Legislation Details (With Text)

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File created:	1/16/2013	**In control:**	Public Safety & Judiciary Committee
On agenda:	2/4/2013	**Final action:**	2/6/2013
Title:	To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Jeremy L. Vance in the total amount of Forty-two Thousand Five Hundred Dollars ($42,500.00) and to declare an emergency.		
Sponsors:			
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Date	Ver.	Action By	Action	Result
2/6/2013	1	CITY CLERK	Attest	
2/5/2013	1	MAYOR	Signed	
2/4/2013	1	COUNCIL PRESIDENT	Signed	
2/4/2013	1	Columbus City Council	Approved	Pass

To authorize and direct the City Attorney to compromise and settle on behalf of the Department of Public Safety, Division of Police, the claim of Jeremy L. Vance in the total amount of Forty-two Thousand Five Hundred Dollars ($42,500.00) and to declare an emergency.

BACKGROUND: On May 30, 2012, Jeremy L. Vance entered the Turkey Hill gas station located at Nelson Road and East Broad Street at approximately 12:17 a.m. A Columbus police officer had previously observed Mr. Vance's automobile and believed that it had failed to stop for a stop sign. The officer followed Mr. Vance some distance and when Mr. Vance pulled into the gas pumps and stopped his vehicle, the officer activated his overhead lights and pulled up behind Mr. Vance. Mr. Vance got out of his vehicle and the officer, believing that Mr. Vance was acting in an erratic and dangerous manner, ordered Mr. Vance at gun point to return back inside his vehicle. Mr. Vance did not comply with the officer's verbal commands and a struggle ensued. During the struggle, the officer struck Mr. Vance with his flashlight, thus causing Mr. Vance to sustain a cut to his left ear. Mr. Vance was then taken to OSU East Hospital, where he received 15 stitches. From OSU Hospital, Mr. Vance was taken to the Franklin County Jail, where he remained for three days. Mr. Vance incurred medical bills in the amount of Two Thousand Seven Hundred Ninety Dollars and Seventy Cents ($2,790.70) and he lost work at J.P. Morgan Chase for a total of Four Hundred Twenty-eight Dollars and Ten Cents ($428.10). Based upon the video of the incident taken from the officer's police cruiser, the prosecutor determined that the criminal charges of resisting arrest and failure to comply should be dismissed. Mr. Vance presented a claim for malicious prosecution and excessive force.

FISCAL IMPACT: Funds were not specifically budgeted for this settlement; however, sufficient monies are available in the appropriate account to pay the amount of these claims. This ordinance is contingent upon passage of the 2013 budget.

WHEREAS, on May 30, 2012, Jeremy L. Vance was taken into custody by a Columbus police officer and charged with resisting arrest and failure to comply with the officer's order; and

WHEREAS, it was later determined that Mr. Vance should not have been charged; and

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WHEREAS, Jeremy L. Vance has presented a claim to the City of Columbus asserting that excessive force was used in the arrest and, further, that there was insufficient basis to file criminal charges against him; and

WHEREAS, the City Attorney has been able to negotiate a settlement in the total amount of Forty-two Thousand Five Hundred Dollars ($42,500.00) to resolve all claims, including attorney fees; and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to authorize this settlement as in the best interest of the City and to avoid unnecessary litigation and the related expenses; 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 Jeremy L. Vance in the total amount of Forty-two Thousand Five Hundred Dollars ($42,500.00).

Section 2. That for the purpose of paying the settlement, there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Department/Division No. 30-03, fund 010, OCA Code 301382, Object Level 1-05, Object Level 3-5573, the total sum of Forty-two Thousand Five Hundred Dollars ($42,500.00).

Section 3. That the City Auditor be and hereby is authorized to draw a warrant upon the City Treasury upon receipt of a voucher and release approved by the City Attorney in the amount of Forty-two Thousand Five Hundred Dollars ($42,500.00) payable to:

Jeremy L. Vance and his attorney,
Byron L. Potts, Esq.
415 East Broad Street, Suite 112
Columbus, OH 43215

Section 4. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

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