



City Attorney's Office

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January 24, 2018

Common Council
City of West Allis

RE: City Attorney's Report of Claim – **Corey Kowalewski**

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. This office's recommendation is to deny the claim based on the summary below:

Facts: On August 6, 2017, the West Allis Police Department responded to the area of 912 South 73rd Street for a report of a suspicious male looking in windows of residences. When officers arrived, they observed Corey Kowalewski, who matched the description of the suspicious male and had an outstanding felony warrant for his arrest. Upon observing the squad car, Kowalewski ran into a residence. Officers contacted the residents and confirmed they had not consented for Kowalewski to enter, so officers entered the residence to locate him and remove him. A search revealed Kowalewski to be hiding in the third floor attic in a concealed position, surrounded by boxes, with the majority of his body hidden. Officers ordered Kowalewski to show his hands and stand up, but Kowalewski refused. When officers observed Kowalewski lower his hands toward his waistband, they suspected that he was trying to access a weapon, so they subdued him with a kick to his head. Despite the officers commanding him to stop resisting and put his hands behind his back, Kowalewski refused and continued to thrash his body toward officers. Officers had to kick Kowalewski, punch him several times, and use an electronic control device before they were able to handcuff him. The District Attorney's Office charged Kowalewski with criminal trespass to dwelling and resisting an officer as a result of this incident.

Claim: Kowalewski is claiming that West Allis police officers intentionally and unlawfully kicked, punched, and kneed him to his head, face, back, and body and used an electronic control device on him while he was handcuffed, causing him pain and medical bills. Kowalewski is seeking \$6,909 in damages.

Analysis: The claim should be denied because the officers' actions were appropriate in this matter. The officers possessed probable cause to arrest Kowalewski, and their actions to arrest him were in compliance with the State of Wisconsin's and Police Department's standards for the management of resistance and aggression. Kowalewski's damages were

a result of his own actions in choosing to likely be under the influence of cocaine, enter a residence without permission, hide from the officers, and disobey their commands.

Therefore, based on the above analysis, the City Attorney Office's recommendation is to deny this unmeritorious claim.

Respectfully submitted,



Jenna Merten
Assistant City Attorney