



## Legislation Text

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180429  
ORIGINAL

ALD. WITKOWSKI

Resolution directing the Department of Administration - Intergovernmental Relations Division to lobby the U.S. Congress to enact legislation providing a cap on damages for police misconduct lawsuits. This resolution directs the Department of Administration - Intergovernmental Relations Division to lobby the U.S. Congress to enact legislation providing a cap on damages for police misconduct lawsuits under 42 U.S.C. sec. 1983.

Whereas, Police misconduct lawsuits generally fit in two broad categories, with simple negligence cases being heard in State court and Federal Civil Rights Claims being brought under 42 U.S.C. sec. 1983 in federal court; and

Whereas, Wisconsin state law provides for a cap on damages for negligence claims against the City heard in State court; and

Whereas, There is no cap on damages for federal civil rights claims brought under 42 U.S.C. sec. 1983; and

Whereas, A majority of the lawsuits brought against the City (approximately 90 percent) for police misconduct are pending in federal court; and

Whereas, Settlements and judgments for federal lawsuits are costly to the City, with approximately \$20 million paid in damages over the past 10 years; and

Whereas, Any single lawsuit can cost the City several million dollars in damages; and

Whereas, Paying for settlements and judgments for federal lawsuits affect the City's solvency; and

Whereas, The taxpayers of the City of Milwaukee are burdened with the payment of damages in police misconduct lawsuits; and

Whereas, A cap on damages for Federal Civil Rights Claims brought under 42 U.S.C. sec. 1983 could aid the City in fiscal solvency and relieve some of the burden on taxpayers; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration - Intergovernmental Relations Division is directed to lobby the U.S. Congress to enact legislation providing a cap on damages for police misconduct lawsuits under 42 U.S.C. sec. 1983; and, be it

Further Resolved, That the City Clerk shall deliver a copy of this resolution to each member of Wisconsin's Congressional delegation.

LRB171492-1  
Tea Norfolk  
6/12/2018