

May 4, 2005

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

Re: Communication from Blaine J. O'Connell, Senior Vice President, Finance/CFO on behalf
of Froedtert Hospital
C.I. File No. 03-L-127

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.

Claimant, Froedtert Hospital, 9200 West Wisconsin Avenue, Milwaukee, WI 53226-3596 through Blaine J. O'Connell, Senior Vice President, Finance/CFO alleges that on May 26, 2003, they sustained damage to their Emergency Room equipment when shots were fired during a scuffle between a Milwaukee police officer and a person in their custody. They claim damages in the amount of \$10, 885.00.

Our investigation reveals the Milwaukee Police Department (MPD) had an individual transported to the Froedtert Hospital Emergency Room pursuant to an emergency detention for psychological evaluation. The Emergency Room staff determined it would be appropriate to administer a CAT scan to the individual's head. While in the CAT scan room the individual attempted to disarm an officer. During the ensuing struggle the officer was shot in the finger. The bullet that injured the officer continued traveling and struck the CAT scan machine. The individual was subsequently subdued. The individual was convicted of Attempting to Disarm a Police Officer and Second Degree Reckless Injury while Armed.

To the Hon. Common Council
May 4, 2005
Page 2

The liability for this loss lies with the individual who attempted to disarm the police officer. Since the MPD was not negligent in this matter the City cannot accept liability. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2003-3059:92570