

May 13, 2003

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

Re: Settlement of the claim regarding the death of Mario Mallett

Dear Council Members:

Enclosed please find a resolution authorizing the payment of \$200,000.00, regarding settlement of the claim filed relative to the death of Mario Mallett, who died in police custody in December of 2001. We request that the resolution be referred to the appropriate council committee for consideration.

This case stems from a police situation, wherein Mr. Mallett was taken into custody, for transport to a medical facility for psychological treatment, after he was found to be behaving strangely on a city street. His behavior suggested he posed a threat of harm to himself. Furthermore, he bit the arm of the police officer who stopped to help him, and then told the police officer he had AIDS.

Upon arrival at the medical facility, Mr. Mallett was found to be pulseless and not breathing. He had been transported without an officer to attend him in the transport vehicle, in violation of department rules and procedures. The cause of death was found to be “acute exhaustive mania,” and Mr. Mallett would likely have died, even if an officer was attending him during transport. However, this case would likely proceed to trial, and a jury verdict is unpredictable. Furthermore, the costs associated with proceeding with litigation, and ultimately a trial, would be significant.

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Therefore, a representative of this office engaged in settlement discussions with the claimants' attorney, and we have determined that \$200,000.00 is an appropriate settlement amount for this case. The amount resolves all claims which have been or could be raised regarding Mr. Mallett's death, and includes attorney fees and costs. We recommend settlement of this case for said amount.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

SUSAN E. LAPPEN  
Assistant City Attorney

SEL:enm  
Enclosure  
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