

October 28, 2005

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

Re: Communication from Hercules Malone  
C.I. File No. 05-L-92

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, Hercules Malone, 4502 North 29<sup>th</sup> Street, Milwaukee, WI 53209 alleges that on March 15, 2005 damage was sustained to his property at 2945-47 North 12<sup>th</sup> Street when the Milwaukee police performed a search regarding confirmation of a subject wanted for double homicide being inside the residence. He claims damages in the amount of \$5,000.00.

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. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1032-2005-939:98295