

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Special Deputy City Attorneys



## OFFICE OF CITY ATTORNEY

800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
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**BEVERLY A. TEMPLE**  
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**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**HAZEL MOSLEY**  
**HARRY A. STEIN**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
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**MICHAEL G. TOBIN**  
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**SUSAN E. LAPPEN**  
**DAVID R. HALBROOKS**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
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**DONALD L. SCHRIEFER**  
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**LEONARD A. TOKUS**  
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**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

November 18, 2002

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees  
for Police Officers Scott Kempinski, James Hernandez, Ken Murray and Joseph Bauer  
C.I. File No. 01-S-272-4; ELO No. 1641

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Scott Kempinski, James Hernandez, Ken Murray and Joseph Bauer. The claim is in the amount of \$1,076.86 including \$20.86 in disbursements for 9.60 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the Police Officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm  
Enc.

**EGGERT LAW OFFICE, S.C.**

**Attorneys at Law**

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

August 2, 2001

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
2001 AUG - 6 PM 2:34  
RONALD D. LEONHARDT  
CITY CLERK

RE: MPD Criminal Investigation of POs Scott Kempinski,  
James Hernandez, Ken Murray and Joseph Bauer  
Allegations Regarding Mr. Karl S. Laprey  
Date of Incident: January 2, 2001  
Location of Incident: 2545 South 13<sup>th</sup> Street  
ELO No.: 1641

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the investigating a complaint regarding criminal damage to property.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Kempinski, Hernandez, Murray and Bauer to give a statement concerning the incident after issuing a PI-21.

Later, the DA found no cause to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert  
Attorney at Law

11/14/02

O.K.

JNS

Letter

2276

JC/ldl  
KEMPINSKI

CITY OF MILWAUKEE  
RECEIVED  
2001 AUG - 6 PM 3:14  
OFFICE OF  
CITY ATTORNEY

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414)276-8750  
FAX(414)276-8906

August 2, 2001

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Mr. Karl S. Laprey  
Regarding: POs Scott Kempinski, James Hernandez,  
Ken Murray and Joseph Bauer  
Date of Incident: January 2, 2001  
Location of Incident: 2545 S. 13th St.

Professional services

	<u>Hours</u>
01/05/01 Telephone call from PO Kempinski; open file; memo to file.	0.90
01/08/01 Telephone call to PO Kempinski; telephone call from PO Murray; telephone call from PO Bauer; memo to file.	0.90
01/09/01 Telephone call from PO Hernandez; telephone call from PO Bauer; memo to file.	0.90
01/11/01 Review of file; meeting with POs Kempinski and Bauer at IAD; attend PO Kempinski's PI-21 statement; attend PO Bauer's PI-21 statement; travel; memo to file.	2.10
01/16/01 Review of file; meeting with PO Hernandez at IAD; attend PO Hernandez's PI-21 statement; travel; memo to file.	1.80

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
01/18/01 Review of file; telephone call to PO Murray; meeting with PO Murray at IAD; attend PO Murray's PI-21 statement; travel; memo to file.	2.00	
01/19/01 Telephone call to CIU of IAD; correspondence to MPD Open Records; correspondence to clients.	0.50	
03/21/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	9.60	\$1,056.00
Additional charges:		
03/21/01 MPD Open Records request		20.86
Total costs		<u>\$20.86</u>
Total amount of this bill		<u>\$1,076.86</u>
Balance due		<u><u>\$1,076.86</u></u>

(Rate: \$110.00 per hour through 12/31/1998)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Thursday, January 18, 2001

SUMMARY

IN THE MATTER OF:      CIU#01-003 - BATTERY  
                                 P.O. JAMES COLLINS, PR# 64260  
                                 DISTRICT #2 - LATE

TO: DALE T. SCHUNK  
     POLICE COMMANDER

SIR:

*This report was dictated by Detective Michael CARLSON, of the Criminal Investigation Unit /Internal Affairs Division (CIU/IAD), day shift.*

ALLEGATION:

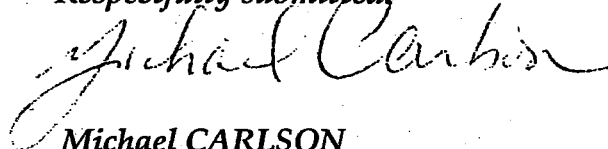
*The complainant, Karl S. LAPRE, states that a Milwaukee police officer caused injury to his head and face while he was handcuffed and shackled by throwing him into the interior of a Milwaukee police van.*

INVESTIGATION:

*On Wednesday, January 3, 2001, Milwaukee County Sheriff's Deputy Inspector Peter MISKO contacted our Department regarding a complaint by two nurses assigned to the Criminal Justice intake Facility. The nurses, Wendy HERNANDEZ and Pamela ROBBINS, notified their supervisor that on Wednesday, January 3, 2001 at approximately 12:30am they observed a Milwaukee police officer, later identified as P.O. James COLLINS, District #2 late, bring in the prisoner, later identified as Karl LAPRE, to the Criminal Justice Facility. The subject was brought over to the nurse's station handcuffed behind his back and his ankles shackled. The nurses reported that they then*

#2 in the back of the squad car. The subject was then transferred to the police wagon and conveyed to the Criminal Justice Facility by P.O. James COLLINS and Joseph BAUER. Once at the Criminal Justice Facility, the subject was handcuffed to a bench for four hours before being booked by the Milwaukee County Sheriff's Deputies. During the entire time that the subject was in police custody the subject was inducing injuries to his own head and face by striking his head against walls and doors. The police officers and Milwaukee County Sheriff's Deputies observed these acts. The matter was reviewed by Deputy District Attorney Jon REDDIN and he found no cause to issue charges against any police officer involved in this investigation, citing that he believed the injuries observed on Mr. LAPRE were self induced. This case will be cleared as warrant refused.

Respectfully submitted:



Michael CARLSON  
Police Detective  
CIU/IAD, Day Shift

MC:laf  
Disk#1/2001

FILED FEB 9 2001

cmdr. Dale J. Schunk



OFFICE OF DISTRICT ATTORNEY

# Milwaukee County

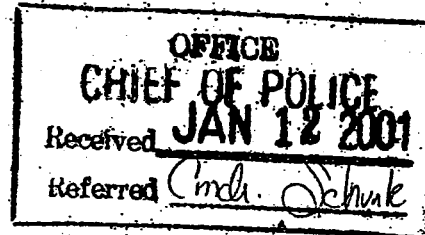
E. MICHAEL McCANN • District Attorney

Robert D. Donohoo  
Jon N. Reddin  
Carol Lynn White  
Patrick J. Kenney  
James J. Martin

Thomas A. Schutz  
Alexander G. Sklenarz  
Fredric E. Matestic  
William J. Molitor  
Gerald R. Falk  
Donald S. Jackson  
Gale G. Shelton  
Terry Magowan  
Gary D. Mahkorn  
David Robles  
Deborah Daley  
Peg Tarrant  
Douglas J. Simpson  
Cynthia G. Brown  
Norman A. Gahn  
George N. Prietz, III  
Stephanie Gineris Rothstein  
Carol E. Stauder  
Steven H. Glamm  
Mary Anne Smith  
Mark S. Williams  
Linda Johnson  
John M. Stoiber  
Thomas L. Potter  
David Feise  
Rayann Chandler Szychinski  
Elisa Castellon  
Carole Manchester  
Kenneth R. Berg  
Benbow P. Cheesman, Jr.  
Lovell Johnson, Jr.  
Warren D. Zier  
Timothy J. Cotter  
Carol Berry Crowley  
Steven V. Licata  
Brad Vorpahl  
Jane Carroll  
Paul Tiffin  
Miriam S. Falk  
Phyllis M. DeCarvalho  
Dennis P. Murphy  
Christopher Ford  
Christine M. Kraus  
Philip A. Arieff  
Thomas J. McAdams  
Bruce J. Landgraf  
Mary K. McCann  
Dennis J. Stings  
David M. Lerman  
Janet C. Protasiewicz  
DeAnn L. Heard  
Debra M. Sclano, SSND  
Patricia A. McGowan  
Irene Parham  
Karen A. Loebel  
Nancy Eltenheim  
Marcelle DePeters  
Catherine A. Gaudreau  
Lori S. Kornblum  
Karine O'Byrne  
Maria Dixon  
James W. Frisch  
Kurt B. Berkley  
James C. Griffin  
William P. Pipp  
Audrey Slowierowski  
Joanne L. Hardtke  
John T. Chisholm  
Christopher A. Liegel  
Megan P. Carmody  
Laura A. Crivello  
Derek C. Mosley  
Shawn Pompe  
Brian J. Reiser  
Karen A. Lynch  
Jayne Davis Dewire  
Allison M. Rittor  
Kevin R. Shorlin  
Kelly L. Hedge  
Jennifer Rypel  
Beth D. Zirgibal  
Shannon Carrick Schmidt  
Rebecca F. Dallet  
Mark A. Sanders  
Paul C. Dedinsky  
David T. Malone  
Julius Kim  
Jeffrey J. Altenburg  
Rechaal Gossens  
Deborah L. Mills  
Patti Wabtsch  
Kent L. Lovorn  
Paul R. Sander  
Roy L. Williams  
Nelson W. Phillips, III  
Bradford J. Logsdon  
Patrick J. Farley  
Joy Bertrand  
Margaret M. Zimmer  
Bruce W. Becker  
Michael T. Mahoney  
Mark D. Benson  
Mary M. Sowinski  
Kathryn K. Samar  
Jeanette Corbett  
Jeffrey P. Grepp  
Thomas C. Binger  
David Maas  
Jeremy L. Reszar  
Daniel J. Gabler  
Sara P. Scullen  
Gerise M. Hooks  
Brent Nattler  
T. Christopher Dee  
Katharine Kucharski  
Lisa P. Fricker  
Robin J. Rosche  
Philip R. Rangsuebsin  
Emory H. Booker, II  
Daniel R. Humble  
Jacob D. Con  
David H. Weber

January 11, 2001

Chief Arthur Jones  
City of Milwaukee Police Department  
749 W. State Street  
Milwaukee, WI 53233



Dear Chief Jones:

On January 2, 2001, Milwaukee Police officers arrested Karl Lapre for breaking into his ex-girlfriend's apartment. Lapre was extremely intoxicated, very combative and claims to remember little or nothing of the incident.

Upon arrival at the CJF Central Booking facility, two nurses reported that officer James Collins repeatedly smashed Lapre's head into a counter at the nurse's station, and then took Lapre to the floor, injuring him. Photos taken that night show facial injuries consisting of contusions and abrasions.

Numerous Milwaukee County Sheriff's deputies in the booking area report that Lapre was extremely combative and was actively resisting Collins, while swearing at him and, on occasion, attempting to kick at officers. Several say that Lapre pulled away from Collins, who then pushed him back to the counter and pushed his face onto it while searching Lapre's pockets. All deputies who observed the encounter stated that Collins did not use excessive force.

It appears to me that many if not most of Lapre's injuries were self inflicted. Numerous Milwaukee Police officers and Milwaukee County deputy sheriffs report seeing Lapre intentionally bang his head against the bars and plexiglass of the police vehicles, and against the concrete wall in the booking area. Based on my reading of the police investigation, there is insufficient evidence to prove that the force used by officer Collins was excessive, and there is substantial evidence that the injuries received by Lapre were self-inflicted.

Very truly yours,

Jon N. Reddin  
Deputy District Attorney

JNR:jr

RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
JAN 16 PM 5:15

1010-10

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. KEN MURRAY  
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of  
Attorney

Attorney LAURIE EGGERT has made a claim with the City,  
indicating the attached was provided with legal services arising out  
of one of the following situations:

- 1) An incident occurring on JANUARY 2, 2001
- 2) A citizen's complaint made by KARL LAPRAY
- 3) A police shooting incident occurring on

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: P.O. Kenneth C. Murray

Print your name: P.O. KENNETH C. MURRAY

Upon completion, please return this memorandum to the Internal  
Affairs Division at the Police Academy (Room 325) as soon as possible.

*Steve Settingsgaard*  
STEVEN M. SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

INTERNAL AFFAIRS  
DIVISION

01 SEP 25 AM 10:23

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. SCOTT KEMPINSKI  
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of  
Attorney

Attorney LAURIE EGGERT has made a claim with the City,  
indicating the attached was provided with legal services arising out  
of one of the following situations:

- 1) An incident occurring on JANUARY 2, 2001
- 2) A citizen's complaint made by KARL LAPRAY
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO       

Did you receive legal representation  
in this matter?

YES X NO       

Your signature: Scott A. Kempinski

Print your name: SCOTT A. KEMPINSKI

Upon completion, please return this memorandum to the Internal  
Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven M. Settingsgaard  
STEVEN M. SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

RECEIVED  
01 SEP 25 AM 10:23  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. JOSEPH BAUER  
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of  
Attorney

Attorney LAURIE EGGERT has made a claim with the City,  
indicating the attached was provided with legal services arising out  
of one of the following situations:

- 1) An incident occurring on JANUARY 2, 2001
- 2) A citizen's complaint made by KARL LAPRAY
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO       

Did you receive legal representation  
in this matter?

YES X NO       

Your signature: Joseph Bauer

Print your name: Joseph BAUER

Upon completion, please return this memorandum to the Internal  
Affairs Division at the Police Academy (Room 325) as soon as possible.

*Steven M. Settingsgaard*  
STEVEN M. SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

01 SEP 24 AM 10:12

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. JAMES HERNANDEZ  
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of  
Attorney

Attorney LAURIE EGGERT has made a claim with the City,  
indicating the attached was provided with legal services arising out  
of one of the following situations:

- 1) An incident occurring on JANUARY 2, 2001
- 2) A citizen's complaint made by KARL LAPRAY
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO       

Did you receive legal representation  
in this matter?

YES X NO       

Your signature: P.O. James M. Hernandez

Print your name: P.O. JAMES M. HERNANDEZ

Upon completion, please return this memorandum to the Internal  
Affairs Division at the Police Academy (Room 325) as soon as possible.

*Steve Settingsgaard*  
STEVEN M. SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

01 SEP 24 AM 10:12