

STAFF REPORT

Date: February 8, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Approval of legal settlement in Rebecca Gasca v. City of Reno, et al., Case No. 3:22-cv-00238-MMD-CSD, in the amount of \$250,000. (Risk Management Fund)

From: Holly Parker, Deputy City Attorney III

Department: City Attorney's Office

Summary:

Rebecca Gasca (“Gasca”) sued former Reno Police Chief Jason Soto, the City, and others for alleged civil rights violations and excessive force claims. Staff recommends Council approve a negotiated settlement in the amount of \$250,000, and authorize the City Manager and City Attorney, and their respective designees, to execute all documents and complete discussions with Gasca’s attorney regarding potential changes to policies and procedures and/or police training required to complete the settlement.

Alignment with Strategic Plan:

Fiscal Sustainability.

Previous Council Action:

There is no recent Council action relevant to this item.

Background:

On May 30, 2020, a protest took place in downtown Reno. The protest escalated and the City of Reno issued a curfew and declared an “Unlawful Assembly.” On scene as an alleged legal observer, Gasca was injured when police attempted to disperse the crowd by firing nonlethal crowd control rounds. On May 27, 2022, Gasca filed a federal lawsuit against the City and former Reno Police Chief Jason Soto, alleging civil rights violations and physical injury.

Discussion:

On December 15, 2022, the parties attended mediation and reached a recommended settlement in the amount of \$250,000, which is subject to Council approval.

The key terms of the recommended settlement agreement are as follows:

1. Gasca will receive \$250,000 to compromise her claims against the City and Jason Soto in the federal lawsuit;
2. The parties will execute a settlement agreement releasing all claims they may have against each other and providing for dismissal of the federal lawsuit with prejudice;
3. The settlement agreement will contain a provision that no released party admits liability; and
4. The City will work with Gasca's attorney to discuss potential changes to policies and procedures and/or police training regarding use of the type of nonlethal round used in the incident for crowd dispersion.

Financial Implications:

Funds for settlement are budgeted in the Risk Management Fund.

Legal Implications:

Completion of the settlement will result in dismissal with prejudice of the lawsuit.

Recommendation:

Staff recommends Council approve the settlement in the amount of \$250,000, and authorize the City Manager and City Attorney, and their respective designees, to execute all documents required to complete the settlement and complete all discussions with Gasca's attorney regarding potential changes to policies and procedures and/or police training regarding the use of the type of nonlethal round used in the incident for crowd dispersion.

Proposed Motion:

I move to approve staff recommendation.