

Investigative Synopsis Officer Involved Death (OID) of Michael Schumacher

On Thursday June 30, 2016, at approximately 9:03PM, a 911 caller residing on Morrison Street contacted the Dane County Public Safety Communications Center, advised them that a male who had been walking in the lake had walked up onto shore behind his neighbor's residence at 1303 Morrison Street and threw a rock through their residential window. This 911 caller remained on the phone and provided updates while officers were dispatched to the scene. The caller information included witnessing a male in the residence who had a shovel, was talking and swearing, and was smashing stuff. A second 911 call came in from one of the homeowners of 1303 Morrison Street, who had reported their home had been broken into in the lower level, that the caller and spouse had fled their residence, and that they could hear a male inside their residence yelling and smashing windows.

Madison Police Department Officer Hector Rivera was the first officer to arrive on scene and was advised by the homeowner that there was someone inside his residence. Officer Rivera obtained consent to enter the home from the homeowner and was advised that the front door was open. Officer Rivera retrieved his rifle from his squad car and as he began to approach the front door of the residence, the homeowner told him that the person inside his residence had a stick or something.

Officer Rivera observed that the front door was closed and had a translucent window. Officer Rivera did not see or hear anything. Officer Rivera opened the unlocked front door so he could better see, and positioned himself outside the front door on the hinge side. Officer Rivera called out, "Police department, show yourself!" Officer Rivera said a male voice responded by saying "Fuck you!" Officer Rivera said the male continued to repeat "Fuck you" in unison with his footsteps, both of which were getting louder and seemingly closer to Officer Rivera's location though he could not ascertain how based on what he could see in his field of vision.

Officer Rivera could see that inside the front doorway was a foyer with an interior half wall to the right. Officer Rivera said he then saw over the half wall the tines of a pitchfork, rising up in a vertical position. Suddenly, a male holding a pitchfork was facing him. Officer Rivera said the male held the pitchfork with the tines facing toward Officer Rivera, as if it was a lance or a spear. Officer Rivera said the male had an angry posture, insane look, and was yelling something incoherent. Officer Rivera said the male then moved towards him in a motion that Officer Rivera described as the start of a sprint.

Officer Rivera said he took his rifle off safe and fired two times at the male. Officer Rivera said the male fell onto the ground as Officer Rivera backpedaled to gain distance. Officer Rivera said

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he gave commands to the male, and another officer came up and moved the pitchfork away from the male.

Officer Rivera said he made his rifle safe, assisted in maintaining scene safety, called for Emergency Medical Services (EMS) for the male, and assisted in obtaining first aid materials for the male prior to EMS arrival. Officer Rivera later secured his rifle in his squad, and this rifle was later recovered as evidence by DCI.

The male had no identification on his person. He was identified via fingerprints at autopsy on Friday morning, July 1, 2016, as Michael W. Schumacher. Schumacher's father was identified and DCI notified him of Michael's death and provided him with the 5-page Wisconsin Department of Justice document regarding the criminal justice system response to OID incidents.

Officer Rivera had no recording devices on his person during the incident. The second officer responding, MPD Officer Nicholas Eull, witnessed a portion of the incident and captured a portion of the incident on his squad camera as he pulled up to the scene. Officer Eull was interviewed by DCI and reported pulling up to the intersection of Baldwin and Morrison Streets and seeing Officer Rivera with his rifle pointed at an open front door of the residence. Officer Eull said that just as he was exiting, or just after exiting his squad car, he saw a male with a pitchfork sprinting at Officer Rivera. Officer Eull heard Officer Rivera shouting commands. Officer Eull said that it appeared to him that the male was running as fast as he could at Officer Rivera. Officer Eull's squad video showed that Officer Rivera was backpedaling as he fired twice at the male, who came out of the front door at Officer Rivera, and then fell to the ground. Officer Eull assisted Officer Rivera and moved the pitchfork from the area where the male fell.

SA Lisa Wilson was assigned as the lead investigator, and Lourdes Fernandez was assigned as the secondary investigator.

The Wisconsin State Crime Laboratory and DCI processed the scene at 1303 Morrison Street. Evidence was located, photographed, and recovered to include two rifle casings from this area as well as a 4-tined garden pitchfork. There was damage to the residence, including broken windows, a side door window, and locations that had series of four-hole punctures. The Wisconsin State Patrol Technical Response Unit took measurements of the scene to provide a scale overview.

Witness interviews and neighborhood canvassing were conducted. Information from these interviews is consistent with information learned from interviews of Madison Police Department officers, and scene examination and processing information regarding reports of windows breaking, yelling, and shots fired.

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On July 1, 2016, Dr. Kathleen McCubbin of the Dane County Medical Examiner's Office conducted an autopsy of Schumacher. The autopsy revealed three separate gunshot wounds, with two of those wounds believed to be attributable to the fragmentation of one of the bullets fired.

On August 19, 2016, Dane County District Attorney Ismael Ozanne was notified that he has received nearly all of the investigative reports, with outstanding exceptions noted.