

ORDINANCE No.

*Pay claim of Clifford Richardson in the sum of \$35,000 involving the Portland Police Bureau.
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Clifford Richardson, through his attorney, Kevin Cathcart, has filed a bodily injury lawsuit against the City for damages suffered in an incident occurring on March 29, 2010. In the lawsuit, claimant makes claim for use of force involving the Portland Police Bureau.
2. The claim has been investigated by Risk Management Services. The investigation indicates there is risk the City may be found liable. Therefore, in order to avoid the risk of an adverse jury award, we feel it is prudent to compromise the lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$35,000.00, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$35,000.00 made payable to Clifford Richardson and his attorney Kevin Cathcart.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

Mayor Charlie Hales
Prepared by Randy Stenquist
Date prepared: April 23, 2013

LaVONNE GRIFFIN-VALADE
Auditor of the City of Portland
By

Deputy



CITY OF PORTLAND, OREGON

Office of Management and Finance Risk Management Services

Charlie Hales, Mayor
Kate Wood, Risk Manager
1120 S.W. Fifth Avenue, Room 709 • Portland, OR 97204-1912
Phone: 503-823-5101 • Fax: 503-823-6120
www.portlandonline.com

DATE: April 29, 2013
TO: Mayor Charlie Hales
FROM: Randy Stenquist
503-823-6000

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay Claim of Clifford Richardson in the sum of \$35,000, involving the Portland Police Bureau (Ordinance)

1. **INTENDED WEDNESDAY FILING DATE:** May 16, 2013
2. **REQUESTED COUNCIL AGENDA DATE:** May 22, 2013
3. **CONTACT NAME & NUMBER:** Randy Stenquist, 503-823-6000
4. **PLACE ON:** CONSENT REGULAR
5. **BUDGET IMPACT STATEMENT ATTACHED:** Y N N/A
6. **(3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED:** Yes No N/A

7. BACKGROUND/ANALYSIS

In March 2010 Clifford Richardson was a participant in an anti-police protest and march in the streets downtown. There was a strong police presence, including the use of the police bike squad to manage and control the movement of protestors. Several hours into the non-permitted march, a line of officers formed a 'picket line' with their bikes to keep protestors from moving into the street. Mr. Richardson was at the front of the line of protestors, just off the sidewalk. At one point Richardson pushed at an officer, and officers moved in to take him into custody. During the struggle that ensued, Richardson's upper body was struck by a police officer's knee, and as a result his head and face struck the pavement. A TV news cameraman captured much of this on videotape. Richardson was transported to OHSU for his facial injuries.

Richardson was charged with a number of offenses, and was later acquitted of all charges at his criminal trial. Richardson's attorney then filed a civil lawsuit, seeking \$15,000 for past and future medical bills plus \$500,000 in general damages. A trial was scheduled to begin April 22, 2013. In March, the Police Bureau, Risk Management and the City Attorney's Office met and agreed to try to reach a reasonable pre-trial settlement with Richardson's attorney. After significant negotiations, Richardson has agreed to accept \$35,000 to dismiss his lawsuit. Approval of this settlement will avoid the cost and expense of a trial, and a jury award that could potentially be significantly larger.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$35,000.00 from the liability fund.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Clifford Richardson bodily injury lawsuit in the sum of \$35,000.00.

Please notify the City of Portland no less than five (5) business days prior to events for ADA accommodation at 503-823-5101, TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Randy Stenquist	2. Telephone No. 503-823-6000	3. Bureau/Office/Dept. OMF/Risk Management
4a. To be filed (hearing date): May 16, 2013	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed	6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title: *Pay claim of Clifford Richardson in the sum of \$35,000 involving Police Bureau. (Ordinance)

2) Purpose of the Proposed Legislation:

This ordinance will close OMF Risk Management File No. G2010-0459-01 for a total of \$35,000.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This legislation will have no impact on City revenue.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the *level of confidence*.)

Cost to the City is \$35,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No.

- **Will positions be created or eliminated in *future years* as a result of this legislation?**

No.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES:** Please proceed to Question #9.
- NO:** Please, explain why below; and proceed to Question #10.

This Ordinance settles a tort lawsuit filed against the City of Portland by Clifford Richardson. The City Attorney's Office and Risk Management have concluded that it is not appropriate to have public involvement in settlement negotiations regarding tort claims or lawsuits against the City.

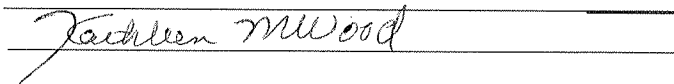
9) If "YES," please answer the following questions:

- a) What impacts are anticipated in the community from this proposed Council item?**
- b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**
- c) How did public involvement shape the outcome of this Council item?**
- d) Who designed and implemented the public involvement related to this Council item?**
- e) Primary contact for more information on this public involvement process (name, title, phone, email):**

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No future public involvement is anticipated or necessary. Approval by City Council of this Ordinance will fully settle a tort lawsuit against the City of Portland.

Bryant Enge, Director, BIBS
Kate Wood, Risk Manager



APPROPRIATION UNIT HEAD (Typed name and signature)