

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 18-7771-75 Case Summary

On Thursday, October 18, 2018 at approximately 11:17 P.M., the Division of Criminal Investigation (DCI) received a request from the Walworth County Sheriff Office (WWSO) to respond to the scene of an officer involved death at 515 E. Centralia, Elkhorn Wisconsin.

On Thursday, October 18, 2018, at approximately 9:46 P.M. a citizen telephoned the Walworth County Sheriff Office (WWSO) and advised they were following a reckless driver operating in Walworth County. WWSO Deputies responded and attempted to stop the reckless vehicle, later determined to be a 2009 Hyundai Tucson driven by the decedent, Sean Dutcher. Deputies attempted several Pursuit Intervention Technique(PIT) maneuvers in an effort to stop the vehicle, and a final PIT stopped the vehicle near a business at 515 E. Centralia St., Elkhorn Wisconsin.

Deputies used their marked WWSO squads to pin Dutcher and the vehicle and approached on foot. Dutcher reversed and struck a marked WWSO squad, then pulled forward and struck the same squad, in addition to a second WWSO squad. Dutcher continued forward and drove in the direction of WWSO Deputy Peter Wisnefsky, who fired his service weapon ten times at Dutcher, striking him two times in the chest. Dutcher drove the vehicle away from the WWSO squads across a lawn area and a parking lot, and finally through the exterior wall of the business at 515 E. Centralia. WWSO squads, as well as Elkhorn PD squads, responded to Dutcher's location inside of the business. Dutcher was found to be deceased inside of the vehicle.

Per state statute, WWSO contacted the Wisconsin Department of Justice-Division of Criminal Investigation(DCI) and requested they investigate this incident. DCI responded with one Special Agent in Charge,(SAC) Jake Janski and twelve Special Agents(SA). SA Ray Gibbs was eventually assigned as the lead agent, and SA Shannon Jones was assigned as secondary Agent.

DCI obtained a search warrant and requested the Wisconsin State Patrol Reconstruction Team to diagram and map the scene, and the Wisconsin State Crime Lab Response Team to process the scene and collect evidence. The Walworth County Medical Examiner's office responded to the scene with the Waukesha County Medical Examiner's Office, and Dutcher was conveyed to the Waukesha County Medical Examiner's Office. The vehicle Dutcher drove was towed to the Milwaukee Police Department Indoor Storage, and later to the Wisconsin State Crime Lab in Milwaukee. The Kenosha County Sheriff Office responded with five detectives and a lieutenant and assisted at the scene.

Family members of Dutcher were identified and death notifications were made by DCI. Wisconsin Crime Victim Services forms were provided to the family.

DCI conducted a canvass of the area, and no witnesses were found who actually viewed the incident. The 911 caller was also interviewed by DCI who stated the subject drove erratically, and almost got into several accidents while the caller followed him.

Ten fired 9mm casings were recovered during the scene investigation. Eight fired bullets were recovered from inside of the vehicle during processing at the WSCL, and two fired bullets were

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recovered during the autopsy of Sean Dutcher, conducted by the Waukesha County Associate Medical Examiner Zelda Okia. Dr. Okia observed two gunshot wounds to the chest that resulted in Dutcher's death.

Video surveillance was recovered from 515 E. Centralia and was examined and summarized by DCI personnel. The video shows the subject vehicle entering the building through the outer wall, and Dutcher is observed in the driver's seat. Deputies are later seen responding to Dutcher's location inside the vehicle.

Body cameras were recovered, examined and summarized from eight WWSO Deputies on scene. Three squad camera videos were also recovered, examined and summarized from three Elkhorn PD Officers, in addition to a body camera from a Delavan Police Officer. Police radio traffic and the 911 call from the original caller were also collected, examined and summarized.

DCI Personnel conducted interviews of four WWSO Deputies, who were on scene when this incident occurred, in addition to three Elkhorn Police Officers, and one Delavan Police officer. Statements given were consistent with recovered squad and body camera footage.

DNA was collected from blood stains inside of the Tucson, as well as from Deputy Weber's uniform pants. Results from DNA comparisons were not completed at the time of this report. Final autopsy report and toxicology findings were also not complete at the time of this report.

On Wednesday, November 28, 2018 the DCI completed investigative file as of that day was turned over to Walworth County District Attorney Zeke Wiedenfeld for review.