City of Racine, Wisconsin

COMMON COUNCIL

AGENDA BRIEFING MEMORADUM (ABM)

COMMITTEE: Finance and Personnel Committee   LEGISLATION ITEM #: 0633-18

AGENDA DATE: June 25, 2018

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DEPARTMENT: City Attorney's Office

 Prepared By: City Attorney Scott R. Letteney

 Reviewed By: N/A

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SUBJECT: Communication from the City Attorney requesting authorization to represent employees in the case of *Denwiddie v. Mueller, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-601-JPS.

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EXECUTIVE SUMMARY: The City Attorney seeks Common Council authorization to represent an employees in the case of *Denwiddie v. Mueller, et al.*, U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-601-JPS.

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BACKGROUND & ANALYSIS: Four police officers, Stephen Mueller, Louis Aguilar, Glen Halberstadt, and Edward Ide are named as a defendant in this action arising from the execution of a search warrant in 2014.

Pursuant to Wis. Stat. § 895.46, a municipality is required to defend or pay for the defense of any official or employee sued for acts taken in the conduct of official business and to indemnify such employee or official if any judgment is ordered. Pursuant to Wis. Stat. § 62.115, the common council of any city may by ordinance or resolution authorize the city attorney to defend actions brought against official or employee sued for acts taken in the conduct of official business.

It is more efficient and easier to control costs if the City Attorney's Office simply defends, or manages the defense of, lawsuits against City employees than to have an employee pay for her/his own defense and seek reimbursement.

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31 **BUDGETARY IMPACT:** The City Attorney's Office will handle this matter internally.

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33 **OPTIONS/ALTERNATIVES:** Require the employee to pay for his own defense and seek reimbursement
34 from the City.

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36 **RECOMMENDED ACTION:** To authorize the City Attorney to represent the employees in the case of
37 Denwiddie v. Mueller, et al., U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-601-JPS.

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39 **ATTACHMENT(S):** None