

EXCLUSIVE: Milwaukee County DA's Office Says West Allis Police Mishandled Auto Accident Case; All Charges Dropped

I have learned all charges have been dropped against a 52-year old West Allis woman whose car struck and killed a 78-year old woman on her way home from church January 30. Deputy Milwaukee County District Attorney Kent Lovern tells me the decision was made because of mistakes made by West Allis Police at the scene. West Allis Police have not responded to my questions about this.

Lovern said that audio from officers' body cameras indicates the officers on scene did not think the driver of the car was impaired. In addition, the woman can be heard repeatedly saying she did not want to consent to a breathalyzer test or blood draw. She did fail field sobriety tests and she acknowledged having several strong vodka drinks and taken prescription medication with the alcohol. But Lovern said the verbal statements made by the officers on the scene would have been used in court to argue she was not impaired and the statements meant there was no probable cause to require the taking of blood or breath tests.

The victim, 78-year old Kathy Deischer, was stopped at a stop sign at 92nd and Lapham at 3 pm on January 30. Her car was hit so hard that it was sent into a building. The vehicle was mangled. Deischer's family has filed a civil suit against the driver.

Lovern said West Allis police did persist in seeking the driver to agree to an alcohol test and even went to her home to try to talk her into it. Despite her later admissions of drinking and using pills, she never consented to a test, according to Lovern. She was initially charged for refusing to take the test. Given that officers are heard on the scene saying they didn't think the woman was impaired, Lovern said a judge would likely throw out the refusal charge because of lack of probable cause. With the dismissal of the lone charge for refusing to submit to a sobriety test, the woman is now charged with nothing.

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July 19