

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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

August 20, 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 Officers J. Timmerman, D. Trunkle, R. Harris,
W. Esqueda, Sr., M. Chemlick and A. Bell
C.I. File No. 02-S-391; EC No. 1825

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jeffrey Timmerman, Darcie Trunkle, Ray Harris, William Esqueda, Sr., Mickal Chemlick and Andrew Bell. The claim is in the amount of \$1,531.48 including \$13.48 in disbursements for 13.80 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.

2276

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
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Special Deputy City Attorneys



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KURT A. BEHLING
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JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

December 3, 2002

Commander Steven Settingsgaard
Milwaukee Police Dept., Internal Affairs Div.
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 02-S-391
Communication from EGGERT LAW OFFICE

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Santiago, et al., Austin, Timmerman, et al., Bungert, Cecil, Dudley, Gordy, et al., Lelinski/Novak, Menzel, et al., Newport/Lacy, Obregon, et al., Ortiz/Behning, Osburn, et al. Rotramel, and Smolen.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

RECEIVED
MILWAUKEE
02 DEC -9 AM 10:12
MILWAUKEE
DIVISION

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 14, 2002

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

RE: Various claims

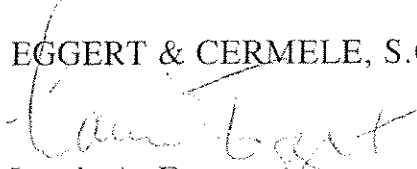
Dear Mr. Leonhardt:

Enclosed are the following claims:

<u>OFFICER(S)</u>	<u>OUR NO.</u>
Santiago, et al.	1733
Austin	1824
Timmerman, et al.	1825
Bungert	1826
Cecil	1827
Dudley	1828
Gordy, et al.	1829
Lelinski/Novak	1837
Menzel, et al.	1830
Newport/Lacy	1831
Obregon, et al.	1832
Ortiz/Behning	1833
Osburn, et al.	1835
Rotramel	1834
Smolen	1836

Respectfully,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
2002 NOV 15 PM 4:12
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
2002 NOV 15 PM 3:40
OFFICE OF THE CITY CLERK

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 14, 2002

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

RE: MPD Criminal Investigation of POs Jeffrey Timmerman, Darcie Trunkle, Ray Harris, William Esqueda, Sr., Mickal Chemlick and Andrew Bell
Allegations Regarding Mr. Ryan Zuehlke
Date of Incident: August 5, 2001
Location of Incident: 2800 North Weil Street
EC No.: 1825

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 the arrest of a suspect.

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 Bell, Trunkle, Timmerman, Harris, Esqueda and Chemlick to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. 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

8/19/04
O.F.
JAS
Letter 2276

011/14/02
02 NOV 19 09:40
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

November 14, 2002

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

RE: MPD Criminal Investigation re: Mr. Ryan Zuehlke
Regarding: POs Jeffrey Timmerman, Darcie Trunkle, Ray Harris,
William Esqueda, Sr., Mickal Chemlick, and Andrew Bell
Date of Incident: August 5, 2001
Location of Incident: 2800 North Weil Street

Professional services

	<u>Hours</u>
10/16/01 Telephone call from Bell; open file; memo to file.	1.20
10/18/01 Telephone call to Det.; review of file; memo to file.	0.30
10/24/01 Telephone call from Bell; telephone call to Det.; memo to file.	0.70
10/25/01 Telephone call from Timmerman; telephone call to Esqueda; preparation for and appearance at PI-21s for Esqueda, Chemlik and Davis; travel.	3.60
10/26/01 Conference with Settingsgaard.	0.10
10/29/01 Preparation for and appearance at Bell's PI-21 statement; travel; conference with and telephone call to IAD regarding Trundle.	1.20
10/30/01 Telephone call to Trunkle; memo to file.	0.20
11/06/01 Attendance at Timmerman PI-21 statements; conference with client; travel; memo to file; review other statements.	1.60

	<u>Hours</u>	
11/08/01	0.20	Conference with witness.
11/16/01	0.20	Telephone call from Trunkle; memo to file.
11/20/01	1.30	Preparation for and appearance at Trunkle PI-21; travel; memo to file.
11/29/01	0.30	Telephone call to Det.; review of file.
04/11/02	0.30	Review of file; telephone call to Timmerman.
04/12/02	0.20	Review of correspondence from Timmerman; memo to file.
06/21/02	0.80	Review of file; telephone call to client; correspondence to MPD Open Records; telephone call to Det.
06/24/02	0.80	Telephone call from client; telephone call to Det.; memo to file; telephone call from Det.; correspondence to MPD Open Records.
07/01/02	0.30	Review of file; correspondence to MPD Open Records.
10/28/02	0.50	Review of correspondence from MPD Open Records; memo to file; close file.
		<u>Amount</u>
	13.80	For professional services rendered \$1,518.00
		Additional charges:
10/25/02		13.48
		<u>\$13.48</u>
		<u>\$1,531.48</u>
		Total costs
		Total amount of this bill

Mr. Ronald D. Leonhardt

Page 3

Amount

Balance due

\$1,531.48

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT BATTERY 940.19 (1)	DATE OF INCIDENT 08-05-01	DATE OF REPORT 12-14-01	REP CON#
	VICTIM ZUEHLKE, RYAN E.	LOCATION OF INCIDENT (ADDRESS) 2800 NORTH WEIL		DIST. 5
	VICTIM'S ADDRESS 10813 WEST FLORIST AVENUE MILWAUKKE, WI 53225	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" 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-FURSE/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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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

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

ALIAS: 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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>
LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES: POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

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

ALIAS: SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

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

CHARGES: POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

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

REPORTING OFFICER <i>Det. Charles A. Shepard Jr.</i> DET. CHARLES SHEPARD JR. 50334	PAYROLL # 50334	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>J. Mary Hoag</i>	TOTAL ARRESTS
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INVESTIGATIVE NARRATIVE:

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

Upon completion of all the interviews, of all the police personnel that were at the scene relative to this investigation, this matter was discussed with Lieutenant of Detectives, Mary HOERIG, of the Internal Affairs Division/Criminal Investigation Unit.

I advised Lieutenant HOERIG that most of the officers involved in this matter declined to make a statement, however some did do so, including two supervisory officers that were on the scene. This investigation has determined that Sergeant Steven J. BRAUNREITER, payroll number 58384, and Sergeant Stephen E. CHIN, payroll number 62640, both of district number five, were the supervisory officers.

Upon the interview of Sergeant CHIN, it was determined from Sergeant CHIN that he was the actual officer that tackled, and took into custody the suspect/victim in this matter, that being Ryan ZUEHLKE. Sergeant CHIN admitted having to tackle this individual, and placed him into physical custody, however Sergeant CHIN denies ever having to strike the prisoner at anytime, even though the prisoner did resist slightly. Sergeant CHIN also stated that there were no other officers present when the prisoner was taken into custody, only after he was taken into custody did other officers arrive. One of which was Sergeant BRAUNREITER.

After conducting an interview with Sergeant BRAUNREITER, he also stated that he was on the scene when the prisoner was being picked up off the ground, and being walked to a waiting police van. Sergeant BRAUNREITER indicated that he recalls the prisoner yelling, and being uncooperative with the officers, however at no time did he see any police personnel mistreating the prisoner verbally or physically.

I further advised Lieutenant HOERIG that due to the fact that two supervisory officers were on the scene, one of which admitted tackling, and taking into custody the prisoner, it would appear that Mr. ZUEHLKE's allegations can not be proven.

Photographs were taken of Mr. ZUEHLKE, and they did indicate abrasions to his face, arms, and his head, however Mr. ZUEHLKE did admit to running from the police, hiding in yards under vehicles, and running through parks to elude arrest. The marks on Mr. ZUEHLKE's face could have come during the time he was attempting to

MU

hide from the police, even though the victim denies this.

It should also be noted that Mr. ZUEHLKE indicated that the officer that tackled him was a Hispanic officer, and that the officer who struck him was a Hispanic officer. After my interview with Sergeant CHIN, Sergeant CHIN does not appear to be Hispanic. At this time, I requested of Lieutenat Mary HOERIG that this matter be filed as baseless, at which time, Lieutenat HOERIG agreed, and then instructed me to file this report.

Based on the investigation, and interviews conducted, it is at this time determined by this detective as well as Lieutenant of Detectives Mary HOERIG that this matter is to be baseless. The criminal investigation into this matter is complete.

CS:tls/12-14-01
Clearance Report 01-253

REVIEWING D.A.	P.O./DET. ASSIGNED CHARLES SHEPARD JR.	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 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 -----		
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 INFORMATION	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD 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

[Handwritten signature]

PO-15B SUPPLEMENTARY REPORT MILWAUKEE POLICE DEPARTMENT	Date of Report 10-16-01	Incident/Accident # 01-241-3097
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INCIDENT BATTERY	S.S. #940.19(1)	Date of Incident/Accident 08-05-01	Rep.	Code #
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VICTIM ZUEHLKE, RYAN E.	LOCATION OF INCIDENT 2800 NORTH WEIL	DIST 5
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JUVENILE Last Name	First	Middle	Date of Birth
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QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
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This report was dictated by Detective Charles SHEPARD, Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Tuesday, October 16, 2001, at 8:35 P.M., I, Detective SHEPARD, along with Detective Barbara O'LEARY of the Criminal Investigation Unit of the Internal Affairs Division conducted follow-up relative to this investigation. The follow-up was to locate and interview Police Officer William J. ESQUEDA, White/Male, Payroll Number 63590. On the above date and time, we did meet with this officer at the Police Training Bureau located at 6680 North Teutonia Avenue, 3rd Floor Interview Room. At this time the officer identified himself as Police Officer William Joseph ESQUEDA, White/Male, Payroll Number 63590, Date of Appointment 12-04-95, currently assigned to District Number Five, Late Power Shift, Squad Number 651A.

At this time Officer ESQUEDA was advised that this is a criminal investigation and that he was not necessarily the focus of said investigation. Officer ESQUEDA was advised that there was an allegation of Battery being made and upon advising him he was then advised of the circumstances surrounding the allegations. Upon doing so, Officer ESQUEDA stated that he did not recall this matter at this time. It was then asked of Officer ESQUEDA that if he did recall the matter, would he be willing to make a statement about it, at which time he stated, "probably not." At this time Officer ESQUEDA could offer no further information. At which time our interview terminated.

While at this location on the same date and same time, further follow-up was conducted with the second officer at 8:42 P.M. This follow-up consisted of an interview of Police Officer Mickal J. CHEMLICK. This officer did meet us at the Police Training Bureau

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SUPPLEMENTARY REPORT
INCIDENT #01-241-3097, CIU#01-253
PAGE 2

located at 6680 North Teutonia Avenue, 3rd Floor Interview Room. He did identify himself as Michael Jefferson CHEMLICK, White/Male, Payroll Number 67331, Date of Appointment of 06-07-99, assigned to District Number Five, Late Power Shift, Squad 651A.

At this time Officer CHEMLICK was advised that this is a criminal investigation and that there are allegations of Battery being made, however, he could or could not be the focus of this investigation. After advising Officer CHEMLICK of the circumstances surrounding this matter he at this time declined to make any statements on the matter. At this time our interview was terminated. This investigation is pending.

CS:js

01-253/SUPPLEMENT

REPORTING OFFICER	PAYROLL#	LOC CODE	SUPERVISOR SIGNATURE
<i>Det Charles W. Shepard Jr.</i> DET. CHARLES SHEPARD, JR.		50334	<i>Lt. Mary King</i> LT. MARY KING
		04	

PO-15B SUPPLEMENTARY REPORT MILWAUKEE POLICE DEPARTMENT	Date of Report 10-17-01	Incident/Accident # 01-241-3097
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INCIDENT BATTERY 940.19 (1)	Date of Incident/Accident Rep. 08-05-01	Code #
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VICTIM ZUEHLKE, RYAN E.	LOCATION OF INCIDENT 2800 NORTH WEIL	DIST 5
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JUVENILE Last Name	First	Middle	Date of Birth
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QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
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This report was dictated by Detective Charles SHEPARD Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, October 17, 2001, at 4:35 p.m., I Detective SHEPARD conducted follow-up relative to this investigation. The follow-up was to locate and interview Police Officer Jeffrey TIMMERMAN of district number five early regarding this matter. At the above time and date, I did meet with this police officer at the Police Training Bureau located at 6680 N. Teutonia Avenue in the interview room on the third floor. At this time the officer did identify himself as Jeffrey Robert TIMMERMAN, white/male, payroll number 60350, date of appointment 11-09-92, currently assigned to district number five early, squad number 653A early.

At this time officer TIMMERMAN was advised that this is a criminal investigation and that there is an allegation of Battery being made. Officer TIMMEREMAN was also advised that he may or may not be of focus in this investigation. P.O. TIMMERMAN was advised of the circumstances surrounding this matter, at which time he declined to answer any questions or make any statements on the subject. At 4:39 p.m. this interview was terminated.

Further follow-up was conducted into this investigation and that this follow-up consisted of locating and interviewing Police Officer Ray HARRIS concerning this incident. On this date at 4:54 p.m., I Detective SHEPARD did meet with Officer HARRIS at the Police Training Bureau located at 6680 N. Teutonia Avenue in the interview room on the third floor. At this time the Officer did

WMA

SUPPLEMENTARY REPORT
INCIDENT #01-241-3097, CIU#01-253,
PAGE 2

identify himself as Ray Charles HARRIS, black/male, payroll number 59811, date of appointment 03-14-94, currently assigned to district number five early shift, squad 95 early.

At this time, Officer HARRIS was advised that this is a criminal investigation and that he may or may not be the focus in said investigation. Officer HARRIS was further advised of the circumstances surrounding this matter.

Officer HARRIS then responded by stating that he did not recall being at the particular location of this incident and would need to do further research to find out if he in fact was one of several responding squads to this particular assignment. Officer HARRIS could offer no further information on the matter, at which time our interview terminated at 5:10 p.m. This investigation is pending.

CS:t1s 10-17-01
01-2531.SUP

REPORTING OFFICER	PAYROLL#	LOC. CODE	SUPERVISOR SIGNATURE
<i>Det Charles W Shepard</i>			<i>St. Mary King</i>
DET. CHARLES SHEPARD JR.	50334	04	

PO-15B SUPPLEMENTARY REPORT
MILWAUKEE POLICE DEPARTMENT

Date of Report
10-24-01

Incident/Accident #
01-241-3097

INCIDENT
BATTERY

S.S. #940.19(1)

Date of Incident/Accident
08-05-01

Rep. Code #

VICTIM
ZUEHLKE, RYAN E.

LOCATION OF INCIDENT
2800 NORTH WEIL

DIST
5

JUVENILE Last Name First Middle Date of Birth

QUANT TYPE OF PROPERTY DESCRIPTION SERIAL # CODE # VALUE

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

On Wednesday, October 24, 2001, at 12:23 A.M., myself, along with Detective Mercedes COWAN of the Criminal Investigation Unit of the Internal Affairs Division conducted follow-up relative to this investigation. The follow-up was to locate and interview Police Officer Darcie TRUNKEL, Payroll Number 68795.

On the above day, date and time, we did meet with this officer at the Police Training Bureau located at 6680 North Teutonia Avenue, 3rd Floor Interview Room. At this time the officer identified himself as Darcie J. TRUNKEL, White/Female, Payroll Number 68795, Date of Appointment 02-19-01, currently assigned to District Number Five, Late Shift.

At this time Officer TRUNKEL was advised that this is a criminal investigation and that she may or may not be the focus of said investigation. Officer TRUNKEL was further advised that there is an allegation of battery being made and then she was advised of the circumstances surrounding this matter. Upon doing so, Officer TRUNKEL declined to answer any questions or make any statements at this time without an attorney present. At this time the interview was terminated at 12:25 A.M. This investigation is pending.

CS:js

01-253/TRUNKEL SUPP

REPORTING OFFICER PAYROLL# LOC. CODE SUPERVISOR SIGNATURE

Det Charles W. Shepard Jr.

DET. CHARLES SHEPARD, JR.

50334

04

St. Mary Hall

INCIDENT INFORMATION	INCIDENT BATTERY 940.19 (1)	DATE OF INCIDENT 08-05-01	DATE OF REPORT 12-14-01	REP CON#
	VICTIM ZUEHLKE, RYAN E.	LOCATION OF INCIDENT (ADDRESS) 2800 NORTH WEIL		DIST. 5
	VICTIM'S ADDRESS 10813 WEST FLORIST AVENUE MILWAUKEE, WI 53225	REPORTED BY SAME		

- PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" 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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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	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"/> OTHER
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BEL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON	<input type="checkbox"/> OTHER
<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"/> SINGLE BEL	<input type="checkbox"/> OTHER
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> OTHER
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BEL	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> OTHER

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
ALIAS	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	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST
CHARGES						TYPE	<input type="checkbox"/> ORDERED IN/CITED OF ARREST <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
ALIAS	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	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST
CHARGES						TYPE	<input type="checkbox"/> ORDERED IN/CITED OF ARREST <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. #

REPORTING OFFICER <i>Det. Charles W. Shepard Jr.</i> DET. CHARLES SHEPARD JR. 50334	PAYROLL # 04	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>J. Mary King</i>	TOTAL ARRESTS
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INVESTIGATIVE NARRATIVE:

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

Upon completion of all the interviews, of all the police personnel that were at the scene relative to this investigation, this matter was discussed with Lieutenant of Detectives, Mary HOERIG, of the Internal Affairs Division/Criminal Investigation Unit.

I advised Lieutenant HOERIG that most of the officers involved in this matter declined to make a statement, however some did do so, including two supervisory officers that were on the scene. This investigation has determined that Sergeant Steven J. BRAUNREITER, payroll number 58384, and Sergeant Stephen E. CHIN, payroll number 62640, both of district number five, were the supervisory officers.

Upon the interview of Sergeant CHIN, it was determined from Sergeant CHIN that he was the actual officer that tackled, and took into custody the suspect/victim in this matter, that being Ryan ZUEHLKE. Sergeant CHIN admitted having to tackle this individual, and placed him into physical custody, however Sergeant CHIN denies ever having to strike the prisoner at anytime, even though the prisoner did resist slightly. Sergeant CHIN also stated that there were no other officers present when the prisoner was taken into custody, only after he was taken into custody did other officers arrive. One of which was Sergeant BRAUNREITER.

After conducting an interview with Sergeant BRAUNREITER, he also stated that he was on the scene when the prisoner was being picked up off the ground, and being walked to a waiting police van. Sergeant BRAUNREITER indicated that he recalls the prisoner yelling, and being uncooperative with the officers, however at no time did he see any police personnel mistreating the prisoner verbally or physically.

I further advised Lieutenant HOERIG that due to the fact that two supervisory officers were on the scene, one of which admitted tackling, and taking into custody the prisoner, it would appear that Mr. ZUEHLKE's allegations can not be proven.

Photographs were taken of Mr. ZUEHLKE, and they did indicate abrasions to his face, arms, and his head, however Mr. ZUEHLKE did admit to running from the police, hiding in yards under vehicles, and running through parks to elude arrest. The marks on Mr. ZUEHLKE's face could have come during the time he was attempting to

MS

hide from the police, even though the victim denies this.

It should also be noted that Mr. ZUEHLKE indicated that the officer that tackled him was a Hispanic officer, and that the officer who struck him was a Hispanic officer. After my interview with Sergeant CHIN, Sergeant CHIN does not appear to be Hispanic. At this time, I requested of Lieutenant Mary HOERIG that this matter be filed as baseless, at which time, Lieutenant HOERIG agreed, and then instructed me to file this report.

Based on the investigation, and interviews conducted, it is at this time determined by this detective as well as Lieutenant of Detectives Mary HOERIG that this matter is to be baseless. The criminal investigation into this matter is complete.

CS:tls/12-14-01
Clearance Report 01-253

REVIEWING D.A.	P.O./DET. ASSIGNED CHARLES SHEPARD JR.	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 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 -----		
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 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

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

FAX

TO: Jan Smokowicz
FROM: Laurie Eggert
RE: EC 1825
DATE: February 27, 2004

Dear Mr. Smokowicz

You asked me to verify my representation of Ray C. Harris on this file. I represented Officer Harris in his PI-21 interview on 10/25/01; his interview was extremely short (5:28 to 5:31 p.m.), and was on the same day as Officers Esqueda and Chemlik. The entry on our statement inaccurately identifies Officer Harris as Officer Davis.

If you have any other questions, please contact me.

Laurie Eggert



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.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. JEFFREY TIMMERMAN
DISTRICT SEVEN

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 AUGUST 5, 2001
- 2) A citizen's complaint made by RYAN ZUEHLKE
- 3) A police shooting incident occurring on N/A

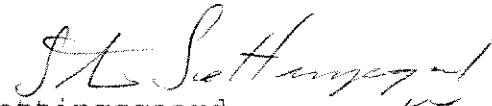
Is this information correct? YES X NO _____

Did you receive legal representation in this matter? YES X NO _____

Your signature: 

Print your name: PO Jeffrey TIMMERMAN

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

DECEMBER 10, 2002

TO: P.O.DARCIE TRUNKLE
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

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- 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: _____ *Trunkle*

Print your name: DARCIE TRUNKLE

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

RECEIVED
03 JAN 20 PM 1:20
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. RAY HARRIS
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 18 PM 2:13
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

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:

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- 2) A citizen's complaint made by RYAN ZUEHLKE
- 3) A police shooting incident occurring on N\A

Is this information correct? YES X NO ~~RENT~~

Did you receive legal representation in this matter? YES _____ NO X

Your signature: PO Ray C. Harris
Print your name: PO RAY C HARRIS

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

SM Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division
K53

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. WILLIAM ESQUEDA
DISTRICT FIVE

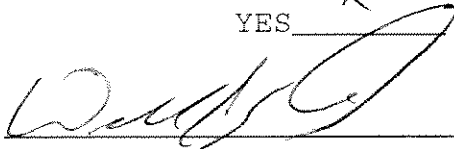
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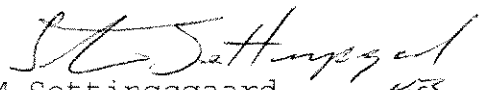
Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: 

Print your name: William Esqueda

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

RECEIVED

02 DEC 19 AM 10:51

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. MICKAL CHEMLICK
DISTRICT FIVE

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:

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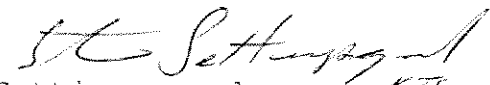
Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: 

Print your name: Mickal Chemlick

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

RECEIVED
02 DEC 19 AM 10:51
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
SMS kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. ANDREW BELL
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 18 PM 2:13
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

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- 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: *P.O. Andrew Bell*

Print your name: Andrew Bell

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

St. Settingsgaard
KTS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs