

SUMMARY REPORT FOR OFFICER-INVOLVED DEATH OF JAKOB E. WAGNER

On Saturday April 23, 2016, Antigo High School located at 1900 10th Avenue, Langlade County, Wisconsin held its student prom. Patrolling the schools parking lot were Antigo Police Department (ANPD), Police Officers (POs), Andrew Hopfensperger, Jr. and Bula. While conducting patrol duties shortly after 11:00 p.m. both officers heard gunshots and saw gun fire coming from the front area of the high school. Reacting to the gun fire, PO Hopfensperger moved toward the front entrance to the school building and observed Jakob E. Wagner in possession of a firearm. Wagner, who saw and heard PO Hopfensperger as he shouted out commands to Wagner to drop the weapon, fired at PO Hopfensperger. PO Hopfensperger using his duty weapon returned fire, shooting Wagner three (3) times resulting in Wagner's death. PO Bula did not fire his weapon at any time during the shooting incident. Prior to Wagner being shot by PO Hopfensperger, Wagner shot several rounds of ammunition in the area of the schools parking lot and front entrance; and in doing so Wagner inflicted non-fatal wounds to two prom attendees who were walking in a group along the front area of the school towards the parking lot area.

LAW ENFORCEMENT REQUEST FOR DCI INVESTIGATION

As a result of the incident, ANPD Police Chief Roller contacted the Wisconsin Department of Justice (DOJ) requesting the Division of Criminal Investigation (DCI) to respond as the lead investigative agency pursuant to Wisconsin State Statute § 175.47(3). Special agents from DCI's Appleton and Madison Regional Field Offices responded to the scene. Acting Special Agent In Charge (ASAC) Yerges was designated as the primary case investigator. DCI Special Agent (S/A) Wisch was designated as the secondary case investigator.

Agents located and identified witnesses; identified involved law enforcement officers; conducted interviews, area-wide canvasses, and walk-throughs; analyzed, processed and documented the scene; and identified, documented, collected, and preserved evidence, documents, and recordings.

This summary report contains information obtained during DCI's investigation of the Antigo officer involved death (OID) shooting incident:

BACKGROUND INFORMATION

Wagner was a former student and 2015 graduate of Antigo High School. Wagner was employed as a teacher's aide to the high school's art teacher through Forward Service Corporation's, Youth Work Experience Program.

On 04/09/16, Wagner purchased a Norinco SKS rifle from a licensed gun dealer at the "Bob and Rocco Gun Show," held upon the Langlade County fairgrounds. On 04/22/16, Wagner purchased "Military Classic 7.62x39 124 Gr. JHP Centerfire 20 Rnds" ammunition (SKS rifle ammunition) from the Antigo Fleet Farm.

SCENE DESCRIPTION

While 109 students attended prom inside the school's gymnasium, the shooting incident occurred outside and in close proximity to the front (main) doors of the high school building. The scenes of the shootings were located on the south side of the high school near the main entrance to the high school and offices areas. The area had concrete walkways, landscaping and concrete benches in front of the school. Also in front of the school were a parking lot and a school bus lane/drive. A van and trailer were parked in the bus lane in front of the main high school doors. Adjacent to the main high school entrance, toward the west, were "Field House" (gymnasium) doors.

Following the shooting, in the area located approximately 20 to 30 feet from the main entrance, Wagner's body was recovered. Also recovered from in the same area was evidence consisting of pooled blood, an SKS rifle, fired and unfired cartridge casings, rifle clips, a key ring, a damaged pair of glasses, a bankbook and a mechanical pencil. Fired pistol casings were recovered from the "bus lane" in front of the high school. Pooled blood was located some distance away upon the concrete, adjacent to the "bus lane" and between the doors of the main entrance and the Field House doors, where the two (2) prom attendees were shot after they exited the Field House doors.

Apparent bullet damage to a concrete bench in front of the high school and a light pole between the bus lane and the parking lot area was documented. The damaged concrete bench and light pole were located southwest of where two (2) victims had been shot by Wagner (who stood and shot from near the front/main entrance to the high school). Near the light pole, two (2) motor vehicles were parked. Both vehicles had gunshot damage. Broken motor vehicle safety glass was upon the asphalt near one of the vehicles.

Outside the high school building, upon a grassy area, east of the school and across from Sunset Street was where a bicycle and a guitar case were located as evidence. Wagner had possessed and utilized the bicycle and guitar case.

There were several bullet and bullet fragments recovered from the scene. Bullet and bullet fragments were collected from the exterior brick wall and windows (inside the trim of one window), from the floor and back brick walls of the Commons area and from the floors of the east and north halls, as well as the hallway floor in front of the high school offices area.

WITNESS INTERVIEWS

At the time of the incident, there were 109 prom attendees inside the high school gymnasium. Some attendees had left the prom before the shooting incidents occurred on the school campus. Some witnesses made observations out the Commons windows after the incident had occurred. Agents interviewed individuals who had background information about Wagner. Critical witnesses who made first-hand observations were interviewed. Following were the synopsis statements from the identified critical witnesses:

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WITNESS E.B.

E.B. attended the Antigo High School prom with two friends. At approximately 10:50 p.m., E.B. left the prom with E.B.'s two friends to return home. E.B. rode in the backseat of a vehicle while receiving a ride to E.B.'s residence. E.B. reported E.B. and friends were traveling on 10th Avenue in Antigo and observed a male bicyclist riding on the north side of the street, heading towards the high school. E.B. observed the bicyclist wearing a black shirt and camo-type pants. The bicyclist had a "guitar case" slung around his back. E.B. observed the bicyclist "wobbled" as he peddled. E.B. observed the bicyclist appeared nervous and turned several times to look back at E.B. and friends. From inside E.B.'s home, E.B. heard sirens and saw an ambulance drive toward the high school approximately 10 minutes later.

WITNESS COLLIN COOPER

Collin Cooper arrived at Antigo High School with S.L., S.F. and J.M. at approximately 7:30 p.m. to attend prom. Cooper left the prom with the same preceding individuals. At approximately 11:00 p.m., Cooper and friends exited through the Field House doors. Cooper recalled walking along the sidewalk a step or two in front of S.L., while S.F. and J.M. were behind S.L. Cooper heard at least two (2) loud bangs that Cooper initially thought were fireworks. Cooper observed sparks in front of Cooper, to the left and to the right. Cooper felt his leg go numb. Cooper lowered to his uninjured knee and then felt that his leg was "blown open." Cooper felt his leg bone snap. Cooper described the shooter near the office doors and by the flag corner area. Cooper observed the shooter coming toward himself and his friends. Cooper heard a police officer yelling at a male and the officer shot the male. Cooper observed the male fall onto his back after being shot. Cooper observed the male was dressed in black.

WITNESS S.L.

S.L. arrived at Antigo High School with Collin Cooper at approximately 7:30 p.m. to attend prom. S.L. left prom with Cooper and two other friends. The four friends left out the Field House doors together at approximately 11:00 p.m. The friends were walking toward Cooper's automobile that was parked in the east parking lot. S.L. walked out about 40 yards from the school and was close to the curb-line when S.L. heard five (5) to seven (7) gunshots. S.L. thought the sounds were fireworks, at first. S.L. then felt pain in S.L.'s right thigh. S.L. looked over toward the school's main (east) doors and saw a subject in the shadows who was walking towards S.L. and S.L.'s friends. The subject wore dark clothes. S.L. realized Cooper was on the ground and injured. S.L. saw a police officer run toward the subject in the shadows. S.L. saw Cooper bleeding. S.L. and S.L.'s friends yelled out for help.

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WITNESS S.F.

S.F. arrived at Antigo High School with J.M., Collin Cooper and S.L. at approximately 7:30 p.m. to attend prom. S.F. left prom with the same preceding individuals. The four friends left out the Field House doors together at approximately 11:00 p.m. The friends were walking toward Cooper's automobile that was parked in the east parking lot. S.F. observed two police officers and a police canine in the parking lot. S.F. heard what S.F. thought were "a lot of firecrackers." S.F. and friends jumped around because it seemed like the "firecrackers" were close to them. S.F. thought there was some type of "prank" occurring. S.F. observed a guy near the main school doors who wore a "camo green jacket." The guy was about 30 yards away from S.F. and friends. S.F. observed the guy had a gun that looked like an "AK-47 type automatic assault rifle." S.F. observed the rifle pointed at S.F. and friends. S.F. began to run back toward the school with J.M. and S.L. when the guy stopped shooting. S.F. observed a police officer shoot toward the subject from approximately 40 yards away. S.F. observed the subject fall to the ground. S.F. observed that Cooper's left leg was badly injured.

WITNESS J.M.

J.M. arrived at Antigo High School with S.F. and Collin Cooper at approximately 7:15 p.m. to attend prom. J.M. left prom early with the same preceding individuals. The four friends left out the Field House doors together at approximately 11:00 p.m. The friends were walking toward Cooper's automobile that was parked in the east parking lot. J.M. observed a police officer in the parking lot with a drug dog that was smelling cars. The friends were talking about their observations of the police officer when they thought firecrackers were very close to them. J.M. observed "sparks coming off the concrete pavement," close to J.M. and friends. J.M. thought there was a prank. J.M. observed a guy who wore a long sleeve waist length jacket with a hat and a hood up (or high on his neck) standing approximately 50 to 60 feet away. J.M. observed that the guy held an "AK-47 style rifle" and was pointing it at J.M. and friends. J.M. observed the guy shooting at J.M. and friends when J.M. first looked over at the guy. J.M. began to run back toward the school with S.F. and S.L. J.M. observed Cooper kneeling down with a leg injury. J.M. heard Cooper yell out that Cooper "was hit." J.M., S.F. and S.L. ran back to Cooper. When J.M. ran back to Cooper, J.M. observed a police officer pointing his gun at the guy. J.M. heard the police officer yell, "Drop your weapon." J.M. heard more shots ring out. J.M. started to help Cooper when J.M. observed the guy was on the ground near the main office doors. J.M. observed the police officer "arrest" the guy. J.M. called for medical assistance for Cooper from J.M.'s cellular telephone at the scene.

WITNESS J.W.

J.W. was a passenger in a vehicle parked in front of the high school between 10:45 p.m. and 11:00 p.m. J.W. observed a group of three (3) or four (4) kids walking from the high school. J.W. heard the far, rear, passenger-side window of the vehicle "explode." J.W. heard a person yell, "I've been hit!" The person then fell to the ground. J.W. heard other kids yelling, "We need

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help.” J.W. believed someone had a gun and was firing it. J.W. observed two (2) Antigo police officers and a police canine in the school parking lot. J.W. heard two (2) or three (3) more gunshots. J.W. observed police approach the school entrance area. J.W. heard the police yell very, very loudly, “Drop your weapon” or “Drop your gun.” J.W. observed officers run to the back of the school, near the individual who had been shooting and near some of the youth providing medical attention.

WITNESS D.B.

D.B. arrived at Antigo High School at approximately 7:30 p.m. to attend prom. At approximately 11:00 p.m., D.B. accompanied a friend to a locker, which was located in the hallway closest to the school offices. D.B. heard six (6) to nine (9) gunshots. D.B. walked up to a window to look outside to see what was going on. D.B. observed a guy lying on the ground with a police officer standing near the guy. D.B. observed the police officer pick-up a rifle that was lying upon the ground near the guy. D.B. observed the police officer move the rifle away from the guy. D.B. believed the guy on the ground had been shot. D.B. observed a patrol vehicle pull-up to the school with its red and blue lights on.

WITNESS K.R.

K.R. arrived at Antigo High School between approximately 7:00 p.m. and 7:30 p.m. to attend prom. K.R. left out the Field House doors with friends shortly after approximately 11:00 p.m. K.R. observed one (1) person on the ground and a couple people kneeling around the injured person, outside of school. K.R. observed a cop running toward the office doors where there was a person on the ground near the office (main) doors. K.R. was directed to go back inside the gymnasium until K.R. could be interviewed.

WITNESS T.K.

T.K. arrived at Antigo High School at approximately 7:30 p.m. with a date and friends to attend prom. T.K. left out the Field House doors with a date and friends at approximately 11:05 p.m. T.K. observed a classmate that T.K. recognized as Collin Cooper who was on the ground with police officers helping Cooper. T.K. then observed a guy on the ground by the office doors. T.K. observed police officers near the guy on the ground. T.K. was directed to go inside the gymnasium until T.K. could be interviewed.

DCI agents made contact with friends, relatives, acquaintances and past teachers of Wagner who provided background information related to Wagner. A gun dealer, health care providers and other law enforcement professionals were interviewed related to the investigation.

LAW ENFORCEMENT ACCOUNTS

POs Hopfensperger and Bula were interviewed by agents about their observations and official actions during the shooting incident. The two POs were the only law enforcement officers present at the high school during the incident with Wagner.

ANPD PO BULA INTERVIEW

DCI agents interviewed PO Bula on 04/26/16. PO Bula confirmed he wore an approved agency uniform, which had designated police markings, insignias, and attachments on 04/23/16. PO Bula stated he did not know Wagner's name or identity prior to the incident. PO Bula did not recall any type of professional contact he may have ever had with Wagner prior to the incident.

PO Bula is the canine handler for the department and did have his canine partner Natscho with him. PO Bula explained he and PO Hopfensperger rode together to the school in PO Bula's patrol vehicle. PO Bula estimated he, PO Hopfensperger and canine Natscho arrived in the main (front) high school parking lot at approximately 10:54 p.m. The officers had been informed that there would be prom festivities that would be occurring at the high school.

PO Bula explained he proceeded to walk Natscho among the parked vehicles in the parking lot of the school for any potential drug alerts. PO Hopfensperger was walking between PO Bula and the high school building. PO Hopfensperger was somewhat behind PO Bula as Natscho was working.

PO Bula heard three loud bangs, what he at first thought were "fireworks." PO Bula looked over toward the school where the sounds were coming from and saw sparks coming from the ground. PO Bula then saw a male jumping up-and-down while holding his leg. PO Bula heard the male yell out in pain.

PO Bula stated he then saw a subject holding a long, wooden stock-type weapon, what he believed to be a long-barreled rifle or shotgun. The subject pointed the weapon parallel with the high school building.

PO Bula stated he and Natscho immediately took cover behind a nearby truck. PO Bula stated Natscho was on a six-foot leash at the time. While taking cover, Natscho's leash became entangled around the bumper of the truck. PO Bula last saw PO Hopfensperger moving toward the front of the school. Because PO Bula could not immediately free Natscho and himself from the tangled leash, he did not engage in the shooting. PO Bula described how an enclosed trailer blocked his view of the front of the school from where the sounds and sparks were coming from. PO Bula stated he heard additional gunshots coming from the front of the high school (on the other side of the trailer). PO Bula did not know how many gunshots he heard.

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It was after the shooting had stopped that PO Bula observed PO Hopfensperger near the front of the high school with a subject on the ground, identified as Wagner. PO Bula checked to make sure PO Hopfensperger was okay. PO Bula heard screams coming from individuals on the sidewalk who had been shot. PO Bula stated additional patrol vehicles responded to the scene.

PO Bula confirmed he was not wearing any audio/video recording device and to his knowledge, there was no recording of the incident. PO Bula confirmed he did not discharge any weapon during the incident.

ANPD PO HOPFENSBERGER, JR. INTERVIEW

DCI agents interviewed PO Hopfensperger, Jr. on 04/26/16. PO Hopfensperger confirmed he wore an approved agency uniform that had designated police markings, insignias and attachments on 04/23/16. PO Hopfensperger stated he did not know Wagner's name or identity prior to the incident. PO Hopfensperger did not believe he had any type of professional contact with Wagner prior to the incident.

PO Hopfensperger explained how he and PO Bula had been directed to perform specialized patrol duties at the high school during prom festivities. PO Hopfensperger stated he rode with PO Bula in PO Bula's assigned patrol vehicle to the high school on 04/23/16. PO Hopfensperger estimated he and PO Bula arrived at the high school parking lot at approximately 11:00 p.m. (or a few minutes prior to 11:00 p.m.).

PO Hopfensperger and PO Bula exited PO Bula's patrol vehicle with Natscho. PO Hopfensperger stated Natscho immediately began to sniff around motor vehicles in the parking lot. PO Bula and Natscho were on his "left" side as he walked in the middle of the parking lot behind PO Bula and Natscho.

After being in the parking lot for approximately five minutes, PO Hopfensperger saw three to four kids walking toward PO Hopfensperger from out of the high school (Field House doors). He then saw "sparks around their (the kids') feet" and heard "loud bangs." PO Hopfensperger at first recalled thinking someone was messing around with fireworks. PO Hopfensperger then saw a kid "hopping" and described something was not right.

PO Hopfensperger immediately turned to go toward the school while simultaneously drawing his duty pistol. PO Hopfensperger stated he ran around a trailer which was in front of the high school. PO Hopfensperger referred to the trailer as an "obstruction."

Upon rounding the trailer, PO Hopfensperger immediately observed a subject walking toward the kids he had seen. PO Hopfensperger stated he heard a girl say, "Help," or "Help me." PO Hopfensperger stated he then recognized the subject had a "shoulder-mounted rifle." PO Hopfensperger stated he heard other people screaming.

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PO Hopfensperger stated he raised his duty pistol and aimed it at the subject. PO Hopfensperger stated he continued to walk toward the school and he yelled at the subject to, "Drop the gun." The subject then turned toward PO Hopfensperger and the subject pointed the muzzle of the rifle directly at PO Hopfensperger. PO Hopfensperger explained how he had observed the subject advancing toward the kids.

PO Hopfensperger described how he ran directly at the subject while he simultaneously pulled the trigger of his pistol and. PO Hopfensperger kept pulling the trigger of his duty pistol until the subject fell down.

PO Hopfensperger stated after the subject fell down he holstered his pistol, approached the subject and utilized his portable radio to advise of the incident. PO Hopfensperger handcuffed the subject and performed a brief pat-down search of the subject for any potential additional weapons. PO Hopfensperger pulled ammunition from the subject's pockets. PO Hopfensperger recognized the subject's weapon as a SKS rifle. PO Hopfensperger picked the rifle up, rendered it safe and placed it back on the ground.

PO Hopfensperger assisted one of the wounded subjects and then went back to where the subject was lying and stood over him and guarded him. Other law enforcement began to arrive and assisted with the scene and tended to the injured.

Responding officers formed a search team and proceeded to search and secure the interior area of the school building. PO Hopfensperger stated he stood by the suspect during that time. PO Hopfensperger was assisted by PO Rustick in providing medical aid to the suspect. PO Hopfensperger stated when he became aware that the suspect was having difficulty in breathing, he tipped and rolled the suspect onto his left side to aid the suspect's airway or to aid in opening his airway.

PO Hopfensperger stated he then performed a more thorough search of the suspect's person at which time he found 7.62 x 39 bullets in every pocket that he had.

Ambulance personnel eventually arrived and PO Hopfensperger continued to guard the area while emergency medical technicians (EMTs) provided emergency medical treatment to the suspect. PO Hopfensperger stated he stayed at the site of the suspect the entire time. The suspect was placed upon a long board and loaded into an ambulance. EMTs requested PO Hopfensperger to take the handcuffs off the suspect, at which time he did.

PO Hopfensperger stated the North Central Response Team arrived and Chief Roller showed up at the scene. PO Hopfensperger stated he stayed with Chief Roller until DCI agents showed up on scene.

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PO Hopfensperger informed agents he had to use deadly force because the shooter was utilizing "deadly force" and the shooter was shooting a military-styled rifle at children. PO Hopfensperger saw the suspect's rifle aimed at himself and other individuals during the incident.

PO Hopfensperger stated he did not know where he was when he initially fired at the suspect or when he stopped firing at the suspect. PO Hopfensperger stated he remembered "moving" and "advancing on him." PO Hopfensperger stated he stopped firing when the subject fell to the ground and was no longer a threat.

SCENE EXAMINATION

An examination and physical search of the scene was performed by law enforcement and members of the Wisconsin State Crime Laboratory. The scene was documented with digital images and video recording. The Wisconsin State Patrol (WSP), Technical Reconstruction Unit (TRU) also forensically mapped the scene. ANPD and Langlade County Sheriff's Office (LGSO) patrol vehicle cameras and a high school video surveillance camera captured partial recordings of the incident. All recordings were collected, examined and maintained with the investigation. Multiple items of evidence were documented and collected from the scene, including:

- SKS Rifle With One (1) Chambered Rifle Cartridge
- 10 Fired 7.62x39 Rifle Cartridges
- 37 Unfired 7.62x39 Rifle Cartridges (On Stripper Clips)
- Eight (8) Loose Unfired 7.62x39 Rifle Cartridges
- Empty Stripper Clip
- Eight (8) Fired Speer Brand .40 Caliber Cartridge Casings
- Deformed Bullet
- Bullet Fragment
- Glock Pistol With Three (3) Corresponding Magazines & Bullets

A search warrant for Wagner's residence was obtained. Multiple items of evidence were documented and collected from the residence, including:

- Fired 7.62x39 Rifle Cartridges
- Fired .44 Caliber Pistol Casings
- Gun Sling
- Gun & Loan Magnet (refrigerator-type magnet)
- WPA Military Classic 7.62x39 Ammunition Box (20 Count)
- Teen Suicide Reading Materials

EXAMINATION OF VIDEO EVIDENCE

All video was viewed and appeared consistent with the events described by all interviewed witnesses.

EXAMINATION OF DISPATCH LOGS

The following was a synopsis of the dispatch log times:

04/23/16

- At 11:02 p.m. ANPD PO Hopfensperger called shots fired at the high school
- At 11:03 p.m. a 911 call was received from the high school
- At 11:03 p.m. an ambulance was requested to respond to the high school
- At 11:14 p.m. PO Hopfensperger checked the status of PO Bula
- At 11:18 p.m. a second ambulance was requested to respond to the high school
- At 11:27 p.m. the shooter was reported as identified
- At 11:29 p.m. a medical helicopter was requested
- At 11:36 p.m. a third ambulance was requested to respond to the high school

INFORMATION OBTAINED REGARDING MENTAL HEALTH HISTORY OF JAKOB WAGNER

Days prior to the incident, Wagner experienced a relationship breakup and threatened to kill himself. He made one suicide attempt by drinking a mixture of bleach and vinegar. Wagner wanted to commit suicide. A few days before the shooting Wagner posted a picture of three firearm magazines.

AUTOPSY EXAMINATION

Chief Medical Examiner, Dr. P. Douglas Kelley, a forensic pathologist, performed the autopsy on Wagner at the Fond du Lac County Medical Examiner's Office, Fond du Lac, Wisconsin on 04/24/16. A DCI special agent documented the autopsy process and collected evidence along with minor personal items from Wagner. Dr. Kelley's autopsy findings were that Wagner died because of gunshot wounds to his head and chest and also sustained a gunshot wound to his lower left leg.

WISCONSIN STATE CRIME LABORATORY TESTING

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

FAMILY CONTACTS

On 04/24/16, special agents met with Wagner's mother, the mother's friend, and Wagner's grandparents. Special agents explained the family's rights under the law regarding OID investigations. Wagner's mother was provided a DOJ 2013 Wisconsin Act 348 summary and DCI victim rights notification forms.

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On 07/08/16, Langlade County Special Prosecutor Galen Bayne-Allison, the Langlade County Victim/Witness Coordinator and the primary DCI case investigator met with Wagner's family members. DCI's investigative findings were explained to Wagner's family. Additional victim family meetings occurred on 07/14/16 with Special Prosecutor Bayne-Allison, the Langlade County Victim/Witness Coordinator and the primary DCI case investigator. Other meetings and communications with family members took place during the investigation by DCI agents.

DISTRICT ATTORNEY REVIEW

On 06/15/16, a copy of DCI's complete investigative file, as of 06/15/16, was submitted to Langlade County Special Prosecutor Bayne-Allison for his review. DCI would continue to document any additional investigative activities that occurred. Reports of those investigative activities will be provided to the special prosecutor as soon as they were completed.