van when Chauvin yanked her out, threw her on the ground and arrested her for drunken driving.

By Deena Winter  
The Minnesota Star Tribune  
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Patty Day said Minneapolis police officer Derek Chauvin cracked her tooth, bruised her body and injured her arm during an arrest in January 2020. (Jerry Holt)

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Patty Day was sitting in her Volkswagen minivan on a snowy south Minneapolis street on Jan. 17, 2020, when a police officer came up to the car and soon yanked her out, threw her face-down on the street and ground his knee into her back.

About four months later, that officer, Derek Chauvin, made headlines and sparked protests across the globe for taking a similar approach to a man named George Floyd. Except that time, Floyd died under Chauvin's knee on a south Minneapolis street as the world later watched in horror.

Day was struggling with a divorce and had been drinking too much before getting in her van, but she said Chauvin immediately escalated the situation, cracking her tooth, bruising her body and injuring her arm and shoulder before handcuffing her and pressing his knee into her back as he cuffed her and she cried out in pain.

“The look in his eye was so evil. I feared for my life. I didn’t know if I was going to survive this. It all escalated so quickly,” [she told the Minnesota Star Tribune last year](#), when she filed a federal civil rights lawsuit against Chauvin, the city and Chauvin’s former partner, Ellen Jensen, alleging Chauvin was a “long-troubled officer with a documented pattern of misconduct, to which MPD and city leaders willfully turned a blind eye.”

The lawsuit alleged the city had a longstanding practice of “unchecked Fourth Amendment violations” by police and sought at least \$9 million in damages, but it will be settled for \$600,000 after it was approved by the Minneapolis City Council after a closed-door session Thursday. The vote was 10-0, with Council Members Jamal Osman absent and Linea Palmisano recused because Day used to be her policy aide. According to the settlement, \$175,000 will go to Day and \$425,000 to her attorneys.

The lawsuit was bought by the Robins Kaplan law firm, where lawyer Bob Bennett has made a career of winning large settlements with the city over police brutality cases. [In 2023, Bennett won settlements of \\$7.5 million and \\$1.4 million due to Chauvin’s violent treatment of John Pope Jr. and Zoya Code.](#)



'I wasn't being combative'

On the day she encountered Chauvin, Day was working in communications for the Minneapolis Public Works department.

Struggling with an impending divorce, she spent that day drinking at home before leaving to pick up her child from daycare. After driving a couple of blocks, she realized she shouldn't be driving, pulled over, turned off her van, threw the keys in the back and fell asleep crying, the lawsuit said.

She used her remote starter to turn on the car and stay warm but wasn't planning to drive any farther.

Someone called 911 and reported an intoxicated person sitting in a vehicle stuck in a snowbank for several hours. About an hour later, at about 9 p.m., Chauvin and Jensen showed up. Jensen talked to Day for a bit before Chauvin reached into the van and grabbed Day's left arm while Jensen grabbed the right.

"They threw me fast down into the street in the snow very forcefully," Day told the Star Tribune. "They didn't ask me to get out of the car. I wasn't being combative. I wasn't being difficult. I just wanted them to know I wasn't trying to drive."

She said Chauvin threw her in the squad car sideways with her bleeding hands cuffed tightly behind her back. A third officer arrived and arrested her for driving while intoxicated.

In their police reports, Jensen and Chauvin said they merely ordered Day out of the van. As with other Chauvin incidents – such as Pope's – no use-of-force incident report was filed, as required by Minneapolis Police Department policy. The lawsuit said the "city's recalcitrance is unsurprising, as the city attorney's office routinely uses faux confidentiality concerns under the Minnesota Government Data to withhold [body-worn camera] video from persons depicted thereon – despite clear law mandating its release."

Tests put Day's blood alcohol level at 0.25%, roughly triple the legal threshold for driving, and she was charged with two misdemeanor counts of DUI.

But Hennepin County District Judge Julie Allyn ordered the test results suppressed, saying the officers didn't have probable cause to arrest Day, and the city dropped the charges in 2021.

The lawsuit noted the city has paid nearly \$80 million in the last two decades due to unconstitutional use of force by MPD officers and that the city's 12 costliest settlements from 2006 to 2012 resulted in no officer discipline.

"If the city refuses to pay for a good police force, it will pay dearly for a bad one," the suit said.

Robins Kaplan partner Katie Bennett said Chauvin really seemed to prey on vulnerable people at their lowest, unnecessarily using physical force, and Day wanted to hold the city accountable for "basically creating Chauvin."

"I think that's powerful for plaintiffs to be able to do and stand up to Chauvin, the city's monster."

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