



**Request for City Council Committee Action
From the City Attorney's Office**

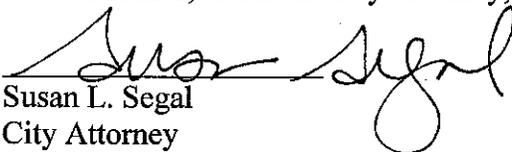
Date: April 2, 2012
To: Ways & Means/Budget Committee
Referral to: City Council

Subject: Request by Peter Ritschel for defense and indemnification in the matter of Nicholas Dahl v. City of Minneapolis and Peter Ritschel.

Recommendation: That the City Council deny defense and indemnity to Peter Ritschel in the matter of Nicholas Dahl v. City of Minneapolis and Peter Ritschel, U.S. District Court, District of Minnesota Court File No. 11-CV-3467 (RHK/JJK), and adopt as its reasons the Findings of Fact, Conclusions of Law and Recommendation of Administrative Law Judge Beverly Jones Heydinger, OAH File No. 15-6010-22539-3.

Previous Directives: None.

Prepared by: Trina Chernos, Assistant City Attorney, 673-2186

Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

<p>Financial Impact (Check those that apply)</p> <p><input checked="" type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input type="checkbox"/> Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>

Community Impact: None

Background/Supporting Information

This Request for City Council Committee Action is in regard to the request of former Minneapolis Police Department (MPD) employee Peter Ritschel for defense and indemnification pursuant to Minnesota Statutes Section 466.07 and Article 26 of the City's labor agreement with the Police Officers' Federation of Minneapolis. Ritschel's employment with the City was terminated effective January 12, 2011.

This matter comes before you pursuant to the City's Defense and Indemnification Policy and Procedures. On December 16, 2011, the City of Minneapolis was served with a Summons and Complaint in the matter of Nicholas Dahl v. City of Minneapolis and Peter Ritschel, U.S. District Court, District of Minnesota Court File No. 11-CV-3467 (RHK/JJK). Plaintiff Dahl's Complaint alleged that on June 9, 2010, former MPD employee Ritschel violated Dahl's civil rights by detaining Dahl after he allegedly disregarded Ritschel's directive to halt while patrons exited a parking ramp.

Ritschel submitted a Request to Defend to the City Attorney's Office. The City Attorney's Office and the Police Department denied defense and indemnification because Ritschel was off duty on June 9, 2010 and Ritschel's conduct fell within the exceptions contained in Minn. Stat. section 466.07. The City Attorney's Office notified Ritschel of the City's decision not to provide him with defense and indemnification. The City Attorney's Office further notified him of his option to challenge this decision. Ritschel notified the City that he wanted to challenge this decision at a hearing in front of an administrative law judge.

An administrative hearing was held on February 21, 2012. Administrative Law Judge Beverly Jones Heydinger issued Findings of Fact, Conclusions of Law and a Recommended Decision. Judge Heydinger recommended that the Police Department and City Attorney's decision not to afford defense and indemnification to former MPD employee Ritschel be affirmed.

Under the City's policy and procedure for defense and indemnification of employees, the recommendation of the Administrative Law Judge must be submitted to the City Council for a final decision.