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Milwaukee Legislators to Introduce “Sleeping in the Park” Bill

Representatives Kessler, Brostoff, Bowen and Rep.-Elect Crowley Attempt to Bring ‘Common Sense’ to Current Policies

(MADISON) – State Representative Frederick Kessler (D-Milwaukee), along with Representatives Jonathan Brostoff, David Bowen, and Rep.-Elect David Crowley, today announced that they will introduce legislation that would prevent law enforcement officers from arresting, or attempting to arrest, a person simply sleeping in a county park.

As many will recall, the shooting death of Dontre Hamilton in Milwaukee on April 30, 2014, by a Milwaukee police officer who has since be fired, was the result of complaints that Dontre Hamilton was sleeping in Red Arrow Park, a Milwaukee County park located near Milwaukee’s City Hall. Mr. Hamilton had been questioned twice by two other officers, but was found to have been doing nothing more than sleeping. He was later questioned a third time, leading to an apparent confrontation with the Milwaukee police officer, and shot to death.

“Given the tragic death of Dontre Hamilton, it raises questions about the alleged violation he committed by simply sleeping in Red Arrow Park,” said Kessler. “For that simple concern, Mr. Hamilton was confronted by two officers initially, on two occasions, and then later, after being questioned by a third officer, lost his life.”

Brostoff said, "Public parks are for people, period. This legislation will help members of our community who simply want to enjoy a public park and decrease the sort of harassment that led to Donte Hamilton's terrible demise."

“If we do not govern to prevent this kind of human rights violation, who will?” asked State Representative-Elect David Crowley. “For too long we have seen an erosion of human rights, especially in communities of color. We need to take proactive steps with legislation like this to ensure the rights of all citizens, without stifling the honorable work of law enforcement.”

The legislation allows law enforcement officers to arrest someone sleeping in a county park if the officer knows the person is wanted for arrest on other charges or the officer believes the person is a threat to public health or safety. The bill also allows for county ordinances that prohibit sleeping in a park, but limits the penalty for doing so to a forfeiture of not less than \$10 and no more than \$200, plus costs.

“I appreciate Rep. Kessler’s efforts to make sure there are fewer reasons for police intervention when people are peacefully using parks,” said Rep. Bowen. “There is no reason for a situation where an individual is sleeping in a park to escalate into an altercation with an officer, and this legislation can help ensure that.”

“There has to be more common sense. If you are merely sleeping in a county park, and an officer has no reason to believe you have committed another crime and there is no warrant for your arrest, then there is no reason to be arrested or questioned if all you are doing is sleeping,” said Kessler. “This legislation is a simple proposal and will hopefully prevent a tragedy such as that involving Dontre Hamilton from happening again.”