



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

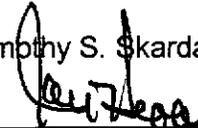
Date: September 22, 2003  
To: Ways & Means/Budget Committee  
Referral to: None

Subject: Rohan Peters v. City of Minneapolis et al, U. S. District Court file no. 02-1247 DWF/SRN.

**Recommendation:** That the City Council approve settlement of the lawsuit filed by Rohan Peters, United States District Court file no. 02-1247, in the amount of \$21,000.00, payable to Rohan Peters and Robert Hajek, 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

<p><b>Financial Impact</b> (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> Build Community</p>
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**Background/Supporting Information**

Rohan Peters brought this action alleging civil rights violations of 42 U.S.C. § 1983 for the use of excessive force and false arrest and state torts of assault, battery, false arrest and intentional infliction of emotional distress.

This case arises from the Plaintiff's brief detention on January 19, 2002. Officers were dispatched to a call of a possible vehicle break-in at 9<sup>th</sup> Street and 2<sup>nd</sup> Avenue on a City street. A person of unknown description was described as inside the vehicle banging on the dash.

Officers drove slowly along the street and observed the Plaintiff on the floor of the car with a screwdriver in one hand and a hammer on the other, pounding at the steering column near the ignition. The officers emerged from their vehicle. One officer had his gun drawn. The Plaintiff was ordered out of the car. The Plaintiff complied. An officer pointed his gun at Plaintiff for approximately 30 seconds before holstering the weapon in order to handcuff the Plaintiff. The second officer did not remove his weapon from his holster. The Plaintiff was frisked and papers were removed from his pockets. During part of the stop, the Plaintiff was placed into a kneeling position. The Plaintiff told officers that he had broken his key off in the ignition. He showed the officers the broken half of a key on his key chain. While the vehicle was not registered to the Plaintiff, the officers were able to verify that the vehicle was owned by the Plaintiff's brother. The Plaintiff had identification indicating he lived at the same address as his brother. When the officers were satisfied that Plaintiff was not stealing the car, he was released.

The Plaintiff claims he was sitting in the front of his car when the officers arrived. The Plaintiff asserts that the officer's weapon was held to his head throughout the incident. In a trial deposition, a witness from a residential hotel across the street testified that a weapon was initially held to the Plaintiff's head and that a weapon was pointed at the Plaintiff's head from 5 or 6 inches away throughout the incident. The witness, a security guard, observed the incident from some distance away and is somewhat confused about other details. The Plaintiff suffered no physical injuries, but has been diagnosed with stress disorder attributed to the incident. The Plaintiff has approximately \$7000.00 in medical expenses for psychological treatment, \$3000.00 of which are unpaid.

The case was scheduled for trial beginning September 23, 2003. A final settlement conference before Magistrate Judge Susan Richard Nelson was held on September 19, 2003. The settlement conference was attended by the Defendant police officers, Council Member Barbara Johnson, Director John Dejung, representing the police department, and Assistant City Attorney Timothy Skarda. Since filing the lawsuit and at the settlement conference, the Plaintiff demanded \$750,000.00 in settlement of all claims. The Plaintiff also asserted a claim for attorney's fees and costs of approximately \$28,000.00. Fees and costs would be recoverable by the Plaintiff should he prevail at trial. A proposed settlement was reached in the amount of \$21,000.00, including all claims for attorney's fees, costs and medical expenses.

The parties involved in the settlement conference believe that the proposed settlement is in the best interests of the City of Minneapolis and jointly recommend its approval. While there are discrepancies in the testimony of the civilian witness security guard, the testimony does generally support the Plaintiff's claims. There is also strong evidence supporting the facts of the case as set forth by the police officers. However, the fact that a witness unrelated to either party supported the Plaintiff could potentially sway a jury to make a finding in favor of the Plaintiff. We believe that the proposed settlement is favorable for the City of Minneapolis, especially considering the outstanding medical expenses, claims for attorney's fees and costs and the reduction in the amount of the original settlement demand. We believe that the proposed settlement fairly evaluated the risks posed at trial and the cost of any potential negative verdict.