

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 14-2252/25 Summary report of investigation

On Wednesday, April 30, 2014, the Milwaukee Police Department was involved in an *Officer Involved Shooting incident* resulting in the death of Dontre Hamilton at Red Arrow Park, 920 N. Water St., Milwaukee, WI. The Wisconsin Department of Justice Division of Criminal Investigation Milwaukee regional office was contacted and requested to respond as the lead investigating agency pursuant to Wisconsin Statute 175.47.

The WI DOJ-DCI Milwaukee office responded with two Special Agents in Charge (SACs), McNichol and Shogren and seven Special Agents (SAs), Hernandez, Tijerino, Smith, Jansky, Koehler, Peters and Taubel. A lead investigator and secondary investigator were designated. The SACs met with supervisory officers of the Milwaukee Police Department, Milwaukee County District Attorney (DA) John Chisholm and members of the Milwaukee County DA Investigator's office. Due to the location of the incident, time of day, and the real possibility of multiple eye witnesses to this event, Milwaukee Police Department uniform personnel and plain clothes detectives were directed to conduct canvasses of the neighboring businesses and area to attempt to identify and locate witnesses. Canvasses were conducted at the 1000 N. Water St. building, the MGIC building located at 270 E. Kilbourn Ave., City Hall located at 200 E. Wells St., the Marcus Center located at 929 N. Water St., and the Intercontinental Hotel located at 139 E. Kilbourn Ave. As a result of that canvass, 12 critical eye witnesses were identified and preliminary interviews conducted. Subsequently, those 12 witnesses were conveyed to the Milwaukee Police Department and participated in audio/video recorded interviews of their observations conducted by WI DOJ-DCI Special Agents Hernandez, Tijerino and Smith, DA John Chisholm, Milwaukee County DA Investigators and Milwaukee Police Department personnel. The interview of P.O. Christopher Manney also took place on the evening of April 30, 2014 with the same group of investigators. The entire interview process of all 12 critical witnesses and the interview of P.O. Manney occurred from approximately 5:30pm until 2:00am. The interview of P.O. Manney was not recorded. Milwaukee Police Department detectives were directed to file interview reports of the 12 critical witnesses and the interview of P.O. Manney.

WI DOJ-DCI Special Agent Peters was assigned to conduct the scene investigation with Milwaukee Police Department detectives. A grid search of the area was conducted for the purpose of locating and identifying all items of evidence within the scene. Milwaukee Police Department detectives were directed to collect and package the items of evidence to include fired cartridge casings, spent bullets and bullet fragments, personal property of Dontre Hamilton and any other items of evidence located, including the wooden baton taken from P.O. Manney.

WI DOJ-DCI Special Agent Peters accompanied the body of Dontre Hamilton from the scene to the medical examiner's office and witnessed initial documentation of Mr. Hamilton by

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Milwaukee County Medical Examiner's office personnel until Mr. Hamilton was secured at that location.

At the conclusion of the investigative efforts in the late evening hours of April 30, 2014, the Milwaukee Police Department Major Crimes Division was directed to continue contact with witnesses, canvass of businesses and contact with the family of Mr. Hamilton regarding this incident.

On May 1, 2014, WI DOJ-DCI Special Agent Koehler was assigned to attend the autopsy of Dontre Hamilton at the medical examiner's office. Also in attendance were a Milwaukee Police Department Police Service Specialist (PSS) and a Milwaukee Police Department photographer. The autopsy report was filed by the MPD PSS officer.

Daily briefings were held at the Milwaukee Police Department Major Crimes Unit with a WI DOJ-DCI SAC or SA at the beginning and end of each shift through the following Monday, May 5, 2014. Milwaukee Police Department personnel were again directed to continue to complete the canvass of the businesses in the direct vicinity of this incident.

The WI DOJ-DCI obtained a complete copy of all reports generated in this investigation by the Milwaukee Police Department. The reports of interviews of the critical witnesses were assigned for review to lead investigator SA Hernandez and secondary investigator SA Tijerino, who conducted the interviews. The reports were reviewed for accuracy and content and compared against the recordings of the interviews and the agent's recollection. Any discrepancies were noted on a DCI report. The remaining interview reports were assigned to DCI Special Agents Koehler, Taubel, Mech, Szatkowski, Jansky, and Smith for review to include comparing the written interview report with the recording of the interview. The reports were reviewed for accuracy and content. Any discrepancies were noted on a DCI report. The reports of video surveillance obtained were reviewed by SA Hernandez, including viewing the surveillance video and comparing that to the written report for accuracy and content. The results of that review were documented on a DCI report. The scene investigation report was reviewed by SA Peters who was assigned to the scene. The report was reviewed for accuracy and content. Any discrepancies were noted on a DCI report. The autopsy report was reviewed by SA Koehler who attended the autopsy. The report was reviewed for accuracy and content. Any discrepancies were noted on a DCI report.

As a result of the critical witness interviews, the initial scene investigation, Milwaukee Police Department records, the autopsy and a review of all additional witness interviews developed through canvass of surrounding businesses, the following factual information was learned:

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Request for police service

- A call for police service was received by the Milwaukee Police Department at 1:52pm and entered as a welfare check. The call was reported by an employee located at Red Arrow Park, 920 N. Water St., Milwaukee, WI
- The call was given to P.O. Manney by cell phone message and also given to the dispatcher for assignment by the Acting Desk Sergeant, P.O. Cameron, who took the call
- A two person Milwaukee Police Department squad (1141 – P.O. Fuerte and P.O. Fitchett) responded to the call and made contact with Dontre Hamilton on or about 2:00pm. The squad concluded the contact and left Mr. Hamilton in the park
- The complainant called back to Milwaukee PD at 2:09pm, reporting that the subject was back in the park
- Squad 1141 returned to the park and met with Mr. Hamilton again, and spoke with the complainant advising them that Mr. Hamilton was in a public park
- At 3:28pm, P.O. Manney responded to Red Arrow Park based on the phone message from his desk Sergeant. P.O. Manney checked with dispatch to see if there was an open assignment and was told that there was not an open assignment. P.O. Manney advised that he was sent by his desk Sergeant and requested that dispatch create the assignment. MPD dispatch created the assignment.

WITNESS ACCOUNTS OF THE INCIDENT

The following twelve (12) witnesses were located and interviewed and reported seeing the majority of the confrontation, observed Mr. Hamilton with the police baton, heard the officer give verbal commands, saw the officer fire shots at Hamilton:

- 1) G. J. – heard commotion, heard the officer give verbal commands, saw Hamilton w/baton, saw the officer fire shots
- 2) J. K. – heard verbal commands by the officer, observed the officer draw baton and strike Hamilton, observed Hamilton disarm the officer of baton, observed Hamilton swing baton at officer and hit officer high on the body, observed Hamilton aggressive with baton, observed shots fired

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- 3) S. F. – Observed scuffle between the officer and Hamilton, heard officer yell verbal commands, observed Hamilton with baton in an aggressive position, observed the officer fire 6 – 7 shots and saw Hamilton fall to the ground
- 4) R. B. – heard gunshots and looked out his window, observed the officer fire shots at Hamilton until his gun locked back and saw Hamilton fall to the ground. Observed Hamilton had a black tube or rod
- 5) P. T. – Observed scuffle between the officer and Hamilton, observed the officer strike Hamilton w/baton, observed Hamilton disarm the officer of the baton and swing it at the officer, observed the officer backing up and draw his gun, observed the officer fire 2 – 3 shots and then fire additional shots until Hamilton fell to the ground
- 6) K. B. – heard confrontation, observed Hamilton with the officer’s wooden baton raised over his head, observed the officer try to get the baton back, observed the officer draw his firearm and turned away. Heard 10-15 shots
- 7) L. M. – Observed scuffle between Hamilton and the officer, observed the officer draw his baton and strike Hamilton, observed Hamilton disarm the officer of the baton, observed Hamilton swing the baton at the officer and lunge at the officer, observed the officer draw his gun and give commands to Hamilton, observed the officer fire shots at Hamilton (2 shots and then 6 – 8 more shots)
- 8) M. P. – Heard scuffle, observed Hamilton with the officer’s baton, observed Hamilton charge at the officer, observed the officer draw his firearm at which point M.P. hid behind an object, and then heard 6 – 8 shots
- 9) C. B. – Observed the officer with gun drawn, observed Hamilton charging at the officer, observed 10 shots fired by the officer
- 10) G. S. – Heard commotion, heard commands of “drop it” from the officer, then heard 8 – 10 gunshots
- 11) S. B. – Observed a physical confrontation between Hamilton and the officer, observed Hamilton attack the officer, observed the officer use his baton on Hamilton, observed Hamilton disarm the officer of his baton and strike the officer with it, observed the officer draw his firearm and fire shots at Hamilton

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- 2) J. K. – observed scuffle between Hamilton and the officer, observed Hamilton disarm the officer of his baton, observed Hamilton advance on the officer, observed 5 – 7 shots fired by the officer and J.K. looked away

Numerous witnesses reported hearing the gunshots and describing them as “in rapid succession”

It should be noted that none of the above witnesses report any shots fired at Hamilton while he was down on the ground

The following eight (8) witnesses reported seeing the last 1 – 2 gunshots fired by the officer when Hamilton was down on the ground, or falling to the ground

- 1) K. L. – in motor vehicle and heard gunshots, looked over and may have seen officer fire the last shot as Hamilton was on the ground. K.L. bases this on seeing the officer’s arm rise (K.L. reported making his observations while still in the vehicle)
- 2) E. M. – in motor vehicle with K.L. and T.N., heard gunshots and heard K.L. state that the officer just shot a man, followed K.L. to the median of Water St. and reported observing the officer shoot the man one time while he was lying on the ground (E.M. described her physical location while making these observations, as being on the median of N. Water St., which is inconsistent with K.L. and T.N.)
- 3) T. N. – in motor vehicle with K.L. and E.M., heard 6 – 8 gunshots, heard K.L. state that a cop just shot a man, looked over into the park and saw a white male officer shoot a man on the ground 2 times (reported making his observations while still in the vehicle)
- 4) M. M. – in office building, heard 4 gunshots, looked out the window and observed the officer fire 2 more times at the subject who was lying on the ground. Reports that all 6 gunshots heard were consecutive. Heard a co-worker state “Why is he still shooting?”
- 5) K. L. –in office building with M. M., heard 4 gunshots and looked out the window, reported seeing subject (Hamilton) on the ground and observing the officer lunge forward and fire 2 more shots. K.L. reported screaming “Why is he shooting him, he is on the ground”. K.L. stated that the man (Hamilton) could have been falling to the ground when she heard the last two shots.
- 6) L. C. – heard 4 – 5 gunshots, looked out the window and saw officer fire 2 more shots, looked and observed subject (Hamilton) on the ground

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- 7) B. H. – heard 2 – 3 gunshots, saw officer fire 2 shots at subject (Hamilton) who had his arms up and was falling to the ground. Reported that the last shot appeared to have been fired while subject (Hamilton) was on the ground
- 8) R. H. – heard gunshots and observed the officer fire the last shot as the subject (Hamilton) was falling to the ground

There were sixteen (16) witnesses interviewed who reported that they did not observe the entire incident; however at the conclusion of the incident they observed a “police baton,” a “tube,” a “stick,” a “long object” or a “brown object” in Mr. Hamilton’s hands, across his chest, at his right arm or in close proximity of Mr. Hamilton. Five of those witnesses were responding police officers.

- 1) S. H. – observed a black tube across subject’s (Hamilton’s) chest after shooting
- 2) M. M. – heard shots, looked out and saw subject (Hamilton) down with baton across his chest
- 3) P.O. Newport – arrived on scene, observed baton under subject’s (Hamilton’s) right arm
- 4) P.O. Swiercz – arrived on scene, observed subject (Hamilton) down on the ground with a baton across his body
- 5) Sgt. Lintonen – heard gunshots and responded to scene, observed subject (Hamilton) down on ground clutching police baton
- 6) P.O. Bjorkquist – arrived on scene, observed subject (Hamilton) down on the ground with a baton under his right arm
- 7) P.O. Schroeder – arrived on scene, observed subject (Hamilton) down on the ground with a baton across his chest
- 8) S. E. – heard gunshots, saw subject (Hamilton) down with baton across his torso
- 9) K. J. – looked out at scene and observed baton near subject (Hamilton)
- 10) J. R. – heard gunshots, looked out and saw subject (Hamilton) on ground with baton across his chest

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- 11) A. R. – heard gunshots, looked out and saw subject (Hamilton) on the ground, observed the officer approach, no additional shots were fired, a long object was observed on the ground east of subject (Hamilton)
- 12) L. K. – heard gunshots, looked out and saw subject (Hamilton) on the ground, observed a brown object near him
- 13) D. B. – heard gunshots, looked out and saw subject (Hamilton) on the ground, observed a “stick” near him
- 14) B. W. – observed a baton across subject’s (Hamilton’s) chest, officer appeared to be in shock
- 15) R. R. – heard gunshots and saw subject (Hamilton) on the ground holding a black object
- 16) W. E. – heard gunshots, looked out the window and observed a black male subject (Hamilton) had a Police Officer’s baton
- 17) V.W. - heard gunshots, looked out the window and observed a black male subject (Hamilton) with a long object in his hands, across his chest

There were seventeen (17) witnesses interviewed who reported that they observed the officer “in shock,” “upset,” “distracted,” “injured,” “stunned” and/or “went down on one knee” immediately after the incident.

- 1) J. C. – heard the gunshots, looked and saw subject (Hamilton) on the ground, officer looked “distracted”
- 2) J. W. – heard the gunshots, looked out and saw the officer on one knee, appeared to be in “distress”
- 3) J. H. – heard the gunshots, looked out and saw the officer being led away, appeared to be “shaky”
- 4) S. R. – observed the officer after the incident, appeared to be “disheveled” or “out of sorts”
- 5) S. B. – observed the officer after the incident and reported him to appear “in shock”

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- 6) J. K. – observed the officer being led away from the scene, appeared “very distraught”
- 7) L. W.– observed the officer after the incident on one knee, looked “distraught”
- 8) L. K. – observed the officer after the incident, looked “upset” down on one knee
- 9) D. K. – After the incident, observed the officer down on one knee as if catching his breath
- 10) B. H. – observed the officer go down on one knee after the incident, appeared that he was injured
- 11) S. L. – observed the officer down on one knee after the incident, possibly taking recovery breaths
- 12) J. A. – observed the officer down on one knee after the incident
- 13) D. B. – heard the gunshots, looked outside and observed the officer appeared “stunned” or “in shock”
- 14) B. W. – observed the officer after the incident, appeared “in shock”
- 15) S. H. – observed the officer after the incident, appeared “wobbly”
- 16) R. R. – observed the officer after the incident who appeared upset and dropped to one knee
- 17) W. E.– observed the officer drop to one knee and appear “quite upset”

Information regarding the mental state of Dontre Hamilton

Interviews with three family members of Dontre Hamilton revealed that he was suffering from Schizophrenia, had experienced some recent events where he believed someone was being killed or going to kill him. Family members had contacted the mobile crisis unit to evaluate Mr. Hamilton days before the incident and the family had planned to take him out to the Milwaukee County Mental Health complex to get medication.

Additionally, there were several witnesses interviewed who reported seeing Mr. Hamilton in the park prior to the incident and described him as “not all there,” “strung out,” “on something” or “coming down.”

Police Officer Manney's statement

- P.O. Manney reported responding to the assignment from his desk Sergeant at Red Arrow Park
- P.O. Manney reported observing Mr. Hamilton lying on the ground. As P.O. Manney was about to go and speak with the Starbucks employees, he observed Mr. Hamilton's eyes open abruptly and very wide and stare directly at P.O. Manney. P.O. Manney believed that Mr. Hamilton was under the influence of drugs or alcohol or suffering from some mental disorder
- P.O. Manney reported that as he began speaking with Mr. Hamilton, Hamilton's eyes were fixated on him (Manney) and Hamilton was not blinking his eyes at all
- P.O. Manney engaged Mr. Hamilton, asking questions and conducting a pat down, at which time Mr. Hamilton became aggressive and forced his hands down to his sides trapping P.O. Manney's hands between Hamilton's arms and body. P.O. Manney gave commands to Mr. Hamilton until Hamilton twisted away. P.O. Manney observed that Hamilton had a "1000 yard stare" and had his fists clenched at his waist
- P.O. Manney reported that Hamilton launched a physical attack upon him
- P.O. Manney reported that he attempted to call for backup, but was unsuccessful in operating his radio
- P.O. Manney reported that he escalated to an intermediate weapon (police baton) and struck Hamilton with it. Hamilton was then able to take the baton away from P.O. Manney by trapping it between his body and arm and twisting away
- P.O. Manney attempted to recover the baton from Hamilton, but was unsuccessful
- P.O. Manney feared for his own safety and unsuccessfully attempted to escalate to his service pistol; however Hamilton began striking him with the baton in the head and neck area
- P.O. Manney reported again fearing for his own safety and disengaging from Hamilton and drawing his service pistol. Hamilton continued to advance on P.O. Manney while still armed with the baton
- P.O. Manney reported giving numerous commands to Hamilton, which were ignored, and then firing a shot at Hamilton's chest and attempting to disengage by walking backwards.

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Hamilton continued to move towards P.O. Manney and P.O. Manney continued to fire at Hamilton as P.O. Manney retreated

- P.O. Manney reported that he continued to fire until Hamilton fell to the ground

Injuries to P.O. Manney

P.O. Manney was initially met at the scene by MPD Det.'s Gulbrandson and Mueller. During their initial meeting, they made the following observations of injuries sustained by P.O. Manney:

- Complaint of pain and abrasion to right thumb
- Pain to right neck, rear neck and rear of head from strike to his head with baton by Hamilton
- Two vertical scrapes below right shoulder blade (measuring 2 inches and 1 ½ inches in length)
- Scratch to right bicep (2 inches in length)
- Redness and bruising to top of right forearm
- Scratch to left forearm (3 inches in length)

Detectives noted an unknown white substance on the collar of P.O. Manney's shirt, scratches to the nametag, and an unknown white substance on top of P.O. Manney's uniform hat

Review of P.O. Manney radio traffic

P.O. Manney requests that the dispatcher create a new assignment at Red Arrow Park per his desk Sergeant at 3:28pm

P.O. Manney calls to dispatcher to report the shooting at 3:32pm. P.O. Manney advised the dispatcher that shots were fired, the subject started beating him, grabbed his baton, hit him in the head with his own baton, shots fired. P.O. Manney gave his location, asked for immediate help, asked for medical for the subject stating that the subject was shot numerous times in the chest. P.O. Manney advised the dispatcher when other squads were on scene and he was signing off the air.

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Autopsy findings

The autopsy of Dontre Hamilton was conducted at the Milwaukee County Medical Examiner's office by Dr. Tlomak on May 1, 2014. The following observations were made during the autopsy:

- A total of twenty-one (21) gunshot wounds were noted in the body of Dontre Hamilton by Dr. Tlomak; A total of fifteen (15) entry wounds and six (6) exit wounds were noted by Dr. Tlomak
- Five (5) of the gunshot wounds noted were to the chest area of Dontre Hamilton and caused significant damage to internal organs including the right lung, pericardial sac, heart, aorta, left lung, diaphragm, liver and spinal cord causing his death
- One(1) gunshot wound was identified to have entered Hamilton's right back, just below the skin causing minimal damage
- Nine (9) deformed copper jacketed bullets and one (1) jacketing fragment were recovered from the body of Dontre Hamilton
- Seven (7) wounds including three (3) exit wounds were to the arms and left thumb

Wisconsin State Crime Lab forensic results

Numerous evidence items involved in the incident were collected at the scene and submitted to the Wisconsin State Crime Lab for analysis including a police baton, a firearm and fired cartridge casings, and spent bullets.

Review of factual information with the Hamilton family

On July 21, 2014, SAC McNichol, SA's Tijerino & Hernandez, DA Chisholm, and Assistant Milwaukee County Medical Examiner, Dr. Tlomak, met with the family of Dontre Hamilton and Attorneys Safran, Flynn, Wallach and Blacknell to review the factual information of the investigation, answer questions from the family and consider requests for further investigation. At the conclusion of the meeting, there were no requests made for follow-up investigation.

Final Review

A summary and the investigative reports compiled by the WI DOJ-DCI were turned over to Milwaukee County District Attorney John Chisholm on August 8, 2014. This updated summary report, dated September 23, 2014 constitutes the complete report to the District Attorney as required by Wis. Stat. 175.47(5)(a).

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