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February 21, 2023

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

Re: Proposed Settlement in the lawsuit entitled
Derrick Wilson v. Fawn Schwandt, et. al.
U.S.D.C. Case No. 20-CV-00699

Dear Council Members:

Enclosed please find a proposed resolution recommending settlement of the above referenced case, as well as a fiscal impact statement. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation, to an open session in order to take action with the following recommendation.

This matter arises from incidents that allegedly occurred on June 18th, 2017. Mr. Wilson has brought forth claims indicating that his 4th Amendment right to be free from unreasonable searches and seizures was violated when he was arrested for armed robbery and later interrogated. His mother's home, where he allegedly resided at the time, was subsequently searched and a hat matching the one worn by the robbery suspect was recovered. Mr. Wilson then allowed defendant detectives to search his cellphone. It is unclear if any recoverable data was used against him at his criminal trial. His 4th Amendment claims against defendants Portnoy, Schwandt, Allen, and Bjorkquist were dismissed via summary judgment. The court also dismissed the 5th and 14th Amendment claims against defendant Schlachter and Alvarado. Mr. Wilson's surviving claims are for 4th Amendment violations against defendants Schlachter and Alvarado for the search of his mother's home and against defendants Alles and Sheehan for the search of his cellphone, while he was in police custody.

Mr. Wilson alleges that he had a heightened expectation of privacy in the basement room of his mother's home and further argued that his mother had no authority to override his wishes not to have his room searched by law enforcement. The court cited to case law relevant on the matter in the summary judgment ruling and commented that Mr. Wilson's claim may be correct and that a reasonable jury could side with Mr. Wilson on that claim.



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Page 2 of 2

The court opined that a jury should hear the merits of the claim regarding both, the search of his mother's home as well as the search of his cellphone.


The matter was scheduled for mediation on 12/15/2022 with Magistrate Judge Callahan, which was successful. The parties agreed to resolve Mr. Wilson's claims for \$13,500.

Based on the court's summary judgment ruling on Mr. Wilson's claims, it is the City Attorney's recommendation that the proposed settlement is in the City's best interest. In exchange for the settlement, Mr. Wilson has executed a settlement agreement and general release of all claims arising out of his lawsuit.

Very truly yours,



TEARMAN SPENCER
City Attorney



CHRISTOPHER JACKSON
Assistant City Attorney

CJ/cdr

Enclosures

1032-2020-1213/283781