CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys

OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
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
DAWN M. BOLAND

Assistant City Attorneys

December 26, 2003

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Kurt Lacina and Michael Anderson
C.I. File No. 02-S-263; ELO No. 1777

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Kurt Lacina and Michael Anderson. The claim is in the amount of $1,050.78 including $5.78 in disbursements for 9.50 hours of service billed at the rate of $110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

'02 AUG -5 PM 3:
CITY ATTORNEY
CITY OF MILWAUKEE
RECEIVED

RE: MPD Criminal Investigation of POs Kurt Lacina and Michael Anderson
Allegations Regarding Mr. Leonard Myles
Date of Incident: February 24, 2001
Location of Incident: 5500 West Fond du Lac Avenue
EC No.: 1777

Dear Mr. Leonhardt:

The above-named officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved a traffic stop.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Lacina and Anderson to give statements concerning the incident after issuing PI-21s.

Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

CITY OF MILWAUKEE
2002 AUG -5 AM 11:47
RONALD D. LEONHARDT
CITY CLERK

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

12/19/03
O.K.
JAS
Letter 2276

JC/ldl
LACINA ANDERSON

EGGERT & CERMELE, S.C.
Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Mr. Leonard Myles
Regarding: POs Kurt Lacina and Michael Anderson
Date of Incident: February 24, 2001
Location of Incident: 5500 West Fond du Lac Avenue

Professional services

		Hours
05/17/01	Discussion with PO Anderson regarding new criminal investigation; open file; memo to file; telephone call to PO Lacina; memo to file; telephone call to witness; memo to file.	0.90
05/18/01	Telephone call to and from PO Lacina; receive and review arrest and detention reports; telephone call to witness; office conference with PO Lacina.	1.20
05/21/01	Telephone call to and from PO Anderson; telephone call to and from IAD.	0.40
05/23/01	Review of file; telephone call from IAD; telephone call to clients; memo to file.	0.50
06/01/01	Several telephone calls from PO Lacina.	0.30
06/04/01	Telephone call from IAD.	0.30
06/05/01	Telephone call to PO Lacina; meeting with PO Lacina at IAD; attend PO Lacina's statement to IAD; travel; memo to file.	1.60

		Hours	
06/06/01	Discussion with witness.	0.40	
06/07/01	Discussion with IAD.	0.20	
06/08/01	Telephone call to PO Anderson.	0.10	
06/14/01	Review of file; meeting with PO Anderson at IAD; attend PO Anderson's PI-21; travel; memo to file.	1.90	
06/20/01	Several telephone calls from client.	0.20	
08/02/01	Telephone call to IAD.	0.10	
08/06/01	Telephone call to IAD.	0.10	
08/20/01	Telephone call from IAD.	0.10	
11/29/01	Review of file; telephone call to IAD.	0.20	
11/30/01	Telephone call from IAD regarding criminal investigation being cleared; correspondence to MPD Open Records; correspondence to clients.	0.50	
04/22/02	Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
			Amount
	For professional services rendered	9.50	$1,045.00
	Additional charges:		
04/22/02	MPD Open Records request		5.78
	Total costs		$5.78

	Amount
Total amount of this bill	$1,050.78
Balance due	$1,050.78

(Rate: $110.00 per hour)

PO-14B (3/95) CLEARANCE REPORT
MILWAUKEE POLICE DEPARTMENT

INCIDENT # 01-086-3074

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	02-24-01	11-25-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	LEONARD E. MYLES	5702 WEST FOND DU LAC AVENUE		7
	VICTIM'S ADDRESS	REPORTED BY		
	6230 WEST BOEHLKE	SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06--CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMELING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY $

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1	2		1	2		1	2		1	2		1	2	
O	O	ALTERED STOCK	O	O	CHROME/NICKEL	O	O	HANDGUN	O	O	OTHER	O	O	REVOLVER
O	O	AUTOMATIC	O	O	DOUBLE BBL	O	O	IMPLIED WEAPON	O	O	OTHER FIREARM	O	O	RIFLE
O	O	BOLT ACTION	O	O	DRUG/NARCOTIC	O	O	KNIFE/CUTTING INSTR	O	O	PERSONAL WEAPON	O	O	SAWED OFF
O	O	BLUE STEEL	O	O	EXPLOSIVES	O	O	LIQUID GAS	O	O	POISON	O	O	SEMI AUTO
O	O	BLUNT OBJECT	O	O	FIRE/INCENDIARY	O	O	MOTOR VEHICLE	O	O	PUMP ACTION	O	O	SHORT/SNUB BBL

1	2		1	2	
O	O	SHOTGUN	O	O	UNKNOWN
O	O	SIMULATED WEAPON			
O	O	SINGLE BBL			
O	O	THROWN OBJECT			

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN O HISPANIC O NON-HISPANIC

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1

RESIDENT OF COUNTY	Y	N	GANG RELATED / DRUG RELATED	Y	N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
	O	O		O	O			O ORDERED IN/CITED O W/WARR/SUSP CARD O ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y	N
		O	O

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN O HISPANIC O NON-HISPANIC

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1

RESIDENT OF COUNTY	Y	N	GANG RELATED / DRUG RELATED	Y	N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
	O	O		O	O			O ORDERED IN/CITED O W/WARR/SUSP CARD O ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y	N
		O	O

VEH	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
Det. Jeffery Hoover					
DET. JEFFERY HOOVER	50062	04	DET. M. SYKES 53312	Lt. Mary Hey	

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

During the course of this investigation no criminal intent was developed, and all solvability factors were explored and exhausted. Furthermore, the complainant indicated he knew of people who witnessed the incident, however, he failed to cooperate by providing their names and addresses. Additionally, the complainant stated that the officer had his foot on his head. However, a witness identified as his son, Steed MYLES, stated he observed the police officer with his knee on his dad's neck. In addition, the complainant decided to report this incident to Internal Affairs Division 21 days after the incident occurred. At that time, the complainant was unable to produce any evidence of an injury. Therefore, this incident will be cleared as unfounded.

REVIEWING D.A.	P.O./DET. ASSIGNED DETECTIVE JEFFERY HOOVER	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 11-25-01	VICTIM NOTIFIED BY DETECTIVE JEFFERY HOOVER

INCIDENT STATUS
- O CLEARED BY ARREST 18 OR OVER
- O PARTIAL CLEARANCE BY ARREST
- *UNFOUNDED/BASELESS
- O NO PROSECUTION DESIRED
- O PROPERTY RECOVERED
- O WARRANT REFUSED
- O ARREST UNDER 18
- O A. Detained at MCCC
- O B. Ordered in to MCCC DATE: _____
- O WAIVED AS AN ADULT

----- C.I.B. ADMINISTRATIVE USE ONLY -----

CLEARED EXCEPTIONALLY
- O A. Death of Offender
- O B. Prosecution Declined
- O C. Extradition Denied
- O D. Refused to Cooperate
- O E. Juvenile, no custody
- O F. Not Applicable

JUSTIFIABLE HOMICIDE
- O A. SUSP ATTCKD PO AND SAME PO KILLED SUSP
- O B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP
- O C. SUSP ATTCKD CIVILIAN
- O D. SUSP ATTEMPTED FLIGHT FROM CRIME
- O E. SUSP KILLED IN COMMISSION OF CRIME
- O F. SUSP RESISTED ARREST
- O G. UNABLE TO DETERMINE/NOT ENOUGH
- O H. SUSPECT KILLED BY PRIVATE CITIZEN
- O I. SUSPECT KILLED BY POLICE OFFICER

INFORMATION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM **SECOND NOTICE** OCTOBER 16, 2002

TO: KURT LACINA
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on FEBRUARY 24, 2001
2) A citizen's complaint made by LEONARD MYLES
3) A police shooting incident occurring on N/A

Is this information correct? YES X NO_____

Did you receive legal representation in this matter? YES X NO_____

Your signature: PO Kurt Lacina

Print your name: PO KURT LACINA

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven Settingsgaard KJS
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 NOV -4 AM 10:08
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. MICHAEL ANDERSON
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

1) An incident occurring on FEBRUARY 24, 2001
2) A citizen's complaint made by LEONARD MYLES
3) A police shooting incident occurring on N/A

Is this information correct? YES ✓ NO_____

Did you receive legal representation in this matter? YES ✓ NO_____

Your signature: P.O. Michael Anderson

Print your name: P.O. Michael ANDERSON

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven Settingsgaard KJS

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 OCT -1 PM 1:28
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION