

June 3, 2002

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
Milwaukee, WI 53202

Re: **Settlement of the Lawsuit Entitled
Verda Jackson, et al. v. City of Milwaukee, et al.
Case No. 00-C-0652; City Attorney No. 00-C-115**

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 following recommendation:

Plaintiff, Estate of Thomas William Jackson, by its special administrator, Verda Jackson, who also has filed claims on her own behalf, brought suit against the City of Milwaukee, Chief Arthur Jones and eight Milwaukee police officers, relative to the sudden death of Thomas Jackson, which occurred on or about April 16, 1997. In short, on that date, Mr. Jackson was apparently experiencing psychological problems. He was harassing fellow residents in his apartment building. Security guards for the apartment building were called to respond to the situation, and Mr. Jackson harassed them as well. Believing that some sort of assault had occurred, with reference to the other residents in the building, the security guards called the Milwaukee Police Department to assist. Milwaukee Police Department officers were told that a subject at the location had purportedly committed a sexual assault. In any event, they arrived on scene.

When the officers arrived on scene, they attempted to interview Mr. Jackson, as well as the other people present, to find out what had happened. Mr. Jackson was behaving bizarrely. Mr. Jackson was exhibiting symptoms which suggested that he was suffering from either a psychological problem, or a lack of related medication. Mr. Jackson was perceived to pose a safety threat to the officers, and they therefore attempted to handcuff him, while they conducted their investigation. Mr. Jackson engaged in a violent struggle. Backup officers were called on scene. Ultimately, it took over eight people to control Mr. Jackson, to the point where handcuffs and leg restraints could be placed on him.

An ambulance was called to take Mr. Jackson to the hospital for medical treatment, because he was thought to have sustained a laceration when he hit his head on a doorframe. Upon arrival of ambulance personnel, along with an ambulance gurney, Milwaukee police officers lifted Mr. Jackson, and placed him, in a prone position, on the ambulance gurney. The ambulance attendants strapped Mr. Jackson on the gurney. The ambulance attendants indicated that Mr. Jackson was still struggling with the police officers, upon their arrival, and that they regularly transported combative patients in such a prone position.

In any event Mr. Jackson was brought to the ambulance. While in the ambulance, and before leaving the scene, one of the ambulance attendants monitored his vital signs. The ambulance attendants then transported Mr. Jackson, running red lights and siren, to the hospital. A Milwaukee police officer sat in the ambulance during transport, consistent with department policy.

After arrival at the hospital and upon being moved from the ambulance gurney into an emergency room bed, it was determined that Mr. Jackson was pulseless and nonbreathing. He was revived, but died approximately two days later. The medical examiner attributed the death to positional asphyxia, in conjunction with law-enforcement restraint.

Mr. Jackson's mother, both individually and on behalf of his estate, brought suit against the above-noted City defendants, along with the Housing Authority representatives and the ambulance company. Early on, plaintiff dismissed the Housing Authority and its security guards from this lawsuit. Subsequently, the ambulance company settled all claims against it. The claims against the City defendants were that 1. the officers used excessive force in the manner in which they restrained Mr. Jackson; 2. they failed to properly monitor him during transport; and 3. the City failed to have appropriate policies and training regarding the medical transport of prisoners.

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The City defendants brought a motion for summary judgment, which was denied by the district court judge. Thus, this matter was scheduled to proceed to trial on July 8, 2002. To date, plaintiffs have incurred approximately \$50,000 in litigation-related expenses, along with \$100,000 in attorneys fees. Furthermore, Mr. Jackson incurred over \$30,000 in medical bills.

Given the unpredictability of prevailing at trial, and pursuant to the strong urging of the district court judge, this office determined that it was in the best interest of the City of Milwaukee to engage in settlement discussions. Pursuant to settlement negotiations, representatives of this office determined that an appropriate settlement amount in this case would be \$257,500.00. This amount includes all claimed damages, as well as any costs and attorneys fees associated with this litigation.

We have determined that it is in the best interest of the City of Milwaukee to settle this matter for this amount at this time. We have enclosed the appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

SUSAN E. LAPPEN
Assistant City Attorney

GFL:SEL:enm
Enclosure
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