



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/4/2015 **In control:** Judiciary And Court Administration Committee

On agenda: 11/23/2015 **Final action:** 11/24/2015

Title: To authorize and direct the City Attorney to pay the judgment entered in accordance with the jury verdict in favor of the plaintiff in the case of Joseph Hines v. Thomas DeWitt, et al., in the United States District Court for the Southern District of Ohio; to authorize the expenditure of \$30,000.00 from the General Fund; and to declare an emergency. (\$30,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/24/2015	1	CITY CLERK	Attest	
11/24/2015	1	MAYOR	Signed	
11/23/2015	1	COUNCIL PRESIDENT	Signed	
11/23/2015	1	Columbus City Council	Approved	Pass

This ordinance is submitted to pay the jury verdict to Joseph Hines, for the total amount of Thirty Thousand Dollars (\$30,000.00).

Plaintiff's claims arose out of his arrest on or about August 29, 2012. Plaintiff Hines was lawfully arrested, but complained that when he resisted arrest officers used excessive force while handcuffing him and taking him into custody.

Plaintiff filed his complaint pursuant to 42 U.S.C § 1983 and § 1988 alleging violation of his rights under the Fourth and Fourteenth Amendments. During the course of litigation, the City of Columbus and several Division of Police personnel were dismissed, with three officers remaining when the case went to trial on September 21, 2015. On September 28, 2015, the jury entered a verdict against one officer, on one claim, and entered a verdict in the amount of \$30,000.00. Pursuant to O.R.C. 2744.07(A)(2), the City is obligated to pay the judgment. In addition to the verdict, a petition for attorney's fees and costs is pending.

To authorize and direct the City Attorney to pay the judgment entered in accordance with the jury verdict in favor of the plaintiff in the case of *Joseph Hines v. Thomas DeWitt, et al.*, in the United States District Court for the Southern District of Ohio; to authorize the expenditure of \$30,000.00 from the General Fund; and to declare an emergency. (\$30,000.00)

Fiscal Impact

Funds were not specifically budgeted for this judgment; however, sufficient monies are available within Division of Police's Budget for this purpose. Passage of this ordinance is contingent on the approval of the transfer of funds authorized in ordinance 2853-2015.

WHEREAS, on August 29, 2012, Joseph Hines was lawfully arrested; and

WHEREAS, in 2013, Mr. Hines filed a complaint in the United States District Court alleging the City interfered with his rights under the Fourth Amendment claiming excessive force; and

WHEREAS, following the jury trial of Mr. Hines's, the jury returned a verdict in favor of the plaintiff in this matter. The City is obligated to pay the judgment in this case for a total of \$30,000.00; and

WHEREAS, funds were not specifically budgeted for this judgment; however, sufficient monies are available within Division of Police's Budget for this purpose; and

WHEREAS, by reason of the foregoing an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary for the City to pay the judgment entered in this case on September 28, 2015, 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 pay to Joseph Hines the judgment entered in accordance with the jury verdict in the case of *Joseph Hines v. Thomas DeWitt, et al.*, Case No. 2:13 cv 1058, United States District Court for the Southern District of Ohio, in the total amount of Thirty Thousand Dollars (\$30,000.00).

SECTION 2. That, for the purpose of paying the judgment, there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Department/Division 30-03, fund no. 010, from Object Level (1) 05, Object Level (3) 5573, OCA #301382, in the sum of Thirty Thousand Dollars (\$30,000.00).

SECTION 3. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such account codes as necessary for this ordinance in the amount of Thirty Thousand Dollars (\$30,000.00) and made payable in the following manner:

Thirty Thousand Dollars (\$30,000.00) to:

Joseph Hines
1919 Briarcliff Road
Jackson, MI 49203

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby 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.