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RONALD D. LEONHARDT  
CITY CLERK

November 7, 2000

City Clerk  
200 E. Wells Street #205  
Milwaukee, Wisconsin 53202-3567

**RE: NOTICE OF CLAIM-POLICE OFFICER KILLING DOG**

The events giving rise to this claim were as follows:

On August 18, 2000 at 8:25 a.m., Carl Rucker placed a non-emergency call to the Milwaukee Police Department concerning a private school bus, which repeatedly blew its horn loudly at 4712 W. Capitol Drive. Sandra Rucker went outside the house into the rear yard with the family dog "ROC" waiting for the police to arrive.

ROC was a daily companion for Sandra Rucker for 4 ½ years. Sandra is disabled due to a back operation. At 9:05 a.m. City of Milwaukee Police Officer Bobbie Higgins arrived and without provocation shot and killed ROC. ROC was not barking or attacking Officer Higgins, ROC was leashed and was under the control of Sandra Rucker. Sandra shouted to Officer Higgins, "the dog won't bite", Officer Higgins drew his gun anyway. Sandra screamed, "don't shoot my dog"! Officer Higgins, with both hands extended in front of himself, pointed his gun and fired. "The first shot went through the dog's collar, knocking it out of Sandra's control.

The dog fell backwards on to its side. Officer Higgins continued to point the gun. Sandra screamed, "Stop shooting my dog"! He then pumped four more shots into the dog while it lay wounded on the ground. Officer Higgins shouted incoherently, and then pointed the gun at Sandra Rucker. She fled into the house.

Carl Rucker, trying attentively to avoid anymore danger immediately approached Officer Higgins, who was in a wildly excited state with his gun in his left hand pointed towards the ground walking up and down the front walkway.

Officer Higgins put his gun back into his holster and stated, "The damn dog bit me." Later he said "the dog didn't like my uniform" and that he had been "bit by three dogs before and was not going to take anymore chances."

After Officer Higgins learned that Carl Rucker has a similar uniform to his, and that the uniform worn by the mailmen, UPS and Security Guards never bothered the dog before, he changed his story and was overheard telling Jay Marnya his sergeant, "the dog kept coming after me."

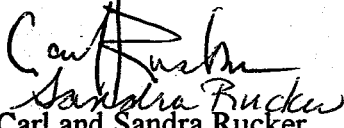
A neighbor, directly next door, believed Office Higgins was crazy that morning and called 911. The neighbor was treated for eardrum damage due to the loud explosions from Officer Higgins weapon.

After a complete investigation of the incident, we found:  
The dog did not bite officer Higgins or attempt to attack him, and was under control at the time. Milwaukee police Officer Bobbie Higgins acted unlawfully and negligently as follows:

1. Recklessly Endangering Safety by conduct regardless to life, causing injury to another.
2. Negligent infliction of emotional distress by shooting Sandra Rucker's dog to death right in front of her.
3. Deprived Carl and Sandra Rucker of property without due process.
4. Unlawfully pointing a gun at Sandra Rucker.
5. Excessive force.
6. Unlawfully discharging a firearm in a residential area.
7. Lying about being under attack and bitten by the dog.

The amount of damages for the loss of the dog is \$2,700.00, plus \$150,000 for negligence infliction of emotional distress.

Sincerely,

  
Carl and Sandra Rucker  
4712 W. Capitol Drive  
Milwaukee, Wisconsin 53216

PH: (414) 271-5987