



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2014-0140

Report

Held in Committee

Police Department Report involving 1022 Pub & Grub, 1022 S. 60 St. (2013-2014 Class B Tavern License no. 1992 and Instrumental Music License no. 1993 of Vicente T. Lozano, Sr., Incident Date: February 9, 2014).

Introduced: 3/18/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER	
MAY 06 2014	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Czaplewski
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Haass
	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel
			TOTAL

AYE	NO	PRESENT	EXCUSED
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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SIGNATURE OF COMMITTEE MEMBER

[Signature]
Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

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MAY 06 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak
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2014-0140 Report Introduced

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Introduced: 3/18/2014

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_____	_____	_____	May				
_____	_____	_____	Probst				
_____	_____	_____	Reinke				
_____	_____	_____	Roadt				
_____	_____	_____	Sengstock				
_____	_____	_____	Vitale				
_____	_____	_____	Weigel				
			TOTAL	_____	_____	_____	_____

SIGNATURE OF COMMITTEE MEMBER

Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

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_____	_____	_____	Reinke				
_____	_____	_____	Roadt				
_____	_____	_____	Sengstock				
_____	_____	_____	Vitale				
_____	_____	_____	Weigel				
			TOTAL	_____	_____	_____	_____



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 2/9/2014
To: Lieutenant Jessica Johnson
From: Officer D. Foy

Violation Type

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

Incident #: 14-001169 N/A

Location: 1022 S 60 St N/A

Establishment Name: 1022 Pub and Grub N/A

Establishment License #: 13-00001992 N/A

Establishment Owner: Vicente T. Lozano Sr N/A

Owner Address: N/A N/A

Violation(s): No violation inside of tavern N/A

Offender: Justin E Roth, M/W 8/23/81 N/A

Offender Address: 2307 S 72 St 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 Marks

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

Commanding Officer Signature: *Capt. Marks*

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 02/09/2014
CFS Code-1: 5311
Incident Report Number: 14-001169

Incident: Disorderly Conduct			
Incident Report Number: 14-001169	Between: Date - Time	And/At: Date-Time 2/9/14	02:08
Incident Location: 1022 S 60 St;WA, West Allis, WI, 53214			
CFS Code-1: 5311	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) Roth, Justin E	DOB: 08/26/1981	Race/Sex W/M
Address: (Address, City, State, Zip) 2307 S 72 St, West Allis, WI, 53219			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number (414) 698-4285
	Name (Last, First, Middle)	DOB:	Race/Sex
Address: (Address, City, State, Zip)			Home Phone Number
Employer			Work Phone Number
Employer Address			Cell Phone Number

SUMMARY

On 2/9/14 at 0208hrs officers responded to 1022 S 60 St for a report of two males physically fighting outside of the bar. I arrived on scene and met with Justin E. Roth, M/W 8/26/81, who was highly intoxicated and covered in snow. Investigation revealed Roth has engaged in a physical confrontation with another male outside of the bar. Roth was aggressive with officers, was shouting in a loud tone of voice, threatening officers and using profanity while attempting to speak with officers. Roth was subsequently arrested for Disorderly Conduct. He was given local citation M140006481. He was given a local court date of 3/10/14 at 0830. Roth was released into the custody of his girlfriend.

Vehicle Information: (Year, Make, Model, Style, Color)			
License Number:	State:	Expiration Year:	Vin:
Other Vehicle Information:			Insurance Company:
Reporting Officer(s): Foy, Daniel			NCIC#
Payroll Number: 9903		Report Date:	
Time Received: 02:08:38	Time Cleared: 02:30:09	Unit(s) Assigned: 306, 311, 313, 314, 315.	Pages: 1 Of 3
Reviewed by: Saftig, Brian		Payroll Number: 2103	Copy To

West Allis Police Department

Continuation

Incident Report Number
14-001169Incident Location:
1022 S 60 St;WA, West Allis, WI, 53214Incident Date:
02/09/2014**NARRATIVE**

Officer Foy reports...

DISPATCH TO CALL/ARRIVAL ON SCENE

On 2/9/14 at 0208hrs officers responded to 1022 Pub and Grub, 1022 S 60 St, for a report of two males physically fighting outside of the tavern. Dispatch advised one of the males involved was wearing a gray t'shirt. I arrived on scene and observed a male in a gray t'shirt and jeans covered head to toe in snow. The male was stumbling as he struggled to stand up straight. One male outside immediately pointed over to the male in the gray t'shirt and stated "he's the problem".

ON SCENE OBSERVATIONS/STATEMENT OF ROTH

As I walked up to the several individuals involved in the incident, my attention was drawn to the male in the gray t'shirt. The male, later identified by his WI driver's license as Justin E Roth, M/W 8/23/81. Roth immediately stated to me that he was "really drunk" as he attempted to put his sweatshirt back on. His girlfriend, Amber, also the bartender, attempted to calm him down as he was yelling in a loud tone of voice. Roth was using profanity and was highly uncooperative with me.

I attempted to identify Roth and asked if he had any identification on him. Roth stated he did not have any identification but if I wanted to search him I could. While searching Roth I located his driver's license in his wallet, located in his right back pocket. Roth continued to use profanity often times shouting "Fuck this" or advising me that he knows a lot of high up people. While attempting to speak with Roth I detected a strong odor of intoxicants emitting from his breath as well as having red and glassy eyes.

I advised Roth to turn around and speak with me regarding the incident. I asked Roth why he was covered in snow and he began shouting, moving forward within a close proximity of myself, which I estimated to be within one foot of my face, and yelling profanities at me. Based upon Roth's level of intoxication, his level of cooperation, and his prior physical engagement which recently occurred, I decided to detain Roth. I placed Roth into handcuffs, searched him and placed him into the back of my squad.

As Roth was in the rear of my squad, he continued to scream and use profanities. Roth threatened me by stating "I'll have your job" and "you'll get what's coming to you". Roth advised me that I was making a huge mistake as he was close friends with the Chief of Police and the Sheriff of Milwaukee County. While in the rear of my squad, Roth used his right leg and physically struck the bars against the window of my squad on the passenger side. I opened the door to the squad and

Reporting Officer(s):
Foy, DanielID Number
9903

ID Number

Pages:
2 Of 3

West Allis Police Department

Continuation

Incident Report Number 14-001169	Incident Location: 1022 S 60 St;WA, West Allis, WI, 53214	Incident Date: 02/09/2014
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attempted to control Roth as to avoid him continuing the behavior for his own welfare due to his attempt to kick the window out of the squad.

As I attempted to hold Roth against the rear of the seat, he shifted downwards, where he laid his body down across the rear seat of the squad. Roth continued to shout profanities and threaten officers. I attempted to grab ahold of Roth's right hand to complete a compliance hold, however Roth made a fist with his hand immediately. While holding onto Roth's right arm, I detected a strong amount resistive tension. Roth also brought his right leg up underneath him and placed it next to his side. Based upon the location of Roth's leg and the resistive tension I felt, I believed Roth would have possibly attempted to kick me if given the opportunity.

Based upon Roth's actions in the rear of the squad, I believed a better position to hold Roth would be outside of the squad. I removed Roth from the squad with his head first, avoiding giving Roth the use of his legs. I placed Roth onto the ground outside of the squad. I placed my right knee in the center of Roth's back as he continued to scream and use profanities while outside of the car. At this time, the bar was closing and over two dozen individuals observed Roth's actions and could hear his yelling causing a disturbance.

After several minutes, Roth began to calm down and he was placed back into the squad. I conveyed Roth back to the main station for booking. During the return trip I left the squad camera recording as Roth continued to insult and threaten me. Roth continued to yell shouting "bitch ass cunt nigger" and other derogatory statements. On several occassions, Roth's statements were heard over the radio as I attempted to make contact with officers at the main station to prepare for my arrival with Roth.

Once back at the main station, Roth continued to shout and use profanity at officers. Roth yelled at each officer as we attempted to place him in a cell prior to the booking process. Roth was advising each officer that they were "cunt ass bitches." Roth was placed into a holding cell until paperwork could be prepared to book him.

BOOKING

I booked Roth using WAPD booking #14-000648 for Disorderly Conduct. He was issued citation M140006481.

CASE DISPOSITION

He was given a local court date of 3/10/14 at 0830. He was released into the custody of his girlfriend.

Reporting Officer(s): Foy, Daniel	ID Number 9903	ID Number	Pages: 3 Of 3
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West Allis Police Department

Supplementary Report

Incident Report Number 14-001169	Incident Location: 1022 S 60 St;WA, West Allis, WI, 53214	Incident Date: 02/09/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NAMES

Witness

Ramirez, Robert L W/M-35 of 1136 S 111 St, West Allis, WI, 53214
 DOB: 10/12/1978 DL: R562-7727-8372-01
 HT: 507 WT: 190 Hair: Black
 Eyes: Brown
 Cell Phone: (414) 502-5184 Home Phone: (414) 202-2893

NARRATIVE

On 02/09/2014 at approximately 0208 hrs., I, Sgt. Geyso, responded to fight outside of 1022 Pub & Grub 1022 S 60 St. Upon arrival I observed Officer Foy, Squad 311, had Roth detained in handcuffs at the rear of his squad along with numerous persons in the immediate vicinity. I proceeded to Officer Foy's location to assist him. Roth was being loud and argumentative with Officer Foy. At approximately this same time Officer Molthen, Squad 313 arrived on scene. Officer Foy completed his patt-down search of Roth and placed him in the rear of squad. Very shortly after Officer Foy did this, I heard the sound of a thump, similar to that of someone either banging their head against something or someone kicking something, come from the interior rear of Officer Foy's squad. Officer Foy asked Roth to exit the rear of his squad. Roth became argumentative and would not exit the squad. Officer Foy and Officer Molthen had to physically remove Roth from the rear of Officer Foy's squad. It was at about this time several other West Allis Officers arrived on scene.

STATEMENT-ROBERT RAMIREZ

Ramirez stated he was at 1022 Pub & Grub at the time of the incident. While inside the tavern Roth became argumentative with him. Ramirez stated Roth was intoxicated and was trying to start a fight with him. Ramirez stated he did not want to fight with Roth and told him (Roth) to leave him alone and pushed him (Roth) away.

Ramirez then exited the tavern via the front door where he was going to have a cigarette with a friend. While he (Ramirez) was outside he saw Roth exit the front door of the tavern. Ramirez stated Roth became argumentative with him while outside the tavern. Ramirez stated Roth got in his face. Ramirez then pushed Roth away from him and subsequently a pushing match between the two ensued. Shortly thereafter the police arrived.

Reporting Officer(s): Geyso, Scott	Payroll Number: 1840	Payroll Number:	Report Date: 02/09/2014
Reviewed by: Marks, Christopher	Payroll Number: 9075	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number 14-001169	Incident Location: 1022 S 60 St;WA, West Allis, WI, 53214	Incident Date: 02/09/2014
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Ramirez stated Roth was drunk and argumentative with nothing more than a pushing match taking place. Ramirez stated based on his interaction with Roth he was not concerned with him (Roth) being arrested for his actions with Ramirez. Ramirez did state he did witness Roth's interactions with the police and believes he (Roth) should be arrested for him being uncooperative and loud with the police.

After speaking with Ramirez, officers entered the tavern in search of other witnesses and found none. No further action taken by this officer.

Reporting Officer(s): Geyso, Scott	ID Number 1840	ID Number	Pages: 2 Of 2
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