

MEMORANDUM

To: Ald. Michael McGee, Jr.

From: Mark A. Ramion, Fiscal Review Analyst, X 8680

Re: Information related to claims and complaints against the Milwaukee Police Department

December 10, 2004

This information is related to your request regarding claims paid to citizens where the Milwaukee Police Department was found to be at fault by a court of law, or where the City Attorney settled with a complainant after a determination of the facts prior to an actual trial. The first set of information reflects payments from the Damages and Claims Special Purpose Account.

**2002**

***File # 020108 - \$258,979 for attorney's fees, costs, punitive damages and interest.***

The plaintiff, Jeffrey O'Neal Marshall, was stopped and taken into custody by Milwaukee police officers on September 11, 1997 for drug-related charges. Mr. Marshall subsequently brought suit against the city alleging unlawful arrest, unlawful imprisonment and the use of excessive force.

***File # 020204 - \$150,000 as a settlement amount.***

This resolution authorized payment of the settlement amount agreed to in the lawsuit entitled *Estate of Clarence M. Thurman, III, et al v. City of Milwaukee, et al.* This resolution settled a lawsuit that claimed, among several claims, excessive force and wrongful death caused by a former Milwaukee police officer.

***File # 020165 - \$33,000 as a settlement amount.***

This resolution authorized settlement of the lawsuit entitled *John M. Tries v. City of Milwaukee, et al.* The lawsuit claimed false arrest, illegal search of the home, invasion of privacy and trespass against the City of Milwaukee and various Milwaukee police officers.

***File # 020322 - \$257,500 as a settlement amount.***

This resolution settled the plaintiffs' litigation-related expenses, attorney's fees and medical bills incurred in this incident.

The Estate of Thomas William Jackson and Verda Jackson filed a lawsuit against the City of Milwaukee, the Chief of Police and eight individually named Milwaukee police officers as a result of the sudden death of Thomas Jackson while in police custody.



***File # 021063 - \$10,000 to retain an expert witness.***

This resolution authorized the expenditure of \$10,000 from the Outside Counsel/Expert Witness Special Purpose Account for the purpose of retaining an expert to assist in evaluating the claim filed relative to the death of Mario Mallett.

Mario Mallett died while in the custody of the Milwaukee Police Department in December 2001. The wife and estate of Mr. Mallett filed a claim asserting MPD and City of Milwaukee liability in this death.

**2003**

***File # 030327 - \$200,000 as a settlement amount.***

This resolution authorized the payment of \$200,000 for the purpose of settling the claim filed relative to the death of Mario Mallett, to the claimant and the claimant's attorneys.

**2004**

***File # 031353 - \$40,000 as a settlement amount.***

This resolution authorized a total payment regarding settlement of claims filed relative to the police stop and detention of Barbara J. Brown, to the claimant and the claimant's attorneys

The claimant, Ms. Brown, maintained that she was unlawfully stopped by Milwaukee police officers on January 29, 1998 and that the police officers used excessive force.

***File # 040242 - \$20,000 as a settlement amount.***

This resolution authorized settlement of the lawsuit entitled Wesley Landry III v. Spengler, et al.

The claimant alleged that police officers unlawfully searched his home, unlawfully arrested him on two different occasions, used excessive force when arresting him on the second occasion and conspired to violate his constitutional rights.

The following information is annual information from the Fire and Police Commission related to citizen complaints, primarily related to the Milwaukee Police Department, and the Commission's efforts to resolve, or to dispose of these complaints. A complaint may be resolved by conciliation, commission trial, a finding that no rule was violated, referral to the department or withdrawal by the complainant.

A commission trial is a formal hearing where testimony and evidence is received and considered.

A complaint is referred to the respective department when the Commission finds that it has no jurisdiction in the complaint or the complaint requires an investigation that is properly conducted by the department. These types of referrals usually occur when there is an allegation of criminal

misconduct or, often, the complainant cannot make a positive identification of an officer but the allegation is such that it should continue to be investigated.

The following numbers include all complaints to the Fire and Police Commission:

### **2001**

Total complaints, both held over and newly filed, including discourtesy, excessive force and misconduct - 105

Total complaints resolved – 75, with 48 dismissals, 14 referred to the department, 5 withdrawn, 7 by conciliation and 1 by trial.

Pending at year's close – 30, with 7 set for trial, 15 set for conciliation and 8 in process.

### **2002**

Total complaints, both held over and newly filed, including discourtesy, excessive force and misconduct - 106

Total complaints resolved – 64, with 46 dismissals, 6 referred to the department, 4 withdrawn and 7 by conciliation and.

Pending at year's close – 42, with 5 set for trial, 19 set for conciliation and 18 in process

### **2003**

Total complaints, both held over and newly filed, including discourtesy, excessive force and misconduct - 112

Total complaints resolved – 53, with 33 dismissals, 14 referred to the department, 2 withdrawn and 4 by conciliation.

Pending at year's close – 59, with 13 set for trial, 16 set for conciliation and 30 in process.

Please note that citizens also make complaints directly to the department. These complaints are not reflected in the Commission totals.

Please contact me if you have any questions or if I may be of further assistance.

- c. Barry J. Zalben, Manager, LRB
- Marianne C. Walsh, Fiscal Review Manager