

THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR

Council Agenda
Item No. XI. Y
12/31/2024

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

1. Resolution authorizing the Municipal Counselor to confess judgment without an admission of liability in the case of *Jeffery Earle Lassiter v. City of Oklahoma City, a Political subdivision of the State of Oklahoma; and Oklahoma City Police Department, a subdivision of the City of Oklahoma City*, United States District Court for the Western District of Oklahoma, Case No. CIV-23-621-JD;

AND/OR

2. Enter into executive session on advice of the Municipal Counselor to receive confidential communications from its attorney regarding the above case as authorized by 25 O.S. (2024 Supp.) §307(B)(4), because disclosure would seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

In the above case, Plaintiff alleges that on August 9, 2021, at approximately 4:30 a.m., his Constitutional rights were violated by a use of force when he was arrested by officers of the Oklahoma City Police Department after being called to a Love's Convenience Store at 3233 SW 89th Street where Plaintiff was irate and was alleged to have thrown a drink at another person. He allegedly also destroyed store property and appeared intoxicated. When Officer Cross arrived, he found Plaintiff standing next to a vehicle with several other people. Officer Cross attempted to take Plaintiff into custody. Plaintiff ignored his lawful commands. During his resistance and struggle, he contends that his arm was broken. When a second Officer arrived, Officer Hall, he assisted Cross in placing him in handcuffs and into the squad car and took him to the hospital.

The Plaintiff sued the City pursuant to 42 USC §§ 1983, and 1985, alleging a violation of Plaintiff's rights under the Fourth and Fourteenth Amendments claiming that the officers used excessive force because of unconstitutional policies and also had deliberate indifference to Plaintiff's medical needs. Plaintiff did not sue any individual officers.

On December 3, 2024, Council entered into Executive Session where the Municipal Counselor's Office provided confidential and privileged information about this case and Council provided settlement guidance. On December 6, 2024, the parties attended a Judicial Settlement Conference, where the Plaintiff and the City reached a settlement in the amount of Seventy Thousand Dollars (\$70,000).

It is the recommendation of this office that Council approve the settlement. If Council agrees, a Resolution authorizing the Municipal Counselor to prepare, execute, and file the necessary paperwork is attached. If Council desires more information regarding the merits of this case, it is the recommendation of this office that the Council enter into Executive Session with the Municipal Counselor.