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City of Racine, Wisconsin  
COMMON COUNCIL

**AGENDA BRIEFING MEMORADUM (ABM)**

**COMMITTEE:** Finance and Personnel Committee    **LEGISLATION ITEM #:** 0744-19

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**AGENDA DATE:** July 8, 2019

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**DEPARTMENT:** City Attorney's Office

**Prepared By:** City Attorney Scott R. Letteney

**Reviewed By:** N/A

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**SUBJECT:** Communication from Ald. Shakoor II asking that the City Attorney be authorized to represent an employee in the case of *Masharaya Bostick, et al., v. City of Racine, et al.*, Racine County Circuit Court Case No. 19 CV 1214.

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**EXECUTIVE SUMMARY:** The City Attorney seeks Common Council authorization to represent an employee in the case of *Bostick, et al., v. City of Racine, et al.*, Racine County Circuit Court Case No. 19 CV 1214.

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**BACKGROUND & ANALYSIS:** The City of Racine and Racine Police Officer Jason Rich are named as defendants in the *Bostick, et al., v. City of Racine, et al.*, lawsuit. Plaintiff claims that she was injured while, under arrest, she was a passenger in a Racine Police Department vehicle being operated by Officer Rich. Plaintiff alleges that her injuries were caused by the officer's negligent operation of the vehicle.

Pursuant to Wis. Stat. § 895.46, a municipality is required to defend or pay for the defense of any official or employee sued for acts taken in the conduct of official business and to indemnify such employee or official if any judgment is ordered. Pursuant to Wis. Stat. § 62.115, the common council of any city may by ordinance or resolution authorize the city attorney to defend actions brought against officials or employees sued for acts taken in the conduct of official business.

29 It is more efficient and easier to control costs if the City Attorney's Office simply defends, or manages  
30 the defense of, lawsuits against City employees than to have an employee pay for her/his own defense  
31 and seek reimbursement.

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33 **BUDGETARY IMPACT:** The City Attorney's Office will handle this matter in-house.

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35 **OPTIONS/ALTERNATIVES:** Require employees to pay for their own defense and seek reimbursement  
36 from the City.

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38 **RECOMMENDED ACTION:** To authorize the City Attorney to represent the employees in the case of  
39 *Bostick, et al., v. City of Racine, et al.*, Racine County Circuit Court Case No. 19 CV 1214.

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41 **ATTACHMENT(S):** None