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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0175-23

AGENDA DATE: February 27, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claims of Alyssa Schukar for consideration for disallowance.

EXECUTIVE SUMMARY:

Alyssa Schukar filed claims with the City of Racine and the City of Racine Police Department, and over a dozen other municipal parties demanding \$350,000.00 in unspecified damages allegedly arising from an injury she suffered from a rubber bullet fired during the civil commotion in Kenosha on or about August 25, 2020. In addition to these claims being improperly filed and insufficient under state law, Claimant offers no proof that the claimed damages were caused by the City of Racine or an agent or employee thereof. Therefore, it is the recommendation of the City Attorney's Office that these claims be disallowed.

BACKGROUND & ANALYSIS:

The Claimant, Alyssa Schukar of Arlington Virginia, was working as a freelance photojournalist for the New York Times during the Kenosha protests of the Jacob Blake shooting on or about August 25, 2020. On that evening, the Claimant alleges that she was injured by a rubber bullet that was fired by an officer or agent of an unknown law enforcement agency. As a result of this injury, Claimant allegedly required surgery on her hand and physical therapy. Claimant is requesting \$350,000.00 in unspecified damages from each of the various municipal entities named in her claim, among which were the City of Racine and the City of Racine Police Department.

With regard to the claim filed against the City of Racine Police Department, this notice of circumstances and claim were improperly served upon Police Chief Maurice Robinson at the City of Racine Police Department at 730 Center Street, Racine, Wisconsin, 53403. The City of Racine Police Department

32 is a subdivision of the City of Racine. Wisconsin Statute section 893.80(1d)(a) states that service of written
33 notice of the circumstances of a claim is to be made within 120 days of the event giving rise to the claim
34 and pursuant to Wisconsin Statute section 801.11. Wisconsin Statute section 801.11(4) permits service of
35 a written notice of the circumstances of a claim on a City Clerk, but not a Police Chief. Therefore, this
36 notice of circumstances and claim against the City of Racine Police Department were improperly served
37 and the notice of claim was not properly filed within 120 days of the event giving rise to the claim.

38 Furthermore, neither of the notice of claims submitted contained an itemized statement of the relief
39 sought, as required by Wisconsin Statute section 893.80(1d)(b). Therefore, both of these claims are
40 deficient under Wisconsin law.

41 As for the allegations of liability made in these of these claims, the Claimant offers no proof that
42 the claimed damages were caused by the City of Racine or an agent or employee thereof. Several law
43 enforcement agencies were present in Kenosha on the evening of August 25, 2020 providing mutual aid to
44 Kenosha's law enforcement agencies. There is no proof that the claimed damages were caused by the City
45 of Racine or an agent or employee thereof.

46 For the reasons set forth above, it is the recommendation of the City Attorney's Office that these
47 claims be disallowed.

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49 **BUDGETARY IMPACT:**

50 Assuming the recommendation to disallow these claims is adopted, this item would have a \$0.00
51 impact on the City's budget.

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53 **RECOMMENDED ACTION:**

54 That the disallowance of these claims be recommended for approval.

55 _____

56 **ATTACHMENT(S):**