



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

Date: November 9, 2005  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Matthew Rissanen v. William Palmer and the City of Minneapolis  
Court File No.: 04-CV-1441 RHK/RLE

**Recommendation:** That the City Council authorize settlement of the above referenced matter by payment of \$40,000.00 payable to Matthew Rissanen and his attorney, Eric Hageman, from fund/org. 6900 150 1500 4000, and that the City Attorney's Office or the law firm of Iverson & Reuvers be authorized to execute any documents necessary to effectuate this settlement.

**Previous Directives:**

Prepared by: Peter W. Ginder, Deputy City Attorney Phone: 673-2478

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): Fund/org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact:**  
City Goals:

**Background/Supporting Information**

On December 31, 2003, and January 1, 2004, Plaintiff Mathew Rissanen was a guest at the Holiday Inn Metrodome in Minneapolis. During the early morning hours of January 1, 2004, Rissanen, his wife and several friends were occupying a hotel room on the 11th floor of the Holiday Inn. A number of people began fighting and arguing in the 11th floor hallway. Security was called a number of times during the early morning hours. Each time security faced large drunken crowds. William Palmer was an off-duty, uniformed

Minneapolis Police Officer providing security at the Seven Corners Parking Ramp. Officer Palmer was hired by Municipal Parking, Inc., to safeguard employees at the ramp and handle disturbances at the nearby bar. Officer Palmer often responded to calls for police assistance at the Holiday Inn.

Rissanen and his friend, Roger Reid Griffin ("Griffin"), were allegedly observing the fights and disturbances in the 11th floor hallway when they noticed the arrival of hotel security and several police officers, including Officer Palmer. Holiday Inn security and the officers began dispersing a large, unruly crowd of people (estimated in excess of 30 people) in the 11th floor hallway. Security and the officers ordered onlookers, including Rissanen and Griffin, back into their rooms. Rissanen, who was intoxicated to the point of .196 BAC, went back into the doorway of his room. Officer Palmer instructed Griffin to return to the hotel room. Instead, Griffin approached Officer Palmer in a threatening manner. Officer Palmer pushed Griffin backwards and Rissanen immediately confronted Officer Palmer and grabbed onto Palmer's baton. Palmer and Rissanen struggled over the baton. During the struggle, a woman jumped on Officer Palmer's back, scratched his face and knocked off his glasses. Officer Grobove removed the woman from Officer Palmer's back and maced the woman and dealt with another female who was hitting him in the shoulders and head.

During the struggle with Rissanen, Officer Palmer used a maneuver to free his baton from Rissanen's grip. This technique caused the end of the baton to strike Rissanen's face and inflict a small wound thereon. Officer Palmer verbally commanded Rissanen to the ground. Due to Rissanen's non-compliance, aggressive maneuvers and second attempt to get the baton, Officer Palmer delivered various baton strikes to Rissanen's body. After a number of baton strikes and punches, Officer Palmer subdued Rissanen and arrested him for Disorderly Conduct. After Rissanen was restrained, no further force was used. Rissanen has no permanent injuries from his fight with Officer Palmer. Rissanen remembers nothing about his conduct and the women deny acting in the manner described. The women were not arrested and a supervisor advised Palmer to tab charge Rissanen and let him go. Criminal charges were dismissed, pending no same or similar charges.

Plaintiff sued alleging constitutional violations of false arrest and excessive force against Palmer. The second count of his complaint alleged "Monell" liability against the City claiming that the City was deliberately indifferent to police misconduct. Because of a conflict of interest with the City Attorney's Office representing both Palmer and the City in this matter, the City retained separate counsel, Jon Iverson of Iverson & Reuvers, to represent Palmer. The City was represented by James Moore. The allegations against the City were dismissed before trial and the claims against Palmer went to trial before United States District Judge Richard Kyle. The trial commenced on Monday, October 24, and the jury received the case for deliberations on Thursday, October 27. The jury deliberated until noon on Tuesday, November 1, when it indicated it was deadlocked and Judge Kyle then declared a mistrial. A new trial has been scheduled for December 6, 2005 in Duluth, Minnesota.

The new trial location presents increased expense and additional problems for witness availability. The City had offered \$30,000 to resolve the matter prior to trial but Plaintiff refused to come below \$50,000. In light of the additional costs both sides have incurred during the course of the trial, the fact that the jury deadlocked on the issues, and because additional costs as well as exposure to liability and attorney's fees continue, the City Attorney's Office believes this matter should be settled. The proposed settlement resolves all claims including attorney's fees.

The City Attorney recommends that the City Council authorize settlement of this matter in the amount of \$40,000 payable to William Rissanen and his attorney Eric Hageman, payable from fund/org. 6900 150 1500 4000, and that the City Attorney or the law office of Iverson & Reuvers be authorized to execute any documents necessary to effectuate this settlement.