

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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FAX (414) 286-8550

January 31, 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 James Campbell and Paul Lough
C.I. File No. 03-S-216; ELO 1877

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers James Campbell and Paul Lough. The claim is in the amount of \$2,350.60 including \$29.60 in disbursements for 21.10 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.
89716/1032-2003-1610

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

MAY 16 PM 2:24
CITY ATTORNEY

**RE: MPD Criminal Investigation of POs James Campbell and Paul Lough
Allegations Regarding Mr. Tommy Carter
Date of Incident: August 23, 2002
Location of Incident: 1435 North 35th Street
EC No.: 1877**

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 a squad chase.

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 Campbell and Lough to give statements concerning the incident after issuing PI-21s. The DA reviewed the matter and did not issue 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

1/29/05
o.k.
JAS
Letter 2276

JC/ldl
attachment
CAMPLOUJC CRIM

MAY 14 PM 3:41
CITY ATTORNEY
CITY OF MILWAUKEE
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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 8, 2003

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

RE: MPD Criminal Investigation re: Mr. Tommy Carter
Regarding: POs James Campbell and Paul Lough
Date of Incident: August 23, 2002
Location of Incident: 1435 North 35th Street

Professional services

	<u>Hours</u>
8/23/02 Several detailed telephone calls from PO Campbell regarding new criminal investigation; telephone call from PO Lough regarding same; open file; memo to file.	1.10
8/26/02 Telephone call from PO Campbell.	0.40
8/27/02 Telephone call from PO Campbell; office conference with POs Campbell and Lough; memo to file.	1.60
8/28/02 Telephone calls from POs Campbell and Lough.	0.30
9/3/02 Telephone call from Det. Donaldson regarding criminal investigation; memo to file; telephone call to and from Det. Huston; memo to file; telephone call to PO Warren; memo to file; review of file; meeting with PO Campbell at IAD; attend PO Campbell's PI-21; meeting with PO Lough; attend PO Lough's PI-21; travel; memos to file.	3.10
9/4/02 Telephone call from PO Campbell; telephone call to IAD.	0.30

	<u>Hours</u>	
9/6/02 Telephone call from Det. Donaldson; office conference with Det. Huston; telephone call to and from IAD.	0.90	
9/10/02 Telephone calls to and from Dets. Donaldson and Huston; memos to file; review of file; meeting with Dets. Donaldson and Huston at IAD; attend Det. Donaldson's PI-21; attend Det. Huston's PI-21; travel; memos to file.	2.90	
9/17/02 Discussion with PO Warren; discussion with IAD.	0.50	
9/18/02 Telephone call to and from PO Warren; memo to file; meeting with PO Warren at IAD; attend PO Warren's statement to IAD; travel; memo to file; telephone call from Det Huston; intra-office conference; telephone call to and from PO Campbell memo to file; review of file; meeting with PO Campbell at IAD; attend PO Campbell's PI-21; travel; memo to file.	5.10	
10/14/02 Telephone call to Reddin; telephone call to clients; review of file; meeting with POs Campbell, Lough and Warren and Dets. Huston and Donaldson at DA's office; attend PO Campbell's statement to DA; attend PO Lough's statement to DA; attend PO Warren's statement to DA; attend Det. Donaldson's statement to DA; attend Det. Huston's statement to DA; travel; memos to file.	3.70	
11/16/02 Telephone call to and from DDA Reddin; telephone call to POs Campbell, Lough and Warren and Dets. Huston and Donaldson regarding DA's decision to "no process" complaint; correspondence to clients; correspondence to MPD Open Records.	0.70	
3/13/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	21.10	\$2,321.00

Mr. Ronald D. Leonhardt

Page 3

Additional charges:

	<u>Amount</u>
10/14/02 Parking	2.00
3/13/03 MPD Open Records request	27.60
Total costs	<u>\$29.60</u>
Total amount of this bill	<u>\$2,350.60</u>
Balance due	<u><u>\$2,350.60</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT RES S.S.# 941.31	DATE OF INCIDENT 08-22-02	DATE OF REPORT 10-28-02
	VICTIM CARTER, TOMMIE L.	LOCATION OF INCIDENT 1435 NORTH 25TH STREET	
	VICTIM'S ADDRESS CITY/STATE/ZIP CODE 1426 N. 22ND STREET/MILWAUKEE WI 53205	REPORTED BY	

DIST.
3

SAME

PROPERTY RECOVERED

PROPERTY CODES	LIST CODE FOR EACH ITEM OF PROPERTY IN CODE # COLUMN. IF PROPERTY WAS DAMAGED BEGIN CODE WITH "D" (e.g. D-01)					
01-AIRCRAFT	08-CONSUMABLES	15-HEAVY EQUIPMENT	22-NON-NEGOT. INSTR.	29-STRUCT.-SINGLE DWL.	36-TOOLS	
02-ALCOHOL	09-CREDIT CARDS	16-HOUSEHOLD GOODS	23-OFFICE EQUIPMENT	30-STRUCT.-OTHER DWL.	37-TRUCK	
03-AUTOMOBILE	10-DRUGS/NARCOTICS	17-JEWELRY/PREC. METAL	24-OTHER VEHICLE	31-STRUCT.-OTHER COM.	38-TRUCK PART/ACC.	
04-BICYCLES	11-DRUG/NARC. EQUIPMENT	18-LIVESTOCK	25-PURSE/BAG/WALLET	32-STRUCT.-INDUST. MFG.	39-WATERCRAFT	
05-BUS	12-FARM EQUIPMENT	19-MERCHANDISE	26-RADIO/T.V./V.C.R.	33-STRUCT.-PUBLIC	60-ATV	
06-CLOTHES/FURS	13-FIREARMS	20-MONEY	27-RECORD/AUDIO VISUAL	34-STRUCT.-STORAGE	61-SNOWMOBILE	
07-COMPUTER WARES	14-GAMBLING EQUIPMENT	21-NEGOTIABLE INSTR.	28-RV	35-STRUCT.-OTHER	77-OTHER	

QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE	VALUE

RELATED INCIDENT NUMBER(S) 02-066-3106	EVIDENCE INVENTORY NUMBER(S)	ADDED PROPERTY ON ATTACHED PO-14 <input type="checkbox"/>	TOTAL VALUE RECOVERED PROPERTY \$
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WEAPON

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS

<input type="checkbox"/> 1 ALTERED STOCK	<input type="checkbox"/> 1 CHROME/NICKEL	<input type="checkbox"/> 1 HANDGUN	<input type="checkbox"/> 1 OTHER	<input type="checkbox"/> 1 REVOLVER	<input type="checkbox"/> 1 SHOTGUN
<input type="checkbox"/> 2 AUTOMATIC	<input type="checkbox"/> 2 DOUBLE BARREL	<input type="checkbox"/> 2 IMPLIED WEAPON	<input type="checkbox"/> 2 OTHER FIREARM	<input type="checkbox"/> 2 RIFLE	<input type="checkbox"/> 2 SIMULATED WPN.
<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 BARREL
<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

ARRESTEE NUMBER ONE

ARRESTED #1 LAST NAME	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG. <input type="checkbox"/> HISP. <input type="checkbox"/> NON-HISP.	
ADDRESS		CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES, ETC.							
ID. DIV. #	SOC. SEC. #	ADDED WEAPON INFO. ARRESTED #1						
RESIDENT Y N OF <input type="checkbox"/> COUNTY?	GANG RELATED? Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED? Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED INCITED <input type="checkbox"/> WWARR/SUSP. CARD <input type="checkbox"/> ALL OTHER ARRESTS		
CHARGES						POSSESSED SUSPECTED DRUGS AT TIME OF ARREST?	Y N <input type="checkbox"/> <input type="checkbox"/>	

ARRESTEE NUMBER TWO

ARRESTED #2 LAST NAME	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG. <input type="checkbox"/> HISP. <input type="checkbox"/> NON-HISP.	
ADDRESS		CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES, ETC.							
ID. DIV. #	SOC. SEC. #	ADDED WEAPON INFO. ARRESTED #2						
RESIDENT Y N OF <input type="checkbox"/> COUNTY?	GANG RELATED? Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED? Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED INCITED <input type="checkbox"/> WWARR/SUSP. CARD <input type="checkbox"/> ALL OTHER ARRESTS		
CHARGES						POSSESSED SUSPECTED DRUGS AT TIME OF ARREST?	Y N <input type="checkbox"/> <input type="checkbox"/>	

COPY

VEH. YEAR USED	MAKE	MODEL	TYPE	COLOR	LICENSE #	STATE	EXP	TYPE	V.I.N.
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REPORTING OFFICER <i>Det Charles W. Shepard, Jr.</i> DET. CHARLES SHEPARD, JR.	PAYROLL # 50334	LOC.# 04	ASSISTING OFFICER PR # NONE	SUPERVISOR <i>Det Raymond Richards</i>	TOTAL ARRESTS 0
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This report was dictated by Detective Charles SHEPARD, Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Tuesday, October 14, 2002, at 2:30 P.M., This matter was reviewed in the Milwaukee County District Attorney's Office by Deputy District Attorney Jon REDDIN. Upon his review of the reports and interviews of officers involved, he at this time, declined to issue any charges against the officers. Deputy District Attorney Reddin also indicated that the complainant/victim in this matter has proven to be unreliable and has no credibility due to the fact that has lied about key facts in the investigation. Deputy District Attorney Jon REDDIN also added that the Crime Lab was unable to conclusively say whether the squad car had physical contact with the bicycle, nor were there any prints lifted from the bicycle other than that of the complainant.

It should be noted that detectives from the Internal Affairs Division were not allowed to listen in on the interview conducted by Deputy District Attorney Jon REDDIN during the charging conference at the request of Milwaukee Police Association John CERMELE. This matter is a warrant refused disposition.

CS:js

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REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN.	P.O./DET. ASSIGNED DETECTIVE CHARLES SHEPARD, JR.	COURT CASE NUMBER
FINAL CHARGE NONE	DISPOSITION/DATE 10-14-02	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="checkbox"/> PROPERTY RECOVERED <input type="checkbox"/> WARRANT REFUSED <input type="checkbox"/> RETENTION PERIOD EXPIRED <input type="checkbox"/> ARREST UNDER 18 <input type="checkbox"/> A. DETAINED AT M.C.C.C. <input type="checkbox"/> B. ORDER IN TO M.C.C.C. <input type="checkbox"/> WAIVED AS AN ADULT
CLB ADMINISTRATIVE USE ONLY		
CLEARED EXCEPTIONALLY	<input type="checkbox"/> A. DEATH OF OFFENDER <input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. REFUSED TO CO-OPERATE <input type="checkbox"/> E. JUVENILE NO CUSTODY <input type="checkbox"/> F. NOT APPLICABLE
JUSTIFIABLE HOMICIDE	<input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP. <input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP. <input type="checkbox"/> C. SUSP. ATTACKED CIVILIAN <input type="checkbox"/> D. SUSP. ATTEMPTED FLIGHT FROM CRIME	<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> F. SUSP. RESISTED ARREST <input type="checkbox"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

June 5, 2003

MEMORANDUM

TO: P.O. James Campbell
DISTRICT THREE

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 23, 2002
- 2) A citizen's complaint made by TOMMY CARTER
- 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: *James Campbell* 67403

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
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
03 JUN 11 PM 12:49
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. PAUL LOUGH
DISTRICT THREE

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 23, 2002
- 2) A citizen's complaint made by TOMMY CARTER
- 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: Paul Lough

Print your name: LOUGH, PAUL D.

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

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 JUN 11 PM 12:50

RECEIVED

SMS:kjs