

SUMMARY REPORT FOR OFFICER-INVOLVED DEATH OF FRANCISCO BENITEZ SANTIAGO

This report will serve as the investigative summary for the Officer-Involved Death (OID) of Francisco Benitez-Santiago (AKA "Pancho") that occurred at 1007 12th Street, Monroe, Green County, Wisconsin on Wednesday, July 22, 2015. Santiago was shot by law enforcement officers - Deputies Cody Kanable and John Schuetz of the Green County Sheriff's Office (GRSO) - after deputies made contact with Santiago and Santiago pointed a firearm at deputies. Monroe Police Department Detective Keegan was also present during the time of the incident but did not fire his weapon.

As a result, Green County Sheriff Rohloff requested the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI), Madison Field Office to respond as the lead investigating agency pursuant to Wisconsin state statute § 175.47(3). The summary report was prepared pursuant to the statutory requirements of Wisconsin state statute § 175.47(5).

Agents responded to the OID scene and located witnesses; identified involved officers; conducted interviews, area-wide canvasses, walk-throughs; analyzed, processed, and documented the scene; and identified, documented, collected, and preserved evidence.

LAW ENFORCEMENT REQUEST FOR DCI INVESTIGATION

On 07/22/15, at approximately 8:36 p.m., the GRSO requested DCI to investigate an officer-involved death incident. GRSO Deputies Cody Kanable and John Schuetz had utilized deadly force against Francisco Benitez-Santiago. Santiago was later determined to be a suspect in the homicide of Samuel Primero Nunez and the attempted homicide of Elias Perez-Barrios in Monroe, Wisconsin on the same date and just prior to the encounter with the referenced law enforcement officers.

At approximately 8:56 p.m., Sheriff Rohloff made contact with Acting Special Agent in Charge (ASAC) Holmes. It was agreed DCI would request the Wisconsin State Crime Laboratory (WSCL), Crime Scene Response Team (CSRT) to respond to the scene at 1007 12th Street.

Sheriff Rohloff requested DCI to lead the officer involved death investigation. ASAC Holmes, lead investigator Special Agent (S/A) Fernandez, and S/A Yerges oversaw the OID investigation.

The following summary report contains information obtained during DCI's investigation of the officer-involved death incident in which Santiago died as a result.

BACKGROUND

On 07/22/15, at approximately 7:10 p.m., law enforcement officers were dispatched to a trailer residence located at 702 17th Street, Monroe, Wisconsin. Officers were called to the trailer for a reported shooting. Upon arrival, law enforcement officers located one deceased adult male inside the trailer. Another critically wounded adult male was located outside the trailer. Both the individuals were shot with a firearm. From witness accounts, an individual known as Santiago argued, fought, and shot both individuals. Santiago fled from the trailer after the shootings.

At approximately 7:16 p.m., an individual matching the description of Santiago was observed upon an area business video surveillance system. About the same time, a 911 telephone call to the GRSO Dispatch Center indicated a man covered in blood and possessing a gun was present at 1007 12th Street. GRSO deputies were dispatched to that location.

1007 12th STREET SCENE DESCRIPTION

During the course of the investigation, special agents identified the overall property at 1007 12th Street as two (2) multi-family apartment unit dwellings. The dwelling closest to 12th Street contained apartment units one, two, and three. Directly north of the main dwelling was an open area resembling a courtyard. North of the courtyard was a single story dwelling that contained apartment units four and five. Apartment unit #4 was situated to the west (left) side of the structure and apartment unit #5 was situated to the east (right) side of the structure. The property line to the east of the structure at 1007 12th Street was divided from residential structures to the east by a wooden split rail and wire mesh fence.

WITNESS INTERVIEWS

During the investigation, DCI special agents conducted a neighborhood canvass at the five apartment residences located at 1007 12th Street. Additional surrounding residences were also canvassed for any information related to the incident. Multiple neighbors near 1007 12th Street heard “pops” or “shots.” Not all individuals who heard such noises immediately distinguished the actual sounds of “gun fire.” Other neighbors recalled seeing law enforcement and/or emergency medical services activity at 1007 12th Street. During interviews with special agents, it was learned that approximately four months prior, Santiago had threatened at least one individual with a handgun. An individual recalled an incident when Santiago reached toward his waistband and it was believed that Santiago was armed with a handgun, sometime in 2014. During an interview, an ex-girlfriend of Santiago stated Santiago had been “jumped” by individuals including Perez-Barrios and Primero Nunez within the previous past two weeks. The ex-girlfriend said Santiago stated he was “going to kill them before they killed him.” The ex-girlfriend stated Santiago possessed a handgun on 07/18/15, at which time the ex-girlfriend hid the handgun after Santiago gave it to her. Santiago later retrieved the handgun and had

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

possessed the handgun for a few months prior to this officer involved death incident. During the neighborhood canvass interviews, witness interviews revealed the following investigative information:

Witness “KLS”

KLS was interviewed by special agents on 07/23/15. KLS was a resident of apartment unit #5 at 1007 12th Street. KLS reported that at some time after 7:00 p.m., she had joined a group of neighbors that were sitting around outside. KLS stated her boyfriend, Juvenile 1 from unit #1, VDD from unit #4, and VDD's three (3) children were in the courtyard area south of apartment units #4 and #5.

KLS explained as the small group congregated around the chairs outside, a subject KLS knew as “Pedro” (who had been identified and herein would be referred to as Santiago) came running through and went up to VDD’s apartment unit. KLS said VDD advised that one of VDD’s daughters referred to the subject as “Pedro.” According to KLS, Santiago ran along the side of the house between the house and the trees. KLS said Santiago was covered in blood and was wearing a red-and-white striped shirt and dark-colored blue jeans.

KLS reported when Santiago ran up, KLS perceived Santiago as jittery and Santiago looked agitated. KLS said she observed Santiago talk with VDD in Spanish. KLS stated she did not speak Spanish, but she picked up that someone had been shot. KLS said Santiago tried to push VDD into VDD’s apartment but VDD pushed Santiago back. According to KLS, VDD told Santiago, “No” and “Go,” as VDD pushed Santiago out of VDD’s doorway. KLS stated Santiago then ran toward the street, and within seconds, Santiago sprinted back north along the side of the house. KLS said one of VDD’s children reported that Santiago had a gun and that Santiago wanted to leave the gun at VDD’s house. KLS was concerned while Santiago ran along the house he might have tossed or hid the gun. KLS said she walked along the east side of the house north to the tree-line where she saw Santiago lying on the ground with his head peaking around the corner, looking south. According to KLS, when Santiago saw KLS, Santiago began to yell at her “No, no, no” and rolled onto his side revealing a handgun in his waistband.

KLS reported she quickly felt fearful she was going to be shot by Santiago. KLS then returned to the area in front of her apartment where everyone was still standing around talking. KLS told everyone, “He's here,” and to, “Get the kids to go inside.” KLS said her boyfriend took their dogs inside and VDD took his children inside their residence. KLS explained that her boyfriend then went back out in the courtyard along with VDD. KLS stated she was later told by her boyfriend that VDD and GSL discussed trying to get the gun from Santiago but that GSL needed VDD to help since GSL did not speak Spanish. KLS said she paced inside her apartment, contemplating what to do. KLS said she decided after a few minutes to call 911.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

KLS explained after providing the 911 dispatcher the requested basic information, KLS was directed by the dispatcher to go into the room farthest away from where she last saw Santiago. KLS said she paused and did not go in any other room as directed. KLS said she stayed in the northeast corner bedroom because she wanted to “keep an eye” on Santiago. As KLS viewed Santiago by peaking in-between the blinds, KLS observed Santiago lying on the ground where she had last observed him. While KLS peaked out the blinds, KLS then heard at least two unknown voices yell, “Hands up” and “Down on the ground.”

At such time, KLS watched Santiago start to get up from his lying position. KLS said Santiago pulled the handgun from his waistband. KLS stated Santiago raised the gun in the direction towards the voices. KLS believed Santiago was in the process of standing up as he pulled his firearm. As Santiago proceeded to raise the gun, KLS stated she heard a loud “pop” followed by several other “pops” that sounded different. KLS estimated she heard four (4) loud “pops” in total. KLS believed the “pops” were gunshots but at the time, she was not certain who had fired a gun. KLS explained during the shooting, she ran into the other room and covered her dogs in fear of their safety.

As KLS, GSL, and VDD stood in the courtyard after the shooting incident, KLS stated she observed at least one Monroe police officer and one GRSO deputy present. KLS also stated VDD claimed Santiago wanted to leave Santiago’s handgun at VDD's house and that Santiago wanted a ride to the Chicago area.

Witness “GSL”

GSL was interviewed by special agents on 07/23/15. GSL was a full-time resident of apartment unit #5 at 1007 12th Street. GSL resided with KLS in apartment unit #5.

GSL estimated at approximately 7:00 p.m., he and KLS, as well as VDD’s two daughters, were outside in the yard. At such time, VDD had gone back inside his apartment to cook dinner for VDD’s children.

While standing in the courtyard, GSL observed a male come running into the yard. GSL had never observed the individual before and did not know his name. The male was later identified as Santiago.

GSL stated Santiago had run northbound between the white house to the west of 1007 12th Street and their building. GSL stated Santiago looked like he had been in some sort of accident. GSL described Santiago as “sweating with a scared look on his face.” GSL claimed Santiago had what appeared to be oil or blood covering his shirt and the front of his pants. GSL recalled Santiago also had blood on his face. GSL recalled Santiago wore a reddish-colored, striped shirt and blue jeans. GSL said he did not see anything in Santiago’s hands.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

According to GSL, Santiago stopped for a brief second after entering the yard and approached VDD's apartment door. GSL stated Santiago tried to enter VDD's apartment. GSL indicated VDD was in the kitchen, near the front porch area of VDD's apartment. GSL stated Santiago and VDD argued in Spanish. According to GSL, VDD pushed Santiago away from VDD's residence doorway.

When GSL observed Santiago arguing with VDD, GSL inquired of one of VDD's daughters what was going on. The daughter informed GSL that the daughter did not want Santiago around VDD because she was scared. The daughter had reportedly overheard the conversation between Santiago and VDD. GSL stated VDD's daughter informed GSL that Santiago had shot somebody. Moments later, GSL looked over and observed VDD in the yard again. VDD reportedly shook his head affirmatively to GSL, acknowledging what VDD's daughter had told GSL.

GSL then stated VDD and Santiago walked out-of-view and back towards the street which was the same way that Santiago had initially run. GSL was still in the yard when GSL began to hear sirens approaching. GSL then saw Santiago run north between GSL's yard and a fence that bordered the yard on the east side of the residence. GSL stated Santiago "sprinted" toward the back of GSL's residence. GSL did not see anything in Santiago's hands. GSL thought Santiago had continued running through the yards.

GSL explained KLS then walked toward the rear of the residence to see if Santiago was gone. KLS got to the corner of the residence and immediately turned around. KLS told GSL that she had observed Santiago in the backyard. GSL stated he did not observe Santiago in the backyard behind the apartment. GSL stated he directed all of the kids and KLS to go inside to get away from Santiago. GSL stated he began to talk to VDD. GSL said he wanted to go talk to Santiago, and if Santiago had a gun, to get the gun away from Santiago. GSL stated he tried to talk VDD into doing that, but VDD resisted.

At that point GSL explained he peeked around the corner toward the front of the residence. GSL observed several police officers at the front of the residence near the street. GSL recalled seeing at least one deputy sheriff, and possibly three City of Monroe police officers, one of which had a canine with him. GSL stated when one of the officers saw GSL, the officer ordered GSL to "freeze." GSL stated he looked at the officers and motioned with his hand toward the back of the residence, in an effort to inform the officers that Santiago was behind the residence.

GSL observed officers walk past him and two of the officers were side-by-side. GSL stated he heard one of the officers say, "Freeze; Stand Up; and Rollover." GSL believed he had also observed the police canine run into the backyard but he was not certain.

Upon hearing the officer's commands, GSL then immediately heard at least six (6) gunshots. GSL believed he saw four (4) shots come out of the rifle. GSL explained the other officer had a handgun. GSL stated the officer with the rifle was standing behind a tree, and when the shots

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

went off, the officer closest to the house with the pistol began moving forward. GSL did not know if the officer with the handgun fired his weapon or not. GSL only recalled seeing the officer with the rifle fire.

GSL stated he never saw Santiago in the back of the residence. GSL stated he only took his girlfriend's word for it that she had observed Santiago in the back. At this time, GSL began to focus on keeping the children safe. GSL stated after the children and KLS went into their apartments, only VDD and GSL were in the backyard area when the officers approached.

After the initial interview with GSL had concluded, special agents were re-contacted by GSL who reportedly recalled additional information. Upon re-contacting GSL by telephone, GSL reported to a DCI special agent he wanted to offer additional information to what he had initially reported. GSL stated immediately before shots were fired, GSL heard and observed a City of Monroe police officer yell, "Drop it." GSL stated he also heard a GRSO deputy yell, "Drop it now." GSL stated that deputy was the same deputy who fired the rifle. GSL stated GSL was approximately ten feet away from the described officer and deputy when GSL's observations were made.

Witness "Juvenile 1"

Juvenile 1 was interviewed by DCI special agents during the late night hours on 07/22/15 through the early morning hours of 07/23/15. Juvenile 1 resided with each of Juvenile 1's biological parents at 1007 12th Street.

Juvenile 1 stated earlier that evening (07/22/15), Juvenile 1 and Juvenile 1's little sister had been in the backyard sitting with friends around the fire pit. Juvenile 1 stated Juvenile 1 observed a guy with blood all over his face and hair who walked around the left (west) side of the house and toward the rear apartments. Juvenile 1 said the man had looked scared. Juvenile 1 said the man entered apartment unit #4, where Juvenile 1 could hear the subject talking to Juvenile 1's neighbor, VDD. Juvenile 1 stated the man who was covered in blood then ran away south and went around towards the front of the house. A short time later, Juvenile 1 saw the same man return to the backyard and hide.

Juvenile 1 described the referenced man as short, like Juvenile 1. Juvenile 1 went on to say the referenced man wore a red-colored shirt, blue jeans, and brown boots. Juvenile 1 characterized the man as a dark-skinned Hispanic male who was covered in blood. Juvenile 1 stated that the man may have had a gun. Juvenile 1 claimed that neighbors of VDD had said that the man had a gun.

Juvenile 1 explained the man had gone into VDD's house, which Juvenile 1 described as being the apartment unit on the "left side." Juvenile 1 said Juvenile 1 had heard the bloody man talk to VDD. Juvenile 1 stated the man had asked VDD for a ride, which Juvenile 1 said VDD had denied him. Juvenile 1 said the man then left VDD's apartment but later returned to hide.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

Juvenile 1 said VDD had told the kids to go inside after the man had run away. Juvenile 1 explained that all the kids had gone into their respective apartment homes. Juvenile 1 estimated from the time Juvenile 1 had initially seen the man who was covered in blood, to the time that Juvenile 1 was in the house and heard gunshots was approximately 10 to 15 minutes.

Juvenile 1 stated from a front and side window (which faced south and east, respectively) inside Juvenile 1's family's apartment, Juvenile 1 had observed three police officers and one police canine run by, toward the backyard. Juvenile 1 recalled hearing an officer say, "He's over here." Shortly thereafter, Juvenile 1 said Juvenile 1 heard five (5) to six (6) gunshots from the rear of the house.

Juvenile 1 disclosed Juvenile 1 knew the man who was shot. Juvenile 1 went on to say Juvenile 1 knew the man as "Pancho." Juvenile 1 explained Juvenile 1 worked with Pancho at Bob Evans Firewood. Juvenile 1 said Juvenile 1 saw Pancho at work on the morning of Wednesday (07/22/15). Juvenile 1 added that Pancho had seemed "normal" during their work day and that they got off of work around 2:00 p.m.

Juvenile 1 advised Juvenile 1 had never seen Pancho at, or around, the apartments at 1007 12th Street previously. Juvenile 1 said when Juvenile 1 saw the man covered in blood, Juvenile 1 knew it was Pancho. Juvenile 1 stated seeing Pancho all bloody had scared Juvenile 1. Juvenile 1 stated Pancho was wearing the same clothes he had worn at work earlier in the day.

Juvenile 1 stated Juvenile 1 never saw Pancho with a gun.

Juvenile 1 said Pancho appeared to have several injuries to his face. Specifically, Juvenile 1 stated Pancho appeared to have a swollen left eye, a lacerated lower lip, and a broken nose.

Witness "Juvenile 2"

Juvenile 2 was interviewed by special agents on 07/24/15. Juvenile 2 resided with Juvenile 2's biological father (VDD) and two siblings at 1007 12th Street. Juvenile 2's younger brother was simultaneously interviewed, along with Juvenile 2, and reported similar information as Juvenile 2.

On 07/22/15, Juvenile 2 was at Juvenile 2's residence with Juvenile 2's father (VDD), Juvenile 2's 5 year-old sibling, Juvenile 2's brother, Juvenile 3, Juvenile 1 from one of the apartment units, GSL from apartment unit #5, and KLS from apartment unit #5. Juvenile 2 recalled each of the referenced individuals were upon the lawn area in front of Juvenile 2's residence. At some point, Juvenile 2 observed an individual known to Juvenile 2 as "Pancho" arrive in the area. Juvenile 2 said Santiago entered the yard from west of the residence. Juvenile 2 said Santiago asked for VDD, who was inside apartment unit #4 at the moment Santiago arrived.

When Santiago arrived, Juvenile 2 stated Santiago was covered in blood. Juvenile 2 stated Santiago was bleeding from the area of his forehead and that he appeared battered and bruised. Juvenile 2 explained Santiago was also bleeding from the area of his right leg, where it appeared his pants had been ripped. Juvenile 2 said Santiago had a handgun in his waistband. Juvenile 2 stated Santiago stood by the front door of apartment unit #4 until VDD came outside. Juvenile 2 said Santiago asked VDD for a ride to Beloit or Chicago. Juvenile 2 said VDD declined to give Santiago a ride because VDD did not want to get in trouble. Juvenile 2 explained VDD informed Santiago there were a lot of kids around and VDD told Santiago he needed to leave.

Juvenile 2 stated Santiago then started to walk back toward the street on the west side of the residence, as VDD followed Santiago. Shortly thereafter, Juvenile 2 observed Santiago running north, on the east side of the residence. The last place Juvenile 2 saw Santiago was at the northeast corner of apartment unit #5. Juvenile 2 said VDD told Juvenile 2 and Juvenile 2's siblings to go inside the apartment, which they did. As Juvenile 2 was going inside Juvenile 2's residence, Juvenile 2 recalled hearing sirens and observed law enforcement officers approaching from the street.

While inside the apartment, Juvenile 2 heard police yelling, "Put your hands on the wall," followed by multiple gunshots. Juvenile 2 stated there was a notable difference in the sounds of the gunshots, as if there were two different kinds of guns being fired.

Witness "VDD"

VDD was interviewed by a DCI special agent on 07/23/15. VDD was a resident of apartment unit #5 at 1007 12th Street. VDD disclosed he resided at his apartment with his three children.

VDD reported on 07/22/15 at approximately 7:00 p.m., his three children were playing outside. VDD recalled it was around this time that his children came into their apartment and informed VDD that Santiago was outside and wanted to talk with VDD. VDD stated he exited his apartment with his children and found Santiago standing in his yard. VDD stated Santiago appeared to be intoxicated and was covered with blood, from an injury to his head.

VDD reported Santiago requested a ride to Beloit, Wisconsin. VDD indicated he refused to drive Santiago to Beloit.

VDD recalled Santiago was in a panic state-of-mind and continued to request to be driven to Beloit. VDD stated he observed a pistol underneath Santiago's t-shirt. VDD reported the pistol was on Santiago's right side and was visible through the t-shirt.

VDD became concerned for his children, who were playing in the yard a few feet away, as a result of Santiago's presence with a gun. VDD stated he continued to deny Santiago a ride to

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

Beloit. VDD stated he advised Santiago to leave. VDD recalled he moved his children into the apartment, along with his two dogs, while Santiago stood in the backyard. VDD stated he also alerted KLS, who was sitting in the courtyard, that Santiago was armed with a handgun.

VDD explained when VDD walked back outside from inside his apartment, Santiago was still in the yard, and again asked for a ride to Beloit. VDD advised Santiago VDD was not going to drive Santiago to Beloit and that Santiago should go away.

VDD stated he recalled hearing police sirens and assumed KLS had called the police. VDD indicated Santiago started to walk away in a northern direction, adjacent to the east side of VDD's apartment. VDD reported that VDD and KLS then sat upon some lawn chairs located in the yard.

VDD stated he observed a sheriff's deputy and a police officer walk through VDD's backyard in a northern direction toward Santiago's location. VDD stated the deputy was armed with a rifle and the police officer had his pistol drawn. VDD reported the deputy and the police officer walked past VDD and continued in a northern direction. VDD heard the deputy say words to the effect, "Don't you run." VDD stated his view was obstructed by the residence building. VDD stated he then stood up from his chair and walked in an eastern direction, toward the service walk to get a better view of what was occurring. VDD explained his view was obstructed by two garbage carts and a tree located on the east side of his apartment. VDD stated he could only observe the upper torso of Santiago, who stood behind the garbage carts. VDD stated the Deputy told Santiago, "Don't you run." VDD stated Santiago made a turning motion toward the deputy and the police officer. VDD reported the deputy fired his rifle four (4) times and the police officer fired his weapon two (2) times toward Santiago. VDD stated he was unable to see what Santiago was doing with his hands, at the time, because the garbage cart obstructed VDD's view of the incident.

LAW ENFORCEMENT ACCOUNTS

During the course of the OID investigation, all involved law enforcement officers were interviewed about their observations and official actions during the event. As a result, interviews were conducted with the three law enforcement officers that were present when fatal force was taken against Santiago. The following investigative information was provided:

Deputy Cody Kanable Interview

On 07/26/15, DCI special agents interviewed Deputy Cody Kanable who had been involved in the OID, regarding his actions during the incident on 07/22/15. The interview was conducted at the Green County Justice Center.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

Deputy Kanable stated he was employed by the GRSO as a deputy sheriff and canine (K9) handler for his agency. Deputy Kanable identified his K9 partner's name as Ike.

Deputy Kanable identified the uniform he wore on 07/22/15, during the second shift, was his department's class "B" uniform which consisted of: brown-colored uniform pants; tan-colored uniform shirt which had Deputy Kanable's embroidered name on the front right, with GRSO department shoulder patches on each shoulder; metal seven point star badge on left chest; and full black-colored nylon, webbed duty belt with attachments.

Deputy Kanable did not know Santiago's name and/or identity. Deputy Kanable did not remember, or recall, if he had ever had any type of professional contact with Santiago.

Deputy Kanable recalled clearing from an attempt-to-locate call-for-service he had been on near Monticello. Deputy Kanable recalled hearing the "Monroe" broadcasted call which reported "three Hispanic males were inside a trailer residence, two of which were injured/wounded" by gunshots. Deputy Kanable stated he immediately cleared from the call he had been assisting with and "dispatched himself" by his squad's mobile data computer to the Monroe call. Deputy Kanable reasoned that he self-dispatched himself to the call in the event he had to perform "a track with Ike" to pursue or locate a shooting suspect. Deputy Kanable stated he advised his dispatch, via mobile radio, that he was en route to the call but that dispatch did not acknowledge him because of the abundance of radio traffic over the air.

While en route to the call, Deputy Kanable recalled learning one of the males inside the trailer residence was "down." Deputy Kanable remembered hearing via mobile radio that emergency medical services (EMS) was placed on stand-by. Deputy Kanable stated he traveled to the trailer residence scene in full emergency mode, utilizing his squad's visual emergency red and blue-colored lights and audible siren.

Deputy Kanable stated the address for the trailer residence upon his squad's mobile data computer screen was: "702 17th Street." Deputy Kanable recalled hearing a mobile radio broadcast by Monroe Police Department Corporal Towns, "one 10-42 (dead) from GSW" (gunshot wound). Deputy Kanable stated he then responded, even faster, to the scene due to the severity of the public safety call.

Deputy Kanable stated he inquired of Corporal Towns via mobile radio as to where Deputy Kanable was supposed to go or where he needed him. Deputy Kanable stated Corporal Towns informed him via mobile radio that "the suspect had fled." Deputy Kanable stated he responded to Corporal Towns that Deputy Kanable would, in turn, perform a K9 track for the suspect, in an attempt to locate the described subject.

Deputy Kanable stated he arrived on-scene. Deputy Kanable stated that Monroe Police Department Police Officer (PO) Broge advised Broge would assist Deputy Kanable with the "track" of the suspect. Deputy Kanable stated upon proceeding to leave the trailer residence, he

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

observed a “white” female near an air conditioning unit between trailer residences. Deputy Kanable described the referenced female as “crying.” Deputy Kanable observed the female talking into a cellular telephone. Deputy Kanable simultaneously observed suspected blood upon the female’s right foot. Upon approaching the female to inquire of her wellness, Deputy Kanable stated the female immediately handed her cellular telephone to Deputy Kanable.

Upon taking the cellular telephone from the woman, Deputy Kanable stated he came in voice contact with a 911 call center dispatcher he was familiar with. Deputy Kanable stated the dispatcher informed Deputy Kanable that the woman possessed a picture of “the shooter.” Deputy Kanable acknowledged the information and handed the woman's cellular telephone back to her. Deputy Kanable stated the female claimed she was not injured, but that she was “scared.” Deputy Kanable stated the woman referred to “the shooter” as “Pancho.”

Deputy Kanable inquired of the woman what kind of gun was utilized during the shooting incident. Deputy Kanable stated the woman replied the gun was, “small and black.” Deputy Kanable stated the woman was unable to describe what the suspect wore for clothing. Deputy Kanable looked at the image of the suspect the female had upon her cellular telephone. Deputy Kanable perceived the subject to be a, “slender, short, Hispanic male subject who wore a blue shirt.” Deputy Kanable instructed the woman to send the subject’s image to Deputy Kanable’s work electronic mail account. The woman allowed Deputy Kanable to forward the image to Deputy Kanable’s electronic work mail account from the woman’s G-mail account, from her cellular telephone.

Deputy Kanable stated the referenced female subject informed Deputy Kanable she had been accompanied by the injured men and Pancho, at the time of the shooting incident. The female stated to Deputy Kanable that “they had been drinking.” The female stated the men got into an argument and Pancho shot each of the other two men.

Deputy Kanable then explained he heard mobile radio transmissions which reported there was a “male subject covered in blood, with a gun, in the backyards in the 1000 block of 12th Street.” Deputy Kanable explained Monroe Police Department Detective (Det.) Keegan inquired of dispatch what address had been broadcasted, related to the area in which the man with the gun was located. Deputy Kanable stated he and Det. Keegan immediately left the trailer residences, and traveled toward the 1000 block of 12th Street, in an attempt to locate the described subject.

Upon arrival Deputy Kanable explained he exited his assigned squad, with Ike, who was on leash. Deputy Kanable explained he “moved up,” in a “parallel manner” to the house located at 1007 12th Street, to a tree located on the southeast corner of the residence. Deputy Kanable recalled seeing Det. Keegan positioned near the southeast side of the residence. Deputy Kanable stated he knew fellow Deputy Schuetz and Det. Keegan were approaching Deputy Kanable’s location. Deputy Kanable believed Deputy Schuetz arrived at the scene from the opposite end of the street, from where Deputy Kanable had parked his assigned squad.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

From his location, Deputy Kanable observed an adult, Hispanic, male subject come into view from “behind” the house. Deputy Kanable further described the male as wearing a “blue-colored, button-up shirt.” Deputy Kanable stated he immediately announced to the subject: “Sheriff’s Office--Show me your hands.” Deputy Kanable stated the male immediately “turned north” and went back behind the house, and out-of-view from Deputy Kanable’s vantage point. Deputy Kanable stated he and Deputy Schuetz then performed a “fast walk” in order to approach the area where the male had been observed.

During the “walk” toward the back of the house, Deputy Kanable drew his pistol from his holster. Deputy Kanable stated he maintained his pistol, close to his body, as he and Deputy Schuetz arrived near the back of the house. Deputy Kanable stated Ike's leash was in Deputy Kanable’s other hand. Deputy Kanable stated from the tree location, he observed two additional adult Hispanic male individuals accompanied by the first male originally observed. Deputy Kanable recalled none of the male individuals wore "striped shirts." Deputy Kanable stated none of the male individuals had blood upon them and none of them posed any threat to Deputy Kanable or Deputy Schuetz. Deputy Kanable stated the male who wore the “blue shirt” pointed to an area behind the “smaller residence,” behind the primary residential structure upon the property. Deputy Kanable stated he and Deputy Schuetz moved forward toward the referenced area.

Upon moving around to the side of the smaller, red-colored residence, the deputies came to the northeast corner of the building, to an area which was described as, “over-grown.” Deputy Kanable stated he observed a Hispanic male wearing a “striped polo shirt.” Deputy Kanable stated the male was “squatting down” approximately one foot away from the back corner of the building. Deputy Kanable stated he observed a “black handgun in Santiago’s right hand pointed in our direction.” Deputy Kanable did not recall if he said anything to the subject. Deputy Kanable stated Ike barked at the subject. Deputy Kanable recalled there was a tree over the subject and there was grass behind the subject. Deputy Kanable stated as soon as the subject observed Deputy Kanable, the subject “stood up and squared up with me.” Deputy Kanable recalled thinking and feeling he “was going to get shot and killed,” by the subject. Deputy Kanable stated he immediately fired his pistol directly at the subject. Deputy Kanable stated the subject fell “back” and partially “spun to his right.” Deputy Kanable stated, “The more he played it in his head, it seemed like the Hispanic male was holding the gun in a ready-position, like it was an ambush.”

Deputy Kanable stated he recalled feeling the concussion of another (Deputy Schuetz's) gun firing. Deputy Kanable stated he ordered Ike, “down.” Deputy Kanable stated Ike lowered to a “down” position and continued to bark at the subject.

Deputy Kanable stated immediately after shooting, he grabbed his portable radio and turned the channel selector to the Sheriff’s Office primary channel frequency. Deputy Kanable stated he communicated, “Shots fired . . . One subject down,” into his assigned portable radio. Immediately after shooting, Deputy Kanable stated he continued to point his pistol at the subject, to be ready to shoot again, in the event the subject became a threat. Deputy Kanable believed the

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

subject continued to breathe holding the pistol in his hand while lying upon the ground. Deputy Kanable stated he also immediately inquired if Deputy Schuetz and Det. Keegan were alright. Deputy Kanable stated he continued to “cover” the subject with his pistol. Deputy Kanable stated the subject had the gun clutched tight in his right hand.

Deputy Kanable stated Det. Keegan informed Deputies Kanable and Schuetz that Det. Keegan would “secure the subject.” Deputy Kanable stated as PO Hammel arrived on-scene, Deputy Kanable re-holstered his pistol.

Deputy Kanable stated as other officers and deputies took over for Deputies Kanable and Schuetz, Deputy Kanable removed Ike from the scene and placed Ike inside their assigned squad car. Deputy Kanable stated he retrieved his medical bag from his squad and began to take it back to where the subject laid. Deputy Kanable stated GRSO Deputy King actually arrived to the subject first with Deputy King's medical bag. As other officers and deputies attempted first aid to the subject, Deputy Kanable was directed to his squad by Det. Keegan.

Deputy Kanable did not receive any type of treatment, first aid, or emergency medical treatment for any injury he may have sustained as a result of the incident. Deputy Kanable stated it was his intention, however, to complete an injury report for the “tightness” or “soreness” he experienced in his leg, as a result of the incident, in the event he had suffered a more serious injury than he initially thought.

Deputy John Schuetz Interview

On 07/26/15, DCI special agents interviewed Deputy John Schuetz, who had been involved in the OID, regarding his actions during the incident on 07/22/15. The interview was conducted at the Green County Justice Center.

Deputy Schuetz stated he was employed by the GRSO as a Deputy Sheriff. Deputy Schuetz was a jailer for the GRSO prior to becoming a Deputy Sheriff.

On 07/22/15, Deputy Schuetz advised he worked the second shift. Deputy Schuetz acted as the officer-in-charge (OIC) while working his patrol shift. Deputy Schuetz wore his department's class “A” uniform, which included tan-colored cargo pants, a uniformed shirt with collar brass and department patches, his department badge, name tag, and full duty belt.

Deputy Schuetz was asked if he knew Santiago prior to 07/22/2015, or if he ever had any dealings with Santiago. Deputy Schuetz advised he did not know Santiago, nor did he believe he had any prior dealings with him.

Deputy Schuetz explained he had been on a call-for-service at the time the Monroe incident occurred. Upon learning of the call, Deputy Schuetz returned to his assigned squad. The only

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

thing on the screen of his squad's mobile data computer was the location of STH 69. Deputy Schuetz accessed the comments to the call data which indicated, "Two people shot..."

Deputy Schuetz also saw in the call notes that GRSO Deputy Kanable and his K-9 partner Ike were already en route to the Monroe call. Deputy Schuetz already had his red and blue-colored emergency lights and dash camera activated from assisting with the other deputy's traffic incident, when he advised a dispatcher he was responding to Monroe in emergency mode to assist.

Dispatch then broadcasted "720 17th Street . . . More than 1 person shot." Deputy Schuetz stated he recognized the location given by the dispatcher as the trailer park located on the south side of Monroe.

Deputy Schuetz explained he met Deputy King at the call location and they parked and exited their squads. The deputies were exchanging information when dispatch broadcasted, "Armed Hispanic male suspect fled on foot unknown direction . . . unknown description."

Deputy Schuetz decided because Monroe police were at the trailer park scene, he and Deputy King would continue to search the area in an attempt to look for the suspect that had fled. Deputy Schuetz was operating his squad northbound upon 17th Street when he heard via the Monroe radio frequency, "Armed Hispanic male covered in blood, holding a gun, in the 1000 block of 12th Street . . ."

As Deputy Schuetz arrived at the intersection of 12th Street and 12th Avenue, he observed Deputy Kanable was also in the area. Deputy Schuetz pointed down the street to advise Deputy Kanable of the general location given by dispatch. Deputy Kanable then pulled from the intersection and parked in front of Deputy Schuetz's squad, a block closer to 10th Avenue and 12th Street. Deputy Schuetz parked closer to 11th Avenue and 12th Street. Upon exiting his squad car, Deputy Schuetz armed himself with a rifle.

As Deputy Schuetz looked in the general direction of 1007 12th Street, he saw an adult male subject appearing to duck back in between the two structures, and he advised Deputy Kanable. Deputy Schuetz said he and Deputy Kanable walked toward where the subject was last seen. Deputies walked quickly on the east side of the property and north to the open courtyard area. The male subject, who Deputy Schuetz had seen, was huddled with two other males in the courtyard at 1007 12th Street. There were also lawn chairs and a plastic pool within the courtyard area according to Deputy Schuetz. Deputy Schuetz and Deputy Kanable addressed all three males, and they gave clear, loud verbal commands to them, "Sheriff's Department, Stop!" Deputy Schuetz said he recognized two of the three male subjects from past professional contacts. Deputy Schuetz identified the two known subjects as GSL and NRS. Deputy Schuetz later identified the third male subject as VDD.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

Deputy Schuetz reported none of the three male subjects appeared bloody and none of them possessed a gun. According to Deputy Schuetz, GSL pointed toward the back of the single story dwelling and told deputies, "He went around back." Deputy Schuetz said he motioned for the three men to move and directed them to "back out of the way."

Deputy Schuetz, Deputy Kanable, and K-9 Ike continued north in the direction GSL had indicated. Deputy Schuetz described he was closer to the east wall of the dwelling and that there was not a lot of space.

During the course of this investigation, special agents noted the distance between the fence line, to the east, and apartment unit #5, to the west, was less than ten [10] feet wide. Deputy Schuetz, Deputy Kanable, and K-9 Ike continued forward. Deputy Schuetz described Deputy Kanable was approximately an arm's length away from Deputy Schuetz, and about two feet ahead and off to the right from Deputy Schuetz, and K-9 Ike was in between the two deputies, about one foot ahead of Deputy Kanable.

As the deputies continued advancing, a Hispanic male later identified as Santiago came out quickly from around the northeast corner of the dwelling. Deputy Schuetz recalled K-9 Ike began barking at Santiago.

Deputy Schuetz saw that Santiago held a black-colored handgun with both hands, and he was looking directly at the deputies. Deputy Schuetz estimated Santiago was within 5 to 10 feet of Deputy Schuetz, Deputy Kanable, and K-9 Ike. Deputy Schuetz yelled, "Drop the gun!" Deputy Schuetz stated Santiago ignored the command and raised the gun, with both of his hands, pointing the gun directly chest level at the deputies. Deputy Schuetz recalled hearing Deputy Kanable fire his service weapon. Deputy Schuetz shot his weapon. Deputy Schuetz stated he believed he shot a total of two (2) rounds at Santiago. Deputy Schuetz saw Santiago begin to fall backwards after Deputy Schuetz's second shot. Deputy Schuetz stated he stopped firing once Santiago was no longer a threat. Deputy Schuetz recalled Deputy Kanable utilized his handheld radio and advised Dispatch that shots had been fired.

Deputy Schuetz said after Santiago fell to the ground, Santiago's gun was still in Santiago's left hand and he could see Santiago's chest rising and falling. Deputy Schuetz told agents he and Deputy Kanable continued to "cover" Santiago.

Approximately 30 seconds later, Deputy Schuetz stated Monroe police units arrived at the scene. Deputy Schuetz said someone from the Monroe Police Department placed Santiago in handcuffs and secured the weapon. A Monroe police officer began to render aid to Santiago. Soon afterwards, GRSO Deputy King arrived and he escorted Deputy Kanable and K-9 Ike back to the roadway.

Deputy Schuetz stated a Monroe police officer asked Deputy Schuetz to make contact with GSL, NRS, and VDD who were still in the courtyard area. Deputy Schuetz spoke with all three men

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

and verified their contact information. GSL told Deputy Schuetz he knew Santiago. VDD also stated he knew Santiago and his family for several years. VDD informed Deputy Schuetz that Santiago showed up at the VDD's apartment unit, covered in blood, and he asked VDD to help him out. VDD informed Deputy Schuetz that VDD turned Santiago away. VDD told Deputy Schuetz that he had a family and he did not want to get involved.

Deputy Schuetz stated after Deputy Kanable's transmission to dispatch regarding the incident, Monroe Police Corporal Towns arrived on-scene. Deputy Schuetz advised that he turned his department rifle over to Corporal Towns.

Deputy Schuetz said when Santiago came around the northeast corner of the dwelling holding a gun with both his hands pointing it chest level at him and Deputy Kanable, he felt he was in imminent danger of death or great bodily harm. Deputy Schuetz believed if he did not shoot Santiago, Deputy Schuetz or someone else would have been killed by the actions of Santiago. Deputy Schuetz stated he fired his weapon as a last resort, because he believed it was necessary to stop Santiago, who had just used deadly force and had committed a serious crime.

Detective Keegan Interview

On 07/23/15, DCI special agents interviewed Detective (Det.) Keegan, who had been present in the immediate area of the OID, regarding his actions during the incident on 07/22/15. The interview was conducted at the scene of the OID (1007 12th Street).

Det. Keegan stated he was employed by the Monroe Police Department as a detective. Det. Keegan informed agents he had originally been contacted by a captain with his police department at approximately 7:20 p.m., on 07/22/15. The captain directed Det. Keegan to respond to Bahler Trailer Park, 720 17th Street, Monroe for a shooting investigation where two individuals had reportedly been wounded.

Det. Keegan reported for duty at approximately 7:28 p.m. Det. Keegan first went to his police department to pick-up a camera. Det. Keegan then traveled to the trailer park and arrived at approximately 7:35 p.m. Upon initially arriving at the trailer park, he was instructed to respond to 1007 West 12th Street, Monroe. Det. Keegan stated he was informed there was a subject possibly armed with a gun and hiding behind the residence. Det. Keegan stated he was informed the subject was behind a rear cottage at the residence and hiding near or in some bushes. Det. Keegan stated he was told GRSO Deputies Kanable and Schuetz were also responding to the referenced address.

Det. Keegan stated he arrived at 1007 West 12th Street and parked approximately 60 feet east of the address in the middle of the street. Det. Keegan stated Deputies Kanable and Schuetz had arrived just prior to Det. Keegan's arrival. Det. Keegan advised Deputy Kanable had his police canine with him.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

Det. Keegan walked quickly in a diagonal direction to the southeast corner of the yard located at 1007 West 12th Street. Det. Keegan stated he was approximately 10 to 20 feet behind Deputies Kanable and Schuetz. Det. Keegan stated when he walked between 1007 West 12th Street and the cottages behind the main residence, Det. Keegan observed two male subjects sitting on chairs behind the main residence. Det. Keegan stated he did not feel threatened by the two subjects and it appeared that one of the subjects motioned towards the rear of cottage unit #5.

Det. Keegan observed there was a large garbage can at the southeast corner of cottage unit #5. Det. Keegan stated he observed Deputies Kanable and Schuetz advance northbound past the garbage cans. Det. Keegan stated he heard Deputies Kanable and Schuetz "yelling something" and almost simultaneously, both deputies discharged their firearms. Det. Keegan said Deputy Schuetz carried a rifle and shot. Det. Keegan said Deputy Kanable shot a pistol but had a rifle slung on his shoulder. Det. Keegan stated he believed a total of four (4) or five (5) rounds were fired by the deputies. Det. Keegan stated Deputies Kanable and Schuetz were in a "staggered position, facing north" when the shots were fired. Det. Keegan stated that Deputy Kanable was to the right (east) of Deputy Schuetz, at the time of the shooting.

Det. Keegan was asked if he observed the subject that was shot. Det. Keegan stated he observed someone wearing a red-colored shirt but he could not tell what the subject was doing. Det. Keegan also stated he could not see the subject's hands. Det. Keegan stated after the deputies shot the subject, Det. Keegan stated, "I saw a reddish shirt come out of the brush and go down."

Det. Keegan stated after the subject was shot, he notified his dispatcher via mobile radio that shots were fired and the suspect was down. Det. Keegan also advised the dispatcher that no officers were injured.

Det. Keegan stated he then moved closer to where the subject was lying on the ground. Det. Keegan stated he observed the subject positioned on his right side and the subject had something black in his hand. Det. Keegan stated upon closer inspection of the subject, he observed a black semi-automatic pistol in his hand. Det. Keegan stated he "covered" the subject and advised Deputies Kanable and Schuetz to back up behind Det. Keegan.

Det. Keegan stated he believed the gun to be a small caliber semi-automatic pistol, possibly a Bersa brand pistol.

Det. Keegan said while he "covered" the subject, he ordered the subject to, "Push the gun away," "Drop the gun," and "Don't move." Det. Keegan stated the subject did not respond to his commands.

Det. Keegan explained a very short time passed and City of Monroe Police Officer (PO) Hammel arrived on-scene.

SCENE EXAMINATION

A DCI special agent along with representatives from the Wisconsin State Patrol's (WSP) Technical Reconstruction Unit (TRU) and the WSCL CSRT performed forensic scene processing at the OID scene. Uniformed officers from the Monroe Police Department provided security at each of the scenes.

DCI began the formal examination of the inner scene at approximately 11:55 p.m. A scene walk-through was conducted. The scene was documented. After the scene was documented, scene investigators/analysts searched for, and identified items of evidentiary value.

During the examination and search of the scene, investigators/analysts observed fired bullet/cartridge casings located along and east of the split rail/metal fence line that divided the property at 1007 12th Street from the properties located at 1119 and 1123 11th Avenue. The areas were extensively searched visually and with the use of a metal detector. At the completion of the search, scene investigators/analysts located a total of 7 fired bullet/cartridge casings. Fired bullets/cartridge casings were later submitted to the WSCL for forensic analysis. The Bersa pistol was located in a small area beneath vegetation north of the northeast corner of 1007 12th Street, apartment unit #5.

Special agents were aware that Santiago had made contact with subject VDD. Scene investigators/analysts examined the door of apartment unit #4 and noted several areas of red staining on the door. Four swabs were collected from the door.

In the rear yard of 1004 11th Street, just to the north of the area where the Bersa pistol was located, scene investigators/analysts noted two deformations in the soil that appeared to be consistent with projectile impacts. The areas were examined and searched with a metal detector. One suspected fired projectile was recovered from the area. The scene examination and processing by scene investigators/analysts was completed at approximately 8:15 a.m. on 07/23/2015.

The following items of evidentiary value were documented and seized from the scene:

- Two (2) Fired Rifle Bullet/Cartridge Casings
- Five (5) Fired Pistol Bullet/Cartridge Casings
- One (1) Apparent Fired Projectile
- One (1) Bersa Brand "Thunder 22" .22 Caliber Pistol and Magazine (The magazine and chamber were noted to be devoid of any fired or unfired bullet/cartridge casings)
- Two (2) Samples from a Pool of Perceived Bodily Fluid and Tissue
- Four (4) Samples of Perceived Bodily fluid from the Door of Apartment unit #4
- One (1) Collapsible Tactical Baton from Grass Between Sidewalk & North Side of

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 15-4002/68

12th St (The baton was collected by a DCI special agent and after an inquiry by the Monroe Police Department and the GRSO, it was determined the baton belonged to GRSO Deputy Aaron King--the baton was subsequently returned to Deputy King)

AUTOPSY EXAMINATION

An autopsy examination was conducted upon Santiago at the Veteran's Memorial Hospital, Madison, Wisconsin later on 07/23/15. Dr. Robert F. Corliss, a forensic pathologist, performed the forensic procedure. Representatives from DCI, along with representatives from the Green County Coroner's Office and the UW Morgue were in attendance during phases of the forensic procedure. Special agents documented the process and maintained articles of evidentiary value along with personal effects from Santiago. Dr Corliss' preliminary autopsy findings were that Santiago died as a result of gunshot wounds.

WISCONSIN STATE CRIME LABORATORY TESTING

Items of evidence were submitted to the Wisconsin State Crime Laboratory and test results are pending.

FAMILY CONTACTS

During the course of the officer involved death investigation, special agents met with Santiago's sister. Special agents explained the family's rights under the law regarding OID investigations. Santiago's sister was provided a DOJ 2013 Wisconsin Act 348 summary and DCI victim rights notification form. Santiago's sister signed a form acknowledging receipt of the referenced documentation.

On 07/29/15, the DCI lead case investigator met with Santiago's sister, the Green County victim/witness coordinator and a Spanish/English speaking translator. DCI's independent investigative role was explained to Santiago's sister.

DISTRICT ATTORNEY REVIEW

On 09/14/15, a copy of DCI's complete investigative file, as of 09/14/15, was turned over to Green County District Attorney Gary Luhman for his review. DCI would continue to document any additional investigative activities that may occur. Reports of those investigative activities would be provided to the district attorney as soon as they were completed.