

April 1, 2004

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

Re: Settlement of the Claim of David Zibolski

Dear Council Members:

David Zibolski is a Lieutenant of Detectives who was demoted by Chief Arthur Jones to the rank of detective. The Chief demoted Zibolski because of statements Zibolski made to another police lieutenant about the manner in which Chief Jones intervened in an attempt by police negotiators and other officers to disarm an apparently emotionally unstable person armed with a knife. Lt. Zibolski criticized the actions taken by the Chief at the scene because he believed the Chief's actions were inconsistent with established police procedure and endangered the officers at the scene. It was reported to the Chief that the language used by Zibolski was disrespectful and discourteous. Zibolski admitted criticizing the Chief's actions, but denied that his speech was disrespectful or discourteous.

Zibolski appealed the demotion to the Board of Fire and Police Commissioners. After a hearing, the Board vacated the Chief's demotion order and restored Zibolski to his former rank.

Zibolski filed a claim against the City and Chief Jones alleging that his demotion violated his right to speak freely under the First Amendment of the United States Constitution, and stating that he intends to bring an action under the federal civil rights law for money damages and attorney's fees. He also alleges that the Chief's conduct constituted malicious prosecution and defamation under state law.

To the Honorable Members
of the Common Council of the
City of Milwaukee
April 1, 2004
Page 2

Zibolski has agreed to settle his claims against the City and Chief Jones for \$17,500. We believe that settlement of his claim for the agreed amount is in the best interests of the City and recommend that the Common Council approve the settlement.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

RMK:lmb
enclosures
1032-2002-3272:79599