



## Legislation Text

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**File #:** 46444, **Version:** 2

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### **Fiscal Note**

Fiscal note pending.

### **Title**

Stating that disposition of future lawsuits against the City of Madison and/or City of Madison employees will be subject to the direction of the Common Council with the assent of the Mayor.

### **Body**

WHEREAS, the family of Tony Terrell Robinson Jr. brought suit in federal court against the City of Madison and an employee alleging violation of Mr. Robinson's civil rights; and,

WHEREAS, plaintiffs alleged important issues of fact and law disputed by the City of Madison and injurious to its reputation; and,

WHEREAS, the federal judge dismissed the Madison Police Department as a defendant in the lawsuit but retained the case against a single City of Madison employee; and,

WHEREAS, that employee has been exonerated by independent investigation conducted by state Division of Criminal Investigation and by an internal investigation by the Madison Police Department into the matter alleged by the lawsuit; and,

WHEREAS, District Attorney Ismael Ozanne, upon reviewing the fruits of those investigations determined there was no cause to bring criminal charges against the City of Madison employee; and,

WHEREAS, an insurance company (specifically, the Wisconsin Municipal Mutual Insurance Company) decided to settle with the plaintiffs in the amount of \$3.35 million - the largest settlement in a police action in Wisconsin history - three working days before trial was scheduled to begin; and,

WHEREAS, this decision was made apparently without the involvement of the Mayor of Madison, the Madison Common Council, or even its City Attorney; and,

WHEREAS, this settlement leaves the plaintiffs free to disparage the City of Madison and its employee without recourse to sworn testimony, cross examination, or the independent judgment of a disinterested judge,

THEREFORE, BE IT RESOLVED, that decisions involving lawsuits brought by or against the City of Madison are properly the responsibility of its elected officials, not agents of an insurance company; and that removing decisions in such matters frustrates the accountability citizens in a democracy rightfully expect from their elected officials; and,

BE IT FINALLY RESOLVED that the disposition of future lawsuits against the City of Madison will be subject to the direction of the Common Council with the assent of the Mayor.