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May 18, 2017

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

Re: Settlement of the claims in the lawsuit entitled
J.M., et al. v. City of Milwaukee, et al.
Council File No. 170187

Dear Council Members:

Enclosed please find substitute resolution authorizing the settlement of claims in the lawsuit entitled *J. M., and the Estate of Dontre Hamilton v. City of Milwaukee and Christopher E. Manney*, Case No. 16-CV-507, in the United States District Court for the Eastern District of Wisconsin, for the total amount of \$2,300,000.00. Please refer this matter for consideration and approval at the Judiciary and Legislative Committee with an opportunity to address the committee in closed session as well as open session. Please note that funding for this settlement will be authorized by a resolution in File No. 170146 that will be reviewed for approval by the Finance and Personnel Committee.

On April 30, 2014, Officer Manney responded to a call for service by personnel of the Starbucks in Red Arrow Park concerning Mr. Hamilton sleeping on the ground near the vicinity of their temporary kiosk. Officer Manney conducted a pat-down of Mr. Hamilton that the Chief of Police later determined to have been “out of policy.” During the pat down, a struggle developed and Mr. Hamilton gained possession of the officer’s baton. Fearing for his life and safety, Officer Manney used deadly force with his service weapon. Mr. Hamilton died at the scene. The District Court granted partial summary judgment to the plaintiffs on the basis that the search (pat-down) had already been determined to be without reasonable

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suspicion in connection with the judicial review of Officer Manney's discharge, and further found that there were conflicting facts precluding a summary judgment decision on the use of force. We have filed an appeal of the District Court's decision; however, given the risks of further litigation and its increasing costs, the City Attorney recommends settlement of this lawsuit for the amount agreed upon by the plaintiffs.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Deputy City Attorney

MRH:lmb
enclosures
1032-2016-1059:239511