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

Date: March 17, 2010
To: Ways & Means/Budget Committee (for meeting on March 29, 2010)
Referral to: City Council

Subject: Defense and Indemnification of Officer Todd Lappegaard in the matter of Ruiz v. City of Minneapolis and Officer Todd Lappegaard.

Recommendation: That the City Council adopt in its entirety the Findings of Fact, Conclusions of Law and Recommendation of Administrative Law Judge Manuel J. Cervantes regarding the indemnity of Officer Todd Lappegaard in the matter of Ruiz v. City of Minneapolis and Officer Todd Lappegaard, et al., U.S. District Court, District of Minnesota Court File No. 09-CV-03461 (JNE/SRN), for the reasons stated therein.

Previous Directives: None.

Prepared by: Trina Chernos, Assistant City Attorney, 673-2186

Approved by: Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)
_X_ 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: None

Background/Supporting Information

This Request for City Council Committee Action is in regard to the request of Minneapolis Police Officer Todd Lappegaard for defense and indemnification pursuant to Minnesota Statute Section 466.07 and Article 26 of the City's labor agreement with the Police Officers' Federation of Minneapolis.

This matter comes before you pursuant to the City's Defense and Indemnification Policy and Procedures. On November 6, 2009, the City of Minneapolis was served with a Summons and Complaint in the matter of

Rolando Demetrio Ruiz v. City of Minneapolis, Officer Todd Lappegaard, et al., United States District Court File No. 09-CV-03461 (JNE/SRN). Plaintiff Ruiz's Complaint alleged that on April 30, 2009, Officer Lappegaard violated Ruiz's civil rights by using a Taser device after Ruiz had surrendered.

Officer Lappegaard submitted a Request to Defend to the City Attorney's Office. The City Attorney's Office and the Police Department denied defense and indemnification pursuant to the provisions of Minn. Stat. section 466.07. The City Attorney's Office notified Lappegaard of the City's decision not to provide him with defense and indemnification and of his rights to challenge this decision. Lappegaard notified the City that he wanted to challenge this decision at a hearing in front of an administrative law judge. That hearing was held on January 28, 2010 before Administrative Law Judge Manuel J. Cervantes of the State of Minnesota Office of Administration Hearings. On February 25, 2010, the Judge issued his Findings of Fact, Conclusions of Law and Recommendation.