

21892

September 26, 2011

To: Honorable Members of the  
Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Dafon Blacknall v. County of Westchester in the amount of \$20,000.00

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Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Dafon Blacknall v. County of Westchester in the amount of \$20,000.00.

Plaintiff Dafon Blacknall, then 23 years old and an inmate incarcerated at the Westchester County Jail at the time of the incident, alleges that on January 14, 2008, jail personnel negligently entered incorrect information concerning pending criminal charges on the Department of Corrections' I-Tag website, wherein such incorrect criminal charges were listed under plaintiff's name. At the time of the incident, the County's I-Tag website provided certain information to the public concerning detainees, including any pending criminal charges. As a result of the incorrect criminal charges listed on the County's website, plaintiff alleges that he was defamed and slandered and that as a result, he suffered damage to his good name and reputation. Plaintiff further alleges that he sustained mental anguish and extreme emotional distress, was held up to ridicule and contempt by his friends, and that he also had depression, insomnia, and panic attacks after publication of the incorrect charges on the County's website.

The County's investigation revealed that this incorrect information remained on the County's I-Tag website for approximately twelve days, and that the information was removed from the County's website on January 25, 2008, after the County was informed of the data entry

error. In the interim however, plaintiff alleges that the false information regarding the incorrect pending criminal charges was republished to the county prison population and subsequently to persons residing in the plaintiff's hometown of Sleepy Hollow. Plaintiff himself learned about the incorrect charges that had been posted on the County's website from another inmate on January 28, 2008, and he alleges that by that time, at least four hundred persons became aware of the false information either from viewing it themselves on the County's website or by word of mouth as among community residents of the Town of Sleepy Hollow.

At the close of discovery in this case, plaintiff was granted summary judgment as against the County, and the Court reasoned that inasmuch as the County's I-Tag website charged plaintiff with a serious crime, the data entry error therefore constituted "defamation per se," and consequently, liability was entered as against the County. Should this matter proceed to trial, in view of the Court's Decision, plaintiff may establish that he suffered damage to his reputation, sustained extreme emotional distress and mental anguish, anxiety attacks, and insomnia as a result of the error. In light of the County's potential exposure, the Court's Decision, and plaintiff's damages, it is the recommendation of this office that this matter be settled for \$20,000.00. The Commissioner of the Department of Correction concurs in this recommendation.

TAL/tal

**RESOLUTION**

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of Dafon Blacknall v. County of Westchester, in the amount of \$20,000.00; and be it further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0688/3210	4280/04		\$20,000

Budget Funding Year(s) 2011 Start Date 1/1/2011 End Date 12/31/2011  
 (must match resolution)

Funding Source

Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$ 20,000**  
 (must match resolution)

Federal Aid \_\_\_\_\_

Other 6N Fund \_\_\_\_\_