



City of Waukesha
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Committee: None	Date: 1/3/2025
Common Council Agenda Item Number: 24-11541	Date: 1/7/2025
Submitted By: Brian Running	City Administrator Approval: Anthony W. Brown, City Administrator
Finance Department Review: Joseph P. Ciurro, Finance Director	City Attorney's Office Review: Brian Running, City Attorney
Subject: Claim for property damage, Michele Neilson.	

Details:

Claimant's home suffered damage as the result of the Police Department executing an arrest warrant for her husband, Paul Neilson. Mr. Neilson barricaded himself in the home for several hours, after which the PD used physical means to enter the house and arrest him. Claimant's claim is for damage caused by the physical entry to the home. Total damages claimed are \$11,135.00, comprised of \$3000 for window and door board-up, and \$8135 for repair of doors, windows, and interior walls.

The City is not liable for damages that arise in the execution of a valid warrant, provided reasonable means were used to execute the warrant. In this case, the suspect had barricaded himself in the house for several hours after a domestic incident, and would not voluntarily surrender. Doors and windows were breached and CS gas was used in an attempt to get the suspect to exit. He was eventually arrested and taken to jail. The arrest warrant was obtained properly from the Circuit Court and was valid. The means used to execute the warrant were reasonable under the circumstances. Therefore, disallowance of this claim is recommended.

Options & Alternatives:

Allowance of all or part of the claim is an option, however, it is not recommended.

Financial Remarks:

There is no financial impact from a disallowance.

Executive Recommendation:

Motion to disallow the claim of Michele Neilson and to direct the Clerk to issue a formal disallowance.