



Legislation Text

File #: 210750., Version: 1

Whitney Brown v. City of Gainesville; Presuit Claim Resulting from a Law Enforcement Action that occurred in Gainesville, Alachua County, Florida on or about May 13, 2020. (NB)

The City Commission 1) approve the terms of the negotiated settlement agreement; and 2) authorize the City Attorney to settle the claim of Whitney Brown, arising from an incident that occurred on or about May 13, 2020.

On May 13, 2020, Gainesville Police Department officers responded to a call of a domestic disturbance at the claimant's home. After an on-site investigation, the claimant was taken into custody and transported to the county jail, under arrest for aggravated assault. The arrest was the subject of a local television news report and an article in the Gainesville Sun. The claimant's "mug shot" was a public record and available for online viewing throughout the community. Her employer became aware of the arrest, and her career was put in jeopardy, and essentially stalled throughout the pendency of the criminal matter. She feels that she has suffered significant reputational harm.

Shortly after the arrest, the claimant's mother, who was present for part of the incident and on-site investigation, contacted a detective within the Criminal Investigations Division of GPD. Her concerns surrounding the incident and arrest prompted an immediate review of the arrest report and body-worn camera footage. GPD supervisors determined that the arrest appeared unwarranted, and expressed these grave concerns with prosecutors from the State Attorney's Office. Fortunately, the State Attorney's Office concurred with the GPD supervisors' assessment and declined to prosecute the charges. GPD personnel contacted the claimant's employer to assure them that the arrest was unjustified, and try to ameliorate any negative effects of the incident.

The incident was forwarded to the GPD Internal Affairs Department to conduct a full, formal review of the interaction. In short, the internal affairs investigation concluded that the arresting officer failed to complete a thorough investigation as required in GPD General Order 40.6 Domestic Violence and Dating Investigations, and, therefore, violated City of Gainesville Policy E-3 Code of Conduct, Rule 13 - productivity or workmanship not up to required standard of performance. The officer received a written warning and remedial training, but the department is optimistic that the officer's relative inexperience and openness to additional training indicate a positive and productive future career for the officer. Additionally, the internal affairs investigation concluded that the supervising sergeant involved in the incident failed to ensure that a thorough and proper investigation was conducted by the arresting officer, and also sustained a finding of E-3 Code of Conduct, Rule 13 - productivity or workmanship not up to required standard of performance - against the supervisor. Throughout the aftermath of the subject arrest, GPD has strived to act with accountability, assuring the Claimant and her employer that she was blameless in the incident.

In addition to the Gainesville Police Department, the City Attorney's Office and Risk Management Department conducted a thorough evaluation and investigation of this claim. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$200,000 per person, and \$300,000 per incident. As a result of pre-suit

negotiation, a proposed settlement was achieved, wherein representatives for the City agreed to recommend a settlement in the amount of \$30,000, subject to the approval of the City Commission of the City of Gainesville, and, in exchange, the Claimant will provide a full and complete Release to the City. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact

Funds are available in the City's General Insurance Fund.