



City Attorney's Office

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June 14, 2018

Common Council
City of West Allis

RE: City Attorney Report of Claim- **Brian Burns** (2018-0178)

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. Based on the value of the claim, the City Attorney's Office has determined it will pay claim value at \$89.99 pursuant to ongoing discussion with the claimant and a signed release form.

Facts: On 1/22/18 West Allis Police Officers had contact with Mr. Burns related to a drug tip investigation. During that contact, Mr. Burns consented to a search of his person. To my understanding, nothing of evidentiary value was found however the officer did drop Mr. Burn's phone on the ground. Mr. Burns is alleging that drop caused the screen on his cell phone to crack or break. He has submitted two quotes to fix his cell phone screen. The first is for \$89.99 and the second is for \$95.04.

Analysis: Investigation into this matter revealed that Mr. Burns did have contact with the WAPD and that his cellphone was dropped in the process of that contact. WAPD is recommending the claim be paid and the City Attorney's Office is in agreement with that conclusion in light of the facts, costs, and analysis provided herein.

Therefore, based on the dollar value being within the discretion of the City Attorney's Office to make the determination as to whether to approve or deny the claim, the City Attorney's Office will be resolving this claim with payment of the requested amount, subject to necessary releases.

Sincerely,

Nicholas S. Cerwin

Assistant City Attorney