

MADISON POLICE DEPARTMENT

Report Completed: 2/8/2012

Case No: 2012-34389 Field

Ref. No:

Occurred Incident: 91 - Pc Conveyance/Commitment (Chapter 51)

Sec/Area: 403 CENTRAL

Dispatched as: 65 - Check Person

Grid: STATELANGD

Case Offense: PC Conveyance/Commitment (Chapter 51)

Addr of Occurrence: [REDACTED]

Call Date/Time: 02/07/2012 21:12

From Date/Time:

Dispatch Date/Time: 02/07/2012 21:13

Thru Date/Time:

Reporting Officer: PO KATHRYN A CHERNE 3222

Report sent: 2/8/12 12:57 AM

Special Routing: CAPT. JOE BALLE / SGT. BRIAN CHANEY

PROT CUST [REDACTED]

HOW ID'D: WI PHOTO ID

NARRATIVE:

On 2/7/12 at approximately 9:15pm PO Michael Barcheski and I were dispatched to [REDACTED] reference an intoxicated [REDACTED] lying on the floor of [REDACTED]. Dispatch stated that the [REDACTED] could not get up.

Upon arrival, I made contact with the [REDACTED] who I recognized as [REDACTED] from previous professional contact. [REDACTED] was lying on the floor in the aisle not moving and causing the patrons of the restaurant to step over [REDACTED] to move away from the front counter. [REDACTED] did not appear to be alert as I approached [REDACTED]. I spoke [REDACTED] name several times before [REDACTED] acknowledged my presence. [REDACTED]

[REDACTED] I determined that [REDACTED] would be placed in protective custody and PO Barcheski and I again physically assisted [REDACTED] to [REDACTED] feet and walked [REDACTED] over to the squad which PO Barcheski had driven closer so that it would be easier to load [REDACTED] into.

[REDACTED] did say [REDACTED] had a knife in a pocket which I retrieved, finding a small pocket knife in [REDACTED] left front pants pocket, and then I handcuffed [REDACTED] checking the cuffs for fit and double locking them. [REDACTED] at this point got angry with me saying something to the effect of "fucking" [REDACTED] over and calling us "bitches". [REDACTED] knife was returned upon arrival at Detox.

I contacted the OIC Lt. Trevor Knight while en route as dispatch had said that Detox might be full though I had not heard an announcement from dispatch during my shift. Lt. Knight advised that we should continue to Detox and attempt to enter [REDACTED]. If we encountered any issues, Lt. Knight advised to contact a sergeant.

Upon arrival at Detox, PO Barcheski and I attempted to enter the facility and when we buzzed a female asked what we wanted and we informed them "Madison PD with one" to which the female voice said over the intercom "we are at medical capacity" and then clicked off.

PO Barcheski requested a supervisor and Sgt. Brian Chaney arrived to assist. Sgt. Chaney eventually was able to contact staff inside and briefly spoke with them. Sgt. Chaney advised me to complete the necessary Detox paperwork as was customary and slip it under the door as they were refusing to let [REDACTED] in. I did complete the paperwork and slid it under the door. [REDACTED], who was cooperative and calm at this point, was un-handcuffed and told to remain in the small holding area just outside the locked door of Detox. Sgt. Chaney then advised PO Barcheski and I to remain on the street just outside of Detox to ensure that [REDACTED] did not wander off. PO Barcheski and I took a short break, which Sgt. Chaney remained on scene, and we returned to maintain a watch on [REDACTED].

I did observe at one point a blond, long haired, female emerge from the enclosed waiting area for a moment then she turned back around and went back inside. I did not observe anyone else go in or come out that door. At approximately 11:05pm Sgt. Chaney advised that PO Barcheski and I could leave.

NFA.

PO K. Cherne, #3222

jmn

## MADISON POLICE DEPARTMENT

Report Completed: 2/8/2012

Case No: 2012-34522 Field

Occurred Incident: 97 - Information

Ref. No: 2012-34389

Dispatched as: 97 - Information

Sec/Area: 312 SOUTH

Grid: MOORLANDRR

Case Offense: Information

Addr of Occurrence: 2914 Industrial Dr

Call Date/Time: 02/08/2012 01:23

From Date/Time:

Dispatch Date/Time: 02/08/2012 01:23

Thru Date/Time:

Reporting Officer: SGT BRIAN M CHANEY 3330

Report sent: 2/8/12 1:30 AM

Special Routing: CAPT BALLE / CAPT. GLOEDE / LT JUGOVICH / LT ROMAN / LT MCCAW

---

### CONTACT LAURIE A WOOD

F/W DOB: [REDACTED] 1961 (51 yrs)

2914 INDUSTRIAL DR MADISON WI W: (608)223-3311

EMPLOYER: TELLURIAN DETOX, 2314 INDUSTRIAL DR MADISON WI

HOW ID'D: VERBALLY

### MENTIONED ALLISON MALY

2914 INDUSTRIAL DR MADISON WI

EMPLOYER: TELLURIAN DETOX, 2914 INDUSTRIAL DR MADISON WI

### MENTIONED [REDACTED]

HOW ID'D: WI PHOTO ID

### NARRATIVE:

On 02/07/2012, I was assigned as patrol supervisor with the Madison Police Department in which I was wearing full MPD military style uniform. At approximately 9:45pm I received a phone call from PO Michael Barcheski who indicated that he and PO Kathryn Cherne conveyed an incapacitated subject to Detox at 2914 Industrial Dr and that Detox staff had advised them that they were at "medical capacity."

I then did respond to Detox and made contact with PO Cherne and Barcheski who were standing in the vestibule area of the facility with the incapacitated subject. PO Cherne advised me that they were dispatched to a complaint of an intoxicated person on [REDACTED] where they made contact with [REDACTED]. [REDACTED] was seated in a chair in the vestibule area at Detox and based on my training and experience, I concurred with PO Cherne's assessment of [REDACTED] status that [REDACTED] was in fact incapacitated. I directed PO Cherne to complete a Protective Custody Conveyance Document for this incident. Please see PO Cherne's original report under case # 12-34389 for further.

I did contact the Officer In Charge, SGT Paul Jacobsen by phone and provided him with notification of the issue. I advised SGT Jacobsen that I would instruct MPD Officers to leave the subject there should Detox staff refuse entry into the main intake area with no valid reason for doing so. SGT Jacobsen approved my intended directive.

I did phone Detox and requested to speak with a supervisor. I was then met by Laurie A. Wood (identified verbally) who indicated to me that she was the nurse in charge at the facility at this time. Wood granted me access into the locked intake area within the facility. I explained to Wood that I

understood that MPD officers were told by Detox staff that they were at "medical capacity" and refused them entry into the facility. I asked Wood for a definition of this phrase to which she explained that at the beginning of her shift this day she was told by her Director (no name provided) that Detox had reached its limit for Dane County beds. In providing more clarification, Wood stated that she was instructed that she and her staff were not to take any additional Dane County residents for the shift. This was to imply that room was available, just not to county residents.

I explained to Wood that our officers had an incapacitated subject in the vestibule here and that we were fulfilling our legal obligation to convey that subject to this facility. I explained that the Madison PD Officers were going to leave [REDACTED] here as we provided them with notification of our presence here and a Protective Custody Form was completed for the subject. Wood stated that I could not leave [REDACTED] there and she then walked out of the room.

I then asked Wood and a Detox staff person present in the room with us to open the locked door and allow me to leave. Wood did not respond and the staff individual (name unknown) indicated that she wasn't sure if she should allow me to leave. I advised the staff member that she could not lawfully keep me in the facility and that doing so would obstruct my duties as a peace officer. I ordered her to open the locked door and allow me to leave the facility. After asking Wood for permission to do so, she then unlocked the door.

It was then when I re contacted PO's Cherne and Barcheski and directed them to leave the Protective Custody form under the door and the exit the vestibule, leaving [REDACTED] there. Note that [REDACTED] was conscious and seated with [REDACTED] legs crossed. [REDACTED] was appropriately dressed and maintained adequate balance while seated. I indicated that officers were leaving [REDACTED] with Detox and [REDACTED] is to remain in the room. [REDACTED] remained in the room seated. There was a working intercom (which staff used to communicate with PO Cherne) and a CCTV camera which could monitor the room. I noted the time to be 10:05pm.

I then positioned myself in a manner which could monitor persons entering or exiting the vestibule from my squad car but not in the parking/ passenger loading area for Detox. It was my understanding that at this time [REDACTED] was in the custody of Detox and Dane County, who did not provide him entry.

At approximately 10:30pm, I observed the interior vestibule door open and staff exit. The same unidentified staff member approached my squad. I made contact with her (female, 30's red hair) at which point she provided me with a note indicating that it was the name and number to her supervisor who requested a phone call related to this incident. I observed this staff member walk past [REDACTED] as she exited, and watched as she returned to the vestibule. I then left the property.

I contacted PO's Cherne and Barcheski nearby on Industrial Dr and directed them to stand by in the area. I did respond to the OIC's office and spoke with SGT Jacobsen. SGT Jacobsen, assuming the role as Acting Lieutenant while serving as the Officer in Charge, made phone contact with Allison Maly (the number provided to me at Tellurian). According to SGT Jacobsen, Maly identified herself as the General Manager at Detox. I was present during the phone conversation and did hear SGT Jacobsen explain to her why [REDACTED] was left at their facility. It was understood that MPD had fulfilled our obligations under state statute and that they were notified of [REDACTED] presence.

After the phone call, SGT Jacobsen told me that Maly had also used the term "medical capacity" when explaining why they would not allow our officers and [REDACTED] into the intake room. She defined this phrase as meaning that a "staffing issue" existed within their facility. He added that it was her intent to likely request MFD to convey the subject to a hospital. She was advised that the Madison

Police Department would likely not assist during this conveyance should it occur as the subject did not appear to be turned away due to a medical clearance issue.

At the conclusion of this phone call and my contact with the OIC, I directed PO's Cherne and Barcheski to become available for calls for service and to return to the Central District. I took no further action.

NFA

SGT Brian Chaney, 3330

jmn