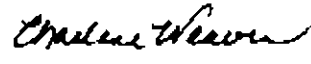

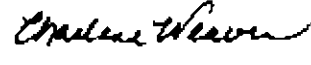
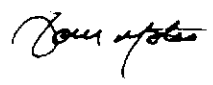
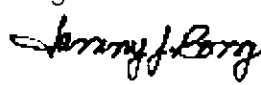


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|---|---|---|---|-----------------|
| Date: 09/06/2012 | | AGENDA ITEM | | Item: 22 |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution | <input type="checkbox"/> Budget Resolution | <input type="checkbox"/> Other | |
| Department: Financial And Administrative Services - CFO | | | | |
| Division: Personnel | | | | |
| Subject: Settlement of litigation: Allyson Pease v. Joel Turney, et al. Case No.: 2012-10168-CIDL | | | | |
| Charlene Weaver, CPA, CFO  | | Legal Arthur Graham County Attorney  | County Manager's Office Charlene Weaver, CPA, CFO Deputy County Manager  | |
| Tom Motes Director Personnel  | Tammy Bong Director Management and Budget  Approved as to Budget Requirements | Approved as to Form and Legality | | |
| Council Action: | | | | |
| Modification: | | | | |
| Fund Number(s):: | Description: | Amount: | | |
| 521 Risk Management | Settlement | \$14,000.00 | | |
| Total Item Budget: \$14,000.00 | | | | |
| Staff Contact(s): | | Phone: | Ext. | |
| Tom Motes | | 386 736 5951 | 12821 | |
| Arthur Graham | | 386 736 5950 | 13241 | |
| Summary/Highlights: | | | | |
| <p>Allyson Pease filed a four count complaint against the county; the sheriff, in his official capacity; and a sheriff's sergeant and deputy, each individually. The three counts against the county and the sheriff allege false arrest, assault and battery, and negligence. A fourth count against only the individuals alleges malicious prosecution. The plaintiff's complaint essentially asserts the use of improper investigative procedures and excessive force in her arrest.</p> <p>On November 19, 2009, the sheriff's sergeant and deputy responded to an apparent domestic call at the plaintiff's home. The plaintiff and her former boyfriend were questioned about what had happened and gave conflicting accounts. The plaintiff alleged that her former boyfriend was not a resident of the home at the time of the incident, and asked for him to be removed. He was able to produce an ID card that showed his address as the residence in question. The plaintiff was arrested and removed from her home, during which time her face was injured. Two large sores are evident in her jail mug shot.</p> | | | | |

The state attorney ultimately dropped all charges, which included resisting arrest. An internal affairs investigation led to the personnel receiving reprimands for failing to properly investigate the matter, and for failing to document when during the encounter the plaintiff's face was injured. The plaintiff has alleged the injuries to her face occurred while she was dragged along the side of the outside of her house when being escorted to the deputy's car. Neither the sergeant nor the deputy know if the injury happened then, or while she was taken to the ground inside her home.

The plaintiff incurred slightly more than \$7,000.00 in medical bills and demanded \$67,000.00 before suit. Staff recommends settlement for \$14,000.00.

Recommended Motion: Approval.