



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

Date: August 9, 2002
To:
Referral to: None

Subject: Shayla Washington and Tony Washington v. City of Minneapolis et al
United States District Court File No.: 02-386 (ADM/AJB)

Recommendation: That the City Council approve settlement of this lawsuit by payment of \$1,600.00 payable to Shayla Washington, Tony Washington and their attorney, Goins & Woods, P.C., from Fund/Org 690 150 1500 4000 and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of this lawsuit.

Previous Directives: None

Prepared by: Susan L. Trammell Phone: 673-3230

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

<p>Financial Impact (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): Fund/Org 690 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p>Community Impact: City Goals: Build Community</p>

Background/Supporting Information

The above-referenced case arose on January 20, 2000, at the Walgreen's Drug Store located at 621 West Broadway in Minneapolis, Minnesota. Minneapolis police officer Adam Grobove was working off-duty as security for Walgreen's. Officer Grobove detained Tony Washington on suspicion of theft. After a pat frisk and a conversation with Tony Washington, Officer Grobove let Tony Washington leave. Shayla Washington was observing the detention from a vehicle. About 15 minutes later, Shayla and Tony Washington returned

and demanded Officer Grobove's badge number claiming that \$20 was missing from Tony Washington's pocket. Officer Grobove gave his badge number and requested Shayla Washington identify herself for the purposes of both entering it into his earlier police report and to conduct a warrant check. Shayla Washington refused to identify herself. When Shayla Washington continued to refuse to identify herself, Officer Grobove arrested her on an obstruction of legal process charge. Shayla Washington states she was detained in a squad car for 15 minutes until she divulged her name. Officer Grobove issued a citation to Shayla Washington for a misdemeanor violation of obstruction of legal process. The obstruction of legal process charge against Shayla Washington was later dismissed in court.

The obstruction of legal process statute, M.S. § 609.50, as interpreted by the Minnesota Supreme Court, is directed solely at physical acts. The statute forbids intentional, physical obstruction or interference with a police officer in the performance of his official duties. The statute is applicable to words only to the extent that the words themselves have the effect of physically obstructing or interfering with a police officer in the performance of his duties.

After reviewing this case, the matter was presented for discussion to the City Attorney's Litigation Committee. A Rule 68 Offer of Judgement in the amount of \$400 plus reasonable costs and attorneys fees incurred by Plaintiff to date, was made to Plaintiff on July 1, 2002. Plaintiff accepted that offer. Pursuant to Council actions of October 25, 1998, and March 23, 2001, the City Attorney is authorized to make such binding Rule 68 offers. Plaintiff has submitted a bill for fees and costs in the amount of \$2,376.90. This office has reviewed the documentation submitted in support of this bill and after negotiation with counsel, Plaintiff has agreed to reduce his claim for attorney's fees and costs to \$1,200.00. I believe that the amount of \$1,200.00 is a reasonable amount for fees and costs in the context of the resolution of this lawsuit, and recommend their payment in addition to the \$400.00.