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March 14, 2019

West Allis Common Council  
7525 West Greenfield Avenue  
West Allis, WI 53214

RE: Claims Report – Alyssa Bailey-Surges

Dear Common Council:

The above claim was referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. After gathering evidence related to the circumstances of the claim, our office recommends disallowing this claim.

On October 25, 2018, a West Allis police officer initiated a stop of a vehicle that was displaying no license plates. Upon making contact with the driver, who was not able to produce proof of registration or title to the vehicle, the officer smelled the odor of marijuana from within the vehicle. The driver exited the vehicle and proceeded to an area behind the vehicle to speak with the officer. The officer observed evidence that the driver had recently smoked marijuana and conducted a proper search of person for evidence of marijuana possession. At that time, the driver pulled away from the officer. When the officer attempted to restrict her movements, the driver turned to face the officer, raised her hand, and struck him in the chest with an open hand. The officer directed the driver to the ground to regain control of the situation. She remained in a bridged position with her hands and knees on the ground. Another officer who was backing the primary officer up approached to assist in regaining control and delivered a single focused strike to the driver's lower back in to cause her to lay flat on the ground. No other force was used during this incident and the driver was cited for resisting an officer. The individual who was cited for resisting an officer filed a claim for damages related to federal civil rights (\$1,500,000).

Our office recommends disallowance of this claim because the use of force by West Allis police officers was authorized by law in scope and timing. For that reason and more, the driver's civil rights were not violated. For more information regarding the nature of our legal analysis, one of our attorneys will be available on March 19 to discuss this matter in closed session.

For additional information on any of the above-reference claims, please do not hesitate to contact our office.

Sincerely,

Kail Decker  
City Attorney

cc: City Clerk