

July 1, 2004

The Honorable Common Council  
Of the City of Milwaukee  
City Hall – Room 205

Re: Resolution to authorize settlement of lawsuit entitled Ronald Ferrill v. City of Milwaukee, United States District Court for the Eastern District of Wisconsin Case No. 03-C-0539

Dear Council Member:

Enclosed please find a resolution authorizing settlement of the above captioned litigation.

On August 19, 1991, Ronald Ferrill filed a charge of race discrimination with the Equal Employment Opportunity Commission (EEOC Charge No. 260-91-0765) in regard to his July 17, 1990 discharge from employment as a Milwaukee Police Officer. On September 24, 1996, the EEOC issued an initial determination finding reasonable cause to believe that Mr. Ferrill had been discriminated against on the basis of race. This determination was made in connection with the EEOC's pattern and practice investigation of approximately 35 charges of discrimination brought against the MPD or FPC between 1991 and 1996. In Mr. Ferrill's case, the determination cited evidence of disparate treatment in discipline. In February 1997, the EEOC notified the City that it considered conciliation failed and that they would forward Mr. Ferrill charge to the United States Department of Justice for possible litigation.

On or about March 21, 2003, the Department of Justice issued a notice that it would not file suit on Mr. Ferrill's behalf and advised that he would have a right to file suit on his own behalf within 90 days. He did so on June 10, 2003.

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The parties now desire to enter into a private settlement in order to avoid further litigation. Under the terms of the settlement, Ronald Ferrill (whom in the interim has been employed by the City in the Department of Public Works), will receive an opportunity to resume police duties if he qualifies for the next recruit class by successfully passing a background investigation, medical examination and drug screen, and further successfully completes recruit training. In addition to this reinstatement opportunity, the settlement provides that the City will pay a total of \$188,500 to cover all claims that could have been brought, including back pay, compensatory damages, lost pension and other benefits, attorney fees and costs. There is no admission of liability.

The City Attorney believes settlement is in the best interests of the City and therefore recommends settlement of this lawsuit.

The City Attorney requests that the Committee to which this matter is referred convene in closed session for purposes of discussing the terms of the settlement, and the underlying litigation.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

Miriam R. Horwitz  
Assistant City Attorney  
Enc.

MRH/MRH  
1032-2003-3504

c (w/enc.):

David Heard, FPC  
Nannette H. Hegerty, Chief of Police