

6-100 THE USE OF DEADLY FORCE

Recognizing our legal and moral obligation to use force wisely and judiciously, it is the policy of this department that deadly force will never be resorted to unless an officer reasonably believes that a lesser degree of force would be insufficient to defend the life of another, one's self, or in limited situations, to apprehend a dangerous felon, or control an animal.

DEADLY FORCE DEFINED

As used in this policy, deadly force refers to the intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

DEADLY FORCE AUTHORIZED

The use of deadly force is only authorized when, under any of the following circumstances, an officer reasonably believes a lesser degree of force would be insufficient:

1. in the defense of another person who the officer has reasonable cause to believe is in imminent danger of death or great bodily harm;
2. in defense of oneself, when there is reasonable cause to believe one is in imminent danger of death or great bodily harm;
3. to effect the arrest or prevent the escape of a suspect who the officer has reasonable cause to believe has committed, or attempted to commit, a felony involving the use or threatened use of deadly force, when a high probability exists that the suspect, if not immediately apprehended, may cause death or great bodily harm;
4. to protect one's self or another from an animal which an officer reasonably believes may cause great bodily harm if not immediately controlled, or to end the suffering of an animal gravely injured or diseased after considering public view, safety, and other reasonable dispositions.

VERBAL WARNING

Before using deadly force, officers shall, if reasonably possible, identify themselves and order the suspect to desist from unlawful activity.

DEADLY FORCE IS NEVER AUTHORIZED

1. Warning shots will not be fired.
2. From a moving vehicle, unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm.
3. At a moving vehicle unless an officer has reasonable cause to believe that one's self or another is in imminent danger of death or great bodily harm or Deadly Force Authorized, paragraph 3, regarding certain felons applies.

4. Officers shall not use deadly force when its use unreasonably risks the lives of innocent bystanders.

USE OF FORCE TECHNIQUES/INSTRUMENTS

1. The intentional punching, striking, or grabbing the throat (trachea) or blocking or restricting the carotid neck arteries creates a substantial likelihood of death or great bodily harm and is therefore considered deadly force and shall be used only in accordance with this policy.
2. Members of the department are permitted to carry folding knives with a blade no longer than 4 inches for utility purposes while on duty. Fixed-bladed knives are authorized only for members of the Emergency Response Team (ERT) and only while operating in such a capacity in special circumstances with the written permission of the Chief of Police.

AUTHORIZED USE OF FIREARMS

Authorized firearms (on or off duty) may be used for target practice or competition at a firing range, or other safe area

INVESTIGATION OF THE USE OF DEADLY FORCE

It is important to recognize that employees, in the course of carrying out their responsibilities, may be confronted by violence and may be required to use deadly force to protect their life or the life of another person. Employees who are compelled to exercise deadly force may experience severe emotional trauma.

The investigative inquiry is to be conducted in a thorough, accurate and factual manner and must also take into consideration the psychological, physiological and legal ramifications that such incidents have upon the officer, their family and the community.

The Chief of Police will annually designate the members of the Officer Involved Critical Incident (OICI) investigative team.

Use of Force Not Resulting in Death or Injury

When an officer is responsible for the accidental or intentional use of deadly force which does not result in death or injury,

1. Officers shall inform their supervisor or the Officer-in-Charge of the incident as soon as possible.
2. The supervisor notified or the supervisor assigned shall make an investigation of the incident pursuant to department policy.

Use of Force Resulting in Death or Injury

When an officer is responsible for the accidental or intentional use of deadly force which results in death or injury,

1. Duties of Involved Officers
 - a. Officers shall inform a supervisor or the Officer-in-Charge of the incident as soon as possible.
 - b. Control the scene until relieved.
 - c. Identify witnesses for subsequent interviews. Involved officers shall not participate in the interviews of witnesses.
 - d. Reporting requirements for principal officers will be covered by contact with the OICI team.

2. Duties of On-Scene Supervisor
 - a. Assume responsibility for the security and preservation of the scene.
 - b. Contact officers involved to identify the crime scene and identify potential witnesses.
 - c. The on-scene supervisor shall immediately notify the dispatcher to broadcast a message if no officers have been injured.
 - d. In the event an officer is injured, immediately notify the Officer-in-Charge.
 - e. The on-scene supervisor shall ensure that a non-involved supervisor, if not already at the scene, responds immediately to the scene of the incident. (A non-involved supervisor is defined as one who has not been involved specifically at the scene, or involved in any tangential fashion, e.g., raid planning, drafting of search warrants, surveillance officers, intelligence gathering, etc.)
 - f. Establish a scene command post and give location to the Dane County Public Safety Communications (911 Center).
 - g. Temporarily move the involved officer a short distance away from but accessible to the scene. A non-involved fellow officer shall be assigned to accompany the involved officer, unless the involved officer prefers to be alone. If the involved officer elects to speak about the incident with the non-involved officer, those conversations are not privileged and may become part of the investigation.
 - h. Provide an opportunity for the involved principal personnel to contact Union officials or legal counsel as soon as practical. Provide phones and numbers as needed.
 - i. Upon arrival of the OICI Investigation Team, brief them on the incident and relinquish the investigative responsibility to its commander.
 - j. Assist at the scene as needed.

- k. Complete a report unless otherwise directed by the OICI commander.
3. Duties of the Officer-In-Charge (OIC).
- a. Notify the OICI team commander or designee.
 - b. Contact operational team leaders of the District where the incident occurred and the District of the involved employee(s).
 - c. Notify the Chief, Assistant Chief of Operations, Assistant Chief of Support Services, Captain of Investigative Services and Lieutenant of Investigative Services.
 - d. Contact Dane County Public Safety Communications (911 Center) and direct them to inform officers of the status of the incident (e.g., injuries to officers and citizens, important information). This should be done in a discreet manner, MDT, phone, etc.
 - e. In the event of an injury or death of an employee, notify immediate family per the Line of Duty, Life Threatening Injury or Death of an Employee policy.
 - f. Notify the Professional Standards and Internal Affairs Unit, and the Public Information Officer (PIO).
 - g. All media releases shall be cleared through the OICI Commander and the Office of the Chief of Police.
4. Duties of the OICI Commander
- a. Ensure that services regarding involved personnel have been provided.
 - b. Direct the investigation of the incident.
 - c. Limit the OICI Team's investigative interview(s) of the principal officer(s) until directed to proceed with the interview(s) by Professional Standards/Internal Affairs (PSIA).
 - d. If appropriate, the OICI Commander or their appointee shall provide information to all commissioned personnel regarding the pertinent facts of the incident within 24 hours.
 - e. The OICI lieutenant will contact the District Attorney or a Deputy District Attorney at the earliest practical opportunity to inform him/her of the incident and investigation.
5. Duties of the OICI Investigation Team.
- a. Investigate incident.
 - b. Retrieve and take custody of the weapon used by the officer(s). The supervisor shall determine whether the circumstances of the incident

require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the OICI Team shall take custody of the officer's weapon in a discrete manner and may replace it with another weapon, or advise the officer that it will be returned or replaced at a later time as appropriate. (When processing an officer's personal weapon as evidence, consideration shall be given to marking the weapon with the necessary information as inconspicuously as possible).

- c. If necessary, have the officer(s) returned to the scene to respond to the needs of the investigation.
- d. Interview principal officer(s)
 - i. Contact with the involved officer(s) will be coordinated by PSIA, after consulting with the OICI Commander.
 - ii. The involved officer(s) will be given the opportunity to provide voluntary statements. PSIA will communicate with the officer(s)' Union Representative or legal counsel on this issue. No officer will be disciplined for declining to make a voluntary statement.
 - iii. If the officer(s) elect to provide voluntary statements, the OICI commander will assign personnel to conduct the interviews.
 - iv. If the officer(s) decline to provide voluntary statements, the Assistant Chief of Operations (or designee), after consultation with PSIA and the OICI Commander, will determine whether the officer(s) will be ordered to provide statements. If the officer(s) are ordered to provide statements, the following procedure will be adhered to:
 - PSIA will order the officer(s) to provide a statement, and the order will be documented in writing.
 - A separate case number will be drawn for the compelled interview.
 - The OICI Commander, after consultation with PSIA, will assign detectives that have not been involved in the initial investigation to be the primary interviewers.
 - Detectives conducting the compelled interviews will report directly to PSIA, and the original reports will be maintained by PSIA. Content of the compelled interview (and reports documenting the compelled interview) will only be used for internal investigation/review of the incident, and will not be released to the District Attorney's Office (or other prosecuting entity), the OICI Investigation Team, or to

any member of the public. Compelled statements will only be subject to release when no possibility for criminal prosecution (of the subject of the compelled interview) remains.

- ii. Deviations from this procedure may only occur with the approval of the Chief (or designee).
6. Duties of the District Captain or designee.
 - a. Ensure adequate supervision at all scenes.
 - b. Ensure that involved personnel have had appropriate opportunities to contact family members, Union officials, and/or attorneys.
 - c. Ensure that EAP services have been offered.
 - d. Place the officer(s) on a minimum of one-day paid administrative leave. Confer with the officer's Commander and/or Assistant Chief of Operations regarding additional days. This may include additional paid administrative leave time or a temporary special assignment.
 - e. Ensure that within 72 hours of the incident, the involved officer(s) are contacted by a department approved traumatic stress professional.
 - f. Ensure that regular command briefings are given to the Chief and Assistant Chief of Operations.
 - g. If applicable, ensure that Policy 5-300 Significant Exposure to Blood Borne Pathogens is followed.
 7. Assistant Chief of Operations
 - a. Shall have oversight of the criminal investigation.
 - b. Coordinate media releases until such time that this responsibility is delegated back to the District.

District Attorney Review

All reports involving the use of deadly force by department personnel which cause injury or death shall be submitted to the District Attorney for review.

MPD Policy Compliance Review

All instances of the use of deadly force shall be reviewed for compliance with MPD policy.

1. Professional Standards and Internal Affairs Unit (PSIA)
 - a. PSIA has the primary responsibility for conducting the internal investigation to ensure compliance with the MPD Use of Deadly Force policy.

- b. PSIA will report the findings of the internal investigation directly to Assistant Chief of Support Services.
- 2. Assistant Chief of Support Services
 - a. Shall oversee all internal investigation resulting from the accidental or intentional use of deadly force which results in death or injury.
 - b. Shall review administrative command decisions which result in the deployment of deadly force.

6-200 THE USE OF NON-DEADLY FORCE

It is the policy of this Department that officers, while in the performance of legal duties, shall always employ force in a manner that is objectively reasonable based on the totality of the circumstances. *GRAHAM v. CONNOR*, 490 U.S. 386 (1989) The reasonableness test is an objective one and must be judged from the perspective of a reasonable officer at the scene.

NON-DEADLY FORCE DEFINED

As used in this policy, non-deadly force means the use of any weapon or instrument, or any physical action taken by an officer which is not likely to cause death.

NON-DEADLY FORCE AUTHORIZED

Non-deadly force is only authorized when an officer reasonably believes it is necessary to control a person under any of the following circumstances:

1. Detaining a person reasonably suspected of unlawful behavior.
2. Effecting an arrest.
3. Overcoming resistance.
4. Preventing escape.
5. Protecting oneself or another.
6. Maintaining order.

FORCE CONSIDERATIONS

Officers shall use the degree of force believed to be objectively reasonable to control a situation considering the following factors:

1. The existence of alternative methods of control.
2. Physical size, strength and weaponry of the person as compared to the officer.
3. The nature of the encounter.
4. Actions of the person.
5. Exigent conditions (i.e., availability of backup, number of persons involved, etc.).
6. The severity of the offense.
7. Whether the suspect poses a threat to the safety of officers or citizens.
8. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Control of a person through presence and verbal commands shall always be the preferred method of control. Because verbal commands are not always effective or appropriate in gaining compliance, officers may escalate the degree of force based on the actions of the person they are attempting to control. Once a person is under control, officers are required to revert to the lowest degree of force necessary to maintain that control.

The degree of force an officer chooses should be based on his/her tactical evaluation and threat assessment of the situation. Based upon the totality of the circumstances known at the time and in light of the officer's training and experience, the officer should choose a tactic/procedure that is objectively reasonable and is consistent with one of the following:

1. The tactic/procedure utilized is a trained technique.
2. The tactic/procedure is a dynamic application of a trained technique.
3. The tactic/procedure not trained, but justifiable under the circumstances.*

* excerpted from Defensive and Arrest Tactics, A Training Guide For Law Enforcement Officers, Wisconsin Department of Justice, Law Enforcement Standards Board, March 2007.

THE USE OF OLEORESIN CAPSICUM SPRAY (O.C. SPRAY)

1. Officers may use OC Spray when they reasonably believe they are facing active resistance, or its threat, from the subject. OC Spray is not to be used against subjects who are offering passive resistance.
2. Officers shall only direct O.C. Spray in a manner as prescribed by the Chief of Police through departmental training.
3. Oleoresin capsicum (O.C.) Spray shall not be used once an individual is subdued and under control.
4. If practical, the individual should be provided with an opportunity to eliminate the effects of the irritant by washing and flushing the affected areas with water. Further, the officer should inform such individuals that it is not advisable to use creams, ointments, or bandages on the affected areas

CHEMICAL AGENT USE

Officers shall discharge chemical agents only in a manner as prescribed by the Chief of Police through departmental training.

ELECTRONIC CONTROL DEVICE USE

1. An approved electronic control device (ECD) may only be utilized by officers that have successfully completed training in its use. Deployment and use of the electronic control devices will be in accordance with departmental training and procedure.

2. An ECD is not a substitute for deadly force—in cases where a subject is believed to be armed with a dangerous weapon, an officer may not arm him or herself with an ECD unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with an ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. An officer may only display, present, or threaten to use an ECD if the officer reasonably believes that the potential for its authorized use exists.
4. Deployment of an ECD will be evaluated using the criteria in this. An ECD may only be used under the following circumstances:
 - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
 - b. To control persons in order to prevent them from harming themselves or others.
5. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present:
 - a. Against handcuffed subjects.
 - b. Against subjects fleeing on foot.
 - c. Against subjects operating a motor vehicle.
 - d. From a moving vehicle.
6. The ECD will not be used under the following circumstances:
 - a. For coercion or intimidation.
 - b. To escort or prod subjects.
 - c. To awaken unconscious or intoxicated subjects.
 - d. Against subjects who are offering only passive resistance.
7. ECD probes may not be intentionally fired at the face, head, neck or groin, unless the use of deadly force would be justified.
8. Officers shall evaluate all subjects against whom an ECD has been deployed. The subject shall be medically evaluated if:
 - a. The subject requests medical treatment.
 - b. The subject displays an adverse reaction to the ECD deployment.
 - c. The subject has been exposed to more than one ECD simultaneously.

- d. The subject has been exposed to three (3) or more ECD firing cycles; or one continuous firing cycle of twenty-five (25) seconds or more.
9. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin or breast of a female) the subject will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
10. Removing the air cartridge to deploy an ECD in the drive-stun mode is not authorized as a primary ECD deployment technique.

BATON USE

1. A baton may be used when an officer reasonably believes a lesser degree of force would be insufficient to control the situation.
2. An officer shall never intentionally strike a person's head with a baton unless such an action is justified under the use of deadly force.
3. Officers shall only use Department-approved batons and techniques.
4. Department-approved batons are the only authorized impact weapons. Flashlights, radios, firearms, etc., are not recommended as impact weapons; however, the Department recognizes that emergency self-defense situations involving other objects and instruments may occur.

IMPACT PROJECTILES

1. Impact projectile weapons may only be utilized by officers that have successfully completed training in their use. Deployment of impact projectiles will be in accordance with departmental training.
2. Impact projectiles are not a substitute for deadly force—an officer may not arm him or herself with an impact projectile weapon unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with impact projectile weapons should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
3. It is the responsibility of the officer arming him or herself with an impact projectile weapon to ensure that the weapon is loaded with impact projectiles each time the weapon is deployed.
4. Like any use of force, deployment of impact projectiles must be evaluated using the criteria in this. Deployment of impact projectiles at non-vital areas is considered non-deadly force. Impact projectiles may only be used under the following circumstances:
 - a. To overcome violent or assaultive behavior or its threat; if the officer reasonably believes that the subject poses an articulable threat of harm to an officer or to another person.
 - b. To control persons in order to prevent them from harming themselves or others.

Additionally, an officer must reasonably believe that a lesser degree of force would be insufficient to control the situation, or that it is necessary to deliver force at a safe distance from the suspect/subject.

The intentional deployment of impact projectiles at the face, head or neck is considered deadly force.

5. All persons taken into custody who have been struck with an impact projectile will be conveyed to an emergency room for medical clearance.
6. The investigative requirements of the Use of Deadly Force policy will be followed only if deployment of an impact projectile results in death or great bodily harm.
7. Absent an imminent risk of harm to officers or citizens, impact projectiles will not be used in crowd control situations. Impact projectiles will not be used to move or disperse crowds.
8. Impact projectiles may be deployed in other jurisdictions pursuant to a mutual aid request. In the event that an individual struck with an impact projectile is taken into custody by another agency, officers from that agency shall be notified of the need for medical treatment.

USE OF RESTRAINING DEVICES

1. Officers shall place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is mandatory that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
2. Officers shall apply handcuffs in a manner prescribed by the Chief of Police through Departmental training.
3. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.), officers may employ the use of additional department-approved restraining devices.
4. In an emergency situation when a Department approved restraining device is not available, the Department recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
5. Individuals who are placed in the maximum restraint position should be continuously monitored for breathing and circulation.

USE OF SPIT HOODS

1. A spit hood is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head, or wiping/blowing nasal discharges at or onto officers.

2. Officers should use only department approved spit hoods. In an emergency situation if not readily available, officers may utilize other breathable items, such as pillowcases, surgical masks, etc.
3. Officers shall apply the spit hood in accordance with department training.
4. Persons wearing the spit hood must be closely monitored and shall not be left unattended.
5. Officers shall document the use of the spit hood including the circumstances requiring its use in their report of the incident. A copy of the report shall be routed to Training.

USE OF FORCE REPORTING REQUIRED

Any officer who uses physical force, or any of the following enumerated weapons, items or devices against another person, shall complete an original or supplementary report on the incident involved:

1. Firearms
2. Baton
3. Chemical Agents,
4. Handcuffs or other restraining devices,
5. Physical force

The report shall specifically note the totality of the circumstances necessitating force and the manner of force employed.

USE OF FORCE REVIEW AND INVESTIGATIONS

All instances of the use of non-deadly force shall be reviewed for compliance with MPD policy by an appropriate supervisor.

In cases where a complaint is filed pertaining to an officer's use of non-deadly force, the Professional Standards and Internal Affairs Unit (PSIA) has the primary responsibility for coordinating the internal investigation to ensure compliance with the MPD Use of Non-Deadly Force policy.

If necessary, as part of the District's or PSIA's internal investigation, members from the Personnel and Training Team who are certified WI Defensive and Arrest Tactics (DAAT) instructors can be consulted to determine findings and forward their conclusions to the appropriate source requesting assistance.



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:29
Login ID: pdktg
Case Number: 2011-00194794

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2011-00194794
Location: 3817 MILWAUKEE ST
MADISON, WI 53714
Reporting Officer ID: 3338 - KENNY

Incident Type: EMS/Fire Assist
Occurred From: 07/14/2011 16:56
Occurred Thru: 07/14/2011 16:56
Disposition:
Disposition Date:
Reported Date: 07/14/2011 16:56 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	Frederickson, Daniel N	[REDACTED] MILWAUKEE ST MADISON, WI 53714	[REDACTED]	White	Male	[REDACTED] 47
Contact	2	Scheuers, Iric J	[REDACTED] POWERS AVE MADISON, WI 53714	[REDACTED]	White	Male	[REDACTED] 41

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 7/20/2011

Case No: 2011-194794 Original

Occurred Incident: 31 - Ems Incident

Ref. No:

Dispatched as: 31 - Ems Incident

Sec/Area: 610 EAST

Grid: EASTMORELA

Case Offense: ASSIST FIRE

Addr of Occurrence: 3817 Milwaukee St

Call Date/Time: 07/14/2011 16:56

From Date/Time:

Dispatch Date/Time: 07/14/2011 17:00

Thru Date/Time:

Reporting Officer: PO MATTHEW KENNY 3338

Report sent:

Special Routing:

CONTACT DAN FREDRICKSON
M/W DOB: [REDACTED] (47 yrs)
W [REDACTED]

EMPLOYER: ASSISTANT MANAGER AT WOODMAN'S FOOD CORPORATION, 3817
MILWAUKEE ST

HOW ID'D: PRIOR POLICE CONTACTS

CONTACT ERIC J SCHEUERS
M/W DOB [REDACTED] (41 yrs) Height: 6'00" Weight: 200 Build: MUSC
HairColor: RED EyeColor: BLU Glasses: NONE FacialHair: STUB
[REDACTED] POWERS AV MADISON WI 53704

NARRATIVE:

On 07-14-11 at 4:57 p.m., I was dispatched with PO McDermott to Woodman's grocery store, 3817 Milwaukee St., for a report of a subject who [REDACTED] now combative.

En route to Woodman's, I was informed by Dispatch that the subject, described as a male white with a ponytail, was now attempting to walk away from the reporting party.

As I pulled into the Woodman's lot, I noted a fire truck by the liquor store entrance. I then noted firefighters jogging toward the loading dock area. I proceeded to drive to that location. I did see Eric Scheuers pacing back and forth from the loading dock. I did recognize Eric Scheuers from prior contacts. Earlier in the day, I had noted Eric Scheuers was manning one of the Salvation Army bell ringer buckets at the entrance to the Woodman's lot. At that time he had been upright and appeared to be in good health.

I did make contact with Eric Scheuers and he did appear to be mildly agitated. He was also talking in a somewhat confused mumble. I did walk with Scheuers and then convinced him to walk with me to a set of steel stairs adjacent to the loading dock. I attempted to reassure him that he was not in any trouble and that I only wanted him to get checked out by the Madison fire/rescue paramedics. I was joined at this point by PO McDermott.

At first, Scheuers appeared to be complying with this. I did note that his gaze continually shifted back and forth between personnel, and he continued to speak incoherently. He then attempted to lurch forward from a seated position as I placed my hand on his left arm in an escort hold and he attempted to pull away from me. I could feel the resistive tension in his arm and shoulder and it was my concern that he was attempting to flee from us when he was still in need of medical attention.

Case # 2011-194794, PO MATTHEW KENNY 3338

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PO McDermott and I both shifted from escort hold on his left and right arms respectively to compliant holds, bringing his hands behind his back. It was at that point our intention to place him in handcuffs. Scheuers continued to attempt to pull away from us.

I placed Scheuers in handcuffs but he continued to thrash back and forth and was now becoming more agitated and more violent. I attempted to place Scheuers back onto the steel step but he continued to thrash back and forth and I was holding onto one arm and holding his head in the other to prevent him from striking the steel. As this was not a safe position for him, I did instruct PO McDermott to assist me in bringing Scheuers to his feet. We did so but he then began to pull away from us despite the fact he was in handcuffs. I instructed PO McDermott that we were going to decentralize him down to the ground. As I did direct him down to the ground, I instructed PO McDermott to control his head to keep him from striking the pavement. PO McDermott did so but I did note that his leg became trapped between Scheuers in a scissor maneuver. I had to physically pull apart Scheuers' legs in order to allow PO McDermott to free his leg. After I had done so, Scheuers began to kick with his legs. As PO McDermott had control of Scheuers' upper torso and head, I kept weight on Scheuers' legs with my right leg in order to keep him from kicking us.

We did maintain this position for several minutes until gradually Scheuers began to calm down. Once he was calm and answering the questions of the paramedics, we did assist him to his feet. We then walked him to a cot from Rescue Unit 10 and he was secured on the cot. Due to his level of compliance, I now removed the handcuffs from his hand but I did leave the handcuff on his left hand and secured it to the cot.

Eric Scheuers continued to become more coherent and continued to cooperate with the paramedics. We removed the handcuffs from him completely. The paramedics stated they were now comfortable with transporting Scheuers to the UW ER. At approximately 10:30 p.m., I contacted the UW ER and learned that Eric Scheuers had been released approximately a half-hour prior to my phone call.

It should be noted that my impression of Eric Scheuers was that he was experiencing some sort of medical crisis and that he was fighting to get free of us, rather than trying to harm one of us or the paramedics.

NFA

PO Matthew Kenny, #3338

jmn



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:30
Login ID: pdktg
Case Number: 2011-00225183

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2011-00225183
Location: 3401 MILWAUKEE ST
MADISON, WI 53714
Reporting Officer ID: 3338 - KENNY

Incident Type: Domestic Disturbance
Occurred From: 08/11/2011 18:15
Occurred Thru: 08/11/2011 18:15
Disposition: Arrest
Disposition Date: 08/11/2011
Reported Date: 08/11/2011 18:15 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13C	940.44(1)	INTIMIDATION OF A VICTIM	1
2	State	90C	947.01 DC	DISORDERLY CONDUCT	1
3	State	90Z	946.41(1)	RESISTING/OBSTRUCTING AN OFFICER	1
4	State	90Z	973.10	PROBATION HOLD	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	BOBHOLZ, CASSIE	600 HIGHLAND AVE MADISON, WI 53706	[REDACTED]	White	Female	[REDACTED] 26
Suspect	1	Blake, Javet Maurice, Sr	NPA	[REDACTED]	Black	Male	[REDACTED] 54
Victim	1	Norman, Sylvia M	[REDACTED] SCHROEDER RD 3 MADISON, WI 53711	[REDACTED]	Black	Female	[REDACTED] 55
Victim	2	Society					

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000108820 A	Blake, Javet Maurice, Sr	[REDACTED] MILWAUKEE ST MADISON, WI 53714	08/11/2011 00:00	On-View Arrest	54

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
08/11/2011	Evidence	Other			DEPLOYED TASER CARTRIDGE WITH DOORS	0263780	1

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:30
Login ID: pdktg
Case Number: 2011-00225183

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 8/12/2011 Case No: 2011-225183 Field Arrest
 Occurred Incident: 41 - Domestic/Family Trouble Ref. No:
 Dispatched as: 41 - Domestic/Family Trouble Sec/Area: 602 EAST
 Grid: STARKWEATH
 Case Offense: Domestic/Family Trouble
 Addr of Occurrence: 3401 Milwaukee St
 Call Date/Time: 08/11/2011 18:15 From Date/Time:
 Dispatch Date/Time: 08/11/2011 18:16 Thru Date/Time:
 Reporting Officer: PO MATTHEW KENNY 3338 Report sent: 8/11/11 10:34 PM
 Special Routing:

SUSPECT JAVET MAURICE BLAKE *ARRESTED

M/B DOB: [REDACTED] (54 yrs) Height: 5'10" Weight: 180
 HairColor: Black EyeColor: Brown FacialHair: Stubble/Unshaven/Partial
 [REDACTED] WELLS AV MADISON WI 53704 C [REDACTED]

HOW ID'D: MS ID
 STATUS: PSB
 ARRESTED: 08/11/2011 at 7:00 PM
 OFFENSE #1: DISORDERLY CONDUCT (Domestic), State 947.01
 OFFENSE #2: INTIMIDATION OF VICTIMS (Domestic), State 940.44
 OFFENSE #3: RESISTING OR OBSTRUCTING AN OFFICER, State 946.41
 OFFENSE #4: PROBATION VIOLATION (Domestic), State 973.10

VICTIM SYLVIA MAE NORMAN
 F/B DOB: [REDACTED] (55 yrs) Height: 5'00" Weight: 125
 HairColor: Black EyeColor: Brown
 [REDACTED] WELLS AV MADISON WI 53704

HOW ID'D: PHOTO ID

CONTACT CASSIE M BOHOLZ
 F/W DOB: [REDACTED] (26 yrs)
 W: (608) 262-2398
 EMPLOYER: UW HOSPITAL, 600 HIGHLAND AV - NURSE

ATTACHED

- Victim Notification of No Contact Provision

OFFICER INFORMATION

On August 11, 2011, I was dressed in full military-style Madison Police Department uniform and driving a marked squad car.

OFFICER NARRATIVE

On August 11, 2011, I was dispatched for a report of a possible physical domestic at the Seversins gas station at 3401 Milwaukee St. The call notes that dispatch provided me stated that at 6:15 p.m., a female voice on the payphone at this gas station said "something about being hit on the head." The line was then disconnected.

Upon my arrival, I did pull into the Seversins gas station. I did not see anyone around the payphone; however, I did see on the other side of the intersection, on the southwest corner of Milwaukee St. and Fair Oaks Av., a man and a woman who appeared to be arguing. The woman had a slight build and

was approximately 5 ft. 0 in. tall and 125 lbs. The man was 5 ft. 10 in. tall and approximately 180 lbs. and riding a bicycle.

I did note that the male, later identified as Javet Maurice Blake, did look in my direction and then began to peddle his bike westbound on Milwaukee St., crossing over to Powers. I did walk across the street and as I approached her, the woman, later identified as Sylvia Mae Norman, did wave to me.

I did recognize Sylvia Mae Norman as I got closer to her. I did recognize her as the victim in a domestic battery case from 2010 that had occurred at [REDACTED] Wells Av.

I asked Sylvia Norman if she had attempted to call the police. She stated that she had attempted to call police and then she stated that Maurice Blake had thrown a rock at her that had struck her in the back of the head. She denied any need for an ambulance and stated that it had stung at the time, but it no longer hurt. Sylvia Norman identified the person who had thrown the rock at her as Maurice Blake. It should be noted that Blake's first name is actually Javet, but he usually is referred to by his middle name of Maurice.

I did put out a description of what Maurice Blake was wearing and the fact that he was on a bicycle and his direction of travel on Powers Av. Officer Blake did make contact with Maurice Blake and I was informed that they were on Powers Av. at the railroad crossing. I did ask Sylvia Mae Norman to accompany me to Officer Blake's location.

I did note that Officer Blake and Maurice Blake were on the north side of the railroad tracks, in a grassy area approximately 50 to 100 ft. east of Powers Av. I did interview Sylvia Norman outside my squad car next to the road. Occasionally, Maurice Blake would yell something and I did instruct him that I would be over there to speak to him shortly.

Sylvia Norman stated that Miller Blake had been drinking alcohol. She then added that she is not fearful of Maurice Blake, except when he has been drinking alcohol. I asked Sylvia Norman to tell me what happened today. Sylvia Norman stated when she had arrived home at [REDACTED] Wells Av. that Maurice Blake had started arguing with her about buying charcoal. Sylvia Norman stated she did not want to argue with him and she had attempted to leave the residence. She stated that Maurice Blake had grabbed her right forearm. She stated, "I was trying to walk away from him. I didn't want to argue with him." I asked her to estimate how long had he held onto her arm. She stated that it was "less than a minute." I asked her what happened next. She stated that he had then told her two times, "Who do you think I am?" that he had then pushed her away from him with two hands. I asked her if she had fallen down when she was pushed and she stated that she had not. She stated that she had stepped back and had left the residence.

Norman stated that Maurice Blake then began to follow her. She stated that she had intended to go to the Seversins gas station at the intersection of Fair Oaks and Milwaukee St. to use the payphone there to call her son. She stated that she took a shortcut path that brings you out onto Milwaukee St. that she had been followed by Maurice Blake. She stated that he had then started throwing small rocks at her, one of which had struck her in the back of the head. She stated again that at the time, it "stung," but it did not currently cause her any pain.

Sylvia Norman stated that she had decided to call the 911 dispatch center. I asked her why did she decide to do this. She stated, "Because I knew he wasn't going to leave me alone." She added at this point that she knew that he had been drinking and she was frightened of him when he consumed alcohol.

Norman stated that she had used the payphone to call the 911 dispatch center; however, before she could get very much information to the dispatcher that Maurice Blake had reached over and disconnected the line by pressing down on the cradle for the handset. She stated, "He hung up the phone by pressing down on that lever."

I did ask Sylvia Norman to remain in the vicinity of my squad car while I went to speak to Maurice Blake.

Maurice Blake stated that they had had an argument over buying charcoal. I asked him what happened between the two of them. He stated that there had been no pushing, shoving or hitting between the two of them. I asked him to tell me about throwing rocks. Maurice Blake stated, "When she walked off, I threw a few rocks and one of them hit her, but I wasn't trying to hit her. I was just trying to scare her." I asked Maurice Blake to tell me what had happened at Seversins gas station. Maurice Blake stated that nothing had occurred at the Seversins gas station. I told Maurice Blake that Norman had attempted to use the payphone at Seversins gas station and I asked him to tell me what happened when she attempted to use the payphone there. Maurice Blake stated that he had disconnected the line when he realized Norman was calling the 911 dispatch center. He stated specifically, "I hung up the phone the first time she called 911."

I asked Maurice Blake how much alcohol had he consumed today. He stated that he had consumed about three quarters of a flask of vodka.

At approximately 6:51 p.m., I informed Maurice Blake that he was under arrest. I did instruct him to turn and face away from me. Maurice Blake did not do so. I then went to grasp his left arm, which was closest to me. Officer Blake was to my left and that placed him on Maurice Blake's right. Maurice Blake yelled something which I did not understand and then charged forward, trying to push through me. I had just grasped his left arm and I could feel the resistive tension. Maurice Blake continued to attempt to push through me and was now thrashing back and forth and attempting to elbow me. I did release with my right hand and attempted to deliver an elbow strike into his torso; however, he turned into me and I did miss. I did end up holding onto his chin and left arm, with his chin in the crook of my right arm. I did throw my weight forward and attempt to decentralize Maurice Blake to the ground. We did go to the ground; however, Maurice Blake continued to struggle.

Maurice Blake was pushing himself up off the ground and was still refusing to comply with my orders to "stop resisting." I did deliver a knee strike into his left lower torso; however, he continued to thrash and attempt to push up and away from the ground.

I did hear Officer Blake yell that he was going to deploy the electronic control device. I did hear the discharge and I did see the needles impact on Maurice Blake's upper back. I was still maintaining a grip on his left arm with both hands. I did not feel any effect from the electronic control device on my own person. I was uncertain as to whether it was having an effect on Maurice Blake. I delivered a second knee strike into his left side of his torso. At this point, he did allow me to bring his left arm behind his back. I did notice that Officer Blake was forcing Maurice Blake's right arm behind his back. We did place him in handcuffs at this point. I did note that he continued to have resistive tension in his arms and he was gripping a set of keys in his left hand, which he did not release. I did grip his left hand in a compliance hold and ordered him to release the items that he was still holding in his hands. He did so. As soon as he had released these items, I did release the pressure on his left hand.

During the fight, I had keyed my radio and informed dispatch that we were in a fight. I did inform dispatch that we did have Maurice Blake in handcuffs and I did request a sergeant to respond to our location.

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I did search Blake incident to the arrest and I found a half pint flask of vodka that was three quarters empty in his trousers pocket. I did ask Maurice Blake if he was injured and he stated that he was; however, he then began to state that he had been diagnosed [REDACTED] earlier that day at UW Hospital and Clinics. I did request a Fire Rescue unit to check Blake on scene. I did ask Maurice Blake if he could be more specific, asking if felt pain in any one particular location. He stated that he "hurt all over."

I did assist Blake to his feet by instructing him to bring his knees up to his chest and rolling him up into a seated position. By this time, we were joined by Officers Michele Walker and Alison Radzicki.

I did complete the search of Blake's person incident to the arrest while he was now standing. It should be noted that prior to rolling him up to his feet, I had put on my leather search gloves and I had removed the Taser probes from Blake. I did note that the Taser probes had both penetrated Maurice Blake's shirt and were embedded in his skin. The probes were secured with the spent cartridge.

I did escort Maurice Blake to Officer Blake's squad car. Maurice Blake was verbally belligerent still and I did instruct him to sit down in the back of the squad car. I did have my hand behind his head and when he asked me why I did that, I stated that I did not want him hitting his head against the door panel when he sat down. Maurice Blake originally refused to sit down and I did order him to sit down on the bench seat so that we could secure it in the squad car. As Maurice Blake began to comply and was getting in the squad car, he suddenly slammed his head on the doorframe two to three times in rapid succession, striking the left side of his head against the doorframe. I then caught his head with my left palm and shoved him down, pushing against his right shoulder, bringing his head down into the car. He then pulled his feet into the back of the squad car and then began to yell that he had done this deliberately to make people think that I had "beat [him]."

When Sergeant Bernard Gonzalez arrived on scene, I did brief him as to what had occurred. While I was doing so, Blooming Grove Fire Department did arrive on scene and Maurice Blake was transferred to the Blooming Grove Fire Department ambulance. To facilitate treatment of Maurice Blake, we did handcuff him to the ambulance cot. Officer Blake did accompany Maurice Blake in the back of the ambulance.

I had asked Officer Michele Walker to fill out a Victim Notification of No Contact Provision form. Officer Michele Walker did provide me with a form that had been signed by Sylvia Norman and indicated that she wanted the Victim Notification of No Contact Provision form to be enforced.

Maurice Blake was taken to the UW Hospital emergency room. I had asked him prior to our leaving what did he wish done with the bicycle and he stated that Sylvia Norman could take it. Earlier, Sylvia Norman had stated that she did not have her key to get into [REDACTED] Wells Av. I did provide her with the house keys that had been on Maurice Blake. Sylvia Norman stated that she lived at [REDACTED] Wells Av. with Maurice Blake. Maurice Blake stated that Sylvia Norman lives there "off and on" and he insisted that she was not on the lease. In 2010, I had been inside [REDACTED] Wells Av., investigating another domestic disturbance between Maurice Blake and Sylvia Norman. Sylvia Norman did receive mail at this residence and stayed there full time. At that time, Maurice Blake had also insisted that Sylvia Norman was not on the lease.

When we arrived at the UW Hospital emergency room, at first Maurice Blake indicated that he wanted to be seen by the doctors and nurses there. The nurse who saw Maurice Blake is Cassie Boholz, the doctor who saw him was a medical student named William Scheels and the attending physician who also saw Maurice Blake was Dr. Alan Mathrom.

I did obtain two icepacks from the nurse at the UW Hospital emergency room. I did apply one to my left elbow, which at some point during the fight I had bruised and I did provide the second to Officer Michael Blake, who had a lump just above his left eye.

While I was getting paperwork out of the squad car, I was summoned back to the room by Officer Michael Blake. Maurice Blake was now becoming belligerent with the hospital staff and was refusing to be treated. I did spend several minutes on attempting to calm Maurice Blake down and pointed out several times that he had requested to be seen by medical staff. He was now denying that he had ever requested this and was denying that he needed any medical treatment. To facilitate treatment, we had removed the handcuff that had secured his left arm to the hospital cot. He was secured by his left wrist to the left side of the hospital cot. The nurse, Boholz, had [REDACTED] in his left hand. At 8:35 p.m. Maurice Blake began to remove the leads that were [REDACTED] and remove the [REDACTED]. He then threatened to remove the [REDACTED] which was in his left hand. At this point, I was concerned he might injure himself if he did so and instructed him to put his right arm down so that I could handcuff him and prevent him from doing this. He refused. I did, with Officer Blake's assistance, grasp his right arm and I did handcuff him to the hospital cot. He then began to yell and threaten us, stating that we would have to shoot him or taze him.

Once Maurice Blake was secured, I did ask Dr. Mathrom whether he would be able to be cleared for transport to the Public Safety Building. Dr. Mathrom agreed that he would be ready to be taken to the Dane County Jail.

Maurice Blake said he would not cooperate anymore with any of the medical staff and threatened to remove the [REDACTED] with his teeth. I did grasp his left hand by compressing his three fingers together in a compliance hold and straightening out his arm. I then noted Officer Blake was positioned to secure his upper torso if necessary and I did instruct Maurice Blake not to move. He did comply and I did ease the pressure on his left hand while instructing him to remain still. While maintaining the compliance hold on his left hand, the nurse, Boholz, did remove the [REDACTED] and [REDACTED] on his left hand.

Officer Bart O'Shea did arrive and we did place Maurice Blake in a set of handcuffs and hands secured behind his back. Prior to this, we did allow him to secure his trousers and zipper. We then escorted him to the back of my squad car, where he was secured in the back. Officer Bart O'Shea then returned to service and Officer Michael Blake did ride with me in my squad car while we took Maurice Blake to the Dane County Jail.

In the booking area of the Dane County Jail, Maurice Blake was, at one point, very agitated and then at the next he would be relatively calm and would comply with my orders. At one point, he began to yell and use profanity, but then quieted and then told me that he apologized for his actions to me. I told him that I accepted his apology and I did shake his hand, but I then told him that I needed his cooperation in order to get through the booking process. Maurice Blake stated that he would be cooperative.

At 9:52 p.m., I did attempt to inform Maurice Blake that the Victim Notification of No Contact Provision would be enforced and that Norman had signed it and that he was not to have any contact with her for three days. At this point, Maurice Blake became very agitated. He kept interrupting me, stating that he would get his "people" from Chicago to come up and "settle this." I did tell him specifically that this sounded like a threat to me and asked him if this was so. Maurice Blake denied that it was his intention to threaten Norman. I did tell him that he was not to have any contact, either direct or indirect, and that he should not encourage friends, acquaintances or family to have any contacts with Norman either.

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At this point, Maurice Blake stated, "I don't care. I'm going to my house. I'm going back to my house. I'm going to put my hands on her for real this time." I did tell Maurice Blake that he was not to do this and that he was not to go anywhere near Sylvia Norman for the duration of the Victim Notification of No Contact Provision.

The Dane County Jail nurse did ask Maurice Blake whether he felt any pain anywhere and he stated that I had struck him repeatedly on his head. She asked where did he feel pain on his head and he pointed to the right side of his head. I did point out to the jail nurse that he had actually struck the doorframe of the squad car with his left side of his head. I did discuss charging decisions with Sergeant Scott Kleinfeldt, the Officer in Charge. I did charge Maurice Blake with domestic disorderly conduct, domestic intimidation of a victim, a probation hold and a resisting a peace officer.

NFA/jlt

Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 3338
PO MATTHEW KENNY

MADISON POLICE DEPARTMENT

Report Completed: 8/12/2011	-Case No: 2011-225183 Supplement
Occurred Incident: 41 - Domestic/Family Trouble	Ref. No:
Dispatched as: 41 - Domestic/Family Trouble	Sec/Area: 602 EAST
	Grid: STARKWEATH
Case Offense: ARRESTED PERSON: DOMESTIC	
Addr of Occurrence: 3401 Milwaukee St	
Call Date/Time: 08/11/2011 18:15	From Date/Time:
Dispatch Date/Time: 08/11/2011 18:16	Thru Date/Time:
Reporting Officer: PO MICHAEL P BLAKE 3995	Report sent:
Special Routing: TRAINING, VIDEO, CAPT WAHL	

SUSPECT **JAVET MAURICE BLAKE** ***ARRESTED**
M/B DOB [REDACTED] (54 yrs)

VIDEO EVIDENCE

On August 11, 2011, I was operating marked squad number E440, which is equipped with an in-car data capture system. On August 11, 2011, I successfully downloaded all data files at the East Police District data transfer downloading station.

OFFICER INFORMATION

Officers on this call were wearing full military-style Madison Police Department uniforms and driving marked squad cars.

OFFICER NARRATIVE

On August 11, 2011, at 6:16 p.m., I was dispatched along with Officer Matt Kenny to the Seversins service station at 3401 Milwaukee St. for a possible disturbance. The caller called 911, advised that she had been hit and the phone was then disconnected. Officer Kenny arrived on scene first and spoke with the victim and stated that the suspect's last name was Blake and that he had left the area on a bike with a brown shirt on and a baseball cap. Officer Kenny advised that the suspect was last seen traveling on Powers Av., heading northbound.

At that time, I then drove north on Powers Av. and observed a black male subject wearing a brown shirt on a bicycle, traveling northbound. I was just north of the intersection of Wells Av. and activated my emergency lights and my siren. The subject on the bike, later identified as Javet Blake, looked back at me and continued on his bike. I continued following Blake and turned my siren off and activated it several times to attempt to get Blake to stop. Blake then turned off on a grassy area next to some railroad tracks and biked several more feet and then turned around and stopped. I exited my car and contacted Blake. I asked him to identify himself and he stated that his name was Blake and then said something about some keys and an argument. I asked Blake to step off his bike and he initially refused to do so. Blake stated that the bike belonged to a friend of his and he wanted to bring it back to his house nearby and then return to his house on Wells Av. and I told him he needed to stay there and speak with me. I had to ask Blake several more times to step off his bike before he did so and then balance his bike against a nearby fence.

I then began to try and talk with Blake about what was going on and he initially started to walk away from me. I told Blake that he was not free to leave and he needed to stay near his bike. Blake asked if he was under arrest and I stated that he was not and he was currently being detained and he stated that he was going to walk away. Blake then took several steps away from his bike and I approached him and took him by the arm and told him he needed to remain by his bike and he complied with my request. While speaking with Blake, he was slurring his words and his eyes appeared glassy and bloodshot and I detected an odor of intoxicants coming from him.

I asked Blake what was going on that day and he stated that he was involved in an argument with his girlfriend, Sylvia Norman. Blake stated that he was arguing with Norman about her staying at his house and that she does not pay any bills. Blake told Norman that she needed to leave and she refused to do so and he demanded she give him her key and she was refusing to do so. I asked Blake if he had ever harmed Norman physically and he stated that he never laid a hand on her. After speaking with Blake for several minutes, he then stated that he had been throwing rocks into a tree and one of them came down and hit Norman in the head. Blake stated that he was not intentionally trying to strike Norman with a rock, but was only throwing them into a tree and they fell down and accidentally hit her in the head. I asked Blake when this had occurred and he stated that it occurred right before police had been called. I asked Blake if Norman had left the residence after this argument and he stated she had and had probably gone to call police. I asked Blake if he had followed Norman. He stated that he had not and had been at the residence. I asked Blake why he was currently on his bike if he had not followed Norman to where she had phoned police and he stated that he was going to his mother's house in Sun Prairie.

I then asked Blake for his full identifying information and if he had a driver's license or other ID card on him and he stated that he did not and it was back at his residence. I asked Blake to give me his information and he stated his name was Maurice Blake, with no middle initial. Blake then stated that his date of birth was [REDACTED]. At that time, Officer Kenny came to my location and began to speak to Blake about the incident.

I then went to my squad car and attempted to run the information that Blake had given me. Upon running the information given to me initially by Blake, I found the information to return that Blake's first name was actually Javet. I also noticed that the date of birth Blake had initially given me was one year off and the actual date of birth was [REDACTED]. Upon running the correct information, I found that Blake currently had a Probation and Parole warrant for his arrest. I then checked on Summit and found a picture of Blake and confirmed his identification using that.

I then exited my squad car and informed Officer Kenny that Blake had a warrant for his arrest. Officer Kenny then approached Blake as he was near the fence and told him he was under arrest. I moved toward Blake's right arm and attempted to gain control of it to place him into handcuffs. At that time, Blake attempted to run past Officer Kenny and me and made it several steps away from us while I was holding onto his right hand. I could feel resistive tension as Blake was attempting to pull away from my grasp with his right arm. I felt Blake being pulled toward Officer Kenny and he was not going to the ground. I was telling Blake to stop resisting and to place his arms behind his back and he was not complying with my commands. I then pulled Blake toward me with his right arm and brought him to the ground. As I was traveling to the ground along with Blake, I struck my left forehead area either on Blake's elbow or on the ground when I hit the ground. I did have sunglasses on my head during this and the force of going to the ground knocked the sunglasses several feet away from me. Upon going to the ground, Blake landed on his right arm and I lost contact with it. Blake was continuing to resist and refusing to place his hands behind his back. While on the ground, Blake was lying on his right arm and had his back to me and his left arm was also free. At the time, I was concerned, as Blake was continuing to resist and at that point had not been frisked and I was uncertain as to what weapons Blake could possibly have. At that time, I then indexed my Taser, removed it from its holster and turned the safety off. I aimed the Taser at Blake's lower back and brought it back approximately 1 to 1½ ft. At that time, Blake was continuing to resist and was rolling on the ground and rolled back toward me with his arms up in the air. I was unable to deploy the Taser at that point, due to Blake rolling and fighting on the ground. Blake then rolled back toward Officer Kenny and I could again see Blake's back and aimed the Taser to his lower back and activated the Taser. I observed that the Taser probes had an approximate spread of 6 in. and was effective. Blake immediately stopped resisting and rolled to his front so that he was lying face down on the ground. I informed Blake to

Case # 2011-225183, PO MICHAEL P BLAKE 3995

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place his arms behind his back and he did so. Upon completion of the five-second cycle of the Taser, I did not reengage it. Blake had his arms behind his back, but was continuing to resist. I grabbed Blake's right arm and still felt resistive tension in his arm and was unable to bring it back toward his lower back. I brought out my handcuffs and was able to get a handcuff on Blake's left arm, but was having difficulty getting a handcuff on Blake's right arm, due to his resistance. I was eventually able to pull Blake's right arm to the center of his back and apply the right handcuff.

After Blake was placed in handcuffs, he ceased to resist and he was asked if he needed medical attention. Blake did later request medical attention and was seen to by Blooming Grove EMS. Officer Walker later arrived to assist and collected the spent Taser cartridge and probes and later property tagged it. Please see her supplemental report for further details. I also later spoke with Sergeant Bernie Gonzalez and he stated that he later downloaded the Taser, which was Taser 97, at the East Police District at 10:11 p.m. on August 11, 2011.

After Blake was assessed by EMS, they determined that he needed to be transported to the hospital. Blake was moved to an ambulance gurney and was handcuffed to the gurney with both arms. I then rode in the Blooming Grove ambulance as Blake was transported to the UW Hospital. While en route, Blake complained of [REDACTED] as well as [REDACTED]. Upon arrival at the UW Hospital, Blake was brought into the emergency room and transferred to a emergency room bed. Blake was secured to the bed by his left hand being handcuffed to the bed. While at the UW Hospital, Blake was argumentative with staff and also with Officer Kenny and me. Blake continued to demand Officer Kenny's and my name and badge number and also what his charges were. Blake continued to repeat himself and the same questions over and over again while we were in the emergency room. Blake asked several times to be able to use a phone and I continually told him that he could not use the phone at that time and would be able to make phone calls once he arrived at the jail. Blake became upset and took his right hand, which was un-handcuffed, and began to take [REDACTED] his left hand. I informed nursing staff of this and they came in and spoke with Blake and Blake ceased to try and take [REDACTED]. Officer Kenny was then standing by with Blake and I exited the room to attempt to retrieve paperwork and Officer Kenny called me back in the room, as Blake was attempting to again take [REDACTED]. I came back and assisted Officer Kenny in handcuffing Blake's right hand to the gurney bed so he could cease to try and take [REDACTED]. Blake continued to be argumentative with Officer Kenny and me about being able to make a phone call and the outcome of the investigation that had been conducted. Blake became upset again about his treatment and stated he was going to [REDACTED] and brought his left hand up to his mouth and attempted to remove the [REDACTED] with his mouth. I again informed nursing staff of this and they came back in and spoke with him. Blake was assessed by doctors and was cleared to go to jail. After nursing staff removed [REDACTED] Blake then became very apologetic with me and apologized for his behavior. Blake began pleading with me that he wished to see the doctor and that he was in pain. Blake told me that he was going to cooperate this time and cooperate with medical staff, but that he wished to see the doctor. I informed Blake that he had had his opportunity and that we would be going to jail shortly. Blake then replied that he was going to trigger a large asthma attack at the jail in order to return to the hospital.

After receiving discharge paperwork, Officer Kenny and I placed Blake back into handcuffs and escorted him to Officer Kenny's squad car. Blake was then conveyed to the Dane County Jail and brought to the booking area. Once inside the booking area, I assisted in completing booking paperwork. While in the booking area, Blake made the statement, "I see that bitch, I'm gonna put my foot in her ass." Blake made several statements about Norman putting him in jail and that he was upset and was going to call his people to come and get Norman arrested out of his house. While at the jail, I administered a portable breath test to Blake per jail policy and on a very short breath, it

Case # 2011-225183, PO MICHAEL P BLAKE 3995

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registered .13 blood alcohol concentration. Blake was then booked into the jail without further incident and I had no further involvement in this call.

NFA/jit

Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 3995
PO MICHAEL P BLAKE

MADISON POLICE DEPARTMENT

Report Completed: 8/12/2011
 Occurred Incident: 95 - Adult Arrested Person
 Dispatched as: 41 - Domestic/Family Trouble
 Case No: 2011-225183 Field Supplement
 Ref. No:
 Sec/Area: 602 EAST
 Grid: STARKWEATH
 Case Offense: Adult Arrested Person-Domestic
 Addr of Occurrence: 3401 Milwaukee St
 Call Date/Time: 08/11/2011 18:15
 Dispatch Date/Time: 08/11/2011 18:16
 Reporting Officer: PO ALISON D RADZICKI 2636
 Special Routing:
 From Date/Time:
 Thru Date/Time:
 Report sent: 8/11/11 8:07 PM

SUSPECT JAVET MAURICE BLAKE *ARRESTED
 M/B DOB [REDACTED] (54 yrs)
 MADISON WI

NARRATIVE:

On 08-11-11 at approximately 6:50 PM Officer Matt Kenny called out to dispatch that he and Officer Michael Blake were involved in a fight with Javet M. Blake. Officer Michele Walker and I were assigned to assist. I was in full military style uniform, driving marked squad 381, and working as 2F10 on the Eastside of Madison.

While en route to the call, Officer Kenny called out that they had Blake in custody. We arrived on scene a few moments later. We found Officers Kenny and Blake with Blake who was on the ground laying partially on his right side and his stomach. I noticed there was a deployed Electronic Control Device cartridge on the ground and the probes were in Blake's upper back area. When the probes were removed by Officer Kenny, I took custody of the cartridge and the green doors.

Those items were property tagged at the East District under number 263780 and placed in East Locker 40. After I had placed the tagged item in the locker, I realized I had property tagged the item under the wrong case number (11-225181). I immediately sent the Property room staff an email to alert them to this so I can correct it on 08-12-11. I was able to correct the number in New World.

NFA

PO A. Radzicki, #2636

jmn

MADISON POLICE DEPARTMENT

Report Completed: 8/15/2011
 Occurred Incident: 41 - Domestic/Family Trouble
 Dispatched as: 41 - Domestic/Family Trouble
 Case No: 2011-225183 Field Supplement
 Ref. No:
 Sec/Area: 602 EAST
 Grid: STARKWEATH
 Case Offense: Arrested Person-Domestic
 Addr of Occurrence: 3401 Milwaukee St
 Call Date/Time: 08/11/2011 18:15
 Dispatch Date/Time: 08/11/2011 18:16
 Reporting Officer: PO MICHAEL P BLAKE 3995
 Special Routing:
 From Date/Time:
 Thru Date/Time:
 Report sent: 8/12/11 7:20 PM

SUSPECT JAVET M BLAKE *ARRESTED
 M/B DOB: [REDACTED] (54 yrs)
 MADISON WI

NARRATIVE:

On 8-12-11 I reviewed my report reference this case and wish to add more details and make corrections.

When Blake was being placed into my squad car E440 after he was arrested he was refusing to get into the back of the squad. PO Kenny had his hand on Blake's head to ensure Blake did not strike his head while entering his squad and Blake requested he remove it. Blake then ducked to enter the squad and appeared to intentionally strike the left side of his head against the squad roof. Blake then yelled that officers had caused him to strike his head and that was going to file a lawsuit. Blake was later removed from the squad by EMS and transported to the ER.

While at the ER while Blake was being uncooperative a nurse went to remove [REDACTED] Blake was moving his hand around so the nurse could not remove it. PO Kenny then held Blake's hand and I stood behind the bed and held Blake's shoulders so he could not move while [REDACTED] was removed.

While at the hospital Inv Adsit photographed the bump just above my left eye that was sustained when decentralizing Blake. Also on 8-12-11 the area above my left eye was still sore and also my left wrist was sore and stiff. I also observed in my original report that I stated PO Walker had tagged the Taser cartridge and it was actually PO Radzicki who tagged it.

NFA

PO M. Blake, #3995

jmn



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:31
Login ID: pdktg
Case Number: 2012-00242937

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2012-00242937
Location: 520 STATE ST
MADISON, WI 53703
Reporting Officer ID: 4189 - CHRISTIAN

Incident Type: Drug Incident
Occurred From: 08/25/2012 15:48
Occurred Thru: 08/25/2012 15:48
Disposition: Arrest
Disposition Date: 08/25/2012
Reported Date: 08/25/2012 15:48 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	35A	961.41(3G)(AM)	POSSESS NARCOTIC SCH I OR II	1
2	State	90C	947.01 DC	DISORDERLY CONDUCT	1
3	WI0130100	90Z	24.12	MENACING PANHANDLING PROHIBITED	1
4	State	90Z	304.06	PAROLE VIOLATION	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	AUFDERHAAR, KIM LEA	[REDACTED] SHIRLEY FT ATKINSON, WI 53538	[REDACTED]	White	Female	[REDACTED]
Suspect	1	Thompson, Bret Perry	NPA	[REDACTED]	Black	Male	54 53
Victim	1	Society					

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000121218 A	Thompson, Bret Perry	520 STATE ST MADISON, WI 53703	08/25/2012 16:00	On-View Arrest	53

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
08/25/2012	Safekeeping	Other			RED POCKET KNIFE (THOMPSON, BRET P)	0287216	1
08/26/2012	Seized	Drugs/Narcotics			APPROX 2 GRAMS OXYCODONE OR FENTANYL & PACKAGING		
08/26/2012	Seized	Drugs/Narcotics			4 PILLS OF [REDACTED] AND BOTTLE		
08/26/2012	Safekeeping	Camp/Hunt/Fish Equip/Supp			RED POCKET KNIFE		
08/25/2012	Evidence	Drugs/Narcotics			APPROX 2 GRAMS OF OXYCODONE OR FENTANYL AND PACKAGING	0287214	1
08/25/2012	Evidence	Drugs/Narcotics			4 PILLS [REDACTED] AND BOTTLE	0287215	1
09/01/2012	Evidence	CD/DVD/Tapes/Di scs			CD WITH STATE ST VIDEO	0287675	1



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:31
Login ID: pdktg
Case Number: 2012-00242937

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 8/26/2012

Case No: 2012-242937 Field Arrest

Occurred Incident: 23 - Drug Incident

Ref. No:

Dispatched as: 65 - Check Person

Sec/Area: 403 CENTRAL

Grid: STATELANGD

Case Offense: Arrested Person/Panhandling/D.C./Drug Incident/Parole Violation

Addr of Occurrence: 520 State St

Call Date/Time: 08/25/2012 15:48

From Date/Time:

Dispatch Date/Time: 08/25/2012 15:48

Thru Date/Time:

Reporting Officer: PO JOHN W CHRISTIAN 4189

Report sent: 8/25/12 5:26 PM

Special Routing:

SUSPECT BRET P THOMPSON *ARRESTED

M/B DOB: [REDACTED] (53 yrs) Height: 5'07" Weight: 153

HairColor: Brown EyeColor: Brown

[REDACTED] MELODY LA 104 MADISON WI 53704

HOW ID'D: DOC ID CARD

STATUS: PSB

ARRESTED: 08/25/2012 at 4:00 PM

OFFENSE #1: POSSESSION OF SCHEDULE II NARCOTIC, S 961.41(3G)(AM)

OFFENSE #2: DISORDERLY CONDUCT, S 947.01

OFFENSE #3: MENACING PANHANDLING PROHIBITED, CITY ORD 24.12

OFFENSE #4: PAROLE VIOLATION, S 304.06

PROPERTY INFO:

Code	Description	Value
SAFEKPNG	RED POCKET KNIFE , Tag#: MPD 287216 Owner: BRET THOMPSON (SUSPECT)	
SEIZED	4 PILLS OF PRYIDOSTIGMINE 60 MG AND BOTTLE , 4 Unit Tag #: MPD 287215 Owner: BRET THOMPSON (SUSPECT)	
SEIZED	APPROX 2 GRAMS OXYCODONE OR FENTANYL & PACKAGING , 2 gm Tag #: MPD 287214 Owner: BRET THOMPSON (SUSPECT)	

NARRATIVE:

REQUEST FOR BAIL CONDITIONS.

Whereas this offense was committed on State Street and Bret P Thompson (ID'd via Department of Corrections ID Card) does not reside or work in the State Street area, I requested that as a condition of his bail, that he be banned from the State Street area.

OFFICER NARRATIVE

On 08/25/2012, I was working as 2D50 from 12 pm until 8 pm. I was dressed in full Madison Police Department military-style uniform, driving fully-marked City of Madison Police Department squad car C414, acting in my official capacity as a City of Madison Police Officer.

INITIAL OBSERVATIONS

At approximately 3:44 pm, I was on routine patrol in the 500 block of State Street. I observed a male known to me from previous professional contacts as Bret P Thompson (ID'd via DOC ID card) to be standing in front of the Pipefitter at 520 State Street. I noted that Thompson was speaking with subjects as they walked by him outbound. I noted that the first subject that Thompson spoke with was a white male wearing a green shirt, white shorts, and carrying a backpack, and was accompanied by

two other subjects. I noted that the subject appeared to say something back to Thompson before continuing walking southbound. I then observed a white male wearing a green tank top and dark shorts, accompanied by a female, to also be spoken to by Thompson. I noted as Thompson spoke to this male, he appeared to see me and then begin walking inbound.

I made contact with the second subject, who advised that Thompson had begun to say "hi" to him before stopping abruptly. This subject speculated that Thompson had seen me, which was why he had stopped speaking.

I caught up to the first individual in the 600 block of State Street. I was advised that Thompson had asked him for "20 cents." I then began heading back inbound attempting to locate Thompson. I observed Thompson to be standing near the intersection of State Street at West Gilman Street, and then cross the street to the west side of the street.

It should be noted that I have had previous professional contacts with Thompson. I have personally contacted Thompson on at least one occasion where Thompson has been in possession of a concealed knife and know of other instances under which Thompson has also been found to be in possession of a concealed knife.

CONTACT WITH THOMPSON.

I made contact with Thompson at approximately 3:48 pm and I asked Thompson why he was panhandling and Thompson acknowledged that he had been, but promised me that he was going to be catching the bus and leaving. I told Thompson that he would be issued a citation and asked for his identification card. Thompson began demonstrating that he was aggravated and reluctantly handed me a Department of Corrections identification card. I asked Thompson if he had any guns, knives, drugs, or weapons on him and Thompson stated that he did not. I asked Thompson if I could search his person and Thompson refused. Officer Kenny arrived on scene at approximately this time and stood by with Thompson while I went to Officer Kenny's squad car to check Thompson for wants and warrants.

While checking Thompson for wants and warrants, I found that Thompson was on Probation/Parole. I contacted the 24-hour Probation and Parole telephone service and notified them that I was in contact with Thompson as I composed a citation for Menacing or Aggressive Panhandling Prohibited (citation 106334; see attachment). While speaking with the agent, the 6 route of Madison Metro arrived at the bus stop and Thompson began yelling at me that this was his bus. I advised Thompson that he was not free to go. I was advised by Probation and Parole that Thompson was to check in with his agent first thing on Monday morning.

I returned to Thompson's location and handed Thompson his identification card. I then held out the citation, which I began to explain in full. Thompson attempted to grab the citation out of my hand and walk away before I was able to explain any of it. I held onto the citation and told Thompson to sit back down. Thompson squared his body off against me and continued to keep his hand on the citation as he stared me down. Thompson then reluctantly sat back down. I handed Thompson the citation and was able to explain that Thompson did not have to go to court before Thompson got up and left without allowing me to finish. I did not pursue Thompson. Thompson continued to stare back at me as he crossed West Gilman and then North Broom Street. I noted that as Thompson stepped onto the sidewalk of the 400 block of State Street, that Thompson tore up the citation into small pieces. Based off of Thompson not allowing me to explain the citation in full and the fact that Thompson had now destroyed the citation, Thompson had demonstrated that he was not likely to pay the citation or attend court.

RE-CONTACT WITH THOMPSON

Officer Kenny retrieved his squad car and I walked after Thompson, catching up to him across from Subway in the 400 block of State Street. I asked Thompson what the court date and time or fine amount was for his citation. Thompson looked down at the pieces of paper in his hands, which I noted were illegible because they were so small. This further demonstrated that Thompson had no personal knowledge of the court date and time or fine, as well as no physical documentation of either of these, further demonstrating his improbability of paying the citation or attending court. As a result, I placed Thompson into handcuffs, which were double-locked and checked for fit at approximately 4:00 pm.

Immediately after being handcuffed, Thompson began yelling at me that I was a "bitch." I did not immediately respond to Thompson's comments; however, after approximately ten seconds of allowing Thompson to yell at me, I told Thompson that he needed to stop screaming profanities, as there were numerous people of all ages, including children in the area. I warned Thompson that further behavior would result in an arrest for disorderly conduct. Thompson responded to this warning by yelling at me "fuck you."

Thompson was then escorted to the hood of Officer Kenny's squad car, where Thompson was searched incident to lawful, custodial arrest. While I was searching Thompson incident to arrest, Thompson continued to yell at me that I was a "bitch" and "fuck you" on an alternating sequence. I began searching the left pants side pocket of Thompson and located a prescription medication bottle and loose change of U.S. currency.

Officer Kenny then changed sides with me and was standing on Thompson's left side as I searched Thompson's right side. I heard Officer Kenny instruct Thompson to relax, and as I looked to my left, I observed that Thompson's arm muscles were tense. I then felt Thompson pull to his right, in my direction. Based off of my observation of Thompson's arm muscles being tense and his pulling in my direction after Officer Kenny instructing Thompson to relax, it appeared that Thompson was actively resisting. As a result, I decentralized Thompson by pushing forward on his back and directing his chest to the hood of the squad car, placing my left arm on his back. While doing so, I yelled at Thompson to "stop resisting." Thompson appeared to initially try to push his chest off of the squad car; however, did not actively resist further after that.

I continued to complete my search of Thompson's person, locating a large amount of change in U.S. currency in Thompson's right pants pocket. While removing the change, a dime dropped to the ground. Thompson began yelling at me "pick it up bitch" repeatedly. I did not immediately pick up the dime for officer safety purposes; however, it was later retrieved and placed into Thompson's property prior to leaving the scene. Other statements yelled at myself and other officers by Thompson included calling us "hoes" and telling me that "your mother hates you."

Thompson was then helped into the rear passenger seat of Officer Kenny's squad car. Officer Kenny then conveyed Thompson to the Dane County Public Safety Building as I followed in my respective squad car.

BOOKING OF THOMPSON

Upon our arrival at the Public Safety Building, Thompson was escorted into the booking area and remained uncooperative. I made contact with OIC Sgt. Covert and spoke with her regarding charges. I also re-contacted the 24 hour answering service of Probation and Parole and updated them on the circumstances of my contact with Thompson. I was advised that a hold would be placed on Thompson.

RECOVERY OF DRUGS

I then began a search of Thompson's property. I removed the lid of an orange prescription bottle and observed that there was a cellophane cigarette wrapper that had been fashioned to hold a white powdery substance. Based off of my previous professional training and experience, this substance had been packaged for illicit sale on the street as opposed to directed medical consumption. Additionally, I observed that there were four pills in the bottom of the bottle. I noted that the impression of the pill was consistent with that of the prescription bottle, which identified the pill as [REDACTED] a pill for which Thompson had a prescription.

I weighed the suspect substance using a digital scale and noted the weight be to approximately two grams including packaging. I took a random sample of the suspect substance and performed field test 7 for the presence of cocaine and noted the result to be inconclusive. I performed the test exactly as prescribed by the Pouch System.

I then took a random sample of the suspect substance and performed field test 10 for the presence of special opiates and noted the result to be positive for Oxycodone, Fentanyl. I performed the test exactly as prescribed by the Pouch System.

DISPOSITION OF THOMPSON

I heard Thompson complain that his lip had been split open when he was decentralized. I asked Thompson if he would be willing to allow an investigator to photograph his injuries and Thompson stated that he would. I then requested that an investigator respond for photographs.

While working in the booking room, I heard Thompson tell me that he was not going to forget that he had been decentralized and something to the effect that I would get what was coming to me. I did not ask Thompson to clarify this statement so as not to further agitate Thompson.

While I completed a probable cause affidavit, Thompson continued to be uncooperative with booking deputies and Thompson was taken to segregation. As a result, I disregarded the investigator.

DISPOSITION OF EVIDENCE

I responded to the Central Police District property room. I removed the suspect Oxycodone, Fentanyl from its packaging and placed each of these into a slide box. Both of the slide boxes were then placed into a bag, which was issued property tag 287214. The [REDACTED] pills were removed from the prescription bottle and each of these items were placed into a separate slide box, with both boxes being placed into a paper bag, which was issued property tag 287215. The red pocket knife was placed into a sharps container, which was issued property tag 287216. All of these items were then placed into Central property locker 40.

REQUEST FOR VIDEO.

I reviewed the State Street camera system. I noted that the only camera which captured any of the contact between myself and Thompson was the State and Gilman Street camera. I made a request with Catherine Van Hove of Investigative Support for a copy of this video on a disc.

NFA.
Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 4189
jmc PO JOHN W CHRISTIAN

MADISON POLICE DEPARTMENT

Report Completed: 8/25/2012

Case No: 2012-242937 Supplement

Occurred Incident: 65 - Check Person

Ref. No:

Dispatched as: 65 - Check Person

Sec/Area: 403 CENTRAL

Grid: STATELANGD

Case Offense: ARRESTED PERSON / DISORDERLY CONDUCT / MENACING PANHANDLING

Addr of Occurrence: 520 State St

Call Date/Time: 08/25/2012 15:48

From Date/Time:

Dispatch Date/Time: 08/25/2012 15:48

Thru Date/Time:

Reporting Officer: PO MATTHEW KENNY 3338

Report sent:

Special Routing:

SUSPECT BRET P THOMPSON
M/B DOB: [REDACTED] (53 yrs)
HOW ID'D: JAIL RECORDS
STATUS: ARRESTED

*ARRESTED

CONTACT KIM AUFDERHAAR
F/W
EMPLOYER: DANE COUNTY JAIL

OFFICER NARRATIVE:

On August 25, 2012, at 3:48 p.m., I heard Officer Christian state he was out with one subject on State St at the intersection with Gilman. Upon my arrival, he did ask me to stand by this individual whom he identified as Bret Thompson. Officer Christian did inform me that Thompson has been violent in the past and has been known to carry weapons, specifically knives.

I did stand by with Thompson while Officer Christian did complete the ticket for menacing panhandling. Thompson was belligerent with me and kept swearing in my presence even after I instructed him not to. He kept repeating that this was "fucking bullshit." This was a busy Saturday on State St with many pedestrians, including families moving students in. I instructed Thompson not to swear as loudly as he was. I told him that if he needed to talk to me that we could talk; however, I told him that he did not need to continue to yell profanity. Thompson then, after swearing at me again, stated he did not wish to talk to me.

I did observe Officer Christian issue the ticket to Thompson. Thompson, at first, tried to grab the ticket and walk away from us, however he did stop when Officer Christian instructed him to do so. Thompson did walk away with his ticket after he was told he was free to go; however, I observed that as he crossed Gilman he began to tear the ticket up into small pieces, some of which he threw on the ground. Officer Christian stated that it was his intention to re-contact Thompson, and he began to follow him on foot. I did go to my squad car and did drive to intersect Thompson where he was standing on the sidewalk on the other side of Gilman on State St. As I exited my squad car, I did see Thompson who appeared to be in a bladed stance and was raising his hands to his chest level. It did appear to me that Thompson was preparing to fight with us. I heard Officer Christian request additional units and I did draw my department-issued electronic control device and did point it at Thompson. At the same time, Officer Christian did order Thompson to place his hands behind his back and Officer Christian began handcuffing Thompson. As soon as Thompson was in handcuffs, I did re-holster my electronic control device.

Throughout this, Thompson was yelling, in a loud, penetrating voice, "You are fucking bitches and hoes!" He also turned his head to face directly at Officer Christian, "You're gonna get yours someday!" This did appear to me to be a physical threat that Thompson was directing at Officer Christian.

I did place Thompson in an escort hold while Officer Christian began to search him incident to arrest. It should be noted that we placed Thompson in physical arrest 4:00 p.m. I was holding onto his right arm and I did feel resistive tension throughout his arm. His muscles were very tight. He continued to yell and scream profanity at Officer Christian and me. I told him to be quiet and he disregarded this. I did switch sides with Officer Christian and I now had an escort hold on his left arm. His left arm was very tight and all muscles were tense. At this point, Thompson began to shift around and became more verbally aggressive and began to yell and scream profanity at us. I did transition to a pain compliant hold, holding onto his left hand but not putting any pressure on it. However, I did feel him suddenly pull away from me and at the same time Officer Christian gave him the command to "stop resisting." We did pin Thompson down against the hood of my squad car. I did maintain an escort hold on his left arm and continued to tell him to relax and to not resist us. Thompson did attempt to buck off the top of the hood of the squad car and I did press his left shoulder down on the squad car while maintaining an escort hold on his left arm and left hand. I again continued to tell him to stop resisting and that we would let him up as soon as he relaxed.

We did secure Thompson in the back of my squad car. I did turn the camera on for the transport to the Dane County Jail. At the Dane County Jail, Thompson refused to cooperate with the booking process.

At the Dane County Jail, Thompson alleged that his lower lip was "split" from contact with the hood of the car. I did look at his upper and lower lip; I did not see any signs of injury.

At the Dane County Jail, I did assist Officer Christian by taking a prescription bottle of [REDACTED]. This [REDACTED] was prescribed to Thompson. However, there was some white powder and plastic packaging material that was also in the prescription pill bottle. In my presence, Thompson stated that he needs to take his pills in "powder." I did take the pill bottle and showed it to the Dane County Jail nurse who was on-duty at the time. This was Registered Nurse Kim Aufderhaar.

Aufderhaar stated that [REDACTED] was a "non-narcotic." She stated that it was used to [REDACTED]. I specifically asked her whether it was possible this was a generic form of oxycodone and she stated it was not narcotic. She also stated that she had ever heard of anyone needing to take a powder form of a medication that was originally prescribed to them as a tablet.

For further information regarding this, please see Officer Christian's report.

NFA/cmb

Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 3338
PO MATTHEW KENNY

MADISON POLICE DEPARTMENT

Report Completed: 9/19/2012 Case No: 2012-242937 Supplement
 Occurred Incident: 23 - Drug Incident Ref. No:
 Dispatched as: 23 - Drug Incident Sec/Area: 403 CENTRAL
 Grid: STATELANGD

Case Offense: ARRESTED PERSON/PANHANDLING
 Addr of Occurrence: 520 State St
 Call Date/Time: 08/25/2012 15:48 From Date/Time:
 Dispatch Date/Time: 08/25/2012 15:48 Thru Date/Time:
 Reporting Officer: PO JOHN W CHRISTIAN 4189 Report sent:
 Special Routing: SELF

SUSPECT BRET P THOMPSON
 M/B DOB: [REDACTED] (53 yrs) Height: 5'07" Weight: 130
 HairColor: BRO EyeColor: BRO

PROPERTY INFO:

Status Code	Tag #	Lkr #	Description	Brand	Model	Serial No.	Est Value	Rec Value
E	287675	40	State Street video					

OFFICER NARRATIVE:

On 9/1/12 I was working as 2D50 from 12:00 pm to 8:00 pm. I was dressed in full MPD military-style uniform, driving a fully marked City of Madison Police Department squad car, acting in my official capacity as a City of Madison police officer.

At approximately 12:00 pm, I located a copy of the video which I had previously requested from Investigative Support from the State Street cameras. I took the video to the Central Police District Property Intake Room where it was property tagged under Tag 287675 and placed in Central Police District Locker No. 40.

Please see the original case report for further information.

NFA/lmc

Supervisory Officer: _____ I.D.: _____

Reporting Officer: PO JOHN W CHRISTIAN I.D.: 4189



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:32
Login ID: pdktg
Case Number: 2012-00294523

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2012-00294523
Location: 441 N FRANCES ST
MADISON, WI 53703
Reporting Officer ID: 3338 - KENNY

Incident Type: Conveyance-Protective Custody
Occurred From: 10/14/2012 02:29
Occurred Thru: 10/14/2012 02:29
Disposition: Arrest
Disposition Date: 10/14/2012
Reported Date: 10/14/2012 02:29 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	WI0130100	90Z	5.06(2)	RESIST-OBSTRUCT	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Protective Custody	1	[REDACTED]	[REDACTED] S 18TH AVE WEST BEND, WI 53095	[REDACTED]	White	Male	[REDACTED] 23

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000123027 A	[REDACTED]	[REDACTED] N FRANCES ST MADISON, WI 53703	10/14/2012 00:00	Summoned/Cited	23

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 10/14/2012 Case No: 2012-294523 Field
 Ref. No:
 Occurred Incident: 91 - Pc Conveyance/Commitment (Chapter 51) Sec/Area: 403 CENTRAL
 Dispatched as: 95 - Adult Arrest Grid: STATELANGD

Case Offense: ARRESTED PERSON/RESISTING/PROTECTIVE CUSTODY
 Addr of Occurrence: 441 N Frances St
 Call Date/Time: 10/14/2012 02:29 From Date/Time:
 Dispatch Date/Time: 10/14/2012 02:29 Thru Date/Time:
 Reporting Officer: PO MATTHEW KENNY 3338 Report sent: 10/14/12 3:36 PM
 Special Routing:

SUSPECT [REDACTED] *ARRESTED
 M/W DOB: [REDACTED] (23 yrs) Height: 6'04" Weight: 210
 HairColor: Brown EyeColor: Green
 [REDACTED] S 18TH AV WEST BEND WI 53095

HOW ID'D: WIID
 STATUS: Detox
 ARRESTED: 10/14/2012 at 2:40 AM
 OFFENSE #1: RESIST-OBSTRUCT (CITATION MODULE), CITY ORD 5.06(2)

ATTACHED

Protective Custody Commitment report
 Citation A106210

OFFICER NARRATIVE

On 10/14/12 I was assigned downtown working as a mounted patrol officer. I was dressed in a full mounted patrol uniform and was riding Police Horse Luna. Luna was wearing her full City of Madison Police Saddle and Tack, which is clearly marked with Madison Police patches and police decal. Officer Cherne was also wearing full Madison Police mounted patrol uniform and her Police Horse Jack was wearing his full City of Madison Police saddle and tack.

At approximately 2:30 am, we were in the 500 block of State St. monitoring the crowd just outside of Whiskey Jack's bar. A woman walked across the street to us and told me that she believed she saw someone who was lying full length on the ground in the University Inn parking lot. I did walk across the street and did see partly in the shadow of a vehicle a male white who was lying face up stretched full length on the ground in the parking lot. Officer Cherne and I did ride around the block to N Frances St. to where we could enter the University Inn parking lot. I did inform Dispatch of the situation and our location. I did illuminate the subject who was later identified as [REDACTED] with my flashlight. I did not see any signs of injury or blood on him. I did loudly announce myself as a Madison police officer and by name, however [REDACTED] was unresponsive. I did dismount from Police Horse Luna and did approach [REDACTED] on foot. I did shake his shoulder and did not get any response. As I was crouched next to his right shoulder, I did note the strong odor of intoxicants. I also noted that [REDACTED] was very wet. He was lying on the pavement in the rain and was not responsive to verbal or light physical stimulus when I shook his shoulder.

I did use a single knuckle to briskly rub his sternum. The first time I did this I got a low moan and [REDACTED] moved his upper torso.

I did again briskly rub one knuckle up and down his sternum and this time [REDACTED] regained consciousness. I identified myself by name as a Madison police officer. I did see [REDACTED] eyes open

and I did ask him if he was injured. I did not receive any response. I asked him what his name was and he stated, [REDACTED] I did ask him to sit up and I assisted him into a seated position.

I could now see that [REDACTED] was taller than I approximately 6'2" or 6'4" and had a very muscular build. It did appear to me that [REDACTED] was becoming more aware of his surroundings and was able to keep sitting up without assistance. I did intend to assist him to a kneeling position and then to his feet. As I was putting a hand on his shoulder in order to do this, [REDACTED] turned towards me and with a very flat stare and affect raised his right arm and asked if I could see his right arm. I stated that I could. He then stated clearly, "This is the arm that's going to clock you." [REDACTED] then turned his upper torso towards me and cocked his right arm bringing his elbow back as if he were prepared to throw a punch. I had a hand on the back of his right shoulder and I could feel the muscles there tense.

I did grasp his right wrist in my right hand and grasped his right shoulder with my left hand. I then decentralized him from his partially seated kneeling position straight forward onto the ground so he was now face down on the ground. I then brought his right arm back behind his back into a handcuffing position. I did maintain a compliance hold on his right arm. I could feel the resistive tension in his right arm and [REDACTED] attempted to raise his torso up off the ground and was kicking his body forward by using his legs. I told him not to move however he continued to do this. I then put pressure on the compliance hold and told him not to move. [REDACTED] continued to thrash his upper torso. Officer Cherne meanwhile had regained control of his left arm and brought it behind his back. I did place him in handcuffs and again told him not to move.

I did ask [REDACTED] if he knew I was a police officer. [REDACTED] replied that he did know I was a police officer. I did inform [REDACTED] that he was under arrest and requested an additional unit to respond to our location. Officer Nate Lujan did respond to our location. I did assist [REDACTED] to his feet once Officer Lujan was on scene. I did note at this time that [REDACTED] had a small dime-sized abrasion just above his right eyebrow. I did request the City of Madison Fire/Rescue unit to respond to our location as well. Officer Lujan and I did escort [REDACTED] to his squad car. I did search his person incident to arrest prior to securing him into the squad car.

Madison Fire/Rescue Medic 1 did respond to our location. The paramedics did assess [REDACTED] at the scene. They determined that he was cleared to either go to the Dane County Jail or to Tellurian Detox facility. I did ask the paramedics specifically if the abrasion was significant enough to need stitches and they stated it was not and that it was a minor abrasion.

I did brief Sgt. Krahn over the phone as the nature of the call and what had occurred.

Due to [REDACTED] level of intoxication, I did decide to issue him a citation for municipal resisting a peace officer and then have him transported to the Tellurian Detox facility. I did issue him his copy of the citation with my name and the case number on it. I did complete the protective custody paperwork and handed [REDACTED] and the paperwork off to Officer Nate Lujan.

Officer Nate Lujan later informed me that [REDACTED] was transported to the Tellurian Detox facility without incident and that his BAC there was .21.

NFA
PO Kenny 3338

jak

MADISON POLICE DEPARTMENT

Report Completed: 10/30/2012	Case No: 2012-294523 Supplement
Occurred Incident: 95 - Adult Arrest	Ref. No:
Dispatched as: 91 - Commitment/Pc	Sec/Area: 403 CENTRAL
	Grid: STATELANGD
Case Offense: ARRESTED PERSON/RESISTING	
Addr of Occurrence: 441 N Frances St	
Call Date/Time: 10/14/2012 02:29	From Date/Time:
Dispatch Date/Time: 10/14/2012 02:29	Thru Date/Time:
Reporting Officer: PO KATHRYN A CHERNE 3222	Report sent:
Special Routing:	

SUSPECT

[REDACTED]
M/W DOE [REDACTED] (23 yrs)

COMMENT: PLEASE SEE OFFICER MATT KENNY'S ORIGINAL REPORT FOR FURTHER INFORMATION

OFFICER INFORMATION

I was dressed in Madison Police Department Mounted Patrol officer uniform and my horse was wearing patrol horse uniform as well.

OFFICER NARRATIVE

On 10/14/12 at approximately 2:30 am, Officer Matt Kenny and I were on routine mounted horse patrol in the 500 block of State St. when we were approached by several females who indicated that a male had passed out in a parking lot behind the University Inn at 441 N Frances St. Officer Kenny and I responded on our mounts and did observe a white male later identified as [REDACTED] laying on his back on the ground in the back of the parking lot area. Officer Kenny dismounted from his horse to attend to [REDACTED]. As I was standing by, I heard [REDACTED] say something to Officer Kenny like, "Do you see that arm, that is the arm that's going to kick your ass." At this point I immediately dismounted to assist Officer Kenny as I believed [REDACTED] was going to physically fight him at this point. I got onto [REDACTED] left side while Officer Kenny was able to direct him to his chest. I yelled at [REDACTED] to "stop resisting" and "don't threaten us." I took hold of [REDACTED] left arm and attempted to direct it behind his back. I did feel [REDACTED] arm flexing against me for several moments and I did grasp his left hand with my right hand across the back of it and placed my left hand on his left forearm to direct it so it was bent behind his back and his wrist would be near his lower back area so it could be handcuffed. I readjusted where I was positioned once his arm was there and placed my left knee and thigh against his left bicep area pinning his arm to his side so he could not pull his arm out and away from his back if he continued to resist. I then placed both my hands on the back of his left hand to bend his wrists in case he were to try to physically pull away from me again. At this point I did feel [REDACTED] had stopped trying to pull his arm away from me so I held it in place but did not apply a lot of pressure with my hands. At this point Officer Kenny was able to handcuff him.

I assisted Officer Kenny completing the appropriate paperwork for [REDACTED] disposition. Please see Officer Kenny's report for further information.

NFA
PO Cherne 3222

jak



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:33
Login ID: pdktg
Case Number: 2013-00139952

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2013-00139952
Location: [REDACTED] DRAKE ST
MADISON, WI 53715
Reporting Officer ID: 4968 - HENDERSON

Incident Type: Animal Complaint
Occurred From: 05/15/2013 18:43
Occurred Thru: 05/15/2013 18:46
Disposition:
Disposition Date:
Reported Date: 05/15/2013 18:43 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	Beye, Karen A	[REDACTED] DRAKE ST MADISON, WI 53715	[REDACTED]	White	Female	[REDACTED] 26

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 06-05-13 **Case No:** 2013-139952 Original
Case Offense: **Animal Complaint** **Ref. No:**
Reporting Officer: PO RYAN HENDERSON 4968
Special Routing: Sgt Will Quast

On 05-15-13, I was dispatched to [REDACTED] Drake St ref an injured raccoon. I noted in the call notes that the complainant's dog had attacked a raccoon, and the dog was fine, but the raccoon was lying injured in the driveway.

I arrived on scene and contacted the complainant, verbally identified as Karen Beye, who directed me to the raccoon that was lying in her cement driveway with its back to the cement stone wall of her home, next to a utility meter. Beye advised she is a veterinary student, who will be moving shortly to Colorado to pursue a career in veterinary medicine, and noted she wished for the brain of the raccoon to remain intact so she could place the raccoon in her refrigerator and then subsequently mail it to some sort of facility who could test the brain matter of deceased raccoons for the rabies virus.

I advised Sgt Chalecki of my situation, and Officer Adam Kneubuhler was sent to my location with a catch pole. Officer Matt Kenny was also on scene and Sgt Quast arrived a short time later to oversee the operation. With Sgt Quast's approval, PO Matt Kenny dispatched the raccoon with a less lethal shot gun. See Officer Kenny's report for further details on this. The raccoon, successfully dispatched, was placed into a trash bag by Beye, who was wearing several pairs of gloves and removed from the scene. I asked Beye if she had any questions for me prior to me leaving, and she did not. I asked Beye if she needed any further police assistance, and she informed me she did not. I left the scene without incident.

NFA/PO R. Henderson 4968/mak

MADISON POLICE DEPARTMENT

Report Completed: 06/05/2013
Case Offense: Animal Complaint
Reporting Officer: PO MATTHEW KENNY 3338
Special Routing: TRAINING

Case No: 2013-139952 Supplement
Ref. No:

NARRATIVE:

On 5/15/2013, I was working as 3D1 in the Central District. I had with me shotgun #14 that I checked out of the Central armory.

At 6:46 PM, I did assist PO Ryan Henderson at [REDACTED] Drake St with an injured raccoon. This raccoon had mauled or scratched, possibly, the dog that belonged to the resident at [REDACTED] Drake St. The resident at Drake St was very concerned about possible rabies contamination.

I did note that the raccoon was next to the water meter, up against a fieldstone foundation of the residence. The driveway was backed up against two other structures which had narrow alleyways leading off away from the raccoon's location. I was concerned that there was too many ways the raccoon could escape from the area. We did try to approach the raccoon, and it did attempt to scurry away. We immediately backed away, and it remained huddled against the foundation. PO Henderson did request a catch pole to be summoned to our location. He had earlier found out that there was no ACO on duty.

The driveway was cement and asphalt and the foundation of the house was fieldstone. I was concerned that if we attempted to dispatch the raccoon with a firearm, there would be too much of a chance of a ricochet. If we used the catch pole, I was concerned that the raccoon might escape down one of the narrow alleyways. I did get Sgt Quast on a separate channel and requested his permission to use the less-lethal shotgun to dispatch the raccoon. Sgt Quast responded that he would be on scene very shortly.

The resident at [REDACTED] Drake St had requested that we leave the head of the raccoon intact for rabies testing. I was confident that I could crush the raccoon's chest with a less-lethal shotgun round while not having to worry about a ricochet against the fieldstone foundation. Sgt Quast did agree to this plan, and as a backup he did ready the catch pole.

I did collect the shotgun from case #14 in the back of my squad car. I did position myself approximately 8 ft from the raccoon, which was as close as I could get before it looked like it was going to attempt to run. I did discharge one beanbag round into its torso area, and as it attempted to move, I could not tell whether that was postmortem or not. I did discharge a second beanbag round into its torso, and it ceased movement.

We did verify that the raccoon was deceased, and then I secured the shotgun in the back of the squad car. I did collect the two spent beanbag rounds and secured them in an evidence bag, also placing them in the trunk of my squad car. I did later contact Sgt Kane and asked her if she believed it was necessary to property tag the spent shotgun less-lethal beanbag rounds. Sgt Kane stated it was not necessary to property tag the two spent beanbag rounds. I did dispose of them in the trash at the basement of the City-County Building.

NFA/ace

PO KENNY 3338



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:33
Login ID: pdktg
Case Number: 2013-00278516

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2013-00278516
Location: 14 N CARROLL ST
MADISON, WI 53703
Reporting Officer ID: 3338 - KENNY

Incident Type: Disorderly Conduct
Occurred From: 09/05/2013 19:02
Occurred Thru: 09/05/2013 19:02
Disposition: Arrest
Disposition Date: 09/05/2013
Reported Date: 09/05/2013 19:02 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	90C	947.01 DC	DISORDERLY CONDUCT	1
2	State	90Z	946.41(1)	RESISTING/OBSTRUCTING AN OFFICER	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	Williams, Debbie	[REDACTED] E WASHINGTON AVE MADISON, WI 53703	[REDACTED]	Unknown	Female	[REDACTED] 46
Suspect	1	Hatch, Hermin M	[REDACTED] MARTIN ST Madison, WI 53713	[REDACTED]	Black	Male	[REDACTED] 66
Suspect	2	Moller, David J	[REDACTED] NORTHPORT DR Madison, City of, WI	[REDACTED]	White	Male	[REDACTED] 53
Victim	1	Celeketic, Michael	[REDACTED] W WASHINGTON AVE MADISON, WI 53703	[REDACTED]	White	Male	[REDACTED] 35

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
7496 A	Hatch, Hermin M	14 N CARROLL ST MADISON, WI 53703	09/05/2013 19:05	On-View Arrest	66
7497 A	Moller, David J	10 N CARROLL ST MADISON, WI 53703	09/05/2013 19:05	On-View Arrest	53

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
09/05/2013	Safekeeping	Other			Blue and black shoul- der bag with personal items	308989	1
09/05/2013	Safekeeping	Other			Black duffel bag with small backpack and other personal items inside	308992	1

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
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Case Report Summary

Madison Police Department
Official Case Report

Do Not Re-Release

Print Date/Time: 03/19/2015 14:33

Login ID: pdktg

Case Number: 2013-00278516

*MADISON POLICE DEPARTMENT

ORI Number:

WI0130100

Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Case No: 2013-278516 Original

Ref. No:

Report Completed: 09/06/2013

Case Offense: **DISTURBANCE**

Reporting Officer: PO MATTHEW KENNY 3338

Special Routing:

OFFICER NARRATIVE

PROPERTY

Status Code	Tag #	Lkr #	Description
S	308989	Central Property room floor	Blue and Black small handbag
S	308992	Central Property room floor	Black duffel bag

ATTACHMENTS

Prisoner Property Safekeeping Agreements (x2)
 Madison Police Department Use of Force Report

RESISTING OBSTRUCT INFORMATION

On September, 5, 2013, I was dressed in full military style uniform and operating marked squad car C512.

OFFICER NARRATIVE

On September 5, 2013, I was working as 3D8 patrol in the downtown area. I had just checked the area of the Philosopher's Stone and had turned onto Carroll St on the square from State St. My windows were down partway in the squad car, and I heard angry shouting on this block. I looked for the source of these angry shouts, and I saw two subjects who appeared to be in a heated argument on the Capitol Square sidewalk directly across from the Grace Episcopal Church.

At 7:02pm, according to the dispatch call notes, I informed a Dispatcher over the radio that I was observing a heated argument between two male subjects who looked like they were about to fight. One subject was a tall white male later identified as **David Moller**. The other was a shorter black male later identified as **Hermin Hatch**. A woman, later identified as **Debie Williams**, appeared to be with the group as well.

I parked the squad car next to the bus station adjacent to the Grace Episcopal Church. I walked across the street, and as I did so, I could clearly hear Hatch and Moller swearing at each other and yelling. There were several groups on the capital engaged in various activities as well as people out strolling in the area.

As I had just reached the edge of the sidewalk, I saw Moller push Hatch, causing Hatch to fall to the ground. Hatch immediately got to his feet, and I informed Dispatch that the fight was now a physical one.

CONTACT ON SCENE AND DETENTION OF MOLLER AND HATCH

I identified myself as a Madison police officer and instructed both men to step back. They turned their attention toward me, and I immediately placed Moller in handcuffs. As I was handcuffing Moller, Hatch began to walk toward me. I instructed him to stay back. Hatch did take a few steps back, but then he took several steps forward again. I again instructed Hatch to stay back. I also instructed Williams to stay back.

I instructed Moller to sit down on the ground, and I directed him down to the ground by pushing down on his shoulders. Moller did comply with this. I believed that Hatch was going to aggress on me, so I stepped toward him and began to go for one of his arms in an escort hold. As I was stepping forward to do so, Hatch brought his right arm up and swung his right fist at me in a roundhouse punch. Instead of trying to get a grip on his arm, I grasped his upper shoulders and back and pulled him toward me, delivering a knee strike to his upper torso. I then decentralized him with a push-pull decentralization technique.

I directed Hatch down to the sidewalk and noted that he had his arms underneath his torso. Moller was yelling that Hatch had pulled a knife on him, and I was concerned that Hatch was reaching for a knife concealed in his waist. I grasped his left arm and pulled it out from under him and then brought his left arm up behind his back in a compliance hold. I directed him to bring his right arm around to his back and Hatch did not comply with this.

I was pinning Hatch down to the ground with my left knee across his shoulder blades. I put pressure on his left arm and again told him to stop resisting and to bring his right arm around to the small of his back. I maintained my grip on his left arm and grasped his right arm and directed it to his back. This time, Hatch did comply.

I was joined at this point by Officer Rivera. Officer Rivera supplied me with a second pair of handcuffs, and I handcuffed Hatch while maintaining control of him on the ground. Officer Rivera did detain Debie Williams as she continued to disregard us when we instructed her to stay back while I was struggling with Hermin Hatch.

We were joined by Sgt Patton and Officer John Christian. I did assist Hermin Hatch to his feet, and I did search him incident to arrest. I found a small rusted red pocket knife in his right front pocket. I did not find any other knives on his person. I did turn Hatch over to Officer Christian and then went to contact David Moller.

MOLLER'S STATEMENT

Sgt Patton had been standing by with Moller. Sgt Patton had also double locked the handcuffs which I had put on earlier. At 7:15pm, I did inform Moller of his constitutional rights by reading verbatim from my department issued Miranda warning card. I asked him to tell me what had happened.

Moller stated that he had been sitting on the bench, on the sidewalk, across from Grace Episcopal Church, waiting for the men's shelter to open. He stated that Hermin Hatch had walked up to the bench. Moller stated that he had never met Hatch before and did not know his name. Throughout my conversation with Moller, he referred to Hermin Hatch as "that black man."

Moller stated that Hatch told him that he could not sit on the bench. Moller stated that they began to argue about this and that Moller said, "He pulled a knife on me." I asked Moller what the knife looked like, and he described it as a fixed blade knife with a black handle and approximately a 2 to 3 inch blade. Moller continued, stating, "He swung at me with the knife and then I backed up then, then I pushed him down." Moller insisted that he had been acting in self defense.

I asked him if he knew where the knife was now, and he stated that he did not know. Officer Rivera did check the area without finding a knife. When I had been walking up to the two, I had not seen Hatch holding a knife. We did check the area of where we had been struggling to see if it had been tossed or fallen to the ground without finding a knife matching the description that Moller provided.

Moller was upset that he was in handcuffs, and he kept saying, "I was just protecting myself. Nobody can tell me where to sit." I asked escorted Moller to Officer Rivera's squad car and did secure him in the back after a search incident to arrest.

WILLIAMS'S STATEMENT

I next spoke to Debie Williams. I did remove the handcuffs from Williams and told her that she was not under arrest, that she had only been placed in handcuffs because she had not been following instructions while we were still attempting to secure the scene. Williams stated that she understood. I then asked her if she could tell me from her perspective what happened.

Williams referred to Moller as "the white guy," and she referred to Hatch as "the black guy." Williams stated that Hatch and Moller had been engaged in a verbal argument, and "the white guy started the argument, and the black guy, he was just trying to defend himself." Williams stated that she did not know what had precipitated the argument. Williams stated that she had never seen David Moller before; however, she stated that she was a friend of Hermin Hatch. I asked specifically what the relationship was, and she stated that she was a friend of Hermin Hatch and had known him for approximately three months. When I asked her what Hermin Hatch's name was, she stated, "I don't know."

Williams did smell of intoxicants. I asked her how much alcohol she had had today, and she stated that she had had three Margaritas at Pedro's. Williams pointed out a small shoulder bag with a red windbreaker that she said belonged to Hatch. I did open it and found some personal items but also a blue water bottle which, when opened, smelled of beer which I dumped.

HATCH'S STATEMENT

I next interviewed Hermin Hatch. Hatch was seated in Officer Christian's squad car with his legs resting outside on the pavement. I asked Hatch if he was hurt or injured, and Hatch shook his head, saying, "No." I informed Hatch of his constitutional rights by reading verbatim from my department issued Miranda warning card. I then asked him to tell me what happened.

Hatch stated that he was "trying to talk to the lady." I asked if he mean Debie Williams, and Hatch stated that he did. Hatch then continued, stating that he felt he needed privacy to talk to Williams, so he walked over to Moller, and "I asked him to give us some privacy." Hatch stated that Moller began yelling at him and then, "he knocked me over."

Hatch was unable to say whether Moller had punched him or pushed him. Hatch stated that he had fallen to the sidewalk from this punch or push. Hatch stated that he had not given Moller

consent to do this and that he had felt pain when he fell to the sidewalk; however, Hatch stated that he did not want Moller arrested and would not pursue a complaint regarding this.

I asked Hatch if he had another knife other than the small pocket knife with the red handle. He stated he did not. I asked him what he carried the knife for. Hatch stated that he mostly used it to open bottles. I did attempt to open the main blade of the pocket knife and discovered that it was so rusted that it took considerable force to open the blade.

I asked Hatch if he realized that I was a City of Madison police officer. Hatch stated that he did know that I was a City of Madison police officer. I asked him why he had not stayed back when I had instructed him to do so. Hatch was unable to say why. I asked him why he had swung a fist at me. Hatch stated that he had not realized at that time that I was a police officer. I asked him what he had been thinking, and he said, "I thought you just ran up on me."

Hatch did smell of intoxicants, and I asked him how much alcohol he had had to drink. He stated that he had shared half a pint of vodka with Williams.

ARREST AND TRANSPORT OF MOLLER AND HATCH

While I was interviewing Moller, Hatch, and Williams, Officer Rivera was speaking with Michael Celeketic. Officer Rivera informed me that Celeketic had been disturbed by Moller and Hatch's behavior.

I did transport Moller and Hatch with Officer Rivera to the Dane County Jail. I did discuss charging decisions with the Officer in Charge, Sgt Matt Schroedl. I did charge Moller with one count of **disorderly conduct** for instigating the physical fight with Hermin Hatch and one count of **disorderly conduct** for creating the disturbance that had disturbed Michael Celeketic. I did charge Hermin Hatch with one count of **disorderly conduct** for the behavior that had disturbed Celeketic and one count of **resisting**.

At the Dane County Jail, I did provide Hermin Hatch and David Moller with Madison Police Department Prisoner Property Safe Keeping Agreement forms. I did explain that their bags would be at the property room.

After Hatch and Moller were booked in the Dane County Jail, I did property tag their belongings and then I completed the arrest report.

NFA
PO KENNY 3338
kmc

MADISON POLICE DEPARTMENT

Report Completed: 09/10/2013
Case Offense: DISTURBANCE
Reporting Officer: PO HECTOR RIVERA 5073
Special Routing: SGT. PATTON

Case No: 2013-278516 Supplement
Ref. No:

OFFICER NARRATIVE

(inaudible) He would be involved in an active physical altercation with several subjects. I responded with lights and siren. (inaudible) Sitting on his knees and handcuffed behind his back. I observed a second subject who PO Kenny had on the ground, face down, and appeared to be getting ready to ground-cuff the subject. I observed a third subject, a Hispanic female who was shouting something at PO Kenny and walking towards him, approximately 5-10 feet away from PO Kenny. I assisted PO Kenny and moved the female subject, who I later identified as Debbie Williams, and identified Williams fully later. In addition, I observed another white male subject standing in the area who I later identified as Michael Celeketic.

PO Kenny advised that he needed a second set of handcuffs which I provided to him in order to handcuff his subject he had on the ground. During my contact with Williams, I could tell she was intoxicated by the odor of intoxicants emanating from her. In addition, Williams was being loud and continually attempting to approach PO Kenny. Williams was not following my instructions and I decided to place handcuffs on Williams in order to detain her. I checked the handcuffs and double locked them for Williams' safety.

Sgt. Patton and PO Christian also arrived in order to assist. I had Sgt. Patton stand by with Williams while I contacted Celeketic.

I spoke with Celeketic who told me he was walking southbound, uphill, on Carroll St. Celeketic told me he observed the white male subject push the black male subject to the ground. Celeketic told me the white male had started the altercation. Celeketic stated both the white male and the black male were yelling and screaming profanities at each other prior to police arrival. Celeketic stated once police arrived he observed the black male lunge at PO Kenny. Celeketic stated he heard PO Kenny state, "Where's the knife." Based on the type of movement that Celeketic saw from the black male subject towards PO Kenny, Celeketic believed the black male had a knife somewhere on his person. Celeketic told me that he was disturbed by the incident and more so by the type of behavior the black male displayed towards PO Kenny. I thanked Celeketic for his information and released him.

I re-contacted Williams and conducted a detox evaluation of Williams. I determined Williams was intoxicated but not incapacitated. Williams knew where she was, the day, the date, and the approximate time. Williams told me she had "a shot." During my contact with Williams, she was extremely unsteady on her feet, was slurring her words, and her eyes were bloodshot and watery. Williams was later released without incident.

NFA/srs

PO H. RIVERA 5073

PO RIVERA - SUPP

MADISON POLICE DEPARTMENT

Case No: 2013-278516 Supplement

Report Completed: 09-25-13

Ref. No:

Case Offense: Suspicious Person

Reporting Officer: PO HECTOR RIVERA 5073

Special Routing:

My original dictated report had some inaudible audio when it was being typed.

The first inaudible notation should read:

On 09/0513 at approximately 7:03pm I heard PO Kenny advise over the radio that he was observing a physical altercation near N. Carroll St. and W. Mifflin St. PO Kenny advised he would be involved in the active altercation with several subjects.

The second inaudible notation should read:

I arrived and observed PO Kenny had one subject detained. The subject was sitting on his knees and handcuffed behind his back.

No further action at this time.

PO Hector Rivera #5073



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:34
Login ID: pdktg
Case Number: 2013-00289372

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2013-00289372
Location: 1101 E WASHINGTON AVE
MADISON, WI 53703
Reporting Officer ID: 3338 - KENNY

Incident Type: Battery-Agg/Substantial
Occurred From: 09/14/2013 20:14
Occurred Thru: 09/14/2013 20:16
Disposition: eReferral - Sent
Disposition Date: 09/15/2013
Reported Date: 09/14/2013 20:14 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13A	940.19(2)	SUBSTANTIAL BATTERY/AGGRAVATED/INTEND BODILY HARM	1
2	State	90C	947.01 DC	DISORDERLY CONDUCT	1
3	State	13A	940.20(2)	BATTERY TO LAW OFFICERS/FIRE FIREFIGHTERS-AGGRAVATED	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	Williams, Lucy M	[REDACTED] HIGHCLIFF TRL MADISON, WI 53718	[REDACTED]	White	Female	[REDACTED] 53
Contact	2	Olson, Chris	[REDACTED]	[REDACTED]	White	Male	[REDACTED]
Contact	3	Hollins, Robert Earl	[REDACTED] RUSKIN ST 1 MADISON, WI 53704	[REDACTED]	Black	Male	[REDACTED] 47
Suspect	1	Crawford, Tommy Lee	[REDACTED] VERNON AVE 1 MADISON, WI 53714	[REDACTED]	Black	Male	[REDACTED] 53
Victim	1	Baker, Ethan L	[REDACTED] BRIDGE RD MADISON, WI 53713	[REDACTED]	White	Male	[REDACTED] 44
Victim	3	Boyd, Randy L	[REDACTED] E WASHINGTON AVE MADISON, WI 53703	[REDACTED]	White	Male	[REDACTED] 61
Victim	4	Kenny, Matthew M	[REDACTED] 211 S CARROLL ST MADISON, WI 53703	[REDACTED]	White	Male	[REDACTED] 44

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
7832 A	Crawford, Tommy Lee	[REDACTED] E WASHINGTON AVE MADISON, WI 53703	09/15/2013 00:00	On-View Arrest	53

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
11/21/2013	Evidence	Documents			Randy Boyd's medical records	314054	1
09/20/2013	Evidence	CD/DVD/Tapes/Di scs			DVD containing Metro video clips	310087	1
09/20/2013	Evidence	CD/DVD/Tapes/Di scs			CD-R disc containing photographs of victim's injuries	310086	1
09/17/2013	Evidence	CD/DVD/Tapes/Di scs			DVD of Metro surveillance recording from bus 965	309888	1



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/19/2015 14:34
Login ID: pdktg
Case Number: 2013-00289372

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

PO KENNY - BATTERY-SUBSTANTIAL**MADISON POLICE DEPARTMENT**

Report Completed: 09/15/2013
Case Offense: BATTERY - SUBSTANTIAL
Reporting Officer: PO MATT KENNY 3338
Special Routing: SELF

Case No: 2013-289372 Original
Ref. No:

RESIST/OBSTRUCT

On September 14, 2013, I was working in patrol as 3D8. I was wearing full military style uniform and operating marked squad C520.

OFFICER NARRATIVE

On September 14, 2013, at 8:16pm, I was dispatched to 1101 E Washington Ave for a report that a Madison Metro driver had been assaulted by one of the passenger's. I was informed, while en route to this location, that the suspect was still in the area of the bus which had stopped on E Washington Ave, next to the Madison Metro Depot.

Upon my arrival, I was contacted by the Madison Metro driver, Ethan L. Baker. Baker was the driver of Madison Metro bus #965 which was the bus where the incident had taken place. Baker stated that the suspect had fled the area, going southbound on Ingersoll towards Williamson St. I began to check the area as did Sgt. Patton and PO Molly Thompson. At this point I had assumed that Baker was the Madison Metro employee who had been assaulted. After checking the area of Williamson St and Ingersoll without finding the suspect, I then returned to 1101 E Washington Ave to speak with Baker. Sgt. Patton and PO Thompson continued to check the area.

Upon my arrival at 1101 E Washington Ave, I learned that the person who had been assaulted was Madison Metro employee Randy Boyd. Boyd was the Madison Metro dispatcher. Boyd was being treated by Paramedics from Madison Fire Rescue Medic Unit 1. I did ask about the nature of his injuries and I was informed that Boyd had lost consciousness and had been struck at least once in the head. I did note that Boyd appeared to have some facial trauma, including blood. I was informed that Boyd was being transported to the Emergency Room at Meriter Hospital.

Next, I spoke with the driver, Baker. Baker described the suspect as a black man in his mid 40's to mid 50's, who was approximately 5'10" with a medium build and short hair. Baker stated that the suspect was not wearing glasses and that he was wearing what Baker believed to be a coat with a green torso and lighter colored, possibly yellow, sleeves. Baker stated that the most distinctive thing about the suspect was that he was dark in complexion; however, he had some areas on his upper lip that were very light as if from scarring or sunburn.

Baker stated that the suspect was also intoxicated. Baker stated that the suspect boarded his bus at the bus stop where State St enters the Capitol Square. Baker stated that the suspect boarded his bus at 7:50pm.

Baker stated that it was evident that the suspect had been drinking. Baker stated, "He was just loud and swearing and I remember him calling one of the young girl his 'hot chocolate'." Baker stated that the suspect was creating a disturbance through his use of profanity and loud drunken voice. Baker stated that he asked the suspect two times to lower his voice and settle

down; however, the suspect refused to do so. Baker stated that he was concerned because he could see in his rear mirror that some of his teenager passengers were moving away from the suspect. Baker stated that the suspect was also creating enough of a disturbance that it was beginning to interfere with his safe operation of the bus. Baker stated that because of these concerns, he contacted Madison Metro dispatcher and informed them that he had an intoxicated passenger on board that he would need assistance in removing.

Baker stated that he stopped at 1101 E Washington Ave and that the only dispatcher on duty came out to assist him. Baker stated that he knew the dispatcher only by his first name of Randy.

Baker stated that Randy "asked the man to leave and the man refused and then the man got up and Randy touched him on his shoulder to escort him out and the guy just turned and punches Randy, knocking him down."

I asked Baker how far away he was from Randy and the suspect and Baker stated that he had been at the front of the bus and that the suspect had been standing at the rear doors to exit the bus and that the dispatcher, Randy, had been standing just to the rear of the suspect.

I asked Baker to tell me what happened next and he stated that he saw Randy fall down to the floor inside the bus and that the suspect then exited the bus. However, Baker stated that the suspect immediately began yelling at Baker. Baker stated the suspect was yelling, "Bring your moves, come on." Baker stated that he was very disturbed by this and was afraid that he was going to be attacked next by the suspect.

Baker stated that one of the passengers yelled, "The cops are coming." Baker stated that the suspect then went around the corner on Ingersoll and began running down Ingersoll towards Williamson St. Baker stated that he attempted to contact the Madison Metro dispatch by hitting his "priority RT3 button." Then he realized that there was no one left in dispatch. Baker stated that he walked Randy to the Depot area and then returned to his bus.

Prior to Bus #965 leaving, I did request that the recording hard drive be removed from the bus so that I would be able to view the digital recording of the incident. I also requested that Baker remain at the Depot with me in case I had further questions or we needed someone to identify the suspect. Lucy Williams was the Madison Metro dispatcher who came in to cover the dispatch duties. I did ask her to put out a description of the suspect in case he boarded another bus. Williams did type a description of the suspect and sent it out to the other Madison Metro drivers. Shortly thereafter, we did hear over the Madison Metro radio that a driver believed he had the suspect on his bus at the North Transfer Point. I requested two officers to respond to the North Transfer Point. Sgt. Patton, Sgt. Gonzalez, PO Rentmeester, and PO Thompson did respond out to the North Transfer Point.

Meanwhile, I had requested an officer meet Randy Boyd, the Madison Metro dispatcher who had been battered, at Meriter Hospital ER. PO Albright met with Boyd at the hospital. I learned from PO Albright that Boyd had, in fact, lost consciousness and that he had [REDACTED] For further information regarding Boyd's injuries please see PO Albright's report.

Madison Metro Transition employee, Chris Olson, responded to download the digital files from the surveillance system for Madison Metro bus #965. At 9:40pm, Baker and I did watch the surveillance images from the camera. I observed a black man of medium height and medium build who was wearing a brown jacket with lighter colored sleeves and a ball cap. I also noted

that the suspect had a mustache and that his jacket bulged out in the front. It appeared to not be body fat; however, but as if he had a pocket full items directly in his midriff. He appeared to be wearing blue jeans.

I watched on the computer screen that the suspect was seated to the rear of the bus. It appeared that several people moved away from him as soon as he sat down. I then observed a taller white male enter the bus. This individual was holding a radio and Chris Olson and Baker identified him as Randy Boyd. There was audio recording as well and I could hear Boyd instructing the suspect to exit the bus. It was hard to make out what the suspect was saying. The suspect moved down the aisle with Boyd behind him. I observed the suspect pause at the rear door and turn and face Boyd. I then saw the suspect rapidly punch Boyd in his head twice. I observed Boyd immediately drop to the floor of the bus and remain there holding one hand to the side of his head. The suspect then exited the bus.

I was informed that officers were standing by with Tommy Lee Crawford at the North Transfer Point. I responded to their location. The North Transfer Point was well lit and I observed that Crawford was wearing a brown jacket with light tan sleeves. I noted that the jacket did tint out from Crawford's midriff. This distention appeared to be caused by a pocket in the mid-section of the jacket. He was wearing a blue ball cap and I observed that he had stubble of a mustache. He was wearing blue jeans and white tennis shoes. Crawford has some lighter complexion patches of skin that were very light that appeared to be from sunburns or some other type of burn. I noted that these light patches were on both his right and left hand and on his upper lip. Crawford was seated in one of the shelters. I identified myself by name as a Madison Police Officer. I asked him if he could tell me what had happened back on the bus on E Washington Ave. Crawford stated, "I'm guilty. I hit him, but he hit me first."

I could smell intoxicants on Crawford's breath when he spoke. I asked him if he knew the person that he had struck. He stated, "I don't know." I asked him whether this took place on the bus and he replied that it had. I asked Crawford if he remembered being asked to get off the bus and he replied, "Yeah, after I hit him. But he hit me."

I asked Crawford to point to the area where he believed he had been hit. Crawford pointed to his upper right cheek bone. I did examine the area and I did not see any signs of injury. Crawford then asked me if I was going to arrest him. Crawford stated that he had been arrested before. I instructed Crawford to stand up and he did so. I then moved to bracket his left arm and placed it in an escort hold behind him. PO Thompson was doing the same with his right arm. I then placed him in handcuffs, checking them for fit and double locking them for safety. Crawford began to ask what the charges were for. I did begin searching him incident to arrest and I did not find any contraband on his person or any weapons. As I was searching Crawford, he became more upset. I informed Crawford that I just needed to collect his property and that I was not throwing anything away.

I was now standing directly in front of Crawford and I was attempting to explain what he was being charged with and what the disposition of his property would be. Crawford suddenly struck out with his right knee. He did lean his torso forward and brought his right knee sharply up towards me. I did turn away from him and his right knee struck the outside of my left thigh, instead of striking me in the groin. I then grasped his right shoulder and arm and continued to turn my body to the right, decentralizing Crawford down to the ground. Once we were on the ground, I did maintain a grip on his right arm and transitioned to a compliance hold on his right wrist. I instructed him not to move. I was assisted in holding Crawford down on the ground by PO Thompson and PO Rentmeester. Crawford continued to push against me and I maintained

my hold on his right arm. He continued to yell and swear and I continued to instruct him to calm down. I looked over his head and face to make certain that he had not struck his head or face on the cement when I decentralized him. I did not see any signs of injury.

I requested kick-stop restraints and Sgt. Gonzalez provided a set. With PO Rentmeester's and PO Thompson's assistance, we did place Crawford in the kick-stop restraints. I did not tighten the kick-stop restraints all the way. Crawford had approximately a foot and a half distance between his heels and his buttocks. We then lifted Crawford and placed him in the back of PO Thompson's squad car.

When Crawford struck the outside of my thigh with his knee, I did feel pain from the blow and I had not given Crawford consent to strike me. Crawford knew that I was a Law Enforcement Officer, acting in my official capacity. I was dressed in full military style uniform and I had identified myself by name and as a Madison Police Officer. In addition, Crawford knew that I had placed him under arrest because he had asked me and I had informed him that he was under arrest for battery.

I did discuss charging decisions with Sgt. Patton. PO Thompson and I transported Crawford to the Dane County Jail in her vehicle. I was seated in the front passenger seat but I was turned in the seat so that I could maintain observation of Crawford. In addition, Crawford continued to yell and swear, saying that I was a "fucking pussy." Crawford continued to swear at me throughout the trip to the Dane County Jail so there was never any doubt that he was breathing adequately. At the Dane County Jail, the Movement Team did meet us in the sally port and assisted us with bringing Crawford into the booking area. Crawford did not cooperate in the booking area with the exception of allowing the breathalyzer test. I overheard the Deputy report at 10:36pm a BAC value of .148. Crawford was booked under the charge of substantial battery, battery to a police officer and disorderly conduct.

PO Thompson then provided me with transport back to the North Transfer Point where I picked up my squad car and then returned to the Central Police District to complete the arrest report and paperwork.

NFA/srs

PO M. KENNY 3338

MADISON POLICE DEPARTMENT

Case No: 2013-289372 Supplement

Ref. No:

Report Completed: 09/16/2013

Case Offense: BATTERY

Reporting Officer: SGT TIMOTHY PATTON 3346

Special Routing:

OFFICER NARRATIVE

On 9-14-13, I was dressed in my MPD full military uniform and operating SGT SUV C1899. At 8:12 pm, officers were dispatched to Madison Metro at 1101 E. Washington Ave reference the battery of a Metro employee with a suspect fleeing the scene on foot. I responded to the area and began searching for the suspect in the surrounding blocks. While doing so, I had the data channel dispatcher contact the cab companies to be on the lookout for our battery suspect. PO Kenny responded to the Metro office where he learned that the suspect had boarded a bus in the 100 block of State St and was traveling eastbound on E. Washington Ave away from downtown before the battery and before he fled on foot. I believed therefore, that the suspect would continue moving in an eastern direction from the scene of the incident. I first checked the adjoining streets both south and east of the location and then moved across E. Washington Ave to check the area to the north and east of the incident location.

DESCRIPTION OF THE SUSPECT:

From the call notes and from updates provided by PO Kenny, the suspect was believed to be an intoxicated male black, 55-60 years of age, wearing a brown jacket and jeans. He was described as skinny and possibly 6'00" tall.

ROBERT HOLLINS CONTACT:

Just before 9:00pm, while driving on E. Washington Ave in the 1300 block, I observed a single subject moving diagonally across a parking lot on the north/west corner of E. Washington Ave and Dickinson Street. Initially, I could not determine the race or gender of the subject. Upon turning northbound onto N. Dickinson St, I observed the subject, later identified as Hollins. At that time, he was wearing a gray t-shirt, blue jeans and black shoes. I initially drove past his location while I asked PO Kenny for any additional identifying features and also asked to confirm what the suspect was wearing in terms of pants or shorts. PO Kenny reported that the suspect was believed to have been wearing blue jeans. While Hollins did not have a jacket on, I know from my experience that suspects often change clothes or remove layers to avoid being located. Hollins matched the description in terms of general age, race, height as well as his proximity to the scene of the incident.

I drove up to Hollins's location and asked if I could speak with him. He immediately stopped on the sidewalk and walked over to me. I informed him of the reason I was contacting him and asked him where he was coming from. He indicated that he was returning to this side of town from being on the west side and he was simply returning to a friend's house where he was staying. I informed him that he matched the description of a battery suspect and asked him for identification, which he provided, and asked him to standby briefly so that I could either confirm his involvement or lack thereof. He was cooperative during our contact but did not appreciate being stopped. I then contacted PO Kenny who then provided additional information regarding a scar or obvious discoloration to the suspect's upper lip. I checked back in with Hollins who did not have any such mark and I then told him he was free to leave. I did thank him for his cooperation and did apologize for the intrusion. I offered to provide him with my card and case number. He did not take me up on the offer and simply went on his way after being given his identification.

CONTACT AND ARREST OF TOMMY L. CRAWFORD:

Once Crawford was located at the North Transfer Point, I did respond to that location. I communicated with PO Kenny, who ultimately responded to that location, interviewed, and then arrested Crawford. I observed PO Kenny place Crawford into handcuffs. PO Kenny and PO Thompson then began to escort Crawford to an awaiting squad at which point I overheard Crawford complaining about cash he had, that was being secured by PO Kenny. Crawford was swearing at PO Kenny and at one point attempted to knee-strike PO Kenny who standing at Crawford's side in an escort position. From my position, I could not see whether or not Crawford's knee had struck PO Kenny or not. Immediately after he attempted to strike PO Kenny, PO Kenny and PO Thompson began to decentralize Crawford. As Crawford was spun around, I assisted in controlling Crawford by holding him to the ground while kick-stop restraints were applied to him. Crawford continued to complain about his money. I then stood by as officers moved Crawford into an awaiting squad, still secured in kick-stop restraints and handcuffs.

NFA / jdl

SERGEANT TIM PATTON 3346

PO M. THOMPSON - SUPP/Contact on scene**MADISON POLICE DEPARTMENT****Report Completed:** 09/15/2013**Case No:** 2013-289372 Supplement**Case Offense:** Battery**Ref. No:****Reporting Officer:** PO MOLLY THOMPSON 4881**Special Routing:** PO MATT KENNY/SELF**OFFICER NARRATIVE:**

On 9/14/2013, at approximately 8:16 p.m., I responded to 1101 East Washington Avenue reference a battery. Dispatch advised a Madison Metro bus employee had been hit in the face and was injured after a bus patron punched the employee in the face. Dispatch advised the suspect had fled the area on foot and described the suspect as a male black, approximately 50 years old, wearing a green jacket, and was intoxicated.

OFFICER INFORMATION:

On this date, I was acting in my official capacity as 3D3 from 3:00 p.m. to 11:00 p.m., wearing a full Madison Police Department military style uniform and operating marked squad Central 443.

ATTEMPT TO LOCATE SUSPECT:

While en route to 1101 East Washington, I checked the area for the suspect and did not observe him. I continued to check the area along with other officers. At one point I did stand by with Sergeant Patton, who had located a person matching the description of the suspect, who did not turn out to be the suspect.

While checking the area, I heard PO Matt Kenny advise on channel 1 that the suspect was at the North Transfer Point. I went to the North Transfer Point and stood by with Tommy Lee Crawford (identified via Wisconsin ID card). I observed Crawford was seated on a bus stop bench. I observed Crawford had an odor of intoxicants and vomited.

After Crawford was decentralized, I assisted in applying hobbles to Crawford and carrying Crawford to my squad. I drove Crawford and PO Matt Kenny to the Public Safety Building. I turned on my in-squad video during the conveyance. However, it did not appear to be working.

At the Dane County Jail, I assisted in filling out the necessary paperwork during the booking process. I observed Crawford yell at Dane County deputies and be uncooperative during the booking process.

NFA

PO MOLLY THOMPSON 4881

mld

MADISON POLICE DEPARTMENT

Report Completed: 09/15/2013

Case No: 2013-289372 Supplement

Case Offense: Battery

Ref. No:

Reporting Officer: PO Bernie Albright 4437

Special Routing:

ATTACHMENTS

- Medical Release.
- Photographs of Randy Boyd taken by CSI A. Hornung.

INITIAL INFORMATION

On 9/14/13, I was working the 4D50 assignment. I was dressed in Madison Police Department full military style uniform and using unmarked squad 321.

INTERVIEW WITH BOYD

At approximately 9:30pm, I responded to Meriter Hospital, ER room 12. I met with Randy Boyd and identified him with his Wisconsin DL. Boyd was just returning from having [REDACTED] done on him. Boyd was lying on his back on a hospital cot. He had a fresh injury to his left eye. It was swollen, slightly bloody, and turning black & blue. He had a collar on, preventing his head from moving.

Boyd said he is an Operations Supervisor with Madison Metro. He said this evening he received a radio call from a bus driver stating that there was an unruly, intoxicated male on that driver's bus. Boyd said he couldn't recall the driver's name. Boyd mentioned 2-3 times during my contact with him that his memory was unclear since the incident. He said after he received the radio call from the driver, he instructed the driver to come to Metro Headquarters at 1101 E Washington Ave so Boyd could ask the rider to get off the bus. Boyd said the bus arrived at HQ, he retrieved his portable radio and went outside to meet the bus. He said he boarded the bus and was directed to the back of the bus. He said there was a group causing "a stink" in the back of the bus. He said he noticed the problem rider the driver had reported and contacted that rider. He said he told the rider to exit the bus, but the rider refused. He said he continued to try to get the rider to exit, but he would not. Boyd said he then rested his hand on the rider's shoulder, hoping to convey the seriousness of Boyd's request. Boyd said this angered the rider, but the rider got up and started to walk towards the exit. Boyd said there were some kids in the back of the bus that were "getting verbal" at this time. Boyd said the rider walked from the back of the bus and down a couple of steps near the back exit. Boyd said the rider turned towards the back door as if he was going to exit, but then stopped. Boyd said the rider then "got real belligerent." Boyd said he pushed the back exit door open, hoping the rider would exit. Boyd said the rider then punched him twice. Boyd said the punches were with the rider's right fist and struck Boyd near his left eye. Boyd said he "got foggy" and collapsed to the steps. He said he could hear people laughing in the bus. Boyd said the bus driver helped him off the bus. Boyd said the rider came at him again, but the bus driver stood in front of Boyd to protect him.

Boyd said he got up and went inside the building to get some help. He said he called 911. He said when he was on the phone with the 911 call taker, he became dizzy. He said he lied down. He said the next thing he remembered was a female EMT from MFD standing over him. Boyd said this was in the Shop Supervisor's office.

Boyd indicated no one had permission to batter him and the punches caused him pain. He said the left side of his face near his eye felt swollen and full of pressure.

Boyd described the rider who battered him as a black male, early to mid 60's, 5'10" - 6'00" tall, skinny, graying hair, having a goatee or stubble, smelling of alcohol, and possibly wearing a brown jacket.

Boyd said there was a male sitting with the problem rider in the back of the bus. He said this person was sitting on the right side if you were looking back from the front of the bus.

Boyd signed a Medical Release form. At 10:14pm, CSI A. Hornung took photos of Boyd.

Meriter staff informed Boyd and me that the result of his [REDACTED] was [REDACTED]. He was to be given some [REDACTED] and released shortly after my contact with him concluded.

911 RECORDING

I made an online request for a recording of Boyd's 911 call, with the approval of Sgt. T. Patton. The recording was to be emailed to Sgt. Patton.

NFA/srs

PO BERNIE ALBRIGHT 4437

MADISON POLICE DEPARTMENT

Case No: 2013-289372 Supplement
Report Completed: 09/20/2013 **Ref. No:**
Case Offense: ARRESTED PERSON/SUBSTANTIAL BATTERY
Reporting Officer: DETECTIVE DAVID S GOURAN 2539
Special Routing:

I was assigned this on 9/16/13. I submitted the release of medical information authorization form to Meriter Hospital to request records pertaining to victim Randy Boyd's injuries and treatment. I submitted a lab request for prints of the photographs of Boyd's injuries.

Chris Olson of Madison Metro had already obtained his agency's evidentiary video, and Officer Kenny copied those files onto a DVD. On 9/19/13, I discovered he did not include the necessary viewing software along with the video clips on the disc. I had a new DVD prepared by Catherine Van Hove, and I placed this into evidence to replace the Kenny disc.

Olson isolated two video files, each of which depicts four camera angles on Bus 965. The first clip is titled "**clip01-MADMETRO-965-09142013-19'33'00 date modified 9/16/13 11:25 am**". This clip has a time stamp duration of 19:35:35 through 20:03:01. Tommie Crawford enters the bus at State and Dayton at 7:56 pm; he sits in the back corner on the driver's side of the bus, and is initially out of view and not clearly audible. There are 8-9 teenagers clustered in the rear seats where Crawford chose to sit. The kids frequently change seats and are laughing; there appears to be no disturbance or hostilities among anyone. At a certain point, Crawford's loud voice becomes audible. At 8:01 pm, he extends his arm to a female passenger ostensibly for a handshake and says, "My name's Tommie." In a loud voice, he barks twice, "Bad motherfucker!" prompting laughter from some of the juvenile passengers.

On the second video clip, titled "**clip01-MADMETRO-965-09142013-20'03'00 date modified 9/17/13 2:58 pm**" (time stamp duration of 20:03:01 through 20:33:01), Crawford has moved over on the bench seat into better view. He appears intoxicated and is yelling and egging the kids on in a jovial state. There does not appear to be any disturbance between he and the kids. His yelling and cursing continues to make the kids laugh. He shakes hands with a male juvenile passenger and says, "You a bad motherfucker!" At this point, the driver is assisting a disabled passenger in securing her wheelchair and Crawford is clearly being a disorderly passenger with his yelling, as he can be heard at the front of the bus. The driver comes back and says, "Sir, sir, calm down, okay?" Crawford quiets momentarily, but then immediately resumes his loud behavior. He barks multiple times, "Bad motherfucker!" It does not appear that any of the kids are taunting Crawford, but they seem amused by his antics and he seems encouraged by their attention. One kid refers to him as "Tommy Two-Tone," which possibly is a reference to Crawford's skin condition. Crawford may have referred to himself by that moniker as well.

The driver stops the bus at 8:08 pm and Boyd gets on, proceeds directly towards Crawford at the rear of the bus, and firmly and repeatedly directs him to get off the bus. Crawford uses profanity. He stops at the rear exit door and challenges Boyd, "You're putting me off the bus?" Boyd replies, "I'm putting you off the bus." Crawford says, "A lot of honkies do this and you don't put them off the bus!" Boyd tells him to go and Crawford says, "Fuck you!" Boyd then at first puts his open hand on Crawford's right bicep, not in a grasp or with any force. Crawford then won't leave and becomes physically resistive. He suddenly punches with his right hand the left side of Boyd's face, knocking off his hat and glasses; as Boyd starts to recover and stand upright again, Crawford punches him a second time, striking his left eye. Boyd stumbles and then falls to the floor and sits there as Crawford exits. Only one adult male

passenger comes to Boyd's aid while several of the kids laugh at the battery. None became part of the disturbance however.

At 8:10 pm, Crawford is lingering outside the front door of the bus. Boyd tells the driver to walk with him. As soon as the door is opened, Crawford confronts them and yells, "You put your God damned hands on me!" Boyd continues on to the Metro building, while two white male adult passengers get off the bus and stand outside with the driver. Crawford yells in one's face, "Fuck you!" as he gets on the bus again and yells towards the rear, "Johnny, come here! Be my witness! He put his hands on me and I hit him!" After exiting again, Crawford confronts one of the passengers outside and yells, "Why did you put your hands on me?" He then yells, "Bitch ass motherfucker! I ought to fuck y'all up!" and then lunges towards the driver and one of the passengers. He yells, "Bitch ass white boy" to someone. Crawford also yelled, "I did not put my hands on you until you put your hands on me." He then jumps on the bus again and yells at the passengers in the back, "Didn't I say that? If you put your hands on me, I'm gonna knock you out!" Most of the passengers empty out and walk away. Off the bus, Crawford exclaims, "I'm not a ho! Mother fuck, you bitch ass white boy!" Crawford makes another menacing lunge at the driver and a passenger. He follows the retreating driver, and then finally walks away at 8:14 pm. The police officer does not arrive until 8:20 pm.



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/25/2015 10:43
Login ID: pdbmf
Case Number: 2014-00311470

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2014-00311470
Location: 1051 WILLIAMSON ST
MADISON, WI 53703
Reporting Officer ID: 3338 - KENNY

Incident Type: Disorderly Conduct
Occurred From: 09/21/2014 19:05
Occurred Thru: 09/21/2014 19:05
Disposition: Arrest
Disposition Date: 09/22/2014
Reported Date: 09/21/2014 19:05 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	90C	947.01 DC	DISORDERLY CONDUCT	1
2	State	90Z	968.075(1)(a)	DOMESTIC ENHANCER	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Umburger, Stacy Clair			White	Male	[REDACTED]
Victim	1	Pierce, Rick C	[REDACTED] WILLIAMSON ST MADISON, WI 53703	[REDACTED]	Black	Male	41 55

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
18042 A	Umburger, Stacy Clair		09/21/2014 00:00	On-View Arrest	41

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 09/22/2014
Case Offense: DOMESTIC DISTURBANCE
Reporting Officer: PO MATTHEW KENNY 3338
Special Routing: CENTRAL MENTAL HEALTH LIAISON'S

Case No: 2014-311470 Original
Ref. No: 14-276925

OFFICER NARRATIVE

On September 21, 2014, I was dressed in full military style uniform and operating marked squad car C520. I was working in patrol as 3D8. While working a graffiti case, I heard officers being dispatched to 1051 Williamson St for a report of a disturbance there. I further heard officers being informed by dispatch, that the reported party was claiming that the occupant of Apt [REDACTED] at 1051 Williamson St had threatened to stab the occupant in Apt [REDACTED]. From prior contacts at this address, I knew that **STACY UMBERGER** lives in Apt [REDACTED] and **RICKY PIERCE** lives in Apt [REDACTED]. Pierce had been reporting that Umberger had been making threats and racial epithets (ph) against him several times in the last month.

Upon arrival, I made contact with Pierce on the corner of Ingersoll and Williamson St. I recognized Pierce from past professional contacts. Pierce stated that Umberger had confronted him in the hallway while Pierce was exiting his apartment [REDACTED]. Pierce reported to me that Umberger had yelled at him, calling him a "nigger" and that Umberger had threatened to stab him with a knife. Pierce stated to me that he had not seen a knife nor had Umberger raised his hands or acted like he had a knife on his person. Pierce stated that he was disturbed by this. Pierce stated that he was particularly disturbed because Umberger was being evicted from 1051 Williamson St and that Pierce was concerned that Umberger might blame Pierce for his eviction. Pierce stated that he believes Umberger was being evicted on Wednesday, September 24th.

The living arrangements for Umberger and Pierce are that each has his own room; however, there is a shared bathroom with a sink and toilet between the two rooms. Pierce lives in room [REDACTED] and Umberger lives in room [REDACTED]. Both of them have access to the bathroom that is between the two rooms. No one else other than the two of them use that particular bathroom. On each floor of 1051 Williamson St are a room for showers and room for a kitchen and cooking. The kitchen and shower room are shared by all the residents on that particular floor.

On August 25, 2014, I took a report from Pierce that Umberger was confronting him in the hallway and calling him a "nigger." Pierce also reported that Umberger would try to prevent Pierce from using the shared bathroom by locking the door. Pierce believed that Umberger was leaving the door locked even when Umberger was not using the bathroom. I made several attempts to contact Umberger. I believe that he was in his room based upon the movement I was hearing inside of the room and music that was playing. I knocked several times and announced myself as a Madison Police Officer and by name; however, Umberger refused to speak to me through the door or to open the door. In the next few days, I made other attempts to contact Umberger; however, though I could hear someone moving in Apt [REDACTED] no one answered the door. I documented this incident under case number 2014-276925.

The earlier that had taken place on August 25, 2014; Pierce had stated that he was disturbed by the racial epithets that Umberger called him. Pierce stated that he would not confront Umberger himself and would try to avoid him. I asked Pierce to report this matter to the management of 1051 Williamson St and to call the dispatch center if Umberger continued to provoke him.

While I was speaking to Pierce, I asked PO McCarty, PO D. Hamilton, and Sgt. Marshall to go up to Apt [REDACTED] and attempt to contact Umberger. I heard that they were in contact and I then proceeded to the top floor at 1051 Williamson St and found them outside of Apt [REDACTED]. Pierce had unlocked the door to admit me to 1051 Williamson St and I asked him to remain out of sight down the hall while we spoke to Umberger.

I recognized Umberger from the description I had obtained from Pierce and from speaking with the staff at 1051 Williamson St. Umberger was standing in the middle of room [REDACTED]. Each of the rooms at 1051 Williamson St is assigned individually and there are no roommates. In fact, the house rules forbid having overnight guests.

I briefed Sgt. Marshall regarding the incident. I informed him that I had probable cause to arrest Umberger for disorderly conduct. I also informed him that I was concerned that Umberger might become violent. I had learned from staff that they were evicting him from his unruly behavior and because he was not taking his prescribed medication. Staff at 1051 Williamson St were concerned that he was beginning to escalate his behavior. We planned to enter his room and place Umberger under arrest.

I had asked Umberger if he was willing to step out of the room to speak with me regarding the incident and he refused. I asked him if I could step into the room to talk to him regarding the incident and he refused to allow that as well. Once I briefed the other officers as to my intention to physically arrest Umberger, I entered room [REDACTED] and grasped Umberger in an escort hold and immediately shifted to bringing his left arm around behind his back and shifted his left wrist into a compliance hold. I instructed him not to move and I then handcuffed him.

I informed Umberger that he was under arrest for disorderly conduct and I searched him incident to arrest. I did not find anything on his person. He was wearing flip flop style sandals and blue jeans and belt, but no shirt. I asked him if he would like me to get a shirt for him and he requested a t-shirt that was on the side table. Next to the t-shirt was a fleece pullover which I told him I would bring as the weather was turning chilly. I asked him if he had any medication that he needed to bring with him and he stated there was a plastic bag with his pills next to the television set. We collected that as well. We also collected the keys to Apt [REDACTED] which was next to the bag of medicine. We used these to secure the room once we exited with Umberger.

Once Umberger was secured in the back of PO McCarty's squad car, I filled out a 72 Hour No Contact Provision. I then re-contacted Pierce and asked him to read the form and indicate whether he wanted the form to be enforced or if he wanted to waive the protection available from the 72 Hour No Contact Provision. In my presence, he circled option #1 and signed the form at 7:41pm. I provided him with the case number, my name, and his copy of the 72 Hour No Contact Provision.

Once we were at the Dane County Jail booking area, Umberger stated that he was not feeling suicidal and then added, "At least not today." He also stated, "I'm not taking my meds by my choice for a few weeks."

I explained to Umberger the charge of domestic disorderly conduct and also explained the 72 Hour No Contact Provision. He stated that he understood that he was not to have any further contact with Pierce. I provided him with his copy of the 72 Hour No Contact Provision.

NFA/srs
PO M. KENNY 3338

PO D. HAMILTON - INITIAL CONTACT WITH UMBERGER**MADISON POLICE DEPARTMENT**

Case No: 2014-311470 Supplement

Report Completed: 09/22/2014
Case Offense: **DOMESTIC DISTURBANCE**
Reporting Officer: PO DAN HAMILTON 4004
Special Routing: PO KENNY

Ref. No:

OFFICER INFORMATION AND DISPATCH

On September 21, 2014, I was assigned as 3D3 in the City of Madison, Wisconsin. I was dressed in full military style Madison Police Department uniform, and operating marked squad car C1811. At approximately 7:05pm, PO McCarty and I were dispatched to 1051 Williamson St; reference a verbal disturbance involving threats to stab the caller. The caller identified the suspect as **STACY UMBERGER**.

While en route, PO Matt Kenny advised that he had additional information regarding the involved parties and he requested officers wait to make contact with the involved parties. I know Umberger from previous disturbance calls for service at this residence. Umberger resides in Apt. [REDACTED] and I went to make contact as PO Kenny contacted the original complainant.

CONTACT

Sgt. Marshall, PO McCarty, and I made entry into the apartment building to attempt contact with Umberger. I was in the common hallway and I could hear loud music coming from Umberger's apartment. I was approaching Umberger's apartment door when the music, without prompting, was turned off. I had not knocked or verbally identified myself when Umberger opened the apartment door and stated, "I'm invoking my 5th Amendment Rights." Umberger was dressed wearing pants, sandals, and no t-shirt.

I verbally identified myself as a Madison Police Officer and Umberger stated, "You got no right to be in my apartment." I told Umberger I was not inside his apartment, and I told him that he had opened his apartment door without prompting. Umberger stated he did not want to speak with me and he was adamant that officers had forced entry into his apartment. I stood by the open doorway and spoke with Umberger as he accused officers of violating his rights. Sgt. Marshall and PO McCarty accompanied me throughout this period. I made entry into Umberger's apartment as he was placed under arrest by PO Kenny. See additional reports for further details.

NFA/srs

PO D. HAMILTON 4004

MADISON POLICE DEPARTMENT

Report Completed: 09/21/2014
Case Offense: DOMESTIC DISTURBANCE
Reporting Officer: SGT ED MARSHALL 3689
Special Routing: SGT FIORE

Case No: 2014-311470 Supplement
Ref. No:

OFFICER INFORMATION

I was dressed in full MPD military-style uniform and assigned to patrol services as 1249, the patrol supervisor for the Central District.

OFFICER NARRATIVE

On September 21, 2014, at 6:57 pm, I, and other officers from the Central District, responded 1051 Williamson Street apartment [REDACTED]. At this address, a caller was advising that a **Stacey Umberger**, a white male in his 30s, had threatened to stab the complainant and was using racial slurs in referring to the complainant. Officer Matt Kenny, the beat officer for this area, was familiar with the address, which serves as the residence for several individuals, as well as the dynamics between Umberger and the complainant.

In talking with Officer Kenny, I received information that Umberger's apartment was upstairs in the building and that his apartment typically has a sign on the front door indicating that Madison Police are not welcome inside or that he is familiar with Fourth or Fifth Amendment law with regards to police entry into residences.

Upstairs, Officer Dan Hamilton found a door with a note attached reading, "Fifth Amendment lawyer" or something to that effect. There was loud music coming from inside. As I checked the rest of the hallway and found no other doors with such writing on them, Officer Hamilton stood by the door.

I heard the door open quickly and Officer Hamilton made contact with the male inside. I did not hear the sound of Officer Hamilton knocking or announcing his presence prior to the door opening. When I came back around the corner, I observed Officer Hamilton standing outside of the door talking to a shirtless white male inside. Officer Hamilton advised that this was "Stacey," the subject of the disturbance which Officer Kenny was still investigating downstairs.

Stacey (Umberger) was refusing to make any statements or answer any questions for Officer Hamilton. He repeatedly claimed that Officer Hamilton had opened the door to his apartment and stepped inside, which I observed was not the case. I know that Officer Hamilton did not pass the threshold of the door and I did not hear Officer Hamilton knock or attempt to open the door prior to the door opening. I advised Umberger of this and he stated that it did not matter. He advised that he was going to contact his lawyer and that he refused to make any statements to the police at this time, citing his "Fifth Amendment right." Umberger also stated to me that he would make a claim against Officer Hamilton that he was assaulted by him. Again, I know that this was not the case. Officer Hamilton and Umberger maintained a distance from each other of approximately 4 to 5 feet at all times and at no point did Officer Hamilton reach into the doorway or towards Umberger.

Officer Kenny, having finished his interview with the complainant, came upstairs. In speaking with Officer Kenny, he advised that the individual inside the apartment we were standing outside of was in fact Stacey Umberger, known to him by prior contacts. He advised that he did have probable cause to arrest Umberger for disorderly conduct. Officer Kenny and I communicated to the other officers that since Umberger was not providing a statement, we would arrest him based on the complainant's statement.

Officers Kenny, Hamilton and McCarty then entered the room and detained Umberger. Umberger appeared to lunge forward very slightly when they entered, although they were able to place his hands into handcuffs without incident. I had my electronic control device unholstered with the safety off; thus, emitting the red laser. I indexed the laser on Umberger's chest at very close range, at one point making contact with his chest. I advised Umberger not to move, as I feared that in this position Umberger could still attempt to assault me, extending towards his front, or still attempt to resist or pull away from the officers, or potentially fight. The room was very small and we were in very close confines. In addition, up until this point, Umberger had not been frisked or searched, as we were not able to make physical contact with him due to us not entering the room until this point. Upon receiving word that Umberger was handcuffed and detained, I immediately reholstered my electronic control device.

I assisted the officers in the room by locating Umberger's medication and driver's license with Umberger's direction and permission to do so. These items were kept for Umberger as he was about being transported to the Dane County Jail. I passed these items off to Officer Kenny, the arresting officer. Umberger was then led downstairs and would be eventually transported to the Dane County Jail.

NFA/pao

SGT E. MARSHALL 3689



Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/25/2015 10:42
Login ID: pdbmf
Case Number: 2013-00213287

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Case

Case Number: 2013-00213287
Location: 100 STATE ST
MADISON, WI 53703
Reporting Officer ID: 3338 - KENNY

Incident Type: Disturbance
Occurred From: 07/14/2013 19:55
Occurred Thru: 07/14/2013 19:55
Disposition: Arrest
Disposition Date: 07/14/2013
Reported Date: 07/14/2013 19:55 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	90C	947.01 DC	DISORDERLY CONDUCT	1
2	State	90Z	973.10	PROBATION HOLD	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Contact	1	Schaefer, Karissa M	[REDACTED] E WASHINGTON AVE MADISON, WI 53703	[REDACTED]	White	Female	[REDACTED] 24
Suspect	1	Georgeson, David A	[REDACTED] ODANA RD MADISON, WI 53719	[REDACTED]	White	Male	[REDACTED] 49
Victim	1	Fuller, Brittish W	[REDACTED] E MIFFLIN ST 718 MADISON, WI 53703	[REDACTED]	Black	Female	[REDACTED] 22
Victim	2	Czernacki, Christie V	[REDACTED] E WASHINGTON AVE MADISON, WI 53703	[REDACTED]	White	Female	[REDACTED] 39

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
6074 A	Georgeson, David A	100 STATE ST MADISON, WI 53703	07/14/2013 00:00	On-View Arrest	49

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
07/14/2013	Safekeeping	Purses/Backpack s/Wallets			One black Apollo backpack belonging to David Georgeson.	305546	1

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Case Report Summary

Madison Police Department
Official Case Report
Do Not Re-Release

Print Date/Time: 03/25/2015 10:42
Login ID: pdbmf
Case Number: 2013-00213287

*MADISON POLICE DEPARTMENT
ORI Number: WI0130100

Routing:

- Animal Control
- Building Inspection
- Commitment
- DCHS
- Death Investigation
- Fire Investigation
- Non-Disclosure
- Outside LE Agency
- Other
- Traffic Engineering

MADISON POLICE DEPARTMENT

Report Completed: 07/14/2013
Case Offense: DISTURBANCE
Reporting Officer: PO MATT KENNY 3338
Special Routing:

Case No: 2013-213287 Original
Ref. No:

ATTACHMENTS

- Dane County Jail Booking Sheet

RESIST/OBSTRUCT

On July 14, 2013, I was dressed in full military style uniform and operating squad C512.

OFFICER NARRATIVE

On July 14, 2013, I was dispatched with other units to the report of a disturbance in the 100 block of State St. The information we had received was that the caller, David Georgeson, had been pushed by a woman who was black, dressed in a black dress with a black scarf on her head and carrying a black handbag.

As I was driving on State St towards the Capitol Square, I did note a black woman wearing a black dress, carrying a black handbag and wearing a black scar on her head, walking outbound on State St. I did stop and identify myself as a Madison Police Officer and asked her to speak with me. This woman was later identified verbally as Brittish Fuller. Fuller was accompanied by a woman named Christie Czernecki. I did speak to the two women separately and out of ear shot of one another. I first spoke with Fuller and verbally identified her.

I did tell her that I was investigating a disturbance which had occurred in the 100 block of State St. Fuller stated that she had been involved in a disturbance right outside of Ian's Pizza. Fuller stated a man, whom she did not know, "that guy got in my friends face. Then when I told him to back off, he got in my face so I pushed him away from me." I asked Fuller how close this man got to her and she held her hands approximately 6 inches apart and stated that his face was that distance from hers. I asked how she pushed him and she demonstrated pushing with two hands straight out from her chest.

I did note that Fuller [REDACTED] I asked and she stated that she [REDACTED] She stated, "I felt threatened by him, [REDACTED] plus he seemed intoxicated. I didn't know what he might do, but I didn't want him that close to me."

I asked her to describe the person whom she had pushed and she described him as a white male, approximately 5'05", wearing glasses. She stated that he was approximately 40 years of age and balding. She stated she was not certain on what clothing he was wearing.

I next spoke to Czernecki. I did identify Czernecki with her WI photo ID card. I did note that Czernecki was [REDACTED] and Czernecki stated that she was [REDACTED]

I asked Czernecki to tell me what happened. Czernecki stated that she was outside of Ian's Pizza on the sidewalk. She stated that a man whom she did not know or recognize had been

seated on some of the cement blocks at the top of State St. She stated that he had been drinking beer.

Czernecki stated that there was another girl present whom she knew only as Carissa. Czernecki stated that this man whom she did not know kept yelling and swearing at this girl. She stated that he would yell, "Fuck you, you dumb bitch." Czernecki stated that she told the man to stop swearing.

Czernecki stated that the man then turned to her and "he told me to shut up bitch and to suck his asshole." Czernecki stated that after saying this, the man who was later identified as Georgeson, then stepped forward and placed his face approximately 4 inches from Czernecki's. Czernecki stated, "Then Brittish told him to back off, but he kept trying to press forward and that's when Brittish told him to back off again and then pushed him." Czernecki stated that Georgeson fell over after being pushed by Fuller. I asked Czernecki what happened next and she stated, "Then he got up and he staggered off." I asked Czernecki if she was disturbed by Georgeson's behavior and she stated, "Yes, I felt threatened. [REDACTED] and I'm not in a good position to fight back." I asked her to describe the man who had caused the disturbance and she stated that he was a white male, in his 40's, wearing glasses and a red t-shirt. I did provide both of them with the case number and my information.

While I had been speaking to Fuller and Czernecki, I did hear that PO John Christian and PO Chris Dorman were out with the individual who had originally called 911 regarding the disturbance at the 100 block of State St. I did proceed to their location.

When I arrived, I did see PO Dorman and PO Christian out with David Georgeson. Georgeson was seated on one of the cement planter areas in the 100 block of State St. He was wearing a red t-shirt. I did note that he had a skinned knee that was slightly bleeding. I did walk up to Georgeson and I did identify myself as a Madison Police Officer and by name. I did ask Georgeson if he could tell me what had happened. Georgeson declined to answer any questions. I could smell the odor of intoxicants on Georgeson's breath. I did instruct him to stand up and he did so. I then placed his left arm in an escort hold and with PO Christian's assistance; I did place Georgeson in handcuffs, checking for fit and double locking for safety. I did inform Georgeson that he was under arrest for disorderly conduct and I then searched him incident to arrest. I then walked Georgeson to my squad car where I did secure him in the back seat.

Georgeson also had a backpack which contained a metal water bottle which did contain beer. I did pour this out. I also found several unopened cans of beer in his backpack. I did instruct PO Dorman to open these and pour them out into the gutter. I found his wallet which contained his WI DL in his backpack as well. His cell phone which had been in his pocket was placed in his backpack and there was also an inhaler which I placed with Georgeson's wallet and ID.

A routine data check showed that Georgeson was currently on probation. I did contact the on-call probation and parole, described the nature of my contact and the fact that I was charging him with disorderly conduct. Georgeson was placed on a probation violation hold.

At this point, Georgeson overheard me talking to the on-call probation and parole agent. When I stated that Georgeson was intoxicated, he became very upset and began yelling that he was not incapacitated and that I was lying. Georgeson continued to swear and yell that I was lying to the agent as I transported him to the Dane County Jail.

PO Doman had followed me to the Dane County Jail. After securing our weapons in the gun lockers, I opened the squad car passenger door. Georgeson stated that he was not going to cooperate. I instructed him to step out of the vehicle. Georgeson stated again that he was not going to cooperate. I instructed Georgeson three times to step out of the squad car. He did not comply. I did pull Georgeson out of the squad car towards me. His head cleared the car door threshold without making contact with the car frame. I continued to pull him towards me and then transitioned to a compliance hold on his right wrist. I could feel resistive tension in Georgeson's right arm. He continued to yell and I told him to stop resisting me. I could feel Georgeson turning his body away from me, attempting to pull away from my grip. I put pressure on his right wrist and instructed him to walk forward with me. Georgeson did not immediately comply and I increased the pressure until he took a step forward. As soon as he walked forward in the direction I was moving with him, I eased off on the pressure of his wrist; however, I continued to maintain a compliance hold on his right wrist. I continued to instruct him to walk forward until we were standing at the door. I continued to maintain a compliance hold on his right wrist as I told him to remain where he was and instructed PO Doman to signal the deputies to open the door. We did enter the booking area and I did instruct Georgeson to sit down in one of the booking area chairs. He did not immediately do so and I did push him straight down into a seated position on the chair.

I did continue to maintain pressure on his shoulder, keeping Georgeson pinned up against the chair and signaled the deputies for some assistance. As soon as the deputies were in place, I stepped away from Georgeson and started the paperwork for booking him into the Dane County Jail. Georgeson demanded to speak to my Sergeant and I did request a Sergeant respond to our location.

Sgt. Patton did respond to our location and I briefed him on the incident. Sgt. Patton did provide Georgeson with the case number and one of his business cards. I did provide Georgeson with my name and IBM number. Georgeson was then booked under the charge of disorderly conduct and a probation violation. As part of the booking process, a PBT was administered and the deputies reported a blood alcohol concentration level of .131.

I would request as part of Georgeson's bail conditions be that he be banned from the State St area.

NFA/srs

PO M. KENNY 3338

MADISON POLICE DEPARTMENT

Report Completed: 07/14/2013
Case Offense: DISTURBANCE
Reporting Officer: PO CHRIS DORNAN 4468
Special Routing: SELF

Case No: 2013-213287 Supplement
Ref. No:

OFFICER NARRATIVE

On July 14, 2013, at approximately 8pm, I was dispatched to the 100 block of State St, near Ian's Pizza; reference a report of a disturbance. As I was still interviewing involved parties from another call at the other end of State St, I ultimately joined PO Kenny and PO John Christian on scene who were currently in contact with two involved parties. I then proceeded to PO Christian's location at the top of State St where he was in contact with one half involved in the disturbance, subsequently identified to be David A. Georgeson.

While we were waiting for PO Kenny to complete his interview with the other involved party, I proceeded to inquire with Georgeson about the events that preceded the call. Georgeson stated that he had been talking to a female at this location with the topic of the conversation being the female's feelings about [REDACTED]. Georgeson stated that this female, whom PO Christian had talked to and released from the scene as I was arriving, had been upset about [REDACTED] and that her boyfriend was angry with her about this. Georgeson stated that during his conversation with this female, he had stated to her that "some men are like that," and then at that time another female, who he described as a larger African American female consistent with the description with whom PO Kenny was in contact with, then approached him and began to yell at him.

Georgeson stated that this woman then yelled at Georgeson, "You don't talk to a [REDACTED] lady that way, like that," to which Georgeson stated he responded, "She's not [REDACTED]." At this time, Georgeson stated the female then pushed him, causing him to fall backwards and incur some minor injuries and scrapes to his arms. Georgeson stated that at this time, the female then said, "What the fuck. You're gonna call the cops," and at this time the female began to turn around and walk down State St.

At this time, we were rejoined by PO Kenny who also attempted to interview Georgeson about the incident. Georgeson was not cooperative with attempts to be interviewed by PO Kenny and refused to answer any further questions. At this time, PO Kenny instructed Georgeson to stand up, put his hands behind his back, and he was then handcuffed and placed under arrest at 8:20pm. We then escorted Georgeson to PO Kenny's squad and PO Christian then departed the scene. PO Kenny then removed several cans of beer from Georgeson's backpack, which I then poured out on scene. While PO Kenny contacted Probation and Parole, it was subsequently determined that we would convey Georgeson to the Public Safety Building.

We then departed for the Public Safety Building, arriving shortly thereafter. Upon arrival, PO Kenny and I then downloaded our weapons, and proceeded to re-contact Georgeson in the back of the squad to facilitate his exit from the vehicle. At this time, Georgeson made a statement to PO Kenny to the effect that he was no longer willing to cooperate, and PO Kenny then asked him again to cooperatively extract himself from the back of the vehicle. Georgeson then made a statement to the effect of asking PO Kenny if he was going to be forced out of the vehicle and PO Kenny again asked him to exit the vehicle cooperatively. As Georgeson then

made another statement indicating that he would not cooperate, PO Kenny and I then prepared to extract Georgeson from the vehicle. PO Kenny then grabbed Georgeson around his right arm and proceeded to pull him out of the vehicle, and I then proceeded to acquire a grip on Georgeson's right arm. Georgeson was then escorted into the sally port of the PSB, during which time he made several complaints about his treatment and disparaged PO Kenny. Once in the PSB, Georgeson also requested a Sergeant and we were soon joined by Sgt. Patton. Throughout the booking process, Georgeson continued to criticize the way he had been treated by PO Kenny, but did answer my questions incident to the booking process. Georgeson was then booked into the Dane County Jail without incident.

Following Georgeson being booked into the jail, per PO Kenny's request, I took Georgeson's backpack and tagged it for safekeeping in the property room at the City County Building. I registered the bag in LERMS system under tag #305546, and placed it on the floor of the property room.

NFA/srs

PO C. DORNAN 4468

MADISON POLICE DEPARTMENT

Case No: 2013-213287 Supplement

Report Completed: 7/15/2013

Ref. No:

Case Offense: DISTURBANCE

Reporting Officer: PO JOHN CHRISTIAN 4189

Special Routing: PO MATT KENNY

OFFICER NARRATIVE

On 07/14/13, I was working as 2D50 from 12 pm until 8 pm. I was dressed in full Madison Police Department military-style uniform, driving a fully-marked City of Madison Police Department squad car, acting in my official capacity as a City of Madison Police Officer.

At approximately 7:56 pm, I was dispatched to 100 State Street, Ian's Pizza, reference a physical disturbance. Dispatch advised that **David A Georgeson** (ID'd by Officer Dorman) was reporting that a few minutes prior, a "heavyset woman near Ian's pushed him to the ground." Georgeson further noted that the woman had pushed him and Georgeson had lost his glasses and is bleeding; however, Georgeson stated that he did not want an ambulance.

Georgeson reported that the suspect, a 30 year old black female wearing a black dress with short black hair, a headband, and a purse, was walking down State Street away from the Capitol with two other black females.

Upon arrival, I made contact with Georgeson, who advised that he had initially been speaking with **Karissa M Schaefer** (ID'd verbally), who I noted was attempting to leave the area. I spoke with Schaefer, who advised that she had been standing near a pair of benches perpendicular to State Street in front of Ian's Pizza. Schaefer reported that she had been arguing with Georgeson about Schaefer recently [REDACTED]. Schaefer stated that Georgeson had made comments to Schaefer to the effect of that Schaefer "probably didn't [REDACTED] [REDACTED] and called Schaefer a "bitch."

Schaefer stated that she had then walked away from Schaefer; however, upon looking back had seen Georgeson laying on the ground fighting with another subject.

Please see original case report for further information.

NFA

PO John Christian #4189

jak