

SYNOPSIS REPORT FOR OFFICER-INVOLVED DEATH OF MICHAEL A. JOLLY

On Thursday, November 14, 2019, the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI) received a formal request from Fox Crossing Police Department (FCPD) to investigate an officer-involved death (OID). The incident occurred at a residence located at 975 Clover Street, Fox Crossing, Winnebago County, Wisconsin. During an encounter with law enforcement, an individual identified as Michael A. Jolly was shot by law enforcement and died as a result of gunshot wound injuries sustained during the incident.

On Thursday, November 14, 2019, at approximately 4:26 a.m., FCPD was notified of a 911 call that originated from inside the subject residence by a female caller. The caller reported an individual identified as Jolly was threatening suicide, possessed a "shotgun-rifle," and was "highly intoxicated." Officers affiliated with FCPD, Menasha Police Department (MEPD) and Neenah Police Department (NEPD) responded to the residence for a "weapons call." Officers surrounded the residence and verbally negotiated with Jolly via cellular telephone communications. At approximately 5:40 a.m., Jolly exited out a back door of the residence while armed with a rifle and pointed it at officers. Jolly took up a position behind a pickup truck on his property. FCPD Officer Corey J. Colburn and NEPD Officer Austin B. Riska were behind the residence located at 965 Clover Street when Jolly pointed the rifle at officers. Officers repeatedly directed Jolly to show his hands, put his hands up and to drop the weapon. Officers reported Jolly refused to lower or drop the weapon and that Jolly shook his head in a negative manner. At approximately 5:41 a.m., Officer Colburn and Officer Riska discharged their duty pistols at Jolly after Jolly repeatedly refused to lower or drop the rifle that continued to be pointed at the officers. Officer Colburn discharged his duty pistol two (2) times at Jolly. Officer Riska discharged his duty pistol 14 times at Jolly. Jolly collapsed and became unresponsive. Other officers approached Jolly, handcuffed Jolly and rendered first aid to Jolly. An ambulance crew responded and removed Jolly from his property. Jolly was transported to a nearby hospital by ambulance for advanced emergency medical treatment. Jolly died as a result of internal injuries sustained from a single gunshot wound during the encounter with law enforcement.

During the investigation, it was determined that no other person(s) was accompanied with Jolly at the time of the incident. Jolly's family members were evacuated from inside the residence upon law enforcement's initial arrival at the residence. It was learned that Jolly had been arrested by MEPD for second offense Operating While Intoxicated (OWI), during very early morning hours on November 14. The second OWI arrest was within ten (10) days of Jolly's first OWI arrest (on November 05). It was further reported that Jolly suffered from mental health conditions; was prescribed mental health-related prescriptions; had previous suicidal ideation and attempts; and had alcohol dependency issues previously. The rifle that Jolly possessed during the time of the incident was recovered by investigators.

DCI Special Agent (S/A) Yerges was assigned as the lead case investigator and DCI S/A Schallhorn was assigned as the secondary case investigator. DCI special agents received scene assistance from the DOJ Crime Laboratory Bureau and the Wisconsin State Patrol, Technical Reconstruction Unit. DCI special agents were also assisted by the Winnebago County Sheriff's

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Office, the Neenah Police Department and the Winnebago County Coroner's Office.

Jolly's spouse and children were identified by the DCI. Death notifications were made to Jolly's family members on November 14, 2019. DCI received assistance with the death notifications by the DOJ Office of Crime Victim Services.

DCI special agents conducted the following case interviews: five (5) citizen-witness interviews, nine (9) neighborhood canvass interviews, two (2) involved officer interviews, seven (7) back-up law enforcement officer interviews and two (2) ambulance crew member interviews. DCI special agents interviewed Officer Riska and Officer Colburn on November 17, 2019.

During the investigation, eight (8) law enforcement body-worn video camera recordings were acquired for examination. One (1) patrol vehicle video recording was also acquired for examination during the investigation.

DCI special agents collected and maintained all articles of case evidence. Evidence that was seized during the investigation included: Jolly's body, a pick-up truck, a cellular telephone, two (2) firearms, fired bullet casings, fired bullets, ammunition, audio and video recordings, clothing articles, personal effects, biological specimens, forensic evidence and other miscellaneous articles of evidence.

An autopsy upon Jolly was performed at the Milwaukee County Medical Examiner's Office on November 15, 2019 by Milwaukee County Deputy Chief Medical Examiner and forensic pathologist, Dr. P. Douglas Kelley, MD. The autopsy revealed Jolly died as a result of injuries sustained by a single gunshot wound to the chest during the encounter with law enforcement.

On December 12, 2019, the completed DCI investigative file, as of that date, was submitted to the Winnebago County District Attorney's Office for the legal review of the case.