

Cleveland to pay \$2.25 million settlement over 2011 police killing

By E.P. Milligan
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The city of Cleveland has agreed to pay a sum of \$2.25 million to the family of Daniel Ficker, who was shot and killed by a police officer in 2011 in the suburb of Parma. The settlement comes after more than four years of litigation.

Ficker, who was white, was shot and killed by Cleveland police officer Matthew Craska on July 4, 2011 during an altercation outside Ficker's home.

The settlement is one of the largest the city of Cleveland has ever made. Though it is now clear that Craska's use of lethal force was excessive and illegitimate, possible criminal charges against the officer were quickly ruled out. In 2012, a grand jury cleared Craska of any criminal liability. David Mindek, an off-duty officer also present at the scene, was cleared of a dereliction of duty charge.

Terry Gilbert, the attorney representing Ficker's family, explained to Cleveland.com the pain and trauma felt by the family in trying to convert the loss of the 27-year-old into dollars and cents. "It's just been torture to go through years of fighting the city and fighting to get to trial, but we think that the settlement speaks loudly to the idea that this was a misconduct of pretty serious proportions," Gilbert said.

The case is marked by gross malfeasance on the part of the Cleveland police.

Ficker had gone to a party at Cleveland police officer Mindek's house before he was killed. After he left the party Mindek's wife accused Ficker of stealing her jewelry. It was subsequently determined that Ficker was innocent of the alleged theft.

It emerged that not only was Ficker known to Mindek, he was actually a family friend. Kimberly Mindek, the wife of the off-duty officer, is the cousin of the late Ficker's then-girlfriend, Tiffany Urbach. The officers undoubtedly approached the situation with

prejudice against the accused, and it is probable the suspicion was motivated by a certain amount of familial bad blood.

Ficker and his girlfriend left the party in the late afternoon, dropped their children off at Urbach's mother's house, and headed to a sports bar. The two arrived back at their home in Parma around midnight.

Later on that night, Kimberly Mindek noticed that jewelry was missing from her bedroom. She accused Ficker. David Mindek, who was now off-duty, phoned Craska for assistance. Craska arrived at Mindek's house and filed a police report. He then radioed his supervisor to get permission to visit Ficker's home in Parma, which was granted. Mindek put on civilian clothes over his uniform and accompanied Craska to Ficker's home.

Urbach and Ficker arrived home a few minutes after Craska and Mindek had arrived. Ficker had not wanted to talk to the officers, stating that he simply wanted to enter his house. Craska pulled Ficker over to his police cruiser so he could question him.

"What I understand is that the cop, the uniformed cop, threw him on either the hood or the trunk of his police car and was over him beating him," said attorney Terry Gilbert. "... He was on top of him over the police car and Daniel was yelling for help."

Craska found no jewelry on Ficker, only a pocket knife. At this point Ficker voiced displeasure about what was happening and wanted to be released. No probable cause had been established for him to be detained. Craska attempted to place Ficker in the back of the police cruiser so he could question him.

At this point, a struggle ensued between Ficker and officer Craska. Craska then sought to arrest Ficker for assaulting an officer. The struggle between the two men intensified, bringing both of them to the ground.

Craska used his Taser against Ficker, who buckled, removed the talons from his chest, and continued assaulting Ficker. Craska then pulled out his weapon and shot Ficker in the chest, killing him almost instantly.

Craska repeatedly claimed that he felt he was in danger for his life and that Ficker had overpowered him. Ficker's autopsy report, however, showed he had sustained injuries on more than 30 parts of his body.

Craska claimed that Ficker had charged him just before firing his weapon. He stated that by his guess, he had shot Ficker from 5 to 7 feet away. Ballistic evidence, however, shows that Ficker had been shot from 6 to 9 inches. The bullet entered Ficker's body around the lung area and exited through the lung and spinal cord. Dashcam footage from the patrol car exists, but has not been released to the public.

"The perception is that it's one police officer going and helping another and they're going into Parma like cowboys shooting an unarmed guy," Pat D'Angelo, a lawyer for the Cleveland Police Patrolmans Association, stated dismissively.

However, reviewing the details of the case, this is precisely what happened. The incident represents one of the more egregious cases in the wave of police violence that has swept across the United States. Time and time again, police officers indiscriminately intimidate, hurt, maim and kill civilians with no consequences.

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