

**Wisconsin Division of Criminal Investigation Case Report**  
**Case/Report Number:16-2425/82**

Summary Case Report: Oswald T. Mattner Death- Officer-Involved Death – Saturday, April 30, 2016

**Summary of Events**

This report will serve as the summary of the Officer Involved Death (OID) investigation concerning the death of Oswald T. Mattner, which occurred at 725 Gilbert Street, Wausau, Marathon County, WI involving the Wausau Police Department on Saturday, April 30, 2016. The Wisconsin Department of Justice, Division of Criminal Investigation (DOJ/DCI), Wausau Field Office was contacted and requested to respond as lead investigating agency pursuant to Wisconsin Statute 175.47.

The Wisconsin DOJ/DCI responded to the scene with a Special Agent in Charge and 12 DCI Special Agents on April 30 and May 1, 2016. A lead investigator and secondary investigator were designated.

A neighborhood canvas was conducted at the following locations: 700 block of Gilbert Street and 700 block of Brown Street, Wausau, WI.

As a result of the investigation, multiple witnesses were interviewed and multiple Wausau Police Department officers were interviewed.

Additional investigative tasks were identified, including but not limited to a scaled scene reconstruction by the Wisconsin State Patrol Technical Reconstruction Unit (TRU). The Wisconsin State Crime Laboratory Crime Scene Response Team (CSRT) also assisted the Wisconsin DOJ/DCI with the evidence collection and processing of the scene. Finally, scene security was provided by the Wausau Police Department.

Wisconsin DOJ/DCI along with the Wisconsin State Crime Laboratory Crime Scene Response Team were assigned to conduct the scene investigation. There were two scenes that were processed at 725 Gilbert Street including the scene where the encounter between the officer and Mattner took place and the current residence/apartment of Mattner. Items of evidence were located, packaged and placed into evidence, which included but was not limited to: fired cartridge casings, a knife, a cellular phone and a computer.

An autopsy was completed on May 2, 2016. A Wisconsin DOJ/DCI agent, Wisconsin State Crime Laboratory personnel and the Marathon County Medical Examiner attended the autopsy of Mattner. The autopsy was conducted at the University of Wisconsin Hospital Pathology Clinic in Madison, WI by Dr. Michael A Stier and Dr. Katie Thompson.

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All video was reviewed by a Wisconsin DOJ/DCI agent and the findings were contained in reports. Squad videos from five Wausau Police squads were reviewed. Information from the audio of the squad video was consistent with the information provided during the investigation. There was no visual recording or audio recording from Officer Martin's squad video.

As a result of the Wisconsin DOJ/DCI investigation and a review of all investigative reports, the following factual information was learned:

**Neighborhood Canvas Interviews**

On April 30, 2016 and May 1, 2016 during the course of the investigation, Wisconsin DOJ/DCI special agents conducted a neighborhood canvas in the area of the 700 block of Gilbert Street and the 700 block of Brown Street, Wausau, WI. The following are statements of the witnesses and what they observed or heard at the time of the incident.

ZJ and SO resided together and were home all day. ZJ and SO heard loud music and partying going on in an apartment above their apartment. The noise started in the afternoon and continued until the late evening. ZJ stated that ZJ heard approximately four gunshots coming from outside the building. SO said in the late evening, SO heard approximately four to five gunshots coming from outside the building. ZJ and SO saw law enforcement presence in the area but did not hear anything before or after the gunshots.

KMG and KG resided together and were gone between 7:15 PM and 9:15 PM. When KMG and KG arrived home at 9:15 PM, they observed law enforcement in the area of the apartment complex. Later in the evening, KMG heard five shots that sounded like "boom pause boom pause, boom, boom, boom." KG heard four or five shots. KG was going to call the police but shortly after the shots, KG observed law enforcement running down the hallway. KMG and KG believed the time of the gunshots was around 10:00 PM. KG advised that their window was open and KG heard someone say, "He had a knife!"

DB heard three to five gunshots at approximately 10:15 PM. DB thought the gunshots sounded like a smaller caliber gun, perhaps a .22. The gunshots sounded like they were coming from the same floor he resided on. After hearing the gunshots, DB heard footsteps outside his door. DB never looked outside. DB did not hear voices or noise before the gunshots or after the gunshots.

TL had been at Mattner's apartment around 6:00 PM. While at Mattner's apartment, the people there were partying. Mattner and his fiancé were arguing. TL left Mattner's at approximately 7:45 PM. TL thought that sometime between 8:00 PM and 9:00 PM, TL heard, "bang, bang,

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bang” and knew it was gunshots. The gunshots were loud and close. TL did not hear anything before the shots and heard police sirens after the gunshots.

DA and KA resided together. At 9:45 PM, DA and KA went to bed. At 10:21 PM, KA heard someone knocking on their door. At 10:23 PM, DA got up and looked outside. DA saw police vehicles on Brown Street. DA could hear people talking and yelling in the area but did not know who it was. DA did hear someone say, “He’s got a knife!” Shortly after, additional law enforcement arrived on scene.

MJ stated at approximately 10:18 PM, MJ heard muffled yelling and then heard four gunshots. MJ did not hear anything after the shots. Approximately two or three minutes after hearing the shots, MJ went into the hallway and observed two uniformed police officers running in the hallway.

CH had been asleep when CH heard gunshots. CH thought he heard five gunshots and then shortly after the gunshots, CH heard running outside of his apartment in the hallway. CH said it sounded like the gunshots were from a pistol. CH did not hear anything before the gunshots or after the gunshots except for the running.

DR and LR heard a male across the street arguing with someone between 8:30 PM – 9:00 PM. DR did not hear a second person and believed that the male was on the phone arguing. During this same time, DR observed a marked patrol unit parked on Brown Street. Sometime after 9:30 PM, DR heard four shots. DR thought that the gun was of a smaller caliber which had been shot. DR heard someone say, “He pulled a knife on me.” Shortly after the gunshots, DR saw police lights and squads pull into the area. LR said LR heard five shots and they were in quick succession. LR did not hear anything prior or after the gunshots.

**Other Statements**

**Officer Zinkowich**

On Tuesday, May 3, 2016, Officer Zinkowich of the Wausau Police Department was interviewed by Wisconsin DOJ/DCI Special Agents. Officer Zinkowich was assigned to work patrol shift on Saturday, April 30, 2016. On April 30, 2016, Officer Zinkowich and Officer Meyer of the Wausau Police Department responded to an address in the 700 block of Prospect Street, Marathon County, Wausau, WI to a domestic disturbance complaint.

Officers Zinkowich and Meyer spoke with the domestic incident victim. The victim had been punched in the face by Mattner. The victim advised officers that Mattner had a knife and had been sending threatening text messages to the victim about dying and stabbing someone. The

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victim advised that Mattner had been drinking and when he drinks, he gets crazy and the victim was afraid of Mattner.

The victim gave officers a key for her residence that she shared with Mattner and the victim believed that Mattner was still at the residence at 725 Gilbert Street. Wausau Police Officers responded to the victim's residence in an attempt to locate Mattner and arrest Mattner on domestic violence related criminal charges. Officers Meyer, Zinkowich, Martin and Lt. Van Lieshout responded to the residence. Officers discussed the facts that Mattner had been drinking; had been involved in a domestic battery incident; had information that it was possible that Mattner was in possession of a knife and had sent threatening text messages referencing somebody dying by a knife stabbing.

Officers went to the residence and did not locate Mattner in the residence.

Officers Meyer and Zinkowich were heading back to the Prospect Street address, Lt. Van Lieshout was returning to the Wausau Police Department and Officer Martin was going to stay in the area to continue looking for Mattner.

Within a few minutes of clearing the residence, Officer Martin radioed that he thought he had observed the suspect, Mattner. Officer Zinkowich asked Officer Martin if he wanted a second squad to assist. Officer Martin responded "Yes!" Officer Zinkowich responded with emergency lights and siren to assist Officer Martin. Officer Martin advised for additional units to respond to the north side of the apartment complex. Officer Zinkowich parked on the north side of the apartment complex and as soon as Officer Zinkowich got out of Officer Zinkowich's squad, Officer Zinkowich heard approximately five gunshots. Officer Zinkowich radioed, "Shots fired!" Officer Zinkowich saw Officer Meyer in the area at which time they started running toward the location of Officer Martin.

Officer Zinkowich observed Officer Martin standing at the top of a stair case on the south side of the building. Officer Martin was saying "I didn't have a choice". Officer Copas arrived on scene at this time. Officer Zinkowich, Meyer and Copas went to the top of the stairs and Officer Zinkowich observed Mattner laying face up on the floor in the doorway of the breezeway. Officer Martin said that they needed to place Mattner on a flat surface in the breezeway so they could start CPR. Officers moved Mattner into the breezeway and started CPR. Officers performed CPR along with placing compression seals and combat gauze on Mattner's wounds. EMS (Emergency Services personnel) arrived on scene and took over life saving efforts.

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Officer Zinkowich observed a knife at the scene with an open blade on the floor near Mattner. Officer Zinkowich stayed at the scene assigned to scene security in the breezeway. Officer Zinkowich was later relieved of scene security by another Wausau Police Officer.

Officer Meyer

On Monday, May 2, 2016, Wausau Police Officer Meyer was interviewed by Wisconsin DOJ/DCI Special Agents.

On Saturday, April 30, 2016, Officer Meyer was scheduled to work his regular patrol shift. On April 30, 2016, Officer Meyer and Officer Zinkowich were dispatched to the 700 block of Prospect Street on a domestic violence (DV) complaint. The victim told Officer Meyer that Oswald Mattner, "just snapped" and pushed her down and she fell. Mattner hit the victim in the face with his fist. The victim had pain in her shoulder and soreness on the left side of her face.

The victim told Officer Meyer that the victim had been receiving threatening text messages from Mattner. The victim showed Officer Meyer the threatening text messages. Some of the text messages said things such as, "I'm gonna die. I'm gonna kill. Somebody's gonna die. Whoever tries to get in my way is going to die." The victim told officers that Mattner had a knife. The victim advised that Mattner had pulled a knife on law enforcement in the past. Officer Meyer advised over the radio that Mattner likely had a knife on him and had pulled a knife on law enforcement in the past.

The victim gave Officer Meyer the key to the victim's apartment and the victim believed that Mattner may have still been at the residence. Officers went to 725 Gilbert Street in an attempt to locate Mattner and arrest him on domestic violence charges.

Officers attempted to locate Mattner at the residence and were unable to locate Mattner. Officer Martin assisted with looking for Mattner. Officer Martin advised that he would check the south side of the building. Officers Meyer and Zinkowich were heading back to the victim's location to start paperwork in reference to the domestic violence incident. Lt. Van Lieshout was en route back to the Wausau Police Department.

Shortly after leaving the residence, Officer Martin advised that he was on the south side of the building and out of his squad with a male subject believed to be Mattner. Officer Zinkowich asked if Officer Martin needed assistance. Officer Martin quickly responded, "Yes! Yes!" in a voice that was different, heightened which led Officer Meyer to believe that Officer Martin needed assistance immediately.

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Officers Meyer and Zinkowich responded in emergency status, activating lights and siren to the area of 725 Gilbert Street. Officer Martin told responding officers to go to the north entrance in case Mattner was headed to his apartment. Officer Martin advised that Mattner had entered the apartment building and the doors were secure so Officer Martin was not able to make entry.

Officers Meyer and Zinkowich arrived in the area on the north side of the building. Officer Meyer was looking through the windows of the apartment complex to the south. Officer Meyer observed a stockier male subject holding both of his hands up while he was standing and looking southward in the northeast corner of the breezeway which had windows. Officer Meyer's view was blocked by a pillar and Officer Meyer was not able to see the entrance door into the breezeway. Officer Meyer then heard five gunshots coming from the area of the breezeway.

Officer Meyer and Zinkowich ran to the area of the breezeway. Officer Meyer noticed a male laying face up on the top landing of the threshold of the door. The upper half of the male's body was in the breezeway. Officers pulled the subject into the breezeway to a flat surface at which time officers performed CPR along with placing compression seals and combat gauze on Mattner's wounds. EMS arrived on scene and took over life saving efforts.

Officer Martin

On Tuesday, May 3, 2016, Wausau Police Officer Martin was interviewed by Wisconsin DOJ/DCI Special Agents.

On Saturday, April 30, 2016, Officer Martin was scheduled to work his regular patrol shift. Officer Martin was wearing a Wausau Police uniform and was driving a fully marked Wausau Police vehicle.

Earlier in the evening, Officer Martin responded to 725 Gilbert Street on a noise complaint reference to a male subject yelling he was going to "kill everyone." No one was located by Officer Martin on that call and the complainant had not left caller information so no contact was made with the complainant.

Officer Martin later in the evening heard Wausau Police officers responding to the 700 block of Prospect Street involving a domestic violence (DV) incident. Officer Meyer responded to the call and advised officers that the suspect in the DV incident had a knife and officers should use caution when contacting the suspect. Officer Meyer advised that Oswald Mattner was the suspect in the DV.

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Officer Martin heard that officers were responding to 725 Gilbert Street in an attempt to locate the suspect in the domestic violence incident. Officer Martin advised that Officer Martin would respond.

While en route to Gilbert Street, Officer Martin asked dispatch to send a photograph of suspect Mattner to all responding officers so they were aware of what the suspect looked like. Through radio traffic between responding officers, officers indicated that the previous noise complaint at 725 Gilbert Street and the DV complaint may be related. Officer Meyer advised over the radio that they had domestic violence charges on Mattner.

Officers arrived at Mattner's residence and attempted to locate Mattner. Mattner was not at the residence.

Officer Meyer and Zinkowich were en route back to Prospect Street to start DV paper work with the victim. Lt. Van Lieshout cleared the scene and was heading back to the Wausau Police Department. Officer Martin advised that he would stay in the area and check the south side of the building.

Officer Martin drove his marked patrol vehicle to the south side of the apartment complex. Officer Martin drove westbound on Brown Street. As Officer Martin approached the east side apartments of the building, Officer Martin observed a male walking from the area of 7<sup>th</sup> Street and Brown Street. The male subject was wearing a dark hooded sweatshirt and jeans. The hood of the sweatshirt was pulled over the subject's head. The subject was walking northeast towards the apartment complex. Officer Martin advised that the subject walking was a white male and the size/shape of the subject matched Mattner's build.

Officer Martin made verbal contact with the subject saying, "I need to talk to you". The subject started to walk faster and while doing so, the subject "hunched" his shoulder and turned his body away from Officer Martin. Officer Martin believed that the subject he had been trying to contact was Mattner. Officer Martin advised that Mattner's body gestures along with walking faster were obvious indicators to Officer Martin that Mattner did not want to talk with Officer Martin.

Officer Martin advised over the police radio that he was out with the suspect. Officer Zinkowich responded over the police radio, "Do you need back up?" Officer Martin responded, "Yes!" Officer Martin advised that he heard police sirens coming in his direction. Officer Martin got out of his patrol unit and headed toward the apartment steps. Officer Martin did not have time to turn his body audio recorder on because Mattner was leaving the area and Officer Martin needed to radio information to dispatch. Officer Martin had observed Mattner going to the stairs that lead to the smoking area of the apartment complex. Officer Martin got to the smoking area and

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noticed the back of Mattner going through a door on the east side of the apartment building. Officer Martin attempted to open the door that lead into the apartment complex and the door was locked. Officer Martin believed the door led into the ground level of the apartment complex. Officer Martin radioed that Officer Martin was locked out of the building and that Mattner was inside of the apartment complex. Officer Martin told responding officers to respond to the north side door (front door) and Officer Martin would stay on the south side in case Mattner came back to Officer Martin's location.

Officer Martin observed a male in a window within the apartment building. The window faced to the west. Officer Martin asked the male if he would let Officer Martin into the building. The male replied, "Yes." The male in the window advised that he would have to let Officer Martin into the building at the door on the next level. The door was up one flight of steps and the door faced to the south just north of the smoking area.

Officer Martin went up the stairs to the door and waited for the door to be opened. The door "popped" open. Officer Martin observed two males in the breezeway. One male was wearing shorts, a shirt and no shoes. The second male was wearing a hooded sweatshirt with the hood over his head. Officer Martin recognized the male as the same male that he believed to be Mattner that had just been outside. Officer Martin said he could not see what Mattner and the other male were doing, but they were facing each other. They were both inside the breezeway to the northeast of the door. Officer Martin advised that Mattner turned around and faced Officer Martin. At this time, Officer Martin identified Mattner from the photograph Officer Martin had viewed prior to the call.

Mattner took his right hand and started to put his hand into his front pocket of his sweatshirt. Officer Martin had his hand on his duty weapon at this time. Mattner put his right hand into the pocket of his sweatshirt and Officer Martin could see some type of movement within Mattner's pocket.

Officer Martin ordered Mattner not to reach for the knife and to turn around and put his hands behind his back. Mattner made a shoulder and head movement and said something to the manner of, "You are going to have to shoot or kill me!" Officer Martin knew that he could not leave the area because he had a civilian in the breezeway and Mattner could kill the civilian.

Mattner pulled a knife out of his pocket with his right hand and raised the knife in a threatening manner. Mattner took a step towards Officer Martin. Officer Martin feared for his life. Officer Martin pulled his duty weapon from the holster with his right hand while turning his body at an angle facing west, while grabbing the stair railing with his left hand. Officer Martin had to grab the railing so he did not fall down the stairs. Officer Martin believed he may have stepped down



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one or two stairs as Mattner stepped towards him with the knife. Mattner had the knife in his right hand in a “high ready position” in a stabbing motion.

As Officer Martin cleared his holster and started to raise his duty weapon, Officer Martin fired at Mattner. Officer Martin fired several rounds at Mattner before Mattner fell to the ground. Officer Martin stopped firing when Mattner was no longer a threat to his life. This action ended the threat.

Witness JM

JM heard a male subject, later identified as Oswald Mattner, between 9:00 PM -9:15 PM, yelling and screaming for approximately 15 minutes outside of the apartment complex. Mattner was outside drinking a beer while talking on the phone. During the conversation, Mattner mentioned five times “I don’t care what happens, if you call the cops I will kill them too.”

Between 10:15 PM – 10:20 PM, JM looked out his window and noticed a police officer standing at an entrance to the apartment complex. The officer asked JM to let him into the building. JM went to open the door for the officer, while doing so JM observed Mattner outside JM’s apartment door. JM observed Mattner put a knife into his coat or pant pocket. JM said the knife had a black handle and a silver blade.

JM went to the door to let the officer in. JM was confronted by Mattner in the breezeway of the apartment complex. JM attempted to open the door and Mattner told JM he did not want to do that. JM said the police need to come in. Mattner said no they don’t. At this time, Mattner took the knife from his pocket and took three steps toward JM while raising the knife over Mattner’s head in a manner to stab JM. JM put his left arm up to block Mattner from stabbing JM. Mattner’s arm struck JM’s left arm causing JM to fall backwards into the wall further causing JM and Mattner to slide across the wall to the door the officer was attempting to gain entry into the building. Once at the door, JM was able to push the latch on the door which unlocked the door and allowed for the officer to gain entry into the building.

Once the door was open, the officer stated, “Put the knife down!” Mattner walked towards the officer. The officer took 1-2 steps backwards. The officer told Mattner to put the knife down at least five times as Mattner continued to approach the officer. JM observed the officer draw his firearm. The officer fired his firearm several times.

The officer did ask JM if he had been hit and JM stated he was unharmed. JM observed Mattner laying on the ground and a knife approximately 4-5” in length lying on the ground near Mattner.

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JM did not know who Mattner was prior to this evening.

Witness/Victim

On Saturday, April 30, 2016, at 9:34PM, Wausau Police Officers were dispatched to the 700 block of Prospect Street, Wausau for a report of a domestic violence incident. The reporting party of the incident, SC was a friend of the victim of the domestic. SC advised dispatch that the victim was beaten up by Oswald Mattner. The victim had been punched in the face and the victim's shoulder was injured.

The victim told law enforcement that Oswald T. Mattner had a knife and made threats of “killing whoever got in his way”. The victim advised officers that the last time the victim was involved in a domestic violence incident, Mattner pulled a knife on officers and the officers had to draw their weapons on Mattner. The incident happened in Kenosha County in April 2015.

The victim told officers that Mattner, “just snapped” and pushed her and she fell down. Mattner hit the victim in the face with his fist. The victim advised that she had pain in her shoulder as well as soreness on the left side of her face caused by Mattner.

The victim commented that Mattner said that he was not going down without a fight and that the situation was not going to end well. The victim showed Officer Meyer text messages that the victim received from Mattner. Some of the messages from Mattner were, “I’m gonna die. I’m gonna kill. Somebody’s gonna die. Whoever tries to get in my way is going to die.”

The victim believed that Mattner was still at their residence in Wausau. The victim gave officers a key to enter the residence so law enforcement could locate Mattner.

The victim advised that Mattner had been in and out of jail a lot. The victim knew that Matter was a felon. Mattner always carried a knife on his person.

The victim said that Mattner had talked about “suicide by cop” in the past. Mattner told the victim that if she called the police, he would just attack them until they had to shoot him. Mattner had said similar things a dozen different times in the past when he was both drunk and sober.

**Review of officer radio traffic**

On May 1, 2016, a Wisconsin DOJ/DCI Special Agent received a compact disk (CD) from the Marathon County Communications Center, which contained the squad car radio traffic from this

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incident. The Wisconsin DOJ/DCI Special Agent reviewed the CD and found the information from the radio traffic was consistent with what was being reported.

**Autopsy Findings**

The autopsy of Mattner conducted on May 2, 2016 indicated that Mattner had multiple gunshot wounds to the torso and a wound to the neck. A sample of Mattner's blood was taken for analysis and submitted to the Wisconsin State Crime Laboratory-Madison.

In addition, the Marathon County Medical Examiner submitted Mattner's blood for separate testing and maintains those results.

**Wisconsin State Crime Laboratory Forensic Examination**

Several items of evidence were submitted to the Wisconsin State Crime Laboratory for forensic examination, including a firearm and fired cartridges.

**Scene Examination**

On April 30, 2016, the Wisconsin DOJ/DCI and the Wisconsin State Crime Laboratory Crime Scene Response Team (CSRT) were assigned to examine two scenes located at 725 Gilbert Street, Wausau WI. The Wisconsin State Patrol Technical Reconstruction Unit (TRU) responded to do a scaled diagram of the scene.

Items of evidence were located, collected, and packaged and placed into evidence at the Wisconsin DOJ/DCI Wausau Regional Office. Items collected included: fired cartridge casings, a cellular phone, and a knife.

**Notification and review of factual information with Mattner's family**

On May 1, 2016, the Wisconsin DOJ/DCI made arrangements with the Kenosha County Sheriff's Department to make contact with Oswald Mattner's family and to make notification of Mattner's death.

On May 3, 2016, Wisconsin DOJ/DCI Milwaukee Office made contact with Mattner's family and provided Mattner's family with a Wisconsin Victim's Rights brochure. Mattner's father acknowledged the receipt of the form. Mattner's father advised Wisconsin DOJ/DCI that the family did not want contact from Wisconsin DOJ/DCI at this time and when they were ready, the family would contact the case agent.

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Mattner's father advised that an incident occurred one year earlier (2015) in which Mattner had threatened people with a knife and the police almost shot Mattner at that time in Kenosha County, Wisconsin.

**ADDITIONAL**

A Wisconsin DOJ/DCI Special Agent contacted the Kenosha County Sheriff's Department and confirmed the incident involving Mattner with a knife. The incident occurred on April 19, 2015.

**District Attorney Review**

On June 30, 2016 a copy of Wisconsin DOJ/DCI complete investigative file, as of that date, was turned over to the Marathon County District Attorney Ken Heimerman for his review. Completed investigative reports have been turned over to the District Attorney since the beginning of this investigation. 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.