

October 31, 2003

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

Re: Communication from atty. Alan Eisenberg
on behalf of Christopher Neal
C.I. File No. 02-L-81

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.

Claimant, Christopher Neal, 3024 North 40th Street, Milwaukee, WI 53210, alleges through his attorney Alan Eisenberg, 3111 West Wisconsin Avenue, Milwaukee, WI 53208-3957 that on May 29, 2003 he arrived home to find his dog had been shot by officers of the Milwaukee Police Department. They claim damages in the amount of \$1,200,000.

Our investigation reveals two Milwaukee Police Officers were in pursuit of a criminal suspect. They chased him to the rear of 3024 North 40th Street. When one of the officers attempted to apprehend the suspect by reaching over the fence, he was bitten by one of the claimant's Pit Bull Terriers. Additional officers arrived on the scene to contain the yard in an attempt to apprehend the suspect. The officers made several attempts to contact the dogs' owner, but they all failed. The Milwaukee Area Domestic Animal Control Commission (MADACC) was called to the scene to assist in the capture of the Pit Bull Terriers. One of the dogs was successfully captured.

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The second dog evaded capture several times, then stood on his hind legs, barked and bared his teeth as he moved towards the police and MADACC Officer. The police officer then shot the dog due to the previous attack on the first officer and the immediate threat at hand. The police officer's action taken in this matter was necessary and appropriate. Since the police were not negligent, but rather were acting within the sphere of their responsibility, the City 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
1032-2003-1674:74208