



City of Broken Arrow

Request for Action

File #: 21-513, Version: 1

**Broken Arrow City Council
Meeting of: April 20, 2021**

Title:

Consideration, discussion and possible approval of Resolution No. 1393, a Resolution authorizing the City Attorney to defend Robert Motley in the matter of Richard Eugene Hubbard v. COBA, et al. Case No. 21-CV-159-GKF-JFJ, in the U.S. District Court for the Northern District of Oklahoma

Background:

On April 8, 2021 in the Northern District of Oklahoma, Richard Hubbard filed suit alleging that Officers Robert Motley and Shane Gibson violated his civil rights, including his First, Second and Fourth Amendment rights, during an arrest on April 8, 2019 at Neinhuis Park. Mr. Hubbard alleges that he was legally openly carrying a pistol on his hip, and had an AR style pistol slung on his back. Hubbard alleges that Officers Motley and Gibson arrested him for videotaping the encounter; for carrying firearms; retaliated against Hubbard for the protected conduct of videotaping and carrying firearms; subjected Hubbard to an unlawful search, unlawful arrest, and used excessive force during the arrest through the use of pepper balls. Hubbard alleges the City of Broken Arrow maintains policies, practices and customs that encouraged Officers Motley and Gibson to violate his rights, as well as that the City failed to train and supervise its officers. Title 11 O.S. § 23-101 *et seq.* provides for the City of Broken Arrow to defend its municipal employees in such actions. Officer Motley acted in good faith and in the course and scope of his employment in this encounter and is entitled to a defense by the City of Broken Arrow.

Cost: Cost of litigation

Funding Source: Legal Department Operational Budget

Requested By: Trevor Dennis, City Attorney

Approved By: City Manager's Office

Attachments: Resolution No. 1393

Recommendation:

Approve Resolution No. 1393 and authorize its execution.