

42.



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Matter Summary

File Number	Title	Current Status
2015-0180	Report	Introduced

Police Department Report involving Kokopelli's Pub-N-Grub, 6001 W. Madison St., (2014-2015 Class B Tavern License no. 618, Dance Hall License no. 620 and Instrumental Music License no. 621) of Kokopelli's, Inc., Antonette M. Zirnhelt, Agent, Incident Date: February 4, 2015.

Introduced: 3/17/2015

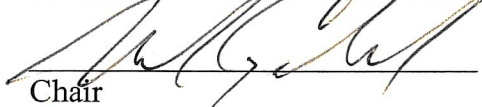
Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 17 2015	<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 type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input checked="" 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
MAR 17 2015	<input type="checkbox"/>	<input 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 checked="" 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. Lajsis
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. Lajsis
Vice-Chair: Cathleen M. Probst
Michael P. May
Rosalie L. Reinke
Vincent Vitale

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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. Lajsis
Cathleen M. Probst
Vincent Vitale



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 2/5/2015
To: Lieutenant Jessica Johnson
From: PO A. Iskandarani

Violation Type

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

Incident #: 15-005274 N/A

Location: 6001 W Madison St N/A

Establishment Name: Kokopelli's Pub & Grub N/A

Establishment License #: 618 N/A

Establishment Owner: Antonete M Virnhelt N/A

Owner Address: 6002 W Madison St N/A

Violation(s): Disorderly Patron Scott J Braaten in the tavern then a physical altercation with Police leading to ECW deployment. N/A

Offender: Scott J Braaten M/W 05/18/1962 N/A

Offender Address: 1414 S 58 St West Allis WI 53214 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: Lt. Pye

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: 02/04/2015
CFS Code-1: 3550
Incident Report Number: 15-005274

Incident:
Narcotic Equip-Possession

Incident Report Number: 15-005274 Between: Date - Time: And/At: Date-Time: 2/4/15 22:15

Incident Location:
6001 W Madison St, West Allis, WI, 53214

CFS Code-1: 3550	CFS Code-2: 4801	CFS Code-3: 5311	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

O	Name (Last, First, Middle) Braaten, Scott James	DOB: 05/18/1962	Race/Sex W/M
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Address: (Address, City, State, Zip) 1414 S 58 St, West Allis, WI, 53214	Home Phone Number (414) 774-7791
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Employer UnEmployed	Work Phone Number
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Employer Address	Cell Phone Number
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B	Name (Last, First, Middle) Kokopelli's Pub & Grub,	DOB:	Race/Sex
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Address: (Address, City, State, Zip) 6001 W Madison St, West Allis, WI, 53214	Home Phone Number
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Employer	Work Phone Number (414) 476-8788
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Employer Address	Cell Phone Number
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SUMMARY

PO ISKANDARANI REPORTS:

Disorderly Conduct / Resisting / Possession of Paraphernalia
 On 02/04/2015 at approx. 2216hrs, officers responded to Kokopelli's Pub and Grub located at 6001 W Madison St to investigate a report of a male being disorderly and refusing to leave the business. Officers subsequently made contact with a male later identified as Scott J Braaten, M/W, 05/18/1962, who was intoxicated and verbally uncooperative with officers. While trying to obtain his name, Scott became physically uncooperative. Scott was directed to the ground where he continued to fight with officers. Due to continued active resistance, I drew my Electronic Control Weapon (ECW) and deployed it in the small of his back. Officers were then able to place Scott in restraints. Scott was also found to be in possession of a marijuana pipe.

Vehicle Information: (Year, Make, Model, Style, Color)
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License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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Reporting Officer(s): Iskandarani, Alexander	Payroll Number: 9965	Payroll Number:	Report Date:
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Time Received: 22:15:25	Time Cleared: 23:37:16	Unit(s) Assigned: 205, 206, 210, 219, 221	Pages: 1 Of 4
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Reviewed by: Evenson, Chad	Payroll Number: 1870	Copy To
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West Allis Police Department

Continuation

Incident Report Number 15-005274	Incident Location: 6001 W Madison St, West Allis, WI, 53214	Incident Date: 02/04/2015
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NAMES

Contact

Williams, Brian T W/M-41 of 2522A S Brisbane Ave, Milwaukee,WI,53207
 DOB: 11/28/1973
 Home Phone:(414) 704-1638

NARRATIVE

PO ISKANDARANI REPORTS:

INITIAL INFORMATION:

On 02/04/2015 at approx. 2216hrs, officers responded to Kokopelli's Pub and Grub located at 6001 W Madison St to investigate a report of a male being disorderly and refusing to leave the business. Upon arrival, I assisted officers already on scene by acting as a cover officer for Lt Pye who was speaking with the subject in front of the door leading into the business.

OFFICER OBSERVATIONS:

During my initial contact with the subject, later identified as Scott J Braaten, M/W, 05/18/1962, I could tell Scott was highly intoxicated and agitated with police contact. Scott had his left side towards Lt Pye and his back towards me. As I asked Scott to provide his name and information, Scott slowly turned around counter clockwise and started spelling his last name.

Scott speech was heavily slurred and he was speaking softly making it difficult to hear. I asked Scott to repeat the spelling of his last name. Scott started screaming "did I fucking stutter?" tensing his entire body and closing both of his fists. Scott took 2-3 small steps forward toward me.

As a result of Scott's aggressive behavior, his high level of intoxication, his unwillingness to cooperate with officers, Scott was directed to the ground. As Lt. Pye moved in to direct Scott to the ground, I believed Scott was going to assault officers on scene.

RESISTING AN OFFICER:

PO Mussatti, PO Keiley, Lt Pye, and I moved in to try and secure Scott in handcuffs. Officers advised multiple times to "stop resisting" and "put your

Reporting Officer(s): Iskandarani, Alexander	ID Number 9965	ID Number	Pages: 2 Of 4
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West Allis Police Department

Continuation

Incident Report Number
15-005274Incident Location:
6001 W Madison St, West Allis, WI, 53214Incident Date:
02/04/2015

hands behind your back". Scott continued to struggle and actively resist officer's attempts to place his hands behind his back. Scott was lying face down on the sidewalk with his hands tensed and locked under his body.

As I tried to bring his right arm out from under his body, he continued to actively struggle and resist. I could feel resistive tension and could tell Scott was not going to willingly bring his hands behind his body. Scott continued display resistive tension in his arms as we tried to bring his right arm out from under his body. Scott arms and hands being under his body prevented officers from being able to place him in handcuffs. Throughout the entire struggle officers were issuing commands to "stop resisting" and to bring his hands behind his back.

While I worked to free Scott's right hand, I observed PO Mussatti directing focused strikes towards his lower left back and abdominal area. Officers were still struggling to place Scott in handcuffs.

Based on my observations and the fact Scott continued to struggle, disregard our commands to stop resisting, and not place his hands behind his body I drew my "Electronic Control Weapon" (ECW) and placed it in the small of his back. I deployed the device causing Scott's body to "lock up".

Immediately after the five (5) seconds was over, Scott stopped actively resisting officers and we were able to place him in handcuffs. No additional force was used as the threat was stopped and Scott was secured in handcuffs.

ECW DEPLOYMENT:

ECW #17
Cartridge - "550"

STATEMENT - BRIAN T WILLIAMS (CONTACT):

See PO Mussatti's Supplement Report

MEDICAL CLEARANCE:

After placing Scott in handcuff restraints, officers immediately radioed for dispatch to send medical services to our location for an examination. Upon arrival, Scott was physically cooperative and stated he did not require medical attention.

Scott ultimately declined medical treatment from WAFD and stated he did not want to be transported to the hospital.

SEARCH INCIDENT TO ARREST:

Reporting Officer(s):

Iskandarani, Alexander

ID Number
9965

ID Number

Pages:

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West Allis Police Department

Continuation

Incident Report Number 15-005274	Incident Location: 6001 W Madison St, West Allis, WI, 53214	Incident Date: 02/04/2015
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After concluding the medical screening, I conducted a thorough search of Scott before placing him in the back of my squad vehicle for transport to the station. Located in his right pants pocket, I located a small gray pipe that based on my experience, I believed to be used for smoking marijuana. I confiscated this item and secured him in the back of my squad car.

TRANSPORT:

Scott was transported back to the West Allis Police Department without incident.

MIRANDIZED STATEMENT:

On 02/04/2015 at 2340hrs, while in Interview Room A of the West Allis Police Department, I read Scott his Miranda Warnings off Departmental Directive 42.016. Scott declined to speak with me regarding this incident. This was audio recorded on an Olympus DS-2200 Digital Voice Recorder and saved on a departmental media card (P14-1) and stored in the Technical and Forensics Bureau.

BOOKING:

Scott was arrested, printed, and booked under booking #2015000513 for Resisting an Officer, Disorderly Conduct, and Possession of Drug Paraphernalia. Scott was issued three municipal citations, M150005132, M150005133, and M150005131 with a local court date of 03/16/2015 at 0830hrs. Scott switched from being cooperative to verbally uncooperative throughout the booking process. Scott also refused to sign the PR bonds for the Disorderly Conduct and Resisting an Officer citations.

PROPERTY:

The small gray marijuana pipe was placed on property under property #15-00831-1.

CASE DISPOSITION:

On 02/04/2015 at approx. 2216hrs, officers responded to Kokopelli's Pub and Grub located at 6001 W Madison St to investigate a report of a male being disorderly and not leaving. Upon arrival, officers made contact with Scott J Braaten M/W 05/18/1962 who was ultimately taken into custody for the multiple offenses. After concluding the booking process, responsible party Joseph M Behmke, M/W, 01/01/1961, arrived on scene and took custody of the highly intoxicated offender.

Reporting Officer(s): Iskandarani, Alexander	ID Number 9965	ID Number	Pages: 4 Of 4
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West Allis Police Department

Supplementary Report

Incident Report Number: 15-005274	Incident Location: 6001 W Madison St, West Allis, WI, 53214	Incident Date: 02/04/2015
New Incident:	Original CFS Code - 1:	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

Braaten, Scott James W/M-52 of 1414 S 58 St, West Allis, WI, 53214
 DOB: 05/18/1962
 HT: 510 WT: 170 Hair: Brown
 Eyes: Blue
 Home Phone: (414) 774-7791

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
15-000831				
1	SEI		Small gray marijuana pipe	1.000 \$0.00 [Recovered]

Reporting Officer(s): Iskandarani, Alexander	Payroll Number: 9965	Payroll Number:	Report Date: 02/05/2015
Reviewed by: Pye, Nicholas	Payroll Number: 1832	Copy To:	Page: 1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number: 15-005274	Incident Location: 6001 W Madison St, West Allis, WI, 53214	Incident Date: 02/04/2015
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Lt Pye Reports 02/04/2015

I responded to this call as I was in the area. I was the first to arrive and entered the bar. I observed the offender, Scott Braaten, seated at the bar. There were approximately 6 other patrons in the bar. The bartender told me that Braaten was belligerent and had been kicked out of the bar numerous times tonite and kept returning and being disorderly. See Officer Mussatti supplement for complete statement of the bartender.

I escorted Braaten outside the bar and asked him what was happening tonite and he stated that "he started shit and doesn't know why". Additional officer arrived at this time. Braaten stated that he did not have any identification on him so I asked him to verbally provide his name. He spelled his last name unintelligably and he was asked to repeat it. He began to scream and swear and refused to provide his name. I advised him at this time that he was under arrest for disorderly conduct and grabbed his right arm to turn him away from me. He immediately attempted to pull away from me and face me while swearing at me so I decentralized him onto the sidewalk. Braaten tucked his arms underneath him and would not put his arms behind him as ordered. Officer Iskanderani deployed a Taser drive stun to Braaten's back, see Officer Iskanderani supplement.

Braaten was ultimately secured in handcuffs, medically treated by WAFD and then transported to WAPD for processing.

Reporting Officer(s): Pye, Nicholas	Payroll Number: 1832	Payroll Number:	Report Date: 02/05/2015
Reviewed by: Pye, Nicholas	Payroll Number: 1832	Copy To:	Page: 1 Of 1

West Allis Police Department

Supplementary Report

Incident Report Number: 15-005274	Incident Location: 6001 W Madison St, West Allis, WI, 53214	Incident Date: 02/04/2015
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New Incident:	Original CFS Code - 1:	New CFS Code - 1:	New CFS Code - 2:
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NAMES

Witness

Williams, Brian T W/M-41 of 2522A S Brisbane Ave, Milwaukee, WI, 53207
 DOB: 11/28/1973
 Home Phone: (414) 704-1638

NARRATIVE

Officer Mussatti reports...

INITIAL ARRIVAL

Upon arriving to Kokopelli's Pub and Grub, I observed several officers out with the male party (Scott Braaten) who had refused to leave the business when asked. While they were talking to Braaten, I entered the business to speak with the bartender, Brian T. Williams, M/W 11/28/73.

BRIEF STATEMENT OF BRIAN T. WILLIAMS - WITNESS

I asked Williams what happened. He said Braaten was being loud and belligerent immediately upon entering the bar. Williams could tell he was drunk, and advised Braaten he could not serve him. Williams ultimately told Braaten to leave the bar, and he left but returned through the back door. After he returned through the back door, Braaten refused to leave, and continued to be disorderly inside the bar.

RESISTING/USE OF FORCE

After I received a brief statement from Williams, I started to walk towards the front of the business to advise assisting officers. As I was walking towards the clear glass door, I observed people rolling on the ground, one of which appeared to be an officer. I immediately exited the business, and it appeared the officers were trying to gain control of Braaten while on the ground.

I positioned myself to the left of Braaten, and he was refusing to put his arms behind his back. His arms were by his chest, and I grabbed his left arm. I yelled at Braaten to put his left arm behind his back. While I was holding onto his arm, I felt his arm tense, and he was pulling against me in an

Reporting Officer(s): Mussatti, Kevyn	Payroll Number: 9906	Payroll Number:	Report Date: 02/08/2015
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Reviewed by: Evenson, Chad	Payroll Number: 1870	Copy To:	Page: 1 Of 2
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West Allis Police Department

Continuation

Incident Report Number

15-005274

Incident Location:

6001 W Madison St, West Allis, WI, 53214

Incident Date:

02/04/2015

attempt to keep his arm by his chest. I punched the left side of Braaten's abdomen in attempt to get his arm behind his back. After I struck him, I continued to try to pull his arm back, and at this point, Officer Iskandarani tased Braaten. After Braaten was tased, I was able to pull his arm completely behind his back to complete the handcuffing.

FURTHER STATEMENT OF BRIAN T. WILLIAMS

After Braaten was arrested, I returned inside the bar to obtain a more detailed statement from Williams. Williams observed Braaten walk into the business, and said when he entered, he was immediately loud. Braaten yelled, "Where's the party?" and, "What the fuck?" He said Braaten appeared intoxicated due to him walking in, partly stumbling. Williams said he would not serve him drinks, due to him already being intoxicated. Upon telling Braaten that he would not be served alcohol, Braaten became angry and started to yell at and insult Williams. I asked Williams what Braaten was saying. Braaten called him a delinquent and said he did not know how to do his job, along with other insults.

While Braaten was yelling and insulting Williams, Williams tried to calm him down and asked him to leave. Braaten left the bar, and he immediately returned by entering through the back door of the business. Williams again advised him he had to leave the bar. Braaten continued to yell at Williams, and he refused to leave. Braaten said he was calling the police, opened his phone, and then he closed the phone and said he called the police. Williams advised Braaten he was going to call the police. Williams called the police, and ultimately officers arrived on scene. Williams said there were approx. seven people inside the main area of the bar, and there were several people in the back of the bar. He said most of the customers saw the disturbance Braaten created.

End of Supplemental Report

Reporting Officer(s):

Mussatti, Kevyn

ID Number

9906

ID Number

Pages:

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