

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
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Assistant City Attorneys

April 7, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Brian Burch
C.I. File No. 03-S-433; EC No. 1956

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Brian Burch. The claim is in the amount of \$495.00 for 4.50 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officer on whose behalf this claim was filed, but they were ultimately not charged.

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,

Handwritten signature of Grant F. Langley.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm

Enc.

91873/ 1032-2003-3702

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

November 10, 2003

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

CITY ATTORNEY
NOV. 12 RECD

**RE: MPD Criminal Investigation of PO Brian Burch
Allegations Regarding the Investigation of a Juvenile
Date of Incident: November 1, 2002
Location of Incident: District #5
EC No.: 1956**

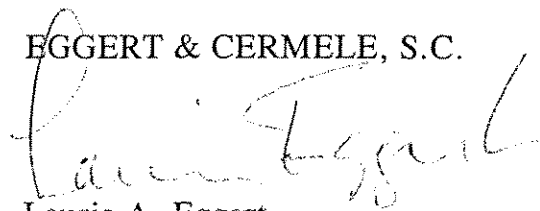
Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a juvenile arrest for curfew violation.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Burch to give a statement concerning the incident after issuing a PI-21. Later, the MPD did not bring criminal charges against the officer. 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

4/4/05
O.K.
JAS
Letter # 2277

JC/ldl
attachment
BURCH

EGGERT & CERMELE, S.C.

Attorneys at Law

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November 10, 2003

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202
RE: MPD Criminal Investigation re: a juvenile
Regarding: PO Brian Burch
Date of Incident: November 1, 2002
Location of Incident: District #5
Professional services

	<u>Hours</u>	
11/13/2002 Telephone call from PO Burch regarding new criminal investigation; open file; memo to file; meeting with IAD; meeting with PO Burch at IAD; attend PO Burch's PI-21; travel; memo to file.	2.50	
1/9/2003 Fax to DDA Reddin.	0.10	
4/10/2003 Fax to DDA Reddin; discussion with DDA Reddin.	0.40	
4/24/2003 Telephone call to DDA Reddin; telephone call to IAD; Fax to IAD.	0.30	
4/25/2003 Discussion with IAD; correspondence to MPD Open Records; correspondence to client.	0.50	
10/29/2003 Telephone call from and to MPD Open Records; memo to file.	0.20	
11/5/2003 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	4.50	\$495.00
Balance due		<u>\$495.00</u>

(Rate: \$110.00 per hour)

PO-15B SUPPLEMENTARY REPORT	Date of Report 03-18-03	Incident/Accident # 02-308-3141
MILWAUKEE POLICE DEPARTMENT INCIDENT	Date of Incident/Accident Rep.	Code #
PHYSICAL ABUSE TO A CHILD VICTIM	11-1-02 LOCATION OF INCIDENT	DIST
STEVEN STEWART	2920 N. 4 th Street	5
	JUVENILE Last Name First Middle	Date of Birth

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
This report is written by Det. Michele HARRISON, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.					

On Tuesday, March 18, 2003, I Det. Michele HARRISON along with Detective Charles SHEPARD JR. conducted follow-up relative to this investigation. The follow up was to locate Steven STEWART to show him a photo array in attempt to identify the police officer involved in this incident.

We responded to 503 W. North Ave. and met with Steven STEWART. He indicated he could identify the officer who kicked the chair beneath him. I Det. HARRISON did provide STEWART with a photo Array consisting of payroll numbers 67365, 59421, 70052, 67331, 66220, 70343.

Steven STEWART did view the above array at 3:44 p.m. STEWART was unable to pick any of the officers out in the photo array.

Based on this investigation and the victim was unable to pick out an officer, this assignment will be closed as an internal investigation as it can not be substantiated. However, it will remain open as a complaint.

REPORTING OFFICER	PAYROLL#	LOC. CODE	SUPERVISOR SIGNATURE
Det. Michele Harrison	60920	04	Det. Raymond E. Richards 50144

SUPPLEMENT REPORT

INCIDENT #02-308-3141, CIU#02-303/IAD#02-1242 - PHYSICAL ABUSE OF A CHILD
PAGE 2

arrested for curfew violation, and they were conveyed into District Five Police Station. Police Officer BELL indicated that Squad 654A did do the conveyance to District Five.

Officer BELL stated that him and Police Officer # 5 walked the juveniles into the booking area, and they were handcuffed to the railing to make sure there was no contact with any adults.

Officer BELL stated that Officer BURCH stayed with the juveniles, and he went to advise the Acting Lieutenant, who was Sergeant FIDLER about their arrest. Officer BELL stated that he could not add any further information regarding Battery or Physical Abuse of a Child complaint, because he punched out at 12:17 A.M. He stated his partner booked the juveniles and was not aware of any type of Battery complaint. Officer BELL did indicate at no time was there any type of physical confrontations between him and his partner while the juveniles were being placed in custody.

This interview was then terminated.

MH:tls
02-308-3141 (BELL)

REPORTING OFFICER _____ PAYROLL# _____ LOC. CODE _____ SUPERVISOR SIGNATURE _____

Michele Harrison
DET. MICHELE HARRISON 60822

04 *Det. Raymond E. Richards 50144*

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 18, 2003

TO: P.O. BRIAN BURCH
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 NOV 20 PM 12:38
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 NOVEMBER 1, 2002
- 2) A citizen's complaint made by INVESTIGATION OF A JUVENILE
- 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: BRIAN BURCH

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