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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0477-21

AGENDA DATE: July 12, 2021

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Marisa Roubik

SUBJECT Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of Sheila Stewart for consideration for disallowance.

EXECUTIVE SUMMARY:

Sheila Stewart filed a claim with the city requesting \$1,014.43 for damages to fencing allegedly caused by a criminal suspect during a foot chase wherein the suspect was attempting to flee from police officers on May 11, 2021. 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:

Sheila Stewart, of 3310 20th Street in Racine, Wisconsin, filed a claim for reimbursement in the amount of \$1,014.43 for damages to fencing allegedly caused by a criminal suspect during a foot chase wherein the suspect was attempting to flee from police officers on May 11, 2021. The suspect at issue had several criminal warrants and had recently been charged for other criminal acts. A Racine Police Officer from whom the suspect was fleeing observed the suspect break several fence panels 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.

29 As such, the City Attorney’s Office recommends that this Committee deny the claim of Sheila
30 Stewart because the alleged damages at issue were caused by a criminal suspect who was fleeing from
31 police.

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33 **BUDGETARY IMPACT:**

34 Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact
35 on the City’s budget.

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37 **OPTIONS/ALTERNATIVES:**

38 If this claim were to be paid by the City—contrary to any indication of the City’s liability for the
39 alleged damages—this item would have up to a \$1,014.43 impact on the City’s 2021 claims budget.

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41 **RECOMMENDED ACTION:**

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

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44 **ATTACHMENT(S):**

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