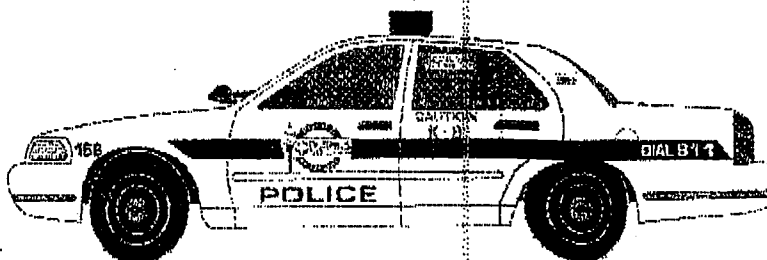




ROBERT D. JONES
CHIEF OF POLICE

GURNEE POLICE DEPARTMENT



100 N O'PLAINE RD
GURNEE, ILLINOIS 60031
NON-EMERGENCY 847.599.7000
FAX 847.244.8690

FAX

DATE: 11/9/04
NUMBER OF PAGES INCLUDING
COVER SHEET: 7

TO: LT. JOHN MORRISSEY
KENOSHA P.D.

FROM: Gurnee Police Department
SGT. MEYER
(847) 599-7084

PHONE:
FAX PHONE: (847) 605-5207

PHONE • 847.599.7000
FAX • 847.244.8690

REMARKS: URGENT FOR YOUR REVIEW REPLY ASAP PLEASE COMMENT

OBSERVATIONS	CLOTHES	DESCRIBE: (TYPE & COLOR) HAT OR CAP <u>N/A</u> SHOES <u>Tennis shoes</u> JACKET OR COAT <u>Black suede coat</u> SHIRT OR DRESS <u>Grey pullover shirt</u> PANTS OR SKIRT <u>Blue jeans</u>
	BREATH	ODOR OF ALCOHOLIC BEVERAGE: <input checked="" type="checkbox"/> STRONG <input type="checkbox"/> MODERATE <input type="checkbox"/> FAINT <input type="checkbox"/> NONE
	ATTITUDE	<input type="checkbox"/> EXCITED <input type="checkbox"/> HILARIOUS <input checked="" type="checkbox"/> TALKATIVE <input type="checkbox"/> CAREFREE <input type="checkbox"/> SLEEPY <input type="checkbox"/> PROFANITY <input type="checkbox"/> COMBATIVE <input type="checkbox"/> INDIFFERENT <input type="checkbox"/> INSULTING <input type="checkbox"/> COCKY <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> POLITE
	UNUSUAL ACTIONS	<input type="checkbox"/> HICCOUGHING <input type="checkbox"/> BELCHING <input type="checkbox"/> VOMITING <input type="checkbox"/> FIGHTING <input type="checkbox"/> CRYING <input type="checkbox"/> LAUGHING
	SPEECH	<input type="checkbox"/> NOT UNDERSTANDABLE <input type="checkbox"/> MUMBLED <input checked="" type="checkbox"/> SLURRED <input type="checkbox"/> CONFUSED <input type="checkbox"/> THICK TONGUED <input type="checkbox"/> STUTTERED <input type="checkbox"/> ACCENT <input type="checkbox"/> FAIR <input type="checkbox"/> GOOD
	INDICATE ANY OTHER UNUSUAL ACTIONS OR STATEMENTS: <u>see video tape</u>	
SIGNS OR COMPLAINT OF ILLNESS OR INJURY: <u>N/A</u>		

INTERVIEW: MIRANDA WARNING: Answers to questions below fall under the MIRANDA RULE. Information from these questions should not be placed in evidence unless the MIRANDA WARNING has been given.

MIRANDA WARNING GIVEN: No Yes

INTERVIEW LOCATION Gurnee PD Booking room TIME 0339 DATE 1-11-04

WITNESSES TO INTERVIEW Det. [Signature]

INTERVIEW	WHAT CITY (COUNTY) ARE YOU IN? <u>Gurnee</u>	WHEN DID YOU LAST EAT? <u>8:00 pm</u>
	WHAT TIME IS IT NOW? <u>0334</u>	WHAT DID YOU EAT? <u>Chips</u>
	WHAT IS THE DATE? <u>1/10</u>	HAVE YOU BEEN DRINKING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	WHAT DAY OF THE WEEK IS IT? <u>Sun</u>	IF YES, WHAT? <u>Southern Comfort</u>
	ARE YOU ILL? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	HOW MUCH? <u>2 mixed drink</u>
	IF YES, WHAT IS WRONG? <u>Flu</u>	WHERE HAVE YOU BEEN DRINKING? <u>in a garage</u>
	DO YOU TAKE INSULIN? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	STARTED <u>10:00 pm</u> STOPPED <u>11:00 pm</u>
	IF YES, LAST DOSE?	WHAT WERE YOU DOING THE LAST 3 HOURS? <u>making jokes</u>
	HAVE YOU BEEN INJURED LATELY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	WERE YOU OPERATING A VEHICLE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	IF YES, DESCRIBE INJURY	WHAT STREET/HIGHWAY WERE YOU ON? <u>Grand St</u>
HAVE YOU SEEN A DR./DENTIST LATELY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<u>Sunset</u>	
IF YES, WHO & WHAT FOR?	DIRECTION OF TRAVEL? <u>East</u>	
HAVE YOU TAKEN ANY MEDICATION IN THE LAST 6 HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHAT? <u>Robtussin</u>	ARE YOU UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS NOW? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
COMMENTS: <u>I guess I should say I drink.</u>		

13 REPORTING OFFICER <u>Stashkiw 148</u>	14 SUPERVISING APPROVAL <u>[Signature]</u>	15 ASSISTING OFFICERS <u>Diehl 89 Mazur 126</u>
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NARRATIVE (continued)

On 1/11/04 I responded as a cover car requested by Sgt Diehl who was with a subject at eastbound Rt 132/Vineyard. Upon my arrival I saw a Ford pickup truck facing eastbound that was approximately 10-15ft off of the roadway. I spoke with Sgt Diehl as to the circumstances prior to my arrival. Sgt Diehl stated that he saw the vehicle off of the roadway and it appeared that the vehicle was stuck and the driver was attempting to get the vehicle out. Sgt Diehl said that as he turned around and pulled over that the driver then approached his squad and he then spoke to the driver, (later identified as Michael E. Bell) Sgt Diehl stated that he could smell a strong odor of alcoholic beverage emanating from Michael's breath and that he had red, glassy eyes. Sgt Diehl stated that when he began talking to Michael he began to walk away stating I made a mistake I just want to leave. Sgt Diehl said that Michael then stated dont make me do this and would not listen to his commands. (see Sgt Diehl's report)

I then spoke with Michael at the scene. While speaking with ^{Michael} I could smell a strong odor of alcoholic beverage coming from his breath. I also noticed that his eyes were red and glassy and that his speech was slurred. I asked Micheal if he had anything to drink that evening to which he replied "no". I then told him that I wanted to check his eyes and had him perform the horizontal gaze nystagmus test. Michael did not have smooth pursuit in either his left or right eye. Micheal also had distinct nystagmus at maximum deviation. I then spoke to Sgt Diehl again after the arrival of Ofc Mazur. Sgt Diehl then returned to his squad to run Michael's information and I then returned to speak with him.

I asked Michael to perform field sobriety tests to determine if he was able to drive. Michael stated that he did not want to take any tests stating that he knew he made a mistake and just wanted to go. I explained to Michael that I could smell a strong odor of alcoholic beverage coming from his breath and again he was asked if he had anything to drink to which he replied that he had after previously stating that he had not. I again asked Michael to perform field sobriety tests to determine if he was able to drive to which he again stated that he would not. I explained to him that based on my observations if he did not perform any tests that he would be placed under arrest for DWI of alcohol. (was told tests were to show if he was impaired or not) Again he stated that he would not

✓ CONTINUED

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NARRATIVE (continued)

and he had asked if he could just go back to his car and leave. Officer Mazur advised Michael that he was being placed under arrest for DUI of alcohol and told Michael to place his hands behind his back. Michael began to pull away from officer Mazur as he attempted to place Michael's left arm behind his back. I was attempting to place Michael's right arm behind his back as he continued to resist by then attempting to swing his body after pulling away from officer Mazur. Michael was then handcuffed after bringing him down to his knees. I then searched Michael prior to transport to the police station.

Upon arrival to the police station I issued Michael citations for failure to reduce speed to avoid an accident 11-601(a) #95336, driving while license revoked 6-301 #95337, DUI of alcohol 11-501 (a2) #95338, and resisting a peace officer 5/31-1 #21176. At 0252 I read Michael the warning to motorist. At 0301 hrs I began the twenty minute observation by first having Michael open his mouth to check for any foreign objects. At 0323 hrs I offered Michael the breath test. Michael then took the test which showed a resulting BAC of .084. At 0334 I issued Michael a traffic citation for DUI of alcohol 11-501(A1) # 95399. At 0338 hrs I gave notice of summary suspension to Michael. At 0340 I read Michael his Miranda rights. Michael then answered questions included on the alcohol influence report. During the booking process Michael was telling jokes and had stated that he had been coming from his girlfriend's house after having an argument. Michael had also stated at the scene that he knew he should not have been driving. Michael also stated that he should have trusted his first instinct and should not left the place he was at. When I asked him at the scene how he had gotten his truck into the ditch he stated that he took the turn too fast. While at the PD Michael stated that his truck had "too much balls" and that it got him in trouble. I then booked, processed, photographed and fingerprinted Michael. Michael was then released on a personal recognizance bond and given a ride home by a taxi.

I then packaged and placed the video tapes from Sgt Diehl's squad and my squad into evidence. NONE FURTHER

 CONTINUED

Gurnee Police Department

Supplementary Report Page 1 of 2

Case No. 04-1140

<input type="checkbox"/> CASE FOLLOW-UP REPORT	OFFENSE CLASSIFICATION ON LAST REPORT	OCN	BEAT OF OCC.	DATE OF THIS REPORT
<input type="checkbox"/> COURT APPEARANCE REPORT	<u>DUI of Alcohol</u>	<u>2410</u>	<u>58</u>	<u>01/11/04</u>
CODE INDEX: C-COMPLAINANT S-SUSPECT V-VICTIM W-WITNESS O-SUBJECT A-ARREST				

CODE INDEX	NAME	ADDRESS
<u>A.</u>	<u>BELL, Michael E.</u>	<u>8310 14th Ave Kenosha, WI 53143</u>

SEX	RACE	DOB	HOME PHONE	WORK PH/PAGER	HT	WT	HAIR	EYES	A/J#

CODE INDEX	NAME	ADDRESS

SEX	RACE	DOB	HOME PHONE	WORK PH/PAGER	HT	WT	HAIR	EYES	A/J#

CODE INDEX	NAME	ADDRESS

SEX	RACE	DOB	HOME PHONE	WORK PH/PAGER	HT	WT	HAIR	EYES	A/J#

On 01/11/04 at approximately 0133 hours, while patrolling w/B on Rte. 132 approaching Vineyard Dr., I observed a red pick-up truck off the roadway on the South side of Rte. 132 east of Vineyard Drive. It appeared as though the vehicle was stuck in the snow and the driver, later identified as BELL, Michael E., was trying to free the vehicle. I proceeded w/B on Rte. 132 until I was able to turn around at Vineyard Drive.

As I stopped squad #145 on the south side of E/B Rte 132, I observed BELL approaching my squad car. I instructed BELL to return to the front of my squad car as I was exiting squad #45. BELL then stated "Just let me try again" and began walking away from me. I instructed BELL to stop and furnish me with his drivers license. BELL continued to be evasive and act suspicious. BELL ignored my

<input checked="" type="checkbox"/> CONTINUED ON REVERSE SIDE	DATE INV. COMPLETED	TIME	CASE STATUS
	<u>01/11/04</u>		<u>Closed</u>
REPORTING OFFICER	STAR NO.	ASSISTING OFFICERS	STAR NOS.
<u>Diehl</u>	<u>88</u>	<u>126 Mazur 3' 148 Starkkin</u>	
SUPERVISOR APPROVING		STAR NO.	
<u>[Signature]</u>			

Supplementary Report (continued)

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Case No. 04-1168

request for a drivers license and stated "I made a mistake Don't make me do this". Due to his suspicious behavior, I called for an additional officer to assist me. I continued to request his drivers license and he began to walk away from me towards his vehicle. I was then forced to pursue him a short distance and escort him back to my squad car. As I was escorting him, I detected an odor of alcohol emitting from his breath. I asked him if he had been drinking and he stated "No". Then I asked him if there was anyone with him when he drove the truck off the road. He stated "No". Due to his lack of cooperation and suspicious behavior, I patted him down for weapons and entered his pockets with his consent. While checking his right front pants pocket I located a set of keys. Officer Stashkiw arrived while I was searching Bell. I then requested that officer Stashkiw stay with Bell, while I checked Bell's vehicle. I checked the vehicle key on the ring of keys located in Bell's pants pocket and the vehicle key fit the ignition. I then returned and spoke with officer Stashkiw. I advised officer Stashkiw that I had smelled the odor of alcohol emitting from Bell's breath and that Bell's eyes were red and glossy. I then turned over the investigation to officer Stashkiw. For more information, see officer Stashkiw's DUI/Alcohol Case Report.