



Legislation Details (With Text)

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File created: 12/29/2022 **In control:** Criminal Justice & Judiciary Committee

On agenda: 1/30/2023 **Final action:** 2/1/2023

Title: To authorize and direct the City Attorney to settle the lawsuit captioned Timothy Davis v. City of Columbus, et al., United States District Court Case No. 2:17-cv-823; to authorize the expenditure of the sum of two hundred and twenty-five thousand dollars and zero cents (\$225,000.00) from the General Fund in settlement of the lawsuit; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/1/2023	1	CITY CLERK	Attest	
1/31/2023	1	MAYOR	Signed	
1/30/2023	1	COUNCIL PRESIDENT	Signed	
1/30/2023	1	Columbus City Council	Approved	Pass

Background:

This Ordinance is submitted to settle the lawsuit captioned *Timothy Davis v. City of Columbus, et al.*, United States District Court Case No. 2:17-cv-823, in the amount of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00).

On or about September 1, 2017, Defendant Officers Matthew Baker, Sean Connair, Eric Everhart, Anthony Johnson, LeVon Morefield, and Robert Reffitt were working the Zone 5 Violent Crime Working Group. The working group was looking for Plaintiff Davis, who had outstanding misdemeanor and felony warrants arising out of both Ohio and Kentucky. When the working group learned that Davis would be at the Livingston Market, they proceeded to that location in order to arrest Davis pursuant to his warrants. Officers Connair, Everhart, Johnson, and Morefield arrived at the Livingston Market first and visually confirmed Davis' presence. They saw Davis exit the market and stand just outside before Davis observed the Officers and retreated back into the store. Officer Johnson was the first to make contact with Davis and informed him of his arrest as well as gave verbal commands. Officer Johnson then grabbed Davis' left wrist and again informed him that he was under arrest. What followed was a lengthy struggle between the Officers and Davis to effectuate Davis' arrest. After the Officers aired for backup, Defendant Officers Ryan Steele and Alan Bennett arrived. Officer Bennett attempted several times to deploy his division-issued TASER but this was unsuccessful in subduing Davis. Mr. Davis was eventually apprehended and arrested. As a result of this arrest, Mr. Davis alleged a) violation of his fourth amendment right to be free from excessive force against each of the eight individual Defendant Officers; b) state law assault and battery against each individual Defendant; and 3) a *Monell* claim against the City.

Although a jury trial was held in December 2021 and all Defendants were found not to be liable, the District Court recently granted the Plaintiff a partial new trial. The District Court conducted a settlement conference on December 19, 2022 at which the terms of a settlement were agreed to by all parties. The City Attorney's Office and the Department of Public Safety recommend approval of the settlement as being in the best interest of the City.

Fiscal Impact:

This ordinance authorizes the settlement of a lawsuit captioned *Timothy Davis v. City of Columbus, et al.*, United States District Court Case No. 2:17-cv-823; Funds for this settlement are already reserved on BRDI004035.

To authorize and direct the City Attorney to settle the lawsuit captioned *Timothy Davis v. City of Columbus, et al.*, United States District Court Case No. 2:17-cv-823; to authorize the expenditure of the sum of two hundred and twenty-five thousand dollars and zero cents (\$225,000.00) from the General Fund in settlement of the lawsuit; and to declare an emergency.

WHEREAS, Timothy Davis alleges that Columbus Police Officers Matthew Baker, Allan Bennett, Sean Connair, Eric Everhart, Anthony Johnson, LeVon Morefield, Robert Reffitt, and Ryan Steele committed assault and battery and that they, along with the City of Columbus, violated his constitutional rights on or about September 1, 2017 by using excessive force, in violation of his Fourth and Fourteenth Amendment rights; and

WHEREAS, following evaluation of the incident, a settlement in the amount of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00), to be paid by the City, was deemed to be acceptable in exchange for a release from Timothy Davis of any claims against the City of Columbus and any of its employees, agents, officials, including Columbus Police Officers Matthew Baker, Allan Bennett, Sean Connair, Eric Everhart, Anthony Johnson, LeVon Morefield, Robert Reffitt, and Ryan Steele; and

WHEREAS, funds for this settlement are available on an existing budget reservation BRDI004035, and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Safety, Division of Police, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement of these claims in accordance with the terms of the settlement agreement, which is in the best interest of the City, and to pay the agreed to sum without delay; **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 all claims against the City of Columbus, its officers, agents, and employees, including Columbus Police Officers Matthew Baker, Allan Bennett, Sean Connair, Eric Everhart, Anthony Johnson, LeVon Morefield, Robert Reffitt, and Ryan Steele, by payment of the sum of Two Hundred Twenty-Five Thousand Dollars and zero cents (\$225,000.00) as a reasonable and fair amount and in the best interest of the City of Columbus.

Section 2. That the expenditure of \$225,000.00, or so much thereof as may be needed, is hereby authorized from the General Fund from an existing General Budget Reservation BRDI004035.

Section 3. That, upon receipt of an invoice and a release approved by the City Attorney, the City Auditor be and is hereby authorized to draw a warrant upon the City Treasurer for the sum of Two Hundred and Twenty-five Thousand Dollars and zero Cents (\$225,000.00) made payable to Friedman, Gilbert & Gerhardtstein.

Section 4. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby

declared to an emergency measure and shall take effect and be in force after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.