Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/69

Report Date: 09/20/2015

Primary Information

Description:	**Green County District Attorney's - Press Release - No Criminal Liability**
Occurence From:	**09/18/2015 13:00**
Occurence To:	**09/18/2015 15:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**09/24/2015**
Approved By:	**Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**

Related Addresses

Address	Relationship
1007 12Th St Apartment #5, Monroe, Wisconsin 53566 , United States of America	**Location of Event**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Kanable, Cody D	**Law Enforcement Official**	**Male**	**White**	[redacted]	**Law Enforcement**
Schuetz, John M	**Law Enforcement Official**	**Male**	**White**	**---**	**Law Enforcement**
Benitez Santiago, Francisco	**Person**	**Male**	**Hispanic**	[redacted]	**Deceased**
Luhman, Gary	**Person**	**Male**	**White**	**---**	**Mentioned**

Related Documents

Document
Green County District Attorney's Press Release

Record Status Information

Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**09/20/2015 16:29**
Last Update Operator:	**Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**
Last Update Date:	**09/24/2015 23:34**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**	**9/25/2015**

Narrative begins on the following page.

On Wednesday, July 22, 2015, at approximately 8:36 p.m., the Division of Criminal Investigation (DCI) received a request from the Green County Sheriff's Office (GRSO) to investigate an officer involved death (OID) incident. The officer involved shooting incident occurred at 1007 12th Street, in the city of Monroe. During the officer involved shooting incident, Green County Sheriff's Deputies Cody D. Kanable and John M. Schuetz utilized deadly force against Francisco Benitez Santiago, who died as a result of gunshot wounds he suffered. Santiago was a suspect in the homicide of Samuel Primero Nunez, and the attempted homicide of Elias Perez-Barrios, which occurred earlier in the day, at 702 17th Street, Trailer#3, Monroe, Wisconsin.

On Friday, September 18, 2015, Green County District Attorney Gary L. Luhman provided a fourteen page press release pertaining to the shooting of Francisco Benitez Santiago.

D/A Luhman's fourteen page release pertaining to the shooting incident was titled 'District Attorney Announces Findings from July 22, 2015 Officer Involved Death Investigation involving City of Monroe Police Department and Green County Sheriff's Department and included the following information:

'I have concluded that Green County Sheriff's Deputy Cody Kanable and Green County Sheriff's Deputy John Schuetz were justified to use deadly force in their initial contact with Francisco Benitez Santiago, when the two deputies confronted Mr. Benitez Santiago behind a residential building located at #5, 1007 12th Street in the City of Monroe observing that he had in his hands, a semi-automatic type pistol, which he was holding in a "fire-ready" position, parallel to the ground and pointing toward the two Sheriff's Deputies. Based on all the facts that can be reasonable determined from the results of the Wisconsin Department of Justice DCI investigation, I have concluded that Deputy Kanable and Deputy Schuetz were justified in their decision to discharge their firearms at Mr. Benitez Santiago, in order to prevent or terminate what the two deputies reasonable believed to be an imminent threat of death or great bodily harm to themselves and other persons. As law enforcement officers, their conduct was not only privileged under the law of self-defense and defense of others, (See Sec.939.48 Stats.), but was also privileged under Secs.939.45(3) & (4) Stats., as the reasonable accomplishment of a lawful arrest of Benitez Santiago, made in good faith, in reasonable fulfillment of their duties as sworn law enforcement officer in the State of Wisconsin, and based on probable cause to believe that Benitez Santiago had committed the crime(s) of First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 940.01(1) (a) & 939.63(1) (b) Stats., Attempted First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 939.32(1) (a), 940.01(1) (a) & 939.63(1) (b) Stats., and Aggravated Battery – Use of a Dangerous Weapon, in violation of Secs. 940.19(5) and 939.63(1) (b) Stats.

D/A Luhman's aforementioned news release will be included in DCI's main case file of this investigation.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

15-4002/69

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PRESS RELEASE
(for Release on September 18, 2015)

District Attorney Announces Findings from July 22, 2015 Officer Involved Death Investigation involving City of Monroe Police Department and Green County Sheriff's Department

TO: Green County Sheriff Mark A. Rohloff,
City of Monroe Police Chief Frederick A. Kelley

FROM: Green County District Attorney Gary L. Luhman

DATE: September 18, 2015

RE: July 22, 2015 Officer Involved Death Investigation

Introduction:
The purpose of this memorandum is to outline, review and explain the findings from an Officer-Involved-Death Investigation conducted by the Wisconsin Department of Justice, Division of Criminal Investigation (hereinafter DCI) into the death of **Francisco Benitez Santiago, M/H dob 01/30/1990,** which occurred on Wednesday, July 22, 2015 at approximately 7:30 p.m. outside a residence located at 1007 12th Street #5, in the City of Monroe, Green County, WI, after Green County Sheriff's Deputies and City of Monroe Police Officers responded to a "man with a gun, covered in blood" 911 call from an occupant of that residence. At the time that this 911 call was received, City of Monroe Police Officers had already responded to a primary crime scene, located at a general address of 720 17th Street in the City of Monroe, a residential trailer park located in the 1700 block on the east side of State Highway 69/7th Avenue in the City of Monroe, as a result of a previous 911 call from an individual indicating that s/he had witnessed the shooting of two persons in a trailer home at that location.

In preparation of this memorandum, I have also reviewed investigative reports regarding this initial 911 call, the City of Monroe Police Department's response to this 911 call and the results of a separate, ongoing investigation into the homicide of an individual, **Samuel Primero Nunez, M/H dob 02/07/1975,** and the shooting and aggravated battery to another individual, **E.B.,** an adult male resident of the City of Monroe. These crimes of homicide and aggravated battery occurred at a trailer home residence located at 720 17th Street in the City of Monroe in the minutes preceding the shooting of

Francisco Benitez Santiago on the early evening of July 22, 2015. In arriving at the findings and conclusions explained in this memorandum, I am taking into consideration information obtained from my review of that ongoing homicide investigation, acknowledging that this investigation is ongoing and has not been concluded. Despite the fact that this other homicide investigation is ongoing, I have before me sufficient, credible and reliable evidence with regard to the Officer-Involved-Death Investigation into the death of **Francisco Benitez Santiago** to make necessary findings with regard to the facts of this incident and any evidentiary issues that are presented by this investigation, and, from those facts, draw certain legal conclusions that explain and justify the lethal use of force by two Green County Sheriff's Deputies who responded to the 911 call from 1007 12th Street, #5, in the City of Monroe on Wednesday evening, July 22, 2015.

Summary of Conclusions:

I have concluded that Green County Sheriff's Deputy Cody Kanable and Green County Sheriff's Deputy John Schuetz were justified to use deadly force in their initial contact with Francisco Benitez Santiago, when the two deputies confronted Mr. Benitez Santiago behind a residential building located at #5, 1007 12th Street in the City of Monroe, observing that he had in his hands, a semi-automatic type pistol, which he was holding in a "fire-ready" position, parallel to the ground and pointing toward the two Sheriff's Deputies. Based on all the facts that can be reasonable determined from the results of the Wisconsin Department of Justice DCI investigation, I have concluded that Deputy Kanable and Deputy Schuetz were justified in their decision to discharge their firearms at Mr. Benitez Santiago, in order to prevent or terminate what the two deputies reasonably believed to be an imminent threat of death or great bodily harm to themselves and other persons. As law enforcement officers, their conduct was not only privileged under the law of self-defense and defense of others, (See Sec. 939.48 Stats.), but was also privileged under Secs. 939.45(3) & (4) Stats., as the reasonable accomplishment of a lawful arrest of Benitez Santiago, made in good faith, in reasonable fulfillment of their duties as sworn law enforcement officer in the State of Wisconsin, and based on probable cause to believe that Benitez Santiago had committed the crime(s) of First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 940.01(1)(a) & 939.63(1)(b) Stats., Attempted First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 939.32(1)(a), 940.01(1)(a) & 939.63(1)(b) Stats., and Aggravated Battery – Use of a Dangerous Weapon, in violation of Secs. 940.19(5) and 939.63(1)(b) Stats. My explanation of the evidence and facts that lead to these legal conclusions, and the rationale for my findings and these legal conclusions are set forth in the following sections.

Summary of Facts:

1. 911 calls received.

At approximately 7:13 p.m. on Wednesday, July 22, 2015, the Green County Sheriff's Department 911 Dispatch Center received a 911 call from an individual who reported having witnessed a shooting in the City of Monroe. A transcript of that call, which continued for several minutes, has been prepared by DCI and reviewed for purposes of this report. During the course of this 911 call, the Green County Sheriff's Department 911 Dispatcher contacted the City of Monroe Police Department to advise them of this report, so that the City of Monroe Police Department could dispatch its officers to the scene of this incident. During this initial call, the first 911 caller provided a great deal of information to the 911 dispatcher, which in turn was relayed to Monroe Police Department dispatchers, describing that there had been a shooting which occurred inside one of the trailer homes at 720 17th Street, describing two persons who had been shot, providing the first 911 caller's name, and the make and color of the caller's vehicle, which was parked in front of one of the trailers located at 720 17th Street.

A second 911 caller contacted the Green County Sheriff's Department to also report this incident. This second caller was an employee of the Green County Highway Department and the 911 Dispatcher knew the second 911 caller by name. The second 911 caller was an uninvolved observer, who confirmed some of the information that had been provided by the initial 911 caller. After dispatching Green County EMS and Monroe First Response, the Green County 911 dispatcher returned to the conversation with the first 911 caller. The first 911 caller was frightened and very anxious for police to respond. During the course of these initial 911 calls, the first 911 caller reported that two individuals had been shot and that one of these two individuals was laying inside the doorway to the trailer home where the incident occurred. The 911 caller also reported that the second individual who had been shot had fled to another trailer at 720 17th Street. The 911 caller also reported that a third individual had been shooting. The 911 caller knew where this individual worked, knew the third individual by a nickname, and indicated having a photo of this third individual. Dispatchers encouraged the 911 caller to stay on the line and remain where the caller was at, rather than attempt to leave the area. The 911 caller complied with these requests and continued to provide additional, relevant information to dispatchers as Monroe Police Officers initially arrived at the scene.

The 911 caller remained on the line, reporting that two squad cars had responded to the scene. At some point, the initial 911 caller reported that a law enforcement officer was approaching. About that time, the 911 call transcript records Deputy Cody Kanable talking to the 911 dispatcher. After confirming that Deputy Kanable was talking on the 911 caller's cell phone, the Sheriff's 911 Dispatcher makes the following statement to Deputy Kanable; ***"Hey, listen, this is important. She said she saw the person who did it, she knows who it is. She has a photo of him."*** Deputy Kanable acknowledges this information and then terminates the conversation with the Sheriff's Dispatcher. According to the Dispatch Records, 14 minutes, 50 seconds have transpired since the initial 911 call was received at about 7:13 p.m.

Within minutes of concluding the 911 call, after Deputy Kanable made contact with the first 911 caller, Green County Sheriff's Dispatch received a third 911 call, this time from a caller identifying their address as *"1007 12th Street, apartment 5"*, and complaining that *"I have a man hiding behind my house"* . . . *"covered in blood"* . . . *"he has a gun"*. The Green County 911 dispatcher immediately transmitted this information to the City of Monroe Police Department and to Green County Sheriff's Deputies stating as follows: ***"County to City. 10-33 ... There is a subject covered in blood hiding at 1007 12th Street behind apartment 5, 10 – zero – seven 12th street apartment 5".*** The caller again stated; "he has a gun", and the Green County 911 dispatcher responded stating; ***Male subject hiding, covered in blood. Does have a 10-32.*** The 911 dispatcher continues a conversation with this third 911 caller, obtaining information regarding the suspect's clothing, appearance and location and the location and whereabouts of other persons in the vicinity of apartment #5. This conversation between the Green County 911 dispatcher and the third 911 caller continues for approximately five minutes, until the third 911 caller states: *"Oh my god"*. At the same time, there is radio traffic heard on the 911 transcript, including a male voice stating; *"shots fired"* . . . *"subject is down"* . . . *"officers are fine"*.

A review of the information provided in these three 911 calls indicates that the three 911 callers were relating what appears to have been accurate and reliable "present sense" information to the 911 dispatcher, either at the time that the 911 callers were making the observations, or shortly thereafter, at a time when their observations were fresh in their recollection and the 911 callers were still under the stress of a frightening and emotional situation. These are the types of "present sense" impressions that are typically and routinely relied upon by law enforcement agencies and 911 dispatch centers in their deployment of law enforcement personnel in response to emergencies and other dangerous situations.

2. Deputy Kanable's actions and response.

Deputy Cody Kanable has been employed as a Green County Sheriff's Deputy since 2008 and is presently assigned as a K-9 Officer to the Patrol Division of the Green County Sheriff's Department. Deputy Kanable is certified as a Law Enforcement Officer by the Wisconsin Department of Justice Training and Standards Board. His firearms training, defense and arrest tactics (DAAT) and K-9 training is up-to-date and complete. On Wednesday, July 22, 2015, Deputy Kanable reported for duty at approximately 2:50 p.m. and after a shift briefing and some routine maintenance on his squad car, began his normal patrol duties for the shift. Prior to 7:00 p.m. that evening, Deputy Kanable had been dispatched to a traffic complaint north of Monroe, WI, near the Village of Monticello. While in the vicinity of Monticello, Deputy Kanable overheard a broadcasted call for the City of Monroe, reporting that "three Hispanic males were inside a trailer residence and that two of these individuals had been wounded by gunshots". Deputy Kanable immediately started driving toward the City of Monroe, and did report his response to the Green County 911 Dispatch Center as noted in the audio recordings of this incident. At some point in time, Deputy Kanable learned that one of the individuals inside the trailer was "down", that EMS had been paged and placed on "stand-by", and as a result, increased his response by activating his visual emergency lights and audible siren, while enroute on STH 69 from the Monticello area to the City of Monroe. At some point in time, during this response, Deputy Kanable learned that one of the individuals was 10-42 (deceased) from GSW (gunshot wound).

Deputy Kanable travelled to 720 17th Street by the most direct route, and upon his arrival traveled to an area on the south side of the trailer park where other City of Monroe Police Department squad cars were standing. Kanable spoke to Corporal Towns of the Monroe Police Department and Towns pointed toward the north to a trailer residence indicating that the deceased victim was there. Kanable advised other Monroe Police Officers that he would be able to assist (with his K-9 unit) in the track of any suspects leaving the scene of this incident. However, before taking any action, Deputy Kanable came in contact with a female subject who was standing near an air conditioning unit, talking on a cellular phone. As Kanable approached this subject, he noticed blood on the subject's right foot and as he made contact with this subject, she handed him the cellular phone. Kanable recognized the voice of a Green County Sheriff's Department 911 Dispatcher on the cellular phone and heard the dispatcher tell him that the female caller had a "picture of the shooter" on her phone. Kanable handed the telephone back to the caller, the caller acknowledged to Kanable that she knew the shooter by his nickname, that he had "small and black" gun which was used in the shooting and proceeded to show Kanable a photograph of the suspect, whom Kanable described as a slender, short, Hispanic male wearing a blue shirt in this digital photograph. Kanable was able to take control of the cellular phone with permission of the initial 911 caller, and sent a copy of this photograph to his Green County Sheriff's Department e-mail address. During this time, the initial 911 caller explained that the caller had been with the three men at the time of the shooting, that all three men had been drinking and got into an argument. It was at this time that the one Hispanic (referred to by the initial 911 caller as "Pancho"), shot the other two men.

Kanable also had contact with two unidentified Hispanic males who were observed running through the trailer park in a northerly direction. Kanable attempted in inquire of these individuals where the shooter had gone or what the shooter had been wearing. The only response from these two individuals was that they pointed toward the northeast. It was at about this time that Deputy Kanable overheard mobile radio transmissions reporting a "male subject covered in blood, with a gun, in the backyard of the 1000 block of 12th Street. [It should be noted that the 1000 block of 12th Street is situated approximately north by northeast of the trailer park at 720 17th Street in the City of Monroe]. Kanable returned to his squad and immediately responded to that area, along with City of Monroe Police Detective Larry Keegan. Kanable drove toward 12th Street in a northeasterly direction from

720 17th Street, receiving a mobile transmission from the City of Monroe dispatcher that the address was 1007 12th Street. At that time, Kanable realized he was near that location and parked his squad car to the southwest of the residence located at 1007 12th Street in the City of Monroe. Upon exiting his squad car, Deputy Kanable was aware that Det. Keegan was also in the vicinity, that Monroe Police Officer Chris Hammel had announced he was in the area, and that Deputy John Schuetz was also responding. Kanable retrieved his K-9 Unit from the squad and proceeded to a tree southeast of the residence, on the terrace of 12th Street, waiting for additional officers to arrive. Kanable observed that both Dep. Schuetz and Det. Keegan were arming themselves with duty rifles prior to approaching his location. As Dep. Schuetz arrived, Kanable observed an adult male come into view from behind the residence at 1007 12th Street. Kanable immediately announced: ***"Sheriff's Office – show me your hands"***, and this individual turned north, walking behind the house, out of Deputy Kanable's view. It was at this time that Deputy Schuetz joined Deputy Kanable and both Deputies then proceeded toward the back of the house at a "fast walk" pace. Kanable drew his pistol from its holster, holding his K-9 partner on a leash with the other hand, as he and Schuetz walked along the east side of the house toward the rear of the house.

3. Deputy Schuetz's actions and response.

Deputy John Schuetz has been employed by the Green County Sheriff's Department since 2009, first as a Deputy Sheriff/Jail Correctional Officer, and then, as a Green County Sheriff's Deputy, working with the Patrol Division, where he has been assigned as a Patrol Deputy since 2011. His primary workshift is the 2:50 p.m. – 11:00 p.m. "afternoon" shift of the Patrol Division of the Green County Sheriff's Department. Deputy Schuetz is certified as a Law Enforcement Officer by the Wisconsin Department of Justice Training and Standards Board. His firearms training and his defense and arrest tactics (DAAT) training is up-to-date and complete. Deputy Schuetz is also a member of the Green County SRT Team, serving as a crisis negotiator. On Wednesday, July 22, 2015, Deputy Schuetz reported for duty at approximately 2:50 p.m. and after a shift briefing, began his normal patrol duties for the shift. Prior to 7:00 p.m. that evening, Deputy Schuetz was assisting another Deputy at an OWI traffic stop on STH 11/81 approximately 10 miles east of the City of Monroe.

Deputy Schuetz became aware of the present incident when the Deputy whom he was assisting advised that the City of Monroe Police Department was responding to a "weapons call". Schuetz indicated an awareness that the City of Monroe Police Department had previously experienced significant calls, such as convenience store robberies, where suspects fled on foot. Schuetz also knew that the Green County Fair was taking place in the City of Monroe, which could also be a factor in limiting the number of Monroe Police Department officers able to respond. Schuetz returned to his squad car and observed call notes on his CAD (computer aided dispatch) system indicating an incident on STH 69, with "two people shot". Deputy Schuetz also observed that Deputy Kanable and his K-9 partner were already enroute. Deputy Schuetz responded to the City of Monroe from STH 11/81 in emergency mode, with visible lights and audible siren activated.

While enroute, Deputy Schuetz monitored radio transmissions from the Monroe Police Department Dispatch indicating the address "720 17th Street" and describing "more than 1 person shot". Schuetz recognized this address as a trailer park on the south side of the City of Monroe. Schuetz responded from STH 11/81, by the most direct route turning south on STH 69 and continuing to 17th Street, where he turned left traveling in an eastbound direction. Schuetz exited his squad car and exchanged information about the incident. Schuetz recalled hearing a dispatch broadcast "armed Hispanic male suspect fled on foot – unknown direction . . . unknown description". Schuetz returned to his squad and decided to patrol the City of Monroe, looking for the suspect. As he was driving from the area of the 17th Street trailer park, he overheard another transmission from the Monroe Police Department Dispatch, "Armed Hispanic male, covered in blood, holding a gun in the 1000 block of 12th Street.

Realizing that he was not far from the 12th Street location, Schuetz extinguished his lights and siren, so as not to alert any armed suspects that a police cruiser was in the vicinity. Upon turned onto 12th Street from 12th Avenue, Schuetz observed that Deputy Kanable was also arriving in the area. Schuetz pointed down 12th Street, to the west and Deputy Kanable proceeded ahead of him. Schuetz observed that Kanable parked his squad in the vicinity of 10th Avenue and 12th Street. Schuetz parked his squad in the vicinity of 11th Avenue and 12th Street. Schuetz then released the gun rack lock on the AR-15 assault rifle mounted in his squad and exited his squad armed with this rifle. He chambered a round to charge the weapon and then returned the weapon's safety to "on". At this point he joined Deputy Kanable and his K-9 Partner on the terrace of 1007 12th Street in the City of Monroe.

Deputy Schuetz also observed an adult male who appeared to walk between two residential structures at this address. Schuetz and Kanable then proceeded to walk toward the rear of the first residential structure, on the east side of the property. Schuetz observed this same adult male, whom he had previously observed walking between the two residences, standing together with two other male subjects in a courtyard-patio area located to the rear of the first residential structure and in front of a second, smaller, "cottage-style" residential structure. Schuetz recognized two of these three subjects from past police contacts, noting that none of the three males appeared to have blood on their clothing or persons, and that none of them were brandishing any firearms. Schuetz recalled that both he and Deputy Kanable gave a loud verbal command to this group, stating; "Sheriff's Department, Stop". In response, one of the three men, who Schuetz knew from prior police contacts pointed to the back of the single story "cottage-style" residential building, stating "he went around back".

4. Use of Deadly Force Incident.

As Deputy Schuetz and Deputy Kanable approached the east side of the single story "cottage style" residential building located at the back of 1007 12th Street, in the City of Monroe, they were unaware that another occupant of Apt. #5, (the east unit of the rear cottage-style residential structure), was still talking to the Green County Sheriff's Department's 911 dispatcher who had spoken to Deputy Kanable moments earlier and had initially alerted law enforcement officers to the "man with a gun, covered in blood" . . . "at 1007 12th Street" information that resulted in the two deputies and Monroe Police Officers responding to this location. This "third 911 caller", was describing that the suspect was still hiding in some vegetation behind the residence. As the two deputies approached the rear east side of the residence, Mr. Francisco Benitez Santiago came out quickly from behind the northeast corner of the dwelling. Kanable's K-9 partner immediately began barking at the individual. Both deputies observed that this male subject was holding a handgun. Both deputies observed that this male subject raised the handgun to about chest level, pointing the handgun in their direction. Deputy Schuetz recalled shouting at the male subject to "Drop the Gun!" and both deputies then discharged the firearms they were holding.

Deputy Kanable discharged his semi-automatic pistol toward the male subject several times. Deputy Schuetz recalled discharging his AR-15 rifle two times. The deputies immediately stopped firing when they observed that the male subject had fallen to the ground, was moaning, but still clutching the black handgun in his hand. Det. Keegan then approached the male subject from his position behind the two deputies and removed the black handgun from the male subject's hand. It was at about this time that Monroe Police Officer Chris Hammel also arrived at the scene of the shooting incident and began assisting Det. Keegan in securing the shooting scene and rendering aid to Mr. Benitez Santiago. Deputy Kanable returned to his squad to secure his K-9 partner in the squad. Deputy Schuetz made contact with the three adult males in the patio-courtyard, confirming their names and contact information. As he was making contact with the three males, an adult female exited Apt. #5.

Deputy Schuetz identified her as the "third 911 caller", a person whom he also knew from past police contacts. Deputy Schuetz was then escorted back to his squad car by a Monroe Police Officer.

The DCI investigation into this Officer Involved Shooting Death confirmed and corroborated most of the information that is set forth in this memorandum. Relevant to the facts and circumstances presented in this memorandum, the DCI investigation confirmed the sequence of events leading up to the Officer Involved Shooting at Apt. #5, 1007 12th Street.

5. DCI Investigation – a. Shooting Scene

DCI Agents conducted a thorough and extensive search of the scene where Mr. Benitez Santiago was shot. The area where Mr. Benitez Santiago was shot by Deputies Kanable and Schuetz located to the northeast of a one story "cottage style" structure that had two units (#4 and #5), with the #4 unit located on the west side of this structure and the #5 unit located on the east side of this structure. Main entry doors to these two residence faced south, toward the patio courtyard between the larger two story structure containing units #1, #2 and #3, and the smaller "cottage style" structure. Upon initial examination of the crime scene, DCI Agents observed several fired cartridge casings in an area on the east side of the one story "cottage style" building, between the walkway and a fence that narrowly separated this second residence at 1007 12th Street from the next residential lot to the east (about ten feet distance). DCI agents also located an area of suspected blood and human tissue just to the north of this same structure. A black handgun and a clipboard and medical supply packages were also located in this same area. During their examination of the scene, DCI Agents located and seized two spent .223 caliber fired cartridge casings, consistent with the fired cartridge casings from the AR-15 that Deputy Schuetz had carried during the incident. DCI Agents also located and seized five spent .40 caliber S&W cartridge casings, consistent with the fired cartridge casings from the Glock 22 .40 caliber handgun that Deputy Kanable had carried during the incident. All other firearms that were carried by the initial officers responding to the scene, (Monroe Police Officer Hammel, Monroe Police Detective Keegan, Deputy Schuetz's Glock 22 .40 caliber handgun) were checked by DCI Agents and did not appear to have been fired or discharged by officers during this incident.

DCI Agents also located a Bersa .22 caliber semi-automatic pistol and magazine in a small area beneath vegetation directly north of the northeast corner of 1007 12th Street, #5. There was no ammunition in either the pistol or the magazine. In addition to these firearms, DCI Agents also located and obtained samples of what appeared to be blood, both in the vicinity of the Bersa pistol and from the exterior door of 1007 12st St., #4, in the City of Monroe. Other items of evidence were viewed and cataloged at the scene of this shooting incident, however these additional items are not directly relevant to the analysis of this shooting incident.

b. Autopsy of Francisco Benitez Santiago

An autopsy of the deceased, Mr. Francisco Benitez Santiago was conducted by Dr. Robert Corliss. As of the writing of this report, the "final autopsy report" of Dr. Corliss has not yet been received. Photographs of the deceased's shirt, described as a red polo style shirt with thin white stripes, indicate significant areas of staining, particularly on the front, upper chest area of the shirt. The visual significance of this staining is unclear, (particularly in light of the primary color of this polo shirt), although the staining is noted in this report as corroborating evidence of statements made by several of the witnesses, that Mr. Benitez Santiago was "covered in blood", as noted in section c., below. A report from the Wisconsin Crime Laboratory confirmed that the staining on Mr. Benitez Santiago's shirt was blood and other body fluids. The Wisconsin Crime Laboratory conducted extensive DNA testing on various areas of Mr. Benitez Santiago's red polo shirt and other clothing items. The Wisconsin Crime Laboratory findings concluded that there were a number of biological stains that contained a mixture of human DNA markers consistent with the DNA markers of Mr. Benitez

Santiago, and those of the homicide victim, Samuel Primero Nunez, and the third injured individual, E.B.

In addition, a DCI synopsis of Dr. Corliss' autopsy included the following information: (i) the deceased had sustained two significant injuries, a skull fracture that resulted in significant head and brain trauma, and a gunshot wound to the anterior torso area, above the navel. Dr. Corliss also noted several other abrasions and bruises on the hands and forearms of the deceased. As requested, Dr. Corliss collected blood and body fluid samples from the deceased, for toxicological analysis. A WI Crime Laboratory analysis of the deceased's blood ethanol alcohol level indicated an ethanol alcohol concentration of 0.161g/100mL of ethanol alcohol in the deceased's blood and 0.210 g/100 mL in the deceased's urine. [Pursuant to Sec. 885.235(2) Wis. Stats. the concentration of alcohol in the blood shall be presumed to be three-fourths that of the concentration of alcohol in the urine, on that basis, the result of 0.210g/100mL of alcohol in the urine would extrapolate to a reasonably consistent 0.158 g/mL presumptive blood alcohol concentration based on the amount of alcohol in the deceased's urine sample].

Dr. Corliss also recovered a fired projectile from the deceased's lower right rib cage area. Corliss initially correlated the fired projectile with the entry wound sustained above the deceased's navel. Corliss also described the trauma to the deceased's skull as consistent with a high velocity gunshot wound, one which would have entered at the top or forward area of the deceased's skull and exited through the rear or back area of the deceased's skull. The two wounds described by Dr. Corliss are each consistent with injuries that would likely have resulted from gunshot wounds from ammunition fired from the two firearms that Deputy Kanable and Deputy Schuetz were operating during the shooting incident. The entry wound above the deceased's navel and the recovered projectile were consistent with having been fired from Deputy Kanable's .40 caliber Glock pistol. The exit wound at the rear area of the deceased's skull was consistent with having been caused by the impact of a high velocity projectile, such as a .223 caliber bullet fired from the AR-15 rifle that Deputy Schuetz had been operating during the shooting incident. For purposes of this analysis, it is not relevant as to which of the two injuries ultimately resulted in Mr. Benitez Santiago's fatal injuries. It appears from all the evidence that both injuries were sustained almost simultaneously and that either injury, of itself, could have resulted in Mr. Benitez Santiago's death.

c. Interviews of witnesses at 1007 12th Street

As part of their investigation, DCI agents interviewed several occupants of Unit #4 and Unit #5 at 1007 12th Street. These statements are highly relevant to the analysis of this shooting incident. The third 911 caller was interviewed. The third 911 caller resides at #5, 1007 12th Street with her roommate and an adult child. At about 7:00 p.m. this individual and the roommate left to pick up a carryout pizza for dinner. Upon returning, they took the pizza in their residence and then began talking to their neighbor in #4 and the neighbor's teenage children, who were all sitting outside in the courtyard area along with another neighbor from one of the rental units in the larger residence at the front of 1007 12th Street. At some time shortly after 7:00 p.m. on July 22, 2015, a subject whom the third 911 caller knew only as "Pedro", (later identified as Mr. Benitez Santiago), came running through the courtyard and went to Apt. #4. The third 911 caller observed that this person was covered in blood and was wearing a red and white striped shirt and dark colored jeans. The caller had seen this individual possibly two other times, had never spoken to him, but believed that he had been a visitor at Apt. #4 in the past. This individual appeared jittery and agitated when he approached the group and was speaking in Spanish. The 911 caller does not speak Spanish, but understood from what was said that someone had been shot. This individual, "Pedro" attempted to push the adult resident of Apt. #4 into the entryway of that apartment, but the resident pushed back, stating "no" and "go". The subject, Pedro, then ran south towards the sidewalk along 12th Street, but then within seconds sprinted back

north along the side of the house. One of the children from Apt. #4 said that the individual had a gun that he wanted to leave in Apt. #4. The 911 caller became concerned that this individual may have tossed or hidden a gun, so the caller then walked along the east side of the house north to a tree-line where the 911 caller saw the subject laying on the ground with his head peeking around the corner looking south. As this subject saw the 911 caller walking around the back, he began to yell at her, "no, no, no" and the caller noticed then that he had some type of handgun in the waistband of his pants.

The caller immediately became fearful of being shot, returned to the courtyard area between the two buildings where everyone had been standing and told everyone to "get inside". The caller took her dogs into Apt. #5, and the adult from Apt. #4 took the children into the apartment. The caller's roommate stayed in the courtyard and the adult from Apt. #4 eventually came back outside. The caller stayed inside Apt. #5, and decided to call "911". During the 911 call, the caller stayed in the northeast bedroom of the apartment, in order to keep an eye on this individual hiding outside. The caller could peek through the blinds and observed that this individual was still laying on the ground near where the caller had last seen him. The caller then heard voices stating "hands up" and "down on the ground" and saw the individual start to get up from his position on the ground and pull the handgun from the waistband of his pants. The individual raised the hand gun in the direction of the voices as he was standing up. The caller then heard a loud "pop", followed by several other "pops" that sounded different than the first pop. The caller believed that there were a total of four loud "pops", which the caller believed to be gun shots. Shortly after that, the caller overheard her roommate arguing with police officers, so the caller then went outside and attempted to calm the roommate. The adult from Apt. #4 was also outside. During this time, the caller overhear the adult from Apt. #4 say that this individual had wanted to leave the handgun at Apt. #4 and get a ride to Chicago.

The third 911 caller's roommate at Apt. #5 was also interviewed by DCI Agents during the early morning hours of July 23, 2015. The roommate had worked that day (approx. 8:30 a.m. – 3:00 p.m.), and had returned home and was in the courtyard area talking to several resident's from Apt. #4. About 6:00 p.m., they decided to order pizza and went to pick up the pizza about 6:30. During this time [3:30 – 6:30], the roommate had consumed about four 16 ounce cans of beer. At some time about 7:00 p.m., while the roommate and others were in the courtyard, an adult male subject came running into this area. The roommate did not know this person by name and had never seen him before. (Again, this male subject was later identified by the roommate as Francisco Benitez Santiago). The roommate stated that this male subject had run north into the courtyard area from the west between the house to the west of 1007 12th Street and the residence where everyone lived. This male subject appeared to have been in an accident, was sweating and had a scared look on his face. There was what appeared to be oil or blood on his shirt and the front of his pants and blood on his face. The roommate confirmed that this subject was wearing a red colored striped shirt and blue jeans, and that there was nothing observed in the subject's hands.

The roommate observed this person to stop for a brief moment and then approach Apt. #4, where the adult resident was in the kitchen cooking supper. The roommate observed that this person attempted to enter the residence and began arguing in Spanish with the adult from Apt. #4 in the entryway of the apartment. The adult eventually pushed this person out of Apt. #4. The roommate asked one of the children from Apt. #4 what was going on and the child responded that he (the person who approached) had shot someone. The adult from Apt. #4 had exited the residence and walked this male toward the street. It was about this time that the roommate heard approaching sirens. The roommate then observed the male subject (Benitez Santiago) sprinting back toward the north, on the east side of the residence, to the area behind Apt. #5. The roommate then observed that the 911 caller walked around the residence, immediately turned around and told him that the male subject was still in the backyard.

The roommate told the children from Apt. #4 and the 911 caller to go inside their residences and tried to convince the adult from Apt. #4 to accompany him to the back of the residence and talk to this man, to get the gun away from him. At this point, the roommate looked around the corner of the residence toward the front (12th Street area) and observed seeing three police officers, with at least one deputy sheriff and a police canine. When the roommate looked around the corner, the officers told him to "freeze" and the roommate then motioned for the officers to go to the back of Apt. #5 where the male subject was located. The roommate then returned to an area in the courtyard between the two residences and sat down in a chair.

The roommate observed two officers walk past the courtyard area toward the rear of the second cottage style residence. The two officers were walking side-by-side on the east side of the property, and at some point, the officers yelled "freeze", "stand-up" or "rollover". The roommate also observed a police canine run into the backyard area. Upon hearing the officer's commands, the roommate immediately heard at least six shots. The roommate believe that four shots came from a rifle and the other officer shot a handgun. The roommate observed that the officer with the rifle fired it. The roommate indicated that the shooting incident was sort of a "blur", that this was all he could recall, and that he kind of went into shock, realizing that a shooting had just occurred. Later on the afternoon of July 23rd, the roommate re-contacted DCI Agents and indicated there was one additional detail that could be recalled. The roommate then related that just before the shots were fired, the roommate observed a City of Monroe Police Officer yell "Drop it" and also heard a Green County Deputy yell "Drop it now" (that deputy being the same one who had fired the rifle). The roommate estimated that he was about 10 feet away from the two officers when all of this happened.

DCI Agents also interviewed the adult from Apt. #4, 1007 12th Street on Thursday, July 23, 2015 at the Monroe Police Department. This adult person lives at Apt. #4, 1007 12th Street with his three children. At some time, about 7:00 p.m., one of the children came inside and advised that Francisco Santiago was outside and wanted to talk. The adult person then exited Apt. #4 and found Santiago standing in the courtyard area, appearing to be intoxicated and covered with blood from an injury to the head. Santiago asked for a ride to Beloit, WI, but the adult person refused. Santiago appeared to be in a state of panic and continued to demand a ride to Beloit. It was at this time that the adult from Apt. #4 observed a pistol underneath Santiago's tee shirt. The adult from Apt. #4 became concerned for the children and told them to go into Apt. #4. The adult also spoke to the 911 caller from Apt. #5, and stated that Santiago had a handgun. It was after getting the children inside Apt. #4, that the adult resident then returned to the courtyard area, and again had a conversation with Santiago, advising that the adult resident would not drive Santiago to Beloit, and that Santiago needed to go. It was also at this time that the adult resident of Apt. #4 heard police sirens and indicated that Santiago began to walk away to the north on the east side of the building (Apt. #4 and Apt. #5). The adult resident then sat down on a lawn chair located in the courtyard area between the two buildings.

The adult resident observed a Sheriff's Deputy and police officer walking through the backyard of 1007 12th Street, toward the direction where Mr. Benitez Santiago had walked. The Sheriff's Deputy was armed with a rifle and the police officer had a pistol drawn. The Deputy then said words to the effect "don't you run". The resident could no longer see the two officers as his view was obstructed by the cottage style residence, so the resident stood up and walked toward the east to get a better view of what was happening. The resident stated that there were garbage cans and a tree located on the east side of the house, so the upper portion of Mr. Benitez Santiago's body was the only thing that could been seen. Mr. Benitez Santiago was standing behind the garbage cans. When the Deputy stated "don't you run", Mr. Benitez Santiago turned toward the two officers and the Deputy fired the rifle four times, while the Officer fired his pistol two times toward Mr. Santiago. This adult resident was

not able to see what Mr. Santiago was doing with his hands because the garbage cans obstructed his view.

6. **Findings and Legal Conclusions.**

The criminal laws of the State of Wisconsin generally provide various defenses against criminal conduct prohibited under the laws of the State of Wisconsin. Defenses to criminal conduct are codified in Subchapter III of Chapter 939 of the Wisconsin Statutes, entitled Defenses to Criminal Liability. The analysis of this Officer Involved Death Investigation requires the application of several of these rules of law to the facts and circumstances that have been determined as a result of the DCI investigation. Police Officers and Sheriff's Deputies are "sworn law enforcement officers", who hold a "public office of trust" and are charged with the duty and responsibility of enforcing the laws of the State of Wisconsin in the jurisdictions in which they serve. The laws of the State of Wisconsin authorize a sworn law enforcement officer to make arrests and use reasonable force in apprehending persons who have violated the criminal laws of the State of Wisconsin.

Secs. 939.45(3) and (4) Wis. Stats. codify the rule of privilege with respect to public officers, their enforcement of the laws of the State of Wisconsin and their apprehension of persons violating the laws of the State of Wisconsin, as follows:

Sec. 939.45 The fact that the actor's conduct is privileged . . . is a defense to prosecution for any crime based on that conduct. The defense of privilege can be claimed under any of the following circumstances:

(3) When the actor's conduct is in good faith and is an apparently authorized and a reasonable fulfillment of any duties of a public office; or

(4)When the actor's conduct is a reasonable accomplishment of a lawful arrest; . . .

Deputy Kanable and Deputy Schuetz responded from other patrol duties in rural Green County to assist the City of Monroe Police Department with a report of a shooting at 720 17th Street in the City of Monroe. Both officers recognized the gravity of this incident and the immediate need to assist the Monroe Police Department in preserving the crime scene and searching for and apprehending possible suspects or persons of interest. Deputy Kanable's K-9 would have been essential in tracking and apprehending any suspects intent on fleeing from the crime scene. In addition, as Deputy Schuetz noted in his report, 720 17th Street is adjacent to STH 69S, a highway providing the most direct route out of Green County and the State of Wisconsin into Stephenson County, Illinois.

While enroute, both deputies continued to receive updated information regarding the initial shooting incident, including information that two individuals had been shot with one seriously injured or killed. After Deputy Kanable arrived at 720 17th Street, he ultimately came into contact with the initial 911 caller, who had already given a statement regarding this incident to a Green County Sheriff's Department 911 dispatcher, and had a photograph of the suspect who had allegedly shot the two victims on a cellular telephone. Deputy Kanable not only viewed this photograph before leaving the scene, he also obtained a verbal statement from the 911 caller, confirming that the caller had observed this suspect with a small black gun during the incident. While still at the 720 17th Street location, Deputy Kanable heard a 911 dispatch report of "a male subject hiding, covered in blood" in the 1000 block of 12th Street, to the northeast of this trailer park. He responded and while enroute, was directed to 1007 12th Street, arriving about the same time as Deputy Schuetz.

Deputy Schuetz and Deputy Kanable responded to this 911 call of a "male subject hiding, covered in blood, with a handgun" report in an organized, intentional fashion. Deputy Schuetz described extinguishing his lights and siren so as not to alert any suspects that law enforcement officers were in

the area. Deputy Kanable exited his squad car, removed his K-9, and prepared the K-9 to assist in any apprehension, leaving the K-9 on a leash. Both deputies un-holstered and armed themselves with their service weapons, Deputy Kanable un-holstering and readying his semi-automatic pistol (as he was trained to do when deploying his K-9) and Deputy Schuetz deploying the AR-15 semi-automatic rifle assigned to his Sheriff's Department squad car. The two deputies approached the scene together, at a brisk pace, after observing at least one person in the courtyard area between the two residential structures. They observed a person in the courtyard area point to the northeast, to an area in back of the rear residential building and continued their response toward that location. Based on all of the information that the two deputies had available at that time, they had **reason to believe that a male individual, involved in the shooting and homicide of one person in a trailer at 720 17th Street, and the shooting and attempted homicide of another person, may be in the vicinity of these residential buildings at 1007 12th Street.**

Under the laws of the State of Wisconsin, law enforcement officers are authorized to use firearms, electric weapons, other types of dangerous weapons, chemical sprays, canines and other resources in the apprehension of persons suspected of committing crimes. [See Wis. Stats. secs. 941.20(3)(b), 941.23(2)(a), 941.235(2), 941.295 Stats. for some examples of crimes against public health and safety that contain specific exemptions for law enforcement officers]. The manner in which law enforcement officers use and deploy these resources, correlates directly with the seriousness of the offense that the officers are investigating and the potential threat that a suspect poses to the safety of the officer and the safety of other persons and members of the public. In order for the "privilege of public office" defense to apply, the facts must establish that (a) the individual (public officer) was acting in good faith, (b) that the conduct was apparently authorized, and (c) that the conduct was a reasonable fulfillment of the duties of that public office. State v. Schoenheide, 104 Wis. 2d 114 (Ct. App., 1981). The practical rationale for this defense of privilege is based on the notion that a public officer is authorized to engage in certain types of conduct, that might otherwise be a violation of the Laws of the State of Wisconsin, if engaged in without justification, by a private citizen.

In order for this defense of "public office" privilege to apply, the officer must also be acting in good faith and the officer's conduct should be initiated as a reasonable fulfillment of the officer's duties. Based on all the facts and circumstances leading up to this Officer Involved Shooting Incident, it appears that Deputy Kanable and Deputy Schuetz were acting in accord with their duties as sworn law enforcement officers. They responded to the City of Monroe to assist City of Monroe Police Officers in the ongoing investigation of a homicide / attempted homicide incident. They were aware that a suspect had fled the scene. They were directed to the vicinity of 1007 12th Street as a result of a "911 call" describing: "a *man hiding behind my house*" . . . *"covered in blood"* . . . *"he has a gun"*. The deputies' response, (which included the use of a K-9, deployment of firearms and an organized and directed approach to the area where a homicide suspect was reportedly hiding), is a reasonable and necessary response to the reported threat of an armed homicide suspect in the vicinity.

While the deputies' initial response is justified under the "public office" privilege set forth in Sec. 939.45(3) Stats., this privilege is not, of itself, a sufficient justification for law enforcement officers to use deadly force to apprehend a suspect accused of committing a crime, even a serious crime such as first degree intentional homicide. Likewise, the privilege under 939.45(4) Stats.; (ie., to accomplish a lawful arrest based on probable cause to believe that a suspect has committed a serious crime), does not, of itself, justify the use of force by a law enforcement officer that is calculated or likely to cause death or great bodily harm to a suspect that the law enforcement officer is attempting to arrest. What is required under the laws of the State of Wisconsin, before a police officer can use deadly force against another person, is a "reasonable belief, by the police officer, that such force is necessary to prevent imminent death or great bodily harm to the officer, or to a third person", [See Secs. 939.48(1)

and 939.48(4) Wis. Stats.]. Under the facts and circumstances presented by this Officer Involved Death Investigation, I have concluded that both Deputy Kanable and Deputy Schuetz were justified to use deadly force against Francisco Benitez Santiago on the evening of July 22, 2015, when the deputies encountered Mr. Benitez Santiago hiding in the shadows behind Apt. #5, at 1007 12th Street in the City of Monroe and he stood up, turned toward them and raised his arms, holding what appeared to be a pistol and pointing that pistol toward the two deputies.

There is uncontroverted evidence, supported by eyewitness statements, that at least one of the two deputies shouted a loud verbal command to Mr. Benitez Santiago, stating words to the effect: *"drop the gun .. or .. drop it now"*. The witnesses in the courtyard area in front of Apts. #4 & #5, also heard one of the two deputies identify themselves as they initially approached the area, stating words to the effect: *"Sheriff's Department, Show me your hands, Stop"*. Although there was some slight confusion among the eyewitnesses as to whether the responding officers were City of Monroe Police Officers or Green County Sheriff's Deputies, the eyewitnesses clearly observed that uniformed law enforcement officers were responding to the area, and in fact, eyewitnesses described their interactions with the officers as pointing or motioning toward the area where Mr. Benitez Santiago was hiding behind Apt. #5.

In the State of Wisconsin, the privilege of self-defense, does not carry with it a "duty to retreat" by the person claiming self-defense (whether or not the actor is a private citizen or law enforcement officer). [See State v. Wenger, 225 Wis. 2d 495, 593 N.W. 2d 467 (Ct. App. 1999)]. The circumstances of this incident, where law enforcement officers are attempting to make a lawful arrest based on probable cause, provides additional justification for law enforcement officers to "stand their ground". Moreover, given the location of this incident, the close proximity of Mr. Benitez Santiago to the two deputies at the time that he stood up, turned toward them, and raise his arms with a pistol in hand, there was no adequate opportunity for both of these deputies to retreat to an area where they would be safe from the imminent threat that Mr. Benitez Santiago posed to either of them, as he pointed the pistol in his hand toward them. It was at that point, the two deputies were justified to discharge their weapons at Mr. Benitez Santiago to prevent him from shooting at either or both of them. The laws of the State of Wisconsin do not require that any person be subjected to imminent death or great bodily harm by the discharge of a firearm at or toward them, before acting in self-defense. The threat of imminent death or great bodily harm posed merely by pointing a firearm at or toward another person is sufficient to trigger the privilege of self-defense. Furthermore, sec. 941.20(1m)(b) Stats. makes it a Class H felony for any person to knowingly point a firearm at or toward a law enforcement officer or public safety worker acting in an official capacity.

In concluding my analysis of this incident, I would note that the DCI investigation established that both the .22 caliber semi-automatic pistol and the magazine in the semi-automatic pistol that Mr. Benitez Santiago pointed at Deputies Kanable and Schuetz were unloaded at the time that it was recovered at the scene of this incident. Anecdotal evidence from the initial crime scene investigation at 720 17th Street strongly suggests that Mr. Benitez Santiago discharged all of the ammunition from the .22 caliber semi-automatic pistol and magazine during the initial altercation between himself and Samuel Primero Nunez and E.B. It would be speculative, at best, to infer that Mr. Benitez Santiago knew the semi-automatic pistol/ magazine was empty or out of ammunition at the time that he stood up, turned toward Deputies Kanable and Schuetz, pointing the pistol in their direction. **His motivation for engaging in the actions observed by the two deputies is irrelevant to my analysis of this incident.** His conduct, as observed by Deputies Kanable and Schuetz, under all the facts and circumstances as outlined above, was a felonious criminal assault upon the two deputies, which the two deputies reasonably believed was intended or likely to cause either of them imminent death or great bodily harm.

The two deputies were justified to act in self-defense and defense of others under Sec. 939.48(1) & (4) Stats. by discharging their firearms at Mr. Benitez Santiago to prevent his unlawful and felonious interference with their safety and security, as they were attempting to lawfully apprehend him, based on probable cause to believe that Mr. Benitez Santiago had committed the crime(s) of First Degree Intentional Homicide, Aggravated Battery with a Dangerous Weapon, and Attempted First Degree Intentional Homicide.

Respectfully submitted this 18th day of September, 2015.

Gary L. Luhman
Green County District Attorney
State Bar I.D. No. 01009574

Cc: DCI Agent Lourdes Fernandez
State of Wisconsin-DOJ
Risser Justice Center
17 West Main Street, P.O. Box 7857
Madison, WI 53707-7857

RE: WI Dept. of Justice DCI .
ACISS Investigation No. 15-4002.

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/70

Report Date: 09/24/2015

Primary Information

Description:	**Receipt of Confidential Report of Laboratory Findings ([redacted])**
Occurence From:	**09/16/2015 00:00**
Occurence To:	**09/16/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**09/24/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin State Crime Laboratory-Madison	**M15-2200**

Related Addresses

Address	Relationship
4626 University Ave Wisconsin Crime Laboratory, Madison, Wisconsin 53705-2174 , United States of America	**Other**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Benitez Santiago, Francisco	**Person**	**Male**	**Hispanic**	[redacted]	**Deceased**

Related Documents

Document
Crime Lab Report

Record Status Information

Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**09/24/2015 10:11**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**09/24/2015 13:27**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**9/25/2015**

Narrative begins on the following page.

The Division of Criminal Investigation has received a Confidential Report of Laboratory Findings, dated September 16, 2015, from Laboratory Analyst [redacted], related to this investigation. The report is [redacted] A copy of the Confidential Report of Laboratory Findings is attached to this report and made a part of this case file.

Wisconsin Department of Justice DCI

ACISS Memo to File 15-4002/71

Report Date: 09/25/2015

Primary Information	
Description:	[redacted] **results forwarded**
Reporting LEO:	**Wilson, Lisa A (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**10/19/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers	
Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4002/70**

Synopsis

On Thursday, September 24, 2015, SA Lourdes Fernandez informed SA Lisa Wilson that [redacted] results were recevied from the Wisconsin State Crime Laboratory (WSCL) for Francisco Benitez Santiago. See report 15-4002/70. SA Fernandez asked SA Wilson to forward these results to Forensic Pathologist, Dr. Robert Corliss, and to the Green County Coroner's Office. SA Wilson fowarded the results to Dr. Corliss via email on September 24, 2015, and to the Green County Coroner's Office via fax on September 25, 2015.

Record Status Information	
Record Origination Operator:	**Wilson, Lisa A (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**09/25/2015 10:03**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**10/19/2015 08:37**

Reporting LEO	Date	Supervisor	Date
Wilson, Lisa A (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**10/19/2015**

Wisconsin Department of Justice DCI

ACISS Examination of Records 15-4002/72

Report Date: 10/12/2015

Primary Information

Description:	**Receipt of Final Autopsy Report**
Occurence From:	**10/12/2015 00:00**
Occurence To:	**10/12/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**10/19/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4002/5**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Benitez-Santiago, Francisco	**Person**	**Male**	**Hispanic**	[redacted]	**Deceased**

Related Documents

Document
final Autopsy Report

Record Status Information

Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**10/12/2015 11:25**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**10/19/2015 08:38**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**10/19/2015**

Narrative begins on the following page.

On Monday, October 12, 2015, Special Agent Lourdes Fernandez was sent via fax from the Green County Coroner's Office the final autopsy report on Francisco Benitez-Santiago, DOB: [redacted]. The report was completed by University of Wisconsin Hospital staff pathologist Dr. Robert Corliss, and detailed the results of the autopsy he completed on July 23, 2015. The findings and diagnoses reference multiple gunshot wounds. Please see Dr. Corliss's report for additional and more specific information. A copy of the report is attached to this report and made a part of the case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

15-4002172

Green County Coroner's Office
1016 16th Aveunue
MONROE, WI 53566
(608) 325-2228
(608) 325-2229 fax

Fax

To: Lou

From: Jody GCCO

Fax: 608 267-2777

Pages: 8

Phone:

Date: 10-12-15

Re: autopsy

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

University of Wisconsin Hospital and Clinics
Anatomic Pathology Laboratory
600 Highland Avenue, Madison WI 53792
608-263-8443

FORENSIC AUTOPSY REPORT

NAME: BENITEZ-SANTIAGO, FRANCISCO **ACCESSION: A-15-00269**

DOB: [redacted] Age: 25 Gender: M
Date/Time of Death Pronouncement: 07/22/2015 8:06:00 PM
Date/Time of Autopsy: 07/23/2015 1:30:00 PM
County: Green County Coroner - Monroe, WI
Limitations: No exclusions
Prosector: Dr. Leah Schuppener

FINDINGS AND DIAGNOSES:

Multiple gunshot wounds (2)

1. Gunshot wound to the head, predominately perforating, indeterminate range
   a) Massive open wound complex involving posterior right head
   b) Direction appears right to left based on focal beveling patterns
   c) Associated findings
      i) Cortical and white matter brain disruption, right sided
      ii) Bilateral and multifocal subarachnoid hemorrhages
      iii) Snowstorm fragmentation of projectile on imaging (no projectile recovered)
   d) Wound consistent with high velocity projectile
2. Gunshot wound to mid-abdomen, penetrating, indeterminate range
   a) Entrance wound on midline abdomen (above umbilicus)
   b) Pathway through: abdominal wall, liver, diaphragm, right lower lung lobe, 9th right intercostal space posterolaterally
   c) Deformed projectile recovered from right lateral chest subcutaneous tissue
   d) Associated findings
      i) Right hemothorax (300 cc)
      ii) Pulmonary hemorrhage around lung defect
      iii) Ragged laceration defect through liver
   e) Wound direction: front to back, left to right and slightly upward
3. Additional injuries
   a) Abrasions to right arm and right shin
4. No significant natural disease identified

[redacted]

 Suzanne Selvaggi, M.D., Laboratory Medical Director

University of Wisconsin Hospital and Clinics
Anatomic Pathology Laboratory
600 Highland Avenue, Madison WI 53792
608-263-8443

FORENSIC AUTOPSY REPORT

NAME: BENITEZ-SANTIAGO, FRANCISCO **ACCESSION: A-15-00269**

Final Anatomic Diagnosis performed by
Robert Corliss, MD
Staff Pathologist
Electronically signed Sep 25, 2015 2:04 PM

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/73

Report Date: 11/06/2015

Primary Information	
Description:	**Evidence Transfer from Milwaukee WSCL to Madison DCI**
Occurence From:	**11/05/2015 00:00**
Occurence To:	**11/05/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**11/09/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers	
Agency	Case/File Number
Wisconsin State Crime Laboratory-Milwaukee	**M15-2200**

Related Documents
Document
evidence release return

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/06/2015 09:27**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**11/09/2015 22:08**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**11/10/2015**

Narrative begins on the following page.

During the investigation, various evidentiary items were collected and submitted to the Wisconsin Crime Laboratory for analysis.

On Thursday, November 16, 2015, Special Agent Lourdes Fernandez obtained numerous evidentiary items from Wisconsin Crime Laboratory Evidence Technician Caljoyma Moore and transported the items from the Wisconsin Crime Laboratory in Milwaukee to the Madison DCI headquarters.

The Wisconsin Crime Laboratory 'Evidence Release – Return' form showing SA Fernandez obtainment of the items will be attached to this report.

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/74

Report Date: 11/06/2015

Primary Information	
Description:	**Receipt of Confidential Report of Laboratory Findings ([redacted] Evidence)**
Occurence From:	**11/05/2015 00:00**
Occurence To:	**11/05/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**11/09/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4003**
Wisconsin State Crime Laboratory-Milwaukee	**M15-2200**
Monroe Police Department	**M15-05288**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Simonson, Mark	**Crime Lab Personnel**	**---**	**---**	**---**	**Mentioned**
Benitez Santiago, Francisco	**Person**	**Male**	**Hispanic**	[redacted]	**Suspect**

Related Documents

Document
Lab Report

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/06/2015 10:32**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**11/09/2015 22:09**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**11/10/2015**

Narrative begins on the following page.

On Thursday, November 5, 2015, Special Agent Lourdes Fernandez received a Confidential Report of Laboratory Findings, dated November 3, 2015, written by Laboratory Analyst [redacted], regarding the analysis of [redacted] evidence in this investigation. The following is a summary of the information contained in the report.

[redacted]

A copy of the crime lab report is attached to this report and made a part of the case file.

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/75

Report Date: 11/10/2015

Primary Information	
Description:	**Release of Evidence (11/10/2015)**
Occurence From:	**11/10/2015 00:00**
Occurence To:	**11/10/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**11/12/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Related Addresses

Address	Relationship
Green County Sheriff's Department Green County Sheriff's Department, Monroe, Wisconsin 53566 , United States of America	**Other**

Related Documents

Document
Property Release Receipt

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/10/2015 15:31**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**11/12/2015 09:19**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**11/17/2015**

Narrative begins on the following page.

On Tuesday, November 10, 2015, Special Agent Lourdes Fernandez met with Detective Julie L. Blumer and Lieutenant Paul Weichbrod of the Green County Sheriff's Office, and turned over evidence that was kept in the secure Madison DCI evidence room for this investigation. This included the following evidence:

- 15-4002/5, item 1
- 15-4002/21, items 1-3, 5-11 and 16

The DCI Property Release/Disposal Receipts signed by Detective Blumer and the ACISS Change of Custody forms, are attached to this report and made a part of the case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

15-4002/75

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/21 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Glock 22 Gen 4 with 1 magazine and 10 unfired cartridges
2	1	DPMS Panther Rifle with 1 magazine and 12 unfired cartridges
3	1	Bersa Handgun with 1 magazine; no cartridges
5	1	Fired Federal .40 S&W casing
6	1	Fired Federal .40 S&W casing
7	1	Fired Federal .40 S&W casing
8	1	Fired Federal .40 S&W casing
9	1	Fired Federal .40 S&W casing
10	1	Fired FC 07 rifle cartridge casing
11	1	Fired FC 07 rifle cartridge casing
16	1	Apparent bullet from yard behind 1004 11th St

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/10/2015

Owner/For Owner

DSS 11-10-15

Released By Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/75

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/5 **Case Agent:** Wilson, Lisa A (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	One fired bullet (projectile) recovered from Santiago at autopsy

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/10/2015

Owner/For Owner

Released By DJS 11-10-15 Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/75

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/21 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Glock 22 Gen 4 with 1 magazine and 10 unfired cartridges
2	1	DPMS Panther Rifle with 1 magazine and 12 unfired cartridges
3	1	Bersa Handgun with 1 magazine; no cartridges
5	1	Fired Federal .40 S&W casing
6	1	Fired Federal .40 S&W casing
7	1	Fired Federal .40 S&W casing
8	1	Fired Federal .40 S&W casing
9	1	Fired Federal .40 S&W casing
10	1	Fired FC 07 rifle cartridge casing
11	1	Fired FC 07 rifle cartridge casing
16	1	Apparent bullet from yard behind 1004 11th St

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Julie L Blumer

Name Blumer, Julie (Green County Sheriff's Department)

Address

City/State

Telephone

Date Received 11/10/2015

Owner/For Owner D.J. Blumer #32

Released By Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/75

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/5 **Case Agent:** Wilson, Lisa A (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	One fired bullet (projectile) recovered from Santiago at autopsy

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Julie L Blumer **Date Received** 11/10/2015

Name Blumer, Julie (Green County Sheriff's Department) **Owner/For Owner** Det. J. Blumer #32

Address

City/State **Released By** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/76

Report Date: 11/12/2015

Primary Information	
Description:	**Release of Evidence (11/12/2015)**
Occurence From:	**11/12/2015 00:00**
Occurence To:	**11/12/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Backup LEO:	**Blumer, Julie (Green County Sheriff's Department)**
Approval Status:	**Approved**
Approved Date:	**11/16/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Related Addresses

Address	Relationship
Green County Sheriff's Department Green County Sheriff's Department, Monroe, Wisconsin 53566 , United States of America	**Other**

Related Documents

Document
Property Release Receipt

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/12/2015 08:25**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**11/16/2015 22:03**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**11/17/2015**

Narrative begins on the following page.

On Thursday, November 12, 2015, Special Agent Lourdes Fernandez met with Detective Julie L. Blumer of the Green County Sheriff's Office, and turned over evidence that was kept in the secure Madison DCI evidence room for this investigation. This included the following evidence:

- 15-4002/22, item 2
- 15-4002/35, item 1

The DCI Property Release/Disposal Receipts signed by Detective Blumer and the ACISS Change of Custody forms, are attached to this report and made a part of the case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

15-4002/76

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/22 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	Glock Model 22 Gen 4 40 Caliber Handgun with fully loaded Glock Magazine (15 rounds) Plus 1 Round

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez **Date Received** 11/12/2015

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI) **Owner/For Owner**

Address

City/State **Released By** DJS 11-12-15 Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

15-4002/76

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/35 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Handcuffs removed from deceased OID subject

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/12/2015

Owner/For Owner

DJS 11-12-15

Released By Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/76

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/22 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	Glock Model 22 Gen 4 40 Caliber Handgun with fully loaded Glock Magazine (15 rounds) Plus 1 Round

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Julie L Blumer Det #32 **Date Received** 11/12/2015

Name Blumer, Julie (Green County Sheriff's Department) **Owner/For Owner**

Address

City/State **Released By** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

15-4002/76

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/35 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Handcuffs removed from deceased OID subject

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature	Julie L Blumer #37 Det	**Date Received**	11/12/2015
Name	Blumer, Julie (Green County Sheriff's Department)	**Owner/For Owner**	
Address			
City/State		**Released By**	Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)
Telephone		**Verified By**	

Wisconsin Department of Justice DCI

ACISS Tip Information 15-10655

Entry Date: 11/16/2015 13:06

Primary Information	
Number:	**15-10655**
Category:	**TASK**
Entry Date:	**11/16/2015 13:06**
Call Taker:	**Flessert, Larry A (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)**
Brief Description:	**Readction of Video Media**
Source:	**Other**
Class:	**Criminal Justice Support/Advocacy**
Type:	**Other**
Status:	**Closed**
Status Date:	**11/18/2015 00:00**
Related Case:	**15-4002**

Synopsis

Flash media containing body camera video footage was obtained from DCI PA Keara Smyth.

Per PA Smyth's instructions the video contained on the flash media was redacted, for release to the public.

The redacted video files were TOT PA Smyth.

This task has been completed.

Current Forward/Assignment	
Assigned To:	**Flessert, Larry A (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)**
Agency:	**WI Department of Justice**
Division:	**Div. of Criminal Investigation (DCI)**
Sensitive Cases:	**Div. of Criminal Investigation (DCI)**
Bureau:	**DCI Investigative Services**
Section:	**ICAC & Computer Crimes DCI**
Assigned By:	**Lokrantz, Timothy W (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)**
Assignment Date/Time:	**11/18/2015 14:02**
Priority:	**No Followup Required**
Response Due Date:	**08/14/2018**

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/77

Report Date: 11/17/2015

Primary Information

Description:	**Transfer of Evidence from WSCL to Madison DCI**
Occurence From:	**11/17/2015 00:00**
Occurence To:	**11/17/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**12/01/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin State Crime Laboratory-Madison	**M15-2200**

Synopsis

On Tuesday, November 17, 2015, Special Agent Lourdes Fernandez obtained items for transfer to DCI's property/evidence room from Evidence Technician Diamond D. Carter of the Wisconsin DOJ Crime Laboratory- Madison.

Related Addresses

Address	Relationship
4626 University Ave Wisconsin Crime Laboratory, Madison, Wisconsin 53705-2174 , United States of America	**Other**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Carter, Diamond	**Crime Lab Personnel**	**---**	**---**	**---**	**Mentioned**

Related Documents

Document
Evidence Release Return

Property

Status	Quantity	Description
Inventory	**1**	**a sealed DNA packet containing the following DNA extracts:**

Record Status Information

Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/17/2015 12:23**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**12/01/2015 20:40**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**12/2/2015**

Narrative begins on the following page.

On Tuesday, November 17, 2015, Special Agent Lourdes Fernandez obtained items for transfer to DCI's property/evidence room from Evidence Technician Diamond D. Carter of the Wisconsin DOJ Crime Laboratory- Madison.

The evidence included the following items that had previously been entered into the ACISS case management system with report #5 in this case file. These items were 15-4002/5 Items # 2-7. Donna Showers, Madison DCI Evidence Custodian created the change of custody documentation to show these items back in inventory in the Madison DCI evidence room.

The evidence further included additional items that had never been entered into the ACISS case management system and had been taken to the crime lab directly from the crime lab employees at the crime scene. These items were entered into evidence and given the following evidence number:

15-4002/77.1: a sealed DNA packet containing the following DNA extracts: F1, G1, RB1, L, RB2, X, Y, Z, AA, RB3, B, RB4, J1a, J1b, J1c, J1d, J1e, J1f, J2a, RB5, P1, P2, P3, P4, P5, P6, P7, RB6, AC1, AC2, AC3, AC4, AC5, RB7, K1, K2, K3, M1,M2,M3,RB8 (crime lab item AE).

All items were placed into the Madison DCI secure evidence storage area.

ADDITIONAL INFORMATION:

Attached to this report (related object file) are copies of the WI DOJ State Crime Laboratory Evidence Release forms showing the items they released. All copies were also placed in the DCIR case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/78

Report Date: 11/23/2015

Primary Information	
Description:	**Transfer of Evidence from Milwaukee DCI to Madison DCI (11/19/2015)**
Occurence From:	**11/19/2015 00:00**
Occurence To:	**11/19/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Backup LEO:	**McNichol, Christina M. (DCI Milwaukee Field Office / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**11/29/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers	
Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4002/29**
Wisconsin Department of Justice DCI	**15-4002/39**
Wisconsin Department of Justice DCI	**15-4002/42**

Related Documents
Document
DOJ - Property Release Receipt

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/23/2015 08:03**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**11/29/2015 22:06**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**12/2/2015**

Narrative begins on the following page.

On Thursday, November 19, 2015, Special Agent Lourdes Fernandez met with Special Agent in Charge Christina M. McNichol, who turned over all evidence that was kept in the Milwaukee DCI evidence room for this investigation. This included the following evidence:

- 15-4002/29, items 1-5.
- 15-4002/39, item 1.
- 15-4002/42, item 1.

SA Fernandez transported all the above listed evidence to Madison Headquarters and turned it over to the evidence custodian. The DCI Property Release/Disposal Receipts signed by Special Agent in Charge McNichol, are attached to this report and made a part of the case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

15-4002/78

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/29 **Case Agent:** Hernandez, Gilbert (Milwaukee Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	interview of V[redacted] S[redacted]
2	1	Walk through W/S[redacted]-D[redacted]
3	1	Photographs taken with S[redacted]-D[redacted] at crime scene.
4	1	Consent form sign S[redacted]-D[redacted]
5	1	Diagram used during interview of S[redacted]-D[redacted]

State authority to release or manner of disposition:

Release to Other DCI Evidence Facility

I hearby certify that I have received the above listed property

Signature [signature] **Date Received** 11/17/2015

Name McNichol, Christina M. (DCI Milwaukee Field Office / Wisconsin Department of Justice DCI) **Owner/For Owner**

Address

City/State **Released By** Hale, Jeffrey J (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

15-4002/78

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/39 **Case Agent:** Peters, Kenneth W (Milwaukee HIDTA - DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Hand drawn sketch of Crime Scene from Detective Keegan consisting of 2 pages

State authority to release or manner of disposition:

Release to Other DCI Evidence Facility

I hearby certify that I have received the above listed property

Signature _____ **Date Received** 11/17/2015

Name McNichol, Christina M. (DCI Milwaukee Field Office / Wisconsin Department of Justice DCI) **Owner/For Owner** _____

Address _____

City/State _____ **Released By** Hale, Jeffrey J (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)

Telephone _____ **Verified By** _____

15-4002/78

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/42 **Case Agent:** Koehler, Aaron J (Milwaukee ICAC DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	Optical Disc Containing Video from Officer Hummel's Body Camera 07/22/15

State authority to release or manner of disposition:

Release to Other DCI Evidence Facility

I hearby certify that I have received the above listed property

Signature [signature] **Date Received** 11/17/2015

Name McNichol, Christina M. (DCI Milwaukee Field Office / Wisconsin Department of Justice DCI) **Owner/For Owner**

Address

City/State **Released By** Hale, Jeffrey J (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

Wisconsin Department of Justice DCI

ACISS Investigative 15-4002/79

Report Date: 11/24/2015

Primary Information

Description:	**Transfer of Evidence to Green County Sheriff's Dept. (11/24/2015)**
Occurence From:	**11/24/2015 00:00**
Occurence To:	**11/24/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Backup LEO:	**Blumer, Julie (Green County Sheriff's Department)**
Approval Status:	**Approved**
Approved Date:	**12/01/2015**
Approved By:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4002/4**
Wisconsin Department of Justice DCI	**15-4002/5**
Wisconsin Department of Justice DCI	**15-4002/21**
Wisconsin Department of Justice DCI	**15-4002/77**

Related Addresses

Address	Relationship
Green County Sheriff's Department Green County Sheriff's Department, Monroe, Wisconsin 53566 , United States of America	**Other**

Related Documents

Document
Property Release Receipts

Record Status Information

Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/24/2015 13:23**
Last Update Operator:	**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**
Last Update Date:	**12/01/2015 20:40**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)**	**12/2/2015**

Narrative begins on the following page.

On Tuesday, November 24, 2015, Special Agent Lourdes Fernandez met with Detective Julie L. Blumer and Detective Christopher E. Fiez of the Green County Sheriff's Department, and turned over all evidence that was kept in the Madison DCI evidence room for this investigation. This included the following evidence:

- 15-4002/4, items 2-8, 10-12.
- 15-4002/5, items 2-7.
- 15-4002/21, items 4, 12-15.
- 15-4002/77, item 1.

The DCI Property Release/Disposal Receipts signed by Detective Julie L. Blumer, are attached to this report and made a part of the case file.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/77 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	a sealed DNA packet containing the following DNA extracts:

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/24/2015

Owner/For Owner

DSS 11-24-15

Released By Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/4 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	One (1) Pressure Cuff
3	1	One (1) Left Boot
4	1	One (1) Right Boot
5	1	Socks
6	1	One (1) Polo Shirt
7	1	Shorts
8	1	Underwear
10	1	Blue Jeans
11	1	T-Shirt
12	1	Emergency Room Bedding

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/24/2015

Owner/For Owner DJS 11-24-15

Released By Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/5 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	DNA card recovered from Santiago at autopsy.
3	1	One container of urine recovered from Santiago at autopsy
4	1	One container of vitreous humor recovered from Santiago at autopsy
5	1	Two tubes of blood recovered from Santiago at autopsy
6	1	Container of left hand fingernails recovered from Santiago at autopsy
7	1	Container of right hand fingernails recovered from Santiago at autopsy

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/24/2015

Owner/For Owner

DSS 11-24-15

Released By Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/21 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
4	1	2 swabs from apparent pool of blood
12	1	Swab of apparent blood on door of 1007 12th St #4
13	1	Swab of apparent blood on door of 1007 12th St #4
14	1	Swab of apparent blood on door of 1007 12th St #4
15	1	Swab of apparent blood on door of 1007 12th St #4

State authority to release or manner of disposition:

Agent Custody Temporary

I hearby certify that I have received the above listed property

Signature Lourdes Fernandez

Name Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Address

City/State

Telephone

Date Received 11/24/2015

Owner/For Owner

Released By DDS 11-24-15 Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/79

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/4 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	One (1) Pressure Cuff
3	1	One (1) Left Boot
4	1	One (1) Right Boot
5	1	Socks
6	1	One (1) Polo Shirt
7	1	Shorts
8	1	Underwear
10	1	Blue Jeans
11	1	T-Shirt
12	1	Emergency Room Bedding

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Det. J. Blumer #32

Name Blumer, Julie L (Deputy / Green County Sheriff's Department)

Address

City/State

Telephone

Date Received 11/24/2015

Owner/For Owner

Released By Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Verified By

15-4002/79

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/5 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
2	1	DNA card recovered from Santiago at autopsy.
3	1	One container of urine recovered from Santiago at autopsy
4	1	One container of vitreous humor recovered from Santiago at autopsy
5	1	Two tubes of blood recovered from Santiago at autopsy
6	1	Container of left hand fingernails recovered from Santiago at autopsy
7	1	Container of right hand fingernails recovered from Santiago at autopsy

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Det. J. Blumer #32 **Date Received** 11/24/2015

Name Blumer, Julie L (Deputy / Green County Sheriff's Department) **Owner/For Owner**

Address

City/State **Released By** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

15-4002/79

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/21 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
4	1	2 swabs from apparent pool of blood
12	1	Swab of apparent blood on door of 1007 12th St #4
13	1	Swab of apparent blood on door of 1007 12th St #4
14	1	Swab of apparent blood on door of 1007 12th St #4
15	1	Swab of apparent blood on door of 1007 12th St #4

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Det. Julie Blumer #32 **Date Received** 11/24/2015

Name Blumer, Julie L (Deputy / Green County Sheriff's Department) **Owner/For Owner**

Address

City/State **Released By** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

15-4002/79

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Offense Number: 15-4002/77 **Case Agent:** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1	a sealed DNA packet containing the following DNA extracts:

State authority to release or manner of disposition:

Released to Other LE Agency

I hearby certify that I have received the above listed property

Signature Det. J Blumer #32 **Date Received** 11/24/2015

Name Blumer, Julie L (Deputy / Green County Sheriff's Department) **Owner/For Owner**

Address

City/State **Released By** Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)

Telephone **Verified By**

Wisconsin Department of Justice DCI

ACISS Case Closure 15-4002/80

Report Date: 11/24/2015

Primary Information	
Description:	**Close Case File**
Occurence From:	**11/24/2015 00:00**
Occurence To:	**11/24/2015 00:00**
Reporting LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status:	**Approved**
Approved Date:	**12/07/2015**
Approved By:	**Wormet, Jody R (DCI Administrative Section / Wisconsin Department of Justice DCI)**

Agency Reference Numbers

Agency	Case/File Number
Wisconsin Department of Justice DCI	**15-4002/69**

Related Addresses

Address	Relationship
1007 12th St, Monroe, Wisconsin 53566 , United States of America	**Crime Scene**

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Benitez-Santiago, Francisco	**Person**	**Male**	**Hispanic**	[redacted]	**Deceased**

Record Status Information	
Record Origination Operator:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Record Origination Date:	**11/24/2015 14:50**
Last Update Operator:	**Wormet, Jody R (DCI Administrative Section / Wisconsin Department of Justice DCI)**
Last Update Date:	**12/07/2015 12:22**

Reporting LEO	Date	Supervisor	Date
Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		**Wormet, Jody R (DCI Administrative Section / Wisconsin Department of Justice DCI)**	**12/7/2015**

Narrative begins on the following page.

On Friday, September 18, 2015, Special Agent Lourdes Fernandez received a copy of a news release from Green County District Attorney Gary L. Luhman regarding the Officer Involved Shooting on 07/22/2015, when Green County Sheriff's Deputies Cody D. Kanable and John M. Schuetz utilized deadly force against Francisco Benitez Santiago, who died as a result of gunshot wounds he suffered. Santiago was a suspect in the homicide of Samuel Primero Nunez, and the attempted homicide of Elias Perez-Barrios, which occurred earlier in the day at 702 17th Street, Trailer #3, Monroe, Wisconsin.

D/A Luhman's news release pertaining to the shooting incident was titled 'District Attorney Announces Findings from July 22, 2015 Officer Involved Death Investigation involving City of Monroe Police Department and Green County Sheriff's Department.' (For further information please see report 15-4002/69 regarding Green County District Attorney's Press Release - No Criminal Liability).

The Green County District Attorney's press release included the following information:

'I have concluded that Green County Sheriff's Deputy Cody Kanable and Green County Sheriff's Deputy John Schuetz were justified to use deadly force in their initial contact with Francisco Benitez Santiago, when the two deputies confronted Mr. Benitez Santiago behind a residential building located at #5, 1007 12th Street in the City of Monroe observing that he had in his hands, a semi-automatic type pistol, which he was holding in a "fire-ready" position, parallel to the ground and pointing toward the two Sheriff's Deputies. Based on all the facts that can be reasonable determined from the results of the Wisconsin Department of Justice DCI investigation, I have concluded that Deputy Kanable and Deputy Schuetz were justified in their decision to discharge their firearms at Mr. Benitez Santiago, in order to prevent or terminate what the two deputies reasonable believed to be an imminent threat of death or great bodily harm to themselves and other persons. As law enforcement officers, their conduct was not only privileged under the law of self-defense and defense of others, (See Sec.939.48 Stats.), but was also privileged under Secs.939.45(3) & (4) Stats., as the reasonable accomplishment of a lawful arrest of Benitez Santiago, made in good faith, in reasonable fulfillment of their duties as sworn law enforcement officer in the State of Wisconsin, and based on probable cause to believe that Benitez Santiago had committed the crime(s) of First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 940.01(1) (a) & 939.63(1) (b) Stats., Attempted First Degree Intentional Homicide – Use of a Dangerous Weapon, in violation of Secs. 939.32(1) (a), 940.01(1) (a) & 939.63(1) (b) Stats., and Aggravated Battery – Use of a Dangerous Weapon, in violation of Secs. 940.19(5) and 939.63(1) (b) Stats.'

D/A Luhman's aforementioned news release will be included in DCI's main case file of this investigation. It is recommended that this case file be closed.

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

Wisconsin Department of Justice DCI

ACISS Case Master Report 15-4002

Date Initiated 07/23/2015

Primary Information

Agency:	**WI Department of Justice**
Division:	**Div. of Criminal Investigation (DCI)**
Sensitive Cases:	**Div. of Criminal Investigation (DCI)**
Bureau:	**DCI Field Operations Bureau**
Section:	**DCI Madison Field Office**
Office:	**Madison Special Assignments DCI**
Lead LEO:	**Fernandez, Lourdes (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)**
Type Of Case:	**Violent Crimes**
Case Sub Type:	**VC-Officer Involved Death**
Case Description:	**Green County OID - Francisco Benitez Santiago**

Related Tips

Number	Entry Date	Occurred Date	Status	Description
15-5859	**07/23/2015 10:01**	**---**	**Closed**	**AA 15-4002: Analytical Deployment to Green County OID - Francisco Santiago**
15-6826	**07/29/2015 06:18**	**---**	**Closed**	**Green County OID: Deputy Schuetz GPS Mapping**
15-7052	**07/30/2015 11:46**	**---**	**Closed**	**Green County OID: Deputy Kanable GPS Mapping**
15-7168	**08/03/2015 11:53**	**---**	**Closed**	**MSU Green Cty Homicide 07/22/2015**
15-7235	**08/04/2015 10:16**	**---**	**Closed**	**AA 15-4002: Green County OID - Francisco Benitez Santiago (SA Fernandez)**
15-7521	**08/07/2015 15:10**	**---**	**Closed**	**DCI - SA Fernandez - Primary Case 15-4002/40 - Officer Involved Death - Francisco Benitez Santiago**
15-7554	**08/10/2015 09:44**	**---**	**Closed**	**Green County OID/ Homicide: Association Chart**
15-7650	**08/11/2015 11:40**	**---**	**Closed**	**Disc Duplication Requested - 15-4002/60.1 GCSO OID/WSP TRU**
15-7714	**08/11/2015 18:05**	**---**	**Closed**	**Green County OID: King AVL Analysis**
15-7942	**08/14/2015 11:48**	**---**	**Closed**	**Copy of recordings made for SA Fernandez**
15-8190	**08/25/2015 08:38**	**---**	**Closed**	**ORR - Duplication of Audio Media**
15-8745	**09/11/2015 12:53**	**---**	**Closed**	**ORR - DCI - OID - Santiago**
15-10655	**11/16/2015 13:06**	**---**	**Closed**	**Readction of Video Media**

Authorized Operators

Name
Wormet, Jody R (DCI Administrative Section / Wisconsin Department of Justice DCI)
Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)
Showers, Donna J (Records DCI / Wisconsin Department of Justice DCI)
Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Department of Justice DCI)

Authorized Operators - Continued

Name
Mitchell, Patrick S (Div. of Criminal Investigation (DCI) / Wisconsin Department of Justice DCI)
Koby, Molly E (Wisconsin Statewide Intelligence Center DCI / Wisconsin Department of Justice DCI)
Smyth, Keara A (DCI Administrative Section / Wisconsin Department of Justice DCI)
Matthews, David S (Div. of Criminal Investigation (DCI) / Wisconsin Department of Justice DCI)
Boswell, William J (Arson DCI / Wisconsin Department of Justice DCI)
Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)
Lange, Tyler (Madison ICAC DCI / Wisconsin Department of Justice DCI)
Prieve, Brian R (Madison Narcotics DCI / Wisconsin Department of Justice DCI)
Crowe, Jesse J (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
Ng, Nicholas K (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
Boswell, William J (Arson DCI / Wisconsin Department of Justice DCI)
McNichol, Christina M. (DCI Milwaukee Field Office / Wisconsin Department of Justice DCI)
Koehler, Aaron J (Milwaukee ICAC DCI / Wisconsin Department of Justice DCI)
Hernandez, Gilbert (Milwaukee Special Assignments DCI / Wisconsin Department of Justice DCI)
Higgins, Todd P (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)
Dworschak, Sharon A (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
Leck, Scott S (Madison Narcotics DCI / Wisconsin Department of Justice DCI)
Taubel, Tamara C (Milwaukee ICAC DCI / Wisconsin Department of Justice DCI)
Demerath, Kathryn E (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)

Case Status

Case Status:	**Closed**
Case Status Date:	**12/07/2015**
Case Referral Code:	**District Attorney**
Case Referral Accept:	**Yes**
Disposition Code:	**Cleared By Exception**
Disposition Date:	**12/07/2015**
Dissemination:	**Restricted**