



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

Date: October 31, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Jacqueline Schaeffer v. City of Minneapolis
Court File No.: 05-1770 MJD/AJB

Recommendation: That the City Council approve the settlement of this case by payment of \$45,000.00 payable to Jacqueline Schaeffer and her attorney, Kenneth Udoibok, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: C. e Fundingsl , Assistant City Attorney Phone: (612) 673-3339

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): Payment from Fund/Org. 6900 150 1500 4000

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

Community Impact

City Goal(s): Build Community

Background/Supporting Information

This case arose in August of 2003 when Officers Lewis and Mathes were on patrol in a lot near 414 Hennepin Avenue South in Minneapolis. The officers observed an SUV parked in the area and observed that there was a smell of marijuana coming from the vehicle. The officers looked in and saw a baggie of marijuana. When the officers ordered the occupants out of the car, they were approached by the Plaintiff, Jacqueline Schaeffer, who asked what was going on. According to Schaeffer, the officers told her that the vehicle was going to be towed because marijuana was present in it. The vehicle belonged to Schaeffer and she tried to convince the officers to turn the vehicle over to her but they refused.

The parties dispute the events that follow. According to Plaintiff, she was maced by the officers and started to run away and was pursued by the officers. According to the officers, Plaintiff was interfering with their attempts to arrest the occupants of the vehicle and ran away from the officers. The officers went after another person who was also interfering with the officers, and Schaeffer interfered with that arrest as well. Both parties however admit that Plaintiff was maced. Plaintiff denies interfering with the officers' actions and states that, after she was maced, she went to an ambulance parked nearby to seek help. At that time, she states, she was confronted by the officers. Plaintiff states that she was thrown against the wall and punched once in the jaw with a closed fist and that one officer pulled her hair. She was

booked into Hennepin County Adult Detention Center, and the booking photo does show redness and apparent bruising to her face. The officers deny hitting the Plaintiff. Plaintiff has witnesses who support her account of the events.

As a result of the incident, Plaintiff suffered depression and was out of a work for approximately a year. She continues today in one-on-one counseling for depression as a result of this incident and is still on medication for depression. Plaintiff brought suit in United States District Court, alleging excessive force and assault and battery. She also brought a charge of discrimination with the Minneapolis Department of Civil Rights. The Department of Civil Rights found probable cause on that claim. She also brought a claim to the Civilian Review Authority which was sustained.

Because caselaw allows Plaintiff to proceed on a dual track with her race discrimination case in the Department of Civil Rights and her United States District Court case before Judge Michael Davis, the City faces the possibility of paying attorney's fees should the Plaintiff prevail in either forum. Because of the facts of this case, and the risks involved with having to defend the case in both Federal Court and the Civil Rights Department we recommend settlement of this matter in the amount of \$45,000.00. This will be a global settlement and dispose of both the federal court case and the Department of Civil Rights case. Deputy Chief Donald Harris has been advised of this situation and is in agreement with this proposed settlement.