



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

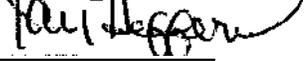
Date: August 07, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Police Officers' Federation of Minneapolis v. City of Minneapolis
Court File No.: CT 05-016538

Recommendation: That the City Council approve the settlement of this case by removing the original findings of the Minneapolis Police Civilian Review Authority in Case No. 01-1647; replace the original findings with amended findings and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

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Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, 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):

Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

Neighborhood Notification

City Goal(s):

Comprehensive Plan

Zoning Code

Other: Build Community

Background/Supporting information

The Police Officers' Federation of Minneapolis and the City of Minneapolis are parties to a collective bargaining agreement that contains a grievance procedure. The Plaintiff filed a grievance on behalf of member Daniel Willis arising from a decision by the Minneapolis Police Civilian Review Authority ("CRA") that led to Officer Willis being disciplined by the Minneapolis Police Department. The grievance was settled between the parties with an agreement to amend the findings of the CRA and the discipline imposed upon Officer Willis. The Police Officers' Federation and the Minneapolis Police Department entered into a written settlement agreement reflecting the agreement.

In this lawsuit, the Plaintiff has alleged an unfair labor practice against the Defendant based upon a failure to implement all of the terms of the settlement agreement by not replacing the original CRA findings.

Officer Daniel Willis was involved in an incident with Michael Flowers on February 15, 2001. Mr. Flowers filed a complaint with the Civilian Review Authority and a hearing before a Civilian Review Authority Panel was held on March 24, 2003. The Panel made certain findings with some allegations sustained and some allegations not sustained. The findings were referred to the Minneapolis Police Department for the imposition of discipline. Pursuant to the terms and conditions of the Collective Bargaining Agreement between the City and the Police Officers' Federation, a grievance was filed by Officer Willis. The grievance was settled prior to a hearing. One term of the settlement included the requirement that "the City will remove the sustained findings of Inappropriate Conduct based on violation of MPD R/R 5-102, and Excessive Force based on MPD R/R 5-301.01, 5-308(2) and 5-305 and replace them with a sustained violation of 5-103." This lawsuit was filed to seek enforcement of the terms of the settlement agreement regarding the removal of the original findings made by the Civilian Review Authority Panel.

After reviewing applicable provisions of the Minneapolis Charter, Minneapolis Ordinances, state statutes and the Collective Bargaining Agreement, it is clear that the City is bound by the terms and conditions of the agreement settling the grievance and is required to replace the original CRA findings. Internal City issues involving replacing the findings are not defenses to the Plaintiff's claims asserted against the City generally.

The parties have negotiated a proposed settlement of the lawsuit in which the Plaintiff will dismiss its lawsuit against the Defendant with prejudice and the City will remove the original findings of the CRA in Case No. 01-1647 and replace the original findings with the amended findings. We believe that the settlement of the lawsuit under the outlined terms and conditions is in the best interests of the City of Minneapolis and recommend approval by this Committee and the City Council. The proposed settlement and the amended findings have been reviewed and approved by Deputy Chief Donald Harris for the police department and Michael K. Browne for the Department of Civil Rights and Civilian Review Authority.