

Sterling Brown: A Model for Change

As a result of Sterling D. Brown's civil rights lawsuit, on May 4, 2021, the Milwaukee Common Council voted 14-0 to authorize a settlement agreement between Mr. Brown and the City of Milwaukee, the Milwaukee Police Department ("MPD"), and its police officers. This historic agreement is structured to address both the unlawful attack itself as well as its root causes. To that end, the settlement agreement stands on a set of policy proposals that the MPD and the City of Milwaukee adopted with the Fire and Police Commission.* These policies target three key areas:

Anti-Racism

- Anti-racism as a policy mandate: new MPD Standard Operating Procedure (SOP) No. 001 requires that "police members shall be anti-racist and anti-discriminatory."
- The settlement agreement requires that "MPD is committed to the implementation of anti-racist and anti-discriminatory policies."

Anti-Racist Training

- The MPD training program includes annual training on anti-racism and prohibits unlawful or excessive force. (SOP 082.05, SOP 460.05)
- To ensure the training is effective, all MPD members must complete an annual written examination on anti-racism and anti-discrimination. (SOP 082.05)
- To foster honest policing, new MPD policy prohibits any training on how to avoid culpability for misconduct. (SOP 082.10)
- The MPD training program includes De-Escalation Training. (SOP 082.15)

Responsibility & Discipline

- Creating a MPD discipline matrix: the agreement spurs the adoption of a discipline matrix to ensure graduated punishment for violation of MPD policies by MPD officers.
- MPD will be required, for the first time ever, to review complaints of misconduct to determine whether excessive force was used or racist conduct was involved. (SOP 450.55(A); SOP 460.55(D)3)
- A spotlight on misconduct: supervising officers are required to reach a finding on every misconduct complaint received on an MPD officer. Any sustained complaint will be publicly accessible. (SOP 450.40 (I)1)
- The credibility of every officer hinges on their usage of a body camera; failure to use a body camera can be held against an officer and the officer's credibility during an internal investigation. (SOP 747.25(C)(2)j)
- Pulling out a firearm, even without discharging it, qualifies as a use of force and must be accompanied by an official use of force report. (SOP 460.50(B)j)
- Lying during internal investigation is grounds for discharge. (SOP 450.40(F)8)

* Brown v. City of Milwaukee, et al., Case Number 2:18-cv-00922 (Dkt No. 96). Sterling Brown represented by Mark L. Thomsen of Gingras, Thomsen & Wachs, LLP, and the settlement also involved the payment of \$750,000.00. www.gtwlawyers.com.