



Legislation Text

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201319
SUBSTITUTE 1

ALD. DODD, KOVAC, BAUMAN, ZAMARRIPA, COGGS, PEREZ, HAMILTON, LEWIS AND RAINEY
Substitute resolution urging President Joseph R. Biden to issue an executive order banning the use of qualified immunity for police officers in wrongful-death lawsuits brought against these officers, whether on- or off-duty.

This resolution urges President Joseph R. Biden to issue an executive order banning the use of qualified immunity for police officers in wrongful-death lawsuits brought against these officers, whether on- or off-duty, and to implement provisions of H.R. 7120 -- George Floyd Justice in Policing Act of 2020. The Department of Administration - Intergovernmental Relations Division shall actively support these efforts and shall include the substance of this resolution in the City of Milwaukee's Federal Legislative Package for the 117th United States Congress.

Whereas, The recent election of President Joseph R. Biden has brought hope for real policies to help prevent the further spread of the COVID-19 virus and to help America recover from its effects, hope that the government elected to serve all of us will search for real answers to end structural racism and other causes of economic inequality, and hope that America can again join the community of nations as partner and friend; and

Whereas, One issue that may have been lost in the tumult of the past several months, however, is the need to fundamentally change the way police agencies interact with the communities they are intended to serve; and

Whereas, It is tragic fact that George Floyd's death while in police custody was only the most recent in a long list of profound human tragedies carried out at the hands of racist, and many will argue, corrupt, police officers; and

Whereas, For all those who see in police officers not a friend but an oppressor, there can be no hope without the confidence that those responsible for shaping police policy are acting with urgency in their interest; and

Whereas, One such policing policy in urgent need of change is the doctrine of qualified immunity, which shields police officers from being personally liable for monetary damages in civil lawsuits for actions which violate the constitutional rights of others; and

Whereas, Legislation introduced in the U.S. House of Representatives, H.R. 7120 -- George Floyd Justice in Policing Act of 2020, addresses a wide range of policies and issues regarding policing practices and law enforcement accountability, including measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices; and

Whereas, H.R. 7120 includes provisions that would strip qualified immunity from police officers involved in wrongful death lawsuits, which should have been enacted long ago, as this doctrine has allowed officers to escape the consequences of unlawful, immoral actions; and

Whereas, H.R. 7120 also makes a small adjustment to the criminal intent standard used in federal prosecution of police misconduct cases and establishes a framework for the elimination of racial profiling at the national, state, and local levels; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee urges President Joseph R. Biden to issue an executive order banning the use of qualified immunity for police officers in wrongful-death lawsuits brought against these officers, whether on- or off-duty; and, be it

Further Resolved, That the City of Milwaukee urges President Joseph R. Biden to use his executive authority to implement the provisions of H.R. 7120 -- George Floyd Justice in Policing Act of 2020; and, be it

Further Resolved, That the Department of Administration - Intergovernmental Relations Division shall include the substance of this resolution in the City of Milwaukee's Federal Legislative Package for the 117th United States Congress; and, be it

Further Resolved, That the Department of Administration - Intergovernmental Relations Division shall actively support efforts to ban the use of qualified immunity for police officers in wrongful-death lawsuits brought against these officers, whether on- or off-duty, and to implement the provisions of H.R. 7120; and, be it

Further Resolved, That the City Clerk shall send copies of this resolution to the President of the United States, all members of Wisconsin's Congressional delegation, all members of the Wisconsin Legislature, the Governor of Wisconsin, all members of the Milwaukee County Board of Supervisors and the Milwaukee County Executive.

Dana J. Zelazny
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