

## NORTH SUBURBS

# Shorewood woman convicted in spitting incident receives \$760K civil rights settlement



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Stephanie Rapkin, the woman who was found [guilty of spitting on a Black teenager](#) during a 2020 Black Lives Matter march in Shorewood, has been awarded a \$760,000 settlement after suing Shorewood and Whitefish Bay over her arrest in 2020 where police conducted a search of her home without a warrant, as first reported by TMJ4.

"To our knowledge, this is the largest police misconduct civil rights settlement in Wisconsin that doesn't involve a death or serious injury," John Bradley, one of Rapkin's attorneys, told the Journal Sentinel.

Rapkin's lawsuit against the villages, filed on May 31, 2023, stems from an incident that took place on June 7, 2020, the day after Rapkin spit on a Black teenager at a Black Lives Matter march. She was eventually [convicted of a misdemeanor for disorderly conduct](#) over the spitting incident in 2023.

Rapkin claimed officers from the Shorewood and Whitefish Bay police departments "conspired to violate the Fourth Amendment" by breaking into Rapkin's home without a warrant under the false pretense of a welfare check, according to Rapkin's lawsuit against the villages filed by her attorneys with the firm Strang Bradley LLC.

The Journal Sentinel on Nov. 21 requested the police report and body camera footage related to the June 7, 2020, incident but has not yet received a response from the Shorewood Police Department.

## **Police arrested Rapkin in 2020, entering her home without a warrant**

The day after the June 6, 2020, spitting incident, Shorewood and Whitefish Bay police officers showed up to Rapkin's home. They had been in the area to take the statement of a young man who wanted to file charges against Rapkin for pushing him, per the suit, filed in the U.S. District Court for Eastern Wisconsin.

After reviewing footage from the man's cellphone showing the incident, the officers sought to arrest Rapkin, the lawsuit claims. But they did not have a warrant.

While the officers were waiting outside her home for 40 minutes, a neighbor told them Rapkin had likely taken a sleeping pill 12 hours before, according to the suit.

As described in the lawsuit and as shown on police body camera footage obtained by TMJ4, the officers kicked down Rapkin's door, pointed weapons at her, arrested her for allegedly assaulting the young man and searched her home for evidence to use against her.

Rapkin eventually filed a motion to suppress the evidence gathered from the search, and Judge Laura Crivello granted the motion, saying "you need to get a warrant or wait till her attorney brings her down to the station house to talk."

The suit argued the following counts: claim for initial unlawful entry/failure to intervene, claim for unlawful seizure and arrest, claim for second unlawful entry/failure to intervene, claim for conspiracy, and a Monell Policy Claim, a type of claim aimed at an agency or municipality responsible for policies that allow officer misconduct.

There were no disciplinary actions taken against the officers involved in Rapkin's arrest, Shorewood police told the Journal Sentinel.

## **Suit pertains to officers not pursuing a warrant**

In particular, the suit hinges on the officers not pursuing a warrant to enter Rapkin's home, instead justifying their decisions under the departments' community caretaker doctrine, which allows non-investigatory activities that advance public safety, according to the [State Bar of Wisconsin](#).

The suit argues the officers' immediate resolve to do so was evidence of an entrenched and universal practice of "fabricating excuses to conduct warrantless home entries."

In a statement sent to the Journal Sentinel on Nov. 22, one of Rapkin's attorneys, James Odell, wrote, "The officers' legal justification for entering her house was directly contradicted by their body camera footage, which recorded them talking about their intent to arrest her upon entering her house."

Bradley added that The Fourth Amendment protects people from unreasonable searches and seizures by police.

"And it protects people inside their home most of all," Bradley said. "The rule is simple: unless there's an emergency, if the police are going to come into your house uninvited, they need a warrant."

## **Office of Lawyer Regulation initiated disciplinary proceedings against Rapkin for mishandling a probate case**

Rapkin's lawsuit is not the only legal proceedings she's been tied to recently.

On Nov. 5, The Supreme Court of Wisconsin's Office of Lawyer Regulation initiated disciplinary proceedings against Rapkin for allegedly mishandling a probate case starting in 2020.

The OLR's order to answer alleges Rapkin charged unreasonable fees for unidentified nonlegal services provided to an estate after a woman's death and failed to close the estate in a timely manner.

The order also made note of the 2020 spitting incident and 2023 disorderly conduct conviction, which the court said was in violation of rules against "professional misconduct."

In 2018, Nancy Balcer named Rapkin as the personal representative of her estate in a will and named Johnson Bank as a co-trustee on her trust.

When Balcer died in 2020, she owned \$165,000 worth of personal property.

Rapkin took a variety of actions related to Balcer's estate and trust, billing the trust over \$24,000 and paying herself monthly for work on the estate's behalf as its personal representative, the order alleges.

Rapkin allegedly never entered into a fee agreement with the trust and never communicated in writing the rate and basis for her fees or the scope of representation to the trust, per the order.

Over the course of an entire year, Johnson Bank asked several times for information about the status of the estate, and eventually, its accounting.

The complaint alleges Rapkin failed to provide substantive responses or provide the requested information until Johnson Bank filed a formal probate court petition requesting her removal as personal representative of the estate in August 2022.

In February 2023, according to the order, the court removed Rapkin for failing to close the estate in a timely manner, and she was later ordered to repay around \$19,000 in improper fees.

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*This story was updated to add a video.*

