



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

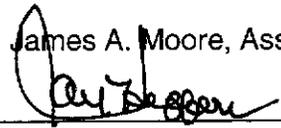
Date: September 25, 2003
To: Ways & Means/Budget Committee
Referral to:

Subject: Jensen v. City of Minneapolis
United States District Court File No.: 02-371 DWS/AJB

Recommendation: That the City Council approve settlement of the above-referenced matter in the amount of \$30,000.00 payable to Michael Patrick Jensen and his attorney, Kenneth Udoibok, payable from Fund/Org 690 150 1500 4000 and further authorize the City Attorney's Office to execute all documents necessary to finalize the settlement.

Previous Directives:

Prepared by: James A. Moore, Assistant City Attorney Phone: 673-2063

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): \$30,000.00 payable from Fund/Org 690 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

None

Background/Supporting Information

On March 8, 2001, officers of the Minneapolis Police Department were attempting to locate and pick up an individual on a arrest warrant. They received information from the father of the individual who was being sought that he may be at the home of Plaintiff, Michael Jensen. The officers went immediately to the Jensen house.

At the house, the officers knocked and Plaintiff's teenage sister answered the door. The officers asked if either Plaintiff or the individual they sought was home. The sister told them that the Plaintiff was home. She also claims that she told them that the individual who was being sought didn't live there. The officers testified that they asked for permission to search the home and that the teenager stepped back and gestured in a way that led them to believe that she was inviting them in. She denies that they asked for permission or that she in any way assented to their search.

The officers entered the home and began to search. The officers located the Plaintiff in the basement asleep in bed with his girlfriend. The officers awoke Plaintiff and asked him for I.D. believing that he might be the individual they were seeking. The officers testified that Plaintiff became argumentative. Plaintiff says he told the officers that he was not the individual they were seeking and questioned why they were there, but got up to go get his wallet. The officers say that as he began to move toward another room, he confronted one of the officers and pushed the officer. The officer grabbed ahold of Plaintiff and a short struggle ensued. During the struggle one of the officers delivered a stunning blow to Plaintiff. This officer did not complete a police report describing his blow. Plaintiff claims that he was grabbed and beaten for no apparent reason. Plaintiff was arrested and transported to Hennepin County Medical Center for treatment. The officers issued a citation and dropped him off in front of the hospital. Plaintiff claims that he was in his underwear when the officers dropped him off and that they threw his pants at him and left. The officers do not recall his state of dress at the hospital. Plaintiff received stitches for a cut above his eye and claimed damage to his eye as a result of the altercation with police.

The parties engaged in a settlement conference with Magistrate Judge Arthur Boylan on September 23, 2003. Plaintiff initially demanded \$100,000.00 to settle. Plaintiff claims to have had \$33,000.00 in attorney's fees at the time of the settlement conference. Trial was scheduled to begin in a couple of weeks. After extensive settlement discussions, the parties agreed to a settlement of the matter, including attorney's fees for \$30,000.00, subject to approval by the City Council.

The City Attorney recommends that the Finance Officer be authorized to issue a settlement check to Michael Patrick Jensen and his attorney, Kenneth Udoibok in the amount of \$30,000.00 payable from Fund/Org 690 150 1500 4000 and further recommends that the City Attorney's Officer be authorized to execute any documents necessary to finalize the settlement.