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May 3, 2011

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize City Attorney to pay sum of \$115,000.00 in full settlement of lawsuit entitled Allen v. City of Long Beach, Case No.: NC052425

DISCUSSION:

Plaintiff alleges that Long Beach Police Officers violated his civil rights during a registered sexual offender compliance check. Plaintiff was subject to a random check, refused to provide "proof of residency" and was arrested and booked for obstructing a lawful investigation. Plaintiff agreed that the compliance check was lawful, but argued that his arrest for the failure to produce evidence of residence without prior notice violated his due process rights. The California statute authorizing the compliance check is silent as to whether Plaintiff could be arrested for failing to comply with the police officers' order to produce the proof of residence.

After negotiations, Plaintiff has agreed to accept \$115,000 as full settlement of this case, including attorneys' fees and costs. The proposed settlement was presented to the Economic Development and Finance Committee on April 5, 2011 and was approved on that date. We therefore ask authority to pay the sum of \$115,000.00 in full settlement of this claim against the City of Long Beach.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,
ROBERT E. SHANNON, City Attorney

By _____
THEODORE B. ZINGER, Deputy