

**Investigative Synopsis of the Officer-Involved Death of Jonathon C. Tubby**

On Friday, October 19, 2018, at approximately 10:20 p.m., the Division of Criminal Investigation (DCI) received a request from the Green Bay Police Department (GBPD) to respond to the scene of an officer-involved death at the Brown County Jail sally port, located at 3030 Curry Ln, Green Bay, WI.

At approximately 7:24 p.m. on October 19, 2018, GBPD Officer Colton Wernecke and his Field Training Officer (FTO) Erik O'Brien conducted a traffic stop on a vehicle with an unregistered license plate that had driven through a red light. The driver of the vehicle was identified as Jonathon C. Tubby. Tubby and the passenger in the vehicle had active arrest warrants, and marijuana was located in the vehicle. Both individuals were arrested and transported separately to the Brown County Jail. Tubby was placed into the back seat of a squad car, handcuffed behind his back, and seat belted in.

When officers attempted to remove Tubby from the back of the squad car in order to escort him into the jail booking area, Tubby refused to exit the squad car. Tubby had moved his hands from behind his back, to his front, and had them up under his shirt/jacket in front. Officer O'Brien saw Tubby with what he believed to be a gun under his shirt, pointed up at his chin.

Officers retreated and called for additional back-up. Multiple GBPD officers and Brown County Sheriff's Office (BCSO) deputies responded to the Brown County Jail sally port location. A BearCat armored vehicle was requested and arrived on scene. An officer in the BearCat deployed 40 mm less lethal wooden dowel rounds to break out the back window of the squad in which Tubby was located. Officers gave Tubby multiple commands to show his hands, but Tubby did not comply. An officer sprayed oleoresin capsicum (OC) spray into the back window of the squad at Tubby. Tubby exited the squad through the now open back window, with at least one hand still concealed under his shirt. Officers deployed less lethal bean bag shotgun rounds and a police canine in an effort to stop Tubby.

Officer O'Brien was located just outside the sally port entrance, in a position of cover. As Tubby continued to resist and to attempt to flee the sally port, he entered Officer O'Brien's line of sight. Officer O'Brien heard a "pop" sound. Tubby was looking away from Officer O'Brien and toward other officers that were located in the sally port. Officer O'Brien believed that Tubby had shot and would continue to shoot at those officers with the handgun he had concealed under his clothing. Officer O'Brien fired his handgun at Tubby, firing eight rounds. Officers and rescue personnel provided medical attention to Tubby, but he died on scene.

DCI responded to the scene with eight special agents (SA) and one acting special agent in charge (ASAC). SA Schallhorn was assigned as the lead investigator, and SA Kust was assigned as the secondary investigator. DCI was assisted at the scene by the BCSO, who assisted in conducting some witness officer interviews, collecting evidence, and documenting the scene with a 3D scanner.

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Family members of Jonathon Tubby were identified, and a death notification was made by DCI agents. Wisconsin Crime Victim Services forms and additional information were provided to Tubby's family.

DCI agents interviewed Officer O'Brien on October 25, 2018. An additional 29 police officers and correctional officers who were on scene at the time of the shooting were also interviewed.

Because of the location of the incident, there was no neighborhood canvass conducted, and there were no witnesses other than the responding officers.

Video was collected from seven separate sources, including squad cameras and security cameras located outside the Brown County Jail. Many of the videos show portions of the incident and events leading up to the shooting, but there is no video of the shooting itself.

Evidence from this investigation included one handgun from Officer O'Brien, eight fired cartridge cases, multiple fired bullets and/or bullet fragments, and evidence of less lethal deployments. All ballistic evidence was transmitted to the Wisconsin State Crime Laboratory in Milwaukee for forensic examination.

An autopsy of Tubby was conducted at the Dane County Medical Examiner's Office on October 20, 2018, by Chief Medical Examiner and Forensic Pathologist Dr. Vincent Tranchida. DCI SA Roffers attended the autopsy. The autopsy revealed that Tubby died as a result of gunshot wound injuries sustained during the officer-involved shooting.

On Friday, November 16, 2018, the completed investigative file as of that date was turned over to Brown County District Attorney David Lasee for his review.