



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

Date: August 4, 2005
To: Ways & Means/Budget Committee
Referral to: None

Subject: Douglas Torelle v. City of Minneapolis,
Notice of Claim

Recommendation: That the City Council approve settlement of the claim filed by Douglas Torelle in the amount of \$2,000.00, payable to Douglas Torelle and Justin Silcox, his attorney, and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 4000.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

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

Community Impact: Build Community

Background/Supporting Information

This case arises from an incident that occurred on August 9, 2003, when Minneapolis police officers were dispatched to 1118 27th Avenue N.E. regarding a violation of a protective order. Mr. Torelle was the subject of the protective order. Mr. Torelle has mental health issues and, according to reports, had been hallucinating and engaging in increasingly threatening behavior. Mr. Torelle entered a vehicle parked in front of the residence and started to drive away.

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Officers approached the Torelle vehicle with guns drawn and ordered him out of the vehicle. Mr. Torelle indicated that he was surprised when he was stopped by the police because he had not been served with the order for protection. The officers' and Mr. Torelle's versions of the incident diverge. A fight ensued during which Mr. Torelle punched an officer in the mouth causing an injury that required stitches. Additionally, an officer lost his weapon during the struggle. Mr. Torelle does not deny fighting with the officers, but relates his irrational response to his mental illness.

Mr. Torelle alleges that he was subdued and handcuffed. He alleges he was kicked by a female officer while he was handcuffed and that other officers continued to strike, hit and kick him while he was on the ground. A civilian witness indicated that she observed Mr. Torelle being kicked and struck while handcuffed. The officers arriving at the scene indicate that Mr. Torelle was handcuffed and no additional force was used.

Mr. Torelle alleges severe head trauma, lacerations, contusions and abrasions to his head, right eye, right ear, right knee and a cervical strain. Photographs show significant bruising to this face. He has medical expenses of approximately \$2,300.00.

Mr. Torelle initially demanded \$100,000 to settle this claim. Mr. Torelle eventually agreed to accept \$2,000.00 in complete settlement of all claims related to the incident in question. The amount of the settlement acknowledges that Mr. Torelle may have problems proving his case, but also considers the medical expenses incurred, his mental illness, the witness statement contradicting the police, and costs of litigation. We believe that the proposed settlement is favorable to and in the best interests of the City of Minneapolis and recommend its approval.