

# CITY OF MILWAUKEE

Form CA-43

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October 11, 2002

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

Re: Communication from Carl & Sandra Rucker  
C.I. File No. 00-L-145

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

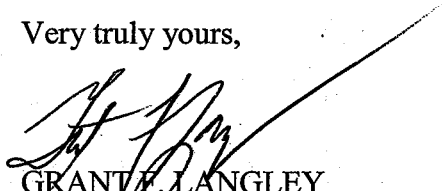
Claimants, Carl & Sandra Rucker, 4712 West Capitol Drive, Milwaukee, WI 53216 on their own behalf allege that on August 18, 2000 their dog was shot and killed by a City of Milwaukee police officer while on a leash and controlled by claimant Sandra Rucker. They claim damages in the amount of \$152,700.00.

Our investigation reveals the Milwaukee Police were called to this address regarding a noise complaint. The police officer rang the doorbell of the residence. There was no answer, so he knocked on the front door. The officer then heard someone exit a side door. As the officer began to walk in the direction of the side door he was met by a large Rottweiler that had come around the corner of the house. The dog stood there momentarily growling at the officer and then suddenly lunged at him. The officer then shot the dog because he feared for his safety. The police reports noted the dog was not on a chain, nor was it under the control of anyone at the time of the incident. The police officer's actions taken in this matter were necessary and appropriate.


To the Hon. Common Council  
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Since the police were not negligent, but rather were acting within the sphere of their responsibility, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1032-2000045:58858