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

Date: August 16, 2002
To: Ways & Means/Budget Committee
Referral to:

Subject: Chuck McCree v. City of Minneapolis and Minneapolis Police Department
(The Complaint was served on the City but not filed in court.)

Recommendation: That the City Council approve settlement of this lawsuit by payment of \$1,200 payable to Chuck McCree and his attorney, Reinhardt and Anderson, from Fund/Org 6900 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: Caroline M. Bachun Phone: 673-2754
Approved by: Jay M. Heffern
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern

<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. 6900 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 Attached

In 1996, Byron Phillips, an African American boy, was murdered in the City of Minneapolis. Leaders of the African American community, including the late Gary Sudduth, urged that African American police officers be assigned to investigate the

homicide; the African American community believed that the African American witnesses would not talk to Caucasian investigators. After this plea from the African American community, Chief Olson assigned Plaintiff, an African American police officer, to work with the homicide investigators on the case. Plaintiff claims that he did not want to be assigned to investigate the murder based on his race.

While the Minneapolis Police Department does have a career enrichment program under which officers are placed in homicide on a short-term basis, Plaintiff was not in the Career Enrichment Program when he was assigned to homicide. After Plaintiff was assigned to homicide, he asked to be paid sergeant's pay because he believed he spent 60% of his work time doing investigative duties. Conducting investigations was a typical duty of a sergeant. Plaintiff was denied sergeant's pay.

Plaintiff brought a claim of discrimination based on his race, African American. He claimed that he was assigned to investigate the Byron Phillips case based on his race and against his wishes. He also claimed that he was discriminated against because he was not provided sergeant's pay even though he believed he was performing the investigative duties of a sergeant. Chief Olson assigned Plaintiff to investigate the Byron Phillips murder, in part, because Plaintiff was an African American police officer. Chief Olson also assigned Plaintiff to investigate the matter because he believed Plaintiff to be a capable police officer who would perform well in the investigation of the murder. Assigning Plaintiff to the homicide unit based, in part, on his race could be considered a form of direct discrimination.

The parties have tentatively settled the matter for \$1,200. Chief Olson concurs with this proposed settlement. Based on the costs of defense, which could exceed \$1,200, and the fact that Chief Olson did assign Plaintiff to the homicide unit based, in part, on his race, the City Attorney's Office recommends approval of the tentative settlement.