



City of Grand Island

Tuesday, August 24, 2004

Council Session

Item G1

Receipt of Official Document - Tort Claim Filed by Anthony and Carly Huffman

The City of Grand Island has received a Tort Claim from Anthony and Carly Huffman alleging certain claims in connection with an incident with the Police Department that took place in August 2003. A copy of this claim is attached to comply with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. It is recommended that Council take no action other than acknowledging receipt of the claim.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: Douglas R. Walker, City Attorney
Meeting: August 24, 2004
Subject: Tort Claim of Anthony and Carly Huffman
Item #'s: G-1
Presenter(s): Douglas R. Walker, City Attorney

Background

The City of Grand Island has received a Notice of Tort Claim on behalf of Anthony and Carly Huffman alleging certain claims against a police officer of the Grand Island Police Department in August of 2003.

Discussion

Without getting into issues concerning the city's and other parties' liability, and whether the claim of Anthony and Carly Huffman is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act. This is not an item for council action other than to simply acknowledge that the claim has been received. The claim has been referred to the city's insurer for review.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Acknowledge receipt of the claim as required by state law and take no further action.
2. Deny the claim.
3. Approve the claim.

Recommendation

City Administration recommends acknowledging the receipt of the claim as required by state law.

To: Grand Island City Clerk
Grand Island City Council

Date: August 1, 2004

Subj: Tort Claim

Ref: Sgt. Dale Hilderbrand
City of Grand Island
Grand Island Police Department



As required by Nebraska State Statute and outlined in the Political Subdivisions Tort Claims Act, I am filing this claim against the above listed agencies, departments, and individuals.

I will outline the basis of our complaint and the damage that has been caused by Sgt. Dale Hilderbrand. Sgt. Hilderbrand has violated State Law, Constitutional Law, Department Policy, and engaged in slander.

Our foster son filed a report with Sgt. Hilderbrand in August of 2003. Our son alleged I threatened him, and was not providing him with food, shelter, or water.

In his report, Sgt. Hilderbrand stated he referred the report to the Nebraska State Patrol to avoid any conflict due to my previous employment with the Grand Island Police Department.

However, Dale Hilderbrand decided to contact the State Patrol after he interviewed our son and obtained a written statement. If Dale Hilderbrand was truly trying to avoid a conflict, after our sons first comment (he advised Sgt. Hilderbrand that he lived with us) Sgt. Hilderbrand should of stopped any further questioning or interviewing.

Sgt. Hilderbrand took it upon himself to obtain the information he felt necessary to authorize him to remove our son from our home. Sgt. Hilderbrand however failed to obtain any evidence to support the removal of our son.

In the report, Sgt. Hilderbrand wrote he was requested to place a 48-hour hold on our son by a Nebraska State Patrol Investigator. Sgt. Hilderbrand filled out the required paperwork for the County Attorney to justify a 48-hour hold.

By Nebraska state statute, a child can only be removed if he/she is 1) a runaway 2) Committed a felony 3) Committed a misdemeanor in the officers presence 4) is seriously endangered in his/her current environment and immediate removal is necessary for the protection of the child or 5) juvenile is mentally ill.

Sgt. Hilderbrand based his decision on the idea our son was endangered in his current environment. This was also conveyed to the State Patrol Investigator.

My question is how did Sgt. Hilderbrand reach this conclusion with nothing other than the statement from the supposed victim. Also in Nebraska State Statute, law enforcement is required to investigate allegations of child abuse, and then take steps to protect the child (if necessary) and thirdly initiate legal proceedings if appropriate.

Sgt. Hilderbrand grossly failed to competently and professionally perform his duties. His story of a conflict is an excuse for not doing his job, as I have not worked for the Grand Island Police Department since November of 2000. And again if there was such a conflict why did Sgt. Hilderbrand carry the case as far as he did, complete the required paperwork, and make arrangements with HHS for the placement of our son.

Sgt. Hilderbrand is also required by law to contact the parent, guardian, or custodian and inform them he has removed a child. Sgt. Hilderbrand tries to pawn this responsibility onto Officer Jim Olson. The responsibility rests with Sgt. Hilderbrand and no one else.

Officer Olson provided me with useless information and I requested he have the night shift supervisors contact me. Officer Olson said he was not going to get involved and he would not give his supervisors the message. I asked Officer Olson if the supervisors were in the office and if I could call them. Officer Olson told me if I called the supervisors it would cost us our friendship.

What evidence did Sgt. Hilderbrand have to file a report and charge me with 3rd Degree Felony Child Abuse and Menacing Threats? All of the actions taken by Sgt. Hilderbrand do not appear to be that of someone trying to avoid a conflict.

After all he took the report, contacted other agencies for assistance, charged me, and sent the report over to the County Attorney.

The charges were dropped in November of 2003 due to no evidence. In addition, I was never contacted by the police department reference the charges. The Nebraska State Patrol had no idea why they were contacted about the case and advised they found nothing criminal in Sgt. Hilderbrand's report.

In addition to violating our constitutional rights, Sgt. Dale Hilderbrand took it upon himself to contact my perspective employer (Hastings Police Department), and informed them I had been charged with 3rd Degree Felony Child Abuse and Menacing Threats.

This illegal, unprofessional, and slanderous action almost cost me my job, contributed to the loss of my job, and ruined my reputation with the Hastings Police Department prior to being hired.

I was put through extensive questioning and continuous scrutiny, because Sgt. Hilderbrand made a phone call and reported information that was unfounded, false, and

arrogant. Since when did the Grand Island Police Department start calling prospective employers and advise them of their actions.

I find it very disturbing that Sgt. Hilderbrand cannot find the time to talk to my wife and I about the allegations, or call us to inform us what he did with our son, but has plenty of time to spread lies and engage in slander from Grand Island to Hastings.

This does not sound like someone trying to avoid conflict. There is nothing that says police officers cannot investigate allegations against another officer. When the investigation determines a crime or violation might have occurred, that is the time to refer the case.

We do not refer the case solely on allegations. Why couldn't of Sgt. Hilderbrand contacted the Sheriff's Office or assigned another officer on his shift to investigate. There are plenty of officers on that department I have never worked with.

Sgt. Hilderbrand cannot conduct himself in the manner he did and then pawn it off onto another agency due to a conflict. Sgt. Hilderbrand's actions appear that he was more worried about lashing out, or harming me than he was about a conflict.

What officer with any common sense would take the actions he did based solely on allegations and then tells people he charged me with Child Abuse. I cannot get a speeding ticket without evidence. I cannot be arrested just because John Doe walks into the police department and tells Hilderbrand I assaulted him. An arrest might come or charges filed after an investigation is conducted, then and only then.

In 2002, a citizen made a report to the police department alleging I assaulted him and impersonated a police officer. This report was filed with the Grand Island Police Department, and they were the ones that investigated it. How can they investigate me then, but now (2 years later) it is a conflict of interest.


Since August of 2003, Sgt. Hilderbrand's actions have destroyed our family, cost my wife to lose her job, contributed to a hostile work environment, ruined my reputation, and caused us to endure great hardships. (Emotionally, physically, mentally, and financially) Sgt. D has destroyed our life forever. Nothing can replace what we have lost.

My law enforcement career has been jeopardized due to the slanderous comments made by Sgt. Hilderbrand. Sgt. Hilderbrand's motive was to hurt me, cost me my job, and ruin my life. I feel as if he was out on a personal vendetta and I feel his actions prove exactly that.

I trust the City of Grand Island will settle this claim promptly, responsibly, and justly. It is not fair that our life has been turned upside down by the irresponsible, illegal, and ruthless acts of a Grand Island Police Officer. Do not allow this man to violate another citizen's rights.

If you need any further information to help reach a decision please contact me at any of the below listed locations.

Sincerely,


Anthony and Carly Huffman

Mail:

PO Box 652
Grand Island, NE 68802

Phone:

308-381-7856

E-Mail:

Love2cop@yahoo.com