



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: May 6, 2025

STANDING COMMITTEE DATE: May 12, 2025

FINAL ACTION COUNCIL DATE: May 20, 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 Roger Springsteen for consideration for disallowance.

EXECUTIVE SUMMARY:

Roger Springsteen filed a claim with the City requesting \$596.00 for alleged damages sustained to his apartment door, including the lock set and door jamb, allegedly resulting from City of Racine Fire Department (RFD) first responders having to force entry of the door into his apartment in order to clear the apartment in response to a fire and/or smoke report called in by his neighbor on January 11, 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:

Roger Springsteen, of 1837 N. Wisconsin Street, Racine, Wisconsin 53402, filed a claim with the City requesting \$596.00 for alleged damages sustained to his apartment door, including the lock set and door jamb, allegedly resulting from RFD first responders having to force entry of the door into his apartment in order to clear the apartment in response to a report of smoke coming from an unknown source in the building called in by his neighbor on January 11, 2025.

Claimant resides in Apartment 1 at this address, and he was not home when the Racine Fire Department responded to a report of Apartment 2 filling with smoke from an unknown source, which was called in by claimant's neighbor in Apartment 2 at this address. Upon the RFD's arrival on the scene,

smoke was observable in Apartment 2. In order to clear the building to ensure all occupants were safe and to determine the source of the smoke, RPD needed to gain entry into each of the other apartment units in the building. Because claimant was not home at the time of this incident, RPD had to force entry of the door into his apartment in order to clear his apartment. Claimant alleges that the claimed damages to his apartment door occurred as a result of this forced entry. The resident of Apartment 2 contacted Claimant by phone before the RFD left the scene to notify him of the entry into his unit by RFD.

The City is immune from liability for these alleged damages pursuant to Wis. Stat. § 893.80. In short, state law confers broad immunity from suits on municipalities for acts that are considered “discretionary” in nature. In the case of gaining access to an apartment in order to ensure all occupants are safe and to determine whether said unit was the source of smoke or a fire, the task of deciding how best to gain access to a locked apartment is a discretionary act requiring judgment on the part of the first responders. Given the discretionary nature of these acts, the City cannot be held liable for forcing entry into a locked door in order to gain access to an apartment.

Therefore, the City is not liable for these alleged damages under the legal principle of discretionary immunity, and it is the recommendation of the City Attorney’s Office that this claim be disallowed.

BUDGETARY IMPACT:

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

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.
