



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0845-24

AGENDA DATE: October 7, 2024

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT Communication sponsored by Alder Horton on behalf of the City Attorney's Office submitting the claim of Elaine Carter for consideration for disallowance.

EXECUTIVE SUMMARY:

Elaine Carter filed a claim with the City requesting reimbursement in an unspecified amount for damages to her fence allegedly caused by a criminal suspect during a foot chase wherein the suspect was attempting to flee from Racine Police on June 7, 2024. The City of Racine is not liable for alleged damages that result from the illegal acts of criminal suspects. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Elaine Carter, of 1515 LaSalle Street in Racine, Wisconsin, filed a claim with the City requesting reimbursement in an unspecified amount for damages to her fence allegedly caused by a criminal suspect during a foot chase wherein the suspect was attempting to flee from Racine Police on June 7, 2024. A Racine Police Officer from whom the suspect was fleeing observed the suspect damage the fence at 1515 LaSalle Street when the suspect jumped over said fence during the foot chase. The suspect himself, not the City, would be liable for any property damage that allegedly resulted from his own illegal acts (i.e., fleeing from the police). After reviewing the circumstances of this claim, the City Attorney's Office contends that the City is not liable for this damage.

As such, the City Attorney's Office is requesting that the disallowance of this claim be recommended for approval.

31

32 **BUDGETARY IMPACT:**

33 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
34 impact on the City's budget.

35

36 **RECOMMENDED ACTION:**

37 That the disallowance of this claim be recommended for approval.

38
