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June 13, 2016

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

Re: Proposed Settlement in *Prince Jacobs v. Jose Ramirez, et al.*  
Case No. 14-C-1016

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 following recommendation.

Jacobs sued Officer Ramirez for violating several of his constitutional rights, but of particular importance is his claim that Ramirez violated his due process right to access to exculpatory evidence. On September 8, 2013, the officer was assigned to investigate an armed robbery of two juveniles that had occurred that same day in the 3200 block of North 12<sup>th</sup> Street. Ramirez went to a house, took the victims' statements, and then went to the scene of the armed robbery which was very close to the house. Officer Ramirez encountered and questioned several individuals there, including Jacobs.

After obtaining their identities, the officer located booking photos on his squad computer for each of the individuals questioned on the street, photographed the displayed photos on his cellphone, and went back into the house to ask whether the juveniles could identify any of the individuals. They were not able to identify any of them and so Ramirez deleted the images.

Later that same day, law enforcement efforts led to the discovery of the weapon that was used in the armed robbery in a separate residence near the scene of the robbery. The owner of the shotgun implicated Jacobs in the robbery. On the following day, Officer Ramirez and another officer were directed to conduct a formal photo array with one of



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the juvenile robbery victims; the victim identified Jacobs from among the photographs. In the report on his investigative efforts, however, Ramirez did not disclose that the juveniles had previously not been able to identify Jacobs from the cellphone images.

Jacobs was arrested on September 11, 2013, and remained in custody until he was released on February 3, 2014. In October 2013, the prosecutor interviewed the two juvenile victims, and that is when he first became aware of the cellphone photo display. At a January 31, 2014 hearing to suppress the victim identification, one of the victims appeared and testified that Jacobs was not involved in the robbery.

In a September 1, 2015 order, the federal district court granted partial summary judgment to Jacobs on his claim that his due process rights had been violated by the concealment or destruction of exculpatory evidence. Officer Ramirez appealed the district court's refusal to grant him qualified immunity on the claim.

During the course of the appeal, the Seventh Circuit ordered mediation. As a result of the mediation, Jacobs has agreed to accept \$120,000 plus the city's agreement to provide a satisfaction of a \$3028.05 outstanding judgment that Jacobs owes to it on an unrelated matter. Jacobs has further agreed to resolve an outstanding restitution obligation out of the proceeds of this settlement.

Because settlement in this matter is deemed expeditious, we recommend payment of the proposed settlement amount, and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY  
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Enclosure

JAS/JAS

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