

40
42



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2014-0568 Report Introduced

Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083) of Morgan Murphy Enterprizes, LLC, Carolyn S. Tomovich, Agent, Incident Date: August 5, 2014.

Introduced: 9/16/2014

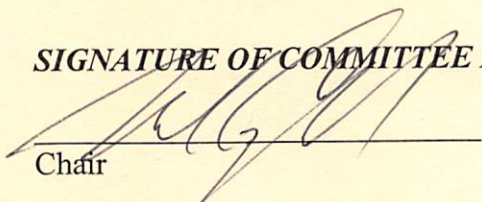
Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
NOV 03 2014	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic				
	<input type="checkbox"/>	<input type="checkbox"/>	May				
	<input type="checkbox"/>	<input type="checkbox"/>	Probst				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER



Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
NOV 03 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	May	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Probst	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
		TOTAL		10			

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: Vincent Vitale
Vice-Chair: Kevin Haass
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Rosalie L. Reinke
Daniel J. Roadt

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Cathleen M. Probst
Michael P. May
Rosalie L. Reinke
Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski
Vice-Chair: Daniel J. Roadt
Gary T. Barczak
Kevin Haass
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Thomas G. Lajsic
Cathleen M. Probst
Vincent Vitale



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

October 23, 2014

Carolyn Sue Tomovich, Agent
Morgan Murphy Enterprises, LLC
d/b/a Tap 58
5732 W. Mitchell St.
West Allis, WI 53214

Dear Ms. Tomovich:

This letter is to inform you that you do not need to appear at the License & Health meeting on Tuesday, October 28, 2014.

Please disregard any previous letters I had sent you regarding the two incidents and appearances.

If you have any questions, please contact me at the Clerk's Office at (414) 302-8202.

Sincerely,

Monica Schultz
City Clerk

/amn

cc: Carolyn Sue Tomovich (home enclosure)
Sportz Medicine, LLC (property owner no enclosure)



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

October 20, 2014

Carolyn Sue Tomovich, Agent
Morgan Murphy Enterprises, LLC
d/b/a Tap 58
5732 W. Mitchell St.
West Allis, WI 53214

Dear Ms. Tomovich:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, October 28, 2014, at 6:00 PM, in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding incidents, which occurred on August 5, 2014 & August 22, 2014.

Please be advised, all meetings, unless otherwise noted, are open to the public and may be televised and recorded through the City's Cable Communications Division.

A copy of the incidents are being sent to your home address.

If you have any questions, please contact the Clerk's Office at (414) 302-8202.

Sincerely,

Monica Schultz
City Clerk

/amn
enclosures

cc: Carolyn Sue Tomovich (home enclosure)
Sportz Medicine, LLC (property owner no enclosure)



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 8/7/2014
To: Lieutenant Jessica Johnson
From: Pto. Sharif Said

Violation Type

- Tavern Violation Bartender Violation Restaurant Violation Liquor Storage
 No Violation but the Incident is Liquor License Related

Incident #: 14-006839

N/A

Location: S 58 St. / W Mitchell St.

N/A

Establishment Name: Tap 58

N/A

Establishment License #: 14-18092004

N/A

Establishment Owner: ~~JOHN J BIWER, AGENT~~

N/A

Owner Address: 5732 W MITCHELL ST

N/A

Violation(s):

N/A

Offender: Jacob A. Rodriguez (m/w, 7/29/74)

N/A

Offender Address: 500 W Lincoln Ave,4 / Waukesha, WI 53186

N/A

Offender:

N/A

Offender Address:

N/A

Offender:

N/A

Offender Address:

N/A

Offender:

N/A

Offender Address:

N/A

Additional Offenders listed in Incident Report narrative: Yes No

Reviewed by Commanding Officer: Capt. Marks

Copy of Incident Report Attached to Liquor Laws Violation Report: Yes N/A

Commanding Officer Signature:

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 08/05/2014
CFS Code-1: 5311
Incident Report Number: 14-006839

Incident: Disorderly Conduct

Incident Report Number: 14-006839 Between: Date - Time: And/At: Date-Time: 8/5/14 02:02

Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214

CFS Code-1: 5311	CFS Code-2: 4801	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

W	Name (Last, First, Middle) Gonzalez, Tammy Lee	DOB: 03/23/1973	Race/Sex W/F
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Address: (Address, City, State, Zip)
1941 S 28 St,A, Milwaukee, WI, 53215

Employer: Home Phone Number

Employer Address: Cell Phone Number
(414) 292-5419

PO	Name (Last, First, Middle) Kaye, Jacob P	DOB:	Race/Sex
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Address: (Address, City, State, Zip)
11301 W Lincoln Ave;WA, West Allis, WI, 53227

Employer: Work Phone Number
(414) 302-8000

Employer Address: Cell Phone Number

SUMMARY

Officer Said reports... (3) COUNTS THROW / EXPELLING BODILY SUBSTANCES AT PUBLIC SAFETY WORKER. RESISTING. DISORDERLY CONDUCT... On 8/5/14 at approximately 0204 hrs, Squad 317, Officers Said and Kaye responded to the area of S 58 St. / W Mitchell St for a report of a male passed out on the ground bleeding from the head for unknown reasons, wearing a "Cheech and Chong" t-shirt and jeans. Investigation revealed the male matching this description was a Jacob A. Rodriguez (m/w, 7-29-74). Rodriguez became uncooperative when officers attempted to render aid and inspect the bleeding wound on the back of his head, Rodriguez spat saliva on Officers Kaye and Fletcher and West Allis Fire and Rescue EMT Dion Volk. Rodriguez continued to resist inside the ambulance and inside the West Allis Memorial Hospital ER forcing officers to use force to control him and aid in the rendering of care to Rodriguez. Rodriguez created a disturbance inside the

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information: NCIC#

Reporting Officer(s): Said, Sharif	Payroll Number: 9871	Payroll Number:	Report Date:
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Time Received: 02:04:03	Time Cleared: 05:22:18	Unit(s) Assigned: 310, 307, 315, 316, 317.	Pages: 1 Of 6
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Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:
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West Allis Police Department

Continuation

Incident Report Number

Incident Location:

Incident Date:

14-006839

5732 W Mitchell St;WA, West Allis, WI, 53214

08/05/2014

ER portion of the hospital due to his actions. Rodriguez was subsequently arrested for (3) Three Counts of Throwing / Expelling Substances at Public Safety Worker, (1) One Count Resisting and (1) One Count Disorderly Conduct. Rodriguez will be transported to CJF for the above offenses and this case will be reviewed by the Milwaukee County DA's Office on 8/6/14 at 0830 hrs.

Reporting Officer(s):

Said, Sharif

ID Number

9871

ID Number

Pages:

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West Allis Police Department

Continuation

Incident Report Number

Incident Location:

Incident Date:

14-006839

5732 W Mitchell St;WA, West Allis, WI, 53214

08/05/2014

NAMES

Police Officer

Fletcher, Jesse
of 11301 W Lincoln Ave;WA
West Allis,WI,53227
Business Phone:(414) 302-8000

Offender

Rodriguez, Jacob Aaron W/M-40
of 500 Lincoln Ave,4
Waukesha,WI,53186
DOB: 07/29/1974 DL: R3624217426902
HT: 506 WT: 185 Hair: Brown
Eyes: Brown Complexion: Light Brown

Booking#: 14-003664

Case#	Charge	Description	Ct
14-006839	90Z4	Warrant Other Department	1
14-006839	946.41	Resisting or Obstructing an Officer	1
14-006839	947.01(1)	Disorderly Conduct	1
14-006839	941.375(2)	Throw/Expel Bodily Substances	3

Victim

Volk, Dion D W/M-52
DOB: 11/27/1961
Work Phone:(414) 328-5151

NARRATIVE

Officer Said reports...

INITIAL OBSERVATIONS

Reporting Officer(s):

Said, Sharif

ID Number

9871

ID Number

Pages:

3 Of 6

Incident Report Number

14-006839

Incident Location:

5732 W Mitchell St;WA, West Allis, WI, 53214

Incident Date:

08/05/2014

On 8/5/14 at approximately 0204 hrs, Squad 317, Officers Said and Kaye responded to the area of S 58 St. / W Mitchell St for a report of a male passed out on the ground bleeding from the head for unknown reasons, wearing a "Cheech and Chong" t-shirt and jeans. Upon arrival I found a male matching the description laying on the side walk directly east of 58 Tap, Tavern, (located at the intersection of S 58 St. / W Mitchell St.) and he would not state his name. I asked if I could search him for identification and he said that I could. I found in his rear pant pocket a wallet containing a WI/DL and it stated the name of Jacob A. Rodriguez (m/w, 7-29-74) and the picture matched. Rodriguez later confirmed that this was his name. Officers called for rescue at this time due to the fact that Rodriguez was not able to stand or explain why he had blood on the back of his head. Rodriguez did not wish to have any medical care rendered to him, but I informed him that for his own safety I could not allow him to leave because of his apparent intoxicated state, inability to stand and therefore walk and his injury to his head.

THROWING / EXPELLING OF BODILY SUBSTANCE

While officers assisted in placing Rodriguez onto the medical cot for treatment and assessment inside the ambulance. I was forced to grab Rodriguez's leg and arm on his left side and to help lift him onto the cot. Rodriguez began to twist his body, tightening his muscles and displaying resistive tension in his arms yelling that he did not wish to go in the ambulance and attempting to escape my grasp. Rodriguez once placed on the cot continued to yell and kicking his legs and flailing his arms. I grabbed his left arm and as West Allis Fire and Rescue worker secured him to the cot I heard Officer Kaye state that he was spat on by Rodriguez. I then placed Rodriguez in handcuffs and secured him to the cot in an effort to control him better and keep Rodriguez from throwing himself onto the ground. I then placed Rodriguez in a department issued spit mask to prevent him from spitting on any other individuals.

It was later learned that Rodriguez spat saliva on Officer Kaye's face, spat saliva on Officer Fletcher's face and eye and spat on West Allis Fire and Rescue EMT Dion Volk's face and head.

See Officer Fletcher's supplemental report...

See Officer Kaye's supplemental report...

LACK OF CONSENT

Officer Kaye, Officer Fletcher and West Allis Fire and Rescue EMT Dion Volk all stated that they did not give anyone consent at any time to spit saliva on their person.

ON SCENE WITNESS STATEMENTS

Reporting Officer(s):

Said, Sharif

ID Number

9871

ID Number

Pages:

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Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
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See Officer McNally's supplemental report...

RESISTIVE EPISODE DURING TRANSPORT TO THE HOSPITAL

I assisted in the transport of Rodriguez to the West Allis Memorial Hospital due to his resistive behavior. While inside the ambulance Rodriguez was handcuffed to the cot and his legs were secured to the cot with seat belt style traps. Rodriguez began to pull his legs free from the straps and was yelling "You fucking pigs! You think your tough!" I then grabbed Rodriguez's right leg, which was almost unsecured and placed back into a secured position. Rodriguez continued to attempt to bend his knees and unsecure his legs so I placed my knees on his legs to keep them from becoming unsecured and allowing him the potential to kick me or the Fire and Rescue workers inside the ambulance. As I positioned myself on his legs I felt Rodriguez bending his knees and attempting to unsecure them again. I then began to order Rodriguez to stop moving his legs. I used heavy control talk ordering Rodriguez to stop moving his legs 3-4 times. Rodriguez continued to move his legs in a manner attempting to unsecure them and yelling at me "Fuck you pig! I want to fucking meet you in an alley alone!"

I then delivered 7-10 strikes to the thigh region of Rodriguez, each time ordering him to stop moving and each time observing that he was attempting to unsecure his legs. Rodriguez then stopped moving his legs and continued to yell "You Fucking Pig! I'll kick your fucking ass!"

ACTIONS AT WEST ALLIS MEMORIAL HOSPITAL ER ROOM #3

While at the West Allis Memorial Hospital ER Room #3 Rodriguez continued to yell and resist the orders of police and medical staff.

Rodriguez's right and left hands were handcuffed to the bed and his legs were secured to the bed with hospital restraints. Rodriguez was still able to move his head (which was still covered by a department issued spit hood) and was throwing his head from side to side yelling: "Fuck you! You Pigs!" at the medical staff and attempting to head butt the staff when they came within close proximity of his head to assess his injuries and attempt to render aid. I secured Rodriguez's head on the bed to prevent him from hurting himself or staff at the hospital. I also had to secure his hands in a compliance hold whenever the medical staff came near Rodriguez for assessment purposes due to the fact that he at one point grabbed hold of a nurse's hand, who was attempting to place an IV in his left arm and take his blood.

While the medical staff member caring for Rodriguez, Nurse Cassie Van Tholen, was attempting to ask Rodriguez medical questions to properly assess Rodriguez, he stated numerous times in reply, yelling: "Fuck you! Your a bitch!" Rodriguez yelled loud enough for the medical staff working at the work station

Reporting Officer(s): Said, Sharif	ID Number 9871	ID Number	Pages: 5 Of 6
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Incident Report Number

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5732 W Mitchell St;WA, West Allis, WI, 53214

Incident Date:

08/05/2014

outside the trauma room could hear and loud enough for the surrounding trauma rooms to hear.

Rodriguez was eventually sedated by the medical staff so that they could render him proper aid.

See Officer Kaye's supplemental report...

CONTACT PROBATION / DOC HOLD

I contacted Probation and Parole 24 hour number concerning the incident and they stated that Rodriguez was to be placed on a Probation hold regarding this offense. Probation sent a tell-a-type hold to the West Allis PD and CJF.

CONSENT BLOOD DRAW

While at West Allis Memorial Hospital Rodriguez signed at approximately 0345 hrs, 8/5/14. This blood draw was done for the purpose of testing what Officer Fletcher was exposed to due to the saliva making contact with his eye.

PHOTOS

See Officer Kaye's supplemental report...

CASE DISPOSITION

Rodriguez was subsequently arrested for (3) Three Counts of Throwing / Expelling Substances at Public Safety Worker, (1) One Count Resisting and (1) One Count Disorderly Conduct. Rodriguez will be transported to CJF for the above offenses and this case will be reviewed by the Milwaukee County DA's Office on 8/6/14 at 0830 hrs.

Reporting Officer(s):

Said, Sharif

ID Number

9871

ID Number

Pages:

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West Allis Police Department

Supplementary Report

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Fletcher reports...

INITIAL RESPONSE

On 08/05/14 at approx. 0204hrs., I responded to Tap 58, 5732 W. Mitchell St. for a report of a male party laying on the sidewalk, bleeding from the head. Upon arrival, I observed Officer Said, Officer Kaye, and WAFD Paramedics speaking with the male party outside of the tavern. The male party, who was later identified as Jacob A. Rodriguez M/H 07/29/74, was laying on his back, with a small pool of blood surrounding his head. I assisted officers in attempting to speak with Rodriguez regarding his injury.

RESISTING AN OFFICER / DISCHARGE OF BODILY FLUIDS

As myself and other officers attempted to speak with Rodriguez, he was verbally uncooperative and repeatedly stated that he wanted to go home. I advised Rodriguez that he would not be allowed to go home until WAFD Paramedics evaluated his injury and provided first aid. I asked Rodriguez, who was still laying on his back, to sit up so that paramedics could observe his injury. Rodriguez refused to obey my orders, and continued to state, "Fuck you, I'm going home."

In order to allow paramedics to observe the injury on the back of Rodriguez's head, I grabbed onto his left arm and attempted to help him sit up. As I did so, Rodriguez pulled his arm away from me. Officer Said then grabbed onto Rodriguez's right arm, and we again attempted to help him sit up. Rodriguez refused to sit up, and continued to state that he wanted to go home. WAFD Paramedics subsequently brought a cot onto the sidewalk for Rodriguez to sit on.

After the cot was brought onto the sidewalk, myself, Officer Said, Officer Kaye, and several WAFD Paramedics picked Rodriguez up off of the ground and placed him on the cot. While officers and paramedics were attempting to place Rodriguez onto the cot, he began flailing his arms and legs while shouting, "Get off of me!" In order to gain control of Rodriguez, myself and other officers held him down and ordered him to stop resisting. Rodriguez refused to obey officers' orders, and continued to flail his arms and legs. Rodriguez was subsequently handcuffed, and paramedics began strapping him to the cot in order to prevent him from flailing his body.

While paramedics were attempting to strap Rodriguez to the cart, he shouted at officers, calling us "Fucking pigs!" At this time, I was standing on

Reporting Officer(s): Fletcher, Jesse	Payroll Number: 9963	Payroll Number:	Report Date: 08/05/20
Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:	1 Of 2

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
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Rodriguez's left side and attempting to control his arms. Before paramedics were able to finish strapping Rodriguez to the cart, he sat his torso up from the cot and spit in the air, projecting saliva towards myself, Officer Kaye, Officer Said, and WAFD Paramedics. Officers immediately restrained Rodriguez's head and ordered him to "Stop!" A spit hood was subsequently placed over Rodriguez's head and he was placed in the back of the ambulance.

EXPOSURE TO BODILY FLUIDS / MEDICAL TREATMENT

During this incident, I suffered fluid exposure in my right eye, caused by Rodriguez spitting towards officers and paramedics. The exposure caused temporary discomfort in my right eye. I informed Sgt. Kempinski of the exposure, and he subsequently responded to the scene. After leaving the scene, I drove to Froedtert Hospital, where I was treated for the fluid exposure to my right eye. A blood sample was taken from me in order to obtain a baseline sample. A follow-up blood sample will be completed at a later date in order to determine the possible effects of the fluid exposure.

LACK OF CONSENT

I did not give Rodriguez consent discharge bodily fluids towards me or into my right eye.

END OF SUPPLEMENT

Reporting Officer(s): Fletcher, Jesse	ID Number 9963	ID Number	Pages: 2 Of 2
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West Allis Police Department

Supplementary Report

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

Cpl. McNally reports...

ARRIVAL

On 08-05-14 at 0204 hrs, I responded to Tap 58, 5732 W. Mitchell St. regarding a male subject bleeding from the head and laying on the sidewalk. On arrival, I made contact with witness, Tammy L. Gonzalez, who provided the following statement.

STATEMENT - TAMMY L. GONZALEZ (witness)

Gonzalez was a patron at Tap 58. When she exited the tavern she observed a male subject, later identified as Jacob A. Rodriguez, laying on the sidewalk. Gonzalez tried to ask Rodriguez if he was ok but he did not respond to her. Rodriguez was moving around on the ground and breathing. Gonzalez stated she observed blood on the sidewalk near Rodriguez's head so she called 911. After calling 911, Gonzalez stayed with Rodriguez until officers arrived. Rodriguez told her that he had been spinning in circles and fell down.

RESISTING/ASSAULTING AN OFFICER

After speaking with Gonzalez, I assisted officers on scene and WAFD with Rodriguez. Rodriguez was refusing to stand up and shouting that he did not want help. Rodriguez was argumentative and would not answer questions. Officers assisted Rodriguez to his feet, however, he refused to stand on his own. Officers had to physically lift Rodriguez up off the ground by his arms and legs and place him on a gurney. Once on the gurney, Rodriguez was swinging his arms and legs around. On several occasions, Rodriguez attempted to kick me with his right foot, however, he was unsuccessful because I was controlling his leg by placing all my body weight on it. WAFD and officers were holding Rodriguez down on the gurney attempting to secure him with the restraint straps. While doing do, I observed Rodriguez spit at officers and WAFD personnel.

STATEMENT - TAMMY L. GONZALEZ (witness)

After Rodriguez was secured on the gurney, I spoke with Gonzalez a second time. She told me that she had witnessed Rodriguez spit at officers. She also heard Rodriguez calling the officers "pigs."

Reporting Officer(s): McNally, Ryan	Payroll Number: 9439	Payroll Number:	Report Date: 08/05/2014
Reviewed by: Saftiq, Brian	Payroll Number: 2103	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NAMES

Contact

Hicks, Martago A B/M-38
of 4709 N 52nd St
Milwaukee, WI, 53218
DOB: 10/05/1975 DL: H2005417536505
HT: 508 WT: 160 Hair: Brown
Eyes: Brown
Cell Phone: (414) 573-6672

Witness-1

Schmitz, Matthew W/M-26
of 2040 S 67 Pl;WA
West Allis, WI, 53219
DOB: 06/08/1988
Work Phone: (414) 302-8912

Witness-2

Williams, Christopher B/M-29
of 2040 S 67 Pl;WA
West Allis, WI, 53219
DOB: 05/26/1985
Work Phone: (414) 302-8912

Victim

Volk, Dion D W/M-52
DOB: 11/27/1961
Work Phone: (414) 328-5151

NARRATIVE

PO Kaye Reports:

On 08/05/14 at approximately 0204hrs, officers responded to 5732 W Mitchell St, for a report of an individual passed out outside the bar and bleeding from the head. The description given out of the passed out bleeding individual was a M/W wearing jeans and a "Cheech and Chong" T-shirt. PO Said and I were

Reporting Officer(s): Kaye, Jacob	Payroll Number: 9904	Report Date: 08/05/2014
Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
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riding in a two man squad. Upon our arrival we located Jacob Aaron Rodriguez (M/H 07/29/74) who matched the description and was lying on the north sidewalk between S 57 St/S 58 St and was bleeding from the head.

PO Said initially started to speak with Jacob. I spoke with Martago A. Hicks (M/B 10/05/75) who was near Jacob upon our arrival. Martago stated he did not know Jacob. Martago said he had been at Tap 58 that evening and he observed Jacob drinking at Tap 58. Martago explained Jacob was very intoxicated and talking crazy while inside of Tap 58. I asked Martago if Jacob got "into it" with anyone while at Tap 58 and Martago said Jacob did not. Martago advised he did not know when Jacob left or how Jacob came to be lying on the ground bleeding from his head.

RESISTIVE EPISODE

The WAFD arrived on scene to treat Jacob for his injuries. Jacob would not let the WAFD treat him and was yelling and using profanities towards officers and the WAFD paramedics. Jacob would not get up off the ground. I advised Jacob he needed to allow the WAFD to treat him for his injury as he was bleeding from the head.

While speaking with Jacob I noticed the strong odor of intoxicants emitting from Jacob's breath and Jacob's slow and slurred speech. Based on my training and experience I believed Jacob to be under the influence of intoxicants. Jacob denied consuming any alcohol.

After giving Jacob an ample amount of time to get up off the ground and allow the WAFD to treat him, and explaining to Jacob why he needed to let the WAFD treat him, PO Said, PO Fletcher, CPL McNally, and I lifted Jacob from the ground to the WAFD ambulance cot. I grabbed Jacob's left leg when we (Police) moved him from the ground to the cot. When I grabbed Jacob's left leg he began to jerk his leg back and forth attempting to break free from my grasp. I was able to maintain my grasp on Jacob and we placed Jacob on the cot.

Upon placing Jacob on the cot, Jacob continued to jerk his leg back and forth and started to thrash his body around. I proceeded to strap Jacob's legs to the cot to restrain Jacob. Other officers and WAFD paramedics strapped the rest of Jacob's body to the cot.

At this point I moved to the head of the cot near Jacob's left shoulder. Jacob was yelling and using profanities towards officer and the WAFD. Jacob became so angry he leaned his head and upper chest up off the cot and spit saliva out of his mouth toward officers and paramedics. When Jacob spit there were four police officers and three paramedics surrounding the cot.

Jacob's spit hit the left side of my face which I did not give him consent to spit on me. Note: Jacob's spit also hit PO Fletcher in the face and WAFD

Reporting Officer(s): Kaye, Jacob	ID Number 9904	ID Number	Pages: 2 Of 3
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Incident Report Number

Incident Location:

Incident Date:

14-006839

5732 W Mitchell St;WA, West Allis, WI, 53214

08/05/2014

paramedic Dion Volk in the face. Immediately upon getting hit in the face with Jacob's spit, I yelled, "He just spit on me!" Because Jacob had just spit, I secured his head on the cot and faced his face away from me with both of my hands. Jacob continued to yell, use profanities, and thrash his body around.

While I had Jacob's head secured against the cot, I could feel Jacob attempting to resist my efforts to secure his head as he kept trying to turn his head back towards me. Because Jacob continued and actively resisted my efforts to secure his head against the cot and the fact Jacob had already spit on officers and a paramedic, I used a hypoglossal pressure point on Jacob. Jacob relaxed after I used the hypoglossal pressure point on him and shortly thereafter a spit hood was placed on Jacob.

Jacob was taken into the WAFD ambulance and then transported to AWAMC for treatment.

PHOTOGRAPHS

- 1. Incident Location, 5732 W Mitchell St.
- 2. Jacob's blood on the sidewalk.
- 3. Very small abrasion to the back of Jacob's head.
- 4. WAPD Photography Data Sheet.

WAFD WITNESS/VICTIM

WAFD M112 was the ambulance which responded to our location. Matthew Schmitz (M/W 06/08/88), Christopher Williams (M/B 05/26/85), and Dion Volk (M/W 11/27/61) were the paramedics on the ambulance. Matthew, Christopher, and Dion all observed Jacob spit saliva. Dion advised me he was hit by Jacob's spit on the right side of his face. I observed spit on the top right side of Jacob's head and on his seeing glasses. (See WAFD #WA144836). Dion later went to Froedtert Hospital to get blood work done as he potentially had a significant exposure with Jacob. Dion did not give Jacob consent to spit on him.

END OF SUPPLEMENT

Reporting Officer(s):

Kaye, Jacob

ID Number

9904

ID Number

Pages:

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West Allis Police Department

Supplementary Report

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Said reports...

ADA CHARGING CONFERENCE - ADA GRIFFIN

On 8/6/14 at approximately 8:15 am ADA Griffin reviewed this case and stated that he would be proceeding with all (3) Three counts of Throwing / Expelling Bodily Substance, as well as the (1) One count of DC and (1) One count of Resisting.

Reporting Officer(s): Said, Sharif	Payroll Number: 9871	Payroll Number:	Report Date: 08/06/2014
Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:	1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number 14-006839	Incident Location: 5732 W Mitchell St;WA, West Allis, WI, 53214	Incident Date: 08/05/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

ADA CHARGING 08-06-14

Barwick reports:

ADA Griffin charged Rodriguez with Discharging Bodily Fluids at Public Safety Worker. Case number 14CF3454 has been assigned.

Reporting Officer(s): Barwick, Steven .	Payroll Number: 1805	Payroll Number:	Report Date: 08/06/2014
Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:	1 Of 1

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