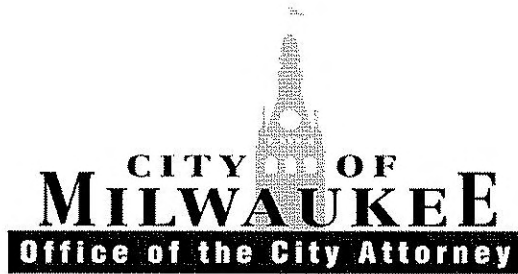


GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
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
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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
Assistant City Attorneys

April 20, 2009

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

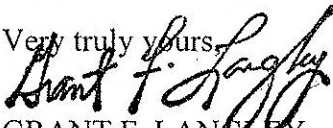
Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C. for
legal fees for Police Officers Todd Gray & Rodolfo Gomez
C.I. File No. ; EC 2654

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Todd Gray & Rodolfo Gomez. The claim is in the amount of \$4,498.37 including \$109.37 in disbursements for 39.90 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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. Wis. Stat. § 895.35, *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:amp
Enc.

1032-2008-3489.001:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 26, 2009

TO: P.O. TODD GRAY
DISTRICT: TWO

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: July 1, 2006
- 2) A citizen complaint made by: Christopher Reliford
- 3) A police shooting incident occurring at: N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____

P.O. Todd Gray

Print your name: _____

Todd F. GRAY

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

DENITA R. BALL
Deputy Inspector of Police
Professional Performance Division

DRB: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 5, 2009

TO: DET. RODOLFO GOMEZ
DISTRICT: CIB

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: JULY 1, 2006
- 2) An incident regarding complaint of: CHRISTOPHER RELIFORD
- 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: Rodolfo Gomez

Print your name: RODOLFO GOMEZ

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

CL-C - 2008-0106

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

October 8, 2008

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

**RE: Citizen Complaint of Mr. Christopher Reliford
Against PO's Todd Gray and Rodolfo Gomez
Complaint No.: 06-40
Date of Incident: July 1, 2006**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police 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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a criminal investigation and arrest.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Thank you.

Sincerely,


CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachments
GRAY and GOMEZ

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

October 08, 2008

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Christopher Reliford
Against PO's Todd Gray and Rodolfo Gomez
FPC No: 06-40
Date of Incident: July 1, 2006
Professional services

	<u>Hours</u>
11/20/2006 Office conference with PO Gray regarding new citizen complaint; open file; review complaint; Open Records request; correspondence to client.	0.50
11/21/2006 Review and sign correspondence to FPC.	0.10
11/29/2006 Receive and review documents regarding PO Gomez; add PO Gomez to file; telephone call to client regarding same.	0.30
12/7/2006 Receive and review correspondence from FPC regarding Open Records request.	0.10
1/10/2007 Receive and review correspondence from FPC; review file; correspondence to clients.	0.30
2/2/2007 Receive and review Open Records request.	0.20
3/21/2007 Telephone call from and to PO Yourich regarding records request.	0.10
3/26/2007 Follow-up correspondence to PO Yourich regarding Open Records request.	0.10

	<u>Hours</u>
6/4/2007 Telephone call from PO Yourich regarding status of Open Records request; memo to file.	0.10
9/14/2007 Telephone call from and to PO Yourich regarding records request; memo to file.	0.20
9/28/2007 Receive and review closed internal investigation.	0.30
10/1/2007 Telephone call from client; memo to file; receive and review Notice of FPC Decision to set for hearing and Scheduling Order; calendar deadline for exchange of Witness and Exhibit Lists.	0.30
10/25/2007 Review file; prepare Witness and Exhibit List and medical authorization request; send all to complainant's attorney; telephone call to PO Gomez; memo to file; telephone call to PO Gray.	1.50
10/29/2007 Several telephone calls to and from each client; memo to file.	0.50
11/1/2007 Revise and send Witness and Exhibit List.	0.10
11/5/2007 Receive and review complainant's Witness and Exhibit List.	0.20
1/9/2008 Telephone calls from FPC regarding scheduling hearing; receive and review Notice of Hearing; calendar same; correspondence to clients with Notice.	0.30
2/7/2008 Telephone call from client; calendar office conference with client.	0.10
2/12/2008 Review file to determine necessary witnesses; prepare witness subpoenas; telephone call to Academy regarding DAAT expert witness.	1.00
2/13/2008 Travel to Academy; serve subpoena; return travel.	1.00
2/18/2008 Telephone call from DAAT expert; fax reports to same.	0.30

	<u>Hours</u>
2/19/2008 Telephone call from witness regarding unavailability for hearing; telephone call to FPC; telephone call to Atty. Edari; telephone call to witnesses; correspondence to FPC requesting adjournment of hearing; telephone call to clients; telephone call from witness; memo to file; telephone call to and from FPC regarding new hearing date.	1.50
2/21/2008 Telephone call from client.	0.10
2/27/2008 Receive and review Notice of rescheduled hearing; calendar same; correspondence to clients; correspondence to witnesses.	0.30
3/3/2008 Review file and prepare witness subpoenas; travel to Academy to serve subpoenas.	1.00
3/4/2008 Telephone call from process server regarding citizen witness subpoenas.	0.10
3/27/2008 Review file to ensure all witnesses have been subpoenaed; telephone call to witness to ensure receipt of subpoena.	0.20
4/3/2008 Telephone call from client; calendar office conference with client.	0.20
4/4/2008 Telephone call from and to client.	0.10
4/7/2008 Telephone call from FPC confirming 04/11/08 hearing; receive and review notice of hearing; telephone call to PO Gomez; schedule office conference with client; telephone call to witness.	0.30
4/8/2008 Receive and review Adjournment request from Atty. Edari; e-mail to and from FPC; attend conference call with Atty. Edari and Fronk (granting adjournment); telephone calls to and from clients and witnesses regarding same and obtain availability for new hearing date.	0.50

	<u>Hours</u>
4/9/2008 Receive and review Notice of Adjournment; telephone call to Atty. Edari confirming new hearing date; e-mail to Fronk and Atty. Edari regarding same.	0.30
4/24/2008 Telephone call from Fronk; receive and review Notice of Hearing; calendar same.	0.20
5/2/2008 Prepare MPD subpoenas; travel; serve MPD subpoenas.	1.00
5/12/2008 Telephone call from client; schedule and calendar office conference with client.	0.10
5/13/2008 Office conference with PO Gray (preparation for hearing); memo to file.	0.50
5/15/2008 Revise hearing outline; telephone call from witness; telephone call from client; office conference with client.	2.00
5/16/2008 Finish hearing preparation; travel; attend hearing; return travel.	5.00
5/29/2008 Intra-office conference with Pings; memo to file.	0.10
Receive and review Transcript from Court Reporter.	0.50
6/6/2008 Telephone call from Court Reporter regarding necessity of hearing transcript.	0.10
6/28/2008 Receive and review Hearing Examiner's recommendation; calendar response deadline; begin reviewing transcript.	0.50
7/3/2008 Continue reviewing transcript.	0.50
7/14/2008 Complete reviewing transcript.	0.60
7/17/2008 Begin work on Brief in Support of Hearing Examiner's Findings of Fact and Recommendation.	1.00

	<u>Hours</u>		
7/21/2008	Intra-office conference with Jess regarding hearing transcript, exhibits, hearing examiner's proposed findings of fact and recommendation to commission.	0.50	
	Review file; draft Brief in Support of Hearing Examiner's Decision.	4.00	
7/22/2008	Continue working on Brief.	7.50	
7/23/2008	Finalize Brief.	2.50	
7/24/2008	Revise and edit Brief.	0.30	
8/14/2008	Receive and review e-mail from FPC; receive and review complainant's Brief in Opposition to Hearing Examiner's Recommendation.	0.30	
9/29/2008	Receive and review FPC's Decision affirming Hearing Examiner's Decision; correspondence to clients regarding same; close file.	0.50	
			<u>Amount</u>
	For professional services rendered	39.90	\$4,389.00
	Additional charges:		
2/9/2007	MPD Open Records request	8.37	
2/12/2008	Subpoena (1)	6.00	
3/3/2008	Subpoenas (2)	12.00	
5/16/2008	Parking	8.00	
6/27/2008	Copy of Transcript of 04/16/08 hearing	75.00	

Mr. Ronald Leonhardt

Page 6

	<u>Amount</u>
Total costs	<u>\$109.37</u>
Total amount of this bill	<u>\$4,498.37</u> ✓
Balance due	<u><u>\$4,498.37</u></u>

(Rate: \$110.00 per hour)



Fire and Police Commission

Michael G. Tobin
Executive Director

RECEIVED
SEP 29 2008

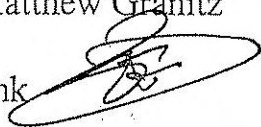
Leonard J. Sobczak
Chairman
LEONARD SOBCZAK ASSOCIATES, S.C.

Ernesto A. Baca
Vice-Chairman

Earl A. Buford
Richard C. Cox
Kathryn A. Hein
Carolina M. Stark
Commissioners

September 26, 2008

To: Attorney Syovata Edari
Attorney Matthew Granitz

From: Steven Fronk 

Re: Complaint of Christopher Reliford vs.
P.O. Rodolfo Gomez, Jr. and P.O. Todd F. Gray
FPC File No. 06-40

Enclosed please find a copy of the Decision of the Board of Fire and Police Commissioners in the above-captioned matter wherein they adopted the recommendation of Hearing Examiner Roy B. Evans. If you have further questions you may contact me at 286-5062.

C: P.O. Rodolfo Gomez Jr.
P.O. Todd F. Gray
Christopher Reliford
Edward Flynn, Chief of Police
Valerie Williams, Personnel Administration
Lt. Kurt Leibold, Professional Performance Division

RECEIVED

SEP 29 2008

STUBBLE & ASSOCIATES, S.C.

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

BOARD DECISION

CHRISTOPHER RELIFORD

v.

POLICE OFFICER RODOLFO GOMEZ Jr.
And POLICE OFFICER TODD GRAY

FPC Complaint No. 06-40

On September 4, 2008, having reviewed the complaint, applicable Milwaukee Police Department rules, the transcript and exhibits resulting from a hearing conducted regarding this matter on May 16, 2008, and the proposed findings of fact and recommendation of Hearing Examiner Roy B. Evans, we reached the following decision:

After considering the totality of circumstances and the evidence presented, it is our unanimous decision that Complainant Christopher Reliford has failed to prove by a preponderance of the evidence that either Police Officer Rodolfo Gomez Jr. or Police Officer Todd Gray acted inappropriately on July 1, 2006 as alleged in the complaint. We adopt the Summary of Proceedings, Findings of Fact and Recommendation as attached hereto and make them a part of this Decision by reference. The Findings also make reference to and recommend that we find that Police Officer Lori Schneider acted appropriately on the aforementioned date. Although Officer Schneider was not (technically) the subject of these proceedings, we do so find.

Complaint No. 06-40 as filed by Christopher Reliford against Police Officer Rodolfo Gomez Jr. and Police Officer Todd Gray is hereby dismissed.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:



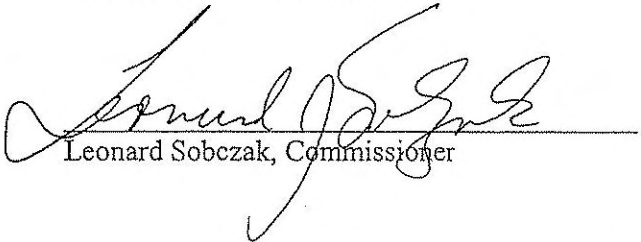
Earl Buford, Commissioner

9-8-08
Date



Ernesto Baca, Commissioner

09.08.08
Date



Leonard Sobczak, Commissioner

9/18/08
Date

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of :

CHRISTOPHER RELIFORD

V.

P.O. RODOLFO GOMEZ ,
P.O. TODD GRAY and
P.O. LORI SCHNEIDER.

SUMMARY OF PROCEEDINGS
FINDINGS OF FACT
AND RECOMMENDATION

FPC COMPLAINT NO. 06-40

SUMMARY OF PROCEEDINGS

This complaint proceeded to hearing on May 16, 2008 before Attorney Roy Bradford Evans acting as Hearing Examiner on behalf of the Board. Complainant, Christopher Reliford, appeared in person and by counsel Attorney Syovata K. Edari. Police Officer Rodolfo Gomez, Police Officer Todd Gray and Police Officer Lori Schneider appeared in person and by Counsel Attorney Rachel Pings. The complainant alleges that Police Officer Rodolfo Gomez, Police Officer Todd Gray and Police Officer Lori Schneider utilized excessive and unnecessary force, were discourteous and uncivil causing injuries and damages to the Complainant.

Testimony of Christopher Reliford: On Saturday, July 1, 2006 at approximately 7:30 in the evening, Mr. Reliford removed himself from the area of an alleged incident with a neighbor and returned to his residence at 1407 West Mineral Street in the City of Milwaukee. Upon returning to his residence and stepping inside his front door, which he locked, he allegedly observed an individual, in civilian clothing, on his front porch with a gun gesturing in a manner that frightened him. The individual, later identified as Officer Gomez, attempted to gain entrance through a window. Failing to do so he returned to the porch and in the company of two Police

p2

officers (Gray and Schneider), broke the front door glass with a police baton injuring Mr. Reliford. After gaining entrance Mr. Reliford was handcuffed, arrested and allegedly "slammed" to the floor by Officer Gomez and beaten. Thereafter Officer Gomez searched the premises for a gun with no gun being found. Mr. Reliford claims that neither Officer Gray or Schneider did anything to stop the beating. As a result Mr. Reliford claimed that he sustained damages and suffered injuries, basically; a dislocated shoulder, swollen back, cuts and bruises, concussion, pinched nerve, and injury to the lower spine which caused him to have pain resulting in his having to use a wheelchair and crutches.

Testimony of Carol Harris. Carol Harris testified that she rents the property at 1407 W. Mineral St. and sub-rents to Mr. Reliford. She indicated that on the day in question she was visiting with an aunt about ten (10) blocks away and was informed by phone that the police were at her residence. She got a ride and upon reaching the residence observed that police were present and that a door window had been broken out and that "Chris" (Mr. Reliford) was in handcuffs. She stated that she did not ask any questions and was too upset to hear what anyone had to say.

Testimony of Police Officer Rodolfo Gomez: Officer Rodolfo Gomez testified that on this particular day he was assigned to the Milwaukee Police Department Gang Unit and was approximately one (1) block away when he heard a call for a subject with a gun. Coming upon the scene he stated that his squad was flagged down by an individual who stated that a black male had threatened her and her kids and threatened to shoot her and her kids for stepping on his grass. The individual pointed in the direction of Mr. Reliford who was standing on the porch. Officer Gonzalez stated that with his badge hanging around his neck he approached Mr. Reliford who

p3

went into the house. Upon reaching the door he found it to be locked. He stated that he looked through the door and saw Mr. Reliford "bladed" from view, and that he pulled his weapon (not knowing if Mr. Reliford was armed) and announced that he was a Milwaukee police officer. Mr. Reliford stated through the door that he was on the phone with the Police whereupon Officer Gomez showed him his badge and demanded that Mr. Reliford show him his hands. Both officers Gray and Schneider appeared on the porch whereupon Officer Gomez asked for and received Officer Schneider's baton and broke the door glass to gain entry. Officer Gomez stated that Mr. Reliford ran towards another room and was told to stop. Mr. Reliford turned and came towards the officers whereupon officer Gomez struck Mr. Reliford in the thigh with the baton. He stated that Mr. Reliford was combative and that the officers wrestled with Mr. Reliford, telling him to stop resisting with all three (Reliford, Gray and Schneider) falling to the floor where he witnessed officer Gray apply an elbow strike to Mr. Reliford. After being handcuffed officer Gomez stated that he searched the premises for confederates and did a "lunge" area search for a weapon. No gun was found however a chrome colored barbell which was photographed as the possible item purported to be a gun. He then stated that Mr. Reliford was placed under arrest and charged with disorderly conduct, resisting and obstruction. Pictures were taken of the scene and of Mr. Reliford at the hospital, where Mr. Reliford was transported complaining of pain, by police technicians.

Testimony of Police Officer Todd Gray: Officer Gray testified that on the day in question he and his partner (Schneider) were responding to a "man with a gun" call at 1429 W. Mineral Street. That upon arriving at the scene he observed Officer Gomez standing on a porch at 1407

W. Mineral street attempting to contact an individual inside. He stated that he took up a tactical position behind a tree facing the house. He stated that he heard officer Gomez, in a "command voice" request that the individual "unlock the door" and, "show me your hands". As they formed an "entry team" officer Gomez reached for and secured Officer Schneider's baton striking and breaking the front door glass to gain entry. After entry he and officer Gomez requested that Mr. Reliford show his hands. As Mr. Reliford moved towards them he witnessed officer Gomez issue one (1) baton strike to Mr. Reliford's leg. As Mr. Reliford tried to run past the officer's they grabbed him and wrestled him to the ground and that he applied one (1) forearm strike to Mr. Reliford's neck area whereupon he gained compliance. He stated that Mr. Reliford was rolled on to his stomach and handcuffed.

Testimony of Police Officer Lori Schneider: Officer Schneider testified that she was working with Officer Gray and responded to a man with a gun call on the day in question. She testified that she arrived on the scene and took up a tactical position after seeing officer Gomez on the porch a residence calling for someone inside to open the door. She indicated that she handed Officer Gomez her baton while on the porch and that he used it to break the glass to the front door to gain entry. She stated that she saw officer Gomez and Officer Gray attempting to place Mr. Reliford into custody and stepped in to assist. That Mr. Reliford was not cooperating as they attempted to place his hands behind his back so that he could be handcuffed. She stated that there was no use of force after Mr. Reliford was handcuffed and that he was transported to the hospital after complaining of pain. She stated that at no time did she witness either Officer Gomez or Officer Gray beat Mr. Reliford and that she would have reported any abuse or other violations as required by Milwaukee Police Department rules.

Testimony of Police Sergeant Rupert Reilly: Sergeant Reilly testified that he was an instructor of defense and arrest tactics, emergency vehicle operations, professional communications, Constitutional law and ethics. He teaches new recruits in the general use of force and disturbance resolution so that they conduct themselves in compliance with MPD rules and regulations. He explained arrest and control tactics. He testified that for an officer to use a focus strike to gain compliance does not constitute excessive force.

Proposed FINDINGS OF FACTS with regards to Police Officer RODOLFO GOMEZ

1. At all times pertinent hereto Officer Rodolfo Gomez was a member of the Milwaukee Police Department and bound by the rules and regulations thereof.
2. On July 1, 2006. Officer Gomez was assigned to the Milwaukee Police Department Gang Unit and responded to a "man with gun" radio call in his patrol area. (1400 block of West Mineral Street in the City of Milwaukee.)
3. Complainant, Christopher Reliford alleges and testified that Officer Gomez broke the front door glass to gain entrance to his dwelling and beat, bruised and battered the complainant while handcuffed and used unreasonable and unnecessary force and was otherwise rude and discourteous. All of which caused the complainant pain, humiliation, injuries and damages.
4. Milwaukee Police Department Rule 4, Section 2/445.00 permits a police officer to use force in the performance of his/her duties but, requires that the degree of such force used be only that which a reasonable police officer would deem necessary given the same circumstances and information.

5. Milwaukee Police department Rule 4, Section 2/060.00 requires that all members of the Department to be courteous and use civility toward the public with any conduct to the contrary not being tolerated. When required to act, members must do so with firmness and sufficient energy to perform their duties, but must never subject a person to any greater indignity than is necessary.
- 6 Officer Gomez testified that he followed police protocol and procedures in arresting the complainant and did not use any unnecessary force other than what was required in order to gain compliance from the complainant. That he was not uncivil towards the complainant and used firmness in his tone of command and used utmost patience and discretion in his arrest of the complainant.
7. Also present were Police Officer Gray and Police Officer Schneider who both testified that single focus strikes by both Officer Gomez and Officer Gray were necessary in gaining compliance from the complainant during the process of his arrest. They both also testified that they did not witness any beating or abusive action towards the complainant after he was handcuffed and in custody.
8. Police Sergeant Rupert Reilly testified that his review of the arrest showed that proper force was used by all three of the officers in gaining compliance during complainants arrest.
9. That the burden in this matter is upon the Complainant to show, by a preponderance of the evidence, that the accused officer took the action complained of and that such action was in violation of Milwaukee Police Department Rules and standard Operating Procedures.

10. The evidence presented by Complainant Christopher Reliford in the case is insufficient to prove that Police Officer Roldolfo Gomez used excessive or unreasonable force under the circumstances that caused the damages and injuries alleged by Mr. Reliford.
11. The evidence presented by Complainant in this case is insufficient to sustain proof that Officer Gomez was either rude, violent or profane in the performance of his duties during Complainants arrest.

Proposed FINDINGS OF FACT regarding Police Officer TODD GRAY

9. At all times pertinent hereto Officer Todd Gray was a member of the Milwaukee Police Department and bound by the rules and regulations thereof.
10. On July 1, 2006 Officer Gray was dispatched to the 1400 block of W. Mineral Street in the City of Milwaukee based on a report of "man with a gun". Upon arriving at the scene Officer Gray provided back up to Officer Gomez who had arrived and was standing on a porch at 1407 W. Mineral Street.
11. Complainant alleges that Officer Gray "... didn't do enough to stop him (Gomez), also I fully blame them (Officers Gray and Schneider) and put them at fault." (Citizen Complaint form.)
12. Milwaukee Police Department Rule 4, Section 2/445.00 permits an officer to use force in the performance of their duty but, requires that a degree of such force used be only that which a reasonable police officer would deem necessary given the same circumstances and information.

13. Milwaukee Police department Rule 4, Section 2/060.00 requires all members of the Department to be courteous and civil as circumstances may permit when dealing with the public, to exercise the utmost patience and discretion, and to avoid subjecting a person to any greater indignity than necessary.
14. Officer Gray testified that he was at the scene and assisted in the arrest of the Complainant and while attempting to do so placed a single focus strike to the neck area of the Complainant, after falling to the floor, in order to gain compliance.
15. Officer Gray testified that he witnessed Officer Gomez place one focus strike to the leg of the Complainant in the process of gaining compliance during the arrest.
16. The burden in this matter is upon the Complainant to show, by a preponderance of the evidence, that the accused officer took action complained of and that such action was in violation of Milwaukee Police department Rules and Standard Operating Procedures.
17. That the evidence presented by Complainant Christopher Reliford in this case is insufficient to sustain proof that Officer Gray was either uncivil, discourteous or used unnecessary force in gaining compliance from Mr. Reliford during or after his arrest.

Proposed FINDINGS OF FACTS regarding Police Officer Lori Schneider

18. At all times pertinent hereto Officer Lori Schneider was a member of the Milwaukee Police department and bound by the rules and regulations thereof.

19. Milwaukee Police Department Rule 4, Section 2/060.00 requires all members of the Department to be courteous and civil as circumstances may permit when dealing with the public, to exercise the utmost patience and discretion, and to avoid subjecting a person to any greater indignity than is necessary.
20. Officer Schneider testified that she along with Officer Gray responded to a report of a "man with a gun" call and arrived on the scene initially providing back up to Officer Gomez who was on a porch requesting that an occupant open the door and show his hands
21. She testified that she stood on the porch as Officer Gomez broke the front door glass to gain entry and she and Officer Gray entered the residence and to take the Complainant into custody.
22. That the Complainant refused to cooperate and that she nor either of the other officers used unreasonable force before or after subduing and handcuffing the Complainant. She stated that she did not see either Officer Gomez or Gray beat the Complainant with either their hands or any other object after he was handcuffed and that she would report any Department violations if any had occurred.
23. Officer Schneider stated that the Complainant complained of pain and after his arrest he was transported to a hospital because of such complaints.
24. That the burden in this matter is upon the complainant to show, by a preponderance of the evidence, that the accused officer took the action complained of and that such action was a

violation of Milwaukee Police Department Rules and Standard Operating Procedures.

24. That the evidence presented by the Complainant Christopher Reliford in this case is insufficient to prove that Police Officer Schneider was either discourteous, refused to render assistance or was otherwise negligent in her actions.

HEARING EXAMINERS RECOMMENDATION

Complainant Christopher Reliford has the burden of proof and is required to show by a preponderance of the evidence (i.e. more likely than not) that Officer Gomez and Officer Gray used more force than was reasonably necessary or were uncivil and discourteous in their attempts to gain compliance in the process of their investigation and arrest. The Complainant appeared, testified and alleged he was beaten, injured and damaged in the process and that Officer Schneider stood by and did or said nothing to assist him. The Complainant produced one (1) witness (Carol Harris) who testified that she was not at the scene at the time of the arrest and could not testify as to what had occurred. Counsel for the defendants had requested in writing that medical records of the alleged injuries and damages associated with the arrest be produced, however, the Complainant did not comply or produce such records to show that he had been injured or damaged by either of the police officers. All three Police Officers responded to a call for a report of a "man with a gun call" and were directed to the Complainant as the person that made threats to a neighbor and he children. The Complainant refused an order by Police Officer Gomez to show his hands or unlock the door which was subsequently entered by Officer Gomez breaking the door glass. Being placed under arrest the Complainant struggled and was subdued

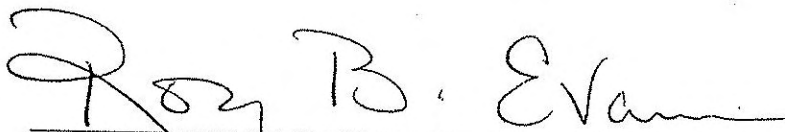
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with direct strikes by Officer Gomez and Gray which gained the complainants compliance. All three Police Officers gave credible testimony as to there actions and were further supported by Sergeant Rupert Reilly who testified that upon his review of the matter the actions of the officers were appropriate and within the Milwaukee Police Department Rules and Standard Operating Procedures.

Therefore, it is the determination of the Hearing Examiner that in consideration of all of the evidence, proof and testimony that the Complainant Christopher Reliford, did not provide nor present the greater weight of evidence to support his allegations and I hereby recommend that the complaint of Christopher Reliford against Police Officers Rodolfo Gomez, Todd Gray and Lori Schneider be dismissed.

I recommend that this complaint and final decision in this matter be forwarded to the Milwaukee Police Department so that the information contained therein shall be included and maintained as part of the Department Early Information Program (EIP)

Respectfully submitted this 18th day of June, 2008.



Roy Bradford Evans, Esq.
Hearing Examiner

