



THE LAKELAND TIMES



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OPEN RECORDS INVESTIGATION

Notice of claim: Man tried to alert Minocqua officer to woman's need for help more than 68 times

Police records: Despite multiple 911 calls, police took more than 90 minutes to head to location

By Richard Moore
OF THE LAKELAND TIMES

A Minocqua police officer brushed aside repeated pleas for help in the summer of 2020 by a man who had been calling 911 to report that a woman acquaintance could be in immediate danger at a nearby residence, instead arresting

"Hey, as long as my bathroom gets done in my basement, I really don't care."

Minocqua police officer Kaleb Punzel

the man for drunken driving and relaying no sense of urgency either to other responding officers or in his communications with

police dispatch, records obtained in an open records request show.

The woman that the 911 caller was worried

about, whom *The Lakeland Times* is not naming, subsequently said she was sexually assaulted during the time officer Kaleb Punzel was dismissing the seriousness of the threat, and has filed a notice of claim against the town of Minocqua, the Minocqua Police Department.

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Let's Minocqua's Krystal Westfahl injured in car accident

Westfahl was involved in a 39-vehicle pileup near Wausau

By Trevor Greene
OF THE LAKELAND TIMES

On Friday, Feb. 18, icy conditions on U.S. Highway 51 near the County Highway K ramp in Wausau caused a pileup of nearly 40 vehicles.

In the middle of it all was the executive director for the Let's Minocqua Visitor's Center and Chamber of Commerce, Krystal Westfahl.

She told *The Lakeland Times* three cars hit her vehicle from three different angles, while she and her three dogs braced for impact as each one hit.

"I thought to myself, 'well let me head to the ditch,'" she said. "That usually is safe."

Others had the same intuition, according to Westfahl, as she noted many were in the ditch already.

Westfahl sustained a broken sternum, three broken vertebrae in her lower back and blunt force trauma to her right hip as a result of the accident.

"My car basically folded like an accordion," she said.

Her dogs sustained only minor injuries, if any, and were taken to a Wausau police department office where a friend of Westfahl's later picked them up.

"My biggest dog, he's a Great Pyrenees mix which are known to be guard dogs, he had the hardest time," Westfahl said. "He hasn't left my side since I got home ... and every time I get up, he's like right there."

All of the windows in Westfahl's vehicle shattered and all the airbags deployed.

She said it seemed like she was driving into a waterfall of snow, and snow quickly accumulated on the road.

Shawano police officer Jeff Buettner was in the crash as well, and he happened to be near Westfahl.

Westfahl said there was a moment of confusion at first when she saw Buettner, wondering how a police officer was able to respond so quickly.

"You could tell he was fully in shock, too," she said. "... we actually reached out and we've contacted each other because he held my hand while I sat and cried and I honestly couldn't tell you how long me being there and first responders getting on scene took."

Westfahl was in shock, making sure she had everything and her dogs were OK, and she was extricated from her vehicle by rescue personnel.

Nine others, besides Westfahl and including an elderly couple, she said, was in a vehicle next to hers and "re-

BRETT LABORE/
LAKELAND TIMES

Ryan Carlson catches a lob in mid-air for a layup attempt in a 79-56 win over Elcho Monday, Feb. 21 at Ted Voigt Court in Minocqua. For complete coverage of the game, see page 20.



SOARING THUNDERBIRD

Lakeland comes ALIVE

What's happening in entertainment in the Northwoods

FEB. 26

Decade Xs

9 p.m.
Black Bear Bar,
Minocqua

Print Run 5,500
Vol. 131 - Issue 02
1 Section, 48 Pages



ATV and UTV economic impact

Westfahl: 'They don't want to be on pavement, they want to be on dirt'

By Trevor Greene
OF THE LAKELAND TIMES

It's really very obvious outdoor recreation is an important part of the economy here in the Northwoods of Wisconsin, the proverbial "bread and butter" for the region.

According to Headwaters Economics, a leading independent, bipartisan and nonprofit research firm, the entire state of Wisconsin ranks 17th in the nation when it

comes to the fiscal impact outdoor recreation had on the economy in 2020.

In the same graph, posted on their website, 87,000 jobs and \$4.18 billion can be attributed, or traced, to tourism impact.

Key findings from 2020 in a separate, but recent, economic impact report from Headwaters Economics include:

• \$7.8 billion contributed to the state's

gross domestic product.

• 93,000 jobs across diverse sectors are supported.

• \$3.9 billion in compensation provided to Wisconsin residents.

• Wisconsin is a national powerhouse in outdoor recreation manufacturing.

• 17 million visits annually to the Wisconsin State Park System drive more than \$1 billion in

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ment, Punzel, and the man she alleges to have assaulted her, Lech Maczuga.

According to body cam footage and Punzel's police report, Punzel personally knew Maczuga — he was a contractor doing work on his home and had called Punzel that night on his personal cell about the unfolding situation. During that call, according to Punzel's report, Maczuga told the officer that the 911 caller, James Koski, and Koski's female acquaintance had arrived together and they had all had been drinking at his property, that Koski had "become suspicious," that he asked Koski to leave, and the woman was passed out on his couch.

In fact, as Maczuga later acknowledged to police, he had carried the unconscious woman to his own bedroom, according to Minocqua police officer Jazmin Solberg's report. In addition, as police body cam footage shows, Koski also said things had turned weird and that Maczuga forced him to leave the property and would not allow him to take his acquaintance with him. He said he immediately started calling 911 after his departure, asking for police to go to the property to check on her.

Instead, as police body cam footage shows, after receiving Maczuga's call, Punzel said he decided to head toward the property, encountering Koski on the roadside making 911 calls. He detained Koski for likely being under the influence, rebuffed Koski's repeated pleas for police to head to the nearby property, and made no report of a possible person in imminent danger in his report of the situation to dispatch, saying only that he had an intoxicated driver and a "conflict of interest" and needed additional response, according to the dispatch recording.

In later testimony during Koski's OWI trial, Punzel said one reason that he did not respond to the property was that he had no back-up in an area with poor radio service. However, when responding officers did arrive at the potential OWI scene, Punzel did not request that the arriving officers go immediately to the property, waiting more than 45 minutes after a second officer arrived before asking an Oneida County deputy to go to the property, and then only to return the woman's purse, which was in Koski's truck, according to an Oneida County sheriff's department report by the officer at the scene, as police body cam footage shows.

All totaled, according to Minocqua police computer aided dispatch (CAD) narrative and police reports, police did not begin to even head to the property until more than an hour after Punzel first encountered Koski and for more than an hour-and-a-half since Koski first began calling 911. Given the drive to and into the remote property, almost two hours had elapsed since the first calls for help — at least — and perhaps more than

two hours.

For his part, Maczuga has maintained his innocence in police interviews and he has not been charged with a crime. However, after completing her investigation of the night in question, Solberg reported in her June 12 supplemental narrative that Maczuga's story had been inconsistent during police interviews, and, after reviewing the evidence, including DNA testing and blood samples, recommended that second degree charges for sexual assault of an intoxicated person be filed against him.

The OWI charge against Koski was subsequently dismissed; he was found guilty of reckless driving-endangering safety.

In the notice of claim, the woman contends that the delays at the Koski scene led to "a sexual assault that otherwise would not have happened," and that Punzel created those delays through "intentional acts, failure to act, gross negligence, ordinary negligence, and/or deliberate indifference."

The events that surround the sexual assault allegations will be explored in a second article. This article focuses on the police conduct, starting with Koski's calls to 911 and his repeated but unsuccessful requests to have police investigate at the property.

How it unfolded

According to police reports, Maczuga was selling his property, and, on the day of the alleged assault, Koski, a prospective buyer, and an acquaintance arrived at Maczuga's place to take a look.

Again, the specific story of what happened after that depends upon who is asked. What is without argument in the reports is that all three got drunk — a preliminary breath test showed Koski's acquaintance to have a blood alcohol level of .23 — the acquaintance passed out, Maczuga would not allow Koski to take the acquaintance when he left (he says he was worried about her well being if she left with Koski), and Koski left determined to call 911 for emergency help.

At 12:53 a.m., two 911 calls came into dispatch — at least one and maybe both from Koski — but both calls failed to go through given the remote location of the property near the Price County line. The calls were pinged, but Koski and dispatch were unable at first to establish verbal communication, the CAD narrative shows.

Separate from those calls, as his report establishes, Punzel had received a personal call from Maczuga about the situation, and he informed dispatch that he would head out to investigate the matter. By 12:56 a.m., he was en route to the location.

Before arriving at the property, however, Punzel encountered Koski parked halfway in a ditch on road a little ways from the house, according to police documents. Because the address was in the remote western part of the county, he did not arrive until 1:14 a.m.

In ensuing conversation,

captured on Punzel's body cam, Koski told Punzel he stopped there because he had gained cell reception that had eluded him back at the property; Punzel subsequently detained him for displaying what he called clear signs of being under the influence.

During that interaction, both while they waited for other officers to arrive and afterward, Koski repeatedly urged Punzel to head to the house to check on his acquaintance, the footage shows.

As Punzel initially approached the vehicle, for example, Koski began to explain what he was doing.

"He's got her," he told Punzel. "I had to leave. She is fucking' in there with that guy. I'm freaked out. I'm so seriously scared for her. I'm scared for her life right now."

Why? Punzel wanted to know.

Koski explained they all got drunk and had a very enjoyable night until "things got weird": "He's not right. Please help her."

As they waited for other officers to arrive — presumably so someone would finally go to check on Koski's acquaintance but also because Punzel wanted a second officer on scene as he conducted a field sobriety test of Koski — Koski repeatedly challenged Punzel's refusal to proceed to where he thought a crime might be taking place.

During those conversations with Koski, again all captured on police body cam footage, Punzel began to give different reasons why he could not immediately go to the house to check out the situation.

In one exchange, Punzel offered up that he knew there was no emergency because Maczuga had told him personally what was going on at the house. The exchange startled Koski.

"He's got the [acquaintance] in there," Koski had said.

Punzel proceeded to explain.

"For sure I think you think it's weird because he's married and she's intoxicated to the point where she can't drive and that's why she is staying there," he said.

"How do you know all this?" Koski asked, obviously surprised.

"Because he called me," Punzel said. "I know who the guy is. He thought you were weird. That's why I'm not getting involved with this."

Koski was incredulous again.

"You know that she's there, and you're not going to investigate this?" he said.

Punzel then gave a second reason he couldn't go. "I can't leave you here," he said.

"You can't leave me?" Koski said, offering to go with Punzel. "You can't leave her."

"I can't leave you here," Punzel said again. "I'm tied up until somebody can come down here."

Punzel then switched up again, saying the whole reason he came was because he got Maczuga's personal call.

"He called me on my personal number because he thought the whole situation

was strange," Punzel told Koski. "He wasn't sure what to do, so I called our dispatch center and said we need to start a complaint, and I needed to go down there and investigate."

But minutes later, he told Koski he could not investigate precisely because he knew Maczuga.

"You want something down there, right?" he said. "Would I be biased if I went down there and that was one of my friends, or that wasn't one of my friends. ... That's why I can't handle it."

Koski said he thought it was ridiculous for a police officer to refuse to respond when told someone was in danger.

"I'm telling you, I've seen a lot of stupid s—t in this world and when you're not helping me help that girl that's stuck over there right now with that [SOB] that you say that you know, that's wrong," he said. "She needs help now and you don't want to go there and help her."

"I do, but I can't let you drive anywhere. I can't leave you," Punzel said, once again changing the reason he could not respond.

Over at dispatch

During his calls to dispatch, the recordings show that Punzel did not relay Koski's concerns that a woman might be in imminent danger, saying only that he had a "10-55 [intoxicated driver] with this guy, could be a conflict of interest with the second half."

Because of the "conflict of interest," Punzel requested additional response. He did not explain what he meant by "the second half" and, as subsequent dispatch recordings indicate, it left the dispatcher somewhat confused about what was going on.

The Minocqua dispatcher then set about making routine calls to various area law enforcement agencies, asking for additional response but expressing no urgency because Punzel had not himself expressed any urgency.

"You guys have anyone you can send down?" the dispatcher asked the woman who answered at the Vilas County sheriff's department. "We have another conflict of interest so ..."

The Vilas County employee seems startled.

"How?" she asked, and, when the Minocqua dispatch said she didn't know, said: "We haven't had one in one night?"

"I'm not really sure," the Minocqua dispatcher answered. "I think he's got a drunk driver, though."

"Somebody he knows?" the Vilas employee asks.

"I guess so," the Minocqua dispatcher says.

It's not clear what the second conflict of interest was, or if in fact both references were to the same incident.

A short time after the dispatcher's call with Vilas County, Koski himself had managed to finally get through to dispatch and relay his concerns both about the woman he believed to be in danger and the actions, or inactions, of Punzel, the recordings show.

"I do not like what's going on," he told the dispatcher. "He is not helping me."

Koski tells the dispatcher the woman is being held by a man that Punzel is telling him he knows.

"This police officer says that he knows this person, but he's not helping me," he said. "He's not helping her. I want this documented. I want this reported. I want to know that this is not going to go wrong. There's a police officer standing right next to me, and I'm not being helped."

After they hung up, the dispatcher reported the conversation to Punzel: "Your driver is on 911 with me, again, complaining about you."

Punzel replied that it's probably the same complaint he got from Koski in his face about 30 seconds earlier. After that exchange, Koski got through to dispatch again, the recordings show, demanding help for the woman, and the dispatcher assures him that help is on the way.

"We're going to send someone out, OK?" she replies. "They're on their way, OK?"

A few minutes later, an officer with Lac du Flambeau tribal police calls in to inquire further about what help was needed.

"What have you got going on, just an OWI?"

Despite having spoken with Koski, on the dispatch recording the Minocqua dispatcher still does not show any urgency.

"Yeah," she answered. "It's a conflict of interest, I guess."

Much later, toward the end of the incident, a Lac du Flambeau officer called into dispatch, wanting to know if his officer was still assisting because he wanted him back. The Minocqua dispatcher was unsure.

"Possibly," she said. "Um, I'm not really sure. They're not really communicating with me that much ..."

The dispatcher did say that "fields" were complete because they were bringing "the guy here. He's almost here."

"I don't know what they are still doing," she continued on the recording. "They're looking for a party out there, or something, but I can give them a call and see what's going on."

Back at the scene ...

Once officers arrived at the scene, Koski tied to alert them to the situation, too.

Woodruff police officer Brian Czlapinski was the first on-scene besides Punzel, arriving at 1:40 a.m. When Czlapinski arrived, Punzel began placing Koski under arrest — he refused to take a field sobriety test — and Koski turned his appeals to Czlapinski, as recorded by Czlapinski's body cam.

"He doesn't want me to talk," Koski said. "There's a girl in need. Please, there's a girl in need. Officer, I called 911 myself. There's [an acquaintance], she's my [acquaintance]. He does not want to help her. Please will you help? Please officer, will you help this girl?"

Czlapinski said he would get the story from Punzel: "I'm here to assist him, just to listen to him."

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Punzel remained silent, and then started to walk Koski back to his squad car to put him in the back. Koski asked once more if he was going to help his acquaintance.

"That's been my goal this entire time," Punzel replied.

A bit later, in another conversation, also captured on Czlapinski's body cam, Punzel tells Koski he has to cooperate and that he is under the influence.

"Whether or not we go down there and investigate, you're still under the influence," Punzel said.

That comment rocked Koski: "Whether or not? Please, please ..."

"That's our goal," he said.

Punzel told Koski he had listened to him politely, let Koski film him, had answered all of Koski's questions, and did not swear or raise his voice, all of which was true. Then, he explained once more why he thought he could not go to the property to see if the woman needed help.

"Understand that I cannot go down there," he said. "I tried telling you that, conflict of interest. I know that individual. I'd be biased if I went down there. I don't want to do that."

At one point, Punzel gave Czlapinski his version of what was going on.

"I got a call from somebody that lives down here who has done work on my property," he said. "Called me three times saying, 'Hey somebody came out to look at my property today. ... We were doing some drinking. The guy's now left, the [acquaintance] is passed out in my house. What do I do?'"

Punzel tells Czlapinski that he told Maczuga to call 911 or call in a complaint so someone could investigate.

"I said, 'I'll drive down there,'" he said, referring to dispatch. "They were supposed to call either you or Vilas or Oneida for somebody to assist. I came down here. This guy is sitting here backed into the ditch on this side of the road. Clearly under the influence. So I'm waiting down here because this guy is getting aggravated. Hates me. I know that guy, so it's a conflict of interest — for me with him because he's done work — he was actually working on my house last week."

It should be noted that this version of the number of phone calls from Maczuga to Punzel is different from the one he gave later in court at Koski's appearance for OWI. In that testimony, he says he received two, not three, calls from Maczuga, and that only the second call mentioned the situation unfolding at the house.

Punzel summed it all up for Czlapinski, as recorded on his body cam: "I don't know what's going on down there. I think he thought this guy was weird. Lester asked this guy to leave. So I'm not sure. That's where I am at this point. This guy is drunker than a skunk."

A little later, the Lac du Flambeau officer arrived on the scene, and Punzel again offered up his take, again captured by Czlapinski's body cam, including that a conflict of interest precluded him from going to check on the woman.

"There's a conflict down here," he said. "I know the guy. He's selling his property. This guy was coming out to look at it. He came with [an acquaintance] in his

vehicle. They were there quite a long time. I got a phone call on my personal cell from the guy saying, 'Hey, you come down here.' I'm like, 'No, there's no reason, I'm the only person working.' He says this guy is really weird. 'He's freaking me out. We've had too many drinks.'"

Punzel said he was told the acquaintance was passed out.

"He's not sure what to do," Punzel said. "He's a married man, doesn't want to get caught with anything. This guy left and tried to call 911 as that guy was calling 911. Because they both think they are suspicious."

The bottom line was, Punzel told the officers, each man was suspicious of the other. At that point, Punzel turned to Czlapinski and said, as recorded on the body cam: "What do you think, Brian? A good one, right?"

"A conundrum," he replied.

Punzel began to walk away and offered a final comment: "Hey, as long as my bathroom gets done in my basement, I really don't care."

As the incident ended and Koski was starting to be transported, officers finally began to make their way to the Maczuga property. In his report of the incident, an Oneida County deputy, Thomas Williams, who had arrived at the scene, accompanied the Lac du Flambeau officer to the Maczuga property at Punzel's request.

The time by now was 2:27 a.m., when they left for the house, but once more there was no urgency conveyed to the deputy. Police reports do not make it clear how long it took to reach the property, but the notice of

claim alleges that the officers did not arrive at the Maczuga residence until shortly after 3 a.m., more than two hours after Koski started calling 911.

"Officer Punzel stated there was a female ... sleeping on the couch and he was not sure if his contractor wanted her gone or what the status was, but her purse was found in the truck of the individual that he had just arrested," Williams wrote. "Officer Punzel asked if I would be able to return the purse."

In the end

At that point, though, Punzel could not possibly know the woman was sleeping on the couch or that she was just staying there because she was too drunk to drive. In fact, the subsequent investigation, as recorded in Solberg's supplemental narrative, shows Maczuga admitting he carried the woman upstairs to his bedroom, though he insisted they did not have sex.

Then, too, in testimony at Koski's OWI trial, Punzel affirmed that Maczuga had told him just that — that the woman was on the couch. The comment to the Oneida County deputy, as relayed in the deputy's report, thus suggests that Punzel accepted what Maczuga told him in his personal call as the truth and indicates that the bias that Punzel told Koski he wanted to avoid had already been formed.

Throughout the incident, while Punzel offered up different reasons why he could not check on the woman, police CAD narratives and police reports show that the most prevalent was that there was a conflict of interest because he knew Maczuga and might be bi-

ased toward him if he investigated.

That insistence that he could not investigate offers up another contradiction.

On the one hand, as body cam footage and police reports show, Punzel told Koski as well as other officers who arrived on scene that to go to the property and investigate would be a conflict of interest because he knew Maczuga. On the other hand, according to Punzel's own body cam footage, going to the property to investigate was the very reason Punzel said he told dispatch he was heading to the area after receiving Maczuga's phone call.

In the notice of complaint against the town and Punzel and Maczuga, the claimant says the defendants owed her a duty of care as a person within their jurisdiction and in need of emergency services.

"Officer Punzel knew or should have known that [the claimant] was in danger based upon his conversation with Maczuga on his personal cell phone," the notice states. "James Koski then tried to alert Officer Punzel to [claimant's] need for emergency services over 68 times."

After a later investigation, including DNA testing and blood alcohol results, Solberg determined that the woman was too drunk to give consent to sexual contact or intercourse and recommended that Maczuga be charged with sexual assault by forcible fondling.

Again, no charges have been filed to date.

Richard Moore is the author of the forthcoming "Storyfinding: From the Journey to the Story" and can be reached at richardmoorebooks.com.

Westfahl

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ally hurt," were taken to the hospital.

"The ER (emergency response) staff said it would have appeared that I took the brunt of it," she said. "Because my car was right in the middle."

For the next two nights, Westfahl stayed in the local hospital, unable to walk.

When she talked to the

"My car basically folded like an accordion,"

Krystal Westfahl,

Let's Minocqua Visitors Bureau and Chamber of Commerce executive director

Times on Tuesday, she said she was able to walk around again with the aid of a walker.

"And I'm not allowed to drive for two weeks," Westfahl added. "It's not because of anything in particular other than if I were

to get into another accident, because my sternum's broken, it could kill me."

Westfahl is expected return to work on March 7, but she said co-workers will provide her with the necessary materials and equipment for her to get an

early start from home.

Westfahl is thankful for the community support.

"I've gotten like just tons of flower bouquets," she said, while also noting others have been showing their love and support through food.

Local restaurant owners have been preparing her meals, and the staff had grocery delivery services arranged.

"It's so nice when you're in this situation (that) our community really does come through for one another," Westfahl said. "And I'm just so grateful that I live here."

Trevor Greene may be reached via email at trevorgreene@lakelandtimes.com.



CONTRIBUTED PHOTOGRAPHS

Shawano police officer Jeff Buettner stands near his patrol vehicle in the immediate aftermath of the accident.



The driver's side of Krystal Westfahl's vehicle after the accident on Friday, Feb. 18 in Wausau.



Two of Westfahl's dogs wait in the immediate aftermath of the accident.