

RESOLUTION NO. 2021- 629

A RESOLUTION AUTHORIZING THE INDEMNIFICATION OF A CITY EMPLOYEE IN THE EVENT OF AN AWARD OF PUNITIVE DAMAGES IN THE MATTER OF THE ESTATE OF PHILLIP WHITE, ET AL VS. THE CITY OF VINELAND ET AL IN ACCORDANCE WITH N.J.S.A. 59:10-4.

WHEREAS, on March 15, 2015 the Vineland Police Department, in particular, Officer Louis Platania (Platania), among others, were responding to a call of an individual named Phillip White (White) acting in an erratic manner; and

WHEREAS, while attempting to subdue White, it was alleged that White reached for the duty weapon of Platania, but White was finally handcuffed and placed in an ambulance, however he was pronounced dead upon arrival at the hospital; and

WHEREAS, the Cumberland County Medical Examiner concluded that the cause of death was accidental as a result of phencyclidine (i.e. PCP) intoxication; and

WHEREAS, subsequent thereto, the Estate of Phillip White, among others, commenced suit in the United States District Court for the District of New Jersey bearing Docket Number 1:16-cv-08308-NLH-KMW claiming damages including punitive damages against the City and Officer Louis Platania; and

WHEREAS, N.J.S.A. 59:10-4 authorizes a municipality to indemnify local public employees for punitive damages "...resulting from the employee's civil violation of State or federal law if, in the opinion of the governing body, the acts committed by the employee upon which damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong." : and

WHEREAS, after several meetings of the City Council, including review of certain evidential videos depicting the actions of Officer Platania as well as interviewing him and hearing arguments of counsel representing the City of Vineland in the litigation, it is clear to the governing body that the actions of Officer Platania upon which the litigation is based did not constitute actual malice, willful misconduct or intentional wrong.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that should an award of punitive damages be issued against Officer Louis Platania, the City of Vineland shall indemnify him to the extent of such punitive damages.

Adopted:

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President of Council

ATTEST:

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Deputy City Clerk