



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

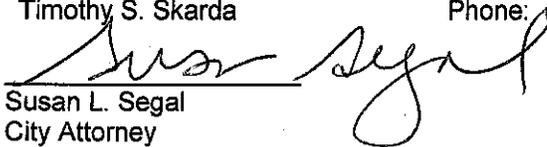
Date: March 23, 2012  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** *Tony Smith v. City of Minneapolis.*  
MDCR File No.: A6497-PS-1A  
Notice of Claim

**Recommendation:** That the City Council approve the settlement of this case by payment of \$40,000.00 payable to Tony Smith and his attorneys, Burke and Thomas, PLLP, from Fund/Org. 06900 1500100 145400 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

Approved by:   
Susan L. Segal  
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

**Financial Impact** (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).  
 Action requires an appropriation increase to the \_\_\_\_ Capital Budget or \_\_\_\_ Operating Budget.  
 Action provides increased revenue for appropriation increase.  
 Action requires use of contingency or reserves.  
 Business Plan: \_\_\_\_ Action is within the plan. \_\_\_\_ Action requires a change to plan.  
 Other financial impact (Explain): Fund/Org. 6900 1500100 145400  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact**

City Goal(s): A safe place to call home

**Background/Supporting Information**

This case involves the detention of Tony Smith on December 15, 2007.

Mr. Smith filed a *Charge of Discrimination* with the Minneapolis Department of Civil Rights. While the *Charge of Discrimination* was pending, Mr. Smith filed a *Notice of Claim* indicating his intent to asserted federal causes of action pursuant to 42 U.S.C. § 1983 for the use of excessive force and related allegations.

The Minneapolis Department of Civil Rights conducted conciliation between the parties on January 18, 2012, and March 7, 2012, during which a proposed settlement was reached in the amount of \$40,000.00. The settlement would release all claims pending in the Department of Civil Rights and all claims that could be asserted in a lawsuit in federal or state court.

The proposed settlement has been reviewed and approved by the Minneapolis Police Department and the City Attorney Litigation Committee. We believe that the proposed settlement is in the best interests of the City of Minneapolis and recommend approval by this Committee and the City Council.