



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

Date: August 25, 2004
To: Ways & Means/Budget Committee
Referral to: None

Subject: Devon Seivers v. City of Minneapolis, et al., United States District Court File No.: 04-2880
MJD/JGL

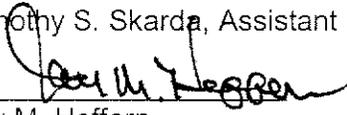
Devon Seivers v. City of Minneapolis, Notice of Claim, Incident of November 13, 2002.

Recommendation: That the City Council approve settlement of the lawsuit filed by Devon Seivers, United States District Court file no. 04-2880, and Notice of Claim for incident of November 13, 2003, in the amount of \$4,400.00, payable to Devon Seivers, 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 settlement involves two incidents involving Mr. Seivers and Minneapolis police officers. On May 20, 2003, a vehicle driven by Mr. Seivers was stopped because officers believed that his vehicle had been involved in a possible homicide several weeks earlier. Homicide was contacted and indicated to the officers that the vehicle had been mistakenly released prior to being searched. The vehicle was towed and a homicide hold placed on

the vehicle. The vehicle was held for approximately two weeks and released to the Plaintiff. The Plaintiff was not arrested.

The Plaintiff alleges that he was illegally stopped and searched; racially derogatory language was used during the stop; and that his head was struck against the side of the squad car. The Plaintiff alleges that during the search of the vehicle at the scene and during the subsequent search by homicide detectives, the vehicle suffered approximately \$3,000.00 in damage. The Plaintiff had photographs of significant damage to the interior of the vehicle.

Regarding the claim of November 13, 2002, Mr. Seivers, his vehicle and passengers were the focus of an ongoing investigation into narcotics dealing. After observing hand-to-hand transactions, Mr. Seivers' vehicle was stopped by CRT officers who had been advised by Homicide that the vehicle had been involved in a shooting and had been released from the impound lot before a search could be completed. Mr. Seivers and his passengers were identified and released. No narcotics were discovered. The vehicle was towed.

Mr. Seivers alleges violations of his civil rights protected pursuant to 42 U.S.C. § 1983, involving illegal search and seizure, the use of excessive force and conspiracy. He alleges related state torts of assault, battery, trespass and conspiracy. The Plaintiff has alleged no physical or psychological injuries. Damages are limited to those associated with violation of his civil rights, damage to his vehicle, loss of use of his vehicle and attorney's fees.

A settlement conference was held before Chief Magistrate Judge Jonathan Lebedoff on August 25, 2004, attended by Council Member Barbara Johnson, Inspector Don Harris and Assistant City Attorney Timothy Skarda on behalf of the City. The settlement conference was held early, before discovery was completed, in order to evaluate the case before claims for attorney's fees and costs posed an impediment to potential settlement.

The Plaintiff initially demanded between \$30,000.00 and \$45,000.00 to settle his claims related to the May 20, 2002, incident. In the course of negotiation, we arrived at a proposed settlement in the amount of \$4,400.00 that we jointly recommend for approval. The proposed settlement involves the release of all claims for damages, attorney's fees and costs related to the incidents of May 20, 2002, and November 13, 2002. We believe that the settlement is in the best interests of the City of Minneapolis given the issues with the explanations for stopping Mr. Seivers' vehicle, the multiple impoundment of his vehicle, the alleged damage to the vehicle, as well as, the costs of continued litigation.