



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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November 3, 2016

Brian Ficcadenti  
367 Grove Street  
Saint Paul, MN 55101

Dear Officer Ficcadenti:

This settlement letter is meant to rescind the letter hand delivered to you on October 28, 2016, providing notice of my intent to terminate, and to follow-up our meeting today. This meeting was offered to you in my letter dated on October 28, 2016, and held pursuant to your request. Present at the meeting were you, your attorney Chris Wachtler, Union President Dave Titus, Assistant City Attorney Gail Langfield, Senior Commander Robert Thomasser, and me. During the meeting we discussed facts surrounding internal affairs investigation 16-0707 as well as your future with the Saint Paul Police Department. Based on our discussion, I have decided not to terminate your position.

The facts of the case are as follows:

On June 24, 2016, you responded to 1891 7<sup>th</sup> Street E on a report of a fight involving a large group under complaint number 16-126703. The anonymous caller stated there were people with bats, golf clubs, and at least one with a gun. The call was updated to say the person with a gun was a black male with dreadlocks last seen wearing a white t-shirt.

According to your report and statement, when you arrived at the address, you saw a group of people scatter in multiple directions. You made no note of seeing any weapons or fighting. You also reported not seeing anyone matching the person described as holding a gun. You drove around the block and entered the alley. While driving west in the alley, you reported seeing a row of parked cars behind 1871 7<sup>th</sup> Street E. You reported that there was a black male with dreadlocks sitting in one of the cars talking on the telephone. You directed your spotlight onto the car and the male leaned forward revealing he was wearing a white t-shirt.

You reported that you believed because the male was black, had dreadlocks, and was wearing a white t-shirt, he was the person who was in possession of a gun. You stopped your car facing west when the suspect was almost directly south of your position. You exited the car and removed your K-9 partner. You ordered the male out of his car and he exited.

You gave directions to the male to put his hands in the air and reported he would, "put one up and put one down." You reported that he refused to comply with your commands to step out from between the cars and you reported that he was doing "nothing." You concluded that his lack of actions was the result of him "thinking."

You reported, and ICC audio captures, that you ordered him to place his hands in the air and walk toward you several times.

You reported he did not comply with your orders and you released your dog believing he was "about to pull a firearm on you" and that it was necessary to prevent a "lethal force encounter."

The decisions and conclusions you made are troubling. You responded to anonymous information about a fight and man with a gun. No witness ever identified this citizen or his vehicle as being involved to you or any other officer and he was three apartment buildings away from the original call location. The citizen was in his car speaking on a cell phone when you ordered him to exit his car. The citizen did in fact exit his car as instructed. According to your report and statement, the citizen was never seen with a gun nor did he display any aggression toward you. The entire interaction from when you gave the first verbal command until releasing your K-9 partner was less than twenty (20) seconds.

Your tactical decisions were not consistent with the training provided by the Saint Paul Police Department, or specifically, the K-9 unit. You failed to utilize your squad car as trained in what you perceived to be a high-risk situation. You did not position your vehicle so that you had cover, protection from bright lights, or a barrier between you and this citizen. Rather, you chose to position your rear squad door closest to the citizen so that you could deploy your K-9. You had time to exit your car, remove your K-9 partner, and call in your location and situation all before engaging the citizen. Once you did engage him verbally, you gave him less than 20 seconds to completely comply before releasing your K-9 and running toward the citizen. This decision created unnecessary risk and was not consistent with policy or training.

You did not follow the training provided by the K-9 unit to utilize multiple officers in a contact and cover configuration. Rather than waiting for assisting officers who were already on scene, you released your K-9 and ran toward the citizen, who you believed was preparing to assault you, with your firearm in your holster. This decision was reckless at best, and created a hazard for you and assisting officers.

After you released your K-9 partner, he made contact with the citizen and bit the citizen's lower leg. The K-9 was off lead and not in your control. The K-9 was on the citizen's leg for approximately 70 seconds. You failed to control your K-9 partner, which resulted in serious injury and permanent disfigurement of the citizen's leg.

You also failed to control the arrest. You were trained that as a K-9 handler, it is your responsibility to direct other officers in arrest scenarios where a K-9 is utilized. Officers were supporting you and ready to act for nearly the entire time the K-9 was biting this citizen. You did not utilize these resources even after being informed by other officers that they were ready to assist.

Your actions have violated the following department policies:

- **246.01 Response to Resistance and Aggression Continuum (Force is used "when and only to the extent reasonably necessary).** The ability to disengage is imperative. Reasonably necessary – means that no reasonably effective alternative appears to exist and the amount of force used is reasonable to affect the lawful purpose intended.