

February 18, 2003

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

Re: Communication from Roger and Iona Stank
And Sheldon Stank
C.I. File No.; 02-L-60 & 02-L-60-1

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.

Claimants, Roger, Iona and Sheldon Stank, 8110 West Bradley Road, Milwaukee, WI 53223 on their own behalf allege that on January 8 and 14, 2002 the City of Milwaukee Police Department executed search warrants and caused damage to their property located at 8110 West Bradley Road. They claim damages in the amount of \$625,665.29.

The Milwaukee Police Department records indicate they executed search warrants on January 8 and 14, 2002 relating to illegal drug activity at this location. The searches on both dates yielded many items related to this drug activity. Sheldon Stank was arrested, tried and convicted of four felony drug-related charges.

During the course of the search on January 8, 2002, a Milwaukee Police Department shotgun accidentally discharged damaging the claimants' waterbed and surrounding carpet. The claimants' were offered \$500.00 to compensate for this damage. The claimants have rejected this settlement offer.

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As to the remainder of the claim, our investigation reveals that the police action taken in this matter was necessary and appropriate. Since the police were not negligent, but rather were acting within the sphere of their responsibility, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1032-2002-1412:63904
c: Roger, Ilona & Sheldon Stank