

Investigative Synopsis of the Officer Involved Death (OID) of Sylville Smith

On Saturday, August 13, 2016 at 3:45pm, Lt. Erwin of the Milwaukee PD contacted SAC Klabunde regarding an officer involved death (OID) that occurred at 3218 N. 44th St. Lt. Erwin advised that the subject had no pulse and was not breathing at the scene. A request was made for DCI to be the lead investigating agency pursuant to Wis. Stat. 175.47. Preliminary information was that two male subjects fled from a vehicle and were pursued. One subject was chased by two officers into a gangway between houses. The subject was armed with a semi-automatic pistol and was subsequently shot two times by P.O. Dominique Heaggan-Brown. The gunshot wounds ultimately caused his death. The decedent was later identified as Sylville Smith.

The Department of Justice Division of Criminal Investigation (DCI) responded to the scene with twelve Special Agents: (Gajevic, Taubel, Peskie, Taylor, Martinez, Yerges, Wisch, Heimerl, Liethen, Holmes, Lenzner, and Fernandes) and 2 Special Agents in Charge (Klabunde and McNichol). SA Tijerino was assigned as the lead investigator and SA Taylor was assigned as the secondary lead. The Wisconsin Regional Crime Lab was contacted and a mobile response team responded to conduct the forensic evidence collection. DCI conducted officer uniform and equipment inspections (3), critical witness interviews (3), and the scene investigation. The Wisconsin State Patrol Technical Response Unit was contacted to respond for a scene diagram. The scene revealed a Glock .40 cal model 22 semi auto pistol with an extended magazine on the ground, and two spent cartridge casings consistent with Milwaukee PD ammunition. Three cell phones were recovered in the immediate vicinity of the below listed vehicle. Due to the increasingly volatile atmosphere surrounding the scene, the WSP response was cancelled and the scene investigation was ended prematurely.

A 2016 Ford Fusion bearing MI plates DHJ4061 was identified as the vehicle that Sylville Smith had occupied prior to the foot chase. The vehicle was towed to the City of Milwaukee secure tow lot and escorted by MPD Det. Suarez.

The Milwaukee Police Department was directed to conduct a neighborhood canvass. Due to the surrounding civil unrest, the canvass was unsuccessful. On August 24, 2016, DCI agents returned to the 3200 block of N. 44th St. at 7:00am and conducted a neighborhood canvass of the block. Two additional witnesses to the OID incident were located and interviewed.

The investigation revealed that both P.O. Heaggan-Brown and P.O. Malafa were wearing body cameras during this incident. DCI agents took possession of those units and downloaded the video to a disc for review. A review of the body camera footage from both officers shows that Smith fled from the 2016 Ford Fusion and ran around the front of the car and into the yard while carrying a black semi-automatic handgun with an extended magazine as Officers Heaggan-Brown and Malafa pursued. The video shows that Smith slipped to the ground as he approached a chain link fence. The video shows that Smith rose back to his feet with the gun still in his right hand and turned his head and upper body towards the officers. He then raised the gun upward while looking in the direction of the officers and threw the gun over the fence into the yard. While Smith raised his gun upward, P.O. Heaggan-Brown discharged one shot from his service weapon

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at Smith and Smith fell to the ground on his back as P.O. Heaggan-Brown was still approaching. P.O. Malafa was in pursuit behind P.O. Heaggan-Brown. While on the ground, Smith continued to move his arms and legs. P.O. Heaggan-Brown discharged a second shot from his service weapon at Smith. Smith's arms and legs were still moving and he appeared to bring his left hand toward his waistband. The audio portion engages and P.O. Heaggan-Brown is heard yelling at Smith to, "Stop reaching", and P.O. Heaggan-Brown secures Smith's left hand away from his waist. The rest of the video shows the officers moving Smith away from the house and performing CPR. The elapsed time between the discharge of the first shot and the second shot by P.O. Heaggan-Brown was determined to be 1.69 seconds.

P.O. Heaggan-Brown and P.O. Malafa were interviewed regarding the OID incident by DCI Special Agents. P.O. Voden was interviewed; however he did not observe the OID incident as he was taking a second person into custody at the time of the shooting.

The autopsy of Sylville Smith was conducted at the Milwaukee County Medical Examiner's Office on Monday, August 15, 2016 by Dr. Lelinski and was attended by DCI Special Agents Conrad and Tijerino. The autopsy revealed that Smith suffered two gunshot injuries in this incident. Smith suffered a through and through gunshot wound to his right upper arm and a penetrating gunshot wound to the right upper chest. The chest wound resulted in Smith's death. The bullet was recovered by Dr. Lelinski and collected as evidence by DCI agents. During the autopsy, Dr. Lelinski recovered several bullet fragments that were determined to be from injuries sustained outside of this current incident. Those fragments were recovered and collected by DCI agents.

On Tuesday, August 16, 2016 through Friday, August 19, 2016 a search warrant was executed on the above listed 2016 Ford Fusion bearing MI plates DHJ4061. During the course of that search, a second Glock .40 cal pistol with an extended magazine was recovered along with three cell phones, suspected cocaine, suspected heroin, a prescription bottle containing white and blue pills, and suspected marijuana.

On Friday, August 19, 2016, DCI returned to the scene to conduct a secondary search along with the WSCL mobile response team and the WSP TRU. The scene investigation was completed and a spent bullet was located within the area of the shooting.

All items of evidence were transmitted to the WSCL for forensic analysis.

The family of Sylville Smith was located at the scene and advised of the death of Sylville Smith. Smith's mother accompanied agents to the Medical Examiner's office for identification. On August 23, 2016, DCI agents met with Smith's mother. During this meeting, crime victim services printed resources were provided.

On Friday, September 16, 2016 the completed investigative file as of that date was turned over to Milwaukee County District Attorney John Chisholm for review.