

77



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2014-0214 Report Held in Committee

Police Department Report involving Craig's Pub & Eatery, 7100 W. National Ave., (2013-2014 Class B Tavern License no. 1983 Craig F. Bushberger, Incident Date: March 18, 2014).

Introduced: 4/15/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5-6-14</u>			Barczak	✓			
			Czaplewski	✓			
			Haass	✓			
			Lajsic				
			May				
			Probst				
	✓		Reinke	✓			
			Roadt				
		✓	Vitale				
			Weigel	✓			
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 06 2014</u>	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Haass	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>			

**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. Czaplowski
 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. Czaplowski
 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

58.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

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2014-0214 Report Introduced

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COMMITTEE RECOMMENDATION

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_____	_____	_____	Reinke
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AYE	NO	PRESENT	EXCUSED

TOTAL _____

SIGNATURE OF COMMITTEE MEMBER

 Chair Vice-Chair Member

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER	
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_____	_____	_____	Roadt
_____	_____	_____	Vitale
_____	_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED

TOTAL _____



CITY CLERK/TREASURER'S OFFICE
414/302-8200 or 414/302-8207 (Fax)
www.westalliswi.gov
Paul M. Ziebler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

April 21, 2014

Craig F. Bushberger
d/b/a Craig's Pub & Eatery
7100 W. National Ave.
West Allis, WI 53214

5/6
1st appear req

Dear Mr. Bushberger:

The Chairman of the License & Health Committee orders that you appear at its meeting Tuesday, May 6, 2014, at 6:00 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., with regards to an incident on March 18, 2014.

A copy of the incident is being sent to your home address.

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

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

Sincerely,

Monica Schultz
amn

Monica Schultz
Assistant City Clerk

/amn

cc: Craig F. Bushberger (home enclosure)



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 3/19/2014
To: Lieutenant Jessica Johnson
From: PTO S. Martin

Violation Type

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

Incident #: 14-002304 N/A

Location: 7100 W National Ave N/A

Establishment Name: Craig's N/A

Establishment License #: 13-00001983 N/A

Establishment Owner: Craig F. Bushberger N/A

Owner Address: 1593 S 71 St, West Allis, WI 53214 N/A

Violation(s): Disorderly Conduct - Domestic Abuse incident between tavern employees. N/A

Offender: Ryan F. Bushberger N/A

Offender Address: S78W16702 Spinnaker Dr, Muskego, WI 53150 N/A

Offender: Garett M. Bushberger N/A

Offender Address: 1593 S 71 St, West Allis, WI 53214 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

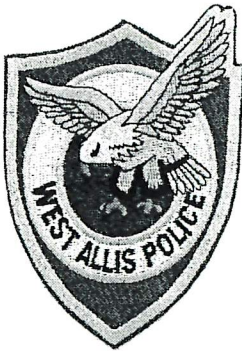
Reviewed by Commanding Officer: Lieutenant Saftig

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: 03/18/2014
CFS Code-1: 5311
Incident Report Number: 14-002304

Incident: Disorderly Conduct			
Incident Report Number: 14-002304	Between: Date - Time	And/At: Date-Time 3/18/14	03:32
Incident Location: 7100 W National Ave;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:

O	Name (Last, First, Middle) Bushberger, Ryan Foster	DOB: 02/26/1982	Race/Sex W/M
Address: (Address, City, State, Zip) S78W16702 Spinnaker Dr, Muskego, WI, 53150			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number (702) 403-3369
B	Name (Last, First, Middle) Craig's Pub & Eatery,	DOB:	Race/Sex
Address: (Address, City, State, Zip) 7100 W National Ave, West Allis, WI, 53214			Home Phone Number
Employer			Work Phone Number (414) 476-8599
Employer Address			Cell Phone Number

COPY

SUMMARY

Officer Pinter reports... On 03/18/14 at 0332 hrs, Officers were dispatched to Craig's Pub & Eatery (7100 W National Ave.) for a trouble call. Investigation revealed Ryan F Bushberger M/W, 02/26/82 and his brother, Garrett M Bushberger M/W, 08/30/86 were involved in a physical confrontation. As Officers arrived Garrett did not comply with Officers commands and he was later tased. Ryan was later arrested for DV/DC. Garrett was arrested for Resisting (local citation). Ryan posted bail and his initial court date is set for 03/19/14 at the DA's office.

COPY

Vehicle Information: (Year, Make, Model, Style, Color)			
License Number:	State:	Expiration Year:	Vin:
Other Vehicle Information:			Insurance Company:
Reporting Officer(s): Pinter, Richard			NCIC#
Payroll Number: 9471		Payroll Number:	Report Date:
Time Received: 03:32:10	Time Cleared: 04:13:26	Unit(s) Assigned: 110, 310, 305, 306, 311.	Pages: 1 Of 5
Reviewed by: Saftig, Brian		Payroll Number: 2103	Copy To:

14-002304

West Allis Police Department

Continuation

Incident Report Number 14-002304	Incident Location: 7100 W National Ave,WA, West Allis, WI, 53214	Incident Date: 03/18/2014
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NAMES

Offender

Bushberger, Garrett Mar W/M-27 of 1593 S 71 St;WA, West Allis,WI,53214
 DOB: 08/30/1986 DL: B2163938631001
 HT: 600 WT: 185 Hair: Black
 Eyes: Brown
 Home Phone:(414) 313-9417 Cell Phone:(414) 336-2709

Booking#: 14-001270

Case#	Charge	Description	Ct
14-002304	WA2-946.41	Resisting an Officer	1

Contact

Bushberger, Craig F W/M-66 of 1593 S 71 St;WA, West Allis,WI,53214
 DOB: 04/28/1947
 Cell Phone:(414) 313-9417 Home Phone:(414) 336-8787

Witness

Wyss, Nicole B W/F-40 of W254 S6488 Ridge Rd, Waukesha,WI,53189
 DOB: 12/16/1973
 Cell Phone:(414) 852-2655

NARRATIVE

INCIDENT

Officer Pinter reports...

On 03/18/14 at 0332 hrs, Officers were dispatched to Craig's Pub & Eatery (7100 W National Ave.) for a trouble call. Upon arrival, Officer Mathy made contact with Ryan F Bushberger M/W, 02/26/82 - Garrett M Bushberger M/W, 08/30/86 - Nicole B Wyss F/W, 12/16/73 and Graig F Bushberger M/W, 04/28/47.

Investigation revealed Ryan and his brother, Garrett were involved in a physical confrontation. As Officer Mathy arrived Garrett did not comply with his commands.

Reporting Officer(s): Pinter, Richard	ID Number 9471	ID Number	Pages: 2 Of 5
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West Allis Police Department

Continuation

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Incident Date:
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Officer Mathy later tased Garrett. Refer to Officer Mathy's supplemental report.

Officer Martin arrived on scene and spoke with Ryan Bushberger about the incident. Refer to Officer Martin's supplemental report.

Officer Fletcher arrived on scene and spoke with Craig Bushberger about the incident. Refer to Officer Fletcher supplemental report.

Ryan was later arrested for DV/DC. Garrett was arrested for Resisting (local citation).

STATEMENT - NICOLE WYSS

I asked Nicole about the incident. She explained she is the bartender at Craig's Pub & Eatery and she worked this evening. Nicole said that Garrett and Ryan are also employed at the tavern. Nicole said after she closed the tavern at 0200 hrs, Ryan and Garrett remained in the tavern. She said they were not drinking after bar closing. She did explain that Ryan and Garrett were drinking when the tavern was open.

Nicole stated after the tavern closed, Ryan and Garrett were involved in an argument. She said the argument between Ryan and Garrett was about Ryan wanting to drive home. Garrett was attempting to tell Ryan not to drive home. Nicole said at some point, Ryan became upset and started yelling at Garrett.

Nicole said Garrett was behind the bar area and Ryan walked up to Garrett. Nicole explained that they started pushing each other. She believed they were goofing around. A short time later, she observed Ryan grab Garrett by the neck. Nicole said Garrett attempted to get away and she observed Ryan punch Garrett several times.

Nicole stated that Garrett started punching Ryan and they started wrestling. Nicole explained when they started wrestling, they moved from the inside of the bar area. Nicole said they continued wrestling and punching each other. Nicole said Ryan grabbed Garrett around the neck and threw Garrett to the floor.

Nicole stated Ryan and Garrett's father, Craig came down the stairs from his residence. Nicole said Ryan was on top of Garrett and Craig went over to break up the physical altercation. Nicole said Garrett was completely out of control when Craig attempted to break up the fight. Nicole said Craig told her to call the police and she did so.

Nicole said the police arrived when they were still fighting on the floor. Nicole said Officer Mathy did tell Ryan to lay on his chest and all she remembers is Officer Mathy tasing Garrett.

I asked Nicole what started the incident. She again said Ryan became upset because Garrett did not want Ryan to drive. Nicole said the incident could have been

Reporting Officer(s):
Pinter, Richard

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West Allis Police Department

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Incident Date:
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avoided if Ryan would have not became upset at Garrett. Nicole stated that Ryan was aggressor in the incident.

LACK OF CONSENT

Garrett did not give Ryan permission to punch him, grab him around the neck and cause him pain.

ARREST DECISION

Based on the statements provided to Officers, Ryan was arrested for Domestic Violence/Disorderly Conduct. Ryan was conveyed to the station for processing.

Note: Garrett was also arrested for Resisting. Garrett was transported to the station for processing. WAFD arrived on scene and treated Garrett for his injuries. Garrett refused medical attention.

D.V. HOTLINE

On 03/18/14 at 0700 hrs, I contacted the D.V. Hotline and spoke with caseworker Carlotta. I informed her of the circumstances of the incident, including the fact that Ryan was arrested on scene. Ryan did not speak with Carlotta about this incident.

72-HOUR NO CONTACT PROVISION/WAPD CRIME VICTIM SHEET

Officer Fletcher explained the 72-hour No Contact Provision to Garrett and he signed the form. Garrett was given a copy of the form and was provided with the West Allis Crime Victim Information sheet.

MIRANDIZED STATEMENT- RYAN BUSHBERGER (OFFENDER)

At 0439 hrs, I began talking with Ryan in interview room B of the Booking area. At hrs, I advised Ryan of his constitutional rights by reading from the WAPD policy on Audio Recording of Suspect Interviews - Adults. Ryan stated that he understood his rights and he agreed to make a statement without a lawyer present. The following statement was paraphrased.

I asked Ryan about the incident. He said he and his brother, Garrett were involved in a conversation. Ryan said they were discussing how much each other loved each other. Ryan said nothing happened. Ryan would not talk about the incident. I ended the interview at 0440 hrs. The digital media card P17-3 was secured in the Technical and Services Division at the station.

PROCESSING

Reporting Officer(s):
Pinter, Richard

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9471

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14-002304Incident Location:
7100 W National Ave;WA, West Allis, WI, 53214Incident Date:
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I booked, mugged, and printed Ryan for D.V./ DC.

VICTIM NOTIFICATION OF OFFENDER RELEASE

On at approximately 0530 hrs., I advised Garrett that Ryan was able to raise the necessary bail and Ryan would be released from the station.

RELEASE OF OFFENDER

Ryan was able to post the required \$165.00 bail for DV/DC. Prior to his release, I read the entire Conditional Release and Contact Prohibition Notice to him. He stated that he understood the provisions and signed the form. I also gave him an order in slip for the D.A.'s office regarding the charging conference at 0830hrs. on 03/19/14.

MIRANDIZED STATEMENT - GARETT BUSHBERGER

At 0520 hrs, I began talking with Garrett in interview room B of the Booking Area. I advised him of his constitutional rights by reading from the WAPD policy on Audio Recording of Suspect Interviews - Adults. Garrett stated that he understood his rights and he agreed to make a statement without a lawyer present. The following statement was paraphrased.

I asked Garrett about the incident. Garrett said he and Ryan were involved in an argument. Ryan said nothing happened. Ryan would not say what happened between him and his brother, Ryan.

I asked him about when Officers arrived on scene. Garrett said he was on the floor laying on his side. Garrett said the Officer told him turn around and he said he did not because he could not breathe. Garrett said he tried to get up because he could not breathe and the Officer tased him. Garrett said the Officer tased him two times.

I ended the interview at 0523 hrs. The audio recording card P17-3 was secured in the Technical and Services Division at the station.

CASE DISPOSITION

Ryan Bushberger was arrested for D.V./Disorderly Conduct and later posted bail. Incident set for DA review on 03/19/14 at 0830 hrs.

Garrett Bushberger was arrested for Resisting (local citation M140012701). Garrett initial court date is set for 04/21/14 at the West Allis Municipal Court Center.

Reporting Officer(s):
Pinter, RichardID Number
9471

ID Number

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West Allis Police Department

Supplementary Report

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Fletcher reports...

INITIAL CALL

On 03/18/14 at approx. 0332hrs., officers responded to Craig's Pub & Eatery, 7100 W. National Ave. for a trouble call. Upon arrival, Officer Mathy requested additional officers to assist with an uncooperative male, later identified as Garrett M. Bushberger M/W 08/30/86 . After arriving on scene, I made contact with Garrett's father, Craig F. Bushberger 04/28/47. I spoke with Craig inside of the tavern regarding this incident.

WITNESS STATEMENT - CRAIG F. BUSHBERGER

Craig, who is the owner of the tavern, advised there was a verbal and physical altercation between his two sons, Garrett and Ryan F. Bushberger M/W 02/26/82 before officers arrived on scene. Craig advised Garrett and Ryan were at the tavern for the majority of the evening for a St. Patrick's Day party. Craig stated he went to bed in the upstairs unit of the tavern at approx. 0000hrs. Craig advised that before he went to sleep, there were no problems between Garrett and Ryan.

At approx. 0315hrs., Craig was awoken by loud screaming coming from the tavern downstairs. Craig then looked at the live surveillance footage showing the inside of the tavern, and observed Ryan holding Garrett by the throat in front of the bar. After seeing the altercation on the surveillance footage, Craig walked downstairs and attempted to separate them. Craig was unsure how long Ryan and Garrett had been arguing before he was awoken.

After walking downstairs into the tavern, Craig observed Ryan on top of Garrett, holding him by the throat. Craig advised Garrett was acting "out of control" and that Ryan was attempting to calm him down. Craig then got between Ryan and Garrett, and attempted to separate them by holding them back. Craig stated Ryan and Garrett continued to argue, and began "wrestling" on the floor in front of the bar. Craig advised the wrestling continued for approx. a half hour until he advised Nicole to call the police. Craig stated Ryan and Garrett often get into arguments, but that it usually never escalates to this extent. Craig was unsure why Garrett and Ryan were arguing, but believed that the argument may have been about Craig's other son who passed away several years ago.

As Officer Mathy arrived on scene, Ryan and Craig were attempting to hold ~~Garrett down on the ground to control him.~~ Craig advised that Officer Mathy

Reporting Officer(s): Fletcher, Jesse	Payroll Number: 9963	Payroll Number:	Report Dat : 03/18/2014
Reviewed by: Saftiq, Brian	Payroll Number 2103	Copy To:	1 Of 3

West Allis Police Department

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Incident Report Number
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7100 W National Ave;WA, West Allis, WI, 53214Incident Date:
03/18/2014

entered the tavern and immediately began assisting them in controlling Garrett. Craig advised he and Ryan were holding onto Garrett's legs, while Officer Mathy attempted to control Garrett's arms. While Officer Mathy was attempting to gain control of Garrett's arms, Garrett pulled his arms away and attempted to stand up. Craig advised Officer Mathy ordered Garrett to stop resisting, but Garrett would not obey his commands and continued to attempt to stand up. Craig stated that due to Garrett's continued physical resistance and refusal to obey Officer Mathy's orders, Officer Mathy deployed his "taser."

Craig advised after the first time that Garrett was "tased" he continued to disobey Officer Mathy's commands to lay on the ground. Officer Mathy then "tased" Garrett a second time. Officer Mathy was then able to take Garrett into custody. After Garrett was taken into custody, Craig advised Ryan began screaming at Officer Mathy to get off of Garrett. Craig advised Ryan was upset because he was concerned for Garrett's safety and did not want him to get in trouble. Other officers entered the tavern shortly after and separated the parties to further speak with them.

During my contact with Craig, he expressed numerous times that Officer Mathy used the necessary amount of force to detain Garrett. Craig advised that Garrett was "completely out of control," both verbally and physically. Craig stated that if Garrett would not have physically resisted Officer Mathy by pulling his arms away and attempting to stand up, "none of this would have happened."

MEDICAL CLEARANCE

WAFD responded to the scene and treated Garrett for his CEW exposure. Garrett refused any further medical treatment and was released on scene.

TRANSPORT OF GARETT M. BUSHBERGER

After Garrett was medically cleared on scene, I placed him in the back of my squad and transported him to the WAPD to be booked for Resisting an Officer.

DV PAPERWORK

While at the WAPD, Garrett signed and received a copy of the 72 Hour No Contact Order. Garrett was also given copies of the DV/Victim Paperwork.

BOOKING/RELEASE OF GARETT M. BUSHBERGER

Garrett was booked under Booking #14-001270, and issued municipal citation #M140012701 for Resisting an Officer. Garrett signed a PR bond and was provided a copy of the citation prior to his release. Garrett was given a

Reporting Officer(s):

Fletcher, Jesse

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Incident Date:
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municipal court date of 04/21/14 at 0830hrs.

END OF SUPPLEMENT

Reporting Officer(s):
Fletcher, Jesse

ID Number
9963

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West Allis Police Department

Supplementary Report

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

INITIAL CALL

Officer Mathy reports...

On 03/18/14 at approximately 0332hrs, I responded to Craig's Pub & Eatery, 7100 W. National Ave., for a fight in progress.

INITIAL OBSERVATIONS

Upon arrival I could hear loud screaming coming from the inside of Craig's pub. I accessed the business from the east entrance which was opened by a female, later identified as Nicole B. Wyss F/W 12/16/73. Upon entering the business I observed two males, Ryan F. Bushberger M/W 02/26/82, and his father, Craig F. Bushberger M/W 04/28/47, attempting to restrain Ryan's brother, Garrett M. Bushberger M/W 08/30/86, on the ground.

CONTACT/ RESSISTING OF OFFENDER- GARETT M. BUSHBERGER

As I approached the aforementioned parties on the ground, I observed Garrett screaming and violently flailing his body as Ryan and Craig attempted to hold him down. I announced myself as "Police" and attempted to take control of Garrett's left arm. Garrett continued to violently pull his body and arms away from my attempts to control his movements. I ordered Craig and Ryan to back away from Garrett's upper body to allow me room to attempt to take control of Garrett. Craig and Ryan complied and attempted to control Garrett's legs as I attempted to pull Garrett's arms away from under his body. Garrett's chest was on the floor and he did not acknowledge my commands to "stop resisting." I immediately radioed responding squads to expedite and that I was with a resistive party.

Garrett then began to pull his legs underneath his body and began to stand up. Due to my inability to secure Garrett and his continued active resistance by pulling his arms and body away from my grasp, as well as the safety risks to Craig and Ryan who were still adjacent to my position, I accessed my Electric Control Weapon (ECW), announced "Taser" and deployed the ECW probes to Garrett's left side back area, as he achieved a standing position. At the time I deployed the ECW probes, Garrett was approximately 5 feet away from my standing position. The probes struck Garrett on his left lower back area and on his left upper thigh area. Garrett began to lose his balance, however, he did not comply with my orders "lay on the ground and put your arms out to your side." I then pulled the trigger of the ECW again to start an additional 5 second cycle in an attempt to gain compliance. While the second cycle was

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Date: 03/18/2014
Reviewed by: Saftiq, Brian	Payroll Number: 2103	Copy To:	

West Allis Police Department

Continuation

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
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concluding Garrett laid on his stomach and I ordered him again to place his arms out to the side. Garrett complied and I ordered him to place his hands behind his back. Garrett complied and I informed him that he would not be tased again if he continued to comply and not resist. Garrett verbally acknowledged my command by stating "ok" and placed his hands behind his back.

I radioed responding squads "taser deployment" and handcuffed Garrett without further incident. As I was handcuffing Garrett, Ryan began to scream "that's my brother" and continued to pace back in forth in the bar area. I ordered Ryan to sit down and he eventually complied. Shortly after taking Garrett into custody several Officers arrived on scene and separated all of the individuals inside the bar.

FOLLOW THROUGH CONSIDERATIONS

After the scene was secure I informed Garrett that I was going to remove the Taser probes. I successfully removed both probes and placed them in the Taser cartridge housing. I assisted Garrett to a seated position and he verified that he felt ok and was going to be cooperative. A medical unit was later called to assess Garrett and he refused transport to a hospital for evaluation.

STATEMENT- GARETT M. BUSHBERGER (OFFENDER)

I assisted Garrett to a standing position, informed him he was under arrest for resisting and Officer and asked him why he did not comply with my commands and continued to resist. Garrett said he did not know and that he felt as though he could not breath when Ryan, Craig and I were attempting to control him. Garrett agreed he was trying to get away from our grasp to achieve a standing position. As I spoke with Garrett it was apparent that he was highly intoxicated as his speech was slurred, he had red and glassy eyes, and he had a moderate odor of intoxicants emitting from his breath. I asked Garrett to explain what happened prior to my arrival.

Garrett said he was in an argument with Ryan regarding his other brother who is deceased. Garrett said the argument was emotional and that both he and Ryan were screaming at each other. I asked Garrett how he ended up on the floor being held down by Craig and Ryan. Garrett said he was thrown down by Ryan and then held down by both Craig and Ryan. Garrett continued to say "we're brothers, do you have a brother?" Garrett would not elaborate on his statement and justified the confrontation between he and Ryan because they are brothers.

I then escorted Garrett to my squad and waited for the medical unit to arrive on scene. Once the medical unit arrived on scene, Officer Fletcher remained in contact with him and later completed the booking procedure.

Reporting Officer(s): Mathy, Joseph T.	ID Number 9830	ID Number	Pages: 2 Of 2
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West Allis Police Department

Supplementary Report

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

Officer S. Martin reports:

INITIAL RESPONSE

On 03/18/14, I responded to Craig's Tavern, located at 7100 W National Ave, to assist Officers Pinter and Mathy with a trouble call. While en route, I heard on my squad radio that Officer Mathy had a resistive subject and several other uncooperative parties in the tavern. Upon arrival, I was informed that Ryan F. Bushberger, M/W 02/26/82, was the other individual involved in the incident.

CONTACT WITH RYAN F. BUSHBERGER

I made contact with Ryan, who was sitting at the bar drinking water. I told him to put the water down and talk to me outside. Ryan appeared to be highly intoxicated (glassy eyes, slurred speech, and strong odor of intoxicants coming from his breath and person) and refused to get up. I grabbed his arm, and Sergeant Corwin took the glass from his hand.

I escorted him from the tavern and the entire way he argued and tensed his body. As we left the bar Ryan walked into the propped open door due to his intoxicated state. He spun around and began to yell that I made him hit his head. Due to his size (6'8" and 240lbs) and his highly intoxicated state, I forced him to turn away from me and directed him into the exterior wall of the tavern in order to handcuff him. He continued to yell and tense his body, and Sergeant Corwin and Officer Agor assisted me in forcefully handcuffing him.

I ordered Ryan to sit on the ground and he refused. I directed him into a sitting position on the sidewalk by forcing his shoulder in a downward motion with my hand. Ryan eventually calmed down enough to provide a somewhat coherent, although inconsistent, statement.

Ryan stated he was in the tavern with his brother, Garrett M. Bushberger, M/W 08/30/86. They began to argue regarding the death of their older brother that occurred eight years prior to this incident. Garrett became unreasonable and began screaming at Ryan. Ryan put Garrett in a "bear hug" and threw him to the ground. Ryan then pinned Garrett to the floor.

Ryan and Garrett's father, Craig F. Bushberger, M/W 04/28/47, woke from the upstairs apartment and came down to the bar. He saw Ryan on top of Garrett and tried to get Ryan off of Garrett. Ryan kept telling Garrett to calm down

Reporting Officer(s): Martin, Steven	Payroll Number: 9895	Payroll Number:	Report Date: 03/19/2014
Reviewed by: Saftiq, Brian	Payroll Number: 2103	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
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throughout the incident.

Ryan stated he was never struck by Garrett, then admitted Garrett punched him, and then said Garrett accidentally elbowed him in the face when he tackled Garrett.

TAVERN REPORT

Due to the incident occurring in a closed tavern between two employees of the bar, I completed and submitted a tavern report.

Reporting Officer(s): Martin, Steven	ID Number 9895	ID Number	Pages: 2 OF 2
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West Allis Police Department

Supplementary Report

Incident Report Number 14-002304	Incident Location: 7100 W National Ave;WA, West Allis, WI, 53214	Incident Date: 03/18/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

West Allis Police Department of 11301 W Lincoln Ave
 West Allis, WI, 53227
 Business Phone: (414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
14-001828				
1	EVI		Deployed Electronic Control Weapon Taser cartridge with probes contained in cartridge housing	1.000 \$20.00 [Recovered]

Reporting Officer(s): Mathy, Joseph T.	Payroll Number: 9830	Payroll Number:	Report Dat : 03/18/2014
Reviewed by: Saftiq, Brian	Payroll Number 2103	Copy To:	1 Of 1

