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April 27, 2018

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

Re: Proposed Settlement in *Charles Collins, et al. v. City of Milwaukee, et al.*  
Case No. 17-CV-0234-JPS

Dear Council Members:

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

With the assistance of the American Civil Liberties Union and represented both by counsel from that organization and private counsel, eight individuals have pressed a complaint on their behalf and seeking class certification against the City of Milwaukee, the Milwaukee Fire and Police Commission, and Edward Flynn. The plaintiffs have alleged that members of the police department violated their rights and the rights of others by unlawfully stopping, frisking, or searching people and by engaging in such conduct in a racially or ethnically discriminatory manner. The plaintiffs sought certain the court to find that past actions of the police department and fire and police commission had caused the violation of civil rights of various people who had been stopped, frisked or searched, that the court order certain measures to prevent such conduct from occurring in the future, and that the plaintiffs be awarded the reasonable attorneys' fees and costs of their lawyers in pursuing these claims.

The parties have conducted extensive discovery in this matter, including depositions and the discovery and analysis of a large volume of records relating to traffic and pedestrian stops by Milwaukee Police from 2008 to 2017. Since July 2017, the parties have also



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engaged in formal mediation efforts, and have participated in a number of mediation sessions facilitated by Judge Lynn Adelman.


As a result of these mediation efforts, the parties have reached a lengthy, formal proposed settlement agreement, a copy of which is attached to the accompanying proposed substitute resolution.

Among the significant terms of this agreement are the following: 1) the police department is committing to stopping, frisking, and searching people in a manner that is consistent with the Constitution and without racial, ethnic, or other forms of prohibited bias and to put policies in place to effect such commitments; 2) the police department is committing to collect certain data about traffic and pedestrian stops; 3) the police department is provide certain training about legal limits of stops, frisks and searches, entering data into the department systems about stops, searches and frisks, and to share information about the training with counsel for the plaintiffs; 4) the police department and fire and police commission are committing to improve supervision of traffic and pedestrian stops and frisks and searches, and of records relating these matters; 5) the parties have agreed upon certain benchmarks to demonstrate compliance with the agreement; 6) the federal court will retain jurisdiction of this matter for a period of five years to ensure compliance with the agreement; 7) Hillard Heintze will act as a consultant to review the records relating to compliance and to provide scheduled reports on measures undertaken to comply with the agreement and the degree to which law enforcement actions comply with the requirements of the agreement; 8) the city will pay most of the costs and fees of the consultant; and, 9) the city will pay \$1,900,000 for the total amount of plaintiffs' reasonable attorneys' fees and costs herein.

Because settlement in this matter is deemed expeditious, we request authorization to execute the proposed settlement agreement on behalf of the city and payment of the proposed attorneys' fees and costs settlement amount, and have enclosed an appropriate resolution for your convenience.

Very truly yours,

*for*   
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Deputy City Attorney  
Enclosure  
JAS