

May 15, 2003

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

Re: Communication from attorney Alan D. Eisenberg
on behalf of Leon & Carol Lowrie
C.I. File No. 02-L-119

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.

Claimants, Leon and Carol Lowrie, 2828 West Meinecke Avenue, Milwaukee, WI 53208, allege through their attorney, Law Offices of Alan D. Eisenberg, 3111 West Wisconsin Avenue, Milwaukee, WI 53208-3957, that on August 26, 2002 they sustained damages when, during an incident at their home, the Milwaukee Police Department shot their dog without provocation and provided false statements in the Municipal Citations issued to the claimants. They claim damages in the amount of \$20,000.00.

Our investigation reveals that the police were sent to the location to investigate a Domestic Violence-Battery Complaint. They knocked on the front door of the home for several minutes. The door was opened by Mr. Lowrie, who advised the officers to wait because he had to let the dogs out. The back door opened and three dogs charged towards the front porch. One of the officers was able to get off the porch. The remaining officer believed that one the dogs was about to climb the porch and attack him. The officer fired one shot wounding the dog, later identified as a four year old Rottweiler. The original caller, Ms. Lowrie, then arrived on the scene and was interviewed. It was

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later determined through the investigation that probable cause existed to arrest the daughter, Tracy M. Lowrie, for Battery committed against her mother. Three Municipal Citations were issued to Mr. Lowrie for Rottweiler dog fence requirement, Rottweiler dog behavior training requirement and dog license requirement. The police officers acted properly in this matter and would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2002-2777:67698