



**MILLER &
OGORCHOCK S.C.**
ATTORNEYS AT LAW

NEW ADDRESS:

Miller & Ogorchock, S.C.
788 N. Jefferson Street, Suite 702
Milwaukee, WI 53202

July 15, 2022

Thomas A. Ogorchock
Attorney at Law

Patrick C. Miller
Attorney at Law

Via Certified Mail
City of West Allis
City Clerk
Attention: Claims
7525 W. Greenfield Avenue
West Allis, WI 53214

Re: My Client: Jacqueline Brinson
Date of Loss: 07/19/19

Dear City Clerk:

Please find a Notice of Injury-Circumstances Giving Rise To Claim, and a Claim, herein being served by certified mail on the City of West Allis, pursuant to Wis. Stats. §§ 893.80(1)(a) and 893.80(1)(b). Please contact me with any questions or concerns.

740 North
Plankinton
Avenue
Suite 310
Milwaukee
WI 53203
tel 414 272-4100
fax 414 272-4777

Very truly yours,

MILLER & OGORCHOCK, S.C.

Patrick C. Miller
Direct Dial: 414-935-4992
Email: pat@miller-ogorchock.com

PCM:jml
Enclosure

cc: Ms. Jacqueline Brinson (w/encl.)
2019039/City West Allis Ltr

NOTICE OF INJURY-CIRCUMSTANCES GIVING RISE TO CLAIM
PURSUANT TO WIS. STATS. SEC. 893.80(1)(a) & 893.80(1)(b)

TO: City Clerk
Attention: Claims
7525 W. Greenfield Avenue
West Allis, Wisconsin 53214

CLAIMANT: Jacqueline Brinson
5240 S. Acorn Lane
Greenfield, Wisconsin 53221

PLEASE TAKE NOTICE that Jacqueline Brinson, an adult resident of the State of Wisconsin, by her attorneys, Miller & Ogorchock, S.C., by Patrick C. Miller, hereby provides this Notice of Injury and states the following circumstances giving rise to a claim:

On or about July 17, 2019, the claimant, Jacqueline Brinson, was operating her vehicle in West Allis, Wisconsin, with her granddaughter in the vehicle with her. She was trying to find her brother's house, at or about 8719 West Lapham Street. Her GPS told her to turn right on 92nd Street. She got in the right lane, and a West Allis Police vehicle pulled up behind her, siren on, and pulled her over.

At the scene, the police officer (unidentified by West Allis) told her that she was traveling in the parking lane too long, and that is why he pulled her over. Immediately prior to being pulled over, she pulled into a driveway at or about 86th and National Avenue. She was attempting to make a Y-turn in the driveway, to continue in her efforts to find her brother's house. It was after she pulled out of that driveway that she was pulled over by the West Allis police officer.

The officer (whose name is not identified in the police report for this incident that was produced in response to a Freedom of Information Act request), after pulling her over and telling her that she was in the parking lane too long, told Ms. Brinson to step out of the car. He then asked her, "why did you stop at that house and get out?" She responded that she never got out of the vehicle, and was only pulling into the driveway to make a Y-turn. She told him numerous times that she never got out of her car. He accused her of lying to him. By this time, Jacqueline Brinson's brother, Robert Brinson, had stepped out of his house and was observing

everything that was happening.

After pulling Mr. Brinson over, the unidentified West Allis police officer handcuffed her, and made her sit on a curb, away from the vehicle. The officer then summoned other officers. The officers interviewed Ms. Brinson's then 8-year old granddaughter, without her present, and, as is shown on the body cam footage from another officer (that subsequently arrived on the scene), continued to harass Ms. Brinson, search her and her vehicle, in an apparent attempt to find drugs.

Throughout the entire encounter Ms. Brinson continued to inform the officer that she had done nothing wrong, and that she was turning around in that driveway, attempting to find her brother's house. The unidentified police officer continued to harass Ms. Brinson, who is African American. As became apparent throughout the encounter, the unidentified officer pulled Mr. Brinson over because she is an African American woman. This stop and unwarranted detention, in handcuffs, made to sit on the curb, in front of her granddaughter lasted more than 30-minutes.

Further, audio produced of the unidentified officer's communication with police dispatch, as he followed Ms. Brinson's vehicle, establishes that the unidentified officer learned that the vehicle was properly registered to Jacqueline Brinson, there were no issues with her, her car, or any aspect of this situation. He learned this before he initially walked up to her vehicle after stopping her.

Nevertheless, the unidentified officer concluded, because of Ms. Brinson's race, that she had drugs in her possession. The humiliation continued with a full body search, full search of the vehicle, and separating her from her minor granddaughter for the purpose of getting information from the granddaughter without her present.

The report, completed by the unidentified police officer, states that he was investigating a drug complaint, in an unmarked vehicle. He observed Ms. Brinson's vehicle pull into a driveway and, the report states, "observed someone walk near the vehicle, then observed the vehicle leave immediately after the contact." This statement

was made by the officer presumably to justify pulling her over. However, nobody walked up to her vehicle in the driveway, and she did not get out of her vehicle. She pulled into this driveway, as she informed the officer, because she was lost and was trying to find her way to her brother's house, which is very close to where this occurred.

To date, the City of West Allis has refused to identify any of the police officers involved in this unwarranted stop, detention and search.

The City of West Allis, by its agents, employees, and servants, including the unidentified police officer, and other police officers to be identified, violated Jacqueline Brinson's civil rights under 42 U.S.C. § 1983. Furthermore, the aforementioned City of West Allis, its agents, employees, servants, and police officers, are subject to the following causes of action:

- Civil Rights under 42 U.S.C. § 1983;
- Monell Liability;
- Negligence;
- Violation of Due Process under the Wisconsin Constitution;
- Violation of Rights to be Free of Unreasonable Searches and Seizures under the Wisconsin Constitution;
- Right to Equal Treatment under the Wisconsin Constitution;
- Negligent Hiring, Training, and Promotion;
- False Imprisonment;
- Intentional Inflection of Emotional Distress.

Counsel for Jacqueline Brinson made a freedom of information request to the West Allis Police Department on July 30, 2019. That request specifically identified items to be produced, including the following:

- Dispatch transcripts and audio files; dash-cam videos;
- Incident reports, or any other report or written document in any way related to the subject incident;
- Any other video or audio files not covered by the proper request;
- Any photographs;
- Any other records and reports, including but not limited to disciplinary records, correspondence, memoranda, and any other document in any way related to the incident, any subsequent investigation of the incident, and/or any documents or things related to the subject incident.

In response, the City of West Allis produced a half-hour body-cam video, and the audio of the dispatch contact, in addition to a page and a half traffic stop report. Nothing else has been produced.

As a proximate result of the aforementioned causes of action, Jacqueline Brinson has suffered injuries and damages, and the City of West Allis, its agents, employees, and servants, and police officers involved, as well as the Chief of Police, are liable to Jacqueline Brinson for damages to include the following:

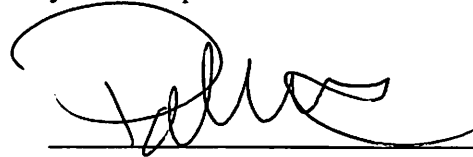
- A. Compensatory and Special Damages;
- B. Past and Future Medical Care;
- C. Past and Future Lost Wages;
- D. Past and Future Pain, Suffering and Disability;
- E. Damages for Violation of her Civil Rights, to include but not necessarily be limited to punitive damages, declaratory, injunctive, and other relief, costs and disbursements, actual attorney fees, and other relief as is deemed just.

WHEREFORE, the claimant, Jacqueline Brinson, hereby provides this notice of the injury and losses as aforementioned.

Dated at Milwaukee, Wisconsin this 15th day of July, 2022.

MILLER & OGORCHOCK, S.C.
Attorneys for Jacqueline Brinson

By:



Patrick C. Miller
Bar No. 1016563

P.O. ADDRESS

788 North Jefferson Street
Suite 702
Milwaukee, Wisconsin 53202
Telephone: (414) 272-4100
Facsimile: (414) 272-4777
Direct Dial: (414) 935-4992
2019039Injury Notice

CLAIM

TO: City Clerk – West Allis
Attention: Claims
7525 W. Greenfield Avenue
West Allis, Wisconsin 53214

CLAIMANT: Jacqueline Brinson
5240 S. Acorn Lane
Greenfield, Wisconsin 53221

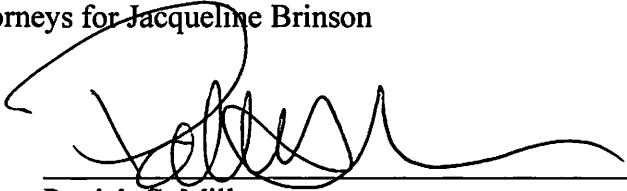
Pursuant to Wis. Stats. § 893.80(1)(b), the claimant, Jacqueline Brinson, hereby makes a claim for injuries and damages as a result of the 07/19/19 incident, more fully described in the accompanying Notice of Injury-Circumstances Giving Rise to Claim, as follows:

For all levels of damages stated in the accompanying Notice of Injury, a total of \$1,000,000.00.

Dated at Milwaukee, Wisconsin this 15th day of July 2022.

MILLER & OGORCHOCK, S.C.
Attorneys for Jacqueline Brinson

By: _____


Patrick C. Miller
Bar No. 1016563

P.O. ADDRESS

788 North Jefferson Street
Suite 702
Milwaukee, Wisconsin 53202
Telephone: (414) 272-4100
Facsimile: (414) 272-4777
Direct Dial: 414-935-4992
Email: pat@miller-ogorchock.com
2019039\Claim