



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2011-0006	Communication	Introduced
Communication from the City Attorney regarding the closure of the Timothy Pollard v. West Allis Police Department, Ct. of Appeals Case #09-AP-003052.		
Introduced: 1/4/2011		Controlling Body: Administration & Finance Committee

## COMMITTEE RECOMMENDATION *POF*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JAN 04 2011	<i>X</i>		Barczak				
			Czaplewski				
			Kopplin	<i>✓</i>			
			Lajsic	<i>✓</i>			
			Narlock	<i>✓</i>			
			Reinke	<i>✓</i>			
			Roadt				
			Sengstock				
		<i>X</i>	Vitale	<i>✓</i>			
			Weigel				
TOTAL				<i>5</i>	<i>-</i>		

## SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin*  
 Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

## COMMON COUNCIL ACTION *place on file*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>1-4-11</i>	<i>✓</i>		Barczak	<i>✓</i>			
			Czaplewski	<i>✓</i>			
			Kopplin	<i>✓</i>			
			Lajsic	<i>✓</i>			
			Narlock	<i>✓</i>			
			Reinke	<i>✓</i>			
			Roadt	<i>✓</i>			
			Sengstock	<i>✓</i>			
		<i>✓</i>	Vitale	<i>✓</i>			
			<i>✓</i> Weigel	<i>✓</i>			
TOTAL				<i>10</i>	<i>-</i>		

*Unanimous*



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

November 1, 2010

Common Council  
City of West Allis

RE: *Timothy Pollard v. West Allis Police Department*  
Court of Appeals Case No. 09-AP-003052

Dear Mayor and Alderpersons:

This case involves an action for Writ of Mandamus following an Open Records request to the Police Department. Mr. Pollard asked for the report involving the police responding to West Allis Memorial Hospital concerning his mother. After conducting a brief investigation, the officers determined that no further action was required. A computer entry to that effect was made. That computer document was provided to Mr. Pollard, as no other documents existed. Not satisfied with that response, Mr. Pollard commenced a Mandamus action in Milwaukee County Circuit Court seeking to have the West Allis Police Department provide him with additional documents, to have the officers prepare detailed reports, or to have the officers put under oath to answer his questions. Upon being satisfied that the West Allis Police Department provided all of the documentation that it had, the court dismissed the case. Mr. Pollard then appealed to the Wisconsin Court of Appeals. The Court of Appeals has now upheld the decision of the Circuit Court that the West Allis Police Department complied with the Open Records Law by providing the only record they had to Mr. Pollard and that it did not need to create any new documents or answer questions under oath. Mr. Pollard's time to petition the Wisconsin Supreme Court has now expired.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Scott E. Post".

Scott E. Post  
City Attorney

SEP:da  
H/Scott/Lit/T Pollard/ltr-cc-dismiss case

cc: Chief Michael Jungbluth