GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

January 14, 2009

To the Honorable
Common Council of
the City of Milwaukee
Room 205 – City Hall

Re: *Long v. De La Cruz, et al.*, Case No. 06-C-1146

Dear Council Members:

Enclosed for your consideration, please find a resolution regarding the above-noted matter, and an appropriate fiscal note.

Schalanda Long brought a civil suit against Detective Madrina De La Cruz and Officer Denmark Morrison, relative to her arrest, which took place on January 22, 2004. Ms. Long maintained that she was unlawfully arrested and detained, in violation of her Fourth Amendment rights. The defendants maintained that the subject arrest was lawful. In short, Ms. Long reported to representatives of the Milwaukee Police Department that she had been robbed after doing some business at the Community Financial check cashing business, which is located at 35th and Vliet Streets. She claimed that a hooded individual approached her, pushed something hard into her side, and demanded her money. Detective De La Cruz investigated her complaint, along with Officers Denmark Morrison and Roger Walker. They reviewed digital images, which were captured by a surveillance camera that overlooked the parking lot where the alleged robbery took place. Upon review, the detective and the officers concluded that the digital images did not support Ms. Long's claim that she was robbed. After consulting with her captain, Detective De La Cruz determined that Ms. Long would be arrested for obstructing police officers. Officers Morrison and Walker effected the arrest. Ms. Long was taken into custody, and jailed for approximately eight hours.

Ultimately, it was determined that the computer monitor located within the Community Financial business was of poor quality. Once the digital images had been burned onto a CD, and played back using a different monitor, the images clearly showed another person

interacting with Ms. Long. The District Attorney's office declined to prosecute Ms. Long for obstructing the officers..

Subsequently, the plaintiff filed her civil lawsuit in federal court. She claimed that the decision to place her under arrest was not based upon probable cause. She argued that she was a working mother, who had been robbed, and that there was no reason for her to falsely report a robbery. Furthermore, there was no arguable motive for Ms. Long to have falsely reported the crime. Defendants did file a motion for summary judgment. In a decision rendered on September 29, 2008, Judge Clevert denied the motion, and determined that there was a viable basis for this case to proceed to trial. The court also strongly urged that the parties engage in a mediation process with a magistrate judge. The case proceeded to mediation on December 18, 2008. Through that process, we learned that plaintiff's attorney's fees and costs to date exceed $50,000.

We have concluded that there are risks associated with proceeding to trial, and trying the case before a jury of lay persons. If the defendants would not prevail at trial, the taxpayers would be forced to pay well over $50,000 for attorney's fees and costs, in addition to any judgment awarded to the plaintiff for her alleged damages. Therefore, we recommend settlement of this lawsuit, for payment of $35,000. We have enclosed an appropriate resolution for your consideration.

Very truly yours,

GRANT F. LANGLEY
City Attorney

SUSAN E. LAPPEN
Assistant City Attorney
GFL/SEL/dj

Enclosure
1032-2006-2963.001/140877