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March 1, 2021

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

Re: Proposed Settlement of claims against the City of Milwaukee, and several police officers in the lawsuit, *Smith v. City of Milwaukee, et al.*, U.S.D.C. Case Number 18-cv-01797

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 below recommendation. A companion resolution to authorize contingent borrowing to fund the proposed settlement will be filed separately and should be referred to the Finance and Personnel Committee.

The incident at the basis of this lawsuit occurred during the early morning hours of January 1, 2018. While investigating a report of gunshots, Officers Maldonado and Sosa noticed Mr. Smith walking down a nearby alley. After a brief conversation, the officers noticed that while walking away, Mr. Smith conducted several security checks. The officers stopped Mr. Smith again and at that time discovered a gun in his pants. Mr. Smith was arrested. Mr. Smith brought a lawsuit in state court claiming that the officers searched and seized him in violation of the Fourth Amendment, and that the City has an unconstitutional policy condoning unlawful searches and seizures under *Monell*.

After some discovery, the parties agreed to undertake settlement negotiations in an effort to resolve this matter short of trial. With the risks of trial in mind, the parties engaged in settlement discussions and Plaintiff agreed to settle the entire case for a total of \$17,500.00, which includes attorneys' fees and costs.

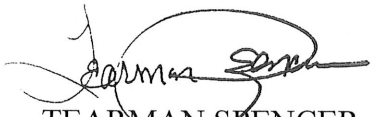


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Because of the unpredictability of a trial, and the City's risk for exposure to compensatory and punitive damages, as well as additional attorney fees and costs, we recommend that this matter be settled for that amount. Consistent with our recommendation, we request authorization to execute a settlement agreement on behalf of the City and its officer, and have enclosed an appropriate resolution for your consideration.

Very truly yours,



TEARMAN SPENCER
City Attorney



NAOMI E. GEHLING
Assistant City Attorney

/NEG

Enclosure

1032-2018-2209.001/273544