



Committee for Professional Policing
4200 Cedar Avenue, Suite 5
Minneapolis, MN 55407
info@insurethepolice.org

June 17, 2016

City Attorney Susan Segal
City Hall, Room 210
350 S 5th Street
Minneapolis, MN 55415

Dear Ms. Segal:

We have obtained a copy of Minneapolis Police Federation Attorney James Michel's letter to you dated 06/10/16.

City has Refused to Indemnify Officers for Misconduct in the Past.

Misconduct is, by definition, intentional violation of law and/or policy which *exceeds the scope of employment*. The city is not required to indemnify officers for misconduct and has declined to do so in the past. One example would be the case against Federation President Bob Kroll in 2009. A more recent example is the case of Blayne Lehner. In both of these cases, the City refused to pay for these officers' misconduct. These incidents **acknowledge that the City's obligation to defend and indemnify does not apply when an officer exceeds the scope of his employment by violating law and/or policy.**

Police Federation Letter Fails to Cite Statute that Makes Misconduct a Duty.

We note that the Federation Attorney's letter fails to cite any statute or other support for the idea that misconduct is a duty or allowable as part of the job, and thus, *within* the scope of employment. Every other argument made by the Federation hinges on that, so none are valid.

Public Policy Supports a Professional Liability Insurance Job Requirement.

Since the City does, at times, deny indemnification, good public policy dictates that the City make police professional liability coverage a condition of employment so victims have a way to be made whole for what they suffer at the hands of rogue officers. Further, **the Police Insurance Amendment protects taxpayers from continued City Council giveaways of their hard-earned tax dollars when there is no requirement that the City bail out rogue officers.**

National Scrutiny of City Attorney's Opinion Expected.

Minneapolis is the first U.S. City to propose a Police Insurance Amendment, so a national spotlight ensures close scrutiny of your impending opinion. We urge you to issue an opinion in this matter that comports with existing law.

Sincerely,

David Bicking/esl

Dave Bicking, Chair

Cc: Mayor Hodges, Minneapolis City Council members