

6/7/2016

For Law Enforcement Purposes Only

03/02/16
03:58

City of Brookfield Police Department
Officer Report

Page: 3529
1

Incident Number: B16005922
Nature: DC

Case Numbers:

Addr: 3885 N BROOKFIELD RD; @NEROLI SA Area: BCL95 BCP Reporting Area #95
City: BROOKFIELD St: WI Zip: Contact:

Complainant: 1038113 Alert Codes:

Lst: WICHLACZ Fst: ANDREW Mid:
DOB: **/**/** SSN: - - Adr: 2100 N CALHOUN RD
Rac: W Sx: M Tel: () - Cty: BROOKFIELD St: WI Zip:

Reported:
Observed:

Offense
Codes: OWI Operating While Intoxicat
DCON Disorderly Conduct

Circumstances:

Responding Officers: WICHLACZ AC
STOCKLAND AD
WRIGHTSMAN ES

Rspnsbl Officer: WICHLACZ AC Agency: BCP
Received By: SIMMS MM Last RadLog: **:**:** **/**/**
How Received: 9 911 Line Clearance: CUS Custodial arrest

When Reported: 21:32:18 03/01/16 Disposition: LOG Disp Date: 03/01/16

Occurrd between: **:**:** **/**/** Judicial Sts:
and: **:**:** **/**/** Misc Entry:

Modus Operandi:
Factor

Description

Method

INVOLVEMENTS:

Date	Description	Relationship
03/01/16	MACIAS, MELISSA YVONNE	DEFENDANT
03/01/16	WICHLACZ, ANDREW	Complainant
03/01/16	GUETTEL, GINA T	WITNESS
03/01/16	LOFY, KEVIN W	WITNESS
03/01/16	OPERATING WHILE INTOXICATED	Charged With
03/01/16	21:32:18 03/01/16 DC	Initiating Call

6/7/2016

For Law Enforcement Purposes Only

03/02/16
03:58

City of Brookfield Police Department
Officer Report

3529
Page: 3

N/A

Investigation/Narrative:

On Tuesday, 03/01/16, at 2139 hours, Officer STEFFENS and I were dispatched to Neroli Salon, located at 3885 N Brookfield Rd. regarding a disorderly subject. Dispatch advised that a female subject by the name of Melissa MACIAS had left the business upset, and when she was in the business, had damaged property prior to leaving. Dispatch advised that the witnesses to this incident believed that MACIAS was intoxicated when she left. They described the vehicle that she had left in as a white Cadillac SUV with a plate similar to 567XRU. I responded to the area of the salon and dispatch advised that MACIAS was believed to live in Elm Grove. Dispatch made contact with the Village of Elm Grove Police Department dispatch, and found that they had an address for her of 14750 Crestwood Ct. I was able to locate a white Cadillac with plate number 857XRU, traveling eastbound on North Ave., stopped at the red light at Calhoun Rd. This plate listed to MACIAS. I initiated a traffic stop on the vehicle in the 16700 block of W North Ave.

I made a driver's side approach to the vehicle and made contact with MACIAS. Upon my contact with MACIAS, I smelled a strong odor of intoxicants emitting from her. I explained to MACIAS that I had stopped her based off the incident that had occurred at Neroli Salon. MACIAS explained to me that she was upset at the business because she did not like the way her hair turned out after getting it cut. She also was upset that her hairstylist was running late, and that the hairstylist was not available at the time of her 1900 hours appointment. I asked MACIAS for identification, and she provided me with a WI driver's license. I asked MACIAS if she had consumed any alcoholic beverages prior to driving, and she told me that she had not. When I explained to her that I smelled the odor of intoxicants coming from her, she told me that she had dinner earlier at TGI Friday's and had one beer. When I spoke to MACIAS, her speech appeared to be slurred, and she spoke slowly, and it appeared that she was having difficulty speaking to me. MACIAS appeared to be having difficulty thinking about what she was going to tell me. I asked MACIAS to remain in her vehicle, and I returned to my squad car. Officer STOCKLAND and Officer WRIGHTSMAN arrived at my location as I advised dispatch that I would be having MACIAS complete standardized field sobriety tests. I returned to the driver's side of MACIAS' vehicle and asked her to exit the vehicle, which she did. I had MACIAS walk to the rear of her car so that I could complete tests with her. While speaking with her, I asked her how much she had to drink, and she stated, "I had a drink with dinner at Friday's, with a beer." She told me that drink was at about 1800 hours.

I asked MACIAS to remove her eyeglasses so that I could perform a horizontal gaze nystagmus test. She told me that she would not be able to see without her glasses, and I initially had her try to see the tip of my finger, which I was using as a stimulus, without her glasses, and she told me that she could not. I had her put her glasses back on, and she indicated to me that she could see my finger. I explained to MACIAS that I wanted her to keep her head still and follow the tip of my finger with her eyes only. I had to correct her twice to keep her head still as she was moving her head to follow my finger. Once she was able to hold her head still, I noticed that she had equal tracking and equal pupil size in both her left and right eye. Neither her left nor right eye pursued my finger smoothly. She had jerkiness in her left and right eye at maximum deviation, and the jerkiness had an onset before 45 degrees. She showed no signs of vertical nystagmus.

The next test I had MACIAS attempt was the walk and turn test. I explained the

6/7/2016

For Law Enforcement Purposes Only

03/02/16
03:58

City of Brookfield Police Department
Officer Report

3529
Page: 5

and wallet from inside the vehicle. I removed the keyfob from her keys and provided that to Officer WRIGHTSMAN, who waited for Dennis' towing to arrive to remove the vehicle, as there was no safe place to park it. I transported MACIAS to Elmbrook Memorial Hospital, and in the parking lot, I issued to her WI uniform citation B198996-0 for OAWI (3rd offense). MACIAS had been previously found guilty of 09/03/91 in Wisconsin, and again on 05/14/14, in the State of Illinois.

I also read to MACIAS the "Informing the Accused" form in the squad car after confirming that MACIAS could hear me through the partition. MACIAS agreed to submit to an evidentiary chemical test of her blood. I escorted MACIAS to the paramedic room at Elmbrook Memorial Hospital, where I completed the legal blood draw kit paperwork. The phlebotomist arrived and took two vials of blood from MACIAS, which I retained custody of, placing them in the blood draw kit and securing them in there. It should be noted that during the blood draw, I had removed MACIAS' handcuff from her right hand and secured that handcuff to the chair. After the blood draw was completed, I re-handcuffed MACIAS, checking for proper fit and safety-locking the handcuffs. Officer STEFFENS arrived at the hospital and spoke with MACIAS about the incident that occurred at Neroli Salon. Officer STEFFENS did not question MACIAS, but indicated that her behavior was disorderly, although the Salon did not want her prosecuted for disorderly conduct or criminal damage to property for the vase that she had thrown during the argument. I also, at MACIAS' request, made contact with her wife and allowed MACIAS to speak briefly with her wife to explain what was occurring. I explained to MACIAS' wife also about the 12 hour mandatory hold on 3rd offense OAWI, and where MACIAS would be.

Prior to leaving Elmbrook Memorial Hospital, I allowed MACIAS to utilize the restroom at her request. I removed the handcuffs so that she could perform this task. After MACIAS was done in the restroom, I placed handcuffs on her, checking for proper fit and safety-locking them. I conducted a custodial search of MACIAS for weapons and contraband with negative results and secured her in an upright, safety-belted position in the rear of my squad car. Again, I made sure that MACIAS could hear me through the partition in the squad car, and I read MACIAS her Miranda rights and the waiver of rights portion of the "Alcohol/Drug Influence Report." MACIAS indicated that she did not want to speak with me without a lawyer present, therefore I asked her no questions off that form. It should be noted, however, that while at the hospital, MACIAS became apologetic for being in this predicament, and told me that she had indeed had a beer at TGI Friday's and when she arrived at her appointment at Neroli Salon at 1900 hours, and the hairstylist was not ready, that she went over to Jake's and had two more drinks there. She told me that she later returned to Neroli and was upset at the way they had cut her hair, and left angry.

I transported MACIAS to the Waukesha County Jail, where she was remanded to custody of staff there. A 12 hour mandatory hold was placed on MACIAS at the Waukesha County Jail.

I returned to the City of Brookfield Police Department and placed the blood draw kit in the refrigerator in the property inventory room to be forwarded to the Wisconsin State Laboratory of Hygiene. I am awaiting results from that blood kit.

Verbal Statements-

6/7/2016

For Law Enforcement Purposes Only

03/02/16
03:58

City of Brookfield Police Department
Officer Report

Page: 3529
7

Responsible LEO:

[Handwritten Signature]

Approved by:

[Handwritten Signature]

Date

6/7/2016

For Law Enforcement Purposes Only



City of Brookfield Police Department

Supplemental Narratives for Incident B16005922

SUPPLEMENTAL NARRATIVE:

Supplement number: 1

Name: STEFFENS JB

Date: 04:39:26 03/02/16

Supp #1

City of Brookfield Police Department

IR No: B16005922.s01

Complainant: Officer WICHLACZ
City of Brookfield Police Department

Nature: OAWI

Location: 16700 block of North Ave., Brookfield, WI 53005

Defendant: MACIAS, Melissa Y

Date/Time of IR: 03/01/16 @ 2139

Date of report: 03/01/16

Officer/ID #: Officer STEFFENS/ 1308

Typist: TB

Charges Section:N/A

Full name
Court Jurisdiction
Statute/Ord. #
Violation

Principals-

Complainants:

Officer WICHLACZ
City of Brookfield Police Department
2100 N. Calhoun Rd., Brookfield, WI 53005
Work TX: 262-787-3702

Victims:

N/A

Witnesses:

6/7/2016

For Law Enforcement Purposes Only

Supplemental Narratives for Incident B16005922

Page 3 of 3

proceeded to exit the store, slamming the door. MACIAS then left in her vehicle on Brookfield Rd. When speaking to GUETTAL, she stated that MACIAS was very irrational and went from being very angry and upset to very apologetic and was continuously changing her behavior from angry to apologetic.

The glass vase that was broken is valued at \$10.00. GUETTAL did not consent to MACIAS causing damage to the glass vase, however, did not want any charges to be pressed. No video surveillance is available for the incident.

Refer to Officer WICHLACZ for additional information.

Verbal Statements-

Complainants

Victims

Witnesses

Suspects

Others

Written statements obtained/attached?
N/A

Security reports obtained/attached?
N/A

Evidence collected:

Brief summary of incident:

On Tuesday, 03/01/16 at 2132 hours, Officer WICHLACZ and I responded to Neroli Salon and Spa, located at 3885 N Brookfield Rd., Brookfield, WI 53045 for a disorderly conduct complaint. While en route to that location, dispatch advised that the suspect had left in a white Cadillac SUV. Officer WICHLACZ made contact with the vehicle as I arrived at Neroli Salon and Spa to be with the complainant Gina T GUETTAL. She stated that the suspect, Melissa Y MACIAS smashed a glass vase and then exited the store and left on Brookfield Rd. While GUETTAL was working on MACIAS' hair, MACIAS' became very agitated and upset and began swearing at GUETTAL numerous times. MACIAS then apologized to GUETTAL for her behavior. GUETTAL stated that MACIAS appeared to be on something, and she could smell alcohol on her breath. MACIAS also would become very agitated but then would be very apologetic and would do so at random. GUETTAL did not want any charges pressed.

6/7/2016

For Law Enforcement Purposes Only



City of Brookfield Police Department

Supplemental Narratives for Incident B16005922

SUPPLEMENTAL NARRATIVE:

Supplement number: 2

Name: WENZEL BL

Date: 09:39:52 03/18/16

Supp #2

City of Brookfield Police Department

IR No: B16005922

Complainant: Officer WICHLACZ
City of Brookfield Police Department

Nature: OAWI

Location: 16700 block of North Ave., Brookfield, WI 53005

Defendant: MACIAS, Melissa Y

Date/Time of IR: 03/01/16 @ 2139

Date of report: 03/17/16

Officer/ID #: Officer WICHLACZ/1200

Typist: bw

Charges Section:

Full Name: Melissa Y. MACIAS
Court Jurisdiction: Waukesha County Circuit Court
Statute/Ord#: 346.63 (1) (b)
Violation: Operate With Prohibited Alcohol Concentration
(3rd Offense)

Principals-

Complainants:
N/A

Victims:
N/A

Witnesses:
N/A

6/7/2016

For Law Enforcement Purposes Only

Supplemental Narratives for Incident B16005922

Page 3 of 3

(F/W, DOB 07/23/67), from a blood sample collected at the time of her arrest on 03/01/16. The test results came back with a .207 g/100 mL ethanol. MACIAS was cited with a prohibited alcohol concentration, third offense, and provided with the corresponding OAWI paperwork.

6/7/2016

WSLH

University of Wisconsin

Wisconsin State Laboratory of Hygiene
Forensic Toxicology Laboratory
2601 Agriculture Drive P.O. Box 7996
Madison, WI 53707-7996
(608) 224-6241

For Law Enforcement Purposes Only

Laboratory Report

Daniel F.I. Kurtycz, M.D., Medical Director
Charles D. Brokopp, Dr.P.H., Director

REC'D MAR 17 2016

Submitted By: BROOKFIELD POLICE DEPARTMENT [403390]
ATTN: OFFICER WICHLACZ

Report Date:
3/14/2016

BROOKFIELD POLICE DEPARTMENT
2100 N CALHOUN RD
BROOKFIELD WI 53005-5054

Subject: Macias, Melissa Y
Address: 14750 CRESTWOOD CT
ELM GROVE WI 53122
DOB: 7/23/1967 Sex: Female

Specimen Details

Specimen ID	Collected	Type	Collector
16FX003284	3/1/2016 2235	Blood, Whole	BOBINGER, LAURA

Date Received: 3/4/2016
Label/Seal: LABELED AND SEALED
Alcohol Analysis Date: 3/9/2016

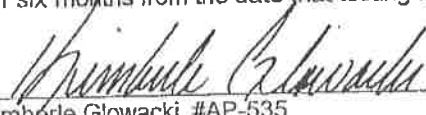
Subject Number:
Case Number: B16005922

Substance	Result	Units
Ethanol	0.207	g/100 mL

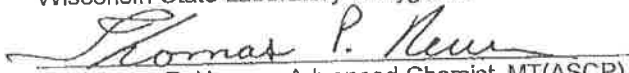
Lab Comments

Specimen(s) are retained for six months from the date that testing is reported unless otherwise requested by agency or subject.

ETHANOL ANALYST:


Kimberle Glowacki, #AP-535

As designee of the Director, I do hereby certify this document to be a true and correct report of the findings of the Wisconsin State Laboratory of Hygiene.


Thomas P. Neuser, Advanced Chemist, MT(ASCP)

END OF REPORT

6/7/2016

For Law Enforcement Purposes Only

NOTICE OF INTENT TO SUSPEND OPERATING PRIVILEGE
 Wisconsin Department of Transportation
 MV3519 3/2011

NOTICE DATE
03/17/2016

IN THE MATTER OF THE SUSPENSION OF:

Driver Name MACIAS , MELISSA Y	Driver License No. M220-5596-7763-07	State of Issuance WI
Address 14750 CRESTWOOD CT	Birth Date 07/23/1967	Sex FEMALE
City, State Zip Code ELM GROVE WI 53122		

CITATION NUMBER B199025 - 1	STATUTE NUMBER 346.63(1)(b)	Date of Violation 03/01/2016	Time of Violation 09:39 PM	B16005922 Police Number
		County Where Violation Occurred WAUKESHA - 67		
		Operating Commercial Motor Vehicle at Time of Violation NO	Transporting Hazardous Materials	
		This Notice (MV3519) issued MAILED	MV3530 issued YES	
		Criminal Complaint issued YES		

BROOKFIELD POLICE DEPARTMENT **6769**
(Arresting Agency) (Agency Code)

OFFICER AC WICHLACZ **1200**
(Officer) (Badge Number)

On the above date you submitted to chemical testing administered in accordance with s.343.305 Wis. Stats. The test result indicated a prohibited alcohol concentration or a detectable amount of restricted controlled substance. Your operating privilege will be administratively suspended for six months. You have a right to obtain administrative and judicial review of the suspension under the provisions of s.343.305(8) Wis. Stats.

Thirty (30) days from the Notice Date listed in the box above your operating privilege will be suspended and a formal Order of Suspension will be mailed to you by the Department of Transportation.

Within 10 days after this notification or within 13 days if this notice was mailed to you, you may request, in writing, that the suspension be reviewed. If such a request is made a review shall be held within 30 days of this notice. You may present evidence and you may be represented by counsel at the review.

Arresting Agency submit to: **DMV Driver Services**
Wisconsin Dept. of Transportation
PO Box 7930
Madison, WI 53707-7930

Date DOT Received

ALCOHOL/DRUG INFLUENCE REPORT
 ESP4005 4/2011 Wisconsin Department of Transportation

Agency Case # **B16005922** Document # **CG704HS06VY**
 For Law Enforcement Purposes Only Page: 1 of 2

Name MACIAS, MELISSA Y 14750 CRESTWOOD CT ELM GROVE, WI 53122	DOB 07/23/1967 Sex F	Citation # B1989960	Arrest Time 09:50 PM	Arrest Date 03/01/2016	Incident Time 09:59 PM	Incident Date 03/01/2016
Names of Other Occupants in Vehicle NA		Department BROOKFIELD POLICE DEPARTMENT				
		Condition of Other Occupants NA				

Describe Clothing: Type, Color, Condition:
BLUE SCRUBS, BLK CLOGS, BLK COAT

Breath, Odor of Alcohol Beverage: **STRONG** Attitude: **COOPERATIVE** Speech: **SLURRED**

Signs or Complaints of Illness or Injury
NONE

What first led you to suspect alcohol or drug influence?
CITIZEN REPORT

Opinions: Is the subject under the influence of intoxicants? **YES** Is the subject's ability to operate a motor vehicle impaired? **YES**

Witness(es)

Pre-Interrogation Warning: Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to talk to a lawyer before questioning and to have the lawyer with you during questioning. If you cannot afford a lawyer and want one, a lawyer will be appointed for you without charge prior to any questioning. If you decide to start answering questions at this time, you can stop anytime during the questioning.

Waiver of Rights: I have read, or have had read to me this statement of my rights. I understand what my rights are. I am willing to answer questions at this time. I do not want a lawyer at this time. I understand and know what I am doing.

Date: **03/01/2016** Time: **22:48**

Signature: *Refused*
 Witness: **WICHLACZ**

Notes: **REFUSED**

1. Were you operating a motor vehicle?	
2. What street or highway were you on?	
3. Where were you going?	4. Where were you coming from?
5. What is Today's date?	6. Time?
7. When did you sleep last?	8. How much sleep did you have?
9. Is that your normal amount?	
10. Are you under doctor's care?	11. For What?
12. Have you taken any prescription medication/drugs in the last 24 hours?	
13. What Type?	
14. Time of last use?	
15. Have you been to a dentist in the past 24 hours?	16. What time?
17. What kind of dental care did you receive?	
18. Do you have GERD?	19. Do you have diabetes?
20. Are you taking insulin?	21. Last dose?
22. Were you injured recently?	23. Describe:
24. Do you have any physical defects?	25. Describe:
26. Have you been drinking?	27. How much?
28. Time Started?	29. Time Stopped?
30. What have you been drinking?	31. Where were you drinking?
32. With whom were you drinking?	

PRE-INTERROGATION WARNING

Pre-Interrogation Warning: Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in court. You have the right to talk to a lawyer before questioning and to have the lawyer with you during questioning. If you cannot afford a lawyer and want one, a lawyer will be appointed for you without charge prior to any questioning. If you decide to start answering questions at this time, you can stop anytime during the questioning.

Waiver of Rights: I have read, or have had read to me this statement of my rights. I understand what my rights are. I am willing to answer questions at this time. I do not want a lawyer at this time. I understand and know what I am doing.

Date:

Time:

Signature

Refused

(MACIAS , MELISSA Y) DOB 07/23/1967

Notes: REFUSED

Witness: WICHLACZ