

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
TDD (414) 286-2025
FAX (414) 286-8550

January 12, 2004

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 Officer Scott Iverson
C.I. File No. 02-S-263; EC No. 1790

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Scott Iverson. The claim is in the amount of \$466.10 including \$4.10 in disbursements for 4.20 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 officer 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. Sec. 895.35, Stats., *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.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
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DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

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

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

FAX

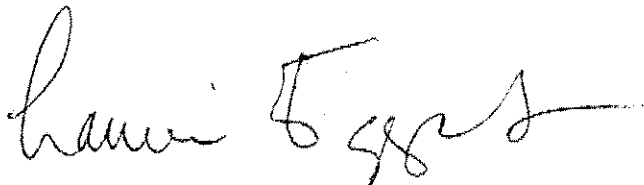
TO: Jan Smokowicz
FROM: Laurie Eggert
RE: Scott Iverson claim (E&C 1790)
DOI 10/21/01
E&C claim dated 8/1/02

DATE: January 2, 2004

Jan,

I have reviewed the file, and have determined the following: Iverson contacted us on 11/27/01 concerning a criminal investigation. We did contact the criminal investigation unit to determine the status on that day, but did not receive any information until 11/28/01. On that date, we were informed by a detective that the matter had not been cleared, and had not yet been reviewed by the lieutenant in that unit. The client informed us in April of 2002 that he had been advised that the criminal investigation had concluded without charges; we requested confirming records, and closed the file after receiving records from MPD Open Records Division.

If you would like additional information, please let me know.



1/2/04
O.K.
JRS
Letter
2276

The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.

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

August 1, 2002

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

**RE: MPD Criminal Investigation of PO Scott Iverson
Allegations Regarding a juvenile
Date of Incident: October 21, 2001
Location of Incident: District #4
EC No.: 1790**

CITY OF MILWAUKEE
2002 AUG -5 AM 11:48
RONALD D. LEONHARDT
CITY CLERK

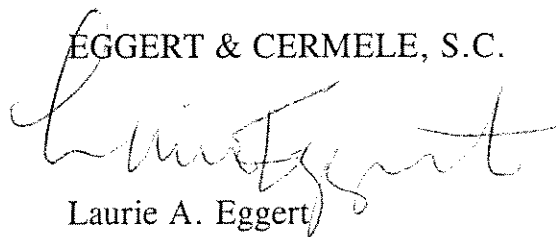
Dear Mr. Leonhardt:

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 the arrest of a juvenile. Charges will not be issued 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

CITY OF MILWAUKEE
2002 AUG -5 PM 3:50
LORIE A. EGGERT
CITY ATTORNEY

LAE/ldl
IVERSON



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

August 1, 2002

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

RE: MPD Criminal Investigation re: Battery to Juvenile
Regarding: PO Scott Iverson
Date of Incident: October 21, 2001
Location of Incident: District #4

Professional services

	<u>Hours</u>	
11/27/01 Telephone call from client; open file; memo to file; telephone call to Dets.	0.70	
11/28/01 Review of file; telephone call from client; memo to file; preparation for and appearance at PI-21 statements; travel; telephone call to Det.	2.20	
11/29/01 Memo to file.	0.20	
04/11/02 Review of file; telephone call to client.	0.40	
04/13/02 Telephone call to client.	0.10	
05/15/02 Correspondence to MPD Open Records.	0.10	
07/24/02 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
	<u>4.20</u>	<u>Amount</u>
For professional services rendered	4.20	\$462.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
07/24/02 MPD Open Records request	4.10
Total costs	<u>\$4.10</u>
Total amount of this bill	<u>\$466.10</u>
Balance due	<u><u>\$466.10</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT Physical Abuse to Child	DATE OF INCIDENT 10-21-01	DATE OF REPORT 11-26-01	REP CON#
	VICTIM #13	LOCATION OF INCIDENT (ADDRESS) #13		DIST. 4
	VICTIM'S ADDRESS #13	REPORTED BY #13		

PROPERTY CODES - LIST CODE FOR EACH ITEM OF PROPERTY IN	CODE #	DESCRIPTION
01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL
06-CLOTHES/PURS	12-FARM EQUIPMENT	18-LIVESTOCK
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY
		21-NEGOTIABLE INSTRUMENT
		22-NONNEGOT INSTRUMENT
		23-OFFICE EQUIPMENT
		24-OTHER
		25-PURSE/BAG/WALLET
		26-RADIO/TV/VCR
		27-RECORD/AUDIO VISUAL
		28-STRUCT-SINGLE OWL
		29-STRUCT-OTHER OWL
		30-STRUCT-OTHER COMM
		31-STRUCT-INDUST MFG
		32-STRUCT-PUBLIC
		33-STRUCT-STORAGE
		34-STRUCT-OTHER
		35-TOOLS
		36-VEN/PART/ACC
		37-WATERCRAFT
		99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE
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RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS

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"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION
			<input type="checkbox"/> REVOLVER
			<input type="checkbox"/> RIFLE
			<input type="checkbox"/> SAWED OFF
			<input type="checkbox"/> SEMI AUTO
			<input type="checkbox"/> SHORT/SNUB BBL
			<input type="checkbox"/> SHOTGUN
			<input type="checkbox"/> SIMULATED WEAPON
			<input type="checkbox"/> SINGLE BBL
			<input type="checkbox"/> THROWN OBJECT
			<input type="checkbox"/> UNKNOWN

ARRESTED #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

ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.		
I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1	
RESIDENT OF COUNTY	Y N	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>
CHARGES	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
			POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>

ARRESTED #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

ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.		
I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1	
RESIDENT OF COUNTY	Y N	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>
CHARGES	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
			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. #
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
Detective Michael J. CHAPERON	61923	04		<i>St. Mary's</i>	-0-

INVESTIGATIVE NARRATIVE:

This report is submitted by Detective Michael J. CHAPERON, Criminal Investigation Unit/Internal Affairs Division, early shift.

On 10-21-01, I Detective Michael Chaperon interviewed the complainant #18. #18 stated that an officer slammed his head against a room divider partition and choked him. #18 was photographed and checked for injuries consistent with his allegations. No injuries were observed on #18.

During follow up investigation I interviewed the complainants foster mother a #18 she informed me that #18 has some mental health issues that he is currently being treated for (unsuccessfully). Also that #18 is prone to lying and making false complaint when he gets into trouble.

Finally the assisting officers statement does not collaborate #18 story that an officer injured him.

This investigation revealed that the complainant #18 had no injuries consistent with his complaint and further he is not credible. Based on these facts this case will be cleared as unfounded/baseless.

REVIEWING D.A.	DET. ASSIGNED:	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" 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 13 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATES: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED 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
JUSTIFIABLE HOMICIDE CRIME	<input type="radio"/> A. SUSP ATTACKED PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTACKED PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTACKED CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

REASONS FOR DELETION OF PORTIONS OF THIS REPORT

#6 Please be advised that this portion of the report is denied, in consideration that a child/juvenile has/have been apprehended regarding this offense and has been referred to the Milwaukee County Children's Court Center.

Further be advised that pursuant to Wisconsin Statutes 48.396, records of children shall not be open to inspection or their contents disclosed except by order of court. Accordingly, we are unable to disclose any records regarding the arrest of children in the absence of a court order.

In addition, any request for child/juvenile records pursuant to 938.396 (1), (1b), (1d), (1g), (1m), (1r), or (1t) is also denied. Be advised, a requestor denied access to records pursuant to these subsections "... may petition the court to order the disclosure of the records governed by the applicable subsection." At this time, "...the court shall balance (various) private and societal interests..." regarding disclosure or non-disclosure. [See s.s. 938.396 (5)].

Further be advised that in the event that all or part of your request is denied, that this determination is subject to review by mandamus, Wisconsin Statutes 19.37(1), or upon application to the District Attorney or Attorney General.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. SCOTT IVERSON
DISTRICT FOUR

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 OCTOBER 21, 2001
- 2) A citizen's complaint made by REGARDING 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: _____

Scott Iverson

SCOTT IVERSON

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

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

02 SEP 23 AM 11:24

RECEIVED