

February 4, 2005

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

Re: Communication from Anita Cherry
C.I. File No. 04-L-91

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, Anita Cherry, 330 West Keefe, Apt. 8, Milwaukee, WI 53212, alleges that on February 4, 2004 she was removed from her apartment at 4505 North 29th Street by a police officer, her personal property and other belongings were tossed out, and the apartment was re-rented. She claims damages in the amount of \$2,000,000.000.00.

Our investigation reveals the Milwaukee Police Department (MPD) was summoned to the claimant's apartment building to assist the building manager and other social service workers in a mental health situation. The situation was brought to the building manager's attention because of an odor that was emanating from Ms. Cherry's apartment. The MPD records note, that at no time did the officers enter the apartment. The officers conveyed Ms. Cherry to the Milwaukee County Mental Health Complex for observation. The building manager indicated to the officers that he was going to evict Ms. Cherry and remove all contents of the apartment and clean it.

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The MPD followed standard procedures in this matter, as such, the City cannot accept liability and therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2004-2340:89844