

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Special Deputy City Attorneys



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**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

November 22, 2002

## VIA HAND DELIVERY

Alderman Michael D'Amato  
Third Aldermanic District  
Common Council  
Room 205, City Hall

**RE: Substitute Resolution to Settle Claims of Attorneys Laurie A. Eggert, D. Michael Guerin and Kenneth Murray for Defense of Various Police Officers**

Dear Alderman D'Amato:

With respect to the consideration of the Committee on Judiciary and Legislation of the above noted matter during its hearing on Monday, November 18, 2002, you made a request for additional information concerning the circumstances of those claims then under consideration which had a value of greater than \$1,000.00. From my review of the materials submitted to the committee, they were only eight such claims. This letter provides further information or materials regarding these eight claims.

1. Citizen complaint of Ms. Terri Young against Police Officer Michael Austin: Our previous submission to the Committee just included a statement by Attorney Eggert "that the matter involved taking a juvenile into custody" and the Dismissal Order from the Fire and Police Commission bringing the matter to a close "because the Complainant has requested that the complaint be dismissed." Ms. Eggert has provided a limited amount of additional information regarding this matter, and that is set forth in the accompanying letter from her to me of November 19, 2002.
2. Criminal investigation of Police Officers Joseph Anderer and Lee Vedbraaten: This matter is a criminal investigation that resulted in a choice by the District Attorney not to prosecute. The Criminal Investigation Unit of the Internal Affairs Division prepared a report on that, and two pages of their report were supplied to us by Attorney Eggert. A copy of that accompanies this letter for your information. It is the report from which I read during the Committee hearing.

Alderman Michael D'Amato

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3. Criminal investigation of Police Officers Ryan Lemke and Patrick Elm: This matter was the subject of a letter from a Deputy District Attorney James Martin. The investigation resulted from a shooting by Officer Lemke of a citizen. The District Attorney's office determined that the shooting was privileged in self-defense. A copy of the District Attorney's letter accompanies this correspondence to you.
4. Criminal investigation of Police Officers Ryan Lemke, Colin Jorgenson, David Droster, Alfreddy Young and Hollis Smith: This criminal investigation is also the subject of a letter from the District Attorney's office which explains the factual circumstances and relates the District Attorney's decision not to prosecute. A copy of that letter also accompanies this correspondence to you.
5. Citizen complaint of Tasha D. Cannon against Police Officers Craig Sarnow and David Kowalczyk: With respect to this Fire and Police Commission proceeding, Ms. Eggert originally explained that it arose from an arrest on open warrants and that the Fire and Police Commission had dismissed the complaint. She also provided two Orders of Dismissal indicating that the complaint had been dismissed due to a lack of sufficient prosecutorial merit. A copy of each of those Orders of Dismissal accompanies this letter. Ms. Eggert has also supplied certain additional information regarding this matter. It is the subject of her November 19, 2002 letter to me that accompanies this correspondence, as well as certain arrest reports that she had provided with her November 19, 2002 correspondence.
6. Criminal investigation of Police Officers Gary Raymond, Christopher and David Aguilar, Ronald Fohr and Byron Page: I have the following description of the incident from Attorney Murray: The complainant, Mr. Tate, was fleeing a scene carrying a gun. Officers sent to the scene spotted Tate and pursued him. Tate either ran into a squad car or was struck by one. Tate vigorously resisted arrest and was taken to the hospital for injury to his leg suffered when striking the squad car. A police sergeant was called to the scene and a criminal investigation ensued into the issue of the use of excessive force. All of the officers involved were interrogated. No criminal charges were issued and no discipline was imposed on any of the officers.
7. Criminal investigation of Police Sergeant Louis Staton: Attorney D. Michael Guerin represented Sergeant Staton and has provided me the following information. Sergeant Staton was on patrol in his police vehicle one evening. The sergeant asserts that he suffered a flat tire while on patrol. He claims that he parked the vehicle and left it to look for a call box in order to call in the flat. He found a call box some distance away from the vehicle and called in the flat tire. Upon returning to the vehicle he noted that there were scratches on the right side of his police vehicle and a broken mirror. He claimed that the vehicle must have been vandalized. The department investigated the matter because it appeared that the sergeant may have simply had an accident while driving and

Alderman Michael D'Amato

November 22, 2002

Page 3

had left the scene of the accident. He was also investigated for filing a false report. No criminal charges were issued as a result of this investigation. Attorney Guerin's investigator uncovered a witness who recounted having seen boys near the police vehicle. The sergeant was disciplined by the Chief, being suspended for a number of days from work without pay. The sergeant appealed that suspension, but negotiated a reduced suspension with our office during the pendency of the appeal. Attorney Guerin was not involved and did not submit any charges for that disciplinary proceeding.

8. Criminal investigation of Sergeant Frederick Tice: Once again Attorney D. Michael Guerin was involved in representing Sergeant Tice in a criminal investigation. He provided us with the accompanying letter of February 9, 2001. This briefly explains the nature of the criminal investigation. It is our understanding from Attorney Guerin that as a result of the inquest into the shooting no charges were brought against Sergeant Tice. It is also my understanding that no disciplinary action was brought against him as a result of this shooting.

If you have any further questions or concerns regarding any of these matters, please feel free to contact me.

Very truly yours,



JAN A. SMOKOWICZ  
Assistant City Attorney

Enclosure

JAS:lae  
60546

**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

November 19, 2002

Mr. Jan Smokowicz  
Assistant City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

**RE: Additional Information on City Claims**

Dear Mr. Smokowicz:

In our telephone conversation today, you requested additional information concerning several claims which we had previously submitted to the City.

When the Fire and Police Commission (FPC) accepts complaints from citizens who complain about a contact with a police officer, it does so without conducting an investigation to determine whether or not the officer has actually done anything wrong; the FPC has no requirement that the citizen demonstrate that the allegations are true, or that there is probable cause to conclude that the allegations are true.

The FPC has, as a matter of policy and statutory interpretation, concluded that it is in the public interest to give citizens broad latitude to file complaints, and to require police officers to respond to all such complaints. Many of the complaints are resolved at the conciliation stage, where the officer and the citizen discuss the incident off the record. The goal of these conciliations is to have both the officer and the citizen consider the incident from the other's perspective, as well as to provide an opportunity for the officer to explain what he did and why he did it.

As you know, the FPC keeps confidential the contents of citizen complaints, with the exception that it will categorize the allegations as courtesy/civility, use of force, or "other." Courtesy/civility allegations can involve tone of voice, word choices, and attitude. Use of force addresses any amount of force, including handcuffing, that is used in an arrest or other police contact. The FPC does not release more specific allegations. Similarly, the FPC rules treat the conciliations as confidential, with no information - except the result of the conciliation - being released to the public. Additionally, some citizen complaints involve juvenile matters, which cannot be divulged.

As a result, I am somewhat limited in my ability to provide a lot of information concerning the citizen complaints that have been resolved short of a hearing before the FPC. (As you know, such hearings are public.)

Where possible, I will be glad to provide additional information as requested. One source that is frequently available is the arrest report, which may detail the incident if the allegation relates to the arrest; this is the typical situation in a use of force allegation. The arrest report is treated as an open record once the criminal investigation of the arrested person is concluded.

*Claim of Craig Sarnow and David Kowalczyk (ELO No.: 1612)*

I am providing you with a copy of the arrest report of the complainant, Tasha Cannon. She was arrested for obstructing Officers Sarnow and Kowalczyk; the details are contained in the investigative narrative portion of the report.

*Claim of Michael Austin (ELO No.: 1660)*

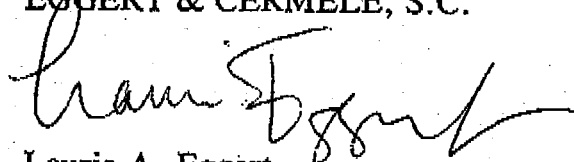
Because the incident involved a juvenile, I cannot provide you details of the incident which led to the citizen complaint, or the results of that incident. The juvenile's allegations were in the nature of courtesy/civility and use of force.

The juvenile's allegations concerning use of force were also investigated as a criminal matter, and were cleared by the Deputy District Attorney as "warrant refused;" the summary of that criminal investigation concluded that "all evidence contradicts the statements" of the juveniles who had been questioned regarding the allegations against the officer. {I have not provided you with a copy of that report; to do so would connect the dots between the incident and the juvenile - even if the report whited out his name - and make public certain information which is required to remain confidential. }

If you need additional information concerning these or other pending claims, please do not hesitate to call me.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert  
Attorney at Law

LAE/ldl  
enclosure  
SMOKOWICZ 111902

06/20/2000 05:47 assign incident number n758.580a

operator payroll nr 66677 officers payroll nr 66677

incident date 06 20 2000 time 04 29

address of incident 451E N 27TH ST  
MILWAUKEE WI

statute nr 946.41 OBSTRUCTING AN OFFICER

victim name MILWAUKEE POLICE DEPT

assigned number 00 178.3030

PLEASE PRINT THIS INCIDENT, THANK YOU.

of 3 = return to menu - or - press enter to continue



INVESTIGATION NARRATIVE

THIS report is written By P.O. David Kowalczyk, District 7, Lake  
 ON Tue, 06-20-02, AT approximately 3:45 AM, Spd 71 (P.O. SARNOW  
 And P.O. Kowalczyk) was Dispatched to 4512 N. 27th St. regarding  
 For us to check For a subject wanted.  
 Upon Arrival, we were let in by the subject, later  
 identified as TASHA D. CANNON, B/E, 7-2680. We asked TASHA  
 her name and Birthdate. She gave us the information of KESHA  
 L. JOHNSON, B/E, 7-2380. AFTER we checked The Milwaukee BEE  
 computer and The D.O.T computer through district 7 console and  
 she did not come BACK on file on either computer. We questioned  
 her about the information. she then told us that she lied, due to her  
 having warrants, and she gave us her correct information. We  
 checked her name for warrants and warrants. The check revealed that  
 she had several warrants. We informed Tasha that she was  
 under arrest. she stood up from the bed and attempted to exit  
 the room. P.O. SARNOW attempted to stop her and told her to sit  
 back down. she refused and took a swing with her left back hand at  
 P.O. SARNOW. she still attempted to exit the room. I attempted to place  
 her hands behind her back to handcuff her. she then pulled away  
 and pushed my arms away. TASHA WAS deescalated down to  
 the top of bed mattress. We told her several times to stop resisting,  
 and to place her hands behind her back. TASHA Refused to  
 cooperate. she kept on trying to get away and refused to place  
 her hands behind her back. We were finally able to physically  
 restrain her and to place her in handcuffs. Even after she was  
 handcuffed she kept on resisting, saying "You white FAT Bitches, I'll  
 Kick your Asses one on one." We called for a wagon to convey her  
 to P.P.S. due to her being combative, TASHA was conveyed to P.P.S.  
 For Booking Process. Officer Kowalczyk and SARNOW were issued a  
 P.V. 17.

REVIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	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"/> ARREST UNDER 18 <input type="checkbox"/> D.A. DETAINED AT M.C.C.C. <input type="checkbox"/> O.E. ORDER IN TO M.C.C.C. <input type="checkbox"/> O.WAIVED AS AN ADULT DATE: / /
(CLEAR ADMINISTRATIVE USE ONLY)		
<input type="checkbox"/> 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
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. REGISTERED 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



WAUKEE POLICE DEPARTMENT

PAGE 1 of 1

00-172-3030

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT
	VICTIM	LOCATION OF INCIDENT (ADDRESS)	
	VICTIM'S ADDRESS CITY/STATE/ZIP CODE	REPORTED BY	Same <input checked="" type="checkbox"/>

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-00)					
	QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL#	INVENTORY#	CODE# VALUE

RELATED INCIDENT NUMBER(S)	EVIDENCE INVENTORY NUMBER(S)	ADDED PROPERTY ON ATTACHED FORM <input type="checkbox"/>	TOTAL VALUE RECOVERED PROPERTY \$
----------------------------	------------------------------	--	-----------------------------------

WEAPON	USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS								
1	2	1	2	1	2	1	2	1	2

ARRESTED #1 LAST NAME	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG.
CANNON	TASHA	D	B	F	07-16-80	19	NON-HISP.

RESIDENT OF COUNTY?	GANG RELATED?	DRUG RELATED?	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4512 N. 27th #302	06/20/02 4:30	ALL OTHER ARRESTS

ARRESTED #2 LAST NAME	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG.
N/A							NON-HISP.

RESIDENT OF COUNTY?	GANG RELATED?	DRUG RELATED?	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			ALL OTHER ARRESTS

VEH. YEAR USED	MAKE	MODEL	TYPE	COLOR	LICENSE#	STATE	EXP.	TYPE	V.I.N.
N/A									

REPORTING OFFICER	PAYROLL#	LOC#	ASSISTING OFFICER PAYROLL#	SUPERVISOR	TOTAL ARRESTS
[Signature]	6477	23	66677	[Signature]	1

INVESTIGATION NARRATIVE

THIS report is written By P.O. David Kowalczyk, district 7, late on Tue, 06-20-02, at approximately 3:45 AM, Sgt 71 (P.O. SARNOSEK) and P.O. Kowalczyk was Dispatched to 5512 N. D St. regarding For us to check For a subject wanted.

Upon Arrival, we were let in by the subject, later identified as TASHA D. CANNON, B/F, 7-1680. We asked TASHA her name and Birthdate. She gave us the information of KESHA L. JOHNSON, B/F, 7-2380. AFTER we checked The Milwaukee B/E computer and The D.O.T computer through district 7 console and she did not come BACK on File on either computer. We questioned her about the information. She then told us that she lied, due to her having warrants, and she gave us her correct information. We checked her name for wants and warrants. The check revealed that she had several warrants. We informed Tasha that she was under arrest. She stood up from the bed and attempted to exit the room. P.O. SARNOSEK attempted to stop her and told her to sit back down. She refused and took a swing with her left Back hand at P.O. SARNOSEK. She still attempted to exit the room. I attempted to place her hands behind her back to handcuff her. She then pulled away and pushed my arms away. TASHA WAS deescalated down to the top of bed mattress. We told her several times to stop resisting and to place her hands behind her back. TASHA refused to cooperate. She kept on trying to get away and refused to place her hands behind her back. We were finally able to physically restrain her and to place her in handcuffs. Even after she was handcuffed she kept on resisting, saying "You white FAT Bitches, I'll Kick your Asses one on one." We called for a wagon to convey her to P.P.S. due to her being combative. TASHA was conveyed to P.P.S for Booking Process. Officer Kowalczyk and SARNOSEK were issued a P.U.D.

REVIEWING D.A.	PO/DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	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"/> 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"/> C. WAIVED AS AN ADULT DATE: / /
<b>CRIM. ADMINISTRATIVE USE ONLY</b>		
<input type="checkbox"/> CLEARED EXCEPTIONALLY <input type="checkbox"/> JUSTIFIABLE HOMICIDE	<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 <input type="checkbox"/> G. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> H. SUSP. RESISTED ARREST <input type="checkbox"/> I. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> J. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> K. SUSPECT KILLED BY POLICE OFFICER

NAME LAST FIRST MIDDLE D.O.B. CIB FILE#  
 Cannon Tasha Denise 07-Nov 80  
 ARREST DATE AND TIME: 06-20-00 4:30A CHARGE: STATUTE NO. / ORD. NO. 946-11  
 STATEMENT OF PRISONER (Continued)



The State of Wisconsin  
Department of Justice

CONSTITUTIONAL RIGHTS

You have the right to remain silent.  
 Anything you say can and will be used against you in a court of law.  
 You have the right to consult with a lawyer before questioning and have a lawyer present with you during questioning.  
 If you cannot afford to hire a lawyer, one will be appointed to represent you at public expense before or during any questioning if you so wish.  
 If you decide to answer questions now without a lawyer present, you will still have the right to stop the questioning at any time. You also have the right to stop the questioning and remain silent at any time you wish, and the right to ask for and have a lawyer at any time you wish, including during the questioning.

(OVER)

WAIVER

Do you understand each of these rights?

Realizing that you have these rights, are you now willing to answer questions or make a statement?

X Refused

Subject was advised of her rights at 5:00 AM on 06-20-00.  
 The subject stated: "I'm not answering any more of your questions."

INTERVIEWING OFFICER TO FURNISH: Name, Rank, Payroll Number

Date and Time of Interview

Brandon B. Moore PO 66677

06-20-00 5:00

P S W 3 COMPLAINT HISTORY DETAIL: M001720196 Page 1 10/19/00  
 C A D MILWAUKEE POLICE DEPARTMENT 23:41  
 \*\*\*\*\* MSG #0029342570

INITIATE: 03:11:24 06/20/00 CALL NUMBER: M0196  
 NTRY: 03:13:13 CURRENT STATUS: CLOSED  
 DISPATCH: 03:35:07 PRIMARY UNIT: 71L (DISPATCH EXCEPTION)  
 NSCENE: 03:47:03 JURISDICTION: MP  
 LOSE: 07:35:43 DISPOSITION: C1  
 LOCATION: 4512 N 27TH ST, MIL (W RUBY AV & W BLENDALE AV)  
 AREA: 07  
 EAT: 71 TYPE: 1844 SUB WANTED  
 DIST: P277 PRIORITY: 2  
 FIRE BOX: 00000030 EMS GRID: UNK

3:13:13 TC02 ENTRY RP: SHENITA PERRY\TX: CALLER SAY THAT SUBJ ( TASHA  
 CONNON) IS AT ABOVE ADDRESS NOW, JUST CALLED  
 COMPLAINANT AT HOME, WOMAN IS WANTED FOR PROPERTY  
 DAMAGE OCC: 5-19-00, CALL# 1467 AND 890, 5-19-00, NFI  
 MP 1849, 05/20/00 @ 01:45:00 (4 MORE)

3:13:13 TC02 PRIOR  
 3:13:38 D07C HOLD  
 3:17:33 TC05 UPDATE AD: 8832 W SILVER SPRING DR APT 4 ,MIL  
 3:17:33 TC05 SUPP AD: 8832 W SILVER SPRING DR APT 4 ,MIL \PM: 414 535-7203  
 \TX: CLLR STS THAT THERE IS A DAVID JAMES, B/M, 21YOA

P S W 3 COMPLAINT HISTORY DETAIL: M001720196 Page 2 10/19/00  
 C A D MILWAUKEE POLICE DEPARTMENT 23:41  
 \*\*\*\*\* MSG #0029342570

WHO IS ALSO WANTED FOR BATTERY, AND A SHERIFF WARRENT.  
 CHECKIGN ON STATUS OF SQD. NFI \*\*\*\*CLLR IS REQ SQD TO  
 CONTACT HER WITH INFO UPDATE. \*\*\*\*\*

3:35:07 D07C SUGGEST 587L  
 3:35:07 D07C DISPATCH 71L  
 3:47:03 D07C ONSCENE 71L  
 4:32:34 D07C MISC 71L, SW  
 4:32:50 D07C BACKUP 44L 76L  
 4:33:52 D07C ONSCENE 76L  
 4:40:40 D07C ONSCENE 44L  
 4:43:52 D07C TRANSPRT 44L PPS FOR 71L  
 4:44:02 D07C CHGLOC 71L PPS W/C1  
 4:44:33 D07C INSRVICE 76L  
 4:56:37 D04C ONSCENE 44L  
 4:56:40 D04C ONSCENE 71L  
 5:19:40 D04C INSRVICE 44L  
 5:44:43 D07C CONTACT 71L 60  
 7:35:38 D07C DISPOSTN 71L C1, CLEARED - ARREST 18/OVER  
 7:35:43 D07C INSRVICE 71L  
 7:35:43 D07C CLOSE

P S W 3 COMPLAINT HISTORY DETAIL: M001720196 Page 3(LAST) 10/19/00  
 C A D MILWAUKEE POLICE DEPARTMENT 23:41  
 \*\*\*\*\* MSG #0029342570

OPERATOR ASSIGNMENTS: TC02 054990 CRUZ, VALERIE M.  
 D07C 050524 ULICKEY, TERESE D.  
 TC05 060579 DAVIS, YULONDA L.  
 D04C 054993 GLOVER, SHIRLEY A.  
 AS OF 07:35:38: D07C 059416 RAMIREZ, KRISTEN M.

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

SUMMARY

Wednesday, November 22, 2000

IN THE MATTER OF:      CIU#00-164 - CRIMINAL DAMAGE TO PROPERTY  
                                 P.O. JOSEPH ANDERER, PR#65702  
                                 P.O. LEE VEDBRAATEN, PR#62965  
                                 BOTH OF DISTRICT TWO, EARLY SHIFT  
                                 P.O. GLENN MEISTER, PR#63611  
                                 TRAINING BUREAU

PRIMARY INVESTIGATOR(S): DET. CHARLES SHEPARD JR.

TO: DALE T. SCHUNK  
     POLICE COMMANDER

SIR:

*This report was dictated by Detective Charles SHEPARD Jr., of the Criminal Investigation Unit/ Internal Affairs Division (CIU /IAD), early shift.*

ALLEGATION:

*The complainant, Jamie A. VERLEY, white female, alleges that one of the above named officers put a garden hose down the dryer vent of her home and turned the water on causing the dryer to flood out, thus causing damage.*

INVESTIGATION:

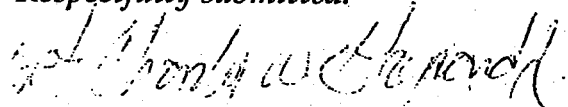
*The complainant, Mrs. Jamie VERLEY, stated that on June 12, 2000, at approximately 8:00 p.m., her neighbor who lives upstairs by the name of Teresa COLLOTON, white female, adult, was visited by three Milwaukee uniformed police officers. These officers were inquiring of Ms. COLLOTON concerning a missing 15 year-old boy who may be upstairs and may be a friend of Ms. COLLOTON'S son.*

*Mrs. VERLEY stated that the officers spoke with Ms. COLLOTON for a few minutes and that Ms. COLLOTON went back upstairs. Mrs. VERLEY went on to state that she looked out of her kitchen window and observed one of the uniformed officers near her garden hose, which is directly under her kitchen window. The officer appeared to be bending over doing something with the hose but she could not say exactly what it was*

CONCLUSION:

This matter was brought before the Milwaukee County District Attorney's office, that being Deputy District Attorney Jon REDDIN on Thursday October 19, 2000, at 2:30 p.m. At that time Deputy DA REDDIN interviewed the witnesses and the complainant and upon doing so he determined that there was not enough to prove that the officers actually committed this offense. Deputy DA REDDIN did add however that it is his belief that the officers did commit this damage but it is just not provable. I, Det. SHEPARD, did receive a letter dated Friday, November 17, 2000, from Deputy DA REDDIN and the letter specifies his reasons for not issuing the charges, which basically entails what was mentioned above. Therefore, this case will be cleared as warrant refused.

Respectfully submitted:



Charles SHEPARD Jr.  
Police Detective  
CIUIAD, Early Shift

CS/ell 11-22-00  
00-164.SUM

INTERNAL AFFAIRS DIVISION	
DEC 10 2000	
Received	
Referred	File
By	Capt. Greg P. Thompson



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schutz
Alexander G. Stenarz
Fredric E. Matczak
William J. Molitor
Gerald R. Falk
Donald S. Jackson
Gele G. Shelton
Terry Megowan
Gary D. Mahkorn
David Robles
Deborah Daley
Pag Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
George N. Prietz, III
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glarum
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Steber
Thomas L. Potter
David Felix
Rayann Chandler Szychinski
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Kraus
Phillip A. Arlett
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Denia J. Singl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Debra M. Sciano, SSND
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Ettenheim
Marcella DePeters
Catherine A. Gaudreau
Lori S. Korbium
Karine O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Swierawski
Joanne L. Hardtke
John T. Chisholm
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Derek C. Mosley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Jayne Davis Dewire
Alison M. Rittor
Kevin R. Shomin
Kelly L. Hedge
Jennifer Pypel
Beth D. Zirgibel
Shannon Camrick Schmidt
Rebecca F. Dallet
Mark A. Sanders
Paul C. Desinsky
David T. Malone
Catherine B. Scherer
Julius Kim
Jeffrey J. Altenburg
Racheal Gossans
Deborah L. Mills
Patti Wabitsch
Kent L. Lovem
Paul R. Sander
Roy L. Williams
Neison W. Phillips, III
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mark D. Benson
Mzry M. Sowinski
Kathryn K. Sarner
Jeanette Corbett
Jeffrey P. Grapp
Thomas C. Binger
Harold Bisavum
David Mass
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Genise M. Hooks
Brent Nistler
T. Christopher Dee
Kathanne Kucharski
Lisa P. Fricker

August 30, 2000

Arthur L. Jones, Chief of Police
Milwaukee Police Department
749 West State Street
Milwaukee, Wi. 53233

SEP 5 2000

ESSENTIAL LAW OFFICE, S.C.

RE: Investigation into the Shooting of Almon Madden

Dear Chief Jones:

I conducted an investigation into the shooting of Almon Madden by Milwaukee police officer Ryan Lemke on August 6, 2000, at the Bridgeport Apartments, 3001 West Silver Spring Drive, Milwaukee.

I concluded that Lemke's shooting of Madden was privileged in self-defense under section 939.48, Stats. Although mistaken, Lemke's belief that Madden was armed was not unreasonable under the circumstances. Therefore, no criminal charges will be issued against officer Lemke for shooting Madden.

Thank you for your department's cooperation in the investigation of the shooting.

Sincerely,

James J. Martin
James J. Martin
Deputy District Attorney

cc: Jonathan Cermele, Esq.
Alan Olshan, Esq.
Lt. Steven Spingola



OFFICE OF DISTRICT ATTORNEY

# Milwaukee County

E. MICHAEL McCANN • District Attorney

February 22, 2001

Chief Arthur Jones  
City of Milwaukee Police Department  
749 W. State Street  
Milwaukee, WI 53233

FEB 26 2000

Dear Chief Jones:

On November 4, 2000, members of the Milwaukee Police Department Tactical Enforcement Unit made a dynamic entry into a home at 3620 W. Hampton Avenue to look for a suspect who was wanted on several warrants and who had vowed to fight with police if caught. Police had information that this individual was at that house getting his hair cut.<sup>1</sup>

The complainant in this case, Phillip Jones, was in the basement cutting hair when he heard the entry team and came running up the stairs. He ran into officer Colin Jorgenson, who was carrying a ballistic shield in one hand, and his weapon in the other. According to officer Jorgenson, Jones came headlong at him, slid legs first and struck Jorgenson's legs, which caused Jorgenson to fall to his knees. Jones claims that someone hit him in the head with a gun during this incident.

This was a dynamic entry. Jones came running up the stairs at the first officer on the scene and collided with him. The contusion that Jones said he suffered was, in my opinion, incidental to that collision. If he was struck by a weapon, which Jorgenson denies, I believe it was accidental. In any event, no intent to injure can be shown, and absent such a showing no crime can be proven. I am therefore declining prosecution of this case.

Very truly yours,

Jon N. Reddin  
Deputy District Attorney

JNR:jr

cc/ Jon Cermele

<sup>1</sup>As it turned out, that information was not accurate, and the suspect was not located in the house.

Robert D. Donohoo  
Jon N. Reddin  
Carol Lynn White  
Patrick J. Kenney  
James J. Martin

Thomas A. Schatz  
Alexander G. Stenarz  
Francis E. Massic  
William J. Mottor  
Gerald R. Jackson  
Donald S. Jackson  
Gale G. Shelton  
Terry Megowan  
Gary D. Mahkorn  
David Robles  
Deborah Daley  
Peg Tarrant  
Douglas J. Simpson  
Cynthia G. Brown  
Norman A. Gahn  
George N. Pnietz, III  
Stephane Giroux Rothster  
Carol E. Stauder  
Steven H. Glamm  
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Patricia A. McGowan  
rene Parham  
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JoAnn M. Hornak  
Catherine A. Gaudreau  
Lyn E. Kornblum  
Kanne O'Byrne  
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Phillip R. Rangewebson  
Tiffany J. Harris  
Emory H. Booker, II  
Daniel R. Humble  
Jacob D. Corr  
David H. Weber  
Joy Hammond



JAN 12 2000

BOARD OF  
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

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In Re:  
THE CHARGES OF TASHA D. CANNON  
AGAINST POLICE OFFICERS CRAIG  
SARNOW AND DAVID KOWALCZYK

ORDER OF DISMISSAL

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To Officer Craig Sarnow:

It is hereby ordered that the Complaint of Tasha D. Cannon, Complaint No. 2000-42, filed with the Board on July 21, 2000, is dismissed because the Complaint lacks sufficient prosecutorial merit, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,  
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 9, 2001.

c: Attorney Laurie Eggert ✓

JAN 12 2000

ENC

BOARD OF  
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

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In Re:  
THE CHARGES OF TASHA D. CANNON  
AGAINST POLICE OFFICERS CRAIG  
SARNOW AND DAVID KOWALCZYK

ORDER OF DISMISSAL

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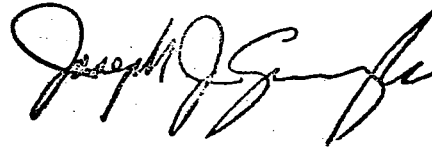
To Officer David Kowalczyk:

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MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,  
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 9, 2001.

c: Attorney Laurie Eggert ✓

GIMBEL, REILLY,  
GUERIN & BROWN  
LAW OFFICES

February 9, 2001

FRANKLYN M. GIMBEL

RICHARD E. REILLY

D. MICHAEL GUERIN

THOMAS E. BROWN

DENIS J. REGAN  
COURT COMMISSIONER

KATHRYN A. KEPPEL

PATRICK J. KNIGHT

RAYMOND M. DALLOSTO  
ALSO LICENSED IN ILLINOIS

MICHAEL D. JACKELIN

AARON M. HURVITZ

PARALEGALS

STEVEN M. LANT

SUE M. SOCZKA

ANGELA D. JANSSEN

JEFFREY A. KAUFMAN  
OF COUNSEL

C.R. REILLY (1901-1983)

Milwaukee City Attorney's Office  
Attention: Jan A. Smokowicz  
200 East Wells Street, #800  
Milwaukee, Wisconsin 53202-3551

Re: Sergeant Frederick Tice

Dear Jan:

Frederick Tice is a City of Milwaukee Police Sergeant. As you know, I have represented the Police Sergeants when there are criminal inquiries and the City Attorney is in a conflict position. Sergeant Tice was involved in a fatal shooting which occurred at a bank at 400 West National Avenue on October 26, 2000.

We have now been informed that there will be a criminal inquest conducted in March 2001. I am undertaking the representation of Sergeant Tice's defense in the criminal investigation under the assumption that the City Attorney would not undertake such representation.

I will submit my bill for services consistent with the City's policy.

Yours truly,

  
D. MICHAEL GUERIN

DMG/ker  
*crim/Tice/Smokowicz*

TWO PLAZA EAST, SUITE 1170  
330 EAST KILBOURN AVENUE  
MILWAUKEE, WISCONSIN 53202

TELEPHONE: (414) 271-1440  
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E-MAIL: grgblaw.com

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WAUKESHA, WISCONSIN 53188