



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: June 3, 2025

STANDING COMMITTEE DATE: June 9, 2025

FINAL ACTION COUNCIL DATE: June 17, 2025

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Marissa White for consideration for disallowance.

EXECUTIVE SUMMARY:

Marissia White claims reimbursement in the amount of \$301.02 for damage to the front door of her residence at 1844 9th Street in Racine allegedly arising from the Racine Police Department's execution of a search warrant at this address on or about January 31, 2025. The City is not liable for these alleged damages under the legal principle of discretionary immunity. Therefore, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Marissia White, of 1844 9th Street, Racine, Wisconsin 53403, claims reimbursement in the amount of \$301.02 for damage to the front door of her residence allegedly arising from the Racine Police Department's execution of a search warrant at this address on or about January 31, 2025.

The City is immune from liability for these alleged damages under the legal principle of discretionary immunity, pursuant to Wis. Stat. § 893.80(4). In short, state law confers broad immunity from suits on municipalities for acts that are considered discretionary in nature. Determining how to gain access to a residence in order to execute a search warrant is a discretionary act requiring judgment on the part of the police. Given the discretionary nature of this act, the City cannot be held liable for the alleged

31 damages that resulted from the Police Department's need to gain access to a residence that was the subject
32 of a search warrant.

33 As such, it is the recommendation of the City Attorney's Office that this claim be disallowed
34 because the City is not liable for these alleged damages under the legal principle of discretionary immunity.

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36 **BUDGETARY IMPACT:**

37 Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact
38 on the City's budget.

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40 **RECOMMENDED ACTION:**

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

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