



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

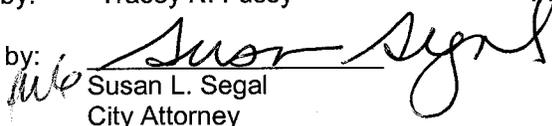
Date: July 23, 2008  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** *Joel Matos Ramos v. City of Minneapolis, et. al.*  
Court File No.: 27-CV-06-17775

**Recommendation:** That the City Council approve the settlement of this case by payment of \$26,000 payable to Joel Matos Ramos and his attorney, Albert Goins, Sr., from Fund/Org. 06900-1500100-400000 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Tracey N. Fussy Phone: 612-673-2254

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): \$26,000 from Fund/Org. 06900-1500100-400000  
 Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact: Other**

**Background/Supporting Information**

Officers Gary Westlund and Christie Nelson were dispatched to a loud party at 2921 Park Ave. S. on August 15, 2004. When the officers arrived, there were about five males in the front yard of the duplex and the radio in a car parked on the street was turned on. Officer Nelson turned the car radio off and the officers went to the house to notify the owner of the complaint. Plaintiff alleges that the officers never spoke with the homeowners before the officers went inside of their apartment. The officers stated that they asked the people in the front yard who the homeowners were and no one responded.

When Officer Nelson walked through the front door, the homeowner and four others rushed from the front yard toward the front door. The officers claim they repeatedly yelled at the people to step back and away from them. Because the people did not step back, Officer Nelson sprayed them with mace.

Officers sprayed mace near a baby that Plaintiff, who was not part of the group of men outside, was holding inside of the house. Officer Westlund stated that because of the number of people in close proximity to them he radioed for another squad. The dispatcher sent it out as a help call. Squads arrived soon after and Orlando Ramos, Plaintiff's brother, was taken to a squad.

Officers state that after the call was cleared, and while they were in the street preparing to leave the scene, Plaintiff yelled profanities at them and beat his chest. Officer Jeffrey Siedl went back into the front yard and grabbed Plaintiff to arrest him. Officers Victor Mills and Pete Rud assisted Officer Siedl in taking Plaintiff into custody.

The officers at the scene stated Plaintiff was struggling with them the entire walk from the front yard to the squad and that he could not be controlled. A videotape taken by a neighbor across the street does not support this. On the videotape, Plaintiff appears under control and does not appear to be yelling or spitting at officers.

At the squad car, Officer Mills struck a handcuffed Ramos in the mouth with his open hand. Mills claims he slapped Ramos with an open-hand to keep him from spitting on Officer Siedl. The videotape was broadcast that night on local newscasts and within a few days then-police chief William McManus, made public statements indicating that Officer Mills had acted improperly.

Plaintiff spent several hours in jail. Medical records show Plaintiff sustained a permanent deviated septum. Plaintiff brought suit alleging Fourth Amendment violations. After negotiations a proposed settlement agreement was reached in the amount of \$26,000. The settlement amount has been reviewed and approved by the City Attorney Litigation Committee. The Minneapolis Police Department has also had a chance to review the file and supports the settlement. Therefore, staff recommends approval of the settlement of this matter in the amount of \$26,000.

05L-0318