

INVESTIGATIVE SYNOPSIS OF THE OFFICER INVOLVED DEATH (OID) OF MONTAY S. PENNING

On Tuesday, December 10, 2019, at approximately 11:42 a.m., a Rock County Sheriff's Deputy advised dispatch that they were behind a 4-door, white Hyundai and heard several shots that appeared to be coming from inside the vehicle in the area of Henry Avenue and Riverside Drive in the City of Beloit. The description of the vehicle matched that of a reported stolen vehicle taken earlier in the day by law enforcement.

The vehicle was observed traveling at a high rate of speed, driving recklessly and exceeding the speed limit. After a short pursuit, the white vehicle was observed parked at the north curb line of Summit Avenue (slightly up on the curb) facing westbound. An officer also saw a subject walking in a northeast direction from the area of the vehicle, approximately 30 feet away. The subject was on foot on Summit Avenue between Park and Harrison Avenue in a northeast direction. The officer described the subject as a black, male, light complexion with a slim build, wearing a dark colored hoodie (hood up). The male subject was later identified as Montay S. Penning.

Law enforcement responded to the area and established a perimeter. The City of Beloit Police Department officers involved in the shooting incident were Detective Nathan Adams, Sergeant Ryan Flanagan and Officer John McMahan.

Penning was observed walking northbound, approximately mid-block across Henry Avenue. Law enforcement officers began to pursue Penning on foot northbound on Harrison Avenue. Penning was holding his hand near his waistline as if he was holding onto something against his body. Penning continued to run north on Harrison Avenue. Law enforcement yelled commands multiple times towards Penning to "Stop...Police! Stop ...Police!" Penning ignored the commands and continued running north. Penning looked back over his shoulder several times as he continued to run northbound away from the officers.

Penning was observed by the garage at 1840 Harrison Avenue on the northeast corner. Law enforcement gave loud verbal commands to Penning, "Get down! Get Down! Get down on the ground!"

Penning started to motion as if he was going down on the ground. Once Penning's hands reached the ground, he got back up and when he did, Penning had a dark colored semi-automatic pistol in his right hand. Penning immediately turned toward the north and started to run toward the backyard of the residence at 1846 Harrison Avenue.

Law enforcement yelled to Penning, "Drop the gun!" Penning continued to run northbound. Penning started to turn to the right as he extended his right arm out, pointing the gun directly at

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law enforcement. Law enforcement fired 2-3 rounds at Penning in order to stop the threat. The rounds did not appear to have any effect on Penning, who continued running north.

Law enforcement observed Penning move in the west side of the shared yard between 1852 and 1858 moving from west to east. Penning still had the gun in his right hand as law enforcement gave multiple commands to Penning to drop the gun.

Penning ignored commands and again raised his right arm with the gun, pointing it directly in the direction of law enforcement. Officers reported fearing for their own lives and the lives of others and fired their firearms until the threat had been stopped. The investigation determined that the officers fired at Penning at 11:57 a.m. Once it was deemed safe to approach Penning, officers rendered lifesaving aid, assisted by EMS (Emergency Medical Services) personnel, who were nearby and responded to the location. Penning was transported by ambulance to the Beloit Memorial hospital, where he was later pronounced deceased.

At approximately 12:30 p.m., the Division of Criminal Investigation (DCI) received a request from the City of Beloit Police Department (BEPD) for assistance related to the officer-involved death in the area of 1846, 1852, and 1858 Harrison Avenue, in Beloit, Rock County, Wisconsin. DCI Special Agent (SA) Lourdes Fernandez was assigned as the lead investigator, and SA James Holmes was assigned as the secondary investigator. The Wisconsin State Patrol Traffic Reconstruction Unit (WSP TRU) assisted with the investigation and created a scene diagram. The Wisconsin State Crime Laboratory Crime Scene Response Team (CSRT) collected evidence from the scene.

The City of Beloit Police Department maintained security of the scene until the scene was cleared on December 10, 2019.

Family members of Montay S. Penning were identified, and a death notification was made by DCI in coordination with Rock County Medical Examiner's Office Investigator Lisa Wallenkamp. Wisconsin Crime Victim Services forms were also provided to the family.

On December 12, 2019, DCI agents conducted interviews with Beloit Police Detective Adams, Sergeant Flanagan and Officer McMahon.

A neighborhood canvass was conducted by DCI, Rock County Sheriff's Office and the Beloit Police Department; approximately thirty people were interviewed during the neighborhood canvass.

Squad video and audio from a total of six squads was obtained and reviewed by DCI. Body cameras were worn by four of the responding officers. One security camera was located in the area.

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Evidence from the investigation included three officer handguns, one semi-automatic pistol, numerous cartridge casings, metal fragments, unfired bullets and magazines. All evidence was transmitted to the Wisconsin State Crime Laboratory.

An autopsy of Montay S. Penning was conducted at the Dane County Medical Examiner's Office on December 11, 2019, by Deputy Medical Examiner Dr. Eli Goodman and was attended by DCI SA Marshall Ogren. As of this date the final autopsy report has not been received by DCI.

On Tuesday, January 28, 2020, the completed investigative file as of that date was turned over to District Attorney David O'Leary from the Rock County District Attorney's Office for review.