

**City of Minneapolis**  
**Request for Committee Action**

**To:** Ways & Means  
**Date:** 3/14/2016  
**Referral:** N/A  
**From:** City Attorney's Office  
**Prepared by:** Trina Chernos, Assistant City Attorney  
**Presented by:** Susan L. Segal, City Attorney  
**File type:** Action  
**Subcategory:** City Policies

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**Subject:**

Defense and indemnification of Officer Blayne Lehner in the matter of Luis Daniel Garcia v. Blayne Lehner and City of Minneapolis

**Description:**

Approving City staff's denial of defense and indemnity pursuant to Minn. Stat. sec. 466-07 subd. 1 for Blayne Lehner in the matter of Luis Daniel Garcia v. Blayne Lehner and the City of Minneapolis, U.S. District Court, District of Minnesota Court File No. 15-03214(SRN/HB) and adopting the relevant factual bases as set forth in numbers 1-36, 40-43 and 63-65 of the Findings of Fact, Conclusions of Law and Recommendation of Chief Administrative Law Judge Tammy L. Pust in Office of Administrative Hearings matter 84-6010-32810.

**Previous Actions:**

None

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**Ward/Address:**

**Background/Analysis:**

This Request for City Council Committee Action is in regard to the August 24, 2015 request of Minneapolis Police Officer Blayne Lehner for defense and indemnification pursuant to Minnesota Statute Section 466.07 and Article 26 of the City's labor agreement with the Police Officers' Federation of Minneapolis. This matter comes before you pursuant to the City's Defense and Indemnification Policy and Procedures. On August 5, 2015, the City of Minneapolis was served with a Summons and Complaint in the matter of Luis Daniel Garcia v. Blayne Lehner and the City of Minneapolis, U.S. District Court, District of Minnesota Court File No. 15-03214 (SRN/HB). Plaintiff Garcia's Complaint alleged that on December 29, 2013, Officer Lehner violated Garcia's rights by kicking Garcia in the face while Garcia was handcuffed. Officer Lehner submitted a Request to Defend to the City Attorney's Office. The City Attorney's Office and the Police Department denied defense and indemnification pursuant to the provisions of Minn. Stat. section 466.07. The City Attorney's Office notified Lehner of the City's decision not to provide him with defense and indemnification and of his rights to challenge this decision. Lehner notified the City that he wanted to challenge this decision at a hearing in front of an administrative law judge. That hearing was held on November 12, 2015 before Chief Administrative Law Judge Tammy L. Pust of the State of Minnesota Office of Administrative Hearings. On February 24, 2016, Chief Judge Pust issued Findings of Fact, Conclusions of Law and a Recommendation.

**Financial Review:**

**No additional appropriation required, amount included in current budget.**