



Legislation Details (With Text)

File #: 0724-2012 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/22/2012 **In control:** Public Safety & Judiciary Committee
On agenda: 4/16/2012 **Final action:** 4/19/2012
Title: To authorize and direct the City Attorney to compromise and settle on behalf of the City of Columbus, Department of Public Safety, Division of Police, the claims of Allen Walker and Allen R. Walker in the total amount of Sixty Thousand Dollars (\$60,000.00), and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/19/2012	1	CITY CLERK	Attest	
4/18/2012	1	MAYOR	Signed	
4/16/2012	1	COUNCIL PRESIDENT	Signed	
4/16/2012	1	Columbus City Council	Approved	Pass

Background: This ordinance is submitted to settle the claims of Allen Walker and Allen R. Walker for the total amount of Sixty Thousand Dollars (\$60,000.00).

On May 7, 2010, Allen Walker, who had worked a night shift as a custodian at the Rife Center, was being driven home by his 18-year-old son, Allen R. Walker. At approximately 1:45 a.m., the Walkers were believed by Columbus Plainclothes Police Officers to be operating a stolen vehicle. The Columbus Police Officers were driving in the opposite direction from the Walkers, suddenly made a U-turn, and rapidly approached the Walker vehicle. The officers pulled their weapons and ran towards the Walker vehicle. The vehicle was searched and no evidence of criminal activity was found. No traffic citations were issued. Mr. Walker and his son asserted that the police had no reasonable suspicion to stop and question them. Mr. Walker was physically removed from the vehicle and the son asserted that his pants were pulled down past his buttocks when he was being searched. There were nine police officers involved in this stop. The Walkers were ultimately released after it was determined that they had engaged in no criminal activity.

Fiscal Impact: Funds were not specifically budgeted for this settlement; however, sufficient monies are available for this settlement.

To authorize and direct the City Attorney to compromise and settle on behalf of the City of Columbus, Department of Public Safety, Division of Police, the claims of Allen Walker and Allen R. Walker in the total amount of Sixty Thousand Dollars (\$60,000.00), and to declare an emergency.

WHEREAS, On May 7, 2010, Allen Walker and Allen R. Walker were stopped by nine plainclothes officers who were operating out of three unmarked vehicles, and,

WHEREAS, Plaintiffs allege that the officers had no reasonable suspicion to believe that either one of them had

committed a crime; and,

WHEREAS, That issue is disputed; and,

WHEREAS, Allen Walker and Allen R. Walker have presented a claim to the City of Columbus asserting that their Fourth and Fourteenth Amendment rights were violated by being stopped and searched without probable cause or reasonable suspicion; and,

WHEREAS, The City Attorney has conducted an investigation and evaluated the claims of Allen Walker and Allen R. Walker and the parties were able to reach a settlement in the total amount of Sixty Thousand Dollars (\$60,000.00) to resolve all claims, including attorney fees; and,

WHEREAS, Sufficient funds are available within the Finance Department Citywide Account to cover the settlement; and,

WHEREAS, There is an emergency in the usual daily operations of the Department of Public Safety in that it is immediately necessary that this settlement be approved and such payment made in emergency manner, for the preservation of public peace, safety and welfare; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City Attorney be and hereby is authorized and directed to settle the claim of Allen Walker and Allen R. Walker in the total amount of Sixty Thousand Dollars (\$60,000.00);

Section 2. That for the purposes of paying this settlement there be, and hereby is, authorized to be expended by the City of Columbus from the Department of Public Safety, Division of Police, Division No. 30-03, fund 010, OCA Code 301382, object level 1-05, object level 3-5573, the total sum of Sixty Thousand Dollars (\$60,000.00);

Section 3. That the City Auditor be, and hereby is, authorized to draw a warrant upon receipt of a Voucher and Release approved by the City Attorney in the amount of Thirty Thousand Dollars (\$30,000.00) payable to:

Allen Walker and his attorney, John S. Marshall,
MARSHALL & MORROW, LLC
111 West Rich Street, Suite 430
Columbus, OH 43215

and, upon receipt of a Voucher and Release approved by the City Attorney to draw a second warrant in the amount of Thirty Thousand Dollars (\$30,000.00) payable to:

Allen R. Walker and his attorney, John S. Marshall.
MARSHALL & MORROW, LLC
111 West Rich Street, Suite 430
Columbus, OH 43215

Section 4. That for the reasons set forth in the preamble, which are incorporated by reference herein, this ordinance is hereby deemed to be an emergency measure and shall take effect and be in force from and immediately after its passage and approval by the Mayor, or 10 days after, if the Mayor neither approves nor vetoes the same.