



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

Date: June 24, 2010
To: Ways & Means/Budget Committee
Referral to:

Subject: *Anthony James Ricci v. City of Minneapolis*
Court File No.: A5047-PS-1A

Recommendation: That the City Council approve the payment of the judgment in the case of *Ricci v. Minneapolis Police Department*, in the amount of \$21,500.00 payable to Complainant Anthony Ricci and his attorney, Josh Cooner, plus any interest accrued from June 28, 2010, through the date of the issuance of the check. In addition, pursuant to the Order, \$5,450.00 must be paid into the general fund of the City.

Previous Directives:

Prepared by: James A. Moore Phone: (612) 673-2063

Approved by:  _____
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, 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): 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

Neighborhood Notification
City Goal(s):
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information

Anthony Ricci filed a Charge of Discrimination alleging that he and his companion were subjected to racial discrimination in the form of racial epithets, threats and damage to his property when Minneapolis police served a search warrant at his address on February 6, 2004. The involved officers denied the allegations and the matter was tried before the Minneapolis Commission on Civil Rights on January 27-28, 2009. After the hearing, the Commission issued a finding that the Police Department had discriminated and ordered judgment against the Police Department in the amount of \$40,000.00, with interest thereon at six percent per annum from the completion of the hearing, January 28, 2009. The Commission also ordered the Minneapolis Police Department to pay a civil penalty to the general fund of the City of Minneapolis pursuant to the Minneapolis Civil Rights Ordinance in the amount of \$5,000.00, with interest thereon at six percent per annum from the completion of the hearing, January 28, 2009.

The Commission's Findings, Conclusions and Order for Judgment were appealed to the Minnesota Court of Appeals. On June 15, 2010, the Minnesota Court of Appeals issued its opinion upholding the finding of discrimination, but holding that the Commission erred in doubling the award of emotional damages to Mr. Ricci. Accordingly, the Court of Appeals reduced the compensatory damage award to \$20,000.00. The City is required to pay the amended award, along with interest accrued since January 28, 2009, and to pay the civil penalty to the general fund of the City, together with interest. It is therefore recommended that the City Council authorize the Finance Office to issue a check to Mr. Ricci and his attorney in the amount of \$21,500.00, plus any interest that may accrue from June 28, 2010, through the date of the issuance of the check. It is also recommended that the City Council direct that the City comply with the civil penalty provision of the Commission's order.