

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

February 3, 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 Andrew Gebhardt, Kevin Clark, Tom Dineen
C.I. File No. 03-S-216; EC No. 1884

Dear Council Members:

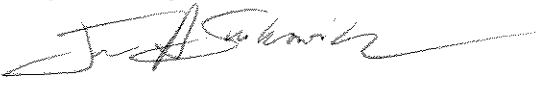
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Andrew Gebhardt, Kevin Clark and Tom Dineen. The claim is in the amount of \$686.75 including \$4.75 in disbursements for 6.20 hours of service billed at the rate of \$110.00 per hour. 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.

89853/ 1032-2003-1620

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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SUSAN E. LAPPEN
JAN A. SMOKOWICZ
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KURT A. BEHLING
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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 Andrew Gebhardt, Tom Dineen
and Kevin Clark
Allegations Regarding a juvenile
Date of Incident: July 11, 2002
Location of Incident: 1911 North 31st Street
EC No.: 1884**

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 foot 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 Gebhardt and Dineen to give statements concerning the incident after issuing PI-21s. Later, the MPD cleared the complaint as baseless. 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
Laurie A. Eggert
Attorney at Law

1/29/05

O.K.

JAS

Letter 2276

JC/ldl

attachment

GEBCLARDIN Juvenile

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

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: a juvenile
Regarding: POs Andrew Gebhardt and Tom Dineen
Date of Incident: July 11, 2002
Location of Incident: 1911 North 31st Street
Professional services

	<u>Hours</u>
7/11/02 Telephone call from PO Dineen regarding new criminal investigation; open file; memo to file; telephone call to PO Gebhardt; telephone call to IAD.	1.10
7/12/02 Telephone call to and from IAD; telephone call to clients.	0.40
7/17/02 Telephone call from PO Clark; memo to file; meeting with PO Clark; attend PO Clark's PI-21; travel; memo to file.	1.50
7/19/02 Review of file; meeting with IAD Sgt.; meeting with POs Gebhardt and Dineen at IAD; attend PO Gebhardt's PI-21 statement; attend PO Dineen's PI-21 statement; travel; memo to file.	2.10
1/9/03 Fax to DDA Reddin.	0.10
1/17/03 Telephone call to IAD; correspondence to clients; correspondence to MPD Open Records.	0.50
4/18/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	6.20	\$682.00
Additional charges:		
4/18/03 MPD Open Records request		4.75
Total costs		<u>\$4.75</u>
Total amount of this bill		<u>\$686.75</u>
Balance due		<u><u>\$686.75</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT
PHYSICAL ABUSE TO A CHILD 948.03(02)

DATE OF INCIDENT
07-11-02

DATE OF REPORT
07-11-02

REP
CON#

VICTIM
OWENS, ANTHONY R.

LOCATION OF INCIDENT (ADDRESS)
911 NORTH 31ST STREET

DIST.
3

VICTIM'S ADDRESS
1508 WEST MEINECKE

REPORTED BY
SAME

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

01-AIRCRAFT	09-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	11-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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WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS		EVIDENCE INVENTORY #'S		ADDED PROPERTY ATTACHED PO-14		TOTAL VALUE RECOVERED PROPERTY \$	
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"/> SIMULATED WEAPON	<input type="checkbox"/> SINGLE BBL
<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"/> SINGLED WEAPON	<input type="checkbox"/> SINGLE BBL	<input type="checkbox"/> THROWN OBJECT
<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"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> UNKNOWN

RESTRICTED #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
SCARS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1						
IDENTIFIED OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
ARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST							Y N
								<input type="checkbox"/> <input type="checkbox"/>

RESTRICTED #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
SCARS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1						
IDENTIFIED OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
ARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST							Y N
								<input type="checkbox"/> <input type="checkbox"/>

VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	PAYROLL #	SUPERVISOR	TOTAL ARRESTS
<i>Jeffery Hoover</i>	50062	04	DET. CHARLES SHEPARD JR.	50334	<i>Robert Richard</i> 5044	

ATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs
vision (CIU/IAD), day shift.

On Thursday, July 11, 2002, while investigating this incident at the Children's Hospital I, Detective Jeffery
DOVER had the opportunity to interview the victim, who was identified as
te of birth Milwaukee, WI 53208. He described himself as 5'11, 110
pounds, and he was wearing black jeans and a black tee-shirt. He states he is currently living with his mother,
identified as

It should be noted that during the course of this investigation I, Detective HOOVER visually examined
a victim's injuries and noted that he had a bloody mouth and three missing lower teeth, and it appeared that
o additional teeth were knocked out of place.

STATEMENT OF # 6

The victim states on Thursday, July 11, 2002, at approximately 3:00 A.M., he was driving a stolen
hicle and five of his friends were inside the vehicle with him. He described his friends as follows:

and He states the
lice attempted to stop him and he fled from the police. Then he attempted to switch seats with the front
at passenger that he identified as Devin and lost control of the vehicle, and struck a pole. He states he
it the vehicle and ran. He states a short time later, he was apprehended by a white male police officer,
o instructed him to lay on the ground and when he laid on the ground on his stomach the officer kicked
n in the mouth and forehead with his right foot, causing his teeth to fall out. He states he was arrested
d his hands were handcuffed behind his back.

During further investigation, Detective Charles SHEPARD Jr. checked the vehicle involved in the accident
d found one tooth inside the vehicle on the driver's side. Additionally, he returned to the accident scene and
nd two additional teeth in the grass area near the accident scene.

The victim was re-interviewed and admitted that his mouth was injured in the accident. Also, he indicated
at the arresting officer pushed his face with his foot before he was handcuffed. Furthermore, the victim
licated that he was sorry if anyone got the impression that the police officer caused his injuries.

During the course of this investigation, no evidence was developed to support the Physical Abuse Of a

Therefore, based on the totality of the information obtained this investigation will be cleared as baseless.

:t1s
 0-182/1-12-02

VIEWING D.A.	P.O./DET. ASSIGNED Jeffery HOOVER	COURT CASE NUMBER
ORIGINAL CHARGE	DISPOSITION/DATE: 07-11-02	VICTIM NOTIFIED BY: Detective HOOVER
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> * 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 -----		
PREPARED 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
NON-STATUTORY HOMICIDE INFORMATION	<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 CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <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. ANDREW GEBHARDT
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 JULY 11, 2002
- 2) A citizen's complaint made by A JUVENILE
- 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: _____

Print your name: _____

Andrew W. Gebhardt

RECEIVED
 03 JUN 12 PM 3:44
 MILWAUKEE POLICE DEPARTMENT
 INTERNAL AFFAIRS DIVISION

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. TOM DINEEN
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 JULY 11, 2002
- 2) A citizen's complaint made by 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

03 JUN 11 PM 12:50
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

RECEIVED

Your signature: _____

PO Thomas Dineen

Print your name: _____

PO Thomas Dineen

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

Steve Settingsgaard
KFS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. KEVIN CLARK
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 JULY 11, 2002
- 2) A citizen's complaint made by A JUVENILE
- 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: _____

Kevin Clark
Kevin Clark

Print your name: _____

KEVIN CLARK

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

KJS

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 JUN 10 PM 2:49

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