

Lisa Tomyl

From: Frank Widmayer
Sent: Wednesday, March 18, 2015 3:14 PM
To: Lisa Tomyl
Cc: Steve Ledoux; Nina Pickering Cook
Subject: Makaha possible over-serving incident
Attachments: Makaha possible overserving I2015-4125.pdf

Lisa,

I have attached an incident report involving a patron who was served at the Makaha after being reported as driving while intoxicated. She was placed in protective custody at the Makaha and transported to Emerson Hospital.

The Board of Selectmen may wish to conduct a hearing on this matter at their discretion. Attorney Nina Pickering Cook has asked that prior to any notification of a hearing to the Makaha that she be allowed to review the letter.

I have included a scanned copy of the redacted report and a report from Lt. Jim Cogan who notified the Makaha management of the issue the morning after the incident and told them to retain any pertinent information, including receipts and videos.

Due to the fact that there was a hospital transport there is no blood alcohol level available.

Regards,
Frank

Frank J. Widmayer III
Chief of Police

Acton Police Department
 P. O. Box 2212
 371 Main Street
 Acton, MA 01720
 978-263-2911



Incident Number: 201600004126
 File No: N/A
 Dispatch Incident Number: 201600004659
 Print Date: March 6, 2016
 Printed By: rburrows

Incident Report

Reported As	Day of Week	Date	Time	Occurred	Day of Week	Date	Time	Reported	Date	Time	
Intoxicated Female Driving [REDACTED]	Thurs	03/05/2016	9:18:00PM	[REDACTED]	Thurs	03/05/2016	9:18:00PM	[REDACTED]	3/5/2016	9:18:46PM	
Incident Type - Primary				Arresting Officer							
Motor Vehicle Violation				[REDACTED]							
Incident Address						Reporting Officer					
[REDACTED], ACTON, MA 01721						Patrol Officer Douglas Mahoney					
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
NOR		North Precinct Map B4									
Business Name				Incident Types - Other							
N/A				Medical							

Caller	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
[REDACTED]	P1	[REDACTED]	M	[REDACTED]	[REDACTED]	N/A
Address: [REDACTED], ACTON, MA 01721						
Suspect	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
[REDACTED]	P2	[REDACTED]	F	N/A	[REDACTED]	N/A
Address: [REDACTED], ACTON, MA 01721						

Officer Title	Officer Name	Officer Type	Division
Patrol Officer	John Collins	Responding Officer	Acton Police Department
Patrol Officer	Douglas Mahoney	Reporting Officer	Acton Police Department
Patrol Officer	Douglas Mahoney	Responding Officer	Acton Police Department

No Involved Officers Data Available for Incident #: 201600004126

Suspect Type	Suspect Name	Alias/Nicknames	Occupation	Probation Control File	SSN				
N/A	[REDACTED] P2	[REDACTED] P2	[REDACTED]	N/A	N/A				
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color
[REDACTED]	43	Female	Caucasian	Not Hispanic	Medium	5' 3"	160	Hazel	Brown

Vehicle No.	Vehicle Make	Vehicle Model	Vehicle Year	VIN	Primary Color	Secondary Color	Plate No.	State
[REDACTED]	Jeep	Compact Sportsm	2007	[REDACTED]	Gray	N/A	[REDACTED]	MA

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Incident Number: 201500004125
File No: N/A
Dispatch Incident Number: 201500004559
Print Date: March 6, 2016
Printed By: rburrows

Incident Report

Narratives for Incident Number 201500004125 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrol Officer Douglas Mahoney Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/05/2015 22:35		Patrol Officer Douglas Mahoney	Closed	Sergeant John Cooney	03/05/2015

On March 5, 2016 I, Officer Mahoney, was on routine patrol working the 3-11 shift in marked cruiser #21. At approximately 9:20 PM Officer Collins and I were dispatched to [REDACTED] for a report of a possible intoxicated female attempting to drive a gray jeep, bearing Massachusetts registration number [REDACTED], away from the scene. The reporting party was identified as P1 [REDACTED] and the female was identified as P2 [REDACTED].

I checked Great Road with negative results before heading to speak to P1 on [REDACTED]. P1 informed me that P2 has been drinking tonight and that she was very upset about a death in the family. P1 informed me that P2 was talking about going to the hospital today because she was feeling depressed about the death in the family. P1 informed me that after P2 had been drinking informed him that she was going to drive herself to the hospital in his jeep. He attempted to stop her and tell her that he did not think she should drive. He informed me that she left the apartment regardless of what he said. I asked P1 if he would like to charge P2 with Chapter 90 Section 24: using without authority. He informed me that he did not want her charged with anything and would just like a well being check on her because she was very upset.

Officer Collins located the Jeep at the Makaha Restaurant. I arrived on scene and located P2 at the bar eating a meal and drinking what appeared to be an alcoholic beverage. I asked P2 to speak to me outside. She refused and told me that she would speak to me in the lobby. I asked P2 what had happened tonight and about why she was upset. As P2 began to speak I observed a strong odor of an alcoholic beverage emanating from her person. I also observed that she was swaying from side to side and that her eyes were bloodshot and glassy. P2 informed me that she was very upset about a death in the family tonight. I could see that she began to get emotional and teary eyed as she spoke. I asked P2 how much she had to drink tonight. She informed me that she had one drink at the Makaha. I told P2 that I believed that she had more than that. I informed P2 that I would be willing to drive her to the hospital to speak to a professional about why she was depressed tonight. P2 informed me that she did not want to go anymore and that she wanted to go home. I informed P2 that I believed that it was a safety issue if she were to go home tonight due to the report that we already had of her driving while she was possibly intoxicated. At that point P2 became upset and went back to the bar and picked up her drink, looked at me, and mumbled something before attempting to chug the alcoholic beverage. At that point I approached P2 and placed her left arm into a rear wrist lock to escort her out of the bar.

Once outside, I informed P2 that I was going to be placed into protective custody and began to handcuff her hands behind her back (double locked). At that point, P2 started to become hysterical and began crying. She then began yelling, [REDACTED]. P2 also began yelling that [REDACTED] and that she is [REDACTED] and has [REDACTED] the past. P2 informed me that she has [REDACTED] that I later observed. I informed P2 that because of her statements I was going to [REDACTED] her and give her a ride to the hospital. I placed her into the rear seat of my cruiser and advised dispatch that I would be transporting P2 to Emerson Hospital, stating my beginning and ending mileage.

Once at the hospital I completed a [REDACTED] and provided to the hospital staff. A copy of the [REDACTED] is attached to this report.

Respectfully Submitted,
Officer Douglas Mahoney #136

Signature - Reporting Officer

Signature - Reviewing Officer

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Incident Number: 2015000004125
File No: N/A
Dispatch Incident Number: 2015000004559
Print Date: March 6, 2016
Printed By: rburrows

Incident Report

Incident Dispatcher Remarks:

Greets User ID: system

Date & Time

03/05/2016 22:28:52

Rp called to report his wife took his vehicle [REDACTED] and drove to Emerson and is intoxicated. 38DM/89JC responded.
Concord police notified. The vehicle was located at the Makaha Restaurant, [REDACTED] ANSPORT TO EMERSON 66.5
1870.5 @ 22:10.



**ACTON POLICE DEPARTMENT
INTERDEPARTMENTAL
COMMUNICATIONS**

To: Chief Widmayer
From: Lt. J Cogan *J. Cogan*
Re: Bornhorst Makaha incident
Date: March 6, 2015

Chief, at your request I responded to the Makaha restaurant on March 6, 2015 at 11:15AM. When I arrived there I spoke to the owner Raymond Cheng. Raymond told me that he was working on the evening of March 5, 2015 when the Acton Police handled an incident involving [REDACTED] who was reported to be intoxicated by her husband. Mr. Cheng told me [REDACTED] had ordered food and a drink before the police arrived. Mr. Cheng showed me notes he had written about the incident and had 2 names listed of customers who had witnessed the incident, on the paper he noted the type of drink and food ordered and mentioned that he had not received payment from her before being escorted out of the restaurant by police. I ask him to preserve the notes he had taken along with any receipts and video of the incident so that he could provide them to the Acton Board of Selectmen if asked to do so at a hearing. Mr. Cheng was very cooperative and agreed to my request.