

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
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February 7, 2005

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 Mark Harms
C.I. File No. 03-S-216; EC 1887

Dear Council Members:

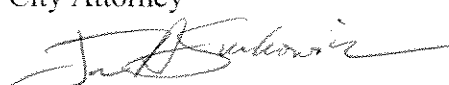
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Kurt Lacina and Mark Harms. The claim is in the amount of \$1,323.58 including \$3.58 in disbursements for 12.00 hours of service billed at the rate of \$110.00 per hour. We ask that this 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 police 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. 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:enm
Enc.

89974/ 1032-2003-1623

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

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

May 9, 2003

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

**RE: MPD Criminal Investigation of POs Kurt Lacina and Mark Harms
Allegations Regarding Mr. Anthony L. Hudson
Date of Incident: August 10, 2002
Location of Incident: North 24th and West Burleigh Streets
EC No.: 1887**

Dear Mr. Leonhardt:

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, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the pursuit of a suspect during which an officer discharged his weapon and used other force to take the suspect into custody.

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 Harms to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

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Le Her 2276*

CITY OF MILWAUKEE
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OFFICE OF
CITY ATTORNEY
MAY 14 PM 3:42 '03

JC/ldl
LACHAR

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

May 9, 2003

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

RE: MPD Criminal Investigation re: Mr. Anthony L. Hudson
Regarding: POs Kurt Lacina and Mark Harms
Date of Incident: August 10, 2002
Location of Incident: North 24th and West Burleigh
Professional services

	<u>Hours</u>
8/10/02 Several telephone calls from PO Lacina regarding on-duty shooting; meeting with CIB; meeting with client; meeting with IAD; travel; memo to file.	3.50
8/12/02 Several telephone calls to and from PO Lacina; telephone call to IAD; telephone call to DA; office conference with PO Lacina; memo to file; discussion with IAD.	2.10
8/13/02 Receive and review arrest and detention records regarding complainant; telephone call from Lacina; telephone call to IAD.	1.10
8/16/02 Telephone call from PO Lacina; telephone call from PO Harms; review file.	0.80
8/20/02 Review of file; meeting with PO Lacina at IAD; attend PO Lacina's PI-21 statement; travel; memo to file.	2.00
8/21/02 Review of file; meeting with PO Harms at IAD; attend PO Harms's PI-21 statement; travel; memo to file.	1.90

	<u>Hours</u>	
1/9/03 Fax to DDA Reddin.	0.10	
5/8/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	12.00	\$1,320.00
Additional charges:		
5/8/03 MPD Open Records request		3.58
Total costs		<u>\$3.58</u>
Total amount of this bill		<u>\$1,323.58</u>
Balance due		<u><u>\$1,323.58</u></u>

(Rate: \$110.00 per hour)

PO-15B SUPPLEMENTARY REPORT
MILWAUKEE POLICE DEPARTMENT

Date of Report
08-13-02

Incident/Accident #

02-346-3097

INCIDENT
BATTERY SS #940.19

Date of Incident/Accident
08-10-02

Rep. Code #

VICTIM
HUDSON, ANTHONY L.

LOCATION OF INCIDENT
3220 NORTH 24TH STREET

DIST
7

JUVENILE Last Name First Middle Date of Birth

QUANT TYPE OF PROPERTY DESCRIPTION SERIAL # CODE # VALUE

This report was dictated by Detective Michele HARRISON, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

On Monday, August 12, 2002, at 5:05 P.M., I, Detective Michele HARRISON conducted follow-up relative to this investigation. The follow-up was to locate and interview Police Officer Kurt LACINA, payroll number 67350, concerning this matter.

On this date, at the above time, I did meet with Officer LACINA at the Police Training Bureau, located at 6680 North Teutonia Avenue, on the second floor, interview room. At this time, this officer identified himself as Kurt J. LACINA, white male, payroll number 67350, currently assigned to District 7, early power shift, with a date of appointment of 06-10-99. At this time, Officer LACINA was advised that this is a criminal investigation of a Battery complaint and he was the focus in said investigation.

After advising Officer LACINA of the circumstances surrounding this matter, he at this time did recall the incident, however he did request union representation at this time. Sergeant Frederick BIRTS did issue Officer Kurt LACINA a PI-21 regarding this incident.

This interview was then terminated.

MH:lls
02-218 sup. (LACINA)

REPORTING OFFICER PAYROLL# LOC CODE SUPERVISOR SIGNATURE

DET. MICHELE HARRISON 60822

04 Det. *Richard E. Richards* 50144

INCIDENT INFORMATION	INCIDENT BATTERY	DATE OF INCIDENT 08-10-02	DATE OF REPORT 11-31-02	REP CON#
	VICTIM HUDSON, ANTHONY L	LOCATION OF INCIDENT (ADDRESS) 3220 N 24 TH ST		DIST. 7
	VICTIM'S ADDRESS 2332 A N 11 TH ST	REPORTED BY SAME		

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

01-AIRCRAFT	05-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	13-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-GAMBLING 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 \$
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USE FOR WEAPONS IN POSSESSION OF PRISONERS AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2	1 2				
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BBL	<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN						

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> 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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>
LOCATION OF ARREST		DATE/TIME OF ARREST
CHARGES		TYPE <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
POSSESSED SUSPECTED DRUGS AT TIME OF ARREST		Y N <input type="checkbox"/> <input type="checkbox"/>

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> 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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>
LOCATION OF ARREST		DATE/TIME OF ARREST
CHARGES		TYPE <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
POSSESSED SUSPECTED DRUGS AT TIME OF ARREST		Y N <input type="checkbox"/> <input type="checkbox"/>

VE H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
Detective Michael J. CHAPERON	61823	04		<i>It Ret</i> <i>Raymond E. Kucharski</i> 50144	

INVESTIGATIVE NARRATIVE:

This report is submitted by Detective Michael J. CHAPERON, Criminal Investigation Unit/Internal Affairs Division, early shift.

On 10-08-02 the complainant Anthony L Hudson B/M 12-26-77 plead guilty to the charges against him (R.E.S, Resist/Obstruct, Fleeing)

With the complainant pleading guilty to the charge of Resisting/Obstructing An Officer and the criminal complaint indicating the complainant was physically resistive with the arresting officers and had to be subdued during his arrest. Also, state statute allows officers to use reasonable force while taking a resistive subject into custody and there is no evidence arresting officers used excessive force.

This case is closed unfounded / baseless.

REVIEWING D.A.	DET. ASSIGNED: DETECTIVE MICHAEL CHAPERON	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="checkbox"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE CRIME	<input type="radio"/> A. SUSP ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. MARK HARMS
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 AUGUST 10, 2002
- 2) A citizen's complaint made by ANTHONY L. HUDSON
- 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: _____

Print your name: _____

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


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. KURT LACINA
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

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MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

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 AUGUST 10, 2002
- 2) A citizen's complaint made by ANTHONY L. HUDSON
- 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 Lacin

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.

St. Settingsgaard

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs