

Investigative Synopsis Officer Involved Death (OID) of Burt T. Johnson B/M DOB:

On May 5, 2016, at approximately 8:50PM, the Division of Criminal Investigation (DCI) Milwaukee Office received a request to respond to the scene of an Officer Involved Death at North 73rd Street and West Mill Road in the City of Milwaukee.

At 8:32PM, Milwaukee Police Department (MPD) officers responded to an armed robbery in progress at O'Reilly Auto Parts, 7615 West Mill Road, City of Milwaukee. When officers arrived at the scene, two armed subjects fled the store on foot and officers followed. One subject eluded the officers, but the other subject, Burt T. Johnson, was chased to the rear of CVS Pharmacy. There, Johnson fired on officers but officers did not return fire. The pursuit continued to the rear of 6409 North 73rd Street, where Johnson and officers exchanged gunfire. Johnson was struck, and pronounced dead at the scene.

DCI responded with two Special Agents in Charge (SAC) Christina McNichol and David Klabunde) and 15 Special Agents (SA): Tijerino, Gibbs, Novak, Taylor, Peters, Taubel, Koehler, Gajevic, Yerges, Liethen, Pertzborn, Joy, Reimer, Prieve and Gist. SA Novak was assigned as the lead investigator.

Agents interviewed the two involved MPD Officers, Jason Daering and Jesse Mattson, who collectively fired 18 rounds from their service weapons. An additional eight MPD officers responded during and immediately after the rounds were fired: Sgt. Smolen, Sgt. Estascio, Jones, Dauer, Walker, McFadden, Schulze, Bishop, and Thao. All eight were interviewed by DCI agents.

The Wisconsin State Crime Lab (WSCL) collected evidence from the scene and the Wisconsin State Patrol Traffic Reconstruction Unit (WSP TRU) assisted with the investigation.

The scene investigation revealed Johnson discharged two rounds from a semi-automatic handgun in the direction of Officer Daering during the shooting. Two spent cartridge casings consistent with the caliber of Johnson's handgun were recovered. Eighteen spent cartridge casings consistent with the caliber of Officer Daering & Officer Mattson's service weapons were recovered at the scene.

A neighborhood canvass produced six citizen witnesses, all of whom were interviewed by DCI agents. Three of the witnesses (ALS, JH and a juvenile witness) reported being outside and observing portions of the shooting incident. Video was recovered from several area businesses that showed Johnson as he fled on foot from O'Reilly's Auto Parts. Squad video and officer body camera video was recovered from six squads and three officers. None of the squad or body camera video showed the actual shooting. Information that was captured and reviewed from the body camera video suggests that JH's witness statement was inconsistent with the video

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evidence. JH's witness statement was also inconsistent with the other two witness statements (ALS and the juvenile witness).

Evidence from this investigation including spent cartridge casings, spent bullets, Johnson's firearm, and officer service weapons were all transmitted to the WSCL for forensic examination.

Family members of Johnson were identified and a death notification was made. Wisconsin Crime Victim Services forms were also provided to the family.

An autopsy of Johnson was conducted at the Milwaukee County Medical Examiner's office by Dr. Lelinski and was witnessed by SA Jurci. The autopsy revealed Johnson suffered three gunshot wounds to the head and seven gunshot wounds to the torso, arms, and hands. The autopsy determined the three gunshot wounds to the head were fatal, any of which would have caused Johnson's death.

On Friday, July 15, 2016 a significant portion of the investigative reports were delivered to Milwaukee County DA John Chisholm for review. DA Chisholm advised that Chief Deputy DA Kent Lovern would be reviewing this case.