



1 **City of Racine, Wisconsin**
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 0394-19

5 **AGENDA DATE:** April 22, 2019

7 **DEPARTMENT:** City Attorney’s Office

8 **Prepared By:** Assistant City Attorney Marisa L. Roubik

10 **SUBJECT:** Communication from the City Attorney submitting the claim of Masharaya Bostick for
11 consideration.

13 **EXECUTIVE SUMMARY:**

14 Masharaya Bostick filed a claim with the City requesting \$50,000.00 for injuries allegedly arising
15 while she was seat-belted in the rear of a Racine Police Department vehicle on or about September 7, 2017.
16 The City denies liability for these damages. As such, it is the recommendation of the City Attorney’s Office
17 that this claim be denied.

19 **BACKGROUND & ANALYSIS:**

20 Claimant Masharaya Bostick, of 2021 West Boulevard, Racine, Wisconsin, filed this claim for
21 reimbursement in the amount of \$50,000.00 for injuries allegedly arising while she was seat-belted in the
22 rear of a Racine Police Department vehicle on or about September 7, 2017. On the date in question, Ms.
23 Bostick was in police custody (for multiple illegal drug-related charges) in the back seat of a squad car
24 wearing her seatbelt when the officer driving the squad car parked the vehicle and exited it without taking
25 the vehicle out of gear. The vehicle subsequently rolled 15 to 20 feet forward at a rate of approximately 1
26 to 3 miles per hour, before the officer returned to the squad car and applied the break to stop it. At no point
27 did the vehicle collide with anything.

28 Upon stopping the vehicle, Ms. Bostick made a “shrieking” sound, alleged that her left shoulder
29 hurt, and subsequently stated that she had been involved in three car accidents in the recent past, which
30 caused injury to her back. Although not requested by Ms. Bostick, the officer called a rescue squad, and

31 Ms. Bostick was transported via ambulance to All Saints Hospital, where medical staff examined and x-
32 rayed her, found no visible injuries, and medically cleared her for release back into police custody.

33 The claimant’s attorney submitted various medical bills totaling \$11,463.84, allegedly associated
34 with the claimant’s purported injuries. The only two bills directly related to the subject incident occurring
35 on September 7, 2017 (from the Racine Fire Department and All Saints Hospital) were paid in full by Ms.
36 Bostick’s Wisconsin Anthem Medicaid insurance at no cost to her. Another bill was from a medical
37 imaging service that was billed directly to the claimant’s attorneys at no apparent expense to the claimant.
38 The bulk of the claimed medical expenses were for physical rehabilitation services that the claimant began
39 receiving in August 2017—a month *prior* to the date of the incident in question. The remaining \$38,536.16
40 of the \$50,000.00 in claimed damages is for alleged present and future pain and suffering.

41 In order for the City to be liable for the claimant’s injuries, the claimant must prove that the acts of
42 the officer in question were a “substantial factor” in causing her injuries. Because the claimant has failed
43 to demonstrate that the events on September 7, 2017 caused Ms. Bostick any actual physical or financial
44 injury, the City cannot be held liable for the alleged damages. As such, the City denies liability for these
45 alleged damages, and it is the recommendation of the City Attorney’s Office that this claim be denied.

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47 **BUDGETARY IMPACT:**

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

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51 **OPTIONS/ALTERNATIVES:**

52 If the recommendation to deny this claim is rejected, and the Committee recommends that this
53 claim be paid by the City (contrary to any indication of the City’s liability for the alleged damages), this
54 item would have up to a \$50,000.00 impact on the City’s 2019 claims budget.

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56 **RECOMMENDED ACTION:**

57 The City Attorney’s Office respectfully recommends that this Committee recommend denial of the
58 claim of Masharaya Bostick to the Common Council.

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60 **ATTACHMENT(S):**

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