

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

**CITY OF
MILWAUKEE**
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

July 16, 2008

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.
for legal fees for Police Officers John Arredondo and Karlton Boswell;
EC 2561

Dear Council Members:


Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers John Arredondo and Karlton Boswell. The claim is in the amount of \$2,607.86 including \$22.86 in disbursements for 23.50 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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:amp
Enc.

1032-2008-921:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. JOHN ARREDONDO
DISTRICT: TWO

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: JUNE 15, 2006
- 2) A citizen complaint made by: ABDELHAFETH HAMED
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: P.O. John A. Arredondo 007001

Print your name: P.O. JOHN A. ARREDONDO

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. KARLTON BOSWELL
DISTRICT: CYCLES

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: JUNE 15, 2006
- 2) A citizen complaint made by: ABDELHAFETH HAMED
- 3) A police shooting incident occurring at: NA

Is this information correct?

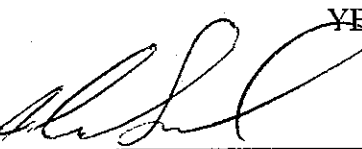
YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: _____

Print your name: _____


Karlton Boswell

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: kjs

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

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MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRAOSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

May 1, 2008

Acting Captain Kurt Leibold
Milwaukee Police Department
Professional Performance Division
6680 North Teutonia Avenue, Rm. 325
Milwaukee, WI 53209

Re: Communication from CERMELE & ASSOCIATES, S.C.
EC No: 2561; Our File No. 1032-2008-921

Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officers John Arredondo and Karlton Boswell.

Please determine whether this officer was in fact involved in the matter described in Mr. Cermele's claim, and have this officer verify Mr. Cermele's representation. Please return the claims and verification forms to our office at your earliest convenience to Angelique M. Pettigrew, Paralegal.

Thank you for your anticipated cooperation in this matter.

Very truly yours,



JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enclosure
1032-2008-921:130254

OFFICE OF THE CITY ATTORNEY

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 3, 2008

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

CITY OF MILWAUKEE
2008 APR - 7 PM 2:25
RONALD D. LEONHARDT
CITY CLERK

**RE: Citizen Complaint of Mr. Abdelhafeth Hamed
Against PO's John Arredondo and Karlton Boswell
Complaint No.: 07-04
Date of Incident: June 15, 2006**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

ARREDONDO and BOSWELL

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANTZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

LAURIE A. EGGERT
- OF COUNSEL -

April 03, 2008

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Abdelhafeth Hamed
Against PO's John Arredondo and Karlton Boswell
FPC No: 07-04
Date of Incident: June 15, 2006
Professional services

	<u>Hours</u>
4/2/2007 Initial office conference with PO Arredondo; review paperwork regarding incident; open file; correspondence to MPD.	1.00
4/3/2007 Review file; initial office conference with PO Boswell; CCAP and Muni. Court research for case status; memo to file.	1.10
4/16/2007 Review witness list from PO Boswell.	0.10
5/3/2007 Receive and review records from MPD.	0.30
5/11/2007 Telephone call from FPC regarding conciliation; correspondence to clients with conciliation date; calendar conciliation.	0.30
5/14/2007 Review conciliation scheduling from FPC.	0.10
6/11/2007 Travel; appear at City Hall for conciliation with clients; return travel; correspondence to clients.	1.50
6/13/2007 Memo to file regarding conciliation.	0.20

	<u>Hours</u>
7/20/2007 Receive and review correspondence from City scheduling hearing; correspondence to clients regarding same.	0.20
8/29/2007 Intra-office conference with Granitz; e-mail Fronk regarding scheduling.	0.20
1/4/2008 Receive and review correspondence from FPC; calendar hearing; telephone call to Fronk regarding Witness and Exhibit List; correspondence to clients regarding hearing date and time; correspondence to FPC requesting scheduling order; conference with MPA officers regarding SOP for booking/arrest for battery and disorderly conduct citations; review file; Fax to PPD; calendar follow-up.	1.50
1/8/2008 Receive and review Scheduling Order from FPC indicating deadline for Witness and Exhibit Lists; calendar same.	0.20
1/9/2008 Review PPD internal affairs file clearing clients of all alleged internal rule infractions; work on Witness and Exhibit List.	0.50
1/10/2008 Telephone calls to clients; telephone call to witness; telephone call to MPSO; telephone call to witness.	0.50
1/20/2008 Finish Witness and Exhibit List; photocopy relevant exhibits.	0.30
1/22/2008 Telephone call to PO Boswell.	0.10
2/1/2008 Correspondence to witness; telephone call to witness regarding availability; subpoena for witness.	0.30
2/4/2008 Receive and review correspondence from Atty. Rettko regarding representation of Sgt. Reilly.	0.10
2/13/2008 Travel to Academy; serve subpoena; return travel.	0.50

	<u>Hours</u>
2/15/2008 Receive and review correspondence from FPC regarding hearing date; correspondence to FPC seeking complainant's Witness and Exhibit List.	0.20
2/18/2008 Review correspondence from FPC regarding hearing date; hearing preparation; telephone calls to clients regarding office conference; calendar hearing date and time.	1.00
2/19/2008 Receive and review complainant's Witness and Exhibit List.	0.10
2/21/2008 Continue hearing preparation.	1.50
2/22/2008 Office conference with clients; telephone call to Atty. Retko; memo to file.	1.00
2/25/2008 Telephone call to Atty. Retko.	0.20
2/26/2008 Continue hearing preparation.	2.00
2/27/2008 Final hearing preparation; travel to City Hall; attend hearing; return travel.	8.00
3/28/2008 Receive and review written decision; correspondence to clients; close file.	0.50

	<u>Amount</u>
For professional services rendered	23.50
Additional charges:	\$2,585.00
5/25/2007 MPD Open Records request	5.36
6/11/2007 Parking	1.50
2/11/2008 Subpoena (1)	6.00

Mr. Ronald Leonhardt

Page 4

	<u>Amount</u>
2/27/2008 Parking	10.00
Total costs	<u>\$22.86</u>
Total amount of this bill	<u>\$2,607.86</u>
Balance due	<u><u>\$2,607.86</u></u>

(Rate: \$110.00 per hour)

MAR 28 2008



Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman

Ernesto A. Baca
Vice-Chairman

Woody Welch
Earl A. Buford
Richard C. Cox
Commissioners

March 26, 2008

Matthew L. Granitz, Esq.
Cermle & Associates, S.C.
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Mr. Abdelhafeth Hamed
5640 South 25th Street
Milwaukee, WI 53221

William Rettko, Esq.
Rettko Law Offices, S.C.
15430 West Capitol Drive
Suite 200
Brookfield, WI 53005

Re: Abdelhafeth Hamed v. Police Officers Karlton Boswell
and John Arredondo and Sergeant Rupert Reilly
FPC Complaint No. 2007-04

Dear Messrs. Granitz, Rettko and Hamed:

Enclosed is a copy of the Board's decision in the above-captioned matter.

Feel free to contact the undersigned should you have any questions.

Very truly yours,

Steven Fronk
Hearing Examiner

SF:cj

Enclosure

c: Chief Edward A. Flynn (w/enclosure)
Karlton Boswell (w/enclosure)
John Arredondo (w/enclosure)
Rupert Reilly (w/enclosure)

BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE

In the matter of the complaint of

Abdelhafeth Hamed

against

Police Officer Karlton Boswell and

Police Officer John Arredondo and

Police Sergeant Rupert Reilly

SUMMARY OF PROCEEDINGS,

FINDINGS OF FACT

AND DECISION

FPC Complaint No. 2007-04

SUMMARY OF PROCEEDINGS

A hearing regarding this complaint was held on February 27, 2008 before Commissioners Ernesto Baca, Woody Welch and Earl Buford with Steven Fronk acting as Hearing Examiner on behalf of the Board. Complainant Abdelhafeth Hamed appeared in person, pro se. Police Officers Karlton Boswell and John Arredondo appeared in person and by Attorney Matthew Granitz of Cermele Law Offices. Police Sergeant Rupert Reilly appeared in person and by Attorney William Rettko of Rettko Law Offices. The complaint concerns an incident which took place on June 15, 2006, and raises the question of whether or not Officers Boswell and Arredondo and/or Sergeant Reilly violated MPD Rule 4, Section 2/060.00 by failing to be appropriately civil and courteous in dealing with Mr. Hamed.

Testimony of Abdelhafeth Hamed: On June 15, 2006 Mr. Hamed was struck in the face by another individual during the course of a verbal disagreement. Officers Boswell and Arredondo arrived on the scene, spoke to the parties and other witnesses, and then, according to Mr. Hamed, offered him only two choices: (1) agree not to press charges and be allowed to go on his way or (2) press charges and be arrested. Mr. Hamed was bleeding from a cut on his nose and did not want to go to jail, so he told the officers he did not want to press charges. He drove himself to the hospital where he was told his nose was broken and received four stitches to close the cut. After leaving the hospital Mr. Hamed drove to the MPD district station in order to ask a supervisor if Officers Boswell and Arredondo had handled the matter correctly.

At the district station, according to Mr. Hamed, Sergeant Rupert Reilly spoke to him very briefly before returning to an inner office. Several minutes later Officers Boswell and Arredondo entered the station, went directly to the office, and closed the door. After 15 or 20

minutes the officers came out, approached Mr. Hamed, and asked him what he wanted. Mr. Hamed told the officers that he did not want to speak to them and that he wanted to talk to their supervisor. Boswell and Arredondo told Hamed that if he wanted to press charges "we have to lock you up" and Hamed responded by saying "then lock me up." The officers handcuffed Mr. Hamed, escorted him to a holding area, and sat him on a bench where he waited for an hour before being given a citation for the altercation which had taken place earlier that day.

It is Mr. Hamed's contention that, other than the brief discussion at the counter when he first came to the station, he was never given the opportunity to speak with a supervisor about the way the officers handled the earlier incident. Mr. Hamed readily admitted that neither the officers nor the sergeant at any time used profanity, threatened him or yelled at him. It is the refusal by the officers and the sergeant to take the time to talk to him and give him the service which he deserved that he believes was discourteous and in violation of MPD Rule 4, Section 2/060.00.

Testimony of Police Officer Karlton Boswell: Officer Boswell arrived on the scene of the original altercation and spoke to witnesses who indicated that Mr. Hamed and the other individual were equally to blame for the argument. Officer Boswell explained to Mr. Hamed that he "would be cited, possibly arrested, if he pressed charges" against the other individual but that he could seek medical treatment first and press charges afterward. Mr. Hamed said he did not wish to press charges. The officers left the scene thinking that the incident was resolved.

Sergeant Reilly contacted Officers Boswell and Arredondo that afternoon telling them to report to him at District 2. They met with Sergeant Reilly in the lieutenant's office and he advised them that Mr. Hamed wanted to press charges and "they should take care of it." Officers Boswell and Arredondo went to speak to Mr. Hamed who told them he wanted to speak to their sergeant, not them. They told Mr. Hamed that if he pressed charges he would be taken into custody and cited. Mr. Hamed appeared agitated but did not resist as they handcuffed him and escorted him to the back of the station.

According to Officer Boswell, there was no profanity or yelling by Mr. Hamed or the officers at any time. Officer Boswell indicated that it would have been possible to issue Mr.

Hamed a citation without his being handcuffed, but that they handcuffed him in order to maintain control of the situation and avoid possible disruption of other people at the station.

Testimony of Police Officer John Arredondo: Officer Arredondo corroborated what Officer Boswell had said, indicating that Mr. Hamed stated that he did not wish to press charges and that when they left the scene the officers felt the matter had been resolved to everyone's satisfaction. At the district station Sergeant Reilly told the officers that Mr. Hamed wished to press charges, and they went out and asked Hamed why he was there. Mr. Hamed said he wanted to speak to a supervisor and they told him he could do so only after the ticket was issued. The fact that Mr. Hamed was handcuffed while awaiting issuance of the citation was, according to Officer Arredondo, a matter of safety and within their lawful discretion.

Testimony of Police Sergeant Rupert Reilly: During the early afternoon hours of Sunday, June 16, 2006, a station clerk informed Sergeant Reilly that Mr. Hamed wanted to talk to "the commander" and Sergeant Reilly, being the highest ranking person District Two at that time, talked to him at the counter. According to Sergeant Reilly, Mr. Hamed was belligerent and demanded that his assailant be arrested, but he never asked Sergeant Reilly about whether or not the officers had utilized proper procedure at the scene. Sergeant Reilly went to the lieutenant's office and ordered Officers Boswell and Arredondo back to the station so that he could get a full explanation of what was going on. After talking to the officers, Sergeant Reilly told them they "need to go out and talk to Mr. Hamed and do what is appropriate." Sergeant Reilly did not go back out and talk to Mr. Hamed because he "was involved in other things." He heard Mr. Hamed shouting, but then things calmed down and he saw Mr. Hamed handcuffed and being led to the rear holding area. Approximately an hour later Mr. Hamed had been released and was again at the front counter. According to Sergeant Reilly, Mr. Hamed was shouting and saying he wanted to file a complaint. Sergeant Reilly went out and gave him complaint forms and an instruction sheet but had little or no further conversation with him at that time. Eventually Sergeant Reilly asked Mr. Hamed to leave because of his "highly disruptive" behavior. It was Sergeant Reilly's opinion that he and the officers had each acted appropriately and professionally under the circumstances.

Testimony of Sergeant Paul MacGillis: Sergeant MacGillis was not at District Two at the time of this incident, but having heard the testimony of Mr. Hamed, Officer Boswell, Officer

Arredondo and Sergeant Reilly it was his opinion that Boswell, Arredondo and Reilly had all acted appropriately. As to the handcuffing of Mr. Hamed while the citation was being issued, Sergeant MacGillis testified that this was discretionary and in this case appropriate to maintain control and insure everyone's safety.

FINDINGS OF FACT re: Police Officer Karlton Boswell

Alleged Violation of MPD Rule 4, Section 2/060.00

It is the determination of this Board that insufficient evidence has been presented to show that Police Officer Karlton Boswell violated MPD Rule 4, Section 2/060.00. Such charge is accordingly dismissed.

FINDINGS OF FACT re: Police Officer John Arredondo

Alleged Violation of MPD Rule 4, Section 2/060.00

It is the determination of this Board that insufficient evidence has been presented to show that Police Officer John Arredondo violated MPD Rule 4, Section 2/060.00. Such charge is accordingly dismissed.

FINDINGS OF FACT re: Police Sergeant Rupert Reilly

Alleged Violation of MPD Rule 4, Section 2/060.00

Based upon testimony and evidence received, as to the charge against Sergeant Rupert Reilly, the Board of Fire and Police Commissioners does hereby make the following Findings of Fact.

1. Police Sergeant Rupert Reilly was, on June 15, 2006 and at all other times pertinent hereto, a member of the City of Milwaukee Police Department and bound by the rules, regulations and procedural requirements thereof.
2. On the afternoon of June 15, 2006, Abdelhafeth Hamed appeared at MPD District Two asking to speak to the "Commander." Sergeant Rupert Reilly was the highest ranking person on duty at District 2 at that time.
3. Sergeant Reilly spoke only briefly to Mr. Hamed before returning to an inner office and ordering Officers Boswell and Arredondo to return to the district station.
4. Sergeant Reilly spoke to Officers Boswell and Arredondo in the office, advised them that Mr. Hamed wished to press charges against the individual who had struck him earlier that day, and told them to "go out and talk to Mr. Hamed and do what is appropriate."

5. When approached by Officers Boswell and Arredondo, Mr. Hamed advised the officers that he "wanted to talk to the Sergeant" rather than the officers, but the officers had been told by Sergeant Reilly to "take care of it."
6. Mr. Hamed was handcuffed, taken into custody, and issued a citation for his role in the altercation earlier that day. According to the officers, he was agitated about the situation and wished to speak to a supervisor, but was cooperative throughout the process.
7. Sergeant Reilly made no further effort to speak to Mr. Hamed or resolve the situation until after Mr. Hamed had been held for more than an hour, issued a citation, and released. At that point Mr. Hamed again went to the counter in the lobby of the district station and indicated that he wished to file a complaint. Sergeant Reilly spoke to him at the counter, gave him a complaint form and an instruction sheet, and then asked him to leave the station because he was "belligerent."
8. Sergeant Reilly knew or should have known that his duties as the highest ranking department member at District Two included attempting to answer questions from citizens and resolve possible conflicts between police officers and citizens, and that a failure to be attentive and zealous in the discharge of these duties could result in a finding that he had failed to abide by MPD rules and procedures.
9. MPD Rule 4, Section 2/060.00 is reasonable. Milwaukee Police Department members are granted the authority to utilize sufficient firmness and energy to perform their duties, but they must also be careful not to subject persons to greater indignity than is necessary when performing those duties. A reasonable balance must be struck if Department members are to perform their duties while at the same time maintaining the trust and respect of the citizenry.
10. The preponderance of the evidence presented in this case leads us to believe that Sergeant Rupert Reilly failed to exercise the utmost patience and discretion in attempting to answer questions and resolve issues related to an incident involving Mr. Abdelhafeth Hamed and that such failure resulted in Mr. Hamed being subjected to greater indignity than was necessary.

DECISION

The events which bring this matter to us for resolution occurred during the late morning and early afternoon hours on a Sunday in June 2006. There is nothing in the record to indicate that there were exigent circumstances which would have prevented Sergeant Reilly from taking an active role in resolving this matter, and we believe that is where the fault lies. Supervisors must, whenever possible, do their utmost to assist in answering questions and resolving conflicts between citizens and police officers. Sergeant Reilly's failure to do just that appears to be the major reason why we have been called upon to mediate a dispute which could have, and should have, been resolved almost two years ago. We find that Sergeant Reilly failed to meet the requirements of MPD Rule 4, Section 2/060.00 of performing his duties firmly and with sufficient energy while at the same time taking care to see that Mr. Hamed was not subjected to any greater indignity than was necessary.

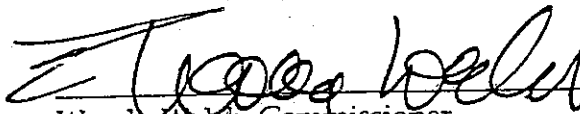
We see no malicious intent on the part of Sergeant Reilly in this instance, and therefore also see no need to take formal disciplinary action. Suffice it to say that this is to be seen as an educational experience, and that we expect better of him in the future.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By


Ernesto Baca, Commissioner

03.20.08
Date


Woody Welch, Commissioner

3/20/08
Date


Earl Buford, Commissioner

3-20-08
Date