

COUNCIL COMMUNICATION

From: The City Manager

Subject: Settlement of Police Claim

Manager's Recommendation:

I recommend approval of the Settlement and Release Agreement in the amount of \$25,000 to resolve a pending lawsuit against City police officers filed by Bennie Choice. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

Mr. Choice's nephew was a homicide victim on April 27, 2005. Mr. Choice went to the crime scene when he heard about this and was arrested after allegedly crossing the police tape and ignoring instructions not to do so. Mr. Choice and his family alleged that he was not crossing the tapeline, but was assisting the victim's mother and that the police used excessive force. The criminal charges against him were later dismissed. Mr. Choice also claims that he suffered an aggravation of a pre-existing injury during the arrest process. In order to avoid the expense and uncertainties of litigation and resolve this matter, the City has negotiated a payment of \$25,000. The Plaintiff has provided a full and complete release of liability.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.