

Investigative Synopsis of James Quealy Officer Involved Death (OID)

On Friday, August 5, 2016 at 9:40 P.M., SAC David Klabunde received a call from Lieutenant Brian Drumm of the Dodge County Sheriff Department requesting the Wisconsin Department of Justice Division of Criminal Investigation to respond to an Officer Involved Death (OID) that occurred at 215 Woodland Drive in Beaver Dam, WI. A request was made for DCI to be the lead investigating agency pursuant to WI Statute 175.47. Preliminary information was that Beaver Dam Police Department responded to a call of a possible suicidal subject and made contact with an armed individual in an apartment residence. Officers negotiated with the subject who made several statements of suicide by cop and disregarded officers' orders to disarm and surrender. Quealy fired a gunshot from a handgun at a uniformed officer. Quealy was killed when that officer returned fire with a single shot from his service weapon.

DCI SAC McNichol responded to the scene and coordinated investigative resources. SA Gibbs was assigned as the lead investigator, and SA Heimerl was assigned as the secondary investigator. Other responding DCI Agents included SAs De LA Rosa, Gist, Hepp, Culver, Gajevic, Peters, Wilson, Koehler, Beine, Klavekoske, Vosters and Roffers. DCI conducted eight officer uniform and equipment inspections, five critical witness interviews, and scene investigation. Collected during the scene investigation in Quealy's apartment was a suicide note, a list of contacts left specifically for the police, a cell phone and a .357 revolver. Recovered from a neighboring address on W. Woodland Dr. was a fired bullet that penetrated the house and came to rest in a bedroom.

The Wisconsin State Crime Lab responded with Technicians Stahlke and Delfosse photographed and processed the scene. Representatives of the Wisconsin State Patrol Technical Reconstruction Unit assisted in measuring and diagramming the scene. Members of the Beaver Dam Police Department conducted a preliminary canvass and maintained scene security.

On Friday, August 5, 2016, at 6:55 P.M. officers of the Beaver Dam Police Department was dispatched to 215 Woodland Dr., Apt. 6, Beaver Dam Wisconsin, for a suicidal subject. Officers made contact with a subject inside apartment 6, later identified as James Quealy. While standing at the doorway officers observed Quealy holding a handgun and heard him say, "Suicide by cop." Quealy then slammed the door shut on the officers.

According to statements provided to DCI by Beaver Dam Police and Dodge County Sheriff Personnel during an on scene incident command briefing, officers immediately set up a perimeter and began a dialogue with the subject, who refused to put down the gun. Quealy told officers repeatedly, to kill him. After talking with the subject for approximately forty seven minutes, Beaver Dam Police contacted the Dodge County Sheriff SWAT team, who responded to the scene. Sergeant Nicholas, a member of the SWAT team, took a position on the roof top of an

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adjacent building that allowed him to observe Quealy inside his apartment and on the balcony; while Beaver Dam officers continued to talk to Quealy.

Officers report that they continued a dialogue with Quealy for another forty six minutes until Quealy fired a single shot in the direction of Sergeant Nicholas while standing on his the balcony of his apartment. Sergeant Nicholas returned fire with a single shot striking Quealy and killing him. Officers entered Quealy's apartment and attempted to render aid to Quealy as he laid on the balcony and called for medical emergency services.

The investigation identified citizen witnesses who were interviewed by DCI and observed Quealy holding a large frame revolver in his right hand as he stood on a balcony speaking to police. Numerous witnesses heard Quealy yell to the police, "Kill Me!"

DCI Agents spoke with Quealy's friend, who was in contact with Quealy prior to and during this incident. Quealy's friend stated Quealy sent him a series of texts on the day of the incident, telling him goodbye. During conversations with Quealy, the friend learned that Quealy had a gun and was planning to kill himself.

On Monday, August 8, 2016, DCI agents interviewed Sergeant Nicholas regarding the OID incident.

Quealy's family was contacted and interviewed by DCI personnel on August 6, 2016, and the State of Wisconsin witness/victim's rights forms were provided to them.

Fond du Lac County Medical Examiner Dr. Douglas Kelley, conducted the autopsy of Quealy on August 6, 2016 and determined Quealy suffered one penetrating gunshot wound to the right side of his face causing his death.

This case is scheduled to be reviewed with Dodge County District Attorney Kurt Klomberg during the week of September 19, 2016.