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November 4, 2020

To the Honorable Common Council
of the City of Milwaukee
Room 205 – City Hall

Re: Proposed Settlement of claims against the City of Milwaukee, the Chief of Police
(in his official capacity), and several police officers in the lawsuit, *Sterling D.*
Brown v. City of Milwaukee, et al., Case No. 18-CV-922-PP

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the below recommendation. A companion resolution to authorize contingent borrowing to fund the proposed settlement will be filed separately and should be referred to the Finance and Personnel Committee.

The incident at the basis of this lawsuit occurred during the early morning hours of January 26, 2018. While on patrol, Officer Grams noticed a vehicle parked across two handicapped parking spots in a Walgreens' parking lot and stopped to investigate. During the course of his duties, several officers arrived on scene to assist Officer Grams and a struggle ensued resulting in Mr. Brown's tazing and arrest. Mr. Brown brought a lawsuit in federal court claiming that the officers used excessive force in violation of the Fourth Amendment, that they failed to intervene to stop the constitutional violation, and that the City has an unconstitutional policy condoning the use excessive force under *Monell*.

After some discovery, the parties agreed to undertake mediation in an effort to resolve this matter short of trial. On the advice of the mediator and with the risks of trial in mind, the parties engaged in settlement discussions and Plaintiff agreed to settle the entire case for a total of \$750,000.00, which includes attorneys' fees and costs. Additionally, settlement of this matter includes a Joint Statement from the City of Milwaukee, which contains an admission of a constitutional violation and a commitment to incorporate



To the Honorable Common Council

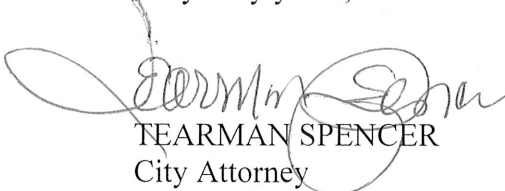
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changes to Milwaukee Police Department Standard Operating Procedures (as represented by a Policy Addendum). These changes must be implemented within 180 days of execution of the settlement agreement.

Because of the unpredictability of a trial, and the City's risk for exposure to compensatory and punitive damages, as well as additional attorney fees and costs, we recommend that this matter be settled for that amount. Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and its officer, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



TEARMAN SPENCER
City Attorney



ROBIN A. PEDERSON
Assistant City Attorney

Enclosure

RAP