

SUMMARY REPORT FOR THE OFFICER INVOLVED DEATH OF THE VEHICLE OPERATOR AND FRONT PASSENGER

This report will serve as the investigative summary for the officer-involved death (OID) of a vehicle Operator and Front Passenger that occurred in the early morning hours on Wednesday, October 7, 2015, at the intersection of S. Concord Avenue & Brian Court in the City of Watertown, Jefferson County, WI.

At approximately 1:57 a.m., Jefferson County Sheriff's Department (JESO) Deputy M. Wolff conducted a traffic stop of a vehicle swerving in its lane southeast of Watertown, WI, in Jefferson County, WI. There were 5 juveniles in the vehicle including one driver, one front seat passenger, and three passengers in the rear seat, with the oldest occupant being 17 years old. As nobody within the vehicle had physical identification with them at the time of the traffic stop, Deputy Wolff obtained verbal identification from all 5 subjects. The Operator provided Deputy Wolff a false name but accurate date of birth, while the other passengers provided their true names and dates of birth. Deputy Wolff queried the information provided by those in the vehicle with the Wisconsin Department of Transportation (WI DOT), and noted that the Operator did not come back on file in DOT records. Deputy Wolff returned to the vehicle and asked the Operator to step out of the vehicle, with the intent to continue his investigation. During this contact, the Operator accelerated away from the scene of the traffic stop and fled in the vehicle at a high rate of speed. Deputy Wolff returned to his squad car, and with emergency lights and siren activated, pursued the vehicle, providing information related to the pursuit via two-way radio. Less than 3 minutes later, Deputy Wolff came upon the vehicle, which had crashed passenger-side first into a tree located in the front yard of the house at the southeast corner of S. Concord Avenue & Brian Court in Watertown, WI. As a result of the crash, the Operator and Front Passenger sustained injuries resulting in death, and the three juvenile rear seat passengers were transported for medical treatment.

JESO requested the Wisconsin Department of Justice-Division of Criminal Investigation (DOJ-DCI) to respond as the lead investigating agency in accordance with Wisconsin State Statute §175.47(3). The Wisconsin State Patrol (WSP) conducted a limited reconstruction analysis of the crash and provided that information to DCI for its investigative file and in accordance with Wisconsin State Statute §175.47(3)(b). This summary report was prepared pursuant to Wisconsin State Statute §175.47(5).

LAW ENFORCEMENT REQUEST FOR DCI INVESTIGATION

On Wednesday, October 7, 2015, at approximately 3:30 a.m., DCI received a request from JESO to investigate a vehicle pursuit by one of their deputies that began in Jefferson County during the course of a traffic stop and ended in the City of Watertown, WI, with the deputy discovering that the vehicle had crashed into a tree. The vehicle's Operator and Front Passenger died, and the three back seat passengers were transported to area hospitals for medical treatment.

At the request of JESO, DCI and WSP personnel responded, and working cooperatively with the Watertown Police Department (WTPD), conducted interviews and neighborhood canvasses, and

identified, documented, collected, and preserved evidence. Some evidentiary items were examined or submitted for analysis.

DCI Special Agent (SA) Lisa Wilson served as the lead investigator, with SA Jay Yerges serving as the secondary investigator. DCI Special Agent in Charge (SAC) James Engels supervised the investigation and 4 additional DCI special agents worked on this investigation including SA Holmes, SA Fernandez, SA De La Rosa, and SA Tijerino. WSP Trooper Peter M. Moe, an Accredited Reconstruction Specialist, investigated the crash and the WTPD also assisted with investigation as the crash and associated events occurred within their jurisdiction.

REPORT REFERENCE GUIDE

Because those in the traffic stop/crashed vehicle are juveniles, they will be referred to in this summary report as the following:

Operator: 17 years old

Front Passenger: 17 years old

Rear Driver-side Passenger (RDP): 16 years old

Rear Middle Passenger (RMP): 14 years old

Rear Passenger-side Passenger (RPP): 16 years old

Other persons and items mentioned in this report include the following:

Juvenile Witness 1 (JW1): a juvenile with RDP, RMP, and RPP prior to them getting into the vehicle with the Operator and Front Passenger.

JESO Deputy M. Wolff: the deputy who conducted a traffic stop on the vehicle, pursued the vehicle after the Operator fled, found the vehicle crashed, and called for fire & EMS response.

W.K.: the registered owner of the crashed vehicle.

D.K.: spouse to W.K. and primary operator of the vehicle prior to this incident.

Triple C's: A term used by witnesses in this investigation for Coricidin Cough & Cold, an over-the-counter medication.

Air Dust: a commercially available propellant cleaner for keyboards, photography equipment and other electronic equipment.

WITNESS INTERVIEWS

Those who survived the crash, RDP, RMP, and RPP, along with JW1, were interviewed in this investigation. In summary, they provided the following information:

Several hours prior to the incident, the RMP and JW1 left the RDP's residence in Watertown, met up with the Operator, and all three rode stolen bicycles to the Watertown Wal-Mart. The Operator reportedly shoplifted Coricidin Cough & Cold (referred to as "Triple C's") and Air Dust while there. After leaving Wal-Mart, the RMP, Operator, and JW1 walked toward the RDP's residence. All three reportedly took Triple C's and the Operator inhaled Air Dust.

The RMP, Operator, and JW1 met up with the RDP, RPP, and Front Passenger coming back from Wal-Mart. The RDP, RMP, RPP, and JW1 returned to the RDP's residence, and the Operator and the Front Passenger went to the Front Passenger's residence, which is located within sight of RDP's residence. Shortly thereafter, JW1 left RDP's residence with a parent and the assistance of the WTPD. By way of background, on October 7, 2015, at 12:09 a.m., JW1's parent reported JW1 missing to the WTPD. At 12:46 a.m., JW1's parent learned that JW1 was at the RDP's residence. WTPD responded to RDP's residence, met JW1's parent there, and JW1 exited RDP's residence and went with JW1's parent.

After JW1 left RDP's residence, the Operator asked the RMP via messaging if the RMP, RDP, and RPP wanted anything from a nearby gas station. The RMP responded affirmatively and the Operator and the Front Passenger went to a nearby gas station. Shortly after that, the Operator contacted the RDP, and the RDP, RMP, and RPP met the Operator and Front Passenger, who were by a red vehicle located in front of the Front Passenger's residence. It was at some point during this interaction that the Operator asked if the RDP, RMP, and RPP wanted to go for a ride. The RDP, RMP, and RPP decided to go for a ride with the Operator and Front Passenger. The Operator and Front Passenger alleged that the vehicle belonged to either the Operator's brother or the Front Passenger's brother. The RDP and RMP did not recall seeing this vehicle earlier in the evening.

The 5 subjects drove around for a while after leaving the area of the Front Passengers residence, not stopping anywhere. They were pulled over by a deputy (herein referred to as Deputy Wolff) in a rural area. The RDP and RMP heard Deputy Wolff tell the Operator the reason for the traffic stop was because the Operator was swerving. Deputy Wolff asked the Operator for a driver's license and registration, and inquired about the Operator's condition. None of the occupants had identification, so Deputy Wolff recorded their names as verbally provided by each person in the vehicle. Each of the witness passengers heard the Operator provide Deputy Wolff a false name while everyone else provided Deputy Wolff their real name.

When Deputy Wolff returned to his squad car, the Operator told those within the vehicle that the Operator was going to take off. This was perceived by the witness passengers to mean either fleeing from Deputy Wolff on foot, or fleeing from Deputy Wolff in the vehicle. Those within the vehicle were telling the Operator not to do so as they did not want to get into trouble. The RDP reported yelling, "Don't do it, we're scared!" The Operator told the RDP, "I'm scared too, but I'm going to do it! If I get arrested, I'm going to jail."

Deputy Wolff returned to the vehicle and asked the Operator to step out of the vehicle. The Operator asked why, and then took off at a high rate of speed. The RMP and RPP could see the speedometer and saw the Operator's speed at 110 mph. The RDP reported hearing the Front Passenger tell the Operator that the Operator was driving at 110mph. Those in the vehicle were yelling to the Operator to stop, but the Operator would not do so. They could see that Deputy

Wolff was pursuing as they noted that Deputy Wolff had his emergency lights and siren activated. All three thought that the Operator took off and wouldn't stop because the Operator did not want to go to jail. The Operator lost control of the vehicle and crashed into a tree.

JW1

JW1 reported being at RDP's residence on October 6, 2015, with RDP, RMP, and RPP. JW1, RMP, and the Operator decided to go to Watertown Wal-Mart. They stole bicycles and rode to Wal-Mart. The RMP reported that the Operator stole Triple C's and Air Dust from Wal-Mart, and that after leaving Wal-Mart, all three walked back towards RDP's residence and took Triple C's. The Operator reportedly also inhaled the Air Dust. JW1 reported that after the Operator inhaled the Dust Off two times, JW1 took the can from the Operator and tossed it aside. JW1, RMP, and the Operator were met by the Front Passenger, RDP, and RPP by the McDonald's restaurant in Watertown. JW1, RDP, RMP, and RPP all returned to RDP's residence and the Operator and Front Passenger went to the Front Passenger's residence, which is located within sight of the RDP's residence. JW1 was in contact with a parent, who came to RDP's residence and took JW1 away from RDP's residence, assisted by the Watertown Police Department.

Vehicle Owner – W.K.

DCI requested that a WTPD officer make contact with the registered owner of the vehicle, shown by WI DOT records to be W.K. of Watertown, Wisconsin. W.K. did not know their red vehicle was gone from their driveway until coming downstairs to make contact with the WTPD officer. The WTPD officer spoke with all those of driving age within the vehicle owner's residence, and a juvenile child was not interviewed. No one knew the vehicle was gone until the WTPD officer made contact at their residence, and no one gave permission to anyone outside of their immediate family to use the vehicle. The last operator of the vehicle, D.K., reported arriving home between 10:30 p.m. and 11:00 p.m. on October 6, 2015, with his/her juvenile child. They went to their beds, and W.K. and their adult child were already asleep in their beds. D.K. had parked the vehicle in their driveway and left the keys in the vehicle console area with the vehicle unlocked.

LAW ENFORCEMENT ACCOUNTS

Deputy Wolff interview

In summary, JESO Deputy Wolff provided the following information to DCI related to this incident:

On October 7, 2015, Deputy Wolff was working in his official capacity wearing his police uniform and operating a marked police squad. Deputy Wolff was northbound on County Highway E when his attention was drawn to a vehicle that conducted a U-turn in the distance. Deputy Wolff caught up to the vehicle, noted its registration plate, and then slowed to back off from the vehicle. Deputy Wolff continued to follow the vehicle while using his squad computer to query first the registration plate, then the registered owner. Deputy Wolff recalled that the registered owner's driving record showed a prior operating while intoxicated (OWI) offense.

Deputy Wolff saw the vehicle deviating within its lane as he followed it, driving on or slightly over the center line and then drifting towards the opposite side of the lane and driving on or

slightly over the fog line. Based on his training and experience, Deputy Wolff began to consider that the vehicle operator was possibly impaired.

Deputy Wolff conducted a traffic stop on this vehicle on County Highway E, just north of County Highway P, on the southern outskirts of the unincorporated village of Pipersville. Deputy Wolff made contact with the Operator and asked the Operator for driver's license and proof of insurance. Nobody in the vehicle had physical identification so Deputy Wolff asked each occupant to verbally provide name and date of birth. Deputy Wolff said the Operator provided a name, spelling the last name two different ways and pronouncing it differently than its spelling would indicate it phonetically sounds. The Operator told Deputy Wolff the vehicle belonged to the Operator's brother. Deputy Wolff noted that the Operator's pupils looked "huge".

After obtaining each occupant's name and date of birth, Deputy Wolff returned to his squad car to query each occupant. Deputy Wolff queried the name provided by the Operator through the WI DOT, checking both spellings provided by the Operator. The Operator did not come back on file through WI DOT records. Two occupants came back on file as suspended/no valid driver's license, and two did not come back on file. Deputy Wolff returned to the vehicle and asked the Operator to step out of the vehicle. Deputy Wolff intended to continue his investigation to determine any Operator impairment. The Operator instead took off in the vehicle, accelerating quickly away from the scene of the traffic stop.

Deputy Wolff returned to his squad and began driving to try to catch up to the Operator, emergency lights and siren activated. Deputy Wolff provided location, direction, speed, traffic, and road condition updates to JESO Dispatch via his squad radio. When asked for the reason for the traffic stop by his sergeant, Deputy Wolff advised that the Operator had been driving poorly, that he suspected OWI, and possibly drugs, and the sergeant authorized JESO personnel the use of road spikes.

Deputy Wolff noted they were starting to come into Watertown and he began slowing down. Shortly after entering the Watertown city limits, Deputy Wolff came upon the vehicle which was crashed into a tree at the intersection of Brian Court & Concord Avenue in Watertown. Deputy Wolff saw that there was movement in the crashed vehicle, called for EMS, and stayed with those injured until Fire & EMS units arrived on scene to begin extrication efforts.

Deputy Wolff stated that he followed the vehicle after it fled the traffic stop as Deputy Wolff had not concluded his investigation into the Operator's impairment, had not concluded his investigation into the Operator's obstruction, was alongside the vehicle with a pending question when the Operator fled at a high rate of speed, and because of his concern for the safety of the vehicle's occupants and for the general public. During the pursuit, Deputy Wolff stated that he was continuously assessing the risk and the vehicle crashed prior to Deputy Wolff making an assessment regarding terminating pursuit of the fleeing vehicle.

Watertown Police Department (WTPD) Officer Gallegos & Officer Rowland

In summary, WTPD Officer Gallegos provided the following information related to this incident:

Officer Gallegos was the second officer to arrive on-scene at the vehicle crash site. Officer Gallegos approached the crash site and met with Deputy Wolff, who was with the back seat passengers in the crashed vehicle. Officer Gallegos immediately requested fire and EMS and advised that passengers from the vehicle needed to be extricated. The fire department and EMS arrived on scene shortly after Officer Gallegos requested them.

In summary, WTPD Officer Rowland provided the following information related to this incident:

Officer Rowland heard WTPD Officer Gallegos notify other WTPD officers via radio that a vehicle had crashed into a tree, and Officer Gallegos requested the fire department to respond for extrication of the occupants. Officer Rowland responded to the vehicle crash site.

Officer Rowland provided assistance to the RMP after the RMP was removed from the vehicle. During this assistance, the RMP said he/she could not believe that the Operator did this to them. Officer Rowland asked the RMP who the RMP was referring to and the RMP provided the truthful first name for the Operator. The RMP did not recall the Operator's last name. Officer Rowland provided the RMP the last name of who Officer Rowland believed the Operator could be, and the RMP verified the last name provided by Officer Rowland as the Operator's truthful last name.

WTPD officers requested fire department & EMS units, provided comfort, care, and scene security, and assisted in collecting and securing the vehicle and related debris.

REVIEW OF RELATED AUDIO AND VIDEO

The following items were reviewed to denote Deputy Wolff's actions in this incident on October 7, 2015: Deputy Wolff's squad camera footage, Deputy Wolff's body camera footage, Deputy Wolff's mobile data computer (MDC) queries, JESO radio traffic, and Watertown Police Department radio traffic. Based on review of those items, the following approximate times and associated events were noted:

01:54:54 a.m.: Deputy Wolff activated his squad camera.

01:55:42 a.m.: Deputy Wolff queried Wisconsin license plate registration number 923-WKH.

01:57:26 to 01:57:45 a.m.: Deputy Wolff activated his squad lights and initiated the traffic stop. The vehicle pulled over and Deputy Wolff called in the location, license plate, and the number of occupants in the vehicle.

01:58:09 a.m.: Deputy Wolff made first contact with the operator, and identified himself and the reason for the traffic stop.

02:02:28 a.m.: Deputy Wolff returned to his squad and retrieved his notebook, then returned to the Operator and began obtaining verbal identification from everyone within the vehicle.

02:06:39 a.m.: Deputy Wolff returned to his squad after verbally identifying all those in the vehicle and began querying all those within the vehicle.

2:07:40 a.m. to 02:11:40 a.m.: Deputy Wolff utilized his MDC to query all 5 occupants of the vehicle, including querying two different spellings of the Operator's last name.

02:12:27 a.m.: Deputy Wolff exited his squad, approached the Operator's side of the vehicle and asked the Operator to step out of the vehicle. JESO dispatch checked Deputy Wolff's status via police radio.

02:12:57 a.m.: The vehicle fled and Deputy Wolff ran back to his squad car, got in, and began pursuit.

02:13:16 a.m.: Deputy Wolff activated his siren to accompany emergency lights already on. Deputy Wolff advised JESO dispatch of the pursuit, direction of travel, and speed.

02:14:08 a.m.: Deputy Wolff advised his speed, location, traffic and road conditions, and requested JESO dispatch to advise Watertown Police Department of the pursuit.

02:14:27 a.m.: An unassociated vehicle drove by Deputy Wolff in the oncoming lane. JESO sergeant inquired the reason for the traffic stop beyond traffic violation(s). Deputy Wolff advised that the Operator was driving poorly, had crossed the centerline, leading Deputy Wolff to think the Operator was operating while intoxicated. Deputy Wolff possibly considered a drug violation within the vehicle. The JESO sergeant authorized JESO units to use road spikes. Deputy Wolff advised they were just entering Watertown.

02:15:38 a.m.: Deputy Wolff crossed railroad tracks.

02:15:49 a.m.: Deputy Wolff came upon the crash scene, advised JESO dispatch of the crash and its location, advised there was movement in the vehicle, and requested EMS.

02:16:18 a.m.: Deputy Wolff exited his squad, approached the vehicle, and made contact with the coherent back seat passengers.

02:16:35 a.m.: Deputy Wolff requested multiple EMS units through JESO dispatch.

02:16:48 a.m.: WTPD Officer Gallegos arrived on scene.

02:18:53 a.m.: WTPD Officer Rowland arrived on scene.

02:23:00 a.m.: Fire/Rescue units arrived on scene.

02:27:14 a.m.: JESO sergeant arrived on scene.

02:41:07 a.m.: The Operator's true identity was provided to Deputy Wolff by Officer Gallegos while still at the scene of the accident. Officer Rowland reported that the RMP provided the Operator's true name after being extricated from the vehicle and Officer Rowland later shared that name with Officer Gallegos. Officer Gallegos also reported that he knew the Operator and Front Passenger from past professional contacts with both individuals.

WSP CRASH SCENE ANALYSIS FINDINGS

WSP Trooper Moe, an Accredited Reconstruction Specialist, provided a Limited Reconstruction Analysis report regarding his findings. In summary, Trooper Moe reported the following:

Crash Scene Description

Per the WSP Limited Reconstruction Analysis report for this crash, in the City of Watertown, Highway E turns into South Concord Avenue, which travels in a northwest-southeast direction in the area surrounding the crash. As the vehicle came into Watertown on South Concord Avenue, it lost control while trying to negotiate a right hand corner in the area of Richards Avenue. The vehicle traveled off the west side of the road and crashed passenger side first into a tree located in the front yard of 314 S. Concord Avenue. DCI investigators noted that this is a residence located at the southwest corner of the intersection of South Concord Avenue & Brian Court, and is located in a residential neighborhood.

The WSP Limited Reconstruction Analysis report provides in part, the following description of the crash area: Ambient street lighting was present. The pavement was recently resurfaced and no lane lines were visible. The lanes were contained by concrete curbing. The posted speed limit on South Concord Avenue in the area surrounding the crash was 25 mph. The roadway was dry, and free from material defects or debris.

The crash site is approximately 4.37 miles from the traffic stop location, and the approximate time duration from the time the vehicle fled until the time Deputy Wolff came upon the crash was 169 seconds.

Vehicle Description

According to the WSP Limited Reconstruction Analysis report, the vehicle involved in the crash was a red-colored 2004 Pontiac Grand Prix, powered by a six-cylinder engine coupled with a 4-speed automatic transmission, and equipped with a four disk anti-lock braking system. The curb weight was approximately 3,515 lbs.

The Pontiac came to rest facing westerly, with the front passenger side and roof area partially wrapped around the tree. The Pontiac sustained damage to all areas as a result of the crash. The headlights and taillights remained powered on after the crash occurred. The tires appeared to be in good condition and in compliance with Wisconsin minimum tread requirements. There was one incomplete safety recall involving an ignition switch defect resulting from added weight on the key ring. No evidence present suggested that this incomplete recall contributed to the crash.

The Pontiac impacted the tree with its passenger side, ahead of the "B" pillar. The crushing damage continued from the front passenger door onto the roof. The roof crushed down across the front passenger and driver positions as the Pontiac rolled up and partially wrapped around the tree. The front driver and passenger side airbags deployed during the collision with the tree. Seatbelts that were still intact appeared to have been cut by emergency rescue personnel.

The Pontiac was transported from the scene on a flatbed tow truck, covered by a tarp. Vehicle debris and contents around the crash scene were collected as well. The vehicle and the collected debris and contents were transported to a secure facility in Watertown, WI.

WSP Summary Findings

Trooper Moe noted that his summary contains conclusions and opinions that are based on the materials used in this report. The rendering of this document was a part of his normal duties as a crash reconstruction specialist. He was not compensated contingent on the outcome of this case. Some of the factors in this crash can be determined, others may never be known. Any new information that becomes available will have to be assessed as to its affect, if any, it may have on these conclusions. The opinions are based on his training and experience as a crash reconstruction specialist, as well as facts and data that are the product of reliable principles and accepted methods. Trooper Moe's opinions are accurate to a reasonable degree of crash reconstruction certainty.

- Environmental conditions were not a factor in this crash.
- The Operator rapidly accelerated away from the traffic stop and attempted to elude the Jefferson County Sheriff's Department.
- The calculated average speed of the vehicle to travel the distance and elapsed time of the pursuit was approximately 93 mph.
- The calculated speed of the vehicle near the beginning of the rotating tire marks was approximately 77 – 82 mph.
- The speed limit in the area surrounding the crash was 25 mph.
- The truly-identified Operator was the restrained operator of the vehicle at the time of the crash. The Operator's operating privileges in the State of Wisconsin were revoked. (NOTE: At the time of Trooper Moe's final report, post mortem toxicology tests were performed but the results of that testing were unknown.)
- There was no evidence noted or suggested, that a catastrophic mechanical failure caused the vehicle to lose control and travel off the roadway.

AUTOPSY EXAMINATION

Autopsy of the Operator

On Thursday, October 8, 2015, an autopsy of the Operator was conducted at the Milwaukee County Medical Examiner's Office (MCMEO), Milwaukee, Wisconsin. DCI was present during the autopsy and documented the process and maintained articles of evidentiary value along with personal effects. Preliminary autopsy findings were that the Operator died as a result of multiple blunt force injuries consistent with a motor vehicle crash.

On Thursday, November 19, 2015, DCI received the MCMEO Autopsy Report, the Milwaukee County Toxicology Report, and the Jefferson County Medical Examiner report for the Operator. A synopsis of the information is as follows: the cause of death for the Operator was multiple blunt force injuries. There was no life-threatening natural disease. The toxicology report for the Operator showed the indication/detection of Cannabinoids, Caffeine, Chlorpheniramine, Cotinine, and Dextromethorphan.

Autopsy of the Front Passenger

On Thursday, October 8, 2015, an autopsy of the front passenger was conducted at the MCMEO, Milwaukee, Wisconsin. DCI was present during the autopsy and documented the process and maintained articles of evidentiary value along with personal effects. Preliminary autopsy findings were that the Front Passenger died as a result of multiple blunt force injuries consistent with a motor vehicle crash.

On Thursday, November 19, 2015, DCI received the MCMEO autopsy report, the Milwaukee County Toxicology Report, and the Jefferson County Medical Examiner report for the front passenger. A synopsis of the information is as follows: the cause of death was multiple blunt force injuries. There was no life-threatening natural disease.

FAMILY CONTACTS

On October 7, 2015, Watertown Police Chief Roets made death notifications to the Operator's family and to the Front Passenger's family. On that same date, DCI special agents had follow up contact with the family of the Operator and the family of the Front Passenger to introduce themselves, provide victim-witness information, and provide the DOJ 5-page OID informational packet. Special agents have spoken with members of each decedent's family on several occasions since October 7, 2015. Special agents also had contact with the families of the RDP, RMP, and RPP on October 7, 2015, and other times thereafter. Additionally, special agents met with vehicle owner W.K. on October 7, 2015, and the lead investigator has spoken with D.K. several times since October 7, 2015.

DISTRICT ATTORNEY REVIEW

On Friday, November 20, 2015, a copy of DCI's complete investigative file, as of that date, was turned over Jefferson County District Attorney Happ for her review. A few additional reports were provided to District Attorney Happ on Wednesday, November 25, 2015. DCI will continue to document any additional investigative activities that may occur. Reports of those investigative activities will be provided to the district attorney as soon as they are completed.