

IV

R. C. No. 35 - 23 - 24. By FINANCE AND PERSONNEL COMMITTEE. July 3, 2023.

Your Committee to whom was referred R. C. No. 206-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 4-22-23 by City Clerk submitting a Notice of Circumstances of Injury regarding an incident that occurred on January 7, 2022 between the City of Sheboygan Police Department and Frank Bernard; recommends filing the notice of circumstances of injury.

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk


Approved _____ 20____, _____, Mayor

VI

R. C. No. 206 - 22 - 23. By FINANCE AND PERSONNEL COMMITTEE. April 17, 2023.

Your Committee to whom was referred R. O. No. 4-22-23 by City Clerk submitting a Notice of Circumstances of Injury regarding an incident that occurred on January 7, 2022 between the City of Sheboygan Police Department and Frank Bernard; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.

FAP 23-24

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Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

II

R. O. No. 4 - 22 - 23. By CITY CLERK. May 2, 2022.

Submitting a Notice of Circumstances of Injury regarding an incident that occurred on January 7, 2022 between the City of Sheboygan Police Department and Frank Bernard.

F&P

CITY CLERK

NOTICE OF CIRCUMSTANCES OF INJURY

TO: City Clerk
ATTN. CLAIMS
City Hall
828 Center Avenue, Suite 103
Sheboygan, WI 53081
VIA US MAIL & FACSIMILE - (920) 459-3919 & EMAIL
Meredith.DeBruin@sheboyganwi.gov

Copy from fax
distributed
on 4/19/22

Sheboygan Police Department
ATTN. Chief of Police
1315 North 23rd Street
Sheboygan, WI 53081
VIA US MAIL & FACSIMILE - (920) 459-0205 & EMAIL
christopher.domagalski@sheboyganwi.gov

Officer TJ Hamilton (Badge #430) & Officer Ben Woodward (Badge #449)
Sheboygan Police Department
1315 North 23rd Street
Sheboygan, WI 53081
VIA US MAIL & FACSIMILE - (920) 459-0205

PLEASE TAKE NOTICE of the following circumstances of injury, filed and served on behalf of Frank Bernard, D.O.B. 1/10/1968.

On January 7, 2022, Frank Bernard, born January 10, 1968, was assaulted and injured in his home by Sheboygan Police Department Officers TJ Hamilton (Badge #430) and Ben Woodward (Badge #449).

On the night of January 7, 2022, Frank Bernard was in his home, located at 4238 North 29th Street, Sheboygan, WI 53081, and he was lying in bed with his fiancé attempting to go to sleep. At approximately 10:11 p.m., a Sheboygan Police Officer, Officer TJ Hamilton (Badge # 430), arrived at Mr. Bernard's home, approached the porch, and knocked on Mr. Bernard's front door. Mr. Bernard then opened the front door of his home. The officer at the front door, Officer TJ Hamilton (Badge #430), introduced himself to Mr. Bernard, and Mr. Bernard introduced himself to the officer. Officer Hamilton then asked Mr. Bernard "what's going on tonight?" and Mr. Bernard informed the officer that he and his fiancé were attempting to go to sleep for the night. Officer Hamilton informed Mr. Bernard that the police department had allegedly received an

anonymous report that there was a disturbance or was about to be a disturbance at the address. Mr. Bernard's fiancé was also standing in the hallway during the encounter. In fact, Officer Hamilton said "hi" to her after telling Mr. Bernard about the report, and Mr. Bernard's fiancé said "hi" in return. Mr. Bernard replied by shaking his head and stating "yeah, we're going to bed."

Officer Hamilton then asked Mr. Bernard whether his wife was home, despite just greeting Mr. Bernard's fiancé just seconds prior. Mr. Bernard, confused by the question due to the fact that he is engaged and not married, opened his door further so that Officer Hamilton could see his fiancé. Officer Hamilton asked Mr. Bernard's fiancé if everything was alright, and Mr. Bernard's fiancé responded "yes." Officer Hamilton then stated that he was going to speak to Mr. Bernard's fiancé, at which point Mr. Bernard asked the officer to leave the home. Officer Hamilton responded "or else what?" Officer Hamilton again stated that he was going to speak to Mr. Bernard's fiancé, and Mr. Bernard again voiced his opposition. Then, Officer Hamilton, using a mocking voice, again said he was going to speak to Mr. Bernard's fiancé. Mr. Bernard again voiced objection and he took a small step backwards.

Then, the officer assaulted Mr. Bernard by grabbing his wrist and pulling him out of his home onto the porch, slamming him into the exterior of his home, and he then proceeded to push Mr. Bernard into Mr. Bernard's home and physically injure Mr. Bernard. The officer then proceeded to forcefully throw Mr. Bernard onto the ground. At this point in the interaction, Officer Ben Woodward (Badge #449) arrived on the scene and joined Officer Hamilton in assaulting Mr. Bernard. While the officers were handcuffing Mr. Bernard, Officer Hamilton used his knee to strike Mr. Bernard in his left temple. Mr. Bernard was then placed in handcuffs at approximately 10:13 p.m. At no point did the officer provide a warrant or any other documentation or reasoning for their entry and assault.

As Mr. Bernard was being cuffed, Officer Hamilton pursued his fiancé into the bedroom of Mr. Bernard's home. The officer, as well as several other Sheboygan police officers that were beginning to arrive, questioned Mr. Bernard's fiancé in the bedroom. Eventually, Officer Woodward removed the handcuffs from Mr. Bernard at approximately 10:22 p.m. Mr. Bernard was handcuffed for just under ten minutes.

Finally, at 10:53 p.m., over forty minutes after the officers arrived at the Bernard home and entered without a warrant and without express or implied permission, the officers left Mr. Bernard's home.

The next day, on January 8, 2022, Mr. Bernard was contacted by another Sergeant of Patrol, Sgt. Alex Jaeger. Sgt. Jaeger provided Mr. Bernard with complaint forms, and he apologized for the conduct of the Sheboygan police officers. Sgt. Jaeger also informed Mr. Bernard that the police officers went to Mr. Bernard's home the previous night allegedly pursuant to an anonymous tip the Department received from Crime Stoppers, which is a non-profit that allows any individual to make anonymous reports of alleged crimes. The anonymous tip allegedly relating to Mr. Bernard, as explained to him by Sgt. Jaeger, involved an anonymous claim that the owner of the home located at 4238 North 29th Street was allegedly abusing his wife and children inside the home. Mr. Bernard's adult children do not live in his home. The only occupants of the address were Mr. Bernard and his fiancé. The anonymous tip had no specific details, and it ultimately proved to be a false report.

As a result of the false report from Crime Stoppers and the illegal conduct of Officers Hamilton and Woodward, Mr. Bernard suffered a concussion, a painful lump on his forehead, an abrasion above his left eye, a bruised and black left eye, bruising on the top of his right foot, abrasions on his right wrist from the handcuffs, a sore and stiff neck, and a sore/stiff back. Mr. Bernard also had a medical appointment to assess the injuries he sustained in the assault by Sheboygan police officers, and he was diagnosed with a concussion, which has caused headaches, dizziness, neck pain, back pain, upset stomach, forgetfulness, and blurred vision. In addition to his physical injuries, Mr. Bernard has also suffered from emotional distress and trauma, as well as reputational embarrassment.

This notice of circumstances of injury is being filed pursuant to Wis. Stat. Sec. 893.80(1d)(a) and does not limit or restrict any federal civil rights or constitutional claims in any way.

Dated this 14th day of April, 2022.

FIRST, ALBRECHT & BLONDIS, s.c.
Attorneys for Frank Bernard

By:



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Frank Bernard

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