



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0440

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: April 1, 2014

TITLE: MOTION - Authorizing Settlement of Police Liability Claim PP L 11-1075
(Jentina Littles) for \$50,000.

Recommendation

Staff recommends settlement of this police liability claim in the amount of \$50,000 to Jentina Littles.

Background

The plaintiff, Jentina Littles, was arrested on July 13, 2011 from an incident that took place when a Fort Lauderdale Police Officer approached the plaintiff because of his suspicious behavior. The plaintiff voluntarily provided the officer with his identification, which was then used to run a teletype report. The report indicated that there were no outstanding warrants for the plaintiff and it also indicated that he was not on probation. However, the report also indicated that the plaintiff had a felony history.

The plaintiff voluntarily consented to a search and he was placed in handcuffs for officer safety. The search produced negative results, but the officer continued to detain the plaintiff. Shortly thereafter the officer conducted a second search. A struggle ensued and the officer observed a clear plastic bag containing an unknown substance on the plaintiff which he was able to put in his mouth and swallow before it could be recovered.

The plaintiff was arrested and spent approximately five months in jail before all charges against him were nolle prosecuted by the State Attorney's Office on December 12, 2011. The State Attorney's Office determined that while the initial encounter and search was consensual, the officer had no legal right to detain and handcuff the plaintiff. Additionally, the officer did not have probable cause to conduct a second nonconsensual search.

As this claim is in Federal Court, exposure to the City from an adverse verdict is not limited to the Florida statutory cap. Additionally, the plaintiff's attorney would be entitled to fees and costs if a jury were to award a verdict of at least \$1.

The plaintiff has agreed to a settlement in exchange for payment of the \$50,000, subject to the approval of the City Commission.

Resource Impact

<i>Funds available as of March 20, 2014</i>			
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	PAYMENT AMOUNT
543-INS010101-5119	Self-Insurance Claims	Non-Operating Expenses /Police Professional Liability Claims	\$50,000
PAYMENT TOTAL ►			\$50,000

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Internal Support Cylinder of Excellence**, specifically advancing:

- **Goal 12:** Be a leading government organization, managing our resources wisely and sustainably.
- **Objective 1:** Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United*.

Prepared by: James Kelly, Senior Claims Adjuster

Department Director: Averill Dorsett, Director of Human Resources