

SYNOPSIS REPORT FOR OFFICER-INVOLVED DEATH OF BRUCE A. SMITH

On Sunday, September 16, 2018, the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received a request from the Manitowoc Police Department (MTPD) to respond to the scene of an officer-involved death (OID) at the Northwinds apartment complex located at, 1551 South 35th Street, City of Manitowoc, Manitowoc County, Wisconsin. A law enforcement-related shooting death occurred on the grounds of the apartment complex. The officer-involved critical incident involved one (1) police officer employed by the MTPD.

On 09/16/2018, MTPD Officer Fielder Clark responded to a "suspicious acting individual" call-for-service which had been reported to law enforcement by a fire fighter at the apartment complex during an active fire alarm call. Some minutes later, Officer Clark arrived at the apartment complex. A fire fighter described the suspicious individual to Officer Clark. By report, the individual was reported to have been "sweating profusely" and "acted strangely" with an "altered state." Officer Clark attempted to locate the suspicious individual on the grounds of the apartment complex. While attempting to locate the suspicious individual, Officer Clark located a small safe and a cellular telephone which Officer Clark suspected may have been lost, abandoned or stolen property. The items were nearby a badly damaged lawn chair. Eventually, after being alerted by the fire fighter, Officer Clark began to follow a male individual who had been identified by the fire fighter as "the suspicious acting individual." Officer Clark recognized the individual as a person he knew as, "Bruce Smith."

As Officer Clark followed Smith to question him, Officer Smith illuminated Smith with a flashlight. Officer Clark proceeded to witness Smith walk directly into a combination brick wall and fence at the property line of the apartment complex. Smith then walked into a "cove area" in the extreme northwest corner of the property. Smith reached over a gate in the corner cove area with his left hand. Officer Clark backed-up to create distance between the two because Officer Clark did not know if Smith was reaching for something or if Smith was going to jump over the fence and run away from Officer Clark. Smith then proceeded to walk at Officer Clark after Smith produced a cigarette lighter from his pocket. Smith lunged at Officer Clark with the cigarette lighter lit out in front of him. Because Officer Smith feared being burned, Officer Clark deployed a Taser into Smith. The Taser did not have the desired effect on Smith. Officer Clark called for back-up, at such time. Smith continued to come at Officer Clark a second time. Officer Smith deployed the Taser a second time into Smith. After the second Taser deployment, Smith ran away from Officer Clark in a southerly direction. Officer Clark ran after Smith. At a point during the foot chase, Smith stopped, spun around and came toward Officer Clark with an object which Officer Clark perceived was a "knife." As Smith advanced, Officer Clark dropped his Taser and flashlight and simultaneously transitioned to his duty pistol due to the threat of a "knife." Officer Clark reportedly shouted commands at Smith to drop the knife. Officer Clark proceeded to discharge his duty pistol at Smith in order to stop Smith from stabbing Officer Clark.

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Smith ran away from Officer Clark a second time. Officer Clark continued to discharge his duty pistol at Smith because he believed his shots were perhaps ineffective. Officer Clark also feared Smith would attack people who were evacuating from the apartment complex, his fellow arriving back-up officer and/or the fire fighters who were on-scene. Officer Clark then observed Smith collapse near an electrical junction box in back of the apartment complex. In an effort to disarm Smith, Officer Clark removed an object away from Smith's right side which Officer Clark discovered was a "paint scraper." On-scene fire fighters immediately attempted to assess and offer medical assistance to Smith. Smith was pronounced dead at the scene. Smith was positively identified at the scene.

DCI Special Agent (S/A) Yerges was assigned as the lead case investigator and DCI S/A Wisch was assigned as the secondary case investigator. DCI special agents documented the scene with the assistance of the Wisconsin State Patrol (WSP), Technical Reconstruction Unit. DCI special agents were also assisted by the MTPD, WSP, Manitowoc County Sheriff's Office (MTCO) and the Manitowoc County Coroner's Office.

Smith's biological parents were identified and death notifications were made to them on 09/16/2018 (mother) and 09/19/2018 (father). Wisconsin Crime Victim Services forms were provided to Smith's mother by S/A Yerges.

DCI special agents conducted the following interviews: 15 witness interviews, six (6) back-up law enforcement officer interviews and three (3) fire department personnel interviews. A neighborhood canvass for any additional witnesses was performed. The neighborhood canvass produced some of the referenced witnesses and additional information. DCI special agents interviewed Officer Clark on 09/19/2018.

During the investigation, DCI collected three (3) law enforcement patrol vehicle dash camera video recordings. One (1) law enforcement body-worn camera video recording was collected. A DCI special agent examined one of the relevant dash camera video recordings and the single body camera recording. Very little information was documented upon the examined recordings.

DCI special agents collected and maintained all articles of scene evidence. Evidence that was seized during the investigation included: Smith's body, a safe, a cellular telephone, a lighter, a putty knife (wall scraper), two (2) law enforcement pistols, duty ammunition (bullets), fired cartridge casings, recovered fired bullets, video recordings, clothing articles, personal effects, biological specimens, forensic evidence and other miscellaneous articles of evidence.

An autopsy of Smith was performed at the Milwaukee County Medical Examiner's Laboratory on 09/17/2018 by Milwaukee County Deputy Chief Medical Examiner and forensic pathologist, Dr. P. Douglas Kelley, MD. The autopsy revealed Smith died as a result of 12 gunshot wound injuries sustained during an engagement with law enforcement.

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On 10/09/2018, the completed DCI investigative file, as of that date, was submitted to the Manitowoc County District Attorney's Office for the legal review of the case.