



Legislation Text

File #: 141169, **Version:** 1

141169
SUBSTITUTE 1

ALD. HAMILTON

Substitute resolution appropriating \$675,000 from the 2014 Common Council Contingent Fund to be expended for costs, claims and other expenditures related to police litigation.

This legislation appropriates \$675,000 from the 2014 Common Council Contingent Fund for the purpose of meeting financial obligations related to the defense of claims and litigation brought against the City upon allegations of constitutional violations associated with law enforcement activities including claims of unlawful stops and searches.

The legislation appropriates \$425,000 to the Damages & Claims Fund Special Purpose Account (SPA) to cover claims and settlements that include settlements in the *Venable* and *Bohannon* matters (see Resolution File Numbers 141018 and 141162, respectively).

The legislation further appropriates \$210,000 to the Outside Counsel/Expert Witness SPA for expenditures that include continuing services of outside counsel retained in connection with these claims and cases (see Communication File Number 140690).

Finally, the legislation appropriates \$40,000 to the Operating Expenditures Account of the City Attorney's Office to cover the increased and unanticipated expenditures associated with pretrial discovery including costs related to depositions, court-reporting, transcript preparation, copying and exhibit preparation.

Whereas, Exposure of the City to claims, costs and other unanticipated expenditures has increased significantly over the last year as a result of allegations and claims arising from law enforcement activities associated with stop and search incidents; and

Whereas, Police stop and search cases involving as many as 60 or more plaintiffs have contributed to more than a 40% increase in the litigation caseload of the City Attorney's Office since the beginning of 2013 (File Number 140779); and

Whereas, Outside counsel was retained in August, 2014, to assist in addressing this increase in constitutional litigation at a monthly average cost of approximately \$100,000 (File Number 140690); and

Whereas, Transfers of funds from the Damages and Claims Fund Special Purpose Account (SPA) totaling \$300,000 to the Outside Counsel/Expert Witness SPA have not been offset by a reduction in the anticipated annual demand upon the Damages & Claims Fund SPA; and

Whereas, Settlement of the *Venable* and *Bohannon* matters (Resolution File Numbers 141018 and 141162, respectively) will require expenditure of an additional \$185,500 from the Damages & Claims Fund SPA; and

Whereas, Expenditures from the Operating Expenditures Account of the City Attorney's Office related to

pretrial discovery have more than tripled in 2014 including costs of depositions, court-reporting, transcript preparation, copying and exhibit preparation; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that \$675,000 shall be appropriated from the 2014 Common Council Contingent Fund (001-990-C001-006300)(2014) to the following funds and accounts:

\$425,000 to the Damages & Claims Fund SPA (0001-1490-0001-S118-006300);

\$210,000 to the Outside Counsel/Expert Witness Fund SPA (0001-1490-0001-S157-006300); and

\$ 40,000 to the City Attorney Operating Expenditures Account (0001 1499 0001 R999 006300)

; and, be it

Further Resolved, That the City Comptroller and other City officials are directed to take all steps necessary to fulfill the intent of this resolution.

City Attorney

RLW

November 13, 2014

#209737 v2