



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

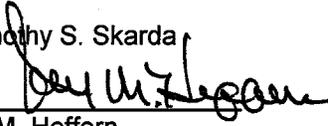
Date: November 19, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: Lisa Young (behalf: Shawn Young) vs. City of Minneapolis
Notice of Claim

Recommendation: That the City Council approve the settlement of this claim by payment of \$5,000.00, payable to Lisa Young on behalf of Shawn Young and their attorney, Robert Bennett, from Fund/Org. 6900 150 1500 4000 and authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Previous Directives: None.

Prepared by: Timothy S. Skarda Phone: (612) 673-2553

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: Build Community

Background/Supporting Information

This is a Notice of Claim by Lisa Young on behalf of her minor child Shawn Young alleging causes of action pursuant to 42 U.S.C. § 1983 for the use of excessive force and the failure to provide medical attention.

On August 18, 2005, Shawn Young, who was 14 years old at the time, was bitten by a Minneapolis police canine and then turned over to his mother. The Claimant alleges both the unreasonable use of force and the failure to provide medical attention. In the early morning hours, officers responded to a 911 report of two male teenagers prowling an alley. When they saw squad cars, Shawn Young and a friend ran to Shawn's house and, finding the house locked, hid in a backyard shed. The canine unit searching the area identified the shed. The canine was on a leash and, when the shed door was opened, Shawn Young fell forward and was bitten by the canine. Mr. Young alleges that the canine was released to attack him and that the canine was deployed without the required warnings mandated by law. The incident report noted that Mr. Young was bleeding from the shoulder and did not require medical attention, describing the injury as small scrapes on the right shoulder and a ripped T-shirt. After the police left, Lisa Young observed blood running down Shawn's back and took him to the hospital where he received 21 stitches. Medical reports and a forensic analysis done by the

Minneapolis Police Department indicate that the wound was serious and narrowly missed an artery which if severed could have been life threatening. Fortunately, Shawn Young suffered no additional injury related to the delay in medical treatment. The incident was investigated by the Minneapolis Police Department Internal Affairs Unit and discipline was imposed related to rules violations regarding the responsibility of supervisors and medical considerations when force is used.

The City Attorney Litigation Committee reviewed the case on two occasions and recommended a \$5,000.00 offer of settlement. We believed that at least one count would survive summary judgment and that resolution of the matter prior to the initiation of litigation allows the City to evaluate the potential damages suffered by the Plaintiff when a claim for attorney's fees and costs remains minimal. The proposed settlement includes all claims for attorney's fees and costs. The proposed settlement has been reviewed by the Minneapolis Police Department which concurs in recommending approval by this Committee and the City Council.