

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 17-612 Investigative Synopsis

Investigative Synopsis of the Officer Involved Death (OID) of KRIS M. KRISTL

On Thursday, February 2, 2017 at approximately 8:20 PM, the Division of Criminal Investigation (DCI) received a request from the Walworth County Sheriff's Office to respond to the scene of an officer involved death/shooting in the N4200 block of County Road H, Elkhorn, WI.

At approximately 7:46 PM, Walworth County Dispatch broadcasted information regarding a civilian witness following a reckless driver, possibly impaired, going side to side and almost going up and over the curb and into oncoming traffic and travelling at various speeds. Squad 580 from the Town of Geneva was dispatched as the primary unit; however, units from different jurisdictions responded as well.

At approximately 7:50:59 PM, Squad 3 (Walworth County SO Deputy Jessie Smith) advised Dispatch that he was on scene with the caller, parked his Squad behind the 911 caller's vehicle, and approached the driver of the suspect vehicle (Chevrolet Trailblazer). A few moments later, Squad 101 from the City of Elkhorn PD, Officer Robert Rayfield, arrived on scene and parked his vehicle directly behind Deputy Smith's Squad (3).

The driver of the Chevrolet Trailblazer was later positively identified as KRIS M. KRISTL.

Deputy Smith exited his vehicle and gave verbal commands to Kristl, who was not responding. Kristl continued to be non compliant with the verbal commands given to him by Deputy Smith and while Kristl attempted to walk away from Deputy Smith a physical confrontation ensued.

As the physical confrontation continued, Kristl removed a black handgun from his person and displayed it just inches from Deputy Smith's face. Deputy Smith pushed Kristl away, fearing for his life and the safety of others, causing Kristl to stumble down to the ditch area. Deputy Smith then drew his firearm, and fired several shots at Kristl. Officer Rayfield observed Kristl point a black handgun at Deputy Smith at which time he also fired several shots at Kristl.

Following the shots, Deputy Smith observed KRISTL stand up and walk to the front headlight area of his own vehicle, at which time Kristl stood up over the front of the vehicle in a shooting stance and extended his arms towards the roadway where he (Deputy Smith) knew other officers were present. Deputy Smith stated that he believed that Kristl was preparing to shoot the officers standing on the roadway and fearing for their safety he discharged his firearm.

Other units arrived on scene just as the shooting began and shortly after the shooting concluded. Other LEO's secured the second subject, and cleared KRISTL's vehicle of any additional threats. LEO's then began to provide first aid to KRISTL.

DCI responded to the scene with nineteen (19) Special Agents (SA) along with Special Agent in Charge David Klabunde. S/A Ricardo Tijerino was assigned as the lead investigator.

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The Wisconsin State Crime Laboratory (WSCL) collected evidence from the scene and the Wisconsin State Patrol Traffic Reconstruction Unit (WSP TRU) assisted with the investigation and subsequently created a scene diagram. The WSCL recovered eleven (11) spent casings from the scene and one replica Beretta 9mm black handgun located near the front headlight area of Kristl's vehicle, near the headlight. The evidence was turned over to SA Holmes and was later transmitted to the WSCL for examination.

A neighborhood canvass, conducted by DCI Special Agent Holmes, produced no critical witnesses.

Family members of KRISTL were identified and a death notification was made by DCI Special Agents. Wisconsin Crime Victim Services forms were also provided to the family.

DCI Special Agents conducted five Officer Interviews and two critical citizen witness interviews as well as two interviews of medical personnel on the night of this incident.

DCI Special Agents interviewed Walworth County Deputies Smith and Weber and City of Elkhorn PD Officer Robert Rayfield on Monday, 02-06-2017.

DCI Special Agents interviewed Town of Geneva Officer Eric Anderson on Tuesday, 02-07-2017.

Squad Video obtained from City of Elkhorn PD Squad 101 and Squad 106 was recovered and reviewed by agents during this investigation. DCI Agents collected dispatch recordings including 911 calls and radio traffic regarding this incident.

An autopsy of KRISTL was conducted at the Waukesha County Medical Examiner's Office on 02-03-2017 by Medical Examiner Dr. Lynda Biedrzycki and was attended by DCI Special Agent Higgins. The autopsy revealed:

- Five (5) gunshot wounds to the following areas:
 - 1- Head
 - 2- Chest
 - 3- Right Upper arm
 - 4- Right Thigh
 - 5- Right upper buttock

A partially jacketed slug was recovered from Kristl's head and retained as evidence.

On Tuesday, 02-28-2017 the completed investigative file as of that date was turned over to Walworth County ADA Haley Johnson for review.