

49



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2013-0091	Report	Introduced
	Police Department report regarding tavern violations/call for service for January 2013.	
	Introduced: 2/19/2013	Controlling Body: License & Health Committee

PLACE ON FILE

COMMITTEE RECOMMENDATION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 19 2013		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt		<input checked="" type="checkbox"/>		
			Sengstock				<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>		Vitale			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	4	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 19 2013		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			May	<input checked="" type="checkbox"/>			
			Probst	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock				<input checked="" type="checkbox"/>
				Vitale	<input checked="" type="checkbox"/>		
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	9			1

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

ADMINISTRATION & FINANCE

Chair: James W. Sengstock
Vice-Chair: Vincent Vitale
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
James W. Sengstock
Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Michael P. May
Cathleen M. Probst
Daniel J. Roadt
Vincent Vitale



DEPARTMENT OF POLICE

Michael Jungbluth
Chief of Police

Charles Padgett
Deputy Chief of Police

Robert Fletcher
Deputy Chief of Police

February 4, 2013

To: Mayor Dan Devine

License and Health Committee:

Alderson Michael Czaplewski (Chair)
Alderson Daniel Roadt (Vice-Chair)
Alderson Gary Barczak
Alderson James Sengstock
Alderson Martin Weigel
Assistant City Attorney Jenna Merten

The following is a summary of reported incidents involving licensed businesses, including reported tavern violations and calls for police service during the month of January.

Incident reports:

Case # 13-00085, 01/03/2013, at 0112 hrs – Drunken Duck, 5906 W. Burnham St.

On 01/03/2013, at 0112 hrs., Officers responded to Drunken Duck, 5906 W. Burnham St (unknown caller reported incident to police) regarding a fight complaint. Investigation revealed the victim was involved in an argument and minor physical altercation inside the tavern with the Offender. After the brief altercation, all parties were kicked out of the bar and the bar closed down for the night. Contact was made with the bar owners, Hector E. Guillermo and Lindsay A. Guillermo. They acknowledged that a disturbance occurred inside the tavern and they failed to call the police. Lindsey did state that the victim asked her to call 911 after the incident, however, she did not call as the parties were separated and there were no more problems. Hector stated he did hear the victim ask Lindsey to call 911 and she did not. The identity of the offender is not known.

Case # 13-00176, 01/05/2013, at 2348 hrs – Quenchers, 7731 W. Becher St.

On 01/05/2013 at 2348 hrs., Officers responded to Quenchers, 7731 W. Becher St., for a trouble call. Investigation revealed a physical altercation between two males inside the tavern. The individuals struck each other and one left the tavern in his vehicle. Dispatch provided a vehicle description and Officers stopped this vehicle. The individual was arrested for OWI. West Allis Rescue responded and provided care to the other individual who had an approximate ¼ inch laceration on his nose, which was bleeding and had swelling around his nose and eye. He was transported to Froedtert Hospital. Neither individual wanted to press charges against each other. It is not clear who the caller was, however, the bartender was cooperative with the police on scene and provided a statement as to what transpired.

Tobacco and Alcohol Compliance checks:

- No tobacco compliance checks were conducted during this reporting period.
- No alcohol compliance checks were conducted during this reporting period.

Violation of Wisconsin Clean Air Act Smoking Ban:

- No violations reported during this reporting period.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jessica Johnson". The signature is written in a cursive style with a long, sweeping tail on the "n" of Johnson.

Lt Jessica Johnson



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 1/3/2013
To: Lieutenant Ed Benish
From: Pto. Timothy Gold

Violation Type

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

Incident #: 13-000085 N/A

Location: 5906 W. Burnham St. N/A

Establishment Name: The Drunken Duck N/A

Establishment License #: Class B Lic#1743 N/A

Establishment Owner: Lindsey A. Guillermo N/A

Owner Address: 1510 S. 64 St. West Allis, WI 53214 N/A

Violation(s): Disorderly Conduct N/A

Offender: Francisco J. Salinas N/A

Offender Address: 2320 S. 60 St. West Allis, WI 53219 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

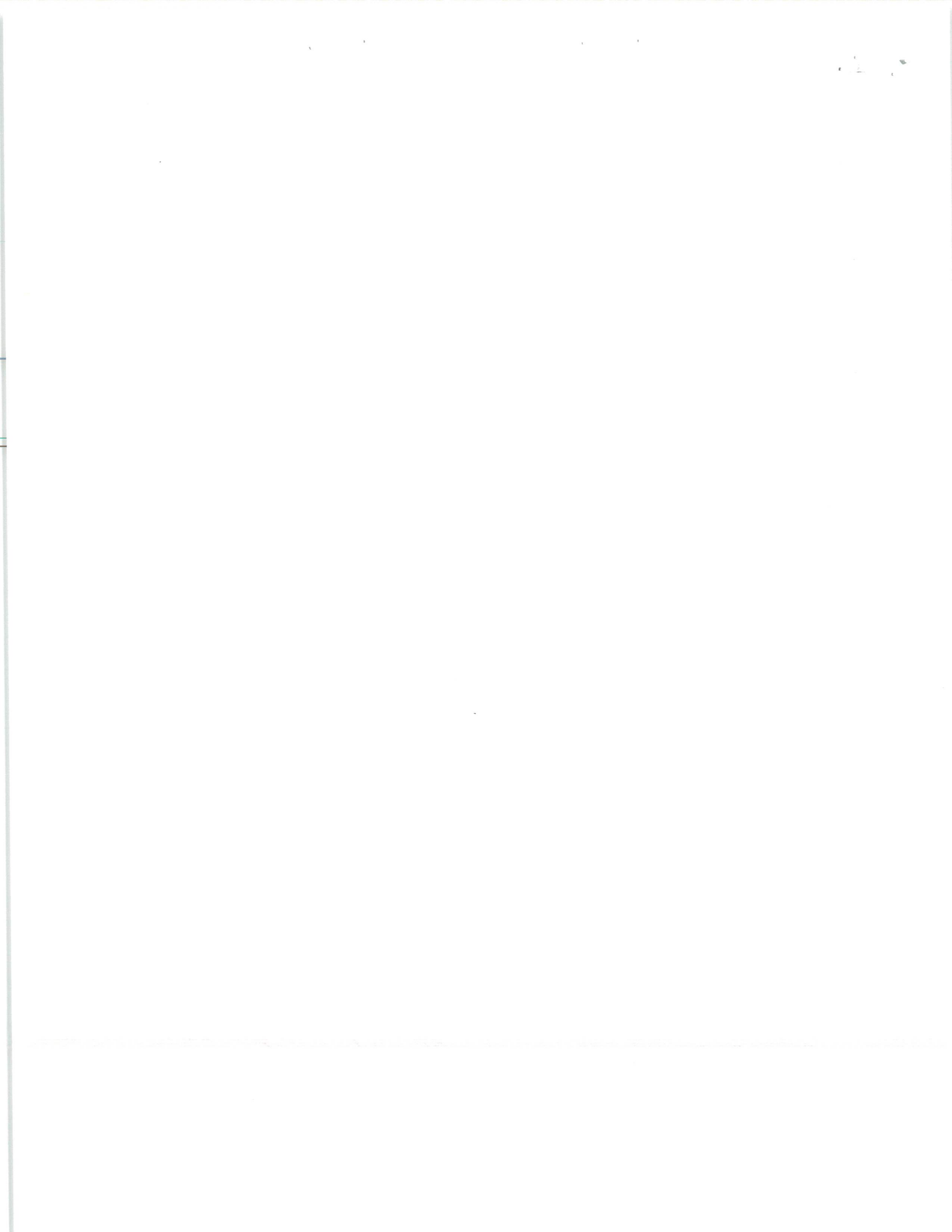
Reviewed by Commanding Officer: Captain Versnik

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

Commanding Officer Signature: *Capt. Ron Versnik*

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:





West Allis Police Department

Incident Report

Date:

01/03/2013

Incident:
Simple Assault

Incident Report Number: 13-000085	Between: Date - Time	And/At: Date-Time 1/3/13	01:12
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Incident Location:
5906 W Burnham St, West Allis, WI, 53219

CFS Code-1: 1313	CFS Code-2:	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

CN	Name (Last, First, Middle) Guillermo, Lindsey A	DOB: 05/18/1984	Race/Sex W/F
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Address: (Address, City, State, Zip) 1510 S 64 St, West Allis, WI, 53214	Home Phone Number (414) 546-1618
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Employer	Work Phone Number
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Employer Address	Cell Phone Number (414) 333-3675
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CN	Name (Last, First, Middle) Guillermo, Hector E	DOB: 03/13/1953	Race/Sex W/M
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Address: (Address, City, State, Zip) 5353 W Beloit Rd, 5, West Milwaukee, WI, 53214	Home Phone Number (414) 460-9506
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Employer	Work Phone Number (414) 763-2657
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Employer Address	Cell Phone Number
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SUMMARY

Officer Gold Reports...Disorderly Conduct...5906 W. Burnham St.

On 01/03/13 at approx. 0112hrs. Officers responded to the Drunken Duck for a male party who was assaulted. Investigation revealed the intoxicated Francisco J. Salinas M/H 04/20/82 was involved in an argument and minor physical altercation inside the tavern with a M/W by the name of "Horse" 508, 200, mid 30's, shaved head with glasses. After the brief altercation all parties were kicked out of the bar and the bar closed down for the night. Contact was made with bar owners, Hector E. Guillermo M/H 03/13/53 and Lindsay A. Guillermo F/H 05/18/84 who acknowledged that a disturbance occurred inside the tavern and they failed to call the Police.

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

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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Reporting Officer(s): Gold, Timothy	Payroll Number: 9589	Payroll Number:	Report Date:
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Time Received: 01:12:05	Time Cleared: 01:57:15	Unit(s) Assigned: 310, 316, 317	Pages: 1 Of 4
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Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To
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CFS Code-1: 1313

Incident Report Number:

13-000085

West Allis Police Department**Continuation**Incident Report Number
13-000085Incident Location:
5906 W Burnham St, West Allis, WI, 53219Incident Date:
01/03/2013**NAMES****Contact**

Salinas, Francisco Javier W/M-30 of 2320 S 60 St, West Allis, WI, 53219
 DOB: 04/20/1982 DL: S4522508211309
 HT: 507 WT: 175 Hair: Black
 Eyes: Brown Complexion: Light Brown
 Cell Phone: (414) 419-1150 Cell Phone: (414) 419-9241

Business

Drunken Duck of 5906 W Burnham St, West Allis, WI, 53219
 Cell Phone: (414) 460-9506

NARRATIVE**INITIAL RESPONSE**

On 01/03/13 at approx. 0112hrs. Officers responded to the Drunken Duck, 5906 W. Burnham St. for a male party who was assaulted. On arrival the tavern was closed, however contact was made with the intoxicated Francisco J. Salinas M/H 04/20/82 who was standing outside.

STATEMENT OF FRANCISCO J. SALINAS

The intoxicated Francisco stated he went to the Drunken Duck approx. 45 minutes ago and while he was there he had a casual conversation with three other bar patrons. Francisco stated in addition to the three other bar patrons were two bar employees. Francisco advised at some point in his casual conversation with the three male parties it turned into a minor argument, which led to a physical altercation with one of the parties. Francisco stated one of the male parties leg swept him while striking him in the left side of the face. Francisco stated this occurred inside the tavern.

Francisco stated they were quickly broken up and the three parties ran out of the bar. Francisco believed they entered a silver/gray 4dr sedan that was parked on the south side of W. Burnham St.

Francisco described the male party that assaulted him as being a M/W, approx. 35 years old, 508, 200 wearing a grey hoodie. Francisco described the other two M/W's as being approx. 45 years old and of the biker type.

Reporting Officer(s):
Gold, TimothyID Number
9589

ID Number

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West Allis Police Department

Continuation

Incident Report Number
13-000085Incident Location:
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01/03/2013

Francisco advised he has never seen any of the parties before.

MEDICAL CLEARANCE

There were no visible injuries to Hector's face and he refused all medical attention.

STATEMENT OF LINDSEY A. GUILLERMO

After speaking with Francisco I made contact with bar owner, Lindsey A. Guillermo F/H 05/18/84 at her residence. Lindsey stated there were three patrons in the bar this evening and she described one of them as having the name of "Horse" M/W, Italian, mid 30's with a shaved head and glasses. The second as "Bob" who was in his late 40's with long blond hair. The third with an unknown name who was in his late 40's, heavier build, dark hair with a mustache.

Lindsey stated the three were outside smoking when an intoxicated male party came into the tavern (Francisco). Lindsey stated Francisco bought the three a shot and after doing so words were exchanged between Francisco and Horse. Lindsey believed Francisco did not like what Horse said about him and Horse went back to the other two and told them about his problem with Francisco. Lindsey stated at some point Francisco wanted to arm wrestle Horse however that all of a sudden turned into a chair being knocked down and Horse had Francisco on the ground near the ATM in a head lock.

At this point Lindsey stated her father, Hector E. Guillermo M/H 03/13/53 ran out from around the bar armed with pepper spray and broke the parties up. Lindsey stated Horse and the two other male parties apologized for what occurred and left the tavern in a smaller two tone SUV. Lindsey stated her father did not use the pepper spray on either of the parties.

Lindsey did state that Francisco asked her to call 911 after the incident however she did not call as the parties were separated and there were no more problems. Lindsey advised after the parties left, they closed the bar and went home.

Lindsey stated there are no working security cameras inside the tavern.

STATEMENT OF HECTOR E. GUILLERMO

After speaking with Lindsey, I made contact with Hector at his residence. Hector stated Francisco bought the three other patrons a drink and after doing so there was some name calling between the male party with a shaved head and Francisco. Hector stated at one point he observed the male party with the shaved head push Francisco to the ground and after Hector broke them up, they apologized before leaving.

Reporting Officer(s):
Gold, TimothyID Number
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Incident Report Number
13-000085

Incident Location:
5906 W Burnham St, West Allis, WI, 53219

Incident Date:
01/03/2013

Hector stated he did grab his pepper spray and run out from around the bar as he wanted to break the two up and also protect his daughter.

Hector stated he did hear Francisco ask Lindsey to call 911 and she nor he did so.

Hector provided the same description that Lindsey did of the three parties. Hector believed he observed the two older M/W's approx. one year ago in the tavern.

CASE DISPOSITION

The identities of the three male parties are unknown at this time. A tavern report will be submitted and attached to the report.

Reporting Officer(s):
Gold, Timothy

ID Number
9589

ID Number

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**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 1/5/2013
To: Lieutenant Ed Benish
From: Officer James Plotkin

Violation Type

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

Incident #: 13-000176 N/A

Location: 7731 W. Becher St. N/A

Establishment Name: Quencher's Tavern N/A

Establishment License #: N/A

Establishment Owner: N/A

Owner Address: N/A

Violation(s): Battery 940.19(1) N/A

Offender: Russell L. Russell N/A

Offender Address: 2118 S. 79 St., #1, West Allis, WI 53219 N/A

Offender: Erik W. Horn N/A

Offender Address: 305 N. 95 St., Milwaukee, WI 53226 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:

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

Commanding Officer Signature: *Capt. Ron Versnick*

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Incident:
Simple Assault

Incident Report Number: 13-000176	Between: Date - Time	And/At: Date-Time 1/5/13	23:48
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Incident Location:
7731 W Becher St, West Allis, WI, 53219

CFS Code-1: 1313	CFS Code-2:	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

O	Name (Last, First, Middle) Russell, Thomas L	DOB: 06/16/1961	Race/Sex W/M
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Address: (Address, City, State, Zip) 2118 S 79 St, 1, West Allis, WI, 53219	Home Phone Number
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Employer	Work Phone Number
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Employer Address	Cell Phone Number (414) 583-2591
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O	Name (Last, First, Middle) Horn, Erik William	DOB: 03/05/1974	Race/Sex W/M
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Address: (Address, City, State, Zip) 305 N 95 St, Milwaukee, WI, 53226	Home Phone Number (414) 327-0474
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Employer Butterfield Trucking	Work Phone Number
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Employer Address , WAUKESHA, WI 53187	Cell Phone Number (414) 573-8890
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SUMMARY

Officer Plotkin reports... Assault. On 01-05-13 at approximately 2348 hrs, officers responded to 7731 W. Becher St., Quenchers, for a report of a trouble call. Investigation revealed Thomas L. Russell and Erik W. Horn were involved in a confrontation inside the above tavern, in which Russell struck Horn and Horn responded by striking Russell. Horn then left the scene in his vehicle, was stopped by police, and subsequently arrested for OWI, DWI13-008. Russell was transported to Froedtert Hospital for medical treatment. Both Russell and Horn subsequently did not wish to pursue charges against each other. A report will be completed to document this incident.

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

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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Reporting Officer(s): Plotkin, James .	Payroll Number: 9576	Payroll Number:	Report Date:
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Time Received: 23:48:41	Time Cleared: 00:17:16	Unit(s) Assigned: 312, 315, 316, 317, 320.	Pages: 1 Of 7
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Reviewed by: Vernik, Ronald	Payroll Number 1343	Copy To
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Date:

01/06/2013

CFS Code-1:

1313

Incident Report Number:

13-000176

West Allis Police Department**Continuation**Incident Report Number
13-000176Incident Location:
7731 W Becher St, West Allis, WI, 53219Incident Date:
01/05/2013**NAMES****Employee**

Roessger, Brad M W/M-35 of 2190 S 66 St,3, West Allis,WI,53219
 DOB: 12/29/1977 DL: r2600737746905
 HT: 602 WT: 238 Hair: Brown
 Eyes: Blue
 Cell Phone:(414) 687-2723

Witness-1

Lisser, Christopher R W/M-25 of 4080 S 65 St, Greenfield,WI,53220
 DOB: 09/13/1987 DL: L2601168733308
 HT: 602 WT: 290 Hair: Brown
 Eyes: Blue
 Cell Phone:(414) 377-6827

Witness-2

Martinez, Joel Jay W/M-32 of 2137 S 77 St,3, West Allis,WI,53219
 DOB: 01/07/1980 DL: B9240273
 HT: 509 WT: 230 Hair: Brown
 Eyes: Brown Complexion: Medium Brown
 Cell Phone:(414) 750-3083 Home Phone:(414) 803-9283

Witness-3

Sexton, Nicole A W/F-29 of 5709 W Burnham St,5, West Allis,WI,53219
 DOB: 11/11/1983
 Home Phone:(414) 238-5686 Cell Phone:(414) 758-7666

Business

Quenchers of 7731 W Becher St, West Allis,WI,53219

NARRATIVE**INITIAL OBSERVATIONS**

Officer Plotkin reports... On 01-05-13 at approximately 2348 hrs, officers responded to 7731 W. Becher St., Quenchers, for a report of a trouble call, two males fighting. While enroute to this incident, dispatch provided one of the males involved in this incident had left the scene. A vehicle description, license

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Plotkin, James .ID Number
9576

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West Allis Police Department

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Incident Date:

01/05/2013

plate, and last known direction of travel, was provided via radio associated with this male who had left and officers located and stopped this vehicle and male in the 7900 blk of W. Rogers St. This male was identified as Erik W. Horn. Horn provided an on scene statement regarding this incident and was subsequently taken into custody for OWI. See DWI13-008 for further information.

Upon my arrival on scene, I made contact with the other male associated with this fight, Thomas L. Russell, inside the above establishment. Russell was lying on the floor inside the above establishment, just inside the front entry door, and was being treated by WAFD rescue personnel. Russell had an approximate 1/4 inch laceration on his left nose which was bleeding and had swelling around his nose and left eye. Russell had a fair amount of blood on his face from the above nose laceration. I did not observe any further apparent injuries to Russell at that time. I spoke with Russell during this time. Russell appeared very disoriented upon my initial contact with him. Russell became more oriented as time passed on scene. It is to be noted Russell refused some of the medical interventions WAFD rescue personnel offered to him while being treated on scene.

Officers Binter and Molthen also responded to the scene and spoke with several independent witnesses to this incident, including the above establishment bar tender, identified as Brad M. Roessger. Investigation revealed Roessger called police regarding this fight. In addition to Roessger being spoken with by police regarding this incident, witnesses Christopher R. Lisser, Joel J. Martinez, and Nicole A. Sexton, were also spoken with by police on scene by Officers Binter and Molthen.

ON SCENE STATEMENT OF THOMAS L. RUSSELL (OFFENDER)

Thomas L. Russell was initially very disoriented upon my initial contact with him. Russell stated that he did not know where he was, who he was with, or what had happened this evening. Russell later began regaining his orientation as to where he was and recalled being at the above tavern drinking this evening. Russell stated that he had come to the above tavern to watch the Packer football game and to have a few drinks. Russell stated he could not recollect any problems while at the above establishment and had no recollection of a confrontation with anyone at the above establishment.

Russell was unable to provide any further information regarding this incident at that time.

Russell was subsequently transported to Froedtert Hospital by WAFD rescue personnel for medical treatment.

ON SCENE STATEMENT OF ERIK W. HORN (OFFENDER)

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Plotkin, James .

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See Office Gold's supplemental report for information regarding Erik W. Horn's on scene statement. See DWI13-008 for further information concerning Horn's OWI arrest.

STATEMENT OF BRAD M. ROESSGER (EMPLOYEE/WITNESS)

See Office Molthen's supplemental report for information regarding Brad M. Roessger's witness statement.

STATEMENT OF CHRISTOPHER R. LISSER (WITNESS)

See Office Molthen's supplemental report for information regarding Christopher R. Lisser's witness statement.

STATEMENT OF JOEL J. MARTINEZ (WITNESS)

See Office Binter's supplemental report for information regarding Joel J. Martinez' witness statement.

STATEMENT OF NICOLE A. SEXTON (WITNESS)

See Office Binter's supplemental report for information regarding Nicole A. Sexton's witness statement.

INTERVIEW-ERIK W. HORN (OFFENDER)

Following the completion of the above on scene investigation, in an effort to give medical staff an opportunity to assess and treat Russell, and in an effort to give Russell time to potential recollect the chain of events associated with this incident this evening, I responded back to the station to speak with Horn in more depth regarding this incident.

While at the station, I observed redness to the back of Horn's head. The outline of this redness was roughly in the shape of a human sized fist. I also observed swelling in the entire area of the above outline. Horn also had a fresh abrasion on his right ring finger knuckle which had been previously lightly bleeding. I did not observe any other apparent injuries to Horn at that time.

On 01-06-13 at approximately 0033 hrs., I interviewed Erik W. Horn in the common area of the WAPD booking room. Officers A. Cerqua, Lentz, and myself were present for this interview. No one else was present in the booking room during this interview. I read Horn his Miranda rights from WAPD Directive 42.016 (adult), and he stated that he understood his rights and would speak to me about this matter without an attorney present. The interview was recorded on an Olympus DS-2200 Digital Voice Recorder (Recorder# P7), using audio media card# P7-2. The following is a synopsis of that interview:

Reporting Officer(s):

Plotkin, James .

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01/05/2013

Erik W. Horn stated in summary that he got hit while walking out and he hit back. Horn elaborated on this and stated he was hit a couple of times on the back of the head, Horn hit back, the person Horn hit fell to the floor, and Horn walked out. Horn stated he was trying to avoid any problems with this person. Horn stated he had never seen the above person he was involved in the above confrontation with before.

Horn stated the above redness to his head was a result of being struck on the back of the head by the above person in which he was involved in the incident with this evening. Horn stated he was sitting on the south end of the bar counter at the above establishment this evening, arrived at 1930 hrs and was in the process of leaving when this incident occurred. Horn stated he was talking to a female he knew from highschool while at the above establishment and began walking out of the tavern with her to go their separate ways just prior to this incident.

Horn stated the above male in which he was subsequently involved in a confrontation with began talking to the female he was with as they were near the above establishment front entry door. Horn stated this male said "fuck you" to this female, made other obscene statements to her, and subsequently pushed her. Horn stated this male then struck him two to three times all on the back of the head. Horn stated he then turned to this male, hit this male once on the jaw with a right closed fist, this male fell down, and Horn walked out of the tavern. Horn stated he then left in an effort to diffuse the incident.

Horn stated the above female in which he was with was Carrie Smithword, F/W, 38 yoa, 509, 280, who was wearing a white blouse and blue jeans.

Interview ended at approximately 0042 hrs.

The audio media card was later sealed in a Digital Media Card Envelope, and placed in the Digital Media Card Slot in the Forensic and Technical Services Bureau as evidence.

Following this interview, Horn stated that he did not wish to pursue any charges against this other male, Russell, nor did he have any interest in Russell being prosecuted for his actions this evening.

PHOTOGRAPHS

While on scene, at the station, and at Froedtert Hospital, I took photos documenting this incident. The photos were taken with a Canon Powershot digital camera (Camera #S11), and recorded on a digital media card (media card# S11C). The photos are as follows:

Reporting Officer(s):

Plotkin, James .

ID Number

9576

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West Allis Police Department

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Incident Report Number

13-000176

Incident Location:

7731 W Becher St, West Allis, WI, 53219

Incident Date:

01/05/2013

Russell injuries overview. Russell facial injuries overview. Redness/swelling to back of Horn's head. Redness/swelling to back of Horn's head. Horn's hands and abrasion to right ring finger knuckle (hand backs). Abrasion to Horn's right ring finger knuckle (close). Horn's hands (palms). Russell facial injuries. Russell nose laceration (close). Cover sheet
The media card was placed in a Digital Media Card Envelope, and the envelope secured in the Digital Media Card Slot in the Forensic and Technical Services Bureau as evidence.

CONTINUED STATEMENT OF THOMAS L. RUSSELL (OFFENDER)

Upon completing the above interview with Horn, I responded to Froedtert Hospital to follow up with Russell. Upon arrival, I spoke with Russell further regarding this incident.

Russell stated that he could recollect more regarding this incident at that time. Russell stated he was sitting at the north end of the bar counter at the above establishment drinking with a friend, Scott, no further information. Russell stated he came to the above establishment to watch the Packer football game and to have a drink on 01-05-13 at approximately 1900 hrs. Russell stated he met his friend Scott at the above tavern. Russell stated approximately 30 minutes prior to the above incident, Scott was involved in a confrontation with someone at the tavern and subsequently left. Russell stated he did not personally know anyone else at the above tavern this evening.

Russell stated while at the above tavern, he consumed three vodka and lemonade drinks. Russell stated this was "way more" than he normally drinks.

Russell stated while seated at the above bar counter, a male approached him and told him to turn his hat around. Russell stated he did not know what this male was talking about. Russell stated this male subsequently "got in" his face, grabbed him, Russell pushed this male, and had "no idea" what had happened after that. Russell was unable to describe this male to any degree of certainty.

Russell was unable to provide any further information regarding this incident at that time.

Russell stated his right ankle was injured during this incident and it was causing him pain. Russell stated his nose and left eye were also painful. I did not observe any outward signs of injury to this ankle. I did not observe any additional injuries to Russell than described in INITIAL OBSERVATIONS. Russell stated he did not possess insurance coverage to be treated at Froedtert Hospital. Russell stated he was refusing all treatment at this hospital as a result.

Russell stated that he did not wish to pursue any charges against this other male, Horn, nor did he have any interest in Horn being prosecuted for his actions this

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13-000176

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7731 W Becher St, West Allis, WI, 53219

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evening. Russell stated this in not like him and believes this incident would not have happened if he had not had so much alcohol to drink.

CASE DISPOSITION

I advised both Horn and Russell of the disposition of this incident and that a report documenting the incident would be completed by me. I provided them with my business card and hours. I encouraged Horn and Russell to contact me if they had any questions or further information regarding this incident.

Investigation revealed Thomas L. Russell and Erik W. Horn were involved in a confrontation inside the above tavern, in which Russell struck Horn and Horn responded by striking Russell. Horn then left the scene in his vehicle, was stopped by police, and subsequently arrested for OWI, DWI13-008. Russell was transported to Froedtert Hospital for medical treatment. Both Russell and Horn subsequently did not wish to pursue charges against each other regarding this incident. A report will be completed to document this incident.

This report is to be submitted to the C.O. for review.

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Supplementary Report

Incident Report Number 13-000176	Incident Location: 7731 W Becher St, West Allis, WI, 53219	Incident Date: 01/05/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Molthen reports:

INITIAL CALL

On 01/05/13 at approximately 2348 hrs, I responded to Quenchers Bar 7731 W. Becher St., in regards to two males physically fighting. Dispatch advised that the WAFD Med Unit was responding for one male who appeared to be knocked unconscious as a result of the fight. Upon arrival, I spoke with the bartender Brad M. Roessger (M/W, 12/29/77), and Chris R. Lisser (M/W, 09/12/87).

OFFICER OBSERVATIONS

As I entered the bar I observed a M/W lying on the floor by the entrance on the North side of the bar. He was being attended by the WAFD Med Unit. He was bleeding from a cut that he had on his nose. I also observed blood on the carpet that was a few feet away from him.

STATEMENT OF BRAD ROESSGER - WITNESS

I spoke with bartender Brad Roessger who stated he was standing towards the back of the bar, when he observed two males engaged in an argument. The two males were later identified as Thomas L. Russell (M/W, 06/16/61), and Erik W. Horn (M/W, 03/05/74). He told me that he observed Russell throw the first two punches at Horn missing him with both punches. Horn then threw one punch hitting Russell in the face knocking him to the ground. Roessger advised me that Horn then turned and walked out of the bar and did not return. I asked Roessger if he knew what the argument was about and he told me he did not know.

STATEMENT OF CHRIS R. LISSER - WITNESS

I spoke with bar patron Chris Lisser who stated he had been talking with Russell all night. He observed Russell arguing with Horn over a female. The next thing Lisser knows is Horn punched Russell in the face knocking him unconscious. Horn then walked out of the bar not to return.

Reporting Officer(s): Molthen, Bernie	Payroll Number: 9475	Payroll Number:	Report Date: 01/06/2013
Reviewed by: Versnik, Ronald	Payroll Number: 1343	Copy To:	1 Of 1

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Supplementary Report

Incident Report Number 13-000176	Incident Location: 7731 W Becher St, West Allis, WI, 53219	Incident Date 01/05/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

Officer Gold Reports...

VEHICLE IN MOTION

On 01/05/13 at approx. 2348hrs. I responded to Quenchers for a fight. On arrival Officer Binter was speaking with witness who provided the offenders license plate of WI Ltk#JL4532. DOT showed the license plate listing to a silver pickup truck which did not match the witness's description. While I was stopped on the side of the road in a fully marked City of West Allis squad car, the witness advised Officer Binter that the dark colored Dodge minivan now driving by the tavern W/B is the offender's vehicle.

I immediately drove after the Dodge as it was now turning N/B on S. 79 St. from W. Becher St. I caught up to the Dodge bearing WI Ltk#JL5432 as it turned W/B on W. Rogers St. and performed a traffic stop on it. I radioed dispatch advising of the traffic stop and Officer Cato responded to assist.

PERSONAL CONTACT

I made contact with the vehicle and asked the driver who was the only occupant if he knew why I stopped him. The driver stated no and I told him I stopped him because he was involved in the fight at Quenchers. The driver then responded that he was the victim and he was assaulted. As I spoke with the driver I detected a moderate odor of intoxicants emitting from his breath, his eyes were red and glassy and his speech was slurred.

With Officer Cato now on scene, I asked the driver to exit the vehicle so that I could speak with him further about the incident. Once outside the vehicle, the driver identified himself with a WI Photo DL as Erik W. Horn M/W 03/05/74. Erik stated he was at the tavern this evening with a female named "Kerry" and while at the tavern a male party who claimed to be a retired MPD Vice Officer was acting weird towards him. Erik stated they exchanged some words throughout the night and the bartender told him that this male party is mental. Erik stated at one point he left the tavern to smoke a cigarette and when he came back inside more words were exchanged with the unknown party. Erik did state that this unknown party told him, "I'm gonna kill you...I'm MPD Vice Squad." Erik stated he had enough and decided to leave and while doing so a male party who appeared to be the unknown party's friend punched him in the back of the head. Erik stated he flew into the poker machine and after regaining himself, he punched the male party in the face.

Reporting Officer(s): Gold, Timothy	Payroll Number: 9589	Payroll Number:	Report Date: 01/06/2013
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Erik stated he then left the tavern and got into his vehicle which was parked on S. 78 St. Erik stated he then drove past the tavern and at that point I began following him and pulled him over.

Erik stated he had six beers between 7:30pm and midnight.

After speaking with Erik, Officer Cerqua who was working an OWI Grant took over the investigation.

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Gold, Timothy

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NARRATIVE**CALL FOR POLICE/ARRIVAL ON SCENE**

On 01/05/13 at approximately 2348 hours, officers responded to Quenchers (7731 W. Becher St.) regarding two males engaged in a physical fight. Dispatch advised a Med Unit was responding for one of the males who appeared to be knocked unconscious as a result of the fight. I responded on scene and I made contact with Chris R. Lisser (M/W, DOB 09/13/87) on the sidewalk approximately a half a block east of the tavern.

Lisser stated the other subject involved in the fight had fled the scene prior to officers' arrival. Lisser was able to obtain the license plate JL4532 to the vehicle the potential offender fled in. Lisser advised the vehicle was a Dodge minivan dark in color. As I was standing on the sidewalk I observed a black van traveling westbound in the 7700 block of W. Becher St. Lisser stated, "Yeah that's it." Other people across the street also called out, "Officer that is the van!" Officer Gold was just pulling up to the tavern and I advised him the van just drove by him.

ON-SCENE STATEMENT-JOEL J. MARTINEZ-WITNESS

I entered the bar and made contact with Joel J. Martinez (M/W, DOB 01/07/80) who had a towel pressed against the head of Thomas L. Russell (M/W, DOB 06/16/61). Russell was sitting up on the ground on the north side of the bar near the front entrance. I observed a cut on the nose of Russell which was bleeding and blood on the carpet just a few feet away from him. Martinez stated Russell pushed a M/W, later identified as Erik Horn (M/W, DOB 03/05/74). Horn punched Russell in the face once (1) causing him to fall to the floor and not get back up. Afterwards Horn left the bar. Martinez got a towel from behind the bar and placed it on the open cut on Russell's face to stop the bleeding. Martinez believed Russell was 'knocked out' as a result of the punch.

ON-SCENE STATEMENT-NICOLE A. SEXTON-WITNESS

I made contact with Nicole A. Sexton (F/W, DOB 11/11/83) who was seated at a table a few feet away from the incident. Sexton stated she saw Russell and Horn engaged in a verbal argument for along period of time; although she could not hear the conversation. Sexton stated she observed Russell push Horn and attempt to punch him twice (missing both times). Horn attempted to leave when Russell punched him in the chest. As Horn was backed in towards the slot machines Russell was able to punch Horn in the face. Horn punched Russell in the face causing him to fall to the ground. Horn walked out of the bar and did

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not return.

END OF SUPPLEMENTAL

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