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July 18, 2006

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution relating to the claims of Neng Chue Xiong
C.I. File No. 06-L-50

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Neng Chue Xiong, 5936 North 75th Street, Milwaukee, WI 53218 alleges that on May 28, 2006 the Milwaukee Police Department made forced entry into his home and searched it; damaging and confiscating various items. He claims damages in the amount of \$10,159.94.

Our investigation reveals that the police executed a lawful No-Knock Search Warrant which necessitated the use of forced entry. This use of force is authorized by Section 968.14 of the Wisconsin Statutes. As part of the execution of the warrant, they damaged the front entrance door, jamb, and a floor safe. They confiscated and inventoried a rifle, gun case and cartridges. It is our understanding that the confiscated items will be held

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for one year from seizure and can be released only with the authorization of the police or a court order under Section 968.20 of the Wisconsin Statutes. No evidence was located that corroborated the claimant's later allegations of additional damages and confiscated items. The City and its employee acted properly in this matter and would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Assistant City Attorney

MGT:beg
Enclosure
1032-2006-1728:107783