



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

#13-0289

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: February 19, 2013

TITLE: Motion to approve settlement of police professional liability file # PP L 09-555 (Jeffrey Dowling) for \$62,500

Recommendation

Staff recommends settlement, and as provided in the City Charter, this settlement has been evaluated by the proper City officials and all concur that a settlement of \$62,500 to Mr. Dowling is in the City's best interest.

Background

This claim is the result of a police professional liability lawsuit involving the plaintiff, Jeffrey Dowling, who was placed in handcuffs and detained by the Fort Lauderdale Police Department (FLPD) for approximately 20 minutes on the afternoon of January 6, 2009. The incident in question occurred during a FLPD Major Narcotics Unit (MNU) undercover operation. The MNU was following a suspect at the request of the Drug Enforcement Agency (DEA) at the time of the incident and they mistakenly believed that the plaintiff was somehow connected to the DEA suspect.

The plaintiff filed his lawsuit on April 30, 2012 alleging false arrest and violation of Fourth Amendment civil rights. Mediation was held on October 18, 2012 and it reached an impasse after the plaintiff remained adamant in his demand of \$50,000 plus mediation costs. Both parties subsequently filed Motions for Summary Judgment and the Court ruled in the plaintiff's favor on January 4, 2013, and scheduled a jury trial to determine the plaintiff's damages for February 4, 2013.

Judgment was being sought against the involved officer for compensatory and punitive damages, as well as attorney's fees, for the civil rights violation. Judgment was also being sought against the City of Fort Lauderdale for false arrest.

The false arrest claim against the City of Fort Lauderdale is limited to the statutory cap of \$100,000 which was in effect on January 6, 2009. However, the statutory cap would not apply to the civil rights violation claim against the involved officer. Additionally, the plaintiff is entitled to recovery of attorney's fees under the civil rights violation.

Therefore, settlement negotiations continued prior to commencement of trial and the plaintiff subsequently agreed to settle this matter for \$62,500. As previously stated, the Court has already determined liability and the upcoming jury trial would be for damages only. As such, settlement of this matter is in the City's best financial interest.

Resource Impact

There is a fiscal impact to the City in the amount of \$62,500.

		SUB				SUB		
FY Year	FUND	FUND	FUND NAME	INDEX #	INDEX NAME	OBJECT #	SUBOBJECT NAME	AMOUNT
2012-2013	543	01	City Insurance	INS010101	Self Insurance Claims	5104	Police Professional Liability Claims	62,500.00
					TOTAL			62,500.00

Prepared by: James Kelly

Department Director: Averill Dorsett