

Wisconsin Division of Criminal Investigation

Initiating Case Report 20-387

Report Date: 01/21/2020

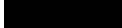
Primary Information

Description: **Winnebago County SWAT OID - Rory J. Behling 01/21/2020**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Backup LEO: **Wisch, Jeffrey A (DCI Appleton Field Office / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/24/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Case Request Location	Winnebago County, Wisconsin United States of America
Evidence Located	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	

Narrative begins on the following page.

REQUEST FOR INVESTIGATION

On Tuesday, January 21, 2020, at approximately 7:39 p.m., Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received a cellular telephone call from Fox Crossing Police Department (FCPD), Chief of Police, Tim G. Seaver. Chief Seaver quickly advised S/A Yerges that one of his FCPD staff members was a member of the combined Winnebago County Multi-Jurisdictional SWAT (Specialized Weapons And Tactics) team. Because of his staff member's association with the SWAT team, Chief Seaver had been in contact with Winnebago County Sheriff's Office (WISO), Sheriff, John Matz. Chief Seaver advised S/A Yerges that the SWAT team had just been involved with a shooting and had caused a citizen's death. Chief Seaver identified the location of the incident as a private residence located at 810 West Grove Street, Appleton (Fox Crossing), Winnebago County, Wisconsin. Chief Seaver advised that Sheriff Matz officially requested DCI to investigate the incident, as members of his agency and SWAT team had caused the citizen's death. S/A Yerges acknowledged Sheriff Matz's verbal request through Chief Seaver and advised Chief Seaver that S/A Yerges would inform DCI leadership of the request.

Immediately after speaking with Chief Seaver, S/A Yerges made cellular telephone contact with the DCI, Appleton Regional Field Office (AFO), Special Agent In Charge (SAIC), Jeffrey A. Wisch. S/A Yerges informed SAIC Wisch of the information obtained from Chief Seaver. SAIC Wisch informed S/A Yerges that SAIC Wisch was aware of the referenced incident and that he was in the process of preparing a possible response to investigate the incident. SAIC Wisch advised S/A Yerges to ready himself and be prepared the lead the investigation in the event the DCI approved of the investigation.

Minutes later, at approximately 8:00 p.m., SAIC Wisch returned a cellular telephone call to S/A Yerges and authorized for S/A Yerges to respond to the scene and begin an Officer-Involved Death (OID) investigation. Fellow DCI S/A Tami M. Sleeman was assigned as the secondary case agent. As a result, S/A Yerges traveled to the referenced scene.

S/A Yerges subsequently responded to the identified scene and arrived at approximately 8:21 p.m. S/A Yerges made personal contact with WISO, Sheriff Matz; FCPD, Chief Seaver and Lake Winnebago Area Meg (Metropolitan Enforcement Group) (LWAM) unit Commander and DCI, SAIC, Raymond L. Taylor. SAIC Taylor briefed S/A Yerges with information and facts about the on-going investigation and incident which involved the decedent.

It was reported to S/A Yerges that LWAM investigators were investigating a subject for drug and weapons violations among other criminal acts alleged to be performed by the perpetrator. As a result, LWAM investigators had identified the residence located at 810 West Grove Street as the location that the perpetrator was located at. LWAM investigators later requested the assistance of the Winnebago County Multi-Jurisdictional SWAT team to effect a search warrant at the residence and to attempt to take the perpetrator into custody on an outstanding Wisconsin Department of Corrections (DOC) active warrant. At approximately 7:29 p.m., SWAT team operators were confronted by a subject from inside the residence at 810 West Grove Street. The

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subject produced a firearm and SWAT operators discharged their duty weapons at the subject.

After the shooting, a subject presumed to be the perpetrator identified as Rory J. Behling, M/W, DOB [REDACTED] was encountered. Tactical Emergency Medical Services (TEMS) operators attempted to offer first-aid to Behling and transferred Behling's person to the fire department across the street from 810 West Grove Street. The Appleton Fire Department, Station 3, was located at 801 West Grove Street, Appleton, Wisconsin. Behling was determined to be deceased as a result of firearms injuries.

It was undetermined if any independent citizen witness(es) had witnessed the referenced incident. Many LWAM investigators and SWAT operators were reported to have witnessed the incident. It was identified that various SWAT operators wore functional and operational agency-issued body cameras during the incident. It was also identified that the SWAT team Bearcat (armored vehicle) was equipped with a recording device.

RECOMMENDATION

It was recommended and approved that a formal case file be opened related to the referenced OID investigation. A case file would act as a repository for any and all investigation conducted, reports generated, attachments, recordings, images and/or addendums received during the course of the OID investigation.

Wisconsin Division of Criminal Investigation
Search Warrant Report - No Charges 20-387/1

Report Date: 01/22/2020

Primary Information

Description:	Receipt of Scene Search Warrants By S/A Yerges 01/22/2020
Occurrence From:	01/22/2020 00:32
Occurrence To:	01/22/2020 00:32
Reporting LEO:	Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Backup LEO:	Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/03/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Narrative begins on the following page.

RECEIPT OF SCENE SEARCH WARRANT

On Tuesday, January 21, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) was present at the scene of an officer-involved death (OID) investigation. The primary scene was a residential scene located at 810 West Grove Street, Fox Crossing (Appleton), Winnebago County, Wisconsin. S/A Yerges was accompanied with Winnebago County District Attorney's Office, Assistant District Attorney, (ADA) Tracy A. Paider at the scene and by S/A Yerges' official request. While meeting with ADA Paider, S/A Yerges offered a verbal briefing to ADA Paider about the facts of the incident which were known at that time. S/A Yerges petitioned the district attorney's office, through ADA Paider, to obtain a search warrant for the residences located at 802 and 810 West Grove Street. S/A Yerges became aware that evidence associated with the OID investigation existed at said residences. In order to search, identify, inspect, seize and process any OID investigation-related evidence from the scenes, S/A Yerges was required to obtain a search warrant to be able to achieve his investigative objectives. S/A Yerges was also interested in performing potential forensic analysis of projectile trajectory evidence and to formally document each of the scenes for investigative purposes.

As a result of S/A Yerges' request, two (2) separate Affidavits In Support Of Search Warrants and two (2) Search Warrant documents were drafted. S/A Yerges conveyed the documents to the on-call Winnebago County circuit court judge's private residence by coordination from ADA Paider's assistance.

S/A Yerges subsequently and privately met with Winnebago County Circuit Court, Branch II Judge, the Honorable Scott C. Woldt. S/A Yerges presented the aforementioned legal documents to Judge Woldt for his legal review and examination. Upon completion of his review, Judge Woldt found probable cause existed for the authorization of both search warrants. Judge Woldt swore S/A Yerges to the truthfulness and accuracy of the information contained in the legal documents and administered an oath to S/A Yerges. S/A Yerges applied his hand signatures to the original affidavit documents. Judge Woldt applied his hand signatures to the search warrants and affidavit legal documents, which formally and legally authorized the issuance of the search warrants for the continued search of the subject residences. S/A Yerges received the search warrants and endorsed the legal documents at approximately 12:32 a.m. (January 22, 2020). S/A Yerges maintained exclusive custody and control of the original referenced legal documents. After meeting with Judge Woldt and the acquisition of the approved search warrants, S/A Yerges departed from the judge's private residence. After departing the residence, S/A Yerges made cellular telephone contact with fellow DCI S/A Kevin L. Heimerl to confirm the receipt of the search warrants. S/A Yerges instructed S/A Heimerl that he and his scene investigators could begin the formal search, analyzation and documentation of the subject scenes. S/A Heimerl acknowledged S/A Yerges advisement.

Upon returning to the subject scenes, S/A Yerges ensured that copies of each of the respective search warrants were left at each of the impacted scenes. The formal search of the scenes concluded on January 22, 2020. The scenes were released from search warrant at approximately

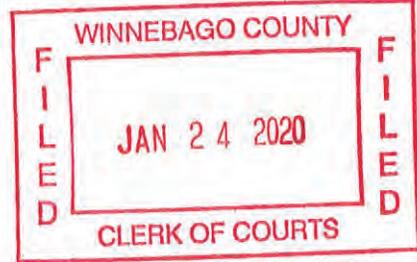
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3:19 p.m.

As a result of the aforementioned, S/A Yerges made arrangements to formally file the search warrants and associated affidavits with the clerk of courts office. S/A Yerges completed a Return Of Search Warrant and Inventory documents on January 24, 2020. S/A Yerges affixed such documents to the original affidavit and search warrant documents. S/A Yerges presented the referenced original legal documents to fellow DCI S/A Carl G. Waterstreet on the morning of January 24, 2020. S/A Waterstreet subsequently conveyed the respective sets of legal documents, two (2) Return of Search Warrant documents and two (2) Search Warrant Inventory documents to the Winnebago County Clerk of Courts Office. In accordance with mandate, S/A Waterstreet submitted the referenced documents to a deputy clerk associated with the clerk's office for official court filing purposes. The deputy clerk applied a dated file stamp on each of the filed documents. S/A Waterstreet maintained supplied copies of both filed search warrants (and associated affidavits) from the deputy clerk for proof-of-filing and record-keeping purposes. S/A Waterstreet, in-turn, presented the stamped/filed copies of the legal documents back to S/A Yerges for agency record-keeping purposes.

Digital copies of both of the referenced filed affidavit and search warrant documents were electronically attached to S/A Yerges' supplemental report for official agency record-keeping and case documentation purposes. The referenced court filed legal documents should be referred to, and/or examined, for any additional and/or more detailed information.

SEARCH WARRANT



STATE OF WISCONSIN)
) ss.
 WINNEBAGO COUNTY)

THE STATE OF WISCONSIN TO:

THE SHERIFF OR ANY CONSTABLE OR ANY PEACE OFFICER OF SAID COUNTY:

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 802 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A driveway and front sidewalk area of the residence at 802 West Grove;

there are now located and concealed certain things, to-wit:

Spent casings

which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30

NOW THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the premises and persons on said premises for said things, and if the same or any portion thereof are found, to safely keep the property seized so long as necessary for the purpose of being produced as evidence on any trial or to send items to a different law enforcement agency for further analysis and testing as required.

Dated this 22nd day of January, 2020

**JUDGE OF CIRCUIT COURT
 WINNEBAGO COUNTY, WISCONSIN**

Received by me this 22nd day of January, 2020

at 12:32 D AM/PM.

Jay E. Yerges
Special Agent Jay Yerges Affiant

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 802 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A driveway and front sidewalk area of the residence at 802 West Grove;

there are now located and concealed certain things, to-wit:

Spent casings

which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30

The facts tending to establish the ground for issuing a search warrant are as follows:

Your affiant bases this search warrant on personal investigation and observation as well as investigation and observations of other officers and agents with the State of Wisconsin Department of Justice – Division of Criminal Investigation, which investigation and observations are deemed to be truthful and reliable as they are conducted and observed in the normal and ordinary course of law enforcement business which investigation and observations reveal as follows: your affiant states that he is aware that [REDACTED]

[REDACTED] assigned to the Lake Winnebago Area Metropolitan Group Enforcement Group Drug Unit (MEG Unit) obtained a search warrant for 810 Grove Street in the Village of Fox Crossing, Winnebago County, Wisconsin, in an effort to apprehend Rory J. Behling, D.O.B. [REDACTED] and the affidavit of the warrant contained the following information (and your affiant in the bullet points refers to [REDACTED] as this is the language from [REDACTED] warrant)

- Your affiant states that on July 7, 2019, at approximately 2013 hours Officer Downey and Officer Johnson of the Grand Chute Police Department were assigned by dispatch to travel to Burger King, 2511 W. College Ave., Town of Grand Chute, Outagamie County, Wisconsin, for a welfare check. Dispatch radioed that a male was in the front seat of a green Chevrolet Suburban in the parking lot for about three hours. The male, who was later identified as Rory J. Behling (M/W DOB: [REDACTED]), would fall asleep and then wake up and put his head on the steering wheel. When Officer Johnson made contact at the vehicle, Rory had his head tipped back against the headrest and Officer Johnson observed Rory's eyes were closed. Eventually, Rory handed Officer Johnsons

his Wisconsin photo driver's license. During the contact with Rory in the parking lot, Officer Johnson noted that there was a backpack in the rear seat of the vehicle he was operating, that vehicle being a green 2001 Chevrolet Suburban, Wisconsin license plate number [REDACTED]. Rory provided Officer Johnson with his Wisconsin photo driver's license.

- During the contact with Rory, Officer Downey was operating a fully marked Grand Chute Police Department squad car. Officer Downey told Rory that he was not free to go. While Officer Downey was speaking with Rory, Rory turned on his vehicle. Officer Johnson opened the door to the vehicle and told Rory to get out of the car. Rory stepped on the accelerator, revving the engine. Officer Downey was moving behind Rory's vehicle when Rory put the vehicle in reverse, just missing hitting Officer Downey. Officer Downey moved out of the way of Rory's vehicle, and Rory backed into Officer Downey's squad car. Officer Downey drew her handgun and ordered Rory to stop, but Rory did not. Instead he continued northbound through the parking lot. Officer Downey got in her squad car, activated her emergency lights and siren, and pursued Rory until such time as the pursuit was terminated.
- Your affiant reports that an anonymous caller phoned in during the pursuit and said that they heard screeching tires and saw a backpack thrown out of the window near the intersection of S. Lilas St. and W. Eighth St., Town of Grand Chute, Outagamie County, WI. Officer Kislewski responded to the area and collected the backpack. Rory's vehicle was ultimately located in the 700 block of S. Westhaven Dr., City of Appleton, Outagamie County, WI. Officer Kislewski searched the backpack. Inside of the backpack he found a black book. On the top of the first page of the black book the name "R. Behling" was written in bold writing. Officer Kislewski found multiple sandwich baggies in the backpack containing suspected methamphetamine. The individual weights of the suspected methamphetamine were as follows: 61.9g, 3.4g, 3.4g, 3.5g, 3.4g, 3.4g, and 11.7g (these bags having an aggregate weight of 90.7g). Officer Downey performed the methamphetamine reagent field test on small portions of the suspected methamphetamine from the baggie weighing 61.9g and one of the baggies weighing 3.4g, and she received a positive indication for the presence of methamphetamine from these tests.
- Your affiant reports that based on his training and experience, he believes drug users typically consume approximately 0.10 gram quantities of methamphetamine at a time and they typically consume it by smoking or injecting it. Your affiant knows that the amount a user will use at a time depends on the individual user and his or her tolerance level. Your affiant knows that methamphetamine is sold in a variety of quantities from multiples of ounces, an ounce, half-ounce, quarter-ounce, eighth-ounce, 3.5 grams (known on the street as an "eight ball" or "ball"), 1.75 grams (known as a "teener"), and 1.0 gram. Based on your affiant's training and experience, your affiant believes that the suspected methamphetamine amounts recovered from the backpack are consistent with possession with intent to distribute those controlled substances.
- Your affiant reports that on Friday, January 10, 2020, at approximately 1354 hours, officers from the Neenah Police Department were assigned by dispatch to Mobil West, 1340 Gillingham Rd., Neenah, Winnebago County, WI, for a welfare check. Officers received information that a male had been at that location since 0800 hours and the engine was running. Sgt. Gruenstern and Officer Peterson made contact with the vehicle, a blue Hyundai displaying Illinois license plate [REDACTED]. A male, who was later identified as Rory J. Behling (M/W DOB: [REDACTED]), was in the driver's seat and appeared to be sleeping. Officers attempted to make contact with Rory. Eventually, Sgt. Gruenstern opened the driver's door of the vehicle and told Rory to step out of the car. Rory tried to close the door and start the vehicle. However, the vehicle was already running. Rory was able to close the driver's door. Rory put the vehicle into drive, hit a curb, and hit a natural gas meter. When the gas meter was struck, Sgt. Gruenstern heard the sound of a gas leak. Officer Peterson recognized the odor as sulfur put into natural gas. Rory then put the vehicle in reverse and struck

Sgt. Gruenstern's fully marked squad car. Your affiant reports that the squad car was hit with so much force that eight (8) airbags deployed within the squad car. After the crash, Rory drove his vehicle and fled the scene.

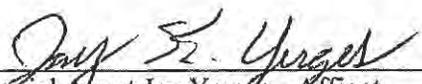
- Your affiant reports that on the next day, January 11, 2020, the blue Hyundai, displaying Illinois license plate [REDACTED] was located in a quarry at 4140 Brooks Rd., Vinland, Winnebago County, WI. Inside of the vehicle was a stolen shotgun and a suspected crack pipe.
- On Tuesday, January 21, 2020, [REDACTED] was made aware that Rory J. Behling M/W DOB: [REDACTED] had felony warrants for his arrest through probation and parole as well as a felony warrant for his arrest through Outagamie County. Your affiant was made aware that Rory Behling had been absconding and a warrant was issued for his arrest.
- On Tuesday, January 21, 2020 investigators from the Lake Winnebago Area Metropolitan Enforcement Group-Drug and from the City of Appleton/Outagamie County Sheriff's Office Special Investigations Unit received information that Behling was possibly staying at 810 W. Grove St., in the Village of Fox Crossing, Winnebago County, WI. Investigators began to surveil the residence.
- While surveilling the residence, investigators observed two individuals, later identified as E [REDACTED] B [REDACTED] (M/W DOB: [REDACTED]) and K [REDACTED] F [REDACTED] (M/W DOB: [REDACTED]). Both E [REDACTED] and K [REDACTED] told your affiant that Rory was inside of the residence.
- Your affiant advises that K [REDACTED] resides at 810 W. Grove Street, in the Village of Fox Crossing, Winnebago County, Wisconsin. K [REDACTED] told your affiant that Rory had been staying at the residence for approximately a week and half. K [REDACTED] further said that Rory always has two handguns on him. Your affiant showed K [REDACTED] a photograph of Rory, and K [REDACTED] positively identified Rory as the person that was in the residence. Your affiant reports that K [REDACTED] did provide law enforcement permission to go into the residence and remove Rory.
- After investigators received this information, and while obtaining the warrant for the above items and individual, investigators maintained surveillance on the residence to ensure Rory did not leave the residence.

Your affiant states that the original warrant was signed at approximately 6:15 pm and SWAT was called in because of the nature of the investigation. Your affiant states that MEG investigators briefed the SWAT team members at approximately 6:27 pm. Your affiant states that at approximately 7:29 pm the SWAT team began the execution of the search warrant and the bearcat began an approach to the driveway of the residence. Your affiant states that there were three teams, one containment team on the north side of the residence, a containment team on the southeast corner of the residence and an approach team inside the bearcat.

Your affiant states that as the bearcat was approaching the residence, a person later identified as Behling exited the east side door of the residence at 810 Grove Street. Your affiant states that Behling saw the

containment teams when he exited the residence. Your affiant states that Behling then frantically tries to re-enter the residence but it appeared that he was locked out. Your affiant states that according to Adam Paiser, who is a TEMS with the SWAT Team and was positioned in front of the fire department across the street watching the event, Behling goes from flight to fight and draws a pistol from his right side and runs to the front of the residence. Your affiant states that Paiser indicated that Behling took a position of cover over the vehicle parked at 810 Grove Street and he extends the pistol out in front of him and points it at the bearcat. Your affiant states that at that point there is gunfire but it is unknown who shot. Your affiant is aware that law enforcement did fire rounds and Behling fired rounds as well. Your affiant states that Behling did fire as there are impact marks from projectiles in the bearcat and there is a pistol along with a spent cartridge by the house where Behling was standing.

Your affiant states that Behling was hit by shots fired and was brought to the fire station across the street by TEMS operators. Your affiant states that Behling was later pronounced deceased. Your affiant states that Special Agent Kevin Heimerl of DCI located a pistol in Behling's right coat pocket and a holster on his waistband. Your affiant states that Behling also had a phone, pills, suspected methamphetamine, and suspected cocaine in his left coat pocket and another cell phone was located in Behling's left pants pocket. Your affiant states that Special Agent Heimerl walked into the driveway of 802 W Grove Street and saw at least five spent shell casings in the driveway and front sidewalk area of the residence. Therefore, your affiant states that collection of these spent casings is necessary in order to complete the investigation.


Special Agent Jay Yerges - Affiant

Subscribed and sworn to before me
this 22nd day of January, 2020.



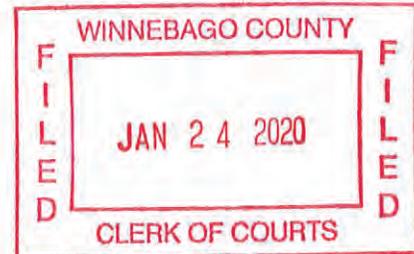
Circuit Court Judge, Winnebago County

SEARCH WARRANT INVENTORY

- Firearm Cartridges

SEARCH WARRANT

STATE OF WISCONSIN)
) ss.
WINNEBAGO COUNTY)



THE STATE OF WISCONSIN TO:

THE SHERIFF OR ANY CONSTABLE OR ANY PEACE OFFICER OF SAID COUNTY:

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 810 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A single family residence with brown siding and a brown roof. There is a white entry/exit door located on the south side of the residence. To the left of the door on the south side the numbers "810" are affixed to the building. The numbers "810" are black in color. There is also another entry/exit door located on the east side of the residence. This door has a white storm door attached to it. There is window located on the southwest corner of the residence that has a Green Bay Packers blanket covering the window from the inside;

there are now located and concealed certain things, to-wit:

Firearms, ammunition, spent casings, projectile and trajectory measurements along with methamphetamine; and/or other controlled substances; scales or other weighing devices or measuring devices; containers of various types commonly associated with the storage and use of controlled substances; plastic baggies, and other items used to package controlled substances for sale; drug related paraphernalia; and to search any persons, vehicles or storage units on the premises, or directly related to the premises for the above described items

which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30 and possession of methamphetamine in violation of Wis. Stat. Sect. 961.41(3g)(g).

NOW THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the premises and persons on said premises for said things, and if the same or any portion thereof are found, to safely keep the property seized so long as necessary for the purpose of being produced as evidence

on any trial or to send items to a different law enforcement agency for further analysis and testing as required.

Dated this 22nd day of January, 2020



**JUDGE OF CIRCUIT COURT
WINNEBAGO COUNTY, WISCONSIN**

Received by me this 22nd day of January, 2020
at 12:32 AM/PM.

Special Agent Jay Yerges - Affiant

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 810 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A single family residence with brown siding and a brown roof. There is a white entry/exit door located on the south side of the residence. To the left of the door on the south side the numbers "810" are affixed to the building. The numbers "810" are black in color. There is also another entry/exit door located on the east side of the residence. This door has a white storm door attached to it. There is window located on the southwest corner of the residence that has a Green Bay Packers blanket covering the window from the inside;

there are now located and concealed certain things, to-wit:

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which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30 and possession of methamphetamine in violation of Wis. Stat. Sect. 961.41(3g)(g).

The facts tending to establish the ground for issuing a search warrant are as follows:

Your affiant bases this search warrant on personal investigation and observation as well as investigation and observations of other officers and agents with the State of Wisconsin Department of Justice – Division of Criminal Investigation, which investigation and observations are deemed to be truthful and reliable as they are conducted and observed in the normal and ordinary course of law enforcement business which investigation and observations reveal as follows: your affiant states that he is aware that [REDACTED]

[REDACTED] assigned to the Lake Winnebago Area Metropolitan Group Enforcement Group Drug Unit (MEG Unit) obtained a search warrant for 810 Grove Street in the Village of Fox Crossing, Winnebago County, Wisconsin, in an effort to apprehend Rory J.

Behling, D.O.B. [REDACTED] and the affidavit of the warrant contained the following information (and your affiant in the bullet points refers to [REDACTED] as this is the language from [REDACTED] warrant)

- Your affiant states that on July 7, 2019, at approximately 2013 hours Officer Downey and Officer Johnson of the Grand Chute Police Department were assigned by dispatch to travel to Burger King, 2511 W. College Ave., Town of Grand Chute, Outagamie County, Wisconsin, for a welfare check. Dispatch radioed that a male was in the front seat of a [REDACTED] in the parking lot for about three hours. The male, who was later identified as Rory J. Behling (M/W DOB: [REDACTED]), would fall asleep and then wake up and put his head on the steering wheel. When Officer Johnson made contact at the vehicle, Rory had his head tipped back against the headrest and Officer Johnson observed Rory's eyes were closed. Eventually, Rory handed Officer Johnson his Wisconsin photo driver's license. During the contact with Rory in the parking lot, Officer Johnson noted that there was a backpack in the rear seat of the vehicle he was operating, that vehicle being a green 2001 Chevrolet Suburban, Wisconsin license plate number [REDACTED]. Rory provided Officer Johnson with his Wisconsin photo driver's license.
- During the contact with Rory, Officer Downey was operating a fully marked Grand Chute Police Department squad car. Officer Downey told Rory that he was not free to go. While Officer Downey was speaking with Rory, Rory turned on his vehicle. Officer Johnson opened the door to the vehicle and told Rory to get out of the car. Rory stepped on the accelerator, revving the engine. Officer Downey was moving behind Rory's vehicle when Rory put the vehicle in reverse, just missing hitting Officer Downey. Officer Downey moved out of the way of Rory's vehicle, and Rory backed into Officer Downey's squad car. Officer Downey drew her handgun and ordered Rory to stop, but Rory did not. Instead he continued northbound through the parking lot. Officer Downey got in her squad car, activated her emergency lights and siren, and pursued Rory until such time as the pursuit was terminated.
- Your affiant reports that an anonymous caller phoned in during the pursuit and said that they heard screeching tires and saw a backpack thrown out of the window near the intersection of S. Lilas St. and W. Eighth St., Town of Grand Chute, Outagamie County, WI. Officer Kislewski responded to the area and collected the backpack. Rory's vehicle was ultimately located in the 700 block of S. Westhaven Dr., City of Appleton, Outagamie County, WI. Officer Kislewski searched the backpack. Inside of the backpack he found a black book. On the top of the first page of the black book the name "R. Behling" was written in bold writing. Officer Kislewski found multiple sandwich baggies in the backpack containing suspected methamphetamine. The individual weights of the suspected methamphetamine were as follows: 61.9g, 3.4g, 3.4g, 3.5g, 3.4g, 3.4g, and 11.7g (these bags having an aggregate weight of 90.7g). Officer Downey performed the methamphetamine reagent field test on small portions of the suspected methamphetamine from the baggie weighing 61.9g and one of the baggies weighing 3.4g, and she received a positive indication for the presence of methamphetamine from these tests.
- Your affiant reports that based on his training and experience, he believes drug users typically consume approximately 0.10 gram quantities of methamphetamine at a time and they typically consume it by smoking or injecting it. Your affiant knows that the amount a user will use at a time depends on the individual user and his or her tolerance level. Your affiant knows that methamphetamine is sold in a variety of quantities from multiples of ounces, an ounce, half-ounce, quarter-ounce, eighth-ounce, 3.5 grams (known on the street as an "eight ball" or "ball"), 1.75 grams (known as a "teener"), and 1.0 gram. Based on your affiant's training and experience, your affiant believes that the suspected methamphetamine amounts recovered from the backpack are consistent with possession with intent to distribute those controlled substances.

- Your affiant reports that on Friday, January 10, 2020, at approximately 1354 hours, officers from the Neenah Police Department were assigned by dispatch to Mobil West, 1340 Gillingham Rd., Neenah, Winnebago County, WI, for a welfare check. Officers received information that a male had been at that location since 0800 hours and the engine was running. Sgt. Gruenster and Officer Peterson made contact with the vehicle, a blue Hyundai displaying Illinois license plate [REDACTED]. A male, who was later identified as Rory J. Behling (M/W DOB: [REDACTED]), was in the driver's seat and appeared to be sleeping. Officers attempted to make contact with Rory. Eventually, Sgt. Gruenster opened the driver's door of the vehicle and told Rory to step out of the car. Rory tried to close the door and start the vehicle. However, the vehicle was already running. Rory was able to close the driver's door. Rory put the vehicle into drive, hit a curb, and hit a natural gas meter. When the gas meter was struck, Sgt. Gruenster heard the sound of a gas leak. Officer Peterson recognized the odor as sulfur put into natural gas. Rory then put the vehicle in reverse and struck Sgt. Gruenster's fully marked squad car. Your affiant reports that the squad car was hit with so much force that eight (8) airbags deployed within the squad car. After the crash, Rory drove his vehicle and fled the scene.
- Your affiant reports that on the next day, January 11, 2020, the blue Hyundai, displaying Illinois license plate [REDACTED] was located in a quarry at 4140 Brooks Rd., Vinland, Winnebago County, WI. Inside of the vehicle was a stolen shotgun and a suspected crack pipe.
- On Tuesday, January 21, 2020, [REDACTED] was made aware that Rory J. Behling M/W DOB: [REDACTED] had felony warrants for his arrest through probation and parole as well as a felony warrant for his arrest through Outagamie County. Your affiant was made aware that Rory Behling had been absconding and a warrant was issued for his arrest.
- On Tuesday, January 21, 2020 investigators from the Lake Winnebago Area Metropolitan Enforcement Group-Drug and from the City of Appleton/Outagamie County Sheriff's Office Special Investigations Unit received information that Behling was possibly staying at 810 W. Grove St., in the Village of Fox Crossing, Winnebago County, WI. Investigators began to surveille the residence.
- While surveilling the residence, investigators observed two individuals, later identified as E [REDACTED] B [REDACTED] (M/W DOB: [REDACTED]) and K [REDACTED] F [REDACTED] (M/W DOB: [REDACTED]). Both E [REDACTED] and K [REDACTED] told your affiant that Rory was inside of the residence.
- Your affiant advises that K [REDACTED] resides at 810 W. Grove Street, in the Village of Fox Crossing, Winnebago County, Wisconsin. K [REDACTED] told your affiant that Rory had been staying at the residence for approximately a week and half. K [REDACTED] further said that Rory always has two handguns on him. Your affiant showed K [REDACTED] a photograph of Rory, and K [REDACTED] positively identified Rory as the person that was in the residence. Your affiant reports that K [REDACTED] did provide law enforcement permission to go into the residence and remove Rory.
- After investigators received this information, and while obtaining the warrant for the above items and individual, investigators maintained surveillance on the residence to ensure Rory did not leave the residence.

Your affiant states that the original warrant was signed at approximately 6:15 pm and SWAT was called in because of the nature of the investigation. Your affiant states that MEG investigators briefed the SWAT team members at approximately 6:27 pm. Your affiant states that at approximately 7:29 pm the SWAT

team began the execution of the search warrant and the bearcat began an approach to the driveway of the residence. Your affiant states that there were three teams, one containment team on the north side of the residence, a containment team on the southeast corner of the residence and an approach team inside the bearcat.

Your affiant states that as the bearcat was approaching the residence, a person later identified as Behling exited the east side door of the residence at 810 Grove Street. Your affiant states that Behling saw the containment teams when he exited the residence. Your affiant states that Behling then frantically tries to re-enter the residence but it appeared that he was locked out. Your affiant states that according to Adam Paiser, who is a TEMS with the SWAT Team and was positioned in front of the fire department across the street watching the event, Behling goes from flight to fight and draws a pistol from his right side and runs to the front of the residence. Your affiant states that Paiser indicated that Behling took a position of cover over the vehicle parked at 810 Grove Street and he extends the pistol out in front of him and points it at the bearcat. Your affiant states that at that point there is gunfire but it is unknown who shot. Your affiant is aware that law enforcement did fire rounds and Behling fired rounds as well. Your affiant states that Behling did fire as there are impact marks from projectiles in the bearcat and there is a pistol along with a spent cartridge by the house where Behling was standing.

Your affiant states that Behling was hit by shots fired and was brought to the fire station across the street by TEMS operators. Your affiant states that Behling was later pronounced deceased. Your affiant states that Special Agent Kevin Heimerl of DCI located a pistol in Behling's right coat pocket and a holster on his waistband. Your affiant states that Behling also had a phone, pills, suspected methamphetamine, and suspected cocaine in his left coat pocket and another cell phone was located in Behling's left pants pocket. Your affiant believes that a search warrant is necessary to search for remaining firearms and drugs in order to complete the investigation into the recklessly endangering safety as well as the possession of controlled substances and to determine whether or not any shots were fired into the residence during the execution of the original search warrant.

Jay E. Yerges
Special Agent Jay Yerges - Affiant

Subscribed and sworn to before me
this 22nd day of January, 2020.



Circuit Court Judge, Winnebago County

SEARCH WARRANT INVENTORY

- Firearm Cartridges
- Bullets/Fragments
- Firearm
- Drug Paraphernalia
- Suspected Illegal Narcotics
- Clothing
- U.S. Currency
- Cellular Telephones
- Bank Cards
- Packaging Materials
- Backpack
- Personal Effects
- Firearm Accessories

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Interview 20-387/2

Report Date: 01/22/2020

Primary Information

Description: **SWAT Operator Seely C. Moe Scene Walk-Through Statements With S/A Yerges 01/22/2020**
Occurrence From: **01/22/2020 01:15**
Occurrence To: **01/22/2020 01:24**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

Relationship Address
Location of Event **810 W Grove St, Appleton, Wisconsin 54915 United States of America**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Mentioned	Kressin, Johnathan L (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	
Mentioned	Palek, Roger W. Atty (Person)	White, Male	---
Mentioned	Schrank, Thomas (Person)	White, Male	---

Narrative begins on the following page.

SWAT OPERATOR SEELY C. MOE WALK-THROUGH STATEMENTS

During morning hours on Wednesday, January 22, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) was at the scene of an officer-involved death (OID) investigation. The scene was located at a residential property located at 810 West Grove Street, Fox Crossing (Appleton), Winnebago County, Wisconsin. The law enforcement-related shooting scene was more specifically located in the front yard area of the residence and in proximity to a black-colored, Mercury brand, Mariner model, Sport Utility Vehicle (SUV) upon the property. A Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team Bearcat (armored vehicle) was also in proximity to the front of the subject residence and the referenced Mercury Mariner SUV motor vehicle.

S/A Yerges had been assigned as the lead case agent for the referenced OID investigation. S/A Yerges had arrived at the scene at approximately 8:21 p.m. on Tuesday, January 21, 2020. S/A Yerges performed scene management duties at the scene. The residential property was cordoned off with police barrier tape. Both ends of the street in front of the subject residence were restricted from public motorist and pedestrian access by means of street barricades for scene containment, protection and potential evidence integrity purposes. S/A Yerges had obtained the receipt of a search warrant for the lawful search (scene processing) of the subject residential property with the assistance of Winnebago County District Attorney's Office, Assistant District Attorney (ADA), Tracy A. Paider. S/A Yerges had been apprised of scene and incident information by Lake Winnebago Area Metropolitan Enforcement Group (MEG) (LWAM), Commander and DCI Special Agent In Charge (SAIC), Raymond L. Taylor and Winnebago County Sheriff's Office (WISO), Captain (Capt.), Todd Christie.

It was reported to S/A Yerges that an individual identified as Rory J. Behling, M/W, DOB [REDACTED] was being investigated by LWAM investigators for suspected narcotic, burglary, weapons and other recent criminal violations. LWAM investigators had established that Behling was present inside the residence located at 810 West Grove Street earlier in the day on January 21, 2020. As a result, LWAM investigators had obtained a search warrant for the residence at 810 West Grove Street and intended on also executing an outstanding arrest warrant for Behling's physical custody. Due to the danger factors associated with Behling's recent actions, LWAM investigators requested the assistance of the Winnebago County Multi-Jurisdictional SWAT Team to execute the search and arrest warrants on behalf of LWAM. Much later in the day, after tactical planning and medical briefings, SWAT team tactical elements surrounded the residence. At approximately 7:29 p.m., a tactical element from inside the Bearcat encountered Behling in front of the residence located at 810 West Grove Street.

As Behling confronted SWAT operators, it was reported that Behling possessed a firearm in one of his hands and had pointed it at SWAT operators as they began to approach the residence. It was unconfirmed at time of initial briefings whether, or not, Behling actually discharged his firearm at SWAT operators during the encounter. As a result of the encounter, multiple SWAT operators discharged their assigned duty/SWAT weapons at Behling in self-defense and/or in

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defense of fellow SWAT operators. Upon contact with Behling shortly after he fell to the ground (after gunfire), SWAT operators (including Tactical Emergency Medical System [TEMS] operators) determined an individual later to be positively identified as Behling was deceased at the scene due to the type of obvious firearm-related injuries. Behling's body was transferred from the immediate residential scene to the Appleton Fire Department - Station 3 which was located directly across the street from the residence located at 810 West Grove Street. No extraordinary life saving measures were delivered to Behling as a result of his apparent firearms-related injuries.

It was determined that no other person(s) was accompanied with Behling at the time of the referenced incident. Initial reports indicated there were no independent citizen witnesses to the referenced incident. It was identified that most of the SWAT team operators wore functional and operational agency-issued body cameras during the incident. All of the SWAT team operators who wore body cameras during the incident had their body cameras seized as evidence by the DCI. Four (4) SWAT team operators who identified they either discharged or attempted to discharge any firearm that they possessed at the time of the incident had their duty weapons inspected, documented and/or seized as evidence (see DCI Reports 20-387/22, 25-28 & 45).

S/A Yerges coordinated arrangements to formally meet with SWAT Operator Seely C. Moe in order to perform a scene walk-through procedure with Operator Moe. It had been identified that Operator Moe was one (1) of the SWAT operators who positively had discharged an assigned SWAT team rifle during the encounter with Behling. S/A Yerges coordinated the scene walk-through procedure with Operator Moe through Wisconsin Professional Police Association (WPPA), Business Agent, Thomas Schrank. S/A Yerges had learned Business Agent Schrank had responded to Appleton Police Department (APPD) as a result of the officer-involved critical incident. S/A Yerges was aware Operator Moe was in the process of consulting with Business Agent Schrank and WPPA, Staff Attorney, Roger W. Palek. It was arranged for Operator Moe, Attorney Palek and Business Agent Schrank to meet with S/A Yerges in proximity to the scene. A long while later, S/A Yerges was advised that Operator Moe, Attorney Palek and Business Agent Schrank had arrived at the scene in order to perform the scene walk-through procedure.

At approximately 1:15 a.m. (on January 22, 2020), S/A Yerges privately met with Operator Moe, Attorney Palek and Business Agent Schrank near the perimeter of the scene. S/A Yerges greeted Operator Moe. S/A Yerges introduced and identified himself to Operator Moe. Operator Moe was familiar with S/A Yerges' identity. S/A Yerges verbally identified Operator Moe and obtained his personal contact information.

S/A Yerges reminded Operator Moe of the preliminary investigative purpose and objectives of the scene walk-through procedure. Operator Moe freely and voluntarily agreed to meet and speak with S/A Yerges at the scene. Operator Moe confirmed he freely and voluntarily agreed to make statements to S/A Yerges about his professional actions and observations as they pertained to the OID incident. The walk-through procedure was not recorded by any means. It was noted that S/A Yerges, Operator Moe, Attorney Palek and Business Agent Shrank never had contact with any article(s) of evidence or disturbed any article(s) of perceived evidentiary value during the

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walk-through procedure. Following was a synopsis of Operator Moe's verbal statements to S/A Yerges:

Operator Moe confirmed he was on-duty and participating in a tactical law enforcement operation in association with the Winnebago County Multi-Jurisdictional SWAT Team on the night of January 21, 2020, during hours of darkness. Operator Moe explained he was assigned to perform scene containment duties during the referenced operation. Operator Moe identified his perimeter location during the incident was at the southwest corner of the attached garage in front of the residence at 802 West Grove Street which was located next door to (directly east of) the subject residence at 810 West Grove Street. Operator Moe identified he was accompanied with fellow SWAT Operator, Jonathan L. Kressin (behind Operator Moe) during the incident. Operator Moe explained himself and Operator Kressin arrived at their perimeter position by walking through some woods from an undisclosed preceding location.

Operator Moe advised he observed a male subject walking inside the residence at 810 West Grove Street, through the east side windows, from Operator Moe's perimeter position. Approximately "one (1) minute later," Operator Moe observed the subject from inside the house, exit the house out the single, east side door of the residence at 810 West Grove Street. Operator Moe stated he heard a "commotion" come from near the back of 810 West Grove Street. Simultaneously, the subject frantically attempted to re-enter the east side door, but, seemed not to be able to gain re-entry. Operator Moe observed the subject push and "shake" the door. It appeared to Operator Moe that the subject was "locked out" of the residence. Operator Moe described the subject moved around the standing open screen door and proceeded to run (south bound) along the fence line (present between 802 and 810 West Grove Street) between the two (2) residences. Operator Moe observed the subject "draw a weapon" from his side. As the subject rounded the corner of the house, Operator Moe observed the subject take up a position at the "front, driver's corner" of the referenced SUV (in front of 810 West Grove Street). Operator Moe then observed the subject raise a pistol and pointed it in the direction of the SWAT operators that Operator Moe sensed were near/at the Bearcat. At such moment, Operator Moe discharged his assigned SWAT rifle (.223 caliber) at the subject (in a westerly direction). Operator Moe observed the subject fall to the ground in front of the SUV. Operator Moe stated he was unable to see the subject after he fell to the ground. Operator Moe stated he did not observe any other individual accompanied with the subject. Operator Moe did not know the identity of the subject.

Operator Moe heard other gunfire during the incident, but, had no idea who else may have discharged weapons or from what direction the gunfire sounds originated from. Operator Moe confirmed his assigned body camera, worn during the incident, had been activated by him at some point and was operational during the incident. Operator Moe confirmed his body camera and assigned firearms had been seized from him as evidence after the incident. S/A Yerges was aware that the DCI was in possession of said collected and seized equipment. Operator Moe also confirmed his person had been documented by a DCI agent after the incident (see also DCI Report 20-387/26). Operator Moe confirmed he did not have any direct contact with the armed subject and did not offer any first-aid to the subject as other SWAT operators performed such

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efforts. Operator Moe confirmed he did not suffer any injuries or experience any bio-hazard exposures as a result of the incident. Operator Moe was unaware of any other law enforcement professional who could have received any type of injury as a result of the incident.

The walk-through procedure with Operator Moe concluded at approximately 1:24 a.m. S/A Yerges offered wellness concepts for Operator Moe to take and to be aware of pending his involvement with the aftermath of the critical incident and the on-going DCI OID investigation. After the walk-through meeting, Operator Moe left the scene with Business Agent Schrank. S/A Yerges did not have any other scene contact with Operator Moe. Operator Moe promised to voluntarily meet with S/A Yerges in the near future in order to offer a detailed statement about his recollections and actions as they pertained to the critical incident involving the armed subject at 810 West Grove Street.

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Interview 20-387/3

Report Date: 01/22/2020

Primary Information

Description: Interview: K9 Officer Shawn Enneper-Grand Chute Police Department:
Occurrence From: 01/21/2020 22:31
Occurrence To: 01/21/2020 23:00
Reporting LEO: Lewis, Steven P (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/05/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21, 2020, from approximately 10:31 p.m. to 11:00 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Grand Chute Police Department K9 Officer Shawn Enneper, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED].

Addresses

Relationship	Address
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Law Enforcement	Winnebago County Sheriff's Office (Law Enforcement Agency)		---
Interviewed	Enneper, Shawn (Law Enforcement Official)		---
Law Enforcement	Baxter, Brent (Law Enforcement Official)		---
Law Enforcement	Griesbach, Patrick E (Law Enforcement Official)		---
Law Enforcement	Oligney, Shawn E (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

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ACTIVITY

On Tuesday, January 21, 2020, from approximately 10:31 p.m. to 11:00 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Grand Chute Police Department K9 Officer Shawn Enneper, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Officer Enneper stated that he was assisting on a surveillance operation at the direction of the LWAM in which the target of the investigation was identified as Rory J. Behling, M/W, DOB [REDACTED]. Officer Enneper stated that based upon information learned during the surveillance operation, Behling was believed to be the sole occupant inside of a residence, located at 810 W. Grove Street, Fox Crossings, WI (hereinafter referred to target residence).

Officer Enneper stated that he was accompanied on surveillance by Deputy Shawn Oligney and Deputy Brent Baxter of the Outagamie County Sheriff's Office. Officer Enneper stated that his K9 Fram was also present inside of the surveillance vehicle. Officer Enneper stated that he was operating Officer Patrick Griesbach department issued vehicle, although Officer Griesbach was not present inside of the vehicle.

Officer Enneper stated that they maintained surveillance on target residence throughout the day, maintaining an observation point to the west of the target residence. Officer Enneper stated that from their surveillance location, they could not observe the front of the target residence, but could observe if vehicles entered/exited the target residence. Officer Enneper estimated that their surveillance location was approximately four houses to the west of the target residence, located on W. Grove Street.

Officer Enneper stated that during the course of the surveillance, he was aware that a search warrant was drafted for target residence and that the Winnebago County Sheriff Office (multi-jurisdictional) SWAT team would be executing the search warrant based upon the violent history of Behling.

Officer Enneper stated that during the evening hours (possibly 7 p.m.) SWAT vehicles started arriving in the vicinity of the target residence. Officer Enneper that he observed the SWAT Bearcat (armored vehicle), along with three SUV type vehicles park on W. Grove Street, behind their surveillance which was parked in the driveway of a private residence. Officer Enneper stated that upon SWAT's arrival, Deputy Oligney exited the surveillance vehicle and stood outside of the surveillance vehicle with the front passenger door open.

Officer Enneper stated that a short time later, the Bearcat along with one of the SUV vehicles moved from their location towards the target residence, with the Bearcat parking in the driveway of target residence. Officer Enneper observed the red/blues being activated on the bearcat upon arrival into the driveway of the target residence. Officer Enneper recalled hearing radio

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transmission from LWAM personnel that stating that someone from inside of the target residence was moving from the front of the residence to the rear of the residence (kitchen area) and that the lights of the target residence were now turned off. Officer Enneper stated that radio transmission continued with LWAM personnel stating that "he" was running from the residence in a northerly direction. Officer Enneper stated that within seconds of hearing "he" is running from the residence, he heard yelling "Show Me Your Hands" several times by what appeared to be multiple people; followed by multiple gun shots, from what Officer Enneper believed were rifles. Officer Enneper was asked how many "shots" he recalled being fired, with Officer Enneper estimating 5-10 shots coming from multiple weapons.

Officer Enneper stated that after the gun fire, Deputy Oligney entered back into the vehicle and it was determined that they would move from their surveillance position to another location closer to the target residence. Officer Enneper stated he parked the surveillance vehicle on W. Grove Street, approximately one to two houses to the west of the target residence.

Officer Enneper stated while parked on W. Grove Street, following the gun fire, he observed SWAT members return to the rear of the Bearcat, along with other SWAT members dragging a body from the area of the target residence to the rear of the Bearcat. Officer Enneper stated that he believed the body was dragged to the rear of the Bearcat so SWAT members could access/medically treat the individual. Officer Enneper stated that shortly thereafter, the body was taken to the fire station which is located across the street from the target residence.

Officer Enneper stated that once the body was taken to the fire station, Deputy Oligney, Deputy Baxter, and himself exited the vehicle and entered into the fire station to check on law enforcement personnel. Officer Enneper stated that while in the fire station they were asked to shut down the street in front of the target residence. Officer Enneper stated that he re-positioned the surveillance vehicle to the center of W. Grove Street and activated the emergency lights on the vehicle. Officer Enneper stated that they were also instructed to prevent neighbors from exiting their residence during this event.

Officer Enneper later advised that he along with his partners were instructed to exit from the scene and go to the Appleton Police Department and wait further instruction.

The interview was terminated at approximately 11:00 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/4

Report Date: 01/22/2020

Primary Information

Description: **Interview: Deputy Shawn Oligney-Outagamie County Sheriff Department**
Occurrence From: **01/21/2020 22:04**
Occurrence To: **01/21/2020 22:30**
Reporting LEO: **Lewis, Steven P (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, from approximately 11:04 p.m. to 11:30 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Winnebago County Sheriff Office Deputy Shawn Oligney, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Addresses

Relationship	Address
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Law Enforcement	Winnebago County Sheriff's Office (Law Enforcement Agency)		---
Interviewed	Oligney, Shawn E (Law Enforcement Official)		---
Law Enforcement	Baxter, Brent (Law Enforcement Official)		---
Law Enforcement	Enneper, Shawn (Law Enforcement Official)		---
Law Enforcement	Lewis, Gary D (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

ACTIVITY

On Tuesday, January 21, 2020, from approximately 11:04 p.m. to 11:30 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Winnebago County Sheriff Office Deputy Shawn Oligney, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Deputy Oligney stated that he was assisting on a surveillance operation at the direction of the LWAM in which the target of the investigation was identified as Rory J. Behling, M/W, DOB [REDACTED]. Deputy Oligney stated that based upon information learned during the surveillance operation, Behling was believed to be the sole occupant inside of a residence, located at 810 W. Grove Street, Fox Crossings, WI (hereinafter referred to target residence).

Deputy Oligney stated that he was accompanied on surveillance by Officer Shawn Enneper of the Grand Chute Police Department and Deputy Brent Baxter of the Outagamie County Sheriff's Office. Deputy Oligney stated that Officer Enneper's K9 Fram was also present inside of the surveillance vehicle. Deputy Oligney stated that he was positioned in the front passenger seat of the surveillance vehicle, Officer Enneper was the driver of the vehicle, and Deputy Baxter was positioned in the rear seat of the vehicle, along with K9-Fram.

Deputy Oligney stated that they maintained surveillance in the driveway of a private residence near the intersection of Gardners Row and W. Grove Street. Deputy Oligney stated that from his observation point he could see only the face (south) side of the target residence and if any vehicles were observed coming to/from the driveway of the residence. Deputy Oligney stated that their surveillance location was approximately three to four houses to the west of the target residence, located on W. Grove Street.

Deputy Oligney stated that during the course of the surveillance, he was aware that a search warrant was drafted for target residence and that the Winnebago County Sheriff Office (multi-jurisdictional) SWAT team would be executing the search warrant based upon the violent history of Behling.

Deputy Oligney stated that upon SWAT vehicles arrival to the vicinity of the target residence, he observed them park on W. Grove Street behind their surveillance location. Deputy Oligney stated that the SWAT vehicles consisted of the Winnebago County SWAT Bearcat (armored vehicle), along with three SUV type vehicles. Deputy Oligney stated that during this time frame he exited from the vehicle, at which point three SWAT operators and a K9 exited from one of the tactical SUV's. Deputy Oligney stated he had a short conversation with the SWAT operators, informing them of the location of the target residence. Deputy Oligney stated that the SWAT operators started walking towards the target residence, later out of his view as they turned into the back yards of neighboring houses.

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Deputy Oligney stated that a short time later, the Bearcat along with one of the SUV vehicles moved from their location towards the target residence, with the Bearcat parking in the driveway of target residence (angled in a northeastern direction). Deputy Oligney observed the red/blues being activated on the bearcat upon arrival into the driveway of the target residence. Deputy Oligney stated that the SUV also drove towards the target residence, however, parked in a private driveway of a residence to the west of the target residence.

Deputy Oligney stated that he observed SWAT operators exit from the Bearcat and during this time frame overheard LWAM radio transmissions indicating that the target was out of the target residence and running north.

Deputy Oligney stated shortly thereafter, he observed SWAT operators exit from the Bearcat and heard loud, clear directives of: "Show Me Your Hands" several times by what he believed to be from multiple people; followed by multiple gun shots, from what Deputy Oligney believed were rifles. Deputy Oligney could not estimate how many "shots" he recalled were fired.

Deputy Oligney recalled radio transmissions of "Shots Fired". Deputy Oligney stated that after the gun fire, he entered back into the vehicle and it was determined that they would move from their surveillance position to another location closer to the target residence. Deputy Oligney stated that Officer Enneper re-positioned their the surveillance vehicle on W. Grove Street a few houses closer to the target residence from their original surveillance location. Deputy Oligney stated that they remained inside the vehicle at the secondary surveillance location, when he observed SWAT operators carrying/dragging an injured person to the back of the Bearcat. Deputy Oligney stated that shortly thereafter, the body was carried/dragged to the fire station which is located across the street from the target residence.

Deputy Oligney then advised that he may have observed the injury person being moved prior to moving to the secondary surveillance location. Deputy Oligney stated that it was decided to move to the secondary surveillance location in case any law enforcement personnel needed assistance or medial transport, being he believed that they were the closest surveillance vehicle on scene. Deputy Oligney stated while they were positioned at the secondary surveillance location, they spoke with two neighbors of the target residence informing them to stay inside of their residences until further notice.

Deputy Oligney stated at some point, Officer Enneper, Deputy Baxter and himself exited the vehicle and entered into the fire station. While in the fire station, Deputy Oligney stated that Appleton Police Department Lt. Gary Lewis instructed him to set up a perimeter around the target residence, by re-positioning the surveillance vehicle in the center of W. Grove Street and to activate the vehicle's emergency lights. Deputy Oligney stated that they set up the perimeter as directed.

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Deputy Oligney stated at some point they were released from the scene and were directed to the Appleton Police Department.

Prior to the conclusion of the interview, Deputy Oligney stated that during the morning brief of this surveillance operation, he learned that Rory Behling had allegedly made statements indicating "that he was not going to jail".

The interview was terminated at approximately 11:30 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/5

Report Date: 01/22/2020

Primary Information

Description: **Interview: Sgt Jeremy Haney-Appleton Police Department-SIU**
Occurrence From: **01/21/2020 23:40**
Occurrence To: **01/21/2020 23:57**
Reporting LEO: **Lewis, Steven P (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, from approximately 11:40 p.m. to 11:57 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Appleton Police Department Sgt. Jeremy Haney, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Addresses

Relationship	Address
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Surveillance Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Haney, Jeremy R (Law Enforcement Official)		---
Law Enforcement	Hoffman, Nathan K (Law Enforcement Official)		---
Law Enforcement	Lewis, Gary D (Law Enforcement Official)		---
Law Enforcement	Ollwerther, Matthew D (Law Enforcement Official)	White, Male	---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/5

ACTIVITY

On Tuesday, January 21, 2020, from approximately 11:40 p.m. to 11:57 p.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Appleton Police Department Sgt. Jeremy Haney, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Sgt. Haney acknowledged that he was assisting on a surveillance operation at the direction of the LWAM in which the target of the investigation was identified as Rory J. Behling, M/W, DOB [REDACTED]. Sgt. Haney acknowledged that based upon information learned during the surveillance operation, Behling was believed to be the sole occupant inside of a residence, located at 810 W. Grove Street, Fox Crossings, WI (hereinafter referred to target residence).

Sgt. Haney stated that he was accompanied on surveillance by Appleton Police Department Sgt. Matthew Ollwerther (rear passenger) and Officer Nathan Hoffman (driver of surveillance vehicle). Sgt. Haney stated that he was positioned in the front passenger seat.

Sgt. Haney stated that their surveillance position was located on the east side of the Appleton Fire Department, Station 3, located at 801 W. Grove Street, Appleton, WI.

Sgt. Haney acknowledged that during the course of the surveillance, he was aware that a search warrant was drafted for target residence and that the Winnebago County Sheriff Office (multi-jurisdictional) SWAT team would be executing the search warrant based upon the violent history of Behling.

Sgt. Haney stated that just prior to the Winnebago County Sheriff's Office SWAT Bearcat arrival to the target residence, they re-positioned the surveillance location closer to the target residence, however, remained in the fire station. Sgt. Haney stated that from this surveillance location, he was able to observe the target residence front door, side or east door and the entire residence located to the east of the target residence. Sgt. Haney stated that before he observed the Bearcat arrive and park in the driveway of the target residence, he observed two SWAT operators positioned by the garage of the residence located to the east of the target residence.

Shortly thereafter, Sgt. Haney observed the Bearcat pull into the driveway of the target residence, facing north. Sgt. Haney stated that using binoculars he observed the lights in the kitchen area of the residence turn off and within seconds he observed Rory (Behling) exit the residence from the side or east exit and run north.

Sgt. Haney stated that when Rory starting running north from the residence, they exited from the fire station parking lot and traveled east on West Grove Street and ultimately north. Sgt. Haney stated they moved locations to assist with perimeter and ultimately parked in a business parking lot (Sgt. Haney could not recall the name of the street or business parking lot).

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Sgt. Haney stated while they were parked in the parking lot he heard gun fire, estimating he heard six shots. Sgt. Haney stated it was rapid fire, gun shots and did not know what type of weapons were being fired. Sgt. Haney stated that he heard loud, law enforcement commands prior to the shots being fired, however, could not make out what was being said. Sgt. Haney estimated that they were parked approximately 150 yards away from the target residence.

Sgt. Haney stated that once the gun fire ended, they maintained their surveillance position. Sgt. Haney stated that he recalled radio transmissions stating that there were shots fired, that the suspect was down, and that the suspect was later moved to the fire station.

Sgt. Haney stated that some point they returned to the fire station and checked in with Appleton Police Department Lt. Gary Lewis. Sgt. Haney stated that they were directed to the SWAT operators at the Bearcat at the target residence to find out how they could assist. Sgt. Haney stated that they were directed to the back yard of the target residence to relieve SWAT operators. Sgt. Haney stated that SWAT operators cleared the target residence, stating no individuals were located inside of the residence.

Sgt. Haney stated that after the residence was cleared, they returned to the fire station, later being directed to the Appleton Police Department.

The interview was terminated at approximately 11:57 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/6

Report Date: 01/22/2020

Primary Information	
Description:	Interview: Lt. Darin Rice-Winnebago County Sheriff Department-Tactical Commander
Occurrence From:	01/22/2020 00:38
Occurrence To:	01/22/2020 01:32
Reporting LEO:	Lewis, Steven P (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/05/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis
On Wednesday, January 22, 2020, from approximately 12:38 a.m. to 1:32 a.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Winnebago County Sheriff Office, Tactical Commander Lt. Darin Rice, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Addresses	
<u>Relationship</u>	<u>Address</u>
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Surveillance Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects			
<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Winnebago County Sheriff's Office (Law Enforcement Agency)		---
Mentioned	Gold Cross Ambulance Services Inc. (Business)		---
Interviewed	Rice, Darren (Law Enforcement Official)		---
Mentioned	Christie, Todd (Law Enforcement Official)	White, Male	---
Mentioned	Christopherson, Todd AC (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	[REDACTED] (Law Enforcement Official)		---
Mentioned	Lewis, Gary D (Law Enforcement Official)		---
Mentioned	Matz, John (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---
Mentioned	Seaver, Tim G (Law Enforcement Official)		---
Mentioned	Taylor, Raymond L (Law Enforcement Official)		---
Mentioned	Zill, Robert (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned	Woldt, Scott (Governmental)		---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/6

ACTIVITY

On Wednesday, January 22, 2020, from approximately 12:38 a.m. to 1:32 a.m., Special Agent (SA) S. Lewis of the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) interviewed Winnebago County Sheriff Office, Tactical Commander Lt. Darin Rice, reference an officer involved death investigation involving Rory J. Behling, M/W, DOB [REDACTED]. The interview was conducted in a conference room at the Appleton Police Department.

Lt. Rice stated that on Tuesday, January 21, 2020, at approximately 3:00 p.m., Winnebago County Sheriff Office, Lt. Justin Englund was contacted by their dispatch center for a SWAT call out which had been requested by LWAM. Lt. Rice stated that he was in his office at the sheriff department office when he was informed of the request and that the SWAT call out was not conducted until more information was learned of the tactical situation.

Lt. Rice stated that Lt. Englund contacted LWAM [REDACTED], the case agent requesting the SWAT call out in order to learn more about the situation. [REDACTED] informed Lt. Englund that the suspect of the investigation, was identified as Rory J. Behling, M/W, DOB [REDACTED]. Lt. Rice stated that Behling was the suspect of a hit and run incident involving a Neenah Police Department squad and had a warrant reference a methamphetamine arrest. Lt. Rice stated that he recalled earlier crime alerts sent out a few weeks earlier regarding Behling. Lt. Rice learned that Behling was believed to be the sole occupant inside of a residence and was believed to be in possession of a handgun. Lt. Rice learned that in July 2019, Behling had allegedly informed his wife that he would not go back to prison.

Lt. Rice stated that he spoke with [REDACTED] regarding Behling and started organizing a tactical game plan. Lt. Rice stated that he was aware that [REDACTED] was in the process of drafting a search warrant for the residence, in which Behling was believed to be located. Lt. Rice stated that he briefed Winnebago County Sheriff Office Sheriff John Matz and Chief Deputy Todd Christopherson regarding the request and did so until the conclusion of this event.

Lt. Rice stated that he contacted Chief Tim Seaver of the Fox Crossing Police Department informing Chief Seaver that his agency was requested to execute a search warrant at a residence, located at 810 W. Grove Street, Fox Crossing, WI (hereinafter referred to as target residence). Lt. Rice stated that he provided Chief Seaver with details regarding the tactical plan.

Lt. Rice stated Lt. Englund contacted their dispatch center informing them to page out the SWAT team. Lt. Rice stated that it was determined that a "shelter in place" alert text/call would be forwarded to residents residing within a geographic location from the target residence; informing the residents to stay inside their residence and remain on the lower level of their residence until further notice.

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Case/Report Number: 20-387/6

Lt Rice stated that there were discussions regarding evacuation of nearby residences, along with providing an additional Bearcat when executing the search warrant at the target residence. Lt. Rice stated that these options were not executed.

Lt. Rice stated that he personally met with [REDACTED] after the search warrant for the target residence had been signed by Winnebago County Judge Scott Woldt. Lt. Rice stated that he had an opportunity to review the search warrant.

Lt. Rice stated that Lt. Englund drafted the tactical operational plan and informed SWAT members of the operation.

Lt. Rice stated that he wanted support from assisting law enforcement agencies, stating that surveillance was maintained on the target residence while tactical planning and execution was conducted. Lt. Rice stated that Appleton Police Department TEM operators provided a medical operational plan and had communicated with Gold Cross Ambulance services. Lt. Rice stated that he spoke Lt. Gary Lewis of the Appleton Police Department regarding setting up barricades for traffic control during the execution of the search warrant. Lt. Rice stated that he wanted assisting agencies present in the command post at the time of execution of search warrant, to include Lt. Gary Lewis, LWAM SAC Ray Taylor, and Fox Crossing Police Department. Lt. Rice stated that he confirmed this operation was lead by LWAM and that the SWAT team was only being utilized as a SWAT team element.

Lt. Rice stated that he along with Winnebago County Sheriff Office Captain Todd Christie met with assisting law enforcement officials at the command post/fire station prior to the SWAT team's arrival to target residence. Lt. Rice stated he had an opportunity to review the Appleton Police Department TEM operational plan.

Lt. Rice stated he contacted the Winnebago County Sheriff Office dispatch center informing them to send out the "shelter in place" alert. Lt. Rice stated that while in command post he was located near the apparatus bay door (garage door with windows) which was located across from the target residence, estimating that he was approximately 40 yards from the target residence.

Lt. Rice stated that once the "shelter in place" alert was sent, the SWAT team got into position. Lt. Rice stated that he did not recall the Bearcat arriving at the target residence. Lt. Rice stated he observed a light go on in the east side of the target residence and then observed a male/white individual on the outside deck located on the east side of the target residence. Lt. Rice stated that it appeared that the individual attempted to re-enter into the residence. Lt. Rice stated that he looked away for a second and when looking back at the target residence he observed the Bearcat at the residence and the individual moved from the east side of the residence to the front or southeast corner of the residence. Lt. Rice stated that the individual was approaching the front, front passenger side of the Bearcat when the individual raised his hands and he observed what he believed was a handgun in his right hand. Lt. Rice stated that he then heard multiple gun shots. After hearing gun shots, Lt. Rice stated that the individual was no longer in his view. Lt. Rice

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stated that he then changed radio frequencies to the sheriff office dispatch channel advising them that shots were fired and suspect was down. Lt. Rice stated after advising dispatch of the situation he changed back to the SWAT frequency. Lt. Rice stated that this time he observed SWAT operators approach the suspect, take him into custody and provide medical as needed. Lt. Rice stated that suspect has moved from his original location to behind the Bearcat for officer safety reasons. Lt. Rice stated that the Appleton TEM operators were involved in accessing the suspect. Lt. Rice stated that the Appleton TEM operators had been in contact with Gold Cross Ambulance informing them that the suspect had fatal wounds.

Lt. Rice stated he attempted contact with Lt. Englund who was a SWAT operator, however, was not able to contact him. Lt. Rice stated that he heard via radio transmission that Lt. Englund asked for a status check on SWAT operators on scene, learning that all members were ok and accounted for.

At approximately 7:36 p.m., Lt. Rice stated that Lt. Englund called him, informing him that all SWAT operators were ok and accounted for. Lt. Rice stated they had a brief conversation and learned that Lt. Englund was one of the SWAT operators involved in the officer involved shooting.

Lt. Rice stated that the suspect was then moved from behind the Bearcat to the fire station utilizing carrying straps.

Lt. Rice stated all SWAT operators involved in the officer involved shooting were removed from the scene and were directed to the fire station.

Lt. Rice stated that he put on his tactical vest and recovered his tactical rifle and exited from the fire station and replaced Lt. Englund on scene as the tactical commander. Lt. Rice stated he had a conversation with Lt. Gary Lewis asking Lt. Lewis for additional personnel to assist on scene security. Lt. Rice stated that he met with SWAT assistant commander, Deputy Robert Zills about clearing the target residence. Lt. Rice stated that they utilized a SWAT robot in an attempt to clear the residence, however, the robot got stuck in the residence, so they cleared the residence with SWAT operators. Lt. Rice advised that no occupants were located. Lt. Rice stated that SWAT operators made entry into the residence via the side/east door and approached via the rear of the residence so not to disturb the scene.

Lt. Rice stated that SWAT operators conducted a secondary search at the target residence, once they completed the search they were directed to turn off their body cameras and were subsequently turned over to DCI.

Lt. Rice stated that SWAT operators, Deputy Zill and Menasha Police Department Officer Pete Sawyer remained inside the residence until investigative law enforcement personnel relieved them.

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Lt. Rice stated that he returned to the fire station for an extended period of time and then proceeded to the Appleton Police Department. Lt. Rice stated that all video/audio cameras to include the Bearcat were turned over to DCI personnel.

The interview was terminated at approximately 1:32 a.m.

Wisconsin Division of Criminal Investigation

Investigative 20-3877

Report Date: 01/22/2020

Primary Information

Description: **Scene Examination on 01/21/2020 & 01/22/2020**
 Occurrence From: **01/21/2020 20:43**
 Occurrence To: **01/22/2020 16:49**
 Reporting LEO: **Windorff, Ryan M (Arson DCI / Wisconsin Division of Criminal Investigation)**
 Backup LEO: **Heimerl, Kevin L (Arson DCI / Wisconsin Division of Criminal Investigation)**
 Report Status: **Approved**
 Report Status Date: **02/06/2020**
 Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

Relationship	Address
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Evidence Located	802 W Grove St, Appleton, Wisconsin 54915 United States of America
Vehicle Registration Address	4311 Jackson St Winnebago County Sheriff's Office, Oshkosh, Wisconsin 54901 United States of America
Vehicle Registration Address	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Mentioned	Fox City's Towing LLC (Business)		---
Mentioned	Larry's Livery Service Inc (Business)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████
Fire Service	Perigo, Jeff (Person)	Unknown, Male	---
Mentioned	Brehmer, Cheryl (Person)	Unknown, Female	---
Mentioned	G██████, K██████ (Person)	40 yr. old, White, Male	██████████
Mentioned	Hecht, Israel Matthew (Person)	28 yr. old, Unknown, Male	██████████
Mentioned	Persell, Charles Louis (Person)	40 yr. old, White, Male	██████████
Mentioned	Seidl, Alexander Gary (Person)	20 yr. old, White, Male	██████████
Mentioned	Van, Ryan Thomas (Person)	33 yr. old, White, Male	██████████
Property Owner	P██████, K██████ (Person)	29 yr. old, White, Male	██████████

Vehicles

Relationship	Tag #	VIN #	VehicleDescription
Damaged	██████████	██████████	2006 Mercury Mariner (Black) - Sport Utility Vehicle
Damaged	██████████	██████████	2001 Volkswagen Passat GLS (Silver) - Automobile
Damaged	E1099	1FDAF5HT7GED31620	2016 Ford F550 (Black) - Truck

Documents

Document
Scene Entry Log
810 W Grove St Search Warrant

Wisconsin Division of Criminal Investigation

Investigative 20-3877

Report Date: 01/22/2020

Documents - Continued

Document

- 802 W Grove St Search Warrant
- 2001 Volkswagen Passat () Consent Form
- 2006 Mercury Mariner () Consent Form
- "K8" Pill Identification
- "M C14" Pill Identification
- "C 1" Pill Identification
- "M C13" Pill Identification
- "TEVA 832" Pill Identification
- "M365" Pill Identification

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
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Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Unfired Handgun Round Stamped "Speer 40 S&W"
Inventory	1	Unfired Rifle Round Stamped "Winchester 223 REM"
Inventory	1	Bullet Core Fragment
Inventory	1	Fired Handgun Casing Stamped "Speer 40 S&W"
Inventory	1	Bullet Core Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Core Fragment
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Rifle Casing Stamped "Winchester 223 REM"
Inventory	1	Fired Handgun Casing Stamped "*Illegible* 45 Auto"
Inventory	1	Black Springfield Armory XDS .45 ACP Handgun, 7 Round Magazine, 5 Unfired Rounds
Inventory	1	Fired Handgun Casing Stamped "Tulammo 45 Auto"
Inventory	1	Bullet Jacket Fragment
Inventory	1	Possible Bullet Core Fragments
Inventory	1	Bullet Core Fragment

Wisconsin Division of Criminal Investigation

Investigative 20-3877

Report Date: 01/22/2020

- Continued		
Property - Continued		
<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Fired Bullet
Inventory	1	Fired Bullet
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Core Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Bullet Jacket Fragment
Inventory	1	Set of Keys, Blue Bic Lighter on Lighter Leash
Inventory	1	Pair of Brown/Tan BKE Sandals (Size 11)
Inventory	1	Black Samsung Cellular Phone
Inventory	135	\$135.00 US Paper Currency
Inventory	1	Game Stop Power Up Rewards Card, Pink Arrow Lighter
Inventory	1	Black Gunmate Inside Waistband Holster
Inventory	1	Chime Visa Debit Card Issued to C [REDACTED] V [REDACTED] ([REDACTED])
Inventory	1	Black Samsung Cellular Phone w/ Black Case/Gold Card Holder
Inventory	2	OneVanilla Prepaid Visa Debit Cards ([REDACTED] & [REDACTED])
Inventory	1	Black & White Striped Zippered Bag w/ Misc. Empty Gem Bags
Inventory	1	Clear Plastic Sandwich Bag, Multiple Empty Gem Bags w/ Heart Design
Inventory	11	Buprenorphine & Naloxone Sublingual Film Packages (8mg/2mg)
Inventory	1	Clear Plastic Gem Bag
Inventory	32	Round White Pills Stamped "K8" (3.52g)
Inventory	1	Clear Plastic Gem Bag with "1" Written in Black Marker
Inventory	29	Round Green Pills Stamped "M C14" (5.42g)
Inventory	1	Clear Plastic Gem Bag with "1" Written in Black Marker
Inventory	29	Round Blue Pills Stamped "C 1" (5.98g)
Inventory	1	Clear Plastic Gem Bag with "99" & ".5" Written in Black Marker
Inventory	92	Round Yellow Pills Stamped "M C13" (17.02g)
Inventory	1	Clear Plastic Gem Bag with ".5" Written in Black Marker
Inventory	37	Round Yellow Pills Stamped "TEVA 832" (7.13g)
Inventory	1	Clear Plastic Sandwich Bag
Inventory	4.2	4.20g Clear Crystalline Substance
Inventory	1	Clear Plastic Sandwich Bag
Inventory	1.31	1.31g Tan/Brown/Green Plant Material/Stems
Inventory	2	Clear Plastic Sandwich Bags
Inventory	9.01	9.01g White Power Material
Inventory	1	Black Taurus 709 Slim 9mm Handgun, 7 Round Magazine, 8 Unfired Rounds
Inventory	1	Gray Nike Backpack w/ Misc. Personal Effects
Inventory	1	Box of Winchester Rounds w/ 17 Unfired Handgun Rounds Stamped "Blazer 45 Auto"
Inventory	1	Misc. Cards/DL Issued to Other People
Inventory	1	Digital Scale, 3 Glass Smoking Devices

Wisconsin Division of Criminal Investigation

Investigative 20-3877

Report Date: 01/22/2020

- Continued

Property - Continued

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Clear Plastic Gem Bag
Inventory	1	15.10g Clear Crystalline Substance
Inventory	21.24	Multi-Colored Rubber Containers Containing Off-White Wax Material (21.24g w/ Packaging)
Inventory	1	Silver Metal Screw Top Container Keychain
Inventory	0.17	Piece of Wax Paper Containing 0.17g Off-White Wax Material
Inventory	1	Off-White Capsule Stamped "M365"

Narrative begins on the following page.

SYNOPSIS

On January 21, 2020, law enforcement investigators from the Lake Winnebago Area Metropolitan Enforcement Group (LWAM) were attempting to locate Rory J Behling, M/W, DOB: [REDACTED] for drug and weapons violations in addition to outstanding felony warrants. Investigators identified Behling's location as a residence located at 810 W Grove St, in the Village of Fox Crossing, Winnebago County, WI. LWAM investigators obtained a search warrant for the residence and requested assistance from the Winnebago County Sheriff's Office (WISO) Special Weapons and Tactics (SWAT) team to execute the warrant.

At approximately 7:29 pm, SWAT operators executed the search warrant and were confronted by a subject who exited from inside the residence. The subject produced a firearm and SWAT operators discharged their duty weapons at the subject. The subject (subsequently identified as Behling) was treated by Tactical Emergency Medical Services (TEMS) personnel and transferred to Appleton Fire Department (APFD) Station #3 located at 801 W Grove St where it was determined that Behling was deceased.

On January 21, 2019, the WISO requested the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) respond to the scene to conduct an investigation of the officer involved death (OID). DCI Special Agent (SA) Ryan Windorff responded to the scene and assisted with the investigation by conducting the scene examination with DCI SA Kevin Heimerl, DCI SA Eric Beine, and other agents. This report shall serve to record the activities of the scene examination related to the OID, to include scene management, processing, evidence collection, and scene documentation.

SCENE CONTROL/SECURITY

Control and security of the scene was maintained through the presence of officers from the Fox Crossing Police Department and Appleton Police Department (APPD) from the time of the initial incident until the completion of all scene processing activities on January 22, 2020 at 3:19 pm.

Beginning on January 21, 2020 at 9:32 pm, a scene entry log was kept and maintained until the completion of all scene processing activities.

WEATHER CONDITIONS

Weather conditions at the time of the incident were obtained from archived weather data records supplied by the National Weather Service to www.wunderground.com. Weather conditions were recorded at the nearest weather reporting station at Appleton International Airport in Appleton, WI.

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Case/Report Number: 20-3877

Time	Temperature	Dew Point	Humidity	Wind	Wind Speed	Wind Gust	Pressure	Precip.	Condition
6:45 pm	19 F	9 F	63%	SSW	14 mph	0 mph	29.27 in	0.0 in	Partly Cloudy
7:45 pm	18 F	9 F	68%	S	15 mph	0 mph	29.23 in	0.0 in	Partly Cloudy
8:45 pm	19 F	9 F	63%	SSW	20 mph	24 mph	29.22 in	0.0 in	Partly Cloudy

PARTICIPATING SCENE INVESTIGATORS

SA Ryan Windorff - WI DOJ/DCI
SA Kevin Heimerl - WI DOJ/DCI
SA Eric Beine - WI DOJ/DCI
Trooper David Marquardt - WSP/TRU

LEGAL AUTHORITY FOR CONDUCTING SCENE EXAMINATION

The examination of the scene at 810 W Grove St and 802 W Grove St was conducted under the authority of a search warrant. DCI SA Jay Yerges prepared search warrants and affidavits to search the premises at 810 W Grove St and 802 W Grove St and presented them to Winnebago County Circuit Court Judge Scott Woldt who signed the warrants authorizing the searches on January 22, 2010 at 12:32 am.

The examinations of the silver 2001 Volkswagen Passat (██████████) and black 2006 Mercury Mariner (██████████) within the scene were conducted under consent from the owner, K██████████ P██████████, M/W, DOB: ██████████. On January 22, 2020, P██████████ provided consent for DCI agents to search the two vehicles to DCI Special Agent in Charge (SAC) Jeffrey Wisch and signed two DCI Consent to Search forms.

SCENE DESCRIPTION

The scene was located at 810 W Grove St, in the Village of Fox Crossing, Winnebago County, WI. The property was located on the north side of W Grove St which traveled in an east/west direction for approximately one block between Gardner's Row and S Memorial Dr. The residential lot contained a small single story residence and a small detached storage shed located in the yard to the north of the residence. The property was bordered by a wooded area to the north, a duplex to the east (██████████ & 802 W Grove St), and a single family residence (██████████ W Grove St) to the west.

Access to the property could be gained through a gravel driveway that was shared with the property at ██████████ W Grove St immediately to the west. Nearly the entire south side of the lot between the residence and the roadway was covered in gravel with only a small amount of lawn along the eastern edge of the property. (Figure 1)



Figure 1 (Courtesy of Google Maps w/ Notations by SA Windorff)

The structure on the property was a small single story, single family residence that was generally square in shape with a bump out extending north on the northeast corner of the structure. Access to the structure could be gained from a front door on the south side of the structure near the southeast corner facing W Grove St and an east facing door accessed by a wooden deck centrally located on the east side of the structure. The structure contained a kitchen, living room, bathroom, and one bedroom on the main floor. A full depth basement contained additional living space.

Three vehicles were parked within the scene in the gravel driveway to the south of the residence (Figure 2). A black Lenco Bearcat armored vehicle bearing WI official license plate E1099 was parked, running, in the southwest corner of the driveway facing northeast. The vehicle was marked with silver colored lettering reading "Winnebago County Sheriff" with silver and blue WISO badge decals and had red and blue emergency lights illuminated on all sides. Wisconsin Department of Transportation (DOT) records showed that [REDACTED]

A silver colored Volkswagen Passat bearing WI license plate [REDACTED] was parked to the northeast of the Lenco Bearcat (E1099) facing north toward the residence. DOT records showed that [REDACTED]

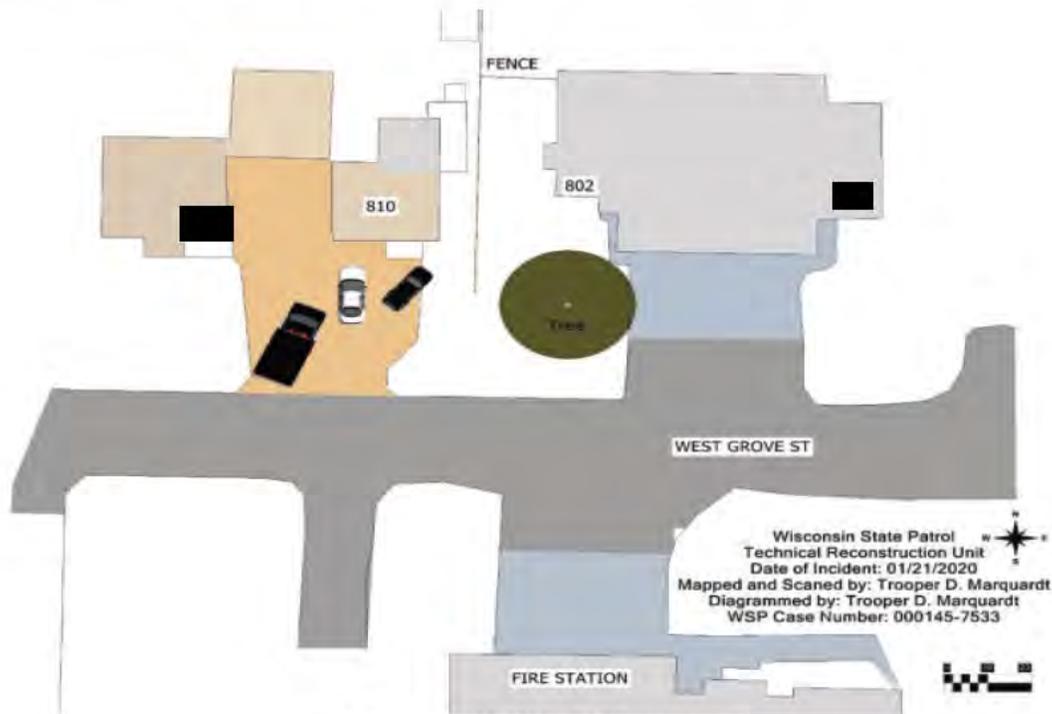


Figure 2 (WSP/TRU Diagram)

A black colored Mercury Mariner bearing WI license plate [REDACTED] was parked to the east of the Volkswagen Passat ([REDACTED]) facing northeast. DOT records showed that [REDACTED]

SCENE EXAMINATION

On January 21, 2020, at approximately 8:43 pm, SA Windorff arrived at the scene and met with SA Yerges who was leading the investigation. SA Windorff was assigned to complete the scene management, documentation, processing, and evidence collection with SA Heimerl and SA Beine. The Wisconsin State Patrol (WSP) Technical Reconstruction Unit (TRU) had been requested to forensically map the scene and APPD [REDACTED] had been requested to take aerial video through the use of an unmanned aerial vehicle (UAV). Warrants were being drafted to search the scene at 810 W Grove St as well as 802 W Grove St where it was reported there were several fired casings on the sidewalk leading from the driveway to the front door.

SA Windorff was provided a preliminary briefing of information available at that time. SA Windorff learned that the decedent, Behling, had been transported to the apparatus bay of APFD Station #3 located at 801 W Grove St during the incident. The Winnebago County Coroner had been notified and was enroute to the scene.

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SA Windorff and SA Heimerl located the decedent on the apparatus bay floor covered with a white sheet. Outagamie County Sheriff's Office (OUSO) Deputy Korie Van Berkel was guarding the decedent. A trail of red substance that was consistent in appearance with blood led from apparatus bay door #2 to where the decedent was located and the part of the sheet covering the decedent's head was stained with red substance consistent in appearance with blood. Agents removed the white sheet and made visual observations and took photographs. The decedent was a white male, approximately six feet tall, and was lying supine with his hands handcuffed behind his back. The decedent was wearing a black nylon jacket, blue patterned sweater, gray t-shirt, black Reebok brand underwear, a black belt, blue jeans, and black ankle socks. A black nylon folding stretcher was underneath the decedent. SA Windorff observed [REDACTED]

At approximately 9:44 pm, Winnebago County Coroner Cheryl Brehmer arrived on scene and agents began to search the decedent and collect items of evidentiary value. In the decedent's front left jeans pocket, agents located a black Samsung cellular phone (property #20-387/7.40). In the decedent's front right jeans pocket, agents located \$135.00 in US paper currency (\$50=1, \$20=3, \$5=3, \$1=10) (property #20-387/7.41), and a GameStop PowerUp Rewards card (barcode # [REDACTED]) and pink Arrow brand disposable lighter (property #20-387/7.42). In the decedent's front right waistband, agents located an empty black Gunmate brand inside waistband handgun holster (property #20-387/7.43). In the decedent's back right jeans pocket, agents located a Chime Visa debit card issued to "C [REDACTED] V [REDACTED]" (card # [REDACTED]) (property #20-387/7.44).

In the decedent's left jacket pocket, agents located a black Samsung cellular phone in a black case with a gold card holder on the back (property #20-387/7.45) containing two OneVanilla prepaid Visa debit cards (card [REDACTED] & [REDACTED]) (property #20-387/7.46). Also in the decedent's left jacket pocket, agents located a black and white striped zipper bag containing miscellaneous empty gem bags (property #20-387/7.47). Also inside the black and white striped zippered bag was a clear plastic sandwich bag with multiple empty gem bags with heart designs (property #20-387/7.48) containing 11 packages of Buprenorphine and Naloxone sublingual film packages (8mg/2mg) (property #20-387/7.49), a clear plastic gem bag (property #20-387/7.50) containing 32 (3.52g) round white pills stamped "K8" (property #20-387/7.51), a clear plastic gem bag with "1" written in black marker (property #20-387/7.52) containing 29 (5.42g) round green pills stamped "M C14" (property #20-387/7.53), a clear plastic gem bag with "1" written in black marker (property #20-387/7.54) containing 29 (5.98g) round blue pills stamped "C 1" (property #20-387/7.55), a clear plastic gem bag with "99" and ".5" written in black marker (property #20-387/7.56) containing 92 (17.02g) round yellow pills stamped "M C13" (property #20-387/7.57), a clear plastic gem bag with ".5" written in black marker (property #20-387/7.58) containing 37 (7.13g) round yellow pills stamped "TEVA 832" (property #20-387/7.59), a clear plastic sandwich bag (property #20-387/7.60) containing 4.20g clear crystalline substance (property #20-387/7.61), a clear plastic sandwich bag (property #20-387/7.62) containing 1.31g tan/brown/green plant material/stems (property #20-387/7.63), and two clear plastic sandwich bags (property #20-387/7.64) containing 9.01g white powder

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material (property #20-387/7.65). Based on training and experience, SA Windorff recognized the clear crystalline material from property #20-387/7.61 to be consistent in appearance with methamphetamine, the tan/brown/green plant material/stems from property #20-387/7.63 to be consistent in appearance with mushrooms containing psilocybin, and the white powder material from property #20-387/7.65 to be consistent in appearance with cocaine hydrochloride.

In the decedent's right jacket pocket, agents located a black Taurus 709 Slim 9mm handgun (SN: TJS18715) with one unfired round in the chamber and a seven round magazine with seven unfired rounds (property #20-387/7.66) (Figure 3). All of the unfired rounds were full metal jacket 9mm rounds with the headstamp "R-P 9mm Luger".



Figure 3 (DCI Photo IMG_0059)

At approximately 11:00 pm, SA Windorff escorted DCI Digital Records Analyst (DRA) James Gustafson into the scene and to the Lenco Bearcat (E1099) to recover the dash camera memory card. DRA Gustafson accessed the locked housing in the center console of the vehicle utilizing a key provided by WISO Captain Lara Vendola-Messer. DRA recovered the memory card and exited the scene at approximately 11:04 pm.

The decedent was loaded into a body bag that was sealed with tag #3267712. Alexander G Seidl, M/W, DOB: [REDACTED] from Larry's Livery Service Inc arrived and loaded the decedent into a transport vehicle. The transport vehicle with the decedent left the scene on January 22, 2020 at approximately 12:03 am enroute to the Fond du Lac County Medical Examiner's Office with DCI SA Jed Roffers following.

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While waiting for the warrants to be presented to a judge, SA Windorff conducted a preliminary examination of the north apparatus bay apron of APFD Station #3 and the public roadway in front of 810 W Grove St while SA Heimerl took overall photographs of the scene. SA Windorff observed a trail of red substance consistent in appearance with blood leading from the driveway of 810 W Grove St to apparatus bay door #2 on the north side of APFD Station #3. SA Windorff also observed numerous fire rifle casings in the roadway in front of 810 W Grove St.

At approximately 1:10 am, SA Windorff was notified that search warrants had been signed to search the driveway and front sidewalk area of 802 W Grove St for fired casings, and to search the property and premises of 810 W Grove St for firearms, ammunition, spent casings, projectiles, controlled substances, and drug paraphernalia. SA Windorff, SA Heimerl, and SA Beine began to identify and document items of evidence located within the scene.

Agents examined the driveway and sidewalk leading from the driveway to the south facing front door of 802 W Grove St, identifying and collecting multiple items of evidence. On the western edge of the driveway and on the sidewalk, agents located six fired .223 caliber rifle casings with the headstamp "Winchester 223 REM" (property #20-387/7.18, 20-387/7.19, 20-387/7.20, 20-387/7.21, 20-387/7.22, 20-387/7.23) (Figure 4).



Figure 4 (WSP/TRU Diagram-Exploded View of 802 W Grove)

On the west facing exterior wall of 802 W Grove St, Agents located a bullet jacket fragment (property #20-387/7.27) that had lodged in the vinyl siding approximately five feet from the ground, below a fireplace vent. To the north of property #20-387/7.27, agents located a defect in

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the vinyl siding approximately one foot from the ground that was consistent with a projectile entering the siding from the exterior. Agents recovered possible bullet core fragments (property #20-387/7.28) from the siding and oriented strand board sheathing behind.

Agents examined the roadway in front of and the driveway of 810 W Grove St, identifying and collecting multiple items of evidence (*Figure 5*). On the northern edge of the roadway and southern edge of the driveway apron in front of 801 W Grove St, agents located nine fired .223 caliber rifle casings with the headstamp "Winchester 223 REM" (property #20-387/7.1, 20-387/7.2, 20-387/7.3, 20-387/7.4, 20-387/7.5, 20-387/7.6, 20-387/7.7, 20-387/7.8, 20-387/7.9).

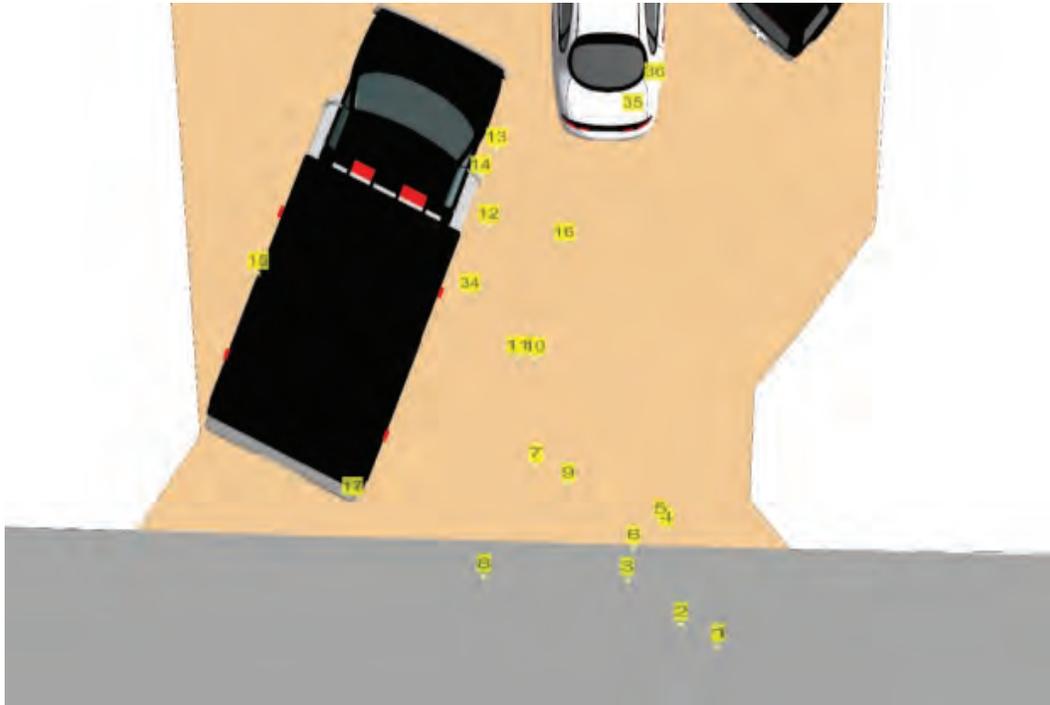


Figure 5 (WSP/TRU Diagram-Exploded View of 810 W Grove St Driveway)

Further north in the driveway, to the east of the Lenco Bearcat (E1099), agents located an unfired .40 caliber handgun round with the headstamp "Speer 40 S&W" (property #20-387/7.10) and an unfired .223 caliber rifle round with the headstamp "Winchester 223 REM" (property #20-387/7.11). In the driveway to the north of property #20-387/7.10 and 20-387/7.11, agents located a bullet jacket fragment (property #20-387/7.16).

On the ground near the front passenger side door of the Lenco Bearcat (E1099), agents located a bullet core fragment (property #20-387/7.12). Near the front passenger side tire of the Lenco Bearcat (E1099), agents located a fired .40 caliber handgun casing with headstamp "Speer 40 S&W" (property #20-387/7.13) and a bullet core fragment (property #20-387/7.14). On the ground near the rear passenger side corner of the Lenco Bearcat (E1099), agents located a bullet

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core fragment (property #20-387/7.17). On the top driver side edge, near the center of the rear cab of the Lenco Bearcat (E1099), agents located a bullet jacket fragment (property #20-387/7.15).

After locating bullet core and jacket fragments on and around the Lenco Bearcat (E1099), agents conducted a detailed visual examination of the exterior of the vehicle. Agents observed two defects along the outer edge of the front passenger side door, one at the approximate height of the door handle and one near the bottom corner of the door window. Agents observed a third defect on the rear passenger side of the vehicle (*Figure 6*).



Figure 6 (DCI Photo IMG_0182 w/ Notations by SA Windorff)

Agents observed a fourth defect on the outer edge of the right rear outward swinging door of the vehicle (*Figure 7*). Agents found that if the right rear door was opened all the way, the defect on the rear passenger side of the vehicle was in line with the defect on the outer edge of the right rear door (*Figure 8*). The defects were consistent with projectiles striking the vehicle from the northeast. All of the defects found on the exterior of the Lenco Bearcat (E1099) appeared to have recently occurred with loose paint flakes around the edges of the defects and the absence of rust or oxidation on the exposed bare metal. SA Windorff spoke to WISO Captain/SWAT Commander Todd Christie who reported that the vehicle had not been struck by gunfire previously and he was not aware of any previous defects or damage to the exterior of the vehicle.



Figure 7 (DCI Photo IMG_0194 w Notations by SA Windorff)



Figure 8 (DCI Photo IMG_0206 w/ Notations by SA Windorff)

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Agents examined the exterior of the Volkswagen Passat ([REDACTED]) parked facing north in the driveway of 810 W Grove St. Agents observed three defects consistent with damage caused by a projectile entering the vehicle's body panel on the rear trunk lid. Agents observed a defect consistent with a projectile exiting a body panel on the rear passenger side quarter panel near the fuel filler cover.

Agents examined the exterior of the Mercury Mariner ([REDACTED]) parked facing northeast in the driveway of 810 W Grove St. Agents observed a defect in the front driver side headlamp plastic outer lens. Agents also observed a furrow in the snow on the hood corresponding with a defect in the paint on the top edge of the front driver side fender.

Agents examined the exterior and interior of the residence at 810 W Grove St, identifying and collecting multiple items of evidence in the northeast corner of the driveway/front porch and southeast interior and exterior of the residence (*Figure 9*).



Figure 9 (WSP/TRU Diagram-Exploded View of 810 W Grove St)

On the northeast corner of the concrete front porch leading to the south facing front door on the southeast corner of the residence, agents located a fired .45 caliber handgun casing with headstamp "*illegible* 45 Auto" (property #20-387/7.24). In a snowbank immediately south of the concrete porch, agents located a black Springfield Armory XDS .45 ACP handgun (SN: S3303079) with one unfired round in the chamber and a seven round magazine with four unfired rounds (property #20-387/7.25) (*Figure 10*). The unfired round in the chamber was a full metal jacket .45 caliber round with headstamp "Tulammo 45 Auto". Three of the unfired rounds in the

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magazine were full metal jacket .45 caliber rounds with headstamp "Tulammo 45 Auto" and one was a full metal jacket .45 caliber round with headstamp "NCFR 45 Auto". In the snowbank to the east of property #20-387/7.25, agents located a fired .45 caliber handgun casing with headstamp "Tulammo 45 Auto" (property #20-387/7.26) and a bullet jacket fragment (property #20-387/7.32).



Figure 10 (DCI Photo IMG_0180)

To the east of the concrete porch, against the south exterior wall of the residence, agents located a bullet core fragment (property #20-387/7.33) adhered to the vinyl cover of a charcoal grill. On the ground southeast of the concrete porch, near the front of the Mercury Mariner (), agents located set of keys with a blue Bic brand disposable lighter on a lighter leash (property #20-387/7.38) and a pair of brown and tan BKE brand sandals (size 11) (property #20-387/7.39).

During an exterior examination of the residence at 810 W Grove St, agents observed four defects in the vinyl siding on the south facing exterior wall on the southeast corner of the residence, east of the front door. The defects were consistent with a projectile entering the siding from the exterior. The defects were identified as A, B, C, and D from top to bottom (*Figure 11*).

Agents entered the residence and located four defects in the south interior wall of the living room that corresponded with defects A-D on the exterior wall. The defects were consistent with a projectile entering the residence through the wall from the exterior. The defects on the interior wall were identified as A1, B1, C1, and D1 from top to bottom.



Figure 11 (DCI Photo IMG_0167)

Agents followed the general trajectory path of the defects in the wall. Following the path of defect A1, agents located a defect in the blinds of a window in the east wall of the living room. Behind the blinds, agents located a defect in the window that penetrated through the glass. Following the path of defect B1, agents located a defect in the blinds of the window in the east wall of the living room. Behind the blinds, agents located a defect in the window trim and a corresponding defect in the window that penetrated through the glass. Agents located a fired bullet (property #20-387/7.30) on top of the exterior portion of a window air conditioning unit in the window. Following the path of defect C1, agents located a defect in the south edge of the interior portion of a window air conditioning unit in the window in the east wall of the living room. Agents removed the cover of the air conditioning unit and located a bullet core fragment (property #20-387/7.29) inside of a metal housing for the control panel wiring and circuit board. Following the path of defect D1, agents observed a defect in the east interior wall of the living room. The defect was consistent with a projectile entering the wall from the interior of the residence. Agents removed a section of plaster wallboard in the area of the defect and located a fired bullet (property #20-387/7.31) at the bottom of the wall stud space.

In the back yard, north of a staircase leading to a deck that provided access to the east entry door of the residence, agents located a gray Nike backpack with miscellaneous personal effects (property #20-387/7.67). The backpack was later inventoried and found to contain multiple items of evidence including a box of Winchester PDX1 Defender .45 caliber handgun rounds that contained 17 unfired .45 caliber full metal jacket handgun rounds stamped "Blazer 45 Auto"

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(property #20-387/7.68), miscellaneous cards/drivers licenses issued to people other than Behling (drivers license issued to K [REDACTED] G [REDACTED], M/W, DOB: [REDACTED], Treasure Island Players Club card issued to "M [REDACTED] E [REDACTED]" # [REDACTED], Oneida Casino Players Club card issued to K [REDACTED] P [REDACTED] # [REDACTED], Netspend Visa debit card issued to "N [REDACTED] T [REDACTED]" # [REDACTED], and a Visa debit card issued to "S [REDACTED] T [REDACTED]" # [REDACTED]) (property #20-387/7.69), a digital scale and three glass smoking devices (property #20-387/7.70), a clear plastic gem bag (property #20-387/7.71) containing 15.10g clear crystalline substance (property #20-387/7.72), two multi colored rubber containers containing off-white wax material (21.24g w/ packaging) (property #20-387/7.73), a metal screw top container keychain (property #20-387/7.74) containing a piece of wax paper with 0.17g off-white wax material (property #20-387/7.75), and an off-white capsule stamped "M365" (property #20-387/7.76). Based on training and experience, SA Windorff recognized the digital scale and glass smoking devices from property #20-387/7.70 to be consistent with items commonly used to weigh controlled substances, smoke marijuana from, and smoke methamphetamine from. SA Windorff recognized the clear crystalline substance from property #20-387/7.72 to be packaged like a controlled substance but visually appeared more consistent with rock salt. SA Windorff recognized the off-white wax material from property #20-387/7.73 and 20-387/7.75 to be consistent in appearance with wax made from extracted oils from the cannabis plant, commonly referred to as "marijuana wax", that contains THC.

On January 22, 2020, at approximately 5:49 am, A Windorff placed copies of the respective search warrants on the kitchen counter of 810 W Grove St and in the front door of 802 W Grove St. SA Windorff and SA Heimerl left the scene while an APPD officer remained for scene security.

On January 22, 2020, at approximately 11:45 am, SA Heimerl returned to the scene to take photographs and examine the exterior scene in the daylight hours. SA Heimerl located a bullet jacket fragment (property #20-387/7.34) on the ground along the driver side of the Lenco Bearcat (E1099).

The resident of 802 W Grove St provided verbal consent to DCI SA Carl Waterstreet for agents to enter the residence and inspect the basement to determine if any projectile fragments related to property #20-387/7.28 had entered the interior of the residence. SA Heimerl inspected the basement and did not find any defects or projectile fragments.

At approximately 2:00 pm, the Lenco Bearcat (E1099) was released from the scene and removed by WISO Deputy Tom Burns. Fox City's Towing LLC drivers Israel M Hecht, M/U, DOB: [REDACTED] and Charles L Persell, M/W, DOB: [REDACTED] responded to the scene and loaded the Volkswagen Passat ([REDACTED]) and Mercury Mariner ([REDACTED]) onto flatbed tow trucks. The tow trucks left the scene with SAC Wisch following. The Volkswagen Passat ([REDACTED]) was taken to DCT's Appleton Field Office where it was secured in an indoor storage facility at approximately 2:24 pm. The Mercury Mariner ([REDACTED]) was taken to the OUSO where it was secured in an indoor storage facility at approximately 2:33 pm.

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At approximately 2:42 pm, Fox Crossing Fire Department Division Chief Jeff Perigo responded to the scene to clean up biological material in the driveway and roadway in front of 810 W Grove St. After the cleanup was completed, the scene was released at approximately 3:19 pm.

At approximately 2:48 pm, SA Heimerl and SA Beine conducted an examination of the Volkswagen Passat () at DCI's Appleton Field Office. Through the use of trajectory rods and an observation of general trajectory paths, it was determined that three projectiles entered the rear trunk lid of the vehicle and one exited the rear passenger side quarter panel. During the examination, agents located a bullet jacket fragment (property #20-387/7.35) on top of a red tool box in the vehicle's trunk and a bullet jacket fragment (property #20-387/7.36) inside the rear passenger side quarter panel. The examination of the Volkswagen Passat () was completed at approximately 3:55 pm.

At approximately 4:05 pm, SA Heimerl and SA Beine conducted an examination of the Mercury Mariner () at the OUSO. Through the use of trajectory rods and an observation of general trajectory paths, it was determined that a projectile entered the front driver side headlamp plastic outer lens, exited the rear of the headlamp assembly, and penetrated a metal support piece behind the headlamp assembly. Agents located a bullet jacket fragment (property #20-387/7.37) inside the front driver side fender of the vehicle. The examination of the Mercury Mariner () was completed at approximately 4:49 pm.

On January 23, 2020, at approximately 1:10 pm, Fox City's Towing LLC driver Ryan T Van, M/W, DOB: () loaded the Volkswagen Passat () onto a flatbed tow truck and transported it from DCI's Appleton Field Office to 810 W Grove St. At approximately 2:09 pm, Van loaded the Mercury Mariner () onto a flatbed tow truck and transported it from the OUSO to 810 W Grove St. The keys for both vehicles were left in the center console with the doors unlocked per the owner, P (), request.

EVIDENCE

During the course of the scene examination, the following items of evidence were collected:

<u>Property #</u>	<u>Description</u>
20-387/7.1	Fired Rifle Casing Stamped "Winchester 223 REM" (Located in roadway in front of 810 W Grove St.)
20-387/7.2	Fired Rifle Casing Stamped "Winchester 223 REM" (Located in roadway in front of 810 W Grove St.)
20-387/7.3	Fired Rifle Casing Stamped "Winchester 223 REM" (Located in roadway in front of 810 W Grove St.)
20-387/7.4	Fired Rifle Casing Stamped "Winchester 223 REM" (Located in driveway apron in front of 810 W Grove St.)

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- 20-387/7.5 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located in driveway apron in front of 810 W Grove St.)
- 20-387/7.6 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located in driveway apron in front of 810 W Grove St.)
- 20-387/7.7 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located in driveway apron in front of 810 W Grove St.)
- 20-387/7.8 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located in driveway apron in front of 810 W Grove St.)
- 20-387/7.9 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located in driveway apron in front of 810 W Grove St.)
- 20-387/7.10 Unfired Handgun Round Stamped "Speer 40 S&W"
(Located in driveway of 810 W Grove St.)
- 20-387/7.11 Unfired Rife Round Stamped "Winchester 223 REM"
(Located in driveway of 810 W Grove St.)
- 20-387/7.12 Bullet Core Fragment
(Located in driveway of 810 W Grove St.)
- 20-387/7.13 Fired Handgun Casing Stamped "Speer 40 S&W"
(Located in Driveway of 810 W Grove St.)
- 20-387/7.14 Bullet Core Fragment
(Located in Driveway of 810 W Grove St.)
- 20-387/7.15 Bullet Jacket Fragment
(Located on driver side roof of Lenco Bearcat (E1099))
- 20-387/7.16 Bullet Jacket Fragment
(Located in Driveway of 810 W Grove St.)
- 20-387/7.17 Bullet Core Fragment
(Located in Driveway of 810 W Grove St)
- 20-387/7.18 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located on west side of driveway of 802 W Grove St)
- 20-387/7.19 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located on west side of driveway of 802 W Grove St)
- 20-387/7.20 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located on sidewalk in front of 802 W Grove St)
- 20-387/7.21 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located on sidewalk in front of 802 W Grove St)
- 20-387/7.22 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located west of sidewalk in front of 802 W Grove St)
- 20-387/7.23 Fired Rifle Casing Stamped "Winchester 223 REM"
(Located west of sidewalk in front of 802 W Grove St)
- 20-387/7.24 Fired Handgun Casing Stamped "*Illegible* 45 Auto"
(Located on top of concrete steps on south side of 802 W Grove St.)
- 20-387/7.25 Black Springfield Armory XDS .45 ACP Handgun, 7 Round Magazine, 5
Unfired Rounds (SN: S3303079)
(Located to south of concrete steps on south side of 802 W Grove St.)

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- 20-387/7.26 Fired Handgun Casing Stamped "Tulammo 45 Auto"
(Located to south of concrete steps on south side of 802 W Grove St.)
- 20-387/7.27 Bullet Jacket Fragment
(Located in siding on west exterior wall of 802 W Grove St.)
- 20-387/7.28 Possible Bullet Core Fragments
(Located in siding/sheathing on west exterior wall of 802 W Grove St.)
- 20-387/7.29 Bullet Core Fragment
(Located in control module housing of window AC unit in east facing window in southeast corner of 810 W Grove St.)
- 20-387/7.30 Fired Bullet
(On top exterior of window AC unit in east facing window in southeast corner of 810 W Grove St.)
- 20-387/7.31 Fired Bullet
(Located in stud space of east exterior wall in southeast corner of 810 W Grove St.)
- 20-387/7.32 Bullet Jacket Fragment
(Located to south of concrete steps on south side of 810 W Grove St.)
- 20-387/7.33 Bullet Core Fragment
(Located on cover of charcoal grill on south side of 810 W Grove St.)
- 20-387/7.34 Bullet Jacket Fragment
(Located in driveway of 810 W Grove St.)
- 20-387/7.35 Bullet Jacket Fragment
(Located on top of toolbox in trunk of Volkswagen Passat ([REDACTED]))
- 20-387/7.36 Bullet Jacket Fragment
(Located inside rear passenger side quarter panel of Volkswagen Passat ([REDACTED]))
- 20-387/7.37 Bullet Jacket Fragment
(Located inside front driver side fender of Mercury Mariner ([REDACTED]))
- 20-387/7.38 Set of Keys, Blue Bic Lighter on Lighter Leash
(Located southeast of concrete steps on south side of 810 W Grove St.)
- 20-387/7.39 Pair of Brown/Tan BKE Sandals (Size 11)
(Located southeast of concrete steps on south side of 810 W Grove St, under front of Mercury Mariner ([REDACTED]) in driveway.)
- 20-387/7.40 Black Samsung Cellular Phone
(Located in Behling's front left jeans pocket.)
- 20-387/7.41 \$135.00 US Paper Currency
(Located in Behling's front right jeans pocket.)
- 20-387/7.42 Game Stop Power Up Rewards Card, Pink Arrow Lighter
(Located in Behling's front right jeans pocket.)
- 20-387/7.43 Black Gunmate Inside Waistband Holster
(Located in Behling's front jeans waistband.)

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- 20-387/7.44 Chime Visa Debit Card Issued to C [REDACTED] V [REDACTED] ([REDACTED])
(Located in Behling's rear right jeans pocket.)
- 20-387/7.45 Black Samsung Cellular Phone w/ Black Case/Gold Card Holder
(Located in Behling's left jacket pocket.)
- 20-387/7.46 2 OneVanilla Prepaid Visa Debit Cards ([REDACTED] & [REDACTED])
(Located in Behling's left jacket pocket.)
- 20-387/7.47 Black & White Striped Zippered Bag w/ Misc. Empty Gem Bags
(Located in Behling's left jacket pocket.)
- 20-387/7.48 Clear Plastic Sandwich Bag, Multiple Empty Gem Bags w/ Heart Design
(Located in Behling's left jacket pocket.)
- 20-387/7.49 11 Buprenorphine & Naloxone Sublingual Film Packages (8mg/2mg)
(Located in Behling's left jacket pocket.)
- 20-387/7.50 Clear Plastic Gem Bag
(Located in Behling's left jacket pocket.)
- 20-387/7.51 32 Round White Pills Stamped "K8" (3.52g)
(Located in Behling's left jacket pocket.)
- 20-387/7.52 Clear Plastic Gem Bag with "1" Written in Black Marker
(Located in Behling's left jacket pocket.)
- 20-387/7.53 29 Round Green Pills Stamped "M C14" (5.42g)
(Located in Behling's left jacket pocket.)
- 20-387/7.54 Clear Plastic Gem Bag with "1" Written in Black Marker
(Located in Behling's left jacket pocket.)
- 20-387/7.55 29 Round Blue Pills Stamped "C 1" (5.98g)
(Located in Behling's left jacket pocket.)
- 20-387/7.56 Clear Plastic Gem Bag with "99" & ".5" Written in Black Marker
(Located in Behling's left jacket pocket.)
- 20-387/7.57 92 Round Yellow Pills Stamped "M C13" (17.02g)
(Located in Behling's left jacket pocket.)
- 20-387/7.58 Clear Plastic Gem Bag with ".5" Written in Black Marker
(Located in Behling's left jacket pocket.)
- 20-387/7.59 37 Round Yellow Pills Stamped "TEVA 832" (7.13g)
(Located in Behling's left jacket pocket.)
- 20-387/7.60 Clear Plastic Sandwich Bag
(Located in Behling's left jacket pocket.)
- 20-387/7.61 4.20g Clear Crystalline Substance
(Located in Behling's left jacket pocket.)
- 20-387/7.62 Clear Plastic Sandwich Bag
(Located in Behling's left jacket pocket.)
- 20-387/7.63 1.31g Tan/Brown/Green Plant Material/Stems
(Located in Behling's left jacket pocket.)
- 20-387/7.64 2 Clear Plastic Sandwich Bags
(Located in Behling's left jacket pocket.)

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- 20-387/7.65 9.01g White Powder Material
(Located in Behling's left jacket pocket.)
- 20-387/7.66 Black Taurus 709 Slim 9mm Handgun, 7 Round Magazine, 8 Unfired Rounds
(Located in Behling's right jacket pocket.)
- 20-387/7.67 Gray Nike Backpack w/ Misc. Personal Effects
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.68 Box of Winchester Round w/ 17 Unfired Handgun Rounds Stamped "Blazer 45 Auto"
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.69 Misc. Cards/DL Issued to Other People
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.70 Digital Scale, 3 Glass Smoking Devices
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.71 Clear Plastic Gem Bag
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.72 15.10g Clear Crystalline Substance
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.73 Multi-colored Rubber Containers Containing Off-White Wax Material (21.24g w/ Packaging)
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.74 Silver Metal Screw Top Container Keychain
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.75 Piece of Wax Paper Containing 0.17g Off-White Wax Material
(Located in southeast corner of back yard of 810 W Grove St.)
- 20-387/7.76 1 Off-White Capsule Stamped "M365"
(Located in southeast corner of back yard of 810 W Grove St.)

EVIDENCE DISPOSITION

All evidence collected during the scene investigation remained in the exclusive custody of SA Windorff. On January 22, 2020, at approximately 2:54 pm, SA Windorff performed final packaging, sealing, and labeling of the items and submitted them into evidence at DCT's Appleton Field Office.

SA Windorff [REDACTED] through the National Crime Information Center and the Bureau of Alcohol, Tobacco, Firearms and Explosives Electronic Tracing System [REDACTED].

SA Windorff utilized the website www.drugs.com to identify the round white pills stamped "K8" from property #20-387/7.51 as Clonazepam (Dispersible) 1mg, a Schedule 4 controlled substance.

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SA Windorff utilized the website www.drugs.com to identify the round green pills stamped "M C14" from property #20-387/7.53 as Clonazepam 1mg, a Schedule 4 controlled substance.

SA Windorff utilized the website www.drugs.com to identify the round blue pills stamped "C 1" from property #20-387/7.55 as Clonazepam 1mg, a Schedule 4 controlled substance.

SA Windorff utilized the website www.drugs.com to identify the round yellow pills stamped "M C13" from property #20-387/7.57 as Clonazepam 0.5mg, a Schedule 4 controlled substance.

SA Windorff utilized the website www.drugs.com to identify the round yellow pills stamped "TEVA 832" from property #20-387/7.59 as Clonazepam 0.5mg, a Schedule 4 controlled substance.

SA Windorff conducted field tests on samples of clear crystalline substance from property #20-387/7.61 using a Methamphetamine/MDMA Reagent test and Marquis Reagent test and received positive results for the presence of methamphetamine, a Schedule 2 controlled substance.

SA Windorff conducted a field test on a sample of white powder material from property #20-387/7.65 using a Scott Reagent (Modified) test and received a positive result for the presence of cocaine, a Schedule 2 controlled substance.

SA Windorff conducted a field test on a sample of clear crystalline substance from property #20-387/7.72 using a Methamphetamine/MDMA Reagent test and received inconclusive results.

SA Windorff conducted a field test on a sample of off-white wax material from property #20-387/7.73 using a Duquenois-Levine Reagent test and received a positive result for the presence of marijuana which contains THC, a Schedule 1 controlled substance.

SA Windorff conducted a field test on a sample of off-white wax material from property #20-387/7.75 using a Duquenois-Levine Reagent test and received a positive result for the presence of marijuana which contains THC, a Schedule 1 controlled substance.

SA Windorff utilized the website www.drugs.com to identify the off-white capsule stamped "M365" from property #20-387/7.76 as Acetaminophen and Hydrocodone Bitartrate 325mg/5mg, a Schedule 2 controlled substance.

SCENE DOCUMENTATION

During the course of the scene examination, SA Heimerl utilized a digital SLR camera and captured 362 digital images. The images were submitted to DCI's digital records repository.

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The scene was documented through aerial photography by APPD [REDACTED] who utilized a UAV to capture two videos. The videos were placed on an optical disc and turned over to DCI SA Chad Racine (report #20-387/38) with copies submitted to DCI's digital records repository.

WSP/TRU Trooper Marquardt utilized a scanner to forensically map the scene and create diagrams. The completed scene diagrams were delivered to SA Yerges (report #20-387/72).

The images within this narrative report have been adjusted for formatting within this document.

ATTACHMENTS

Copies of the scene entry log, scene search warrants, consent to search forms for the vehicles within the scene, and pill identification documentation were attached electronically to this report.

DEATH SCENE ENTRY LOG

LOCATION:

810 GROVE ST

OFFICER INITIATING LOG:

MEGAN HICKEY

TIME:

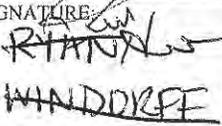
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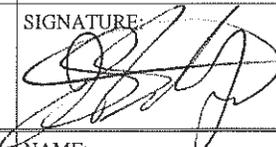
NOTICE: ALL PERSONS ENTERING DEATH SCENE MUST READ AND SIGN

Only persons authorized by: DCI (agency name) supervisor, or detective in charge, shall be permitted to enter the death scene. Those persons may be required to give hair, fiber, etc. samples.

Admitting officer will fill out all spaces except the signature of entering person.

PERSONS ENTERING THE SCENE

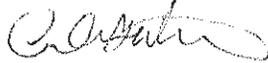
DATE & TIME IN: 1/21/2020 9:32pm	NAME: KEVIN HEIMERL	RANK/TITLE: DCI	REASON FOR ENTRY: PROCESS SCENE
DATE & TIME OUT: 5:49 AM 1/22/20	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: MAH
DATE & TIME IN: 1/21/2020 9:32pm	NAME: RYAN WINDORE	RANK/TITLE: DCI	REASON FOR ENTRY: PROCESS SCENE
DATE & TIME OUT: 5:49 AM 1/22/20	SIGNATURE:	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: MAH
DATE & TIME IN: ALREADY IN	NAME: ROBERT ZILL	RANK/TITLE: DEPUTY (SWAT)	REASON FOR ENTRY: SCENE SECURITY
DATE & TIME OUT: 1/21/2020 9:40pm	SIGNATURE: 	AGENCY: WISO	ADMITTING OFFICER'S INITIALS: MAH
DATE & TIME IN: ALREADY IN	NAME: PETE SAWYER	RANK/TITLE: DETECTIVE	REASON FOR ENTRY: SCENE SECURITY
DATE & TIME OUT: 1/21/2020 9:40pm	SIGNATURE: 	AGENCY: MPD (SWAT)	ADMITTING OFFICER'S INITIALS: MAH

DATE & TIME IN: 1/21/2020 9:35 PM	NAME: ADAM KURCZEK	RANK/TITLE: DEPUTY	REASON FOR ENTRY: DID NOT ENTER (THEY WERE TOLD TO DISREGARD SCENE SECURITY AS I WAS CITELKING THEM IN)
DATE & TIME OUT: N/A	SIGNATURE:	AGENCY: WISD	ADMITTING OFFICER'S INITIALS: MAA
DATE & TIME IN: 1/21/2020 9:35 PM	NAME: KYLE BECK	RANK/TITLE: DEPUTY	REASON FOR ENTRY: DID NOT ENTER (SAME AS ABOVE)
DATE & TIME OUT: N/A	SIGNATURE:	AGENCY: WISD	ADMITTING OFFICER'S INITIALS: MAA
DATE & TIME IN: 1/21/2020 10:20 PM	NAME: MEREDITH BIRMINGHAM	RANK/TITLE: OFFICER	REASON FOR ENTRY: TAKING OVER LOG
DATE & TIME OUT: 1/21/2020 11:26 PM	SIGNATURE: Meredith Birmingham	AGENCY: FOX CROSSING	ADMITTING OFFICER'S INITIALS: MB
DATE & TIME IN: 1/21/2020 10:42 PM	NAME: ERIC BEING	RANK/TITLE: DCI	REASON FOR ENTRY: SCENE PROCESSING
DATE & TIME OUT: 1/22/20 0205	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: MB
DATE & TIME IN: 1/21/2020 11:00 PM	NAME: SPENCER GUSTAFSON	RANK/TITLE: DCI	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 1/21/2020 11:04 PM	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: MB
DATE & TIME IN: 01/21/20 23:30	NAME: Cady Luom	RANK/TITLE: APD OFFICER	REASON FOR ENTRY: Taking over log
DATE & TIME OUT: 01/22/20 01:50	SIGNATURE: 	AGENCY: APD	ADMITTING OFFICER'S INITIALS: CAL

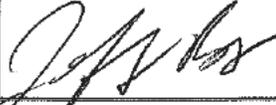
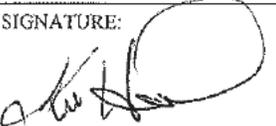
DATE & TIME IN: 1-21-20 d331	NAME: DAVID MARWARD	RANK/TITLE: TROOPER	REASON FOR ENTRY: SCANNING
DATE & TIME OUT: 1-21-20 0131 1-22-20	SIGNATURE: 	AGENCY: WSP	ADMITTING OFFICER'S INITIALS: CAL
DATE & TIME IN: 0131 1/22/20	NAME: James S Ousterson	RANK/TITLE: DRA	REASON FOR ENTRY: Scene
DATE & TIME OUT: 0130 1/22/20	SIGNATURE: 	AGENCY:	ADMITTING OFFICER'S INITIALS: CAL
DATE & TIME IN: 1/22/20 2:09A	NAME: Carl Waterstreet	RANK/TITLE: DET	REASON FOR ENTRY: Scene
DATE & TIME OUT: 1/22/20 209	SIGNATURE: Carl	AGENCY: WSP	ADMITTING OFFICER'S INITIALS:
DATE & TIME IN: 1/22/20 209	NAME: Jay Verges	RANK/TITLE: DET	REASON FOR ENTRY: Scene
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS:
DATE & TIME IN: 1/22/20 0251	NAME: J.K. YERGES	RANK/TITLE: ACE S/H	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 0256	SIGNATURE: J.K. YERGES	AGENCY: ACE S/H	ADMITTING OFFICER'S INITIALS: CAL
DATE & TIME IN: 1/22/20 0250	NAME: C. KANTNER #9121	RANK/TITLE: OFC. APD	REASON FOR ENTRY: TAKING OVER LOG!
DATE & TIME OUT: 1/22/20 0650	SIGNATURE: C-K	AGENCY: APD	ADMITTING OFFICER'S INITIALS: CK

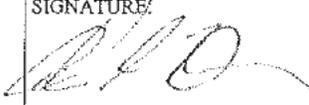
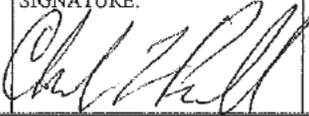
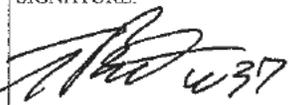
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0131
01/22/20

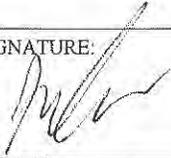
CAL
01/22/20
0211

DATE & TIME IN: 1-22-2020 3:15AM	NAME: SAE Jeff Wisch	RANK/TITLE: SAC	REASON FOR ENTRY: Scene
DATE & TIME OUT: 3:20AM	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: EK
DATE & TIME IN: 01/22/2020 0650	NAME: SOP GREG NIEPER	RANK/TITLE: SGT APPLETON PO	REASON FOR ENTRY: SCENE SECURITY TAKE OVER LOG
DATE & TIME OUT: 01/22/2020 1045	SIGNATURE: 	AGENCY: APD	ADMITTING OFFICER'S INITIALS: GR
DATE & TIME IN: 01/22/2020 1026	NAME: Cant Water Street	RANK/TITLE: DCI	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 01/22/2020 1129	SIGNATURE: 	AGENCY:	ADMITTING OFFICER'S INITIALS: GR/DAI
DATE & TIME IN: 01/22/2020 1026	NAME: TAMM SIEEMAN	RANK/TITLE: DCI	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 01/22/2020 1127	SIGNATURE: 	AGENCY:	ADMITTING OFFICER'S INITIALS: GR/DAI
DATE & TIME IN: 01/22/2020 1026	NAME: Matt Anderson	RANK/TITLE: APPLETON PO	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 01/22/2020 1127	SIGNATURE: 	AGENCY:	ADMITTING OFFICER'S INITIALS: GR/DAI
DATE & TIME IN: 01/22/2020 1034	NAME: Adam Nagel	RANK/TITLE: APPLETON PO	REASON FOR ENTRY: SCENE
DATE & TIME OUT: 01/22/2020 1125	SIGNATURE: DAI #9180	AGENCY:	ADMITTING OFFICER'S INITIALS: GR/DAI

DATE & TIME IN: 01-22-2020 1034	NAME: Matthew Weather	RANK/TITLE: Appleton PO	REASON FOR ENTRY: Scene
DATE & TIME OUT: 01/22/2020 @ 1127	SIGNATURE: <i>M. Weather</i>	AGENCY:	ADMITTING OFFICER'S INITIALS: SD/DAVE #9180
DATE & TIME IN: 01-22-2020 1034	NAME: Dustin Ycole	RANK/TITLE: Appleton PO	REASON FOR ENTRY: Scene
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS: EP
DATE & TIME IN: 01-22-2020 1034	NAME: chad Riddle	RANK/TITLE: Appleton PO	REASON FOR ENTRY: Scene
DATE & TIME OUT: 01/22/2020 @ 1127	SIGNATURE: <i>Chad Riddle</i>	AGENCY:	ADMITTING OFFICER'S INITIALS: SD/DAVE #9180
DATE & TIME IN: 01-22-2020 1044	NAME: Bryan Kastelic	RANK/TITLE: OCF	REASON FOR ENTRY: Scene
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS: BN
DATE & TIME IN: 01/22/2020 1042 hours	NAME: Sgt. David Lund #9180	RANK/TITLE: APD	REASON FOR ENTRY: Scene security per 9122 -Relieve #9217
DATE & TIME OUT: 01/22/2020 @ 1301	SIGNATURE: <i>David Lund</i> 9180	AGENCY:	ADMITTING OFFICER'S INITIALS:
DATE & TIME IN: 01/22/2020	NAME: Steven Meisner	RANK/TITLE: PO Green Bay P.D/	REASON FOR ENTRY: Assist Investigation
DATE & TIME OUT: 01/22/2020 @ 1123	SIGNATURE: <i>Steve Meisner</i>	AGENCY:	ADMITTING OFFICER'S INITIALS: DAVE #9180

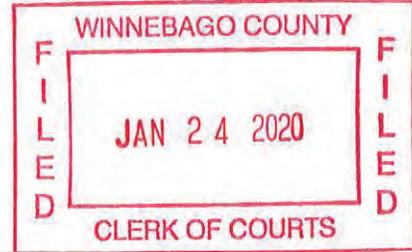
DATE & TIME IN: 01/22/2020 1056	NAME: Lt. Jeff Braster	RANK/TITLE: GB PD	REASON FOR ENTRY: Assist Investigation
DATE & TIME OUT: 01/22/2020 @1123	SIGNATURE: 		ADMITTING OFFICER'S INITIALS: JH #9180
DATE & TIME IN: 01/22/2020 1056	NAME: Ryan Meade	RANK/TITLE: GB PD	REASON FOR ENTRY: Assist Investigation
DATE & TIME OUT: 01/22/2020 @1123	SIGNATURE: 	AGENCY:	ADMITTING OFFICER'S INITIALS: JH #9180
DATE & TIME IN: 01/22/2020 @1056	NAME: Matt Secor Matt Secor	RANK/TITLE: GB PD	REASON FOR ENTRY: Assist Investigation
DATE & TIME OUT: 01/22/2020 @1123	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS: JH #9180
DATE & TIME IN: 01/22/2020 @1200	NAME: Kevin Heimerl	RANK/TITLE: Special Agent	REASON FOR ENTRY: Investigation / Photos
DATE & TIME OUT: 1/22/20 1403	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: JH #9180
DATE & TIME IN: 01/22/2020 @1234	NAME: Jeff Wisch	RANK/TITLE: Special Agent In Charge	REASON FOR ENTRY: Scene search
DATE & TIME OUT: 1/22/20 1403	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: JH #9180
DATE & TIME IN: 01/22/2020 @1238	NAME: Carl Waterstreet	RANK/TITLE: Agent	REASON FOR ENTRY: Scene Search
DATE & TIME OUT: 01/22/2020 @1253	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: JH #9180

DATE & TIME IN: 01/22/2020 @1238	NAME: A1 Handsaker	RANK/TITLE: Agent	REASON FOR ENTRY: Scene Search
DATE & TIME OUT: 1/22/20 1403	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: JH II
DATE & TIME IN: 01/22/2020 @1238	NAME: Tami Sleeman	RANK/TITLE: Agent	REASON FOR ENTRY: Scene Search
DATE & TIME OUT: 01/22/2020 @1253	SIGNATURE: 	AGENCY: DCI	ADMITTING OFFICER'S INITIALS: JH II
DATE & TIME IN: 1/22/20 @ 1301	NAME: DALE KNAUER	RANK/TITLE: SGT.	REASON FOR ENTRY: SCENE SECURITY
DATE & TIME OUT: 1/22/20 1519	SIGNATURE: 	AGENCY: APD	ADMITTING OFFICER'S INITIALS: DK
DATE & TIME IN: 1/22/20 @ 1342	NAME: CHARLES LOUIS PERSELL (920) [REDACTED]	RANK/TITLE:	REASON FOR ENTRY: VEHICLE REMOVAL
DATE & TIME OUT: 1/22/20 1403	SIGNATURE: 	AGENCY: FOX CITIES TOWING	ADMITTING OFFICER'S INITIALS: DK
DATE & TIME IN: 1/22/20 @ 1342	NAME: ISRAEL MATTHEW HECHT (608) [REDACTED]	RANK/TITLE:	REASON FOR ENTRY: VEHICLE REMOVAL
DATE & TIME OUT: 1/22/20 1403	SIGNATURE: 	AGENCY: FOX CITIES TOWING	ADMITTING OFFICER'S INITIALS: DK
DATE & TIME IN: 1/22/20 1402	NAME: Tom Burns	RANK/TITLE: Deputy	REASON FOR ENTRY: REMOVE BEAR CAT & SHIELD
DATE & TIME OUT: 1/22/20 1406	SIGNATURE: 	AGENCY: WISD	ADMITTING OFFICER'S INITIALS: DK

DATE & TIME IN: 1/22/20 1442	NAME: JEFF PERIKO	RANK/TITLE: DIVISION FIRE CHIEF	REASON FOR ENTRY: BIOHAZARD CLEAN-UP
DATE & TIME OUT: 1/22/20 1519	SIGNATURE: 	AGENCY: Fox Crossin FD	ADMITTING OFFICER'S INITIALS: PRK
DATE & TIME IN:	NAME:	RANK/TITLE:	REASON FOR ENTRY:
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS:
DATE & TIME IN:	NAME:	RANK/TITLE:	REASON FOR ENTRY:
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DATE & TIME IN:	NAME:	RANK/TITLE:	REASON FOR ENTRY:
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DATE & TIME IN:	NAME:	RANK/TITLE:	REASON FOR ENTRY:
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS:
DATE & TIME IN:	NAME:	RANK/TITLE:	REASON FOR ENTRY:
DATE & TIME OUT:	SIGNATURE:	AGENCY:	ADMITTING OFFICER'S INITIALS:

SEARCH WARRANT

STATE OF WISCONSIN)
) ss.
WINNEBAGO COUNTY)



THE STATE OF WISCONSIN TO:

THE SHERIFF OR ANY CONSTABLE OR ANY PEACE OFFICER OF SAID COUNTY:

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 810 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A single family residence with brown siding and a brown roof. There is a white entry/exit door located on the south side of the residence. To the left of the door on the south side the numbers "810" are affixed to the building. The numbers "810" are black in color. There is also another entry/exit door located on the east side of the residence. This door has a white storm door attached to it. There is window located on the southwest corner of the residence that has a Green Bay Packers blanket covering the window from the inside;

there are now located and concealed certain things, to-wit:

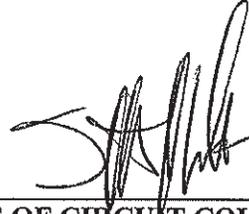
Firearms, ammunition, spent casings, projectile and trajectory measurements along with methamphetamine; and/or other controlled substances; scales or other weighing devices or measuring devices; containers of various types commonly associated with the storage and use of controlled substances; plastic baggies, and other items used to package controlled substances for sale; drug related paraphernalia; and to search any persons, vehicles or storage units on the premises, or directly related to the premises for the above described items

which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30 and possession of methamphetamine in violation of Wis. Stat. Sect. 961.41(3g)(g).

NOW THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the premises and persons on said premises for said things, and if the same or any portion thereof are found, to safely keep the property seized so long as necessary for the purpose of being produced as evidence

on any trial or to send items to a different law enforcement agency for further analysis and testing as required.

Dated this 22nd day of January, 2020



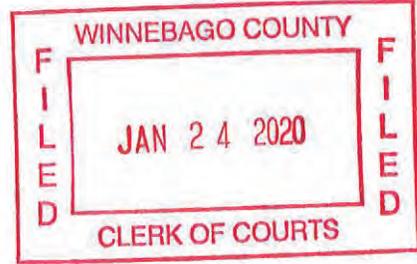
**JUDGE OF CIRCUIT COURT
WINNEBAGO COUNTY, WISCONSIN**

Received by me this 22nd day of January, 2020
at 12:32 AM/PM.

Special Agent Jay Yerges - Affiant

SEARCH WARRANT

STATE OF WISCONSIN)
) ss.
WINNEBAGO COUNTY)



THE STATE OF WISCONSIN TO:

THE SHERIFF OR ANY CONSTABLE OR ANY PEACE OFFICER OF SAID COUNTY:

WHEREAS, Special Agent Jay Yerges of the State of Wisconsin Department of Justice Division of Criminal Investigation has this day complained to the said Court upon oath that on the 22nd day of January, 2020, in said County in and upon certain premises in the Village of Fox Crossing, Winnebago County, Wisconsin in said County, located at 802 West Grove Street, Winnebago County, Wisconsin, and more particularly described as follows:

A driveway and front sidewalk area of the residence at 802 West Grove;

there are now located and concealed certain things, to-wit:

Spent casings

which things were used in the commission of the crime of Felony Recklessly Endangering Safety in violation of Wis. Stat. Sect. 941.30

NOW THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the premises and persons on said premises for said things, and if the same or any portion thereof are found, to safely keep the property seized so long as necessary for the purpose of being produced as evidence on any trial or to send items to a different law enforcement agency for further analysis and testing as required.

Dated this 22nd day of January, 2020

**JUDGE OF CIRCUIT COURT
WINNEBAGO COUNTY, WISCONSIN**

Received by me this 22nd day of January, 2020

at 12:32 D AM/PM.

Jay E. Yerges
Special Agent Jay Yerges Affiant

WISCONSIN DEPARTMENT OF JUSTICE
Division of Criminal Investigation
17 W. Main Street, P.O. Box 7857
Madison, Wisconsin 53707-7857

THE FOURTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES ALLOW THE POLICE TO CONDUCT A SEARCH OF PRIVATE PREMISES ONLY WITH A SEARCH WARRANT OR THE CONSENT OF THE PARTY IN CONTROL OF THE PREMISES. YOU HAVE THE RIGHT TO REFUSE TO GIVE YOUR CONSENT TO THE AUTHORITIES TO SEARCH ANY PREMISES UNDER YOUR CONTROL. IF YOU CONSENT TO A SEARCH, ANYTHING FOUND MAY BE USED AGAINST YOU IN A CRIMINAL PROCEEDING.

I, [Redacted], [Redacted], [Redacted], have been advised of my constitutional right to refuse to allow a police search of ~~all premises~~ ^{two vehicles} within my control. I have decided to allow _____

any DOJ/DCI Special Agent

Special Agents for the Wisconsin Department of Justice, to search every part of the ~~premises~~ ^{vehicle}

under my control at 810 W. Brown St Appleton / DCI AFO

and to take any evidence from 2001 VW Passat, Silver, WI Plate -

found there. I give this consent of my own free will, without being subject to threats or promises.

I know that anything discovered may be used against me in a [Redacted]

Signed: [Redacted]
Date: 1-22-2020

Witnesses: [Signature]
SAC [Redacted]

20-387

WISCONSIN DEPARTMENT OF JUSTICE
Division of Criminal Investigation
17 W. Main Street, P.O. Box 7857
Madison, Wisconsin 53707-7857

THE FOURTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES ALLOW THE POLICE TO CONDUCT A SEARCH OF PRIVATE PREMISES ONLY WITH A SEARCH WARRANT OR THE CONSENT OF THE PARTY IN CONTROL OF THE PREMISES. YOU HAVE THE RIGHT TO REFUSE TO GIVE YOUR CONSENT TO THE AUTHORITIES TO SEARCH ANY PREMISES UNDER YOUR CONTROL. IF YOU CONSENT TO A SEARCH, ANYTHING FOUND MAY BE USED AGAINST YOU IN A CRIMINAL PROCEEDING.

I, [REDACTED], have been advised of my constitutional right to refuse to allow a police search of all premises within my control. I have decided to allow _____

any DOJ/DCI Special Agent

Special Agents for the Wisconsin Department of Justice, to search every part of the ^{Vehicle} ~~premises~~

under my control at 810 W. GROVE, APPLETON / Outagamie S.O. Headquarters

and to take any evidence from 2005 Mercury Mariner, black ^{WI Plate}

found there. I give this consent of my own free will, without being subject to threats or promises.

I know that anything discovered may be used against me in a criminal proceeding.

Signed: [REDACTED]
Date: [REDACTED]

Witnesses: [Signature]
SAC Jeff Ulrich

K8 (Clonazepam (Dispersible) 1 mg)

Pill with imprint K8 is White, Round and has been identified as Clonazepam (Dispersible) 1 mg. It is supplied by Par Pharmaceutical Inc..

Clonazepam is used in the treatment of **panic disorder; seizure prevention; epilepsy** and belongs to the drug classes **benzodiazepine anticonvulsants, benzodiazepines**. There is positive evidence of human fetal risk during pregnancy. Clonazepam 1 mg is classified as a **Schedule 4 controlled substance** under the Controlled Substance Act (CSA).

Images for K8



Clonazepam (Dispersible)

Imprint:	K8
Strength:	1 mg
Color:	White
Size:	6.00 mm
Shape:	Round
Availability:	Prescription only

Drug Class:
Benzodiazepine anticonvulsants
Benzodiazepines

Pregnancy Category:
D - Positive evidence of risk

CSA Schedule:
4 - Some potential for abuse

Labeler / Supplier:
Par Pharmaceutical Inc.

National Drug Code (NDC):
49884-0309

Inactive Ingredients:
aspartame
crospovidone
magnesium stearate
mannitol

silicon dioxide

sorbitol

sodium lauryl sulfate

magnesium silicate

Note: Inactive ingredients may vary.

Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

M C14 (Clonazepam 1 mg)

Pill with imprint M C14 is Green, Round and has been identified as Clonazepam 1 mg. It is supplied by Mylan Pharmaceuticals Inc..

Clonazepam is used in the treatment of **panic disorder; seizure prevention; epilepsy** and belongs to the drug classes **benzodiazepine anticonvulsants, benzodiazepines**. There is positive evidence of human fetal risk during pregnancy. Clonazepam 1 mg is classified as a **Schedule 4 controlled substance** under the Controlled Substance Act (CSA).

Images for M C14



Clonazepam

Imprint:	M C14
Strength:	1 mg
Color:	Green
Size:	8.00 mm
Shape:	Round
Availability:	Prescription only

Drug Class:

Benzodiazepine anticonvulsants
Benzodiazepines

Pregnancy Category:

D - Positive evidence of risk

CSA Schedule:

4 - Some potential for abuse

Labeler / Supplier:

Mylan Pharmaceuticals Inc.

Inactive Ingredients:

lactose anhydrous

silicon dioxide

magnesium stearate

microcrystalline cellulose

corn starch

sodium lauryl sulfate

D&C Yellow No. 10**FD&C Blue No. 1**

Note: Inactive ingredients may vary.

Labelers / Repackagers:

NDC Code	Labeler / Repackager
00378-1912	Mylan Pharmaceuticals Inc.
51079-0882	UDL Laboratories Inc.

Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

C 1 (Clonazepam 1 mg)

Pill with imprint C 1 is Blue, Round and has been identified as Clonazepam 1 mg. It is supplied by Accord Healthcare, Inc..

Clonazepam is used in the treatment of **panic disorder; seizure prevention; epilepsy** and belongs to the drug classes **benzodiazepine anticonvulsants, benzodiazepines**. There is positive evidence of human fetal risk during pregnancy. Clonazepam 1 mg is classified as a **Schedule 4 controlled substance** under the Controlled Substance Act (CSA).

Images for C 1



Clonazepam

Imprint:	C 1
Strength:	1 mg
Color:	Blue
Size:	8.00 mm
Shape:	Round
Availability:	Prescription only

Drug Class:
 Benzodiazepine anticonvulsants
 Benzodiazepines

Pregnancy Category:
 D - Positive evidence of risk

CSA Schedule:
 4 - Some potential for abuse

Labeler / Supplier:
 Accord Healthcare, Inc.

National Drug Code (NDC):
 16729-0137

Inactive Ingredients:
 lactose anhydrous

lactose monohydrate

magnesium stearate

microcrystalline cellulose

corn starch

FD&C Blue No. 2

Note: Inactive ingredients may vary.

Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

M C 13 (Clonazepam 0.5 mg)

Pill with imprint M C 13 is Yellow, Round and has been identified as Clonazepam 0.5 mg. It is supplied by Mylan Pharmaceuticals Inc..

Clonazepam is used in the treatment of **panic disorder; seizure prevention; epilepsy** and belongs to the drug classes **benzodiazepine anticonvulsants, benzodiazepines**. There is positive evidence of human fetal risk during pregnancy. Clonazepam 0.5 mg is classified as a **Schedule 4 controlled substance** under the Controlled Substance Act (CSA).

Images for M C 13



Clonazepam

Imprint:	M C 13
Strength:	0.5 mg
Color:	Yellow
Size:	8.00 mm
Shape:	Round
Availability:	Prescription only

Drug Class:

Benzodiazepine anticonvulsants
Benzodiazepines

Pregnancy Category:

D - Positive evidence of risk

CSA Schedule:

4 - Some potential for abuse

Labeler / Supplier:

Mylan Pharmaceuticals Inc.

Inactive Ingredients:

lactose anhydrous

silicon dioxide

magnesium stearate

microcrystalline cellulose

corn starch

sodium lauryl sulfate

D&C Yellow No. 10

Note: Inactive ingredients may vary.

Labelers / Repackagers:

NDC Code	Labeler / Repackager
00378-1910	Mylan Pharmaceuticals Inc.
51079-0881	UDL Laboratories Inc.

Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

TEVA 832 (Clonazepam 0.5 mg)

Pill with imprint TEVA 832 is Yellow, Round and has been identified as Clonazepam 0.5 mg. It is supplied by Teva Pharmaceuticals USA.

Clonazepam is used in the treatment of **panic disorder; seizure prevention; epilepsy** and belongs to the drug classes **benzodiazepine anticonvulsants, benzodiazepines**. There is positive evidence of human fetal risk during pregnancy. Clonazepam 0.5 mg is classified as a **Schedule 4 controlled substance** under the Controlled Substance Act (CSA).

Images for TEVA 832



Clonazepam

Imprint: TEVA 832

Strength: 0.5 mg

Color: Yellow

Size: 8.00 mm

Shape: Round

Availability: Prescription only

Drug Class:
 Benzodiazepine anticonvulsants
 Benzodiazepines

Pregnancy Category:
 D - Positive evidence of risk

CSA Schedule:
 4 - Some potential for abuse

Labeler / Supplier:
 Teva Pharmaceuticals USA

National Drug Code (NDC):
 00093-0832

Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

M365 (Acetaminophen and Hydrocodone Bitartrate 325 mg / 5 mg)

Pill with imprint M365 is White, Capsule-shape and has been identified as Acetaminophen and Hydrocodone Bitartrate 325 mg / 5 mg. It is supplied by Mallinckrodt Pharmaceuticals.

Acetaminophen/hydrocodone is used in the treatment of **back pain; pain; cough** and belongs to the drug class **narcotic analgesic combinations**. Risk cannot be ruled out during pregnancy.

Acetaminophen/hydrocodone 325 mg / 5 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).

Images for M365



Acetaminophen and Hydrocodone Bitartrate

Imprint:	M365
Strength:	325 mg / 5 mg
Color:	White
Size:	15.00 mm
Shape:	Capsule-shape
Availability:	Prescription only

Drug Class:
Narcotic analgesic combinations

Pregnancy Category:
C - Risk cannot be ruled out

CSA Schedule:
2 - High potential for abuse

Labeler / Supplier:
Mallinckrodt Pharmaceuticals

Inactive Ingredients:
magnesium stearate
microcrystalline cellulose

corn starch

silicon dioxide

stearic acid

Note: Inactive ingredients may vary.

Labelers / Repackagers:

NDC Code	Labeler / Repackager
00406-0365	Mallinckrodt Inc.
00406-0123	Mallinckrodt Inc.
52959-0737	H.J. Harkins Company, Inc. (repackager)
63874-1092	Altura Pharmaceuticals Inc. (repackager)
68071-0296	Nucare Pharmaceuticals Inc. (repackager)



Further information

Always consult your healthcare provider to ensure the information displayed on this page applies to your personal circumstances.

Wisconsin Division of Criminal Investigation

Interview 20-387/8

Report Date: 01/22/2020

Primary Information

Description: **Interview of Menasha PD Investigator Raymond J. Berna - Re: Fox Crossings OID**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Tijerino, Ricardo E (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Backup LEO: **Kurt, Maranda (DCI - Milwaukee)**
Report Status: **Approved**
Report Status Date: **01/28/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On 01-21-2020 S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Menasha PD Investigator Raymond J. Berna - Re: Fox Crossings OID

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Berna, Raymond J (Law Enforcement Official)	White, Male	---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/8 Interview of Menasha PD Investigator Raymond J. Berna

On 01-21-2020, at approximately 11:19 PM, S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Menasha PD Investigator Raymond J. Berna - Re: Fox Crossings OID.

S/A Tijerino informed Berna that the case agents wanted to talk to him regarding his knowledge of the incident that occurred earlier in the day at 810 West Grove Street, Appleton (Fox Crossings), WI that resulted in the death of RORY J. BEHLING, W/M, DOB: [REDACTED].

Berna positively identified his Badge # as E72 and also as being employed by the Menasha Police Department since May 2015 [REDACTED]

Berna stated that he served in the US Army and did one (1) combat tour in Afghanistan.

The following is a summary of Investigator Berna's statement:

Berna stated that he knew who BEHLING was from previous run ins he (BEHLING) had with Law Enforcement in the area. BEHLING described that he (BEHLING) had fled from Police in the past and was known to carry a firearm.

Berna stated that to his knowledge there were numerous Arrest Warrants out for BEHLING.

Berna stated that he knew that [REDACTED] had been looking for Behling since January 10, 2020.

[REDACTED]

[REDACTED]

Berna stated that he drove up to Appleton immediately after his training was done which occurred at approximately 4:00 PM.

Berna stated that he learned that a vehicle had left the residence and Law Enforcement stopped the vehicle and two (2) subjects were identified, interviewed and apparently provided information that BEHLING was inside of the residence and that he was in possession of two (2) hand guns.

Berna stated that to the best of his knowledge members of the Task Force were applying for a Search Warrant to BEHLING's residence. Berna stated that he was not sure who was writing the affidavit for the Search Warrant.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/8 Interview of Menasha PD Investigator Raymond J. Berna

Berna stated that Investigator Pete Sawyer was also at the training in Milwaukee and they drove back together as soon as the training was done.

Berna stated that when he got back to Appleton the Search Warrant had been approved and he was stationed on surveillance between the Pick & Save and the Kwik Trip.

[REDACTED]

Berna stated that as he was returning to the area of BEHLING's residence he got a call from Investigator Derek Sell from the Oshkosh PD. Berna stated that Sell informed him that he was going to jump in the car with him and they were going to be responsible for following BEHLING if he left in a car.

Berna stated that he met up with Sell and Kaukauna PD Investigator Patrick O'Kane and they both got in his car and returned to the area of BEHLING's house.

Berna stated that he was wearing his Tactical Vest with clearly visible Police markings in front and back.

Berna stated that he set up in surveillance and they were waiting for the Winnebago County SWAT team to execute the Search Warrant at BEHLING's house.

Berna stated that they were set up on surveillance on the north/east corner of the Thrift store and he estimated that they sat there for approximately twenty (20) minutes. When the SWAT team showed up and entered the driveway, they observed some lights in the house and then someone called out over the radio that the subject (BEHLING) was running out of the house in a north bound direction.

Berna stated that from where they were parked they could see the house and what was going on but it was getting darker.

Berna stated that at this time he saw BEHLING come around the front of the house wearing blue jeans, a black jacket and no hat.

Berna stated that at that time he saw BEHLING running towards the SWAT Bearcat and the SWAT Officers, in a shooter position while holding what appeared to be a handgun.

Berna stated that Sell had been watching the events through binoculars and he started yelling: "Gun! Gun! Gun!"

Berna stated that he could not describe what kind of gun BEHLING was carrying.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/8 Interview of Menasha PD Investigator Raymond J. Berna

Berna stated that within moments of him seeing BEHLING running towards the SWAT team in a shooters position he heard what he believed to be five (5) rifle shots.

Berna stated that he did not hear any handgun shots so he believed that BEHLING had not fired his handgun.

Berna further stated that he did not see any muzzle flash from either the SWAT team or from BEHLING.

Berna also stated that based on the sound of the rifle shots he expected that numerous people discharged their weapons.

Berna stated that he then saw BEHLING laying on the ground and he could not hear any yelling.

Berna stated that the windows in their car were rolled up and they were parked approximately 50 - 75 yards away from the residence.

Berna stated that he was not wearing a Body Camera during this incident and he did not have any Squad video as they were driving an unmarked undercover vehicle.

Berna stated that a few moments after the shots had been fired he observed some of the SWAT team members tactically approach BEHLING as he was laying on the ground and carry him to the back area of the Bearcat and it appeared as if they were giving him first aid.

Berna stated that a few moments later he observed some SWAT team members carry BEHLING's body across the street to the Fire station.

Berna stated that he observed that the SWAT team was still focused on the house and eventually they moved forward towards it, but due to the angle that he was at, he did not actually see the SWAT team go in the house.

[REDACTED]

Berna stated that they met at the Fire station and the Appleton Police Department took over and at that time he overheard someone say that BEHLING was dead.

Berna stated that he was then informed that they were all going to be going to the Appleton PD and be interviewed by DCI agents.

This interview was terminated at approximately 11:57 PM.

Wisconsin Division of Criminal Investigation

Interview 20-387/9

Report Date: 01/22/2020

Primary Information

Description: **Interview of Appleton PD Sgt. Matthew D. Ollwerther - Re: Fox Crossings OID**
Occurrence From: **01/22/2020 00:00**
Occurrence To: **01/22/2020 00:00**
Reporting LEO: **Tijerino, Ricardo E (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Backup LEO: **Kurt, Maranda (DCI - Milwaukee)**
Report Status: **Approved**
Report Status Date: **01/28/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On 01-22-2020 S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Appleton PD Sgt. Matthew D. Ollwerther - Re: Fox Crossings OID

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Ollwerther, Matthew D (Law Enforcement Official)	White, Male	---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/9 Interview of Appleton PD Sgt. Matthew D. Ollwerther

On 01-21-2020 at approximately 12:00 AM, S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Appleton PD Sgt. Matthew D. Ollwerther - Re: Fox Crossings OID.

S/A Tijerino informed Ollwerther that the case agents wanted to talk to him regarding his knowledge of the incident that occurred the day prior at 810 West Grove Street, Appleton (Fox Crossings), WI that resulted in the death of RORY J. BEHLING, W/M, DOB: [REDACTED].

Ollwerther positively identified his Badge # as 9149 and also being employed by the Appleton Police Department since January 2007.

The following is a summary of S/A Ollwerther's statement:

Ollwerther stated that he was informed at 8 AM on January 21st, 2020 that there was a search for BEHLING going on after an incident between him and Law Enforcement where BEHLING hit a Neenah squad car and he fled from the Police.

Ollwerther stated that the department was using a search warrant to locate BEHLING'S phone which gave them a location for BEHLING.

Ollwerther stated that Appleton PD pinned BEHLING'S location as 810 West Grove Street, Appleton, WI. The PD observed the house and officers were communicating through What's App and the Radio.

Ollwerther stated that positive identification was made of BEHLING at the home and the Winnebago SWAT team was called to assist in the arrest.

Ollwerther stated that he was positioned at the southeast side of the fire station approximately 60 yards from the house with Jeremy Haney, Nate Hoffman, and himself in Hoffman's unmarked vehicle.

Ollwerther stated that Winnebago SWAT approached the home from the east.

Ollwerther stated that information was given over the radio that BEHLING had exited the house and was running northbound. Upon this information, Ollwerther stated that Hoffman, who was driving, exited the fire station parking and drove north. He stated that they did this because there were very few officers to the north and they believed they could help if BEHLING was heading north.

Ollwerther stated that their vehicle merged onto Grove Street and as they were driving away, he heard what he estimates to be a half a dozen (6) gun shots. He also stated that there was no pause between the gun shots making him believe that it was multiple people shooting.

Ollwerther stated that due to their location he did not see anything that transpired at the target location.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/9 Interview of Appleton PD Sgt. Matthew D. Ollwerther

Ollwerther stated that shortly after the gun shots, he was informed in What's App that the suspect, BEHLING, was down. After the incident concluded, Haney, Hoffman, and himself were informed by their Supervisor Gary Lewis to form a perimeter and allow no one in or out of the scene. They then relieved some of the SWAT officers at the tree line for a short break while the home was checked.

Ollwerther stated that he then returned to the fire station where a peer informed him to report to Appleton Police Department to be interviewed by DCI Agents.

Ollwerther stated that he could not recall who told him to go to the Appleton Police Department.

This interview was terminated at approximately 12:20 AM.

Wisconsin Division of Criminal Investigation

Interview 20-387/10

Report Date: 01/22/2020

Primary Information

Description: Interview of Winnebago County Sheriff's Deputy Christopher J. Last - Re: Fox Crossings OID
Occurrence From: 01/22/2020 00:00
Occurrence To: 01/22/2020 00:00
Reporting LEO: Tijerino, Ricardo E (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Backup LEO: Kurt, Maranda (DCI - Milwaukee)
Report Status: Approved
Report Status Date: 01/30/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Synopsis

On 01-22-2020 S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Winnebago County Sheriff's Deputy Christopher J. Last - Re: Fox Crossings OID

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Last, Christopher J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Drawing of scene by Deputy Last

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: Interview of Winnebago County Sheriff's Deputy Christopher J. Last, AKA: CJ

On 01-22-2020 at approximately 12:40 AM, S/A Tijerino, in the presence of DCI Intern Maranda Kurt, interviewed Winnebago County Sheriff's Deputy Christopher J. Last - Re: Fox Crossings OID.

S/A Tijerino informed Last, hereinafter referred to as CJ, that the case agents wanted to talk to him regarding his knowledge of the incident that occurred the day prior at 810 West Grove Street, Appleton (Fox Crossings), WI that resulted in the death of RORY J. BEHLING, W/M, DOB:

[REDACTED]

CJ positively identified his Badge # as W39 and also being employed by the Winnebago County Sheriff's Department since May 15, 2015.

CJ stated that he was a paramedic from 2010 to 2015 and has been on the SWAT team since 2016.

CJ described his SWAT uniform as:

[REDACTED]

Weapon mounted light - stream light

[REDACTED]

Handcuffs - Smith & Wesson (on subject)

Individual First Aid Kit

M4 magazine - 28 rounds

Two (2) magazines with fifteen (15) rounds in each - 40 Caliber

Tactical Vest - [REDACTED]

Clear Police markings in front and back: "SHERIFF"

Admin pouch

Two additional M4 magazines with twenty eight (28) rounds

Flash bang

Medical Kit

Gas Mask

Tazer

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: Interview of Winnebago County Sheriff's Deputy Christopher J. Last, AKA:
CJ

Body Camera - Not on at the time of the incident

The following is a summary of Deputy Last's statement:

CJ stated that he was getting ready to start his [REDACTED] at [REDACTED] when he got a text from Lt. Englund (W19) at approximately 2:51 PM.

CJ stated that Lt. Englund informed him that he should make sure all of his equipment was ready as they were going to possibly be executing a Search Warrant.

CJ stated that at that time he started working on a route of travel to the target location.

CJ stated that he was not familiar with BEHLING.

CJ stated that at approximately 3:17 PM a SWAT page went out advising of the forthcoming Search Warrant. CJ stated that Lt. Englund, Lt. Rice and Captain Kristi conducted a briefing of the forthcoming Search Warrant.

CJ stated that they were not involved in the pre surveillance of the target location and they were waiting for the Search Warrant to be approved.

CJ stated that sometime between 5:00 PM - 5:30 PM they all geared up and met at the Memorial Florists with Appleton Fire and Medics.

CJ stated that it was his understanding that the plan was to approach the residence with the Bearcat and call BEHLING out to them.

CJ stated that he got into the Bearcat along with Ryan Hathaway (W55) Lt. Englund (W19), Adam Kurczak (W58), Kyle Schoonover and Steve Jahr (Appleton Fire Medic).

CJ stated that as they approached the residence in the Bearcat they could hear on the radio someone call out: "movement inside" and then shortly after: "ran out back door."

CJ stated that they were just pulling into the driveway when all of that was going on and as they came to a stop they heard on the radio: "running on east side of house."

CJ stated that as this was going on Hathaway was trying to get lights on the house and they started to get out of the Bearcat.

CJ stated that Schoonover was carrying a Colt M4 rifle, Kruczack was carrying a handgun and shield, Lt Englund was carrying a handgun and he (CJ) was carrying a M4 Colt rifle.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: Interview of Winnebago County Sheriff's Deputy Christopher J. Last, AKA: CJ

CJ stated that as they were getting out of the Bearcat he could overhear containment teams which were positioned on the 3/4 corner and 2/3 corners: "show me your hands" and then: "he has a gun!"

CJ stated that as he came around the right rear passenger corner of the Bearcat he observed the subject (BEHLING) standing on the driveway between two (2) vehicles with a raised right arm pointed towards them.

CJ stated that he could not see a handgun in the subjects (BEHLING) hand but he could clearly hear other Officers yelling: "drop the gun!"

CJ stated that moments later shots were fired. CJ stated that he does not know who fired.

CJ stated that he feared for his life and that of his team members.

CJ stated that his line of fire was limited due to the fact that as he went around the Bearcat there were two (2) Officers in front of him. CJ stated that he could not recall who was in front of him but as he could not fire from his position he decided to go around the Bearcat to the drivers side front corner to get a better angle. CJ stated that Deputy Hooth met up with them to provide lethal cover and that's when he went around the Bearcat

CJ stated that as he ran around the Bearcat he knew that the subject (BEHLING) was down on the ground but he did not know if he was going to get back up. CJ stated that he saw the subject (BEHLING) down on the ground with his hand and arm on the ground and he was not moving.

CJ stated that he heard different types of gun shots but did not see any muzzle flash.

CJ stated that he and Deputy Hooth advanced towards the subject (BEHLING) and as he got closer he observed that the subject (BEHLING) was laying down on the ground, face up with his head toward the house. CJ stated that they rolled the subject (BEHLING) onto his stomach so they could handcuff him. CJ further stated that they used his handcuffs to secure the subject (BEHLING).

CJ stated that he observed that the subject (BEHLING) [REDACTED]

CJ stated that they carried the subject (BEHLING) to the area behind the Bearcat at which time they assessed [REDACTED].

CJ stated that they spent the next few minutes organizing themselves and determining next steps while someone carried the subjects body (BEHLING) to the Fire station which is located across

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: Interview of Winnebago County Sheriff's Deputy Christopher J. Last, AKA: CJ

the street of the target location. CJ stated that he was not sure who carried the subjects body across the street as he was concentrating on the house.

CJ stated that he was part of the team that entered the house and breached the house through the front door and he saw a black bag near the house that the suspect (BEHLING) dropped. CJ stated that they attempted to use the Robot to enter the house but the robot was disabled upon entry into the house (front door).

CJ stated that the team that went in the house was composed of Beaman (W21), Kurczak (W58), Sell (W23), P.O. Hag (X542), Hathaway (W55), Hooth (W56) and Rice (W8). CJ stated that they made entry through the back door on the 3/4 corner.

CJ stated that as they entered the house they went into the family room then the kitchen, then the front living room, a small hallway, bathroom and bedroom.

CJ stated that when they entered the house Deputy Hooth (W56) fixed the robot and then they proceeded to clear the basement. CJ stated that at this time he deployed his flash bang in the basement.

CJ stated that after they had cleared the house Deputy Sell and Sawyer maintained the scene until it was taken over by other Law Enforcement.

CJ stated that he waited in the Bearcat until they were told to go the Fire station at which time he did not see the subjects body. CJ stated that a short time later they were all instructed to go the Appleton PD where they were going to be interviewed by DCI agents.

CJ stated that all of the body cameras were taken by DCI.

CJ further stated that he doesn't know how much the Body Camera recorded as he does not believe that he turned it on until after the shots were fired and he went around the Bearcat.

CJ stated that he did not recall seeing the subjects gun but does recall hearing someone saying that "the gun is on the ground" when he was approaching with lethal cover. CJ stated that Kurczak and Englund were also providing lethal cover.

It should be noted that CJ provided S/A Tijerino with a hand drawn sketch of the scene.

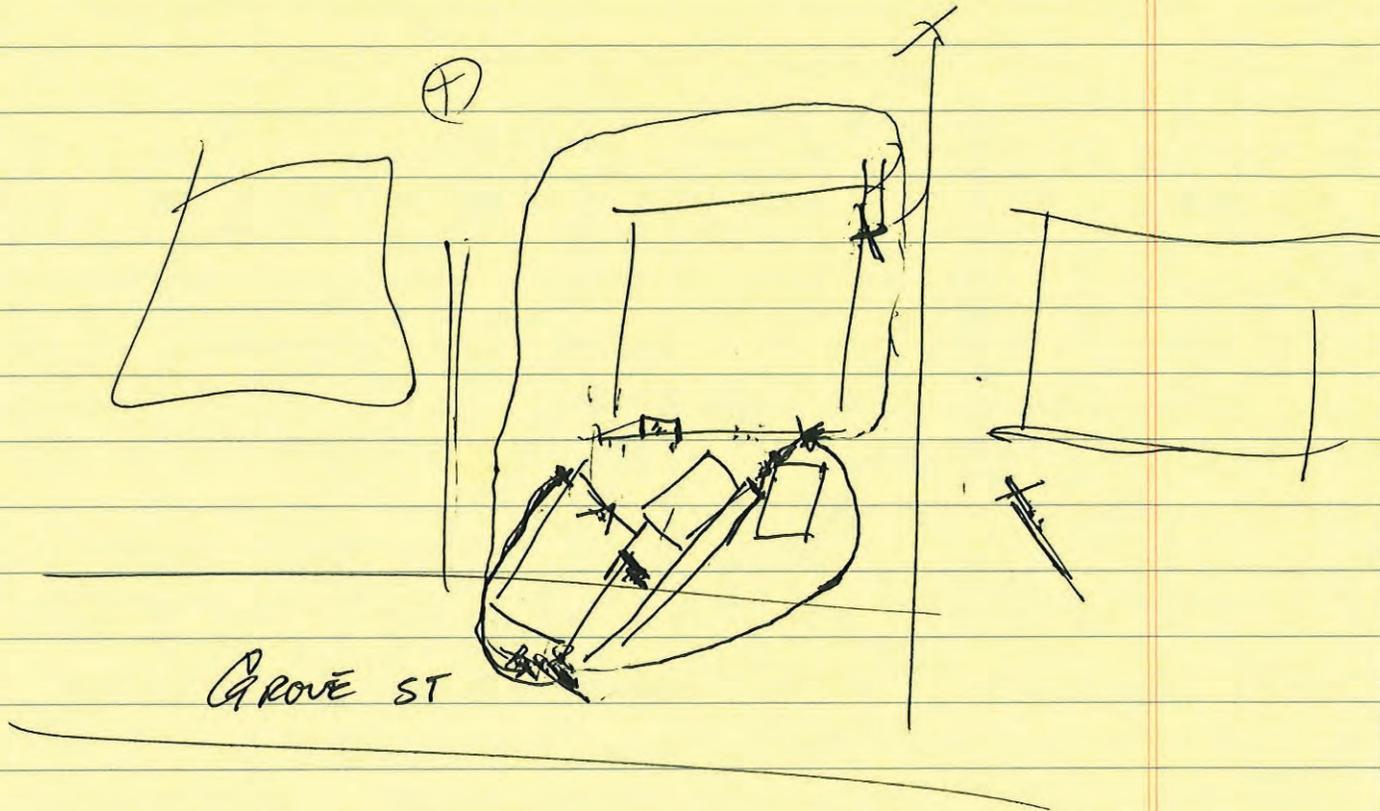
S/A Tijerino electronically submitted a copy of the aforementioned sketch as an attachment to this report.

Wisconsin Division of Criminal Investigation Case Report

**Case/Report Number: Interview of Winnebago County Sheriff's Deputy Christopher J. Last, AKA:
CJ**

S/A Tijerino submitted the aforementioned sketch into evidence as part of this report:
20-387/10.1.

This interview was terminated at approximately 1:41 AM.



1/22/2020

COMAST W39

NOT TO SCALE

Wisconsin Division of Criminal Investigation

Interview 20-387/11

Report Date: 01/22/2020

Primary Information

Description: Interview of Grand Chute PD [REDACTED] INV Patrick E. Griesbach
Occurrence From: 01/21/2020 23:02
Occurrence To: 01/21/2020 23:45
Reporting LEO: Culver, John R Jr (DCI Milwaukee Field Office / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/28/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Addresses

Relationship	Address
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Griesbach, Patrick E (Law Enforcement Official)		---
Mentioned	Gorden, Christopher P (Law Enforcement Official)		---
Mentioned	Lewis, Gary D (Law Enforcement Official)		---
Mentioned	Taylor, Raymond L (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned	B [REDACTED], E [REDACTED] (Person)	29 yr. old, White, Male	[REDACTED]
Mentioned	P [REDACTED], K [REDACTED] (Person)	29 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/11

On Tuesday, January 21, 2020, Special Agent (SA) John R. Culver, Jr. interviewed Grand Chute Police Department (PD) Investigator (INV) Patrick E. Griesbach at the City of Appleton PD.

[REDACTED]

Griesbach has been with the Grand Chute PD since 2003 and had worked as a police officer at the Shiocton, WI PD in 2002 while also working as a police officer for the Town of Combined Locks, WI PD from 2001 to 2003.

SA Culver had verbally identified himself to INV Griesbach, displayed his credentials for Griesbach's inspection and provided Griesbach with SA Culver's business card. The interview started at 11:02 p.m.

Griesbach provided the following.

[REDACTED]

[REDACTED]

Griesbach stated Behling has a violent criminal history and any attempt to take Behling into custody needed to be "open air". SA Culver asked Griesbach to explain the term "open air". Griesbach stated in using this term he was referring to only attempting to take Behling into custody if Behling was not in a home, building or a vehicle. Greisbach elaborated by stating Behling had rammed a Grand Chute PD squad in July of 2019 and had rammed a Neenah PD squad on January 10, 2020. Griesbach stated Behling had fled police after ramming the Neenah PD squad and that police had been looking for him for the past 10 or 11 days. SA Culver asked Griesbach if he had ever personally dealt with Behling. Griesbach stated he had not.

[REDACTED]

A traffic stop of this vehicle was executed and the occupants were identified as K [REDACTED] and E [REDACTED]. P [REDACTED] and B [REDACTED] were interviewed and stated Behling was inside the residence alone, armed with two handguns. Griesbach stated P [REDACTED] and B [REDACTED] had both positively identified Behling from a photograph of Behling which Griesbach had showed to them. Griesbach stated both P [REDACTED] and B [REDACTED] remained at the Appleton PD while Griesbach wrote a search warrant for 810 W. Grove St. During this time, investigators conducting surveillance at

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/11

this address had observed what they believed to be two drug deals involving Behling and two male subjects.

Griesbach stated that in July of 2019, Behling had told Behling's wife that Behling was not going back to prison (after the incident where Behling had rammed a Grand Chute PD squad when Behling was out on a \$100,000 cash bond).

Griesbach stated P [REDACTED] had observed Behling with two handguns either Monday (1/20/2020) or today (1/21/2020) which were attached to a lanyard around Behling's neck, similar to some type of lanyard used for paintball guns. SA Culver asked Griesbach how P [REDACTED] described these handguns. Griesbach stated P [REDACTED] described them simply as "black handguns".

Griesbach stated these handguns were believed to have been stolen in burglaries. Griesbach stated after the incident where Behling had rammed a squad in Neenah, a shotgun and 9mm ammunition was recovered from the vehicle Behling was driving. Griesbach stated Behling was a suspect in a burglary in Brown County where a .45 caliber pistol was stolen.

[REDACTED] After the briefing, Griesbach went to Appleton Fire Department #3, 801 W. Grove St., which is right across the street from 810 W. Grove St., where Griesbach was able to witness the execution of the search warrant from a closed garage door window with Appleton PD Lieutenant (LT) Gary Lewis and the Winnebago SWAT TL.

Griesbach recalled hearing Chris Gorden (Neenah PD [REDACTED]) and Lewis yell out that Behling was looking out the window of the residence. Griesbach stated this window was on the front/south side of the residence to the left/west of the front door. SA Culver presented a Google maps aerial image of the front of the residence and a Google Maps aerial image of the residence. Griesbach pointed out this window (in the image of the front of the residence), which was the only window on the front of the residence. SA Culver electronically attached this image to this report (See Attachments Section). Griesbach stated this window had a Green Bay Packers blanket covering it (on the inside of the residence). Griesbach told the SWAT TL and observed him key up a radio microphone telling the SWAT operators Behling was looking out this window.

Griesbach stated the Bearcat (armored vehicle) was not there when Behling was looking out the window, but arrived shortly thereafter and parked facing northeast in front of the southwest

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/11

corner of the residence. Griesbach subsequently observed Behling exit the residence through a screen door on the east side of the residence. Griesbach pointed out the location of this door on the aerial image of the residence (See Attachments section for this image). This screen door is located on a small addition to the residence on the north end of the east side of the residence. Griesbach observed Behling run north from this door. Griesbach stated he could hear yelling. Griesbach had seen SWAT operators deploy on foot earlier in a perimeter position to the northeast corner of the residence. Then Griesbach observed Behling run south back to this door, and stated it appeared Behling was trying to get back into the residence through this door but could not do so, after Griesbach had observed Behling push on the door two or three times. Griesbach opined Behling may have somehow locked himself out.

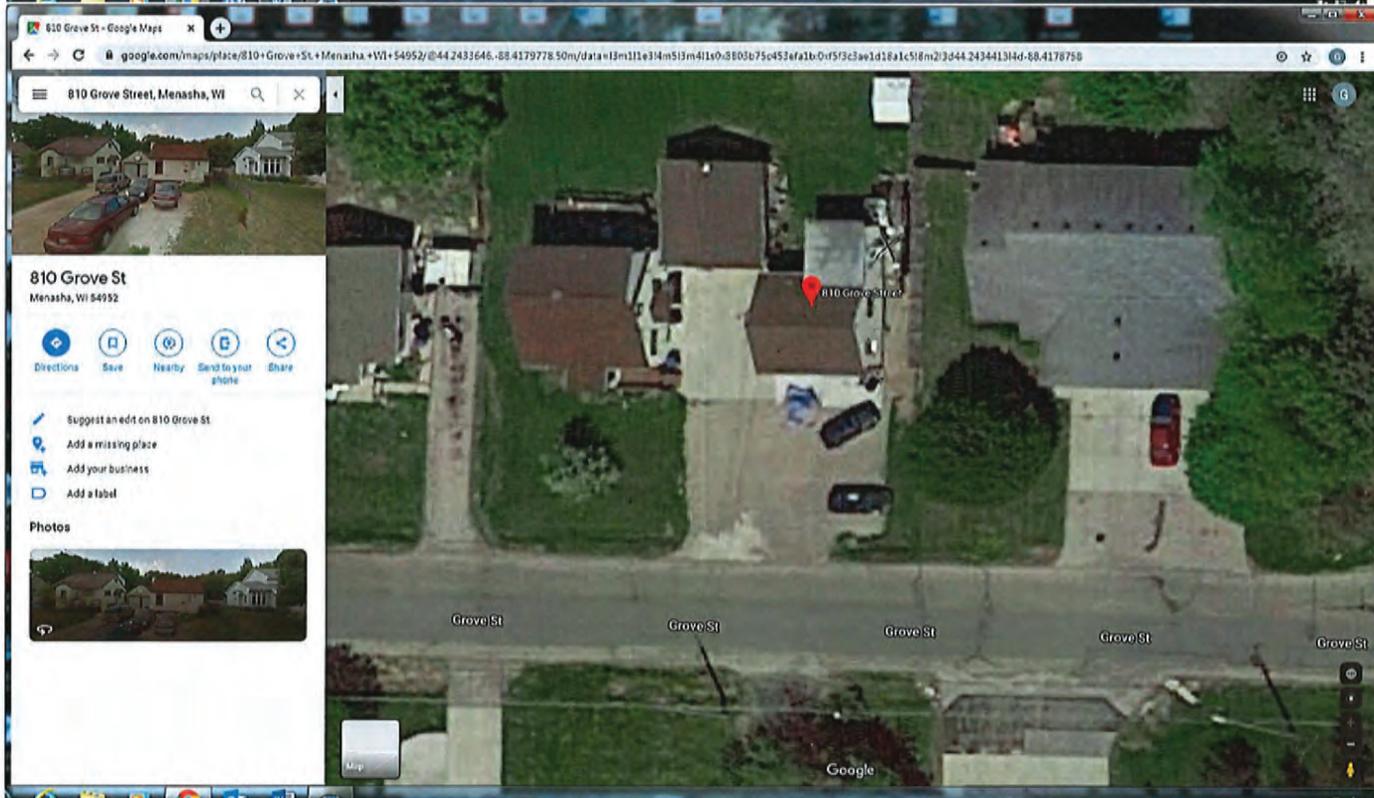
Then Griesbach observed Behling run south toward the southeast corner of the residence, around this corner and west in the front of the residence. Griesbach observed Behling's arms in what Griesbach described as a "shooting position" while Behling was moving. Griesbach observed Behling stop, between the door and the window on the front side of the residence, and look toward the SWAT Team and the Bearcat. Griesbach observed a handgun in one of Behling's hands, pointed toward the Bearcat and SWAT operators with Behling's arms extended outward toward them.

Griesbach heard yelling the entire time Griesbach had observed Behling outside the residence. Griesbach observed multiple SWAT operators located near the Bearcat, using the Bearcat for cover. Griesbach heard multiple gunshots, which lasted for one to two seconds. Griesbach observed Behling fall to the ground. Griesbach heard SWAT operators still giving commands to Behling. Approximately one or two minutes after the gunfire had ceased, Griesbach observed several SWAT operators approach Behling, with one operator using a shield. Griesbach observed these operators move Behling back to a position of cover at the rear of the Bearcat, as the residence was still unsecured as it was unknown if there was anyone else inside.

Griesbach observed TEMS personnel and armed Appleton Paramedic Fire Fighters approach Behling.

Griesbach started making phone calls and stated he really did not observe anything after that.

The interview of Griesbach concluded at 11:45 p.m.



FD

Wisconsin Division of Criminal Investigation

Interview 20-387/12

Report Date: 01/22/2020

Primary Information

Description: **Interview of Appleton PD/SIU LT Gary D. Lewis**
Occurrence From: **01/21/2020 23:47**
Occurrence To: **01/22/2020 00:25**
Reporting LEO: **Culver, John R Jr (DCI Milwaukee Field Office / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/28/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Addresses

Relationship Address
Location of Event **810 W Grove St, Appleton, Wisconsin 54915 United States of America**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Lewis, Gary D (Law Enforcement Official)		---
Mentioned	[REDACTED] (Law Enforcement Official)		---
Mentioned	VanBerkel, Korie L (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/12 Interview of Lt. Gary Lewis (APL PD)

On Tuesday, January 21, 2020, Special Agent (SA) John R. Culver, Jr. interviewed Appleton Police Department (APD) Lieutenant (LT) Gary D. Lewis at the City of Appleton Police Department. Lewis is assigned to the Appleton/Outagamie Special Investigations Unit (SIU).

SA Culver had verbally identified himself to LT Lewis, displayed his credentials for Lewis' inspection and provided Lewis with SA Culver's business card. The interview started at 11:47 p.m.

Lewis provided the following:

Lewis stated [REDACTED] briefed the surveillance operation of suspect, Rory J. Behling at 8:00 a.m. at the LWAM.

Lewis stated [REDACTED] surveillance was initiated at that residence.

Lewis stated he knew that Behling had wrecked into a Grand Chute squad, in a felony eluding incident. [REDACTED]

[REDACTED] Lewis stated in this incident Behling had "ditched" two ounces of meth, thus the investigation by the LWAM.

Lewis stated in a subsequent incident, Behling had rammed a Neenah PD squad during a welfare check, and stated Behling had fled police after the collision. Lewis indicated Behling has been at large since that incident. Lewis stated police had recovered ammunition in the vehicle from which Behling had fled. Lewis stated the Brown County Sheriff's Office had a sexual assault investigation involving Behling as well.

Lewis stated a female, who was Behling's former landlord in Menasha, had said Behling told her Behling was not going back to jail.

Lewis stated two male subjects who left 810 W. Grove St. (during the surveillance on 1/21/2020) were stopped by police and stated Behling was inside this residence, armed with at least two handguns. These subjects further stated Behling was in Behling's bedroom, located in the southwest corner of the residence, and was sleeping when they left. They also stated the window for this bedroom, located on the front/south side of the residence, had a Green Bay Packers blanket draped over the window. These subjects drew a sketch of the inside of this house, which Lewis stated was useful.

[REDACTED]
[REDACTED] Behling refused to walk out of the house.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/12 Interview of Lt. Gary Lewis (APL PD)

Lewis stated surveillance personnel had observed what they believed to be two drug deals at this residence. One involved a male subject that drove up in the driveway and entered the house briefly. The other involved another male subject who drove up into the driveway but didn't enter the house. Lewis stated, during the surveillance operation, he had been inside Appleton Fire Department (FD) #3, watching through the window of a closed garage door with binoculars. Lewis stated he had taken photographs of the residence at various times with his work phone.

Lewis stated [REDACTED] had written a search warrant as soon as it was known that Behling was not coming out of the house, and stated [REDACTED] knew the search warrant was going to be executed by SWAT.

At about 5:15 p.m., Lewis assisted Winnebago County S.O. SWAT Commander LT Darin Rice brief the SWAT Team, with [REDACTED] providing the team with the background information and information regarding the investigation of Behling. Lewis provided resources to the SWAT team which included the use of a drone which was used to obtain photographs of the residence, which Lewis provided to LT Rice. Lewis provided the aforementioned drawing of the inside of the residence and other intelligence regarding the residence to LT Rice. Lewis stated [REDACTED] got the search warrant signed at 6:15 p.m.

Lewis examined his phone and stated he had sent a group message out at 7:05 p.m., stating the SWAT commander was on scene, and sent out another group message at 7:28 stating the east side (perimeter) team was in place. Lewis stated DCI [REDACTED] SA Ryan A. Dobbs had sent out a group message stating the east side windows of the residence had movement in them. Lewis showed SA Culver a photo taken by the drone, which Lewis had saved on Lewis' work phone, which showed this east window to be a window with a window-air-conditioning unit in it. Lewis observed a storm door, located on the east side of the residence near the northeast corner, had swung open, was pulled shut by a hand and had opened again.

Lewis recalled that a reverse 911 call had gone out in the area of the suspect residence at the same time the two subjects (who had been stopped leaving the residence) had been released from the Appleton PD by "Van Berkel" (believed to be Outagamie County S.O. Deputy Korie L. VanBerkel). Lewis stated it was unknown if one of these two subjects made a phone call to Behling but Lewis stated Behling had fled out the back door of the residence just as the Bearcat had set up (near the southwest corner of the residence).

Lewis stated Behling exited the screen door. Lewis observed this, from the same position in Appleton FD #3, while looking through car windows of cars parked in front of the residence. Lewis stated he observed Behling run north toward the northeast corner of the residence and run back south to the same screen door. Lewis observed Behling try to open this door but stated it appeared Behling was locked out. Lewis observed Behling run south from this door around the southeast corner of the residence, then west directly in front of the residence.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/12 Interview of Lt. Gary Lewis (APL PD)

Lewis recalled that while Behling was running south along the east side of the residence that Behling had his right arm extended out and “locked stiff” before rounding that corner. Lewis called out, “He’s got a gun!” and Lewis heard a volley of “quick shots” and saw Behling fall to the ground.

SA Culver asked Lewis if he had observed anything that would have indicated that Behling had fired the gun. Lewis stated he could not say that he saw a muzzle flash from Behling’s gun. Lewis could not tell if Behling moved after Behling went to the ground. Lewis stated SA Dobbs had sent out another group message stating there were shots fired.

SA Culver asked Lewis to estimate how much time had passed from the last shot fired until SWAT operators put hands on Behling. Lewis replied that it was a reasonable amount of time, stating it was no more than two minutes. Lewis stated a shield team had moved up to Behling and moved Behling back to the rear of the Bearcat. Lewis stated the Bearcat was parked facing northeast near the southwest corner of the residence. Lewis stated two Appleton FD TEMS personnel and one Winnebago S.O. SWAT TEMS operator had conducted an assessment of Behling. Lewis stated they had confirmed there were no signs of life in Behling. Lewis stated the assessment took a few minutes and afterwards, Behling was moved to the Appleton FD #3 garage bay area where Behling was covered with a sheet and Lewis stood by.

Lewis later moved up to the Bearcat in response to a request by Winnebago SWAT personnel for perimeter assistance while they inserted a robot inside the residence to help in clearing it. When the house was cleared, Lewis went back over to Appleton FD #3 until 9:30 p.m. when he went to the Appleton PD.

The interview concluded (on 1/22/2020) at 12:25 a.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/13

Report Date: 01/22/2020

Primary Information

Description: **Interview of Winnebago County Deputy/SWAT Operator Ryan E. Hathaway**
Occurrence From: **01/22/2020 00:30**
Occurrence To: **01/22/2020 01:20**
Reporting LEO: **Culver, John R Jr (DCI Milwaukee Field Office / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/29/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Hathaway, Ryan (Law Enforcement Official)	White, Male	---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	██████████ (Law Enforcement Official)		---
Mentioned	Kurczek, Adam (Law Enforcement Official)		---
Mentioned	Rice, Darren (Law Enforcement Official)		---
Mentioned	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/13

On Wednesday, January 22, 2020, Special Agent (SA) John R. Culver, Jr. interviewed Winnebago County Sheriff's Office (S.O.) SWAT Team Operator, Deputy Ryan E. Hathaway at the City of Appleton Police Department.

SA Culver had verbally identified himself to Deputy Hathaway, displayed his credentials for Hathaway's inspection and provided Hathaway with SA Culver's business card. The interview started at approximately 12:30 a.m.

Hathaway provided the following:

Hathaway has been employed as a deputy with the Winnebago County S.O. for the past 5 ½ years and has been an operator on their SWAT Team for the past two years. SA Culver asked Hathaway what his assignments are on the SWAT Team. Hathaway stated the areas of specialty he is trained in as an operator on the SWAT Team are the Crisis Negotiation Unit (CNU) and Bearcat driver.

Hathaway stated Tuesday (1/21/2020) was one of his regular off-days, but when he received the callout at 3:17 p.m. (on 1/21/2020) he went to the Winnebago County S.O. to gear up, to prepare the Bearcat, and attend the briefing. Hathaway stated [REDACTED] had briefed the SWAT Team on his investigation of Rory Behling, and the current situation.

SA Culver asked Hathaway if he had been familiar with Behling prior to hearing his name at the briefing. Hathaway stated he was not familiar with Behling prior to the briefing. Hathaway stated the main theme of the briefing was that there was a felony arrest warrant for Behling, as he was a suspect in recently ramming a Neenah Police Department (PD) squad and that Behling had rammed a Grand Chute PD squad in July of 2019.

SA Culver asked Hathaway if there was a separate SWAT briefing after the briefing that [REDACTED] had provided. Hathaway stated there was, and after the SWAT briefing, Hathaway finished gearing up. Hathaway stated there was also a TEMS briefing at (the intersection of) Memorial and Florist which covered the locations of hospitals and tentative plans specifically related to TEMS.

Hathaway stated SWAT Team Commander, LT Darin Rice was across the street from the suspect residence (810 W. Grove St.) inside Appleton Fire Department #3 (801 W. Grove St., Appleton). Hathaway stated the SWAT Team was ready and was awaiting a "go-ahead" from command to approach the suspect residence.

Hathaway stated SWAT Team members had received information that Behling was doing "drug deals" while everyone was in position and waiting. Hathaway stated while the SWAT Team was still briefing they had been notified by surveillance elements that a car had arrived at 810 W. Grove St. and left, but the intelligence they were provided stated Behling should be the only person inside this house.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/13

SA Culver asked Hathaway to describe his approach to the residence while driving the Bearcat. Hathaway stated the Bearcat was staged at least one block to the west of the residence and around the corner from W. Grove St. Hathaway stated two teams (of SWAT operators) had deployed on foot in the area of the residence and when they were set, Hathaway drove the Bearcat east on W. Grove St. and stopped at an angle facing northeast in front of the southwest corner of the residence where SWAT operators deployed out of the back of the Bearcat.

Hathaway stated while he was positioning the Bearcat and getting lights set up on the front/south side of the residence he heard that Behling was running.

Hathaway stated prior intelligence about Behling stated Behling had two handguns on him at all times and that Behling's girlfriend had stated Behling told her he was not going back to prison.

Hathaway stated he heard "excited communication" at the time he heard Behling was out and running. Hathaway stated LT Englund was seated in the front passenger's seat of the Bearcat, while Hathaway, still seated in the driver's seat of the Bearcat, was watching the west side of the residence. Hathaway stated he eventually saw Behling run around the southeast corner of the residence and westbound in front of the residence. Hathaway stated it looked as if Behling was surprised to see the Bearcat in the driveway as Behling stopped in front of the residence.

Hathaway stated he heard "yelling" and heard someone (possibly more than one person) say several times, "He's got a gun". Hathaway stated it sounded like it was "Schoonover" (SWAT Operator Kyle Schoonover of the Winnebago S.O.) who had said this at least once.

Hathaway stated he observed Englund exiting the front passenger's door of the Bearcat with his handgun drawn. Hathaway observed Behling standing in front of the residence at this time. SA Culver asked Hathaway how close Behling was to the Bearcat. Hathaway stated he could see that Behling had a cigarette in his mouth. Hathaway observed Behling "holding something forward" from his hip, pointed toward the Bearcat. Hathaway heard Englund yell toward Behling to "drop the gun" as Englund's passenger's front door was open with Englund holding his handgun outside the door and extended.

Hathaway stated Behling was just in front of but to the right (east) of the stoop in front of the door on the east end of the front (south) side of the residence. SA Culver asked Hathaway if Englund had feet on the ground or if he was still inside the Bearcat. Hathaway stated he didn't know if Englund had feet on the ground, as Hathaway heard a two to three second volley of multiple gunshots. Hathaway stated he did not know how many shots were fired.

SA Culver had presented Hathaway with two Google Earth images. One of the front of 810 W. Grove St. (and two adjacent residences) and an aerial view of the residence (and two adjacent residences), which were printed on a single page. Hathaway viewed these images and used them

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/13

to point out and describe locations to SA Culver. SA Culver electronically attached this document to this report (See Attachments Section).

SA Culver asked Hathaway if he observed anything that would have indicated Behling fired a weapon. Hathaway stated he didn't observe any muzzle flashes but while shots were being fired, Hathaway heard two or three "pings" against the Bearcat which Hathaway stated he believed were bullets striking the Bearcat.

Hathaway stated when the gunshots ceased, he observed Behling drop to the ground. SA Culver asked Hathaway how much time had passed from the last shot fired to when SWAT operators put hands on Behling to assess him. Hathaway stated it had been one minute or less when two or three TEMS personnel arrived at Behling to assess and provide aid to Behling.

Hathaway had exited the Bearcat through the driver's door and took up a perimeter position to cover the west side of the residence, knowing a team was already established to move up and assess Behling. Hathaway stated it was unknown if anyone was inside the house. Hathaway stated he and SWAT Operator Adam (Kurczek) were next to each other, patch to patch, with Kurczek covering the front of the residence. Hathaway stated he was not in a position to observe the TEMS personnel assessing Behling from his perimeter position.

Hathaway stated approximately two minutes after the TEMS personnel had arrived at Behling, they moved Behling to the rear of the Bearcat. Hathaway and Kurczek moved along the driver's side of the Bearcat to the rear of the Bearcat where Behling was placed on a roll-up type stretcher. Hathaway assisted in moving Behling across the street to Appleton Fire Department #3, into an open garage bay door which was closed once they were inside.

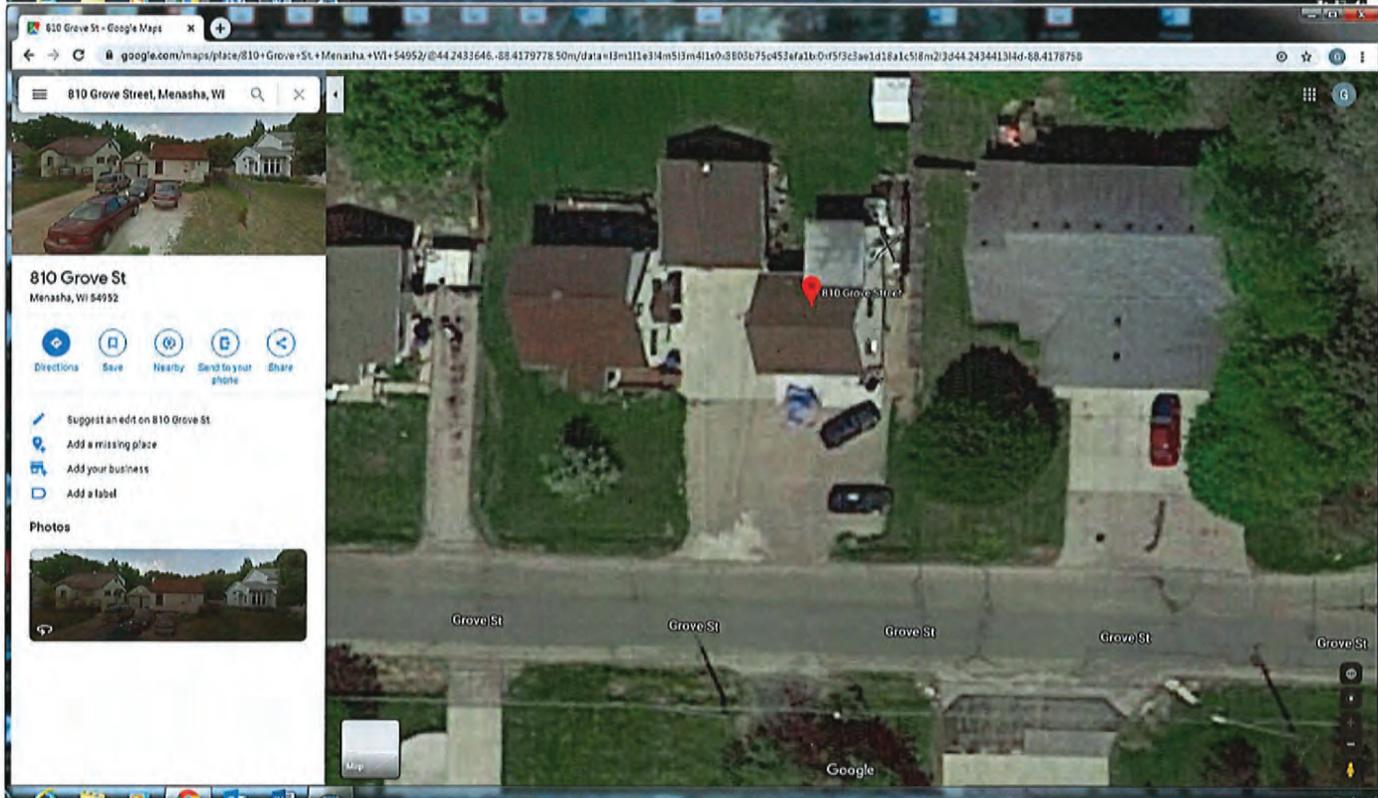
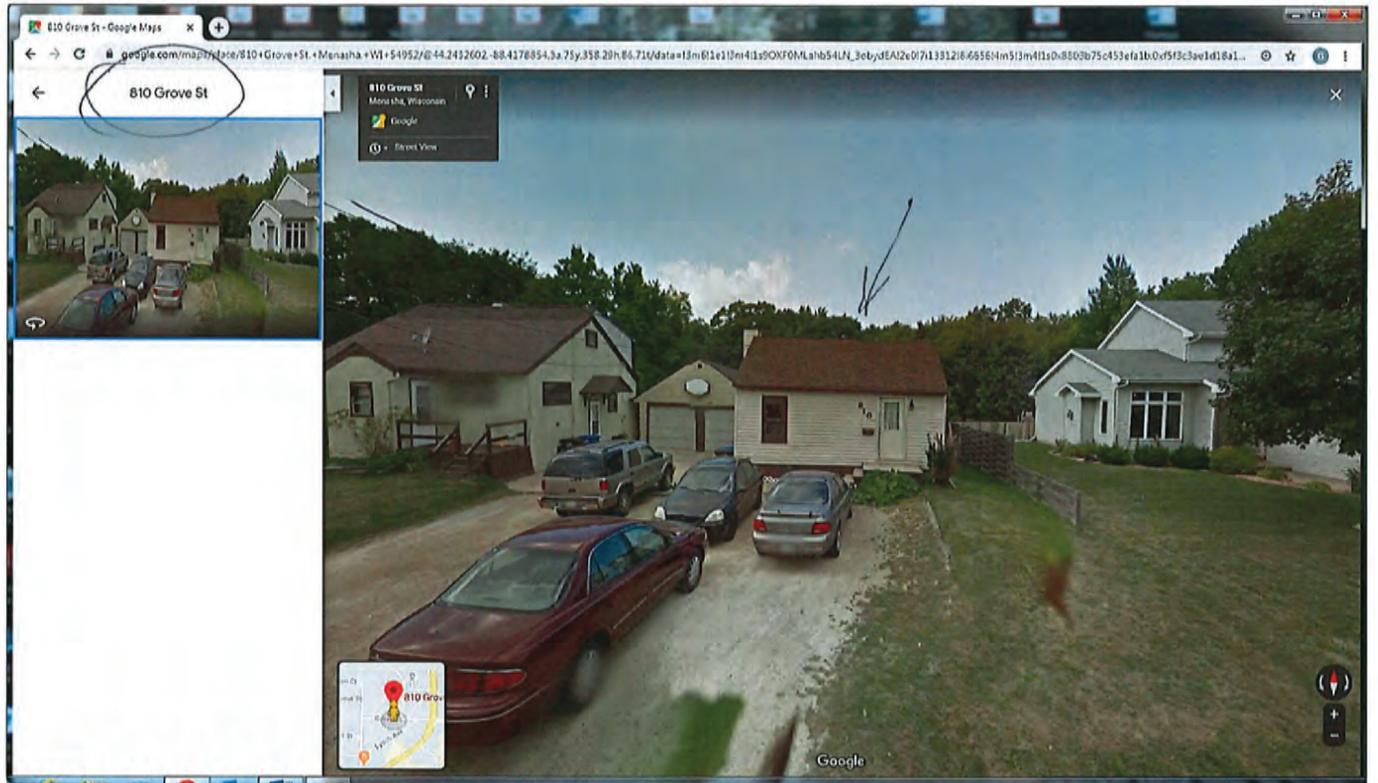
Hathaway recalled that while he was observing the assessment and treatment of Behling at the front of the house,



SA Culver asked Hathaway if he heard anyone say anything regarding this incident. Hathaway stated he was present when LT Englund went down the line, asking SWAT operators one by one if they "shot". Hathaway stated Kyle Schoonover stated, "Yes", before Schoonover had gone across the street.

SA Culver asked Hathaway if he had anything to add. Hathaway stated he did not.

The interview of Hathaway concluded at 1:20 a.m.



FD

Wisconsin Division of Criminal Investigation

Interview 20-387/14

Report Date: 01/23/2020

Primary Information

Description: Interview of [REDACTED] Investigator Christopher P. Gorden
Occurrence From: 01/21/2020 22:45
Occurrence To: 01/21/2020 23:30
Reporting LEO: Jones, Shannon D (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/28/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Addresses

Relationship	Address
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Gorden, Christopher P (Law Enforcement Official)		---
Mentioned	Griesbach, Patrick E (Law Enforcement Official)		---
Mentioned	Lewis, Gary D (Law Enforcement Official)		---
Mentioned	Taylor, Raymond L (Law Enforcement Official)		---
Mentioned	B [REDACTED], E [REDACTED] (Person)	29 yr. old, White, Male	[REDACTED]
Mentioned	P [REDACTED], K [REDACTED] (Person)	29 yr. old, White, Male	[REDACTED]
Suspect	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Property

Status	Quantity	Description
Inventory	1	Google Map Photo / Sketch
Inventory	1	Clothing / Equipment Photos for Inv Gorden

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 14 - Interview of [REDACTED] Investigator Christopher P. Gorden

On Tuesday, January 21, 2020, at approximately 8:30 pm, Special Agent (SA) Shannon D. Jones of the Wisconsin (WI) Department of Justice (DOJ) – Division of Criminal Investigations (DCI) was notified of an Officer Involved Death (OID) Investigation in Appleton, Wisconsin. The notification was initiated by Special Agent in Charge (SAC) David Klabunde. SAC Klabunde requested SA Jones to respond to the Appleton Police Department (APD) located at 222 S. Walnut Street, Appleton, Wisconsin, to assist in the investigation efforts.

On Tuesday, January 21, 2020, at approximately 10:30 pm, SA Jones arrived at APD. SA Jones was briefed of the circumstances regarding the OID by SA Brian Liethen. SA Jones was then asked to assist in the interview of law enforcement personnel that were witnesses to this OID.

On Tuesday, January 21, 2020, at approximately 10:45 pm, SA Jones conducted an interview of Christopher P. Gorden (W/M, [REDACTED]). Gorden indicated he was currently an Investigator (Inv) for the City of Neenah Police Department. He stated his badge number was #N119. [REDACTED]

[REDACTED]

Inv Gorden was appointed as a Patrol Officer to the Neenah Police Department on Monday, April 14, 2008. He was later promoted to Investigator in September 2016. [REDACTED]

[REDACTED]

Inv Gorden [REDACTED]. SA Jones took photos of the clothing and equipment worn by Inv Gorden during this incident. SA Jones observed that there were no damages or biological substances on the clothing of Inv Gorden. He was not injured and SA Jones observed / inspected firearm described as a black Glock 26 Generation 5 Serial # ADMX27.

Inv Gorden identified the deceased subject of the OID as being Rory Behling (W/M, 30's). He indicated he first became aware of Behling in July 2019 and that he also knew that Behling had a Felony Warrant with Grand Chute Police Department and a Felony Warrant with the Wisconsin Department of Corrections.

Inv Gorden added that approximately two (2) weeks ago, Behling had confrontational contact with Neenah Police Department. In this contact, Behling had struck a squad and created other property damages. Inv Gorden stated the Investigators of the Neenah Police Department incident revealed Behling to be the suspect and they also located a stolen shotgun, bullet proof vest, and 9mm ammunition in an abandoned rental car that was used in the incident.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 14 - Interview of [REDACTED] Investigator Christopher P. Gorden

Inv Gorden stated the Investigators then obtained a phone number for Behling through their investigative leads. [REDACTED]

Inv Gorden indicated that mid-week (last week), new information was obtained regarding another phone number that Behling had in his possession. [REDACTED]

Inv Gorden stated on Tuesday, January 21, 2020, it was determined that Behling was located at the address of 810 W. Grove Street, Appleton, Wisconsin. The briefing for the operation for took place at 8:15 am. Inv Gorden informed SA Jones of the members of the surveillance teams and the surveillance / arrest teams. He also indicated he was assigned to conduct surveillance.

Again, Inv Gorden related that Behling had been pinpointed to that address of 810 W. Grove Street. He related that per the briefing, they were to set up on surveillance to make certain that Behling was located within the location and attempt to arrest him outside the location without incident. Inv Gorden stated after a few hours of surveillance, two (2) subjects exited the target residence and entered a red Chevy S10 Truck (with no registration plates). A traffic stop of the vehicle was conducted away from the target residence.

Inv Gorden stated as a result of the traffic stop, it was discovered that the driver / leaseholder of the property (810 W. Grove Street) was K [REDACTED] P [REDACTED] (W/M, 20's) and the front passenger was E [REDACTED] B [REDACTED] (W/M, 20's). [REDACTED]

Inv Gorden noted how P [REDACTED] and B [REDACTED] were questioned and the intelligence that was gathered revealed that Behling was inside the residence. P [REDACTED] stated Behling was armed and was usually in possession of two (2) firearms. He only offered that they were black in color. P [REDACTED] also provided a layout of the residence and the exact room / location of Behling within the residence. He added that Behling showed up about a week ago and indicated he needed somewhere to sleep for the night and that one (1) night has turned into a week now. B [REDACTED] informed Investigators that he only met Behling for the first time the night prior.

[REDACTED] He noted how they then devised a plan to get Behling to leave the residence and that through this plan, Behling could be taken into custody without incident.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 14 - Interview of [REDACTED] Investigator Christopher P. Gorden

P [REDACTED] made the call to Behling and attempted to get him to meet him at the gas station under a ruse. Behling refused to leave the residence and stated, "You know I don't go out in the daylight." Again, this offered confirmation that Behling was inside the residence of 810 W. Grove Street.

Inv Gorden stated [REDACTED]
They also had P [REDACTED] and B [REDACTED] with them. This process took several hours, while the surveillance of the residence, 810 W. Grove Street, continued.

Inv Gorden stated upon the signing of the warrant, the Winnebago County Sheriff's Office Special Weapons and Tactics (SWAT) was notified. They then went to conduct a brief of the SWAT Team at Winnebago County Sheriff's Office.

Inv Gorden stated after they completed the briefing, he reported to the Appleton Fire Department Station 3 located at 801 Grove Street. This was the location of the Command Post and also a point of observation / surveillance for the residence of 810 W. Grove Street.

Inv Gorden noted how during his surveillance of the address of 810 W. Grove Street, he observed SWAT Team members moving towards the target residence from the east. He also observed a Bearcat moving towards the residence from the west and that there were SWAT Team members on the north side of the target residence as well.

He stated as the SWAT Team members and Bearcat were moving into positions, he observed movement to the blinds / curtains on the front door of the residence on their left side and then on their right side. There had been no police (audio) radio announcements initiated at this point.

Inv Gorden stated as the Bearcat approached the front of the target residence, the door (east side of the residence) then opened and a subject (appeared to be a male) in dark clothing (silhouette) exited. The subject ran to the north towards the rear yard of the target residence. The subject then stopped and ran back to the south and then west towards the door he had just exited. He attempted to gain entry, but it appeared he had closed and locked the door based upon his attempts at shouldering a forced entry to the residence.

After gaining no entry to the residence, the subject descended the stairs near the door and fell (possibly) to the ground. He then moved quickly towards the south (front of the residence). Once he arrived at the front of the residence, the subject moved in a southwest direction towards the Bearcat that was now parked in front of the target residence with its emergency lights activated. The subject appeared to have a dark colored object in his hand as he approached the Bearcat.

Inv Gorden stated there were voice announcements / commands (audio and loud) being made, but subject did not comply. Inv Gorden noted how the actions of the subject were so aggressive that they caused him (Inv Gorden) to reach for his firearm because he believed that the subject was going to fire his weapon at law enforcement officers.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 14 - Interview of [REDACTED] Investigator Christopher P. Gorden

Inv Gorden stated he then confirmed that the subject had a handgun in his possession and he actually yelled out, "He has a gun." Inv Gorden indicated that in close proximity of him at that time were SAC Raymond Taylor (on his right side), Inv Patrick Griesbach (on his right side), and Inv Gary Lewis (on his left side). He recalled that they were approximately 50' away from the incident.

Inv Gorden stated he heard approximately five (5) to six (6) shots fired in the area of the Bearcat and front of the target residence. The gunshots were in rapid succession and in a volley. Inv Gorden indicated he observed the subject then fall to the ground. He stated that SWAT Team members then moved towards the subject and secured him. They then rendered first aid on the subject.

The subject was then transported across the street to the Appleton Fire Department Station 3 for extended medical attention. Inv Gorden stated that he then positively identified the subject as being Behling and he noted that this was definitely the same subject he had observed early in the front door window area and along the side of the residence prior to the shooting incident.

Inv Gorden again informed SA Jones that he was not injured during this incident.

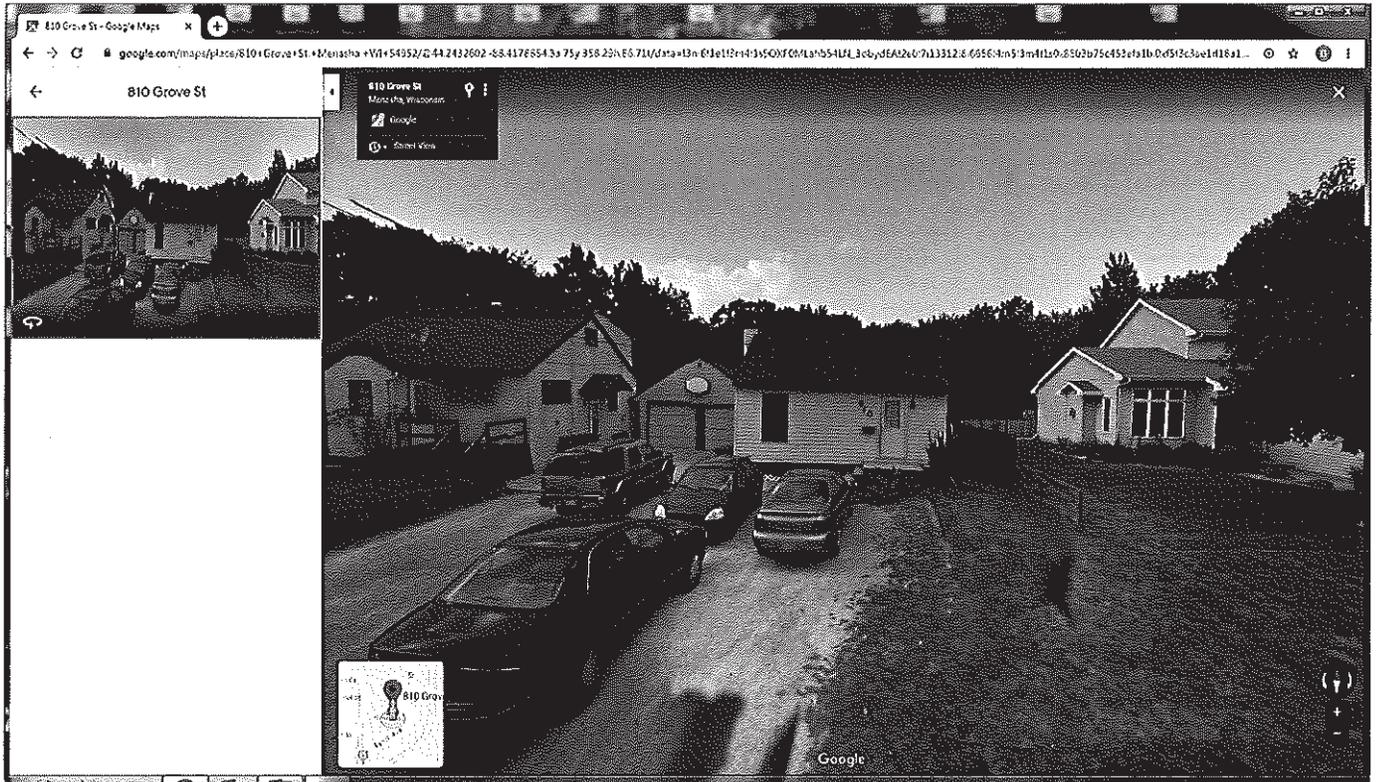
SA Jones took photos of Inv Gorden in his clothing worn during the incident and also of the equipment he had in his possession.

Inv Gorden also utilized a google map photo to depict his location of observation, the location of the subject (Behling), and the location the Bearcat / SWAT Team members during this incident.

SA Jones completed the interview of Inv Christopher P. Gorden (W/M, [REDACTED]) on Tuesday, January 21, 2020, at approximately 11:30 pm.

Items Inventoried

Google Map / Sketch for Inv Gorden	20-387/14.1
CD of Clothing / Equipment for Inv Gorden	20-387/14.2



Garden
Firestation

Charles
11/21/20
11:30 PM

Wisconsin Division of Criminal Investigation

Interview 20-387/15

Report Date: 01/23/2020

Primary Information

Description: Interview of [REDACTED] Investigator Jeremiah B. Gustafson
Occurrence From: 01/21/2020 23:38
Occurrence To: 01/22/2020 00:08
Reporting LEO: Jones, Shannon D (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/29/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Addresses

Relationship	Address
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Gustafson, Jeremiah B (Law Enforcement Official)	Male	---
Mentioned	Griesbach, Patrick E (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---
Mentioned	Sell, Derek A (Law Enforcement Official)		---
Mentioned	Birmingham, Meredith (Person)	White, Female	---
Suspect	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Property

Status	Quantity	Description
Inventory	1	CD of Inv Gustafson Clothing / Equipment Photos

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 15 - Interview of [REDACTED] Investigator Jeremiah B. Gustafson

On Tuesday, January 21, 2020, at approximately 8:30 pm, Special Agent (SA) Shannon D. Jones of the Wisconsin (WI) Department of Justice (DOJ) – Division of Criminal Investigations (DCI) was notified of an Officer Involved Death (OID) Investigation in Appleton, Wisconsin. The notification was initiated by Special Agent in Charge (SAC) David Klabunde. SAC Klabunde requested SA Jones to respond to the Appleton Police Department (APD) located at 222 S. Walnut Street, Appleton, Wisconsin, to assist in the investigation efforts.

On Tuesday, January 21, 2020, at approximately 10:30 pm, SA Jones arrived at APD. SA Jones was briefed of the circumstances regarding the OID by SA Brian Liethen. SA Jones was then asked to assist in the interview of law enforcement personnel that were witnesses to this OID.

On Tuesday, January 21, 2020, at approximately 11:38 pm, SA Jones conducted an interview of Jeremiah B. Gustafson (W/M, [REDACTED]). Gustafson indicated he was currently an Investigator (Inv) for the Fox Crossing Police Department (FCPD). He stated his badge number was #X546.

[REDACTED]

Inv Gustafson was appointed as a Patrol Officer to the Fox Crossing Police Department in February 2007. He was later promoted to Investigator in January 2015. [REDACTED]

[REDACTED] SA Jones took photos of the clothing and equipment worn by Inv Gustafson during this incident. SA Jones observed that there were no damages or biological substances on the clothing of Inv Gustafson. He was not injured and SA Jones observed / inspected his firearm described as a black Smith & Wesson 9mm M&P Serial # LFD2077.

Inv Gustafson identified the deceased subject of the OID as being Rory Behling (W/M, 30's). He indicated he first became fully aware of Behling during the morning briefing on Tuesday, January 21, 2020. He indicated that there had been talk of a possible operation regarding locating / arresting Behling during the previous week. Inv Gustafson noted how Behling was wanted for squad damages, property damages, and possession of stolen firearms and drugs.

[REDACTED]

Inv Gustafson stated on the morning of Tuesday, January 21, 2020, at approximately 8:00 am, they were briefed on the surveillance / arrest of Behling. It was also briefed [REDACTED]. During the briefing,

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 15 - Interview of [REDACTED] Investigator Jeremiah B. Gustafson

Inv Gustafson stated he was assigned to the surveillance team and that he was told to stage approximately a city block away for assistance in the “take away”.

After four (4) to five (5) hours of surveillance, there was an announcement regarding two (2) subjects leaving the target residence and entering a red Chevy S10 Truck. When they left the area, a traffic stop was initiated on the truck. Inv Gustafson was not a part of the traffic stop. Behling was not in the truck, but intelligence was obtained from the occupants that Behling was inside the residence and that he was armed.

Inv Gustafson stated that he then returned to maintain surveillance on the target residence. He took up a position to the west of the target location near the intersection of Gardeners Row and Grove. Inv Gustafson indicated that from that position, he was able to look to the east and watch the front door of the target location (810 W. Grove Street). He maintained this surveillance location for approximately four (4) hours.

Inv Gustafson then explained how during his surveillance of the front of the target location, he observed a male subject exit the front door area. He stated it was still daylight outside. The subject had a black hoodie jacket on and walked to the mailbox. Inv Gustafson stated he reached for / obtained his binoculars for better view of the subject.

Inv Gustafson informed SA Jones that the subject entered the front door of the residence (810 W. Grove Street), but did not close the front door. Moments later, the subject exited the residence again via the front door and he smoked a cigarette. During the time that the subject was smoking the cigarette, he turned in the direction of Inv Gustafson. Inv Gustafson indicated that with the use of the binoculars, he positively identified the subject as being Behling from the early morning briefing photos. Inv Gustafson relayed his positive identification of Behling via the police radio.

Inv Gustafson stated that Inv Derek Sell also positively identified the subject as Behling based upon his surveillance view point.

Inv Gustafson indicated that after about two (2) more hours, darkness had set in.

Inv Gustafson stated they were all informed that the warrant for the address of 810 W. Grove Street had been authored / signed. They were also notified that the Lake Winnebago Sheriff's Office Special Weapons and Tactics (SWAT) Team had been notified.

A short time later, Inv Gustafson stated he observed the following vehicles traveling north on Gardeners past him:

Bearcat

Two (2) Squads

Canine Squad

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387 / 15 - Interview of [REDACTED] Investigator Jeremiah B. Gustafson

Another Squad

They all then proceeded east of W. Grove Street. The Bearcat then stopped.

After 15 to 20 minutes had elapsed, Inv Gustafson observed the Bearcat accelerate towards the target residence. The Bearcat had its emergency lights activated. Inv Gustafson stated he also observed another uniform squad that he wanted to have repositioned and he wanted to make sure they were aware of what was about to transpire.

Inv Gustafson related that he exited his vehicle and approached the uniform squad. He tapped on the window in an effort to not spook the patrol officer. He noticed that the officer was Patrol Officer (PO) Meredith Birmingham and before she could lower her window, Inv Gustafson stated he overheard five (5) to six (6) gunshots being fired in rapid succession in the area of the Bearcat.

Inv Gustafson stated he never approached the area of the Bearcat. He indicated he then directed PO Birmingham to block the road. He then entered his squad and blocked traffic as well.

He was later directed to report to the Appleton Fire Department Station 3 located at 801 W. Grove Street. At that location, Inv Gustafson met up with SWAT Team member Patrol Officer (PO) Seely Moe. He stayed with PO Moe as a "Battle Buddy".

Inv Gustafson was later directed to report to APD to be interviewed.

Inv Gustafson again informed SA Jones that he was not injured during this incident.

SA Jones took photos of Inv Gustafson in his clothing worn during the incident and also of the equipment he had in his possession.

SA Jones completed the interview of Inv Jeremiah B. Gustafson (W/M, [REDACTED]) on Wednesday, January 22, 2020, at approximately 12:08 am.

Item Inventoried

CD of Inv Gustafson Clothing / Equipment Photos

20-387/15.1

Wisconsin Division of Criminal Investigation

Investigative 20-387/16

Report Date: 01/23/2020

Warning

Contains entities exempt from disclosure

Primary Information

Description: Death Notification - K [REDACTED] B [REDACTED] and R [REDACTED] B [REDACTED]
Occurrence From: 01/22/2020 00:00
Occurrence To: 01/22/2020 00:00
Reporting LEO: Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Backup LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/05/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Subjects

Relationship	Name	Bio	DOB
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned - EXEMPT	[REDACTED] (Person)	15 yr. old, White, Male	[REDACTED]
Mentioned - EXEMPT	[REDACTED] (Person)	13 yr. old, White, Male	[REDACTED]
Parent	B [REDACTED], K [REDACTED] (Person)	55 yr. old, White, Female	[REDACTED]
Parent	B [REDACTED], R [REDACTED] (Person)	53 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/16

On Tuesday, January 21, 2020, the Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) Appleton Field Office was requested to lead the investigation into an officer-involved death. Rory J. Behling (██████████) died as a result of the shooting.

On Wednesday, January 22, 2020 at 12:13AM, Special Agent (S/A) and S/A Carl Waterstreet of the Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) went ██████████, Appleton, WI to attempt to make contact with Behling's mother, K██████████ (Behling) B██████████.

S/A Sleeman and S/A Waterstreet knocked on the door and male answered the door. Agents showed stated issued identification and asked if K██████████ Behling was there. Agents were invited into the house. Agents met with K██████████ (Behling) B██████████ (██████████) and her husband, R██████████ B██████████ (██████████).

S/A Waterstreet advised K██████████ and R██████████ B██████████ that there had been in incident between Rory Behling and law enforcement. As a result of that incident shots were fired between Behling and law enforcement and Behling had died at the scene.

Agents gave their condolences.

K██████████ B██████████ was quiet for a short time and then said, "I hope he didn't hurt anyone". S/A Waterstreet advised that he did not hurt anyone. K██████████ B██████████ said that Behling has been on drugs since he was about 18 years old. Behling had been in and out of prison his whole adult life. K██████████ B██████████ advised that she had not been in contact but one time since he got out of prison the last time in 2019.

K██████████ B██████████ stated that Behling had two children, ██████████ who was 15 years old and ██████████ who was 13 years old. K██████████ B██████████ did not have contact with her grandchildren and the last time she saw them was in the summer of 2018. K██████████ B██████████ did not have any contact information for their mother, S██████████ S██████████. The children attended ██████████

K██████████ B██████████ said if she seemed insensitive about Behling, she had moved on with her life.

S/A Sleeman asked K██████████ B██████████ if Behling had any medical issues or mental health issues and K██████████ B██████████ stated that Behling was ██████████. Behling had been prescribed medication but unknown if Behling took his medications.

K██████████ B██████████ advised that Behling's father was deceased.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/16

Agents provided the B■■■■'s with a Victim Advocate Pamphlet. S/A Sleeman explained the services that can be provided for victims. S/A Sleeman asked if they needed anyone to talk with this evening and K■■■■ B■■■■ stated they did not.

Agents asked if they had any questions and neither K■■■■ nor R■■■■ B■■■■ had any questions. They did advise that Behling has a sister and stepbrother.

K■■■■ B■■■■ told agents that she would be going to work tomorrow.

Agents left the residence at 12:40AM.

Wisconsin Division of Criminal Investigation

Interview 20-387/17

Report Date: 01/23/2020

Primary Information

Description: **Interview of Fox Crossing Police Chief Tim G. Seaver**
Occurrence From: **01/21/2020 21:59**
Occurrence To: **01/21/2020 22:12**
Reporting LEO: **Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) that occurred at 810 W. Grove Street in the Village of Fox Crossing, Winnebago County, WI.

As part of that investigation S/A Waterstreet interviewed Fox Crossing Police Chief Tim G. Seaver.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/17 - Interview of Fox Crossing Police Chief Tim G. Seaver

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) that occurred at 810 W. Grove Street in the Village of Fox Crossing, Winnebago County, WI.

As part of that investigation S/A Waterstreet interviewed Fox Crossing Police Chief Tim G. Seaver. A summary of the interview was below.

SUMMARY OF POLICE CHIEF TIM G. SEAVER:

Chief Seaver said he had been the Police Chief of Fox Crossing Police Department for approximately three (3) years. Chief Seaver had been briefed about an operation that was going to be taking place in the Village of Fox Crossing which involved the Winnebago County Special Weapons and Tactics Team (SWAT) and was included in regular communication updates about it. Chief Seaver said he left for the day at 4:00 p.m., but returned later to the staging area for a full briefing of the operation.

Chief Seaver said he was at the Appleton Fire Station number Three (3) which was the staging area for administrative staff. Chief Seaver viewed the operation from a window at the fire station. Chief Seaver said he observed a subject, later identified as Rory J. Behling (M/W-DOB- [REDACTED]) come outside of the house and then attempt to go back inside the house, however it appeared he could not get the door open as he was trying to push the door open but the door would not open. Chief Seaver said Behling ran to the front of the house, but Chief Seaver then lost sight of him and heard several gun shots fired.

Chief Seaver said the only vantage point he had of the incident was from the fire station bay window. When Chief Seaver lost sight of Behling, Chief Seaver walked away from the window and did not observe anything else.

Chief Seaver heard the gun shots fired and immediately met with Lieutenant Timothy Callan of the Fox Crossing Police Department to develop an incident response plan.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/18

Report Date: 01/23/2020

Warning

Contains entities exempt from disclosure

Primary Information

Description: **Death Notification to Rory Behling's children - by Neenah Police Department**
Occurrence From: **01/22/2020 00:00**
Occurrence To: **01/22/2020 00:00**
Reporting LEO: **Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	[REDACTED]

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned - EXEMPT	[REDACTED] (Person)	15 yr. old, White, Male	[REDACTED]
Mentioned - EXEMPT	[REDACTED] (Person)	13 yr. old, White, Male	[REDACTED]
Mentioned	S [REDACTED], S [REDACTED] (Person)	33 yr. old, Hispanic, Female	[REDACTED]

Documents

Document
Death Notification report by Neenah PD

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/18

On Tuesday, January 21, 2020, The Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) Appleton Field Office was requested to lead the investigation of an officer-involved death. Rory J. Behling ([REDACTED]) died as a result of the incident.

On Wednesday, January 22, 2020, DCI Special Agent Tami Sleeman contacted Sgt. Jeremy Bauman of the Neenah Police Department. S/A Sleeman requested assistance with a death notification to S [REDACTED] S [REDACTED] ([REDACTED]), the mother of Behling's who children, [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]).

Sgt. Bauman advised that the Neenah Police Department has had prior contacts and a rapport with S [REDACTED] .

Sgt. Bauman made contact with S [REDACTED] at her residence, [REDACTED]. The death notification was given to S [REDACTED] and her children. S [REDACTED] advised that last time she had contact with Behling was in October 2019 via phone.

Sgt. Bauman provided a report which has been attached for further details.

Subject ASSIST Location [REDACTED]

Incident Type Juvenile Report

Reported By Bauman, Jeremy P

Loc Name

Report Type Juvenile Report

Call Source

Assisted By Gruenstern, Chad J

Disposition Closed

Entered On 1/22/2020 2:35:16 PM

Entered By Bauman, Jeremy P

Occurred On 1/22/2020 10:50:06 AM

Reported On 1/22/2020 10:18:11 AM

Occurred Bet

OFFENSES

Offense ASSDEP - ASSIST OTHER DEPARTMENT -

Domestic No

IBR Group

Hate None (No Bias)

IBR Against

Weapons

UCR Hiera

Tools

Activities

Location Residence/Home

Securities

Completed Yes

Using Not Applicable

IBR Code

OTHER

Type Contact

S [REDACTED] S [REDACTED] Female White [REDACTED] Wisconsin

(920) [REDACTED]

OTHER

Type Child

[REDACTED]

OTHER

Type Child

[REDACTED]

OTHER

Type Government

STATE OF WISCONSIN DEPARTMENT OF JUSTICE

Hgt Wgt Hai Eye

[REDACTED] WI 54911 OUTAGAMIE USA

(920) 749-7950

NARRATIVE

Summary

Narrative

01/22/2020 9:20AM SGT J BAUMAN 117

On the above date and approximate time, I spoke with Investigator Tami Sleeman from the Wisconsin Department of Justice, Division of Criminal Investigations. Investigator Sleeman was working on the officer-involved shooting that took place on Grove Street in Appleton. Rory Behling was the subject in the officer-involved shooting, who is now deceased. Investigator Sleeman was given information regarding his children, [REDACTED] and [REDACTED]. I also gave her information regarding their mother, [REDACTED] [REDACTED].

I was requested to do the official death notification with [REDACTED] [REDACTED]. I was given specific information that could be released to her regarding the death of Rory Behling.

Lt. Gruenstern, VCR Sheryl Dingman and VCR Danielle Burke assisted me in doing the death notification at [REDACTED]'s residence, [REDACTED]. When we arrived at that location, we were allowed into the residence and spoke with [REDACTED] in the living room. I explained the incident that took place on Grove Street and how a search warrant had been prepared. I also told [REDACTED] how there was information regarding firearms and Rory having an active warrant. [REDACTED] was advised Rory shot at law enforcement and then law enforcement returned fire. The autopsy for Rory was being completed that day.

[REDACTED] informed me the last time she had contact with Rory was by telephone in October of 2019. The phone number he called from came up on her caller ID as being a private number. During the summer of 2019, [REDACTED] believed Rory was living with his sister in Greenleaf, WI. When he left his sister's residence, he did not officially move into [REDACTED]'s residence. He brought some of his personal belongings to her home. She let him use her Suburban vehicle, which was used in the Grand Chute incident.

Before our arrival, [REDACTED] already knew Rory had died because his sister, E [REDACTED] [REDACTED] contacted [REDACTED] by telephone. Regardless of this fact, I still provided the information listed earlier in this report. This information was also given to [REDACTED] and [REDACTED] even though [REDACTED] already told them their father had passed away. [REDACTED] was also provided contact information for Investigator Sleeman and the Department of Justice case number.

The case number for the Department of Justice investigation is 20-387. Investigator Sleeman requested this report be forwarded to her by email at sleemantm@doj.state.wi.us. Please forward this report to her at this location. JB/pp/lm

Wisconsin Division of Criminal Investigation

Interview 20-387/19

Report Date: 01/23/2020

Primary Information

Description: **Interview of Fox Crossing Lt. Timothy Callan**
Occurrence From: **01/21/2020 22:14**
Occurrence To: **01/21/2020 22:20**
Reporting LEO: **Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) assisted with an officer involved death investigation that occurred at 810 W. Grove Street in the Village of Fox Crossing, Winnebago County, WI.

As part of that investigation S/A Waterstreet interviewed Fox Crossing Police Lieutenant Timothy Callan.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/19 - Interview of Lt. Timothy Callan - Fox Crossing Police Dept.

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) assisted with an officer involved death investigation that occurred at 810 W. Grove Street in the Village of Fox Crossing, Winnebago County, WI.

As part of that investigation S/A Waterstreet interviewed Fox Crossing Police Lieutenant Timothy Callan. A summary of the interview was below.

SUMMARY OF LT. TIMOTHY CALLAN:

Lt. Callan said he was the on duty supervisor for the afternoon shift and was assigned to coordinate resources for the operation that was going to take place at 810 W. Grove Road which involved the Winnebago County Special Weapons and Tactics (SWAT) Team. Lt. Callan arranged for traffic control and monitored the operation for any other outside resources needed.

Lt. Callan said he went to the staging area which was at the Appleton Fire Station Number Three (3) with other command staff. Lt. Callan instructed his officers to block off the intersections between 810 W. Grove Road to allow for the safe deployment of the SWAT Team.

Lt. Callan looked out a window of the apparatus bay and saw two to three (2-3) SWAT members approaching from East to West and take a position towards the home at 810 W. Grove Road. Lt. Callan saw the Winnebago County SWAT team Bear Cat armored vehicle enter the driveway of 810 W. Grove Road and then heard someone yell, "He's trying to run!". Lt. Callan observed a subject later identified as Rory J. Behling (M/W-DOB-██████████) run off of a deck area towards the back yard of the home, and then run back onto the deck area and attempt to open the side door but Behling could not open it.

Lt. Callan said once Behling could not open the door he began to go towards the front of the home where the Bear Cat was. Lt. Callan saw Behling reach into his waist band of his pants and pull out what looked to be a silver handgun. Lt. Callan observed Behling point the handgun towards the area of the BearCat and then lost sight of Behling due to the vehicles parked in the driveway. Lt. Callan immediately heard a series of gun shots. Lt. Callan notified dispatch of "Shots fired" and started to coordinate scene response to make sure the scene was secured and there would be enough personnel to block off the roads and keep the scene safe.

Wisconsin Division of Criminal Investigation
Search Warrant Report - No Charges 20-387/20

Report Date: 01/23/2020

Primary Information	
Description:	Search Warrant of 810 W Grove Street
Occurrence From:	01/22/2020 10:30
Occurrence To:	01/22/2020 11:25
Reporting LEO:	Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Backup LEO:	Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/06/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis
On Wednesday, January 22, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation which had occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that investigation, S/A Waterstreet executed a search warrant at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI.

Addresses	
<u>Relationship</u>	<u>Address</u>
Location of Event	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Search Location	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects			
<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	██████████
Mentioned	P██████, K██████ (Person)	29 yr. old, White, Male	██████████

Property		
<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Misc. Drug Paraphernalia
Inventory	1	Black Shoulder Holster containing (1) 9mm Loaded Magazine and (1) .45 caliber Fully Loaded Magazine
Inventory	1	White Cellular iPhone Smart Phone
Inventory	1	Black Android Smart Phone
Inventory	1	Empty .22 caliber magazine
Inventory	1	Empty BB gun magazine
Inventory	1	Green Tubed Smoking Device
Inventory	1	Electronic Scale with Weights
Inventory	1	Green Ballistic Vest
Inventory	1	Handgun Case with two nylon holsters and a nylon belly holster
Inventory	1	Gem Bag containing White Powder Substance
Inventory	1	Gem Bag containing brownish granulated substance
Inventory	6	Miscellaneous Flip and Smart Phones

Wisconsin Division of Criminal Investigation
Search Warrant Report - No Charges 20-387/20

Report Date: 01/23/2020

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/20 - Search Warrant No Charges - 810 W. Grove St, Appleton WI

ACTIVITY:

On Wednesday, January 22, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation which had occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI.

During the course of the investigation law enforcement learned Rory J. Behling (M/W- [REDACTED]) had been staying at 810 W. Grove St, Appleton, WI (Village of Fox Crossing) and during the execution of a search warrant by the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) Behling had been observed exiting the residence engaged law enforcement with a hand gun and had been shot by the WISO SWAT Team. Behling was extracted from the front of the residence to the Appleton Fire Station #3 which was across the street from the residence.

On Tuesday, January 21, 2020, S/A Yerges was able to obtain a search warrant for the residence at 810 W. Grove St, Appleton, WI, which was authorized by Assistant District Attorney Tracy Paider of the Winnebago County District Attorney's Office and authorized by Winnebago County Circuit Court Judge, the Honorable Scott C. Woldt.

During the execution of the search warrant which was assisted by Appleton Police Department and the Brown County Drug Task Force, agents discovered the below items:

Item No	Qty	Description	Comments	Located By
1	1	Misc. drug paraphernalia	Living room	Waterstreet
2	1	Black shoulder holster containing (1) 9mm magazine fully loaded / (1) 45 magazine fully loaded	1st floor bedroom	Waterstreet
3	1	White cellular I-phone	1st floor bedroom	Waterstreet
4	1	Black Android Smart Phone	1st floor bedroom	Waterstreet
5	1	Empty magazine .22 caliber	Foyer in a blue tote	Waterstreet
6	1	Empty magazine (bb-gun)	Foyer in a blue tote	Waterstreet
7	1	Green tube smoking device	1st floor bedroom	Waterstreet
8	1	Electronic scale and weights in soft bag	1st floor bedroom	Waterstreet
9	1	Green ballistic vest	1st floor bedroom	Waterstreet
10	1	Gun case with two holsters and a belly holster	1st floor bedroom	Waterstreet
11	1	White powder substance (positive for meth)	1st floor bedroom	Waterstreet
12	1	brownish granulated substance (positive for meth)	1st floor bedroom	Waterstreet

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-387/20 - Search Warrant No Charges - 810 W. Grove St, Appleton WI

Item No	Qty	Description	Comments	Located By
13	1	(6) misc. cellular phones	1st floor bedroom	Waterstreet

It was believed from when agents spoke with the home owner, K [REDACTED] P [REDACTED] (M/W-DOB-[REDACTED]) that Behling had been staying in the first floor bedroom.

EVIDENCE:

The above listed items were seized and transported to the Appleton Regional Field Office Evidence Processing area. The items were packaged, sealed, labeled and placed into secure evidence lockers within the Appleton Field Office Evidence Storage Facility.

Wisconsin Division of Criminal Investigation

Interview 20-387/21

Report Date: 01/23/2020

Primary Information

Description: Interview of Winnebago County Sheriff's Office SWAT Team Member Deputy Kyle S. Beck
Occurrence From: 01/22/2020 00:35
Occurrence To: 01/22/2020 01:14
Reporting LEO: Jones, Shannon D (Milwaukee Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/29/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Addresses

Relationship	Address
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

Relationship	Name	Bio	DOB
Mentioned	Beaman, Nick (Law Enforcement Official)		---
Mentioned	Christie, Todd (Law Enforcement Official)	White, Male	---
Mentioned	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Mentioned	Zill, Robert (Law Enforcement Official)		---
Interviewed	Beck, Kyle (Person)	Unknown, Male	---
Mentioned	Haag, Corey (Person)	White, Male	---
Suspect	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Property

Status	Quantity	Description
Inventory	1	CD of Dep Beck Clothing / Equipment Photos

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387 / 21 - Interview of Winnebago County Sheriff's Office SWAT Team
Member Deputy Kyle S. Beck

On Tuesday, January 21, 2020, at approximately 8:30 pm, Special Agent (SA) Shannon D. Jones of the Wisconsin (WI) Department of Justice (DOJ) – Division of Criminal Investigations (DCI) was notified of an Officer Involved Death (OID) Investigation in Appleton, Wisconsin. The notification was initiated by Special Agent in Charge (SAC) David Klabunde. SAC Klabunde requested SA Jones to respond to the Appleton Police Department (APD) located at 222 S. Walnut Street, Appleton, Wisconsin, to assist in the investigation efforts.

On Tuesday, January 21, 2020, at approximately 10:30 pm, SA Jones arrived at APD. SA Jones was briefed of the circumstances regarding the OID by SA Brian Liethen. SA Jones was then asked to assist in the interview of law enforcement personnel that were witnesses to this OID.

On Wednesday, January 22, 2020, at approximately 12:35 am, SA Jones conducted an interview of Kyle S. Beck (W/M, [REDACTED]). Beck indicated he was currently a Deputy (Dep) for the Winnebago County Sheriff's Office (WISO). He stated his badge number was #W51 and is assigned to patrol the area of Oshkosh west to Waushara County (Area 904). He currently works the [REDACTED] shift from [REDACTED]

Dep Beck was appointed to WISO in May 2015. He was later appointed to the WISO Special Weapons and Tactics (SWAT) Team in November 2018. He stated he completed the Basic SWAT course in Madison, Wisconsin in December 2018 and a Combat Care course in Superior, Wisconsin in the spring of 2019.

SA Jones took photos of Dep Beck's clothing and equipment. SA Jones made the following observations:

Clothing

Dark Green Jacket

Gray Knit Hat

Dark Green Long Sleeve Shirt (w/ Winnebago County Sheriff's Office patches on each shoulder)

Dark Green Cargo Pants

Black Boots

Equipment

[REDACTED]

Tactical Vest (worn over the jacket)

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387 / 21 - Interview of Winnebago County Sheriff's Office SWAT Team
Member Deputy Kyle S. Beck

Front

Sheriff Patch

Two (2) Magazines for Rifle (loaded 30 unfired cartridges each)



Taser

Body Camera

Tourniquet

Rear

Sheriff Patch

Radio

Gas Mask

First Aid Kit

Handcuffs

Dep Beck stated he had been on his regular off day on Tuesday, January 21, 2020. He stated that at approximately 3:17 pm, he received a phone call and text indicating, "Warrant Service / Respond to Sheriff's Office. No Negotiations Needed"

Dep Beck informed SA Jones that he partially dressed at home and then completed his dressing at work. He related how the briefing took place at 6:30 pm and how from approximately 4:00 pm till 6:00 pm, they were on stand by with updates regarding the LWAM completing the warrant and getting it signed.

Dep Beck explained bow during the briefing, the SWAT Team was told of the target suspect Rory Behling (W/M, 30's) and the target residence of 810 W. Grove Street, Appleton, Wisconsin. They were all also shown a photo of Behling.

Dep Beck stated after the briefing, he was assigned to Team 2 for the operation. He also indicated he was assigned to operate / drive a Ford Expedition. Also located in the vehicle with him were Dep Nicholas Beaman (W21) and Dep Dean Pankratz (W27) in the rear passenger compartment area.

Dep Beck stated they caravanned to a florist building / business located on Memorial Drive near the target residence. Once there, another briefing took place where medical procedures (if necessary) were discussed. They also met the APD Tactical Emergency Medical Service (TEMS)

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387 / 21 - Interview of Winnebago County Sheriff's Office SWAT Team
Member Deputy Kyle S. Beck

personnel. Dep Beck stated they then stood by for the approval of Captain (Capt) Todd Christie regarding the deployment of barricades.

After ten (10) minutes had lapsed and the approval of Capt Christie was received, they caravanned towards the target location of 810 W. Grove Street. Dep Beck stated the caravan order was as follows: The Bearcat, Squad, Expedition, and additional Squads. They all travelled north on Gardener Way and then proceeded east on Grove Street.

Dep Beck stated as they travelled east on Grove Street, the Bearcat and the Canine Squad stopped at the side of the road. He indicated he stopped to the west (rear) of the Bearcat and pulled to the side of the road. At this point, Dep Beaman and Dep Pankratz exited the Expedition and joined with Dep Robert Zill and Canine. They all met on the north side of Grove Street and proceeded north into the yards as north containment for the target residence.

Dep Beck informed SA Jones that there was an additional SWAT Team of at least two (2) law enforcement personnel that had taken a different route to set up as east containment for the target residence.

Dep Beck related that eventually SWAT Team 2 (Dep Zill (w/ Canine), Dep Beaman, and Dep Pankratz) to the north, radioed that they were in position on the north side of the target residence. He indicated that the Bearcat then moved east on Grove Street. Dep Beck stated he began to operate the Expedition east as well. While moving to the east, PO Corey Haag (X552) approached the vehicle and entered the rear passenger compartment area of the Expedition.

Dep Beck stated that the Bearcat activated its emergency lights and took up a position to the west of the target location and on the north side of Grove Street. The Bearcat was facing in a northeast direction. Dep Beck related he operated the Expedition into a driveway to the west of the Bearcat and started to park it facing to the north.

Dep Beck informed SA Jones that he then heard a radio transmission stating, "He's running." (Male voice). Dep Beck stated he finished parking the Expedition and while doing so, he realized that PO Haag already exited the rear compartment area of the Expedition. Dep Beck indicated he then exited the driver's side of the Expedition and ran around to the passenger's side of the vehicle. He entered the front passenger's compartment area and removed his Black Colt M4 Rifle (fully loaded with twenty-nine (29) unfired cartridges in the magazine and one (1) in the chamber).

Dep Beck informed SA Jones that after obtaining his rifle from the Expedition, he turned and took three (3) to four (4) steps to the northeast enroute to meet up with SWAT Team 2 members. Dep Beck stated that he then heard six (6) to eight (8) shots being fired in rapid succession to the southeast of his location. He noted that there was one (1) loud distinctive gunshot and then there

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387 / 21 - Interview of Winnebago County Sheriff's Office SWAT Team
Member Deputy Kyle S. Beck

were multiple shots that followed. These gunshots were all in close proximity of the bearcat location.

Dep Beck continued towards the location of SWAT Team 2. He noted that upon his arrival at their location, he heard via a radio transmission, "Shots fired" (Male voice). Dep Beck stated SWAT Team 2 maintained north containment for approximately ten (10) minutes. He related he then left the area to obtain the squad for Dep Zill to secure his Canine. Dep Beck returned with the squad and rejoined the location of SWAT Team 2.

Dep Beck stated SWAT Team 2 was eventually relieved of their containment duties and they then met up with the rest of SWAT Team members at the Bearcat. Dep Beck informed SA Jones that it was at this point that they were all informed of the SWAT Team members that fired their weapons during the incident.

Dep Beck never witnessed the incident.

Dep Beck informed SA Jones that he never observed the subject that was struck by gunfire. He related that when he earlier went to recover the squad for Dep Zill, he did observe an individual being moved from the front of the target location by several SWAT Team members.

Dep Beck indicated SWAT Team members later deployed their search robot within the target location. During this time, Dep Beck indicated he watched the front door of the residence. The robot cleared most of the residence, but encountered a few obstacles that prevented it from clearing the entire residence. Dep Beck stated the SWAT Team members then entered the residence and physically cleared the location.

Dep Beck informed SA Jones that after the residence was cleared, the SWAT Team members all met up near the Bearcat again. They were all then directed to report to APD to standby for WI DOJ-DCI to respond to interview them.

Dep Beck was not injured during this incident.

SA Jones took photos of Dep Beck in his clothing worn during the incident and also of the equipment he had in his possession.

SA Jones completed the interview of Kyle S. Beck (W/M, [REDACTED]) on Wednesday, January 22, 2020, at approximately 1:14 am.

Item Inventoried

CD of Photos of Dep Beck's Clothing / Equipment

20-387/21.1

Wisconsin Division of Criminal Investigation

Investigative 20-387/22

Report Date: 01/23/2020

Primary Information	
Description:	Collection, inspection and evidence processing of OID weapons
Occurrence From:	01/21/2020 00:00
Occurrence To:	01/22/2020 00:00
Reporting LEO:	Kastelic, Bryan F (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/05/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis
<p>On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Emergency Response Team, while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gun shot wounds and died on scene.</p> <p>S/A Kastelic was requested to collect, inspect, and secure all of the law enforcement agency (LEA) weapons that had been identified being involved in the incident. S/A Kastelic met with (WCSD) Captain (CPT) TODD D. CHRISTIE who had served as Incident Commander (IC) for the Tactical search warrant service. CPT CHRISTIE was located in the ICP and stated that he had collected 3 rifles and 1 handgun</p>

Addresses	
<u>Relationship</u>	<u>Address</u>
Case Request Location	Winnebago County, Wisconsin United States of America
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Evidence Located	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects			
<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Christie, Todd (Law Enforcement Official)	White, Male	---
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Kressin, Johnathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Law Enforcement	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Property		
<u>Status</u>	<u>Quantity</u>	<u>Description</u>
---	1	Glock 22 recovered from Lt Englund
---	1	(1) 40 caliber round recovered from chamber of Item #1
---	1	(1) Glock magazine with 14 Speer brand JHP rounds

Wisconsin Division of Criminal Investigation

Investigative 20-387/22

Report Date: 01/23/2020

Property - Continued

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
---	1	(1) Glock magazine with 14 Speer brand .40 caliber JHP rounds
---	1	(1) Glock magazine with 13 Speer brand .40 caliber JHP rounds
---	1	Colt M4 Carbine (Kressin) with Aimpoint sight, suppressor, weapon mounted light & sling
---	1	(1) Winchester brand 5.56mm round
---	1	(1) 30 Round magazine with (28) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (29) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (29) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (29) 5.56mm Winchester brand rounds
---	1	(1) Colt M4 carbine (Schoonover) with Aimpoint optic, suppressor, weapon light & sling
---	1	(1) Winchester brand 5.56mm round
---	1	(1) 30 Round magazine with (29) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (20) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (30) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (30) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (30) 5.56mm Winchester brand rounds
---	1	(1) M4LE rifle (Moe) with Strike Eagle scope, weapon light and sling
---	1	(1) 5.56mm Winchester brand round
---	1	(1) 30 Round magazine with (21) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (28) 5.56mm Winchester brand rounds
---	1	(1) 30 Round magazine with (28) 5.56mm Winchester brand rounds

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-397/22

.On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gun shot wounds and died on scene.

S/A Kastelic was requested to collect, inspect, and secure all of the law enforcement agency (LEA) weapons that had been identified being involved in the incident. S/A Kastelic met with (WCSD) Captain (CPT) TODD D. CHRISTIE who had served as Incident Commander (IC) for the Tactical search warrant service. CPT CHRISTIE stated that after the shooting, he had identified the officers involved and collected their weapons used in the event. CPT CHRISTIE directed S/A Kastelic to the west side of the fire department where 3 rifles and 1 handgun were located. CPT CHRISTIE stated he had also collected all magazines containing duty ammunition that had been on each officer at the time, as well as their personal body camera (if worn). CPT CHRISTIE stated he had noted on each bag the officer's name, items collected and time material was collected.

S/A Kastelic took a photo of weapons and equipment as arranged in the fire department at the time of collection. S/A Kastelic then began to inspect, photograph, log and collect items of evidence. The following reflects observations and conditions of all weapons and equipment collected from officers:

Officer SEELY MOE: At approximately 9:29 pm, S/A Kastelic began processing of Fox Crossing Police Department / Winnebago County ERT Officer SEELY MOE's (Badge # X540) rifle and equipment first. CPT CHRISTIE noted on the plastic baggie labeled "Seely Moe X540" contained "(1) chambered round, (3) AR 15 mags, (1) body cam, (1) AR 15 (SN# LEO93714)". The baggie also noted collection of the items occurred at 2020 HRS (8:20 PM). S/A Kastelic took a photo of the bag and the rifle prior to processing. Overall photos of the rifle serial number and rifle optics (ID as a Strike Eagle brand 1-6x24 power scope) were also taken. S/A Kastelic confirmed the contents of the bag were accurate and that the serial number provided on the baggie matched the M4LE Colt brand semiautomatic 5.56mm rifle. S/A Kastelic confirmed the chamber of the rifle was clear and safe. S/A Kastelic then took photos of the round that had been chambered which was a 5.56 mm round identified by a Winchester brand imprint on the casing rim. On 28JAN20, S/A Kastelic contacted Winnebago County Sheriff's Department training

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-397/22

division and confirmed they issued Winchester Law Enforcement Ammunition, Ranger brand 223 (5.56mm) 55 grain ballistic silver tip to members of the Tactical Team & Patrol.

S/A Kastelic then photographed one of three Magpul brand plastic rifle magazines. Based on training and experience, S/A Kastelic identified this magazine as having a 30 round capacity. All rounds were then removed and counted. 21 rounds were contained in this magazine and were all consistent with the round that had been removed from the chamber and noted earlier. These 21 rounds and the magazine were then secured in an evidence bag. S/A Kastelic conducted the same procedure with the second magazine which resulted in a total round count of 28 rounds. The third magazine was then processed which resulted in a total round count of 28 rounds.

S/A Kastelic then confirmed the body camera serial number (SN# QKA00505) and placed it aside for collection from WI DOJ DCI Digital Forensic Unit (DCU) Analyst Spencer Gustafson for downloading. All magazines with their respective rounds and the rifle were then secured for transport back to the WI DOJ DCI Field Office.

Deputy KYLE SCHOONOVER: At approximately 9:57 pm, S/A Kastelic began processing of WCSO Deputy KYLE SCHOONOVER's (Badge # W42) rifle and equipment. CPT CHRISTIE noted on the plastic baggie labeled "Kyle Schoonover X42" contained "(5) AR 15 mags, (1) Round from chamber, (1) body cam, (1) AR 15 (SN# CR225956)". The baggie also noted collection of the items occurred at 2014 HRS (8:14 PM). S/A Kastelic took a photo of the bag and the rifle prior to processing. Overall photos of the rifle serial number and rifle optics (identified as an Aimpoint red dot sight) were also taken. S/A Kastelic confirmed the contents of the bag were accurate and that the serial number provided on the baggie matched the M4 Colt brand semiautomatic 5.56mm carbine. S/A Kastelic confirmed the chamber of the rifle was clear and safe. S/A Kastelic then took photos of the round that had been chambered which was a 5.56 mm round identified by a Winchester brand imprint on the casing rim. This round was consistent with the rounds processed from MOE's rounds listed above.

S/A Kastelic then photographed one of five Magpul brand plastic rifle magazines. All five magazines were marked on their sides with "W42" (ID as SHOONOVER's badge number). These magazines were also consistent with 30 round capacity, as noted above. Following the same procedures for processing of MOE's rifle magazines, S/A Kastelic noted the following round counts with each magazine: Magazine #1 contained a total of 29 rounds. Magazine #2 contained a total of 20 rounds. Magazine #3 contained a total of 30 rounds. Magazine #4 contained a total of 30 rounds. Magazine #5 contained a total of 30 rounds.

S/A Kastelic then confirmed the body camera serial number (SN# QKA01295) and noted it was marked with W42. This camera was placed aside for collection from WI DOJ DCI DFU Analyst Gustafson for downloading. All magazines with their respective rounds and the rifle were then secured for transport back to the WI DOJ DCI Field Office.

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Deputy JON KRESSIN: At approximately 10:32 pm, S/A Kastelic began processing of WCSO Deputy JON KRESSIN's (Badge # W49) rifle and equipment. CPT CHRISTIE had stated a round was still in the rifle chamber due to a malfunction that KRESSIN had occurred during the engagement with the suspect. CPT CHRISTIE had locked the rifle bolt open and placed the weapon on safe. S/A Kastelic confirmed that there was a round in the chamber and took a photo of it. S/A Kastelic then released the bolt and then charged the weapon causing the unfired round to eject. The rifle was then checked and made safe by S/A Kastelic. The ejected round was secured. CPT CHRISTIE noted on the plastic baggie labeled "John Kressin X49" contained "(1) Body cam, (4) AR 15 Mags, (1) Long Gun (SN# CR225912)". The baggie also noted collection of the items occurred at 2003 HRS (8:03 PM). S/A Kastelic took a photo of the bag and the rifle prior to processing. Overall photos of the rifle serial number and rifle optics (identified as an Aimpoint red dot sight) were also taken. S/A Kastelic confirmed the contents of the bag were accurate and that the serial number provided on the baggie matched the M4 Colt brand semiautomatic 5.56mm carbine. S/A Kastelic confirmed the chamber of the rifle was clear and safe. S/A Kastelic then took photos of the round that had been chambered which was a 5.56 mm round identified by a Winchester brand imprint on the casing rim. This round was consistent with the rounds processed from MOE's rounds listed above.

S/A Kastelic then photographed one of five Magpul brand plastic rifle magazines. These magazines were also consistent with 30 round capacity, as noted previously. Following the same procedures for processing of rifle magazines documented earlier, S/A Kastelic noted the following round counts with each magazine: Magazine #1 contained a total of 28 rounds. Magazine #2 contained a total of 29 rounds. Magazine #3 contained a total of 29 rounds. Magazine #4 contained a total of 29 rounds.

S/A Kastelic then confirmed the body camera serial number (SN# QA01519) and noted it was marked with W49. This camera was placed aside for collection from WI DOJ DCI DFU Analyst Gustafson for downloading. All magazines with their respective rounds and the rifle were then secured for transport back to the WI DOJ DCI Field Office.

Lieutenant JUSTIN ENGLUND: At approximately 10:58 pm, S/A Kastelic began processing of WCSO Lieutenant (LT) JUSTIN ENGLUND (Badge #W19) handgun. CPT CHRISTIE noted on the plastic baggie labeled "Justin Englund X19" contained "(3) Mags, (1) Chamber round, Glock (SN# RYF999)". The baggie also noted collection of the items occurred at 2003 HRS (8:03 PM). S/A Kastelic took a photo of the bag containing the Glock handgun & magazines before processing. Overall photos of the Glock handgun were taken. S/A Kastelic confirmed the contents of the bag were accurate and that the serial number provided on the baggie matched the Glock Model 22 Gen 4, .40 caliber semiautomatic handgun with TLR 2 weapon mounted light. S/A Kastelic confirmed the chamber of the handgun was clear and safe. S/A Kastelic then took photos of the round that had been chambered which was a .40 caliber round identified by a Speer brand imprint on the casing rim. On 28JAN20, S/A Kastelic contacted Winnebago County

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Sheriff's Department training division and confirmed they issued Speer brand Gold Dot Ammunition, Ranger brand (.40 caliber), 162 grain jacketed hollow point ammunition to members of the Tactical Team & Patrol.

S/A Kastelic then photographed one of 3 Glock brand plastic .40 caliber magazines. S/A Kastelic noted 2 of the magazines were marked on their sides with "RYF 999" (ID as the Glock handgun serial number) and one magazine marked "552". Based on training and experience, S/A Kastelic identified the capacity for Glock Model 22 .40 caliber handguns is 15 rounds. Following the same procedures for processing rifle magazines referenced before, S/A Kastelic noted the following round counts with each magazine: Magazine #1 (Marked RYF 999) contained a total of 14 rounds. Magazine #2 (Marked RYF 999) contained a total of 14 rounds. Magazine #3 (Marked 552) contained a total of 13 rounds.

S/A Kastelic was informed by CPT CHRISTIE that LT ENGLUND had not been wearing a body camera due to the fact he was serving as Tactical Team Leader which had him positioned in the passenger seat of the Bearcat armored vehicle which is covered by vehicle mounted camera system. At this time all magazines with their respective rounds and the handgun were then secured for transport back to the WI DOJ DCI Field Office.

Upon completion of collection, S/A Kastelic transported all weapons, magazines and ammunition to the WI DOJ DCI Field office and secured them into evidence. Submittal of the weapons ammunition, and magazines to the WI DOJ Crime Lab (Milwaukee) was completed by S/A Kastelic. To represent magazines from each weapon sent, based on training and experience S/A Kastelic identified that 30 round 5.56 mm rifle magazines are usually loaded by LEA with 28 to 30 rounds. Based on this, S/A Kastelic identified one rifle magazine from each officer that represented round counts below 28, due to the fact the original magazines that had been in each rifle had not been identified during collection. S/A Kastelic also identified that the Glock .40 caliber handgun had a magazine capacity of 15 rounds. Based on training and experience S/A Kastelic noted most LEA load handgun magazines to full or one round less than capacity. Based on this, S/A Kastelic selected one magazine that had 13 rounds loaded. All of these represented magazines and ammunition were submitted with each respective weapon. See attachments.

Wisconsin Division of Criminal Investigation

Interview 20-387/23

Report Date: 01/23/2020

Primary Information

Description: **Captain Tom Christie Interview By S/A Kastelic 01/22/2020**
 Occurrence From: **01/22/2020 00:00**
 Occurrence To: **01/22/2020 00:00**
 Reporting LEO: **Kastelic, Bryan F (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
 Report Status: **Approved**
 Report Status Date: **02/05/2020**
 Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. At approximately 11:58pm, S/A Kastelic met with CPT CHRISTIE and conducted an interview. The following information was provided.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Christie, Todd (Law Enforcement Official)	White, Male	---
Interviewed	Hathaway, Ryan (Law Enforcement Official)	White, Male	---
Law Enforcement	Huth, Michael (Law Enforcement Official)		---
Mentioned	Beaman, Nick (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	Kressin, Johnathan L (Law Enforcement Official)		---
Mentioned	Kurczek, Adam (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---
Mentioned	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Mentioned	Rice, Darren (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---
Mentioned	Schoonover, Kyle J (Law Enforcement Official)		---
Mentioned	Taylor, Raymond L (Law Enforcement Official)		---
Mentioned	Zill, Robert (Law Enforcement Official)		---

Wisconsin Division of Criminal Investigation

Interview 20-387/23

Report Date: 01/23/2020

Subjects - Continued			
<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	
Interviewed	Beck, Kyle (Person)	Unknown, Male	---
Mentioned	Haag, Corey (Person)	White, Male	---

Narrative begins on the following page.

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On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic was requested to collect, inspect, and secure all law enforcement agency (LEA) weapons that had been identified being involved in the incident. S/A Kastelic met with (WCSD) Captain (CPT) TODD D. CHRISTIE (M/W dob [REDACTED]) who had served as Incident Commander (IC) for the Tactical search warrant service. CPT CHRISTIE stated that after the shooting, he had identified the officers involved and collected their weapons used in the event. S/A Kastelic collected, inspected and secured all these items from CPT CHRISTIE.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. At approximately 11:58pm, S/A Kastelic met with CPT CHRISTIE and conducted an interview. The following information was provided.

CPT CHRISTIE identified that he has employed as a law enforcement officer (LEO) for 24 years. During this, time he has served on the WCSD ERT since the year 2000. During this time, he served in the roles of [REDACTED], [REDACTED], team leader and incident commander. His current rank is Captain and is employed as Winnebago County Sheriff's Department Jail Administrator.

On TUE 21JAN20, at 1517 HRS (3:17 pm) CPT CHRISTIE was paged out for a Tactical Team deployment to serve a high-risk search warrant. Upon arrival to the WCSD (4311 Jackson St, Oshkosh WI), he met with the Tactical Commander LT. Rice. He was informed by LT Rice that the Lake Winnebago Area Multijurisdictional drug task force (LWAM) was obtaining a search warrant for 810 WEST GROVE ST., Fox Crossing WI, the residence associated with RORY J. BEHLING. BEHLING had been involved in a vehicular assault against a Neenah Police Department a few days previously and the theft of firearms. LWAM had also identified BEHLING involved in the sale of methamphetamine and was currently armed with a handgun and had body armor.

At approximately 1800 HRS (6:00pm), LWAM Detectives arrived at the WCSD with the search warrant. CPT CHRISTIE read through the warrant and confirmed the address description and location via Google Earth street view. LWAM Detectives also stated that they currently had

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surveillance on the residence and that they suspected multiple drug deals had occurred out of the residence. They also stated they had intelligence that BEHLING had been armed with 2 handguns the day before (20JAN20).

Based on this information CPT CHRISTIE and LT Rice decided to establish their command post (CP) south of 810 WEST GROVE St, at the Appleton Fire Department Station #3 (801 West Grove St, Appleton WI). Once at the CP, they met with LWAM SAIC Ray Taylor and other LWAM Detectives.

The tactical plan devised was to split the 13, man WCSD ERT into three teams. These Teams would be assigned the following:

Team1: This Team (identified as consisting of Team Leader LT Englund, Deputies Kurzak, Hathaway & Schoonover) would be positioned in the Bearcat Armored Car which would approach the southwest corner of the residence once Team 2 and 3 had established perimeter containment. Team1, would give orders via vehicle public announcement (PA) for BEHLING to exit the residence and surrender to law enforcement. Based on training and experience S/A Kastelic identified this tactic as a “surround & call out”.

Team 2: This Team (identified as consisting of Deputies Zill, Beaman, Beck, Pankratz & Fox Crossing Officer Haag) would be positioned off the north / back side of the residence and serve as containment.

Team 3: This Team (identified as consisting of Deputies Kressin, Houth & Fox Crossing Police Department Officer Moe & Menasha PD Officer Sawyer) would be positioned off of the east side of the residence and serve as containment.

CPT CHRISTIE established the CP at 1915 HRS (7:15 pm) on the southeast (interior) side of Fire Station #3. The CP was away from the bay doors and windows located on the north side of the firehouse. CPT BEHLING stated these windows overlooked the suspects residence and that he had observed multiple LWAM Detectives watching from this vantage point.

At 1929 HRS (7:29 pm) CPT CHRISTIE was informed via radio the Teams were in route. At this time LT RICE had WCSD Dispatch send out a public alert to the residents in the area that they should remain indoors.

At 1933 HRS (7:33 pm) CPT CHRISTIE was informed via radio that Team 2 was maneuvering into position and that Team 3 was in position off of the southeast corner. Around this time someone reported the suspect had been observed looking out of the south / front side window. Based on the layout CPT BEHLING believed this to be the living room or bedroom area.

At 1934 HRS (7:34 pm) CPT CHRISTIE was informed via radio that Team 1 was in the driveway off of the southwest corner. A few seconds later CPT CHRISTIE heard radio traffic

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stating BEHLING had ran out of the east side residence door. One of the radio microphones was left on and multiple commands could be heard being yelled at BEHLING.

At 1935 HRS (7:35 pm) CPT CHRISTIE stated Deputy Schoonover radioed "shots fired" and that the subject was down. CPT CHRISTIE had also heard BEHLING had a weapon. CPT CHRISTIE stated from his position in the fire station he could hear multiple gunshots which he believed had involved multiple officers.

At 1939 HRS (7:39 pm) CPT CHRISTIE stated he moved to the north side interior of the fire station and looked out the windows that provided a view of the south side / front of 810 W GROVE ST. At this time, he observed TAC Team members approaching the front of the house with a ballistic shield. He then observed the suspect being carried to the rear of the Bearcat armored car. The Tactical Emergency Medical Services (TEMS) assigned to the Team then deployed to suspects location and shortly after the suspected was carried into the fire station.

CPT CHRISTIE stated he then radioed out to the Team to identify who on the Team had been involved in the shooting. He learned that WCSD Lt. Englund, Deputy Schoonover, Deputy Kressin & FCPD Officer Moe had been involved. All four officers were ordered to come to the CP. LT Rice went to replace Lt Englund as Team Leader. CPT CHRISTIE stated Lt. Rice contacted dispatch and had a second message sent to neighbors to remain indoors.

At 1957 HRS (7:57 pm) CPT CHRISTIE began to collect weapons from the officers involved in the shooting. CPT CHRISTIE gathered plastic bags and a marker to label and separate items collected from the officers. CPT CHRISTIE started the collection with Lt Englund. Lt. Englund stated he had fired his Glock Model 22 (.40 caliber) handgun. CPT CHRISTIE took Lt Englund's handgun and removed the magazine and cleared the chamber. The handgun, chambered round and three magazines with ammunition were placed into the bag. CPT CHRISTIE then issued his service handgun to Lt Englund. Lt Englund also confirmed he did not have a body camera on during the call.

At 1959 HRS (7:59 pm) CPT CHRISTIE met with Deputy Kressin who stated that he had a malfunction with his rifle during the event. Deputy Kressin stated there was currently a round in the chamber that he could not extract. Deputy Kressin was not sure if he had fired his weapon during the event. CPT CHRISTIE secured the rifle and locked the bolt back & confirmed it was on safe. He then collected 4 rifle magazines and body camera that Deputy Kressin had with him. He also confirmed Deputy Kressin had not fired his handgun which he was allowed to retain. All 4 rifle magazines, chambered round, and body camera were secured in a bag and then placed on the ground with Deputy Kressins rifle.

At 2004 HRS (8:04 pm) CPT CHRISTIE met with Deputy Schoonover who stated he had fired his rifle during the event. CPT CHRISTIE secured Schoonover's rifle, removed the magazine and cleared a round from the chamber. He then took the 5 rifle magazines, chambered round, and

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body camera and secured them in a bag and placed them by Deputy Schoonover's rifle. CPT CHRISTIE allowed Deputy Schoonover to keep his handgun after confirming he had not fired it during the event.

At 2013 HRS (8:13 pm) CPT CHRISTIE met with FCPD Officer Moe who stated he had fired his rifle during the event. CPT CHRISTIE contacted FCPD Police Chief Seaver, who had arrived at the CP, to confirm Officer Moe's weapon and equipment could be collected by CPT CHRISTIE. CPT CHRISTIE secured Moe's rifle, removed the magazine and cleared a round from the chamber. He then took the 3 rifle magazines, chambered round, and body camera and secured them in a bag and placed them by Deputy Schoonover's rifle. CPT CHRISTIE allowed Officer Moe to keep his handgun after confirming he had not fired it during the event.

At 2024 HRS (8:24 pm) CPT CHRISTIE was informed that the residence had been cleared by the WCSD ERT members. He was also informed while clearing the Team had deployed a noise flash device (NFD).

At 2032 HRS (8:32 pm) CPT CHRISTIE was informed that the Team was back in the Bearcat armored car to warm up and that Deputy Zill and Detective Sawyer were remaining on the perimeter of the residence.

CPT CHRISTIE stated a short time later the Team returned to the fire station where he directed them to the lounge area to lay out their body cameras for collection. Dep Zill's rifle had been left in the Bearcat while he was involved in clearing the residence. The rifle was secured by CPT CHRISTIE. He then met with S/A Kastelic who collected the weapons and equipment.

On WED 22JAN20, at 0041 HRS (12:41 am) the interview with CPT CHRISTIE was concluded.

Wisconsin Division of Criminal Investigation

Investigative 20-387/24

Report Date: 01/23/2020

Primary Information

Description: **Autopsy of Rory J. Behling 01/22/2020**
Occurrence From: **01/22/2020 11:00**
Occurrence To: **01/22/2020 14:30**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/17/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	

Documents

Document
20-387/24 Autopsy Photos

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Black socks
Inventory	1	Black underwear
Inventory	1	Blue jean pants and black belt
Inventory	1	Black hooded jacket
Inventory	1	Blue hooded sweater
Inventory	1	Gray t-shirt
Inventory	1	Metal handcuffs (W39)
Inventory	1	DNA card
Inventory	1	Right thumb print
Inventory	1	Bullet fragments from jacket
Inventory	1	Bullet fragments from left chest wall
Inventory	1	Bullet fragments from left shoulder
Inventory	1	Bullet fragments from head

Narrative begins on the following page.

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On Wednesday, 01/22/2020, DCI Special Agent (S/A) Kyra M. Schallhorn attended the autopsy of Rory J. Behling, DOB: [REDACTED], DOD: 01/21/2020, that was performed by Chief Medical Examiner Dr. Adam Covach at the Fond du Lac County Medical Examiner's (ME's) Office, Fond du Lac, WI. Behling had died as a result of an officer-involved shooting incident on 01/21/2020, in the Village of Fox Crossing, Winnebago County, Wisconsin.

Behling's body had been transported to the Fond du Lac ME's Office and was already present in the autopsy room when S/A Schallhorn arrived at the facility on the morning of 01/22/2020. The sealed body bag was opened, and the autopsy began at 11:00 a.m. Behling was handcuffed behind his back, and the handcuffs were removed prior to beginning the autopsy. Assisting Dr. Covach with the autopsy was Dan Krieser, of the ME's Office. Also present for the autopsy was Winnebago County Coroner Cheryl Brehmer.

Dr. Covach, Coroner Brehmer and S/A Schallhorn all took photographs as the autopsy progressed. S/A Schallhorn took photos of Behling's full body, clothing that was removed from him, and the gunshot wounds to the body. S/A Schallhorn's photographs were later downloaded from the camera and placed into the electronic case file for this investigation, associated with this report.

Dr. Covach conducted an external examination of the body and an internal examination of the body. Before conducting the internal examination, multiple x-ray images were taken to determine the location of any bullets/bullet fragments remaining in the body. Multiple such fragments were present in both the head and the left shoulder. S/A Schallhorn took photographs of the x-ray images, for reference.

[REDACTED]

[REDACTED]

The autopsy was completed at 2:30 p.m. and Behling's body was placed into the cooler.

S/A Schallhorn took custody of all items of evidence recovered during the autopsy. These items were listed on an Evidence Disposition Sheet and were released to S/A Schallhorn by Dan Krieser, of the ME's Office. The following items of evidence were recovered during the autopsy:

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1. Black socks
2. Black underwear
3. Blue jean pants and black belt
4. Black hooded jacket
5. Blue hooded sweater
6. Gray t-shirt
7. Metal handcuffs, with marking W39
8. DNA card
9. Right thumb print
10. Bullet fragments from jacket
11. Bullet fragments from left chest wall
12. Bullet fragments from left shoulder
13. Bullet fragments from head

All evidence remained in S/A Schallhorn's possession until it was brought back to the Appleton DCI office and secured in the evidence processing area later on 01/22/2020. All wet items of clothing were placed into a locked drying cabinet to dry overnight. All items were later bagged, sealed and labeled as evidence by S/A Schallhorn. All evidence will remain in the secure Appleton DCI evidence storage room pending further disposition.

A copy of the Provisional Autopsy Findings and the Evidence Disposition Sheet are attached to this report and made a part of the case file.

Wisconsin Division of Criminal Investigation

Investigative 20-387/25

Report Date: 01/23/2020

Primary Information

Description: **Weapon Inspection 1 of Dep. Kressin By S/A Hunsader 01/21/2020**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21st, 2020, DCI S/A Alan Hunsader met with Winnebago County SWAT Team Operator Jonathon Kressin for the purpose of conducting a weapons and equipment inspection and an ammunition inventory. This meeting occurred at the Appleton Police Department and was conducted in reference to an officer involved shooting death that occurred earlier that day.

Addresses

Relationship	Address
Location of Event	Appleton Police Department, Wisconsin United States of America

Subjects

Relationship	Name	Bio	DOB
Law Enforcement	Jesse Simmons (Law Enforcement Agency)		---
Law Enforcement	Seiler, Lori (Law Enforcement Official)		---
Law Enforcement	Winscher, Jeremiah M (Law Enforcement Official)		---
Witness	Kressin, Johnathan L (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/25

On Tuesday January 21st, 2020 between the approximate times of 09:30PM and 09:48PM, DCI S/A Alan Hunsader met with Winnebago County Sheriff's Regional SWAT Team Operator Jonathon Kressin. This meeting occurred so that S/A Hunsader could conduct a weapons and uniform inspection and an ammunition inventory from Kressin. This activity was conducted as part of an investigation into the officer involved shooting death of Rory J. Behling that occurred earlier that day. Dep. Kressin was part of the SWAT Team that was tasked to take Behling into custody when this shooting occurred. This meeting took place at the Appleton Police Department. Also present for this meeting was Winnebago County Sheriff's Office Lt. Lori Seiler and Deputy Jesse Simmons. DCI S/A Jeremiah Winscher was also present for portions of the meeting.

Upon meeting with Dep. Kressin, S/A Hunsader explained this process to Dep. Kressin and asked Kressin to dress out in his SWAT uniform as he was during the earlier callout. Dep. Kressin then put on his tactical vest, ballistic helmet and gloves. Dep. Kressin stated that he did have his rifle out during this callout, but that he did not have it with him at that time. [REDACTED]

[REDACTED]

Kressin also was carrying an X26 Tazer on his person during this callout. S/A Hunsader did inspect the Tazer which showed the cartridge to be intact. Dep. Kressin stated that this was the only cartridge on his person during the callout. The serial # on this cartridge was X1300744D. Kressin stated that he did not have any knives on his person during this callout and did have a CTS Model 7290 Noise/Flash Diversionary Device, Serial # 0503167, which S/A Hunsader verified to be live.

[REDACTED]

[REDACTED] S/A Hunsader did examine Dep. Kressin's uniform for blood, and none was observed.

S/A Hunsader did photograph the following images of Dep. Kressin which have been uploaded to the DCI digital image storage file:

- 1. Front facing overall
- 2. Right side overall
- 3. Rear facing overall
- 4. Left facing overall
- 5. Backs of gloves
- 6. Palms of gloves
- 7. Tops of boots
- 8. Bottom of right boot

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Case/Report Number: 20-387/25

Photographs Continued:

-9. Bottom of left boot



Wisconsin Division of Criminal Investigation

Investigative 20-387/26

Report Date: 01/23/2020

Primary Information

Description: **Weapon Inspection 2: Off. Seely Moe By S/A Hunsader 01/21/2020**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21st, 2020, DCI S/A Alan Hunsader met with Winnebago County SWAT Team Operator Seely Moe for the purpose of conducting a weapons and equipment inspection and an ammunition inventory. This meeting occurred at the Appleton Police Department and was conducted in reference to an officer involved shooting death that occurred earlier that day.

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	Appleton Police Department, Wisconsin United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Gustafson, Jeremiah B (Law Enforcement Official)	Male	---
Law Enforcement	Seiler, Lori (Law Enforcement Official)		---
Witness	Moe, Seely (Law Enforcement Official)		---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/26

On Tuesday January 21st, 2020 between the approximate times of 10:15PM and 10:44PM, DCI S/A Alan Hunsader met with Winnebago County Sheriff's Regional SWAT Team Operator Seely Moe. This meeting occurred so that S/A Hunsader could conduct a weapons and uniform inspection and an ammunition inventory from Off. Moe. This activity was conducted as part of an investigation into the officer involved shooting death of Rory J. Behling that occurred earlier that day. Off. Moe was part of the SWAT Team that was tasked to take Behling into custody when this shooting occurred. This meeting took place at the Appleton Police Department. Also present for this meeting was Winnebago County Sheriff's Office Lt. Lori Seiler and Fox Crossing PD Officer Jeremiah Gustafson. Neenah PD Evidence Custodian and spouse of Off. Moe, A [REDACTED] M [REDACTED] was also present.

Upon meeting with Off. Moe, S/A Hunsader explained this process to Off. Moe and asked Off. Moe to dress out in his SWAT uniform as he was during the earlier callout. Off. Moe then put on his tactical vest, and gloves. Off. Moe stated that he did not have his ballistic helmet with him at the time of this meeting, but did put on his bala clava. Off. Moe stated that he did have his M-4 .223 rifle out during this callout, but that it had been turned over to Capt. Christie along with the associated magazines. [REDACTED]

Off. Moe was not carrying a tazer during this callout. Off. Moe did have a knife and a Noise/Flash Diversionary Device on his person during this callout. S/A Hunsader did verify this NFDD to be live. S/A Hunsader did inspect Off. Moe's knife, which also appeared to be clean. [REDACTED]

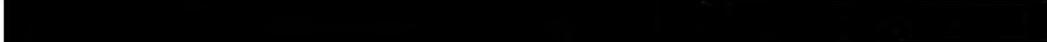
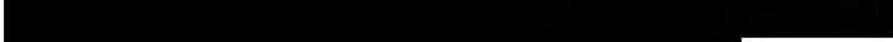
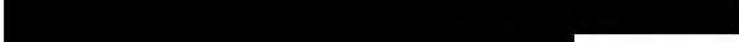
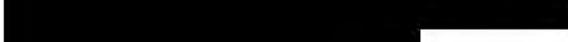
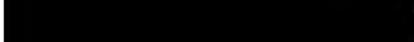
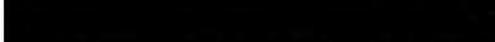
[REDACTED] S/A Hunsader did examine Off Moe's uniform for blood, and none was observed.

S/A Hunsader did photograph the following images of Off. Moe and his equipment which have been uploaded to the DCI digital image storage file:

- 1. Front facing overall
- 2. Left facing overall
- 3. Rear facing overall
- 4. Right facing overall
- 5. Backs of gloves
- 6. Palms of gloves

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/26

Photographs Continued:

- 7. Tops of both boots
- 8. Bottom of right boot
- 9. Bottom of left boot
- 10. 
- 11. 
- 12. 
- 13. 
- 14. 
- 15.  
- 16. 
- 17.  
- 18. 
- 19. 1 stainless steel knife with black handle
- 20. 1 stainless steel knife with black handle-reverse side

Wisconsin Division of Criminal Investigation

Investigative 20-387/27

Report Date: 01/23/2020

Primary Information

Description: **Weapon Inspection 3: WCSO Dep. Kyle Schoonover By S/A Hunsader 01/21/2020**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21st, 2020, DCI S/A Alan Hunsader met with Winnebago County SWAT Team Operator Kyle J. Schoonover for the purpose of conducting a weapons and equipment inspection and an ammunition inventory. This meeting occurred at the Appleton Police Department and was conducted in reference to an officer involved shooting death that occurred earlier that day.

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	Appleton Police Department, Wisconsin United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Seiler, Lori (Law Enforcement Official)		---
Law Enforcement	Sleeter, Tyler (Law Enforcement Official)		---
Witness	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/27

On Tuesday January 21st, 2020, between the approximate times of 10:47PM and 11:08PM, DCI S/A Alan Hunsader met with Winnebago County Sheriff's Regional SWAT Team Operator Kyle Schoonover. This meeting occurred so that S/A Hunsader could conduct a weapons and uniform inspection and an ammunition inventory from Dep. Schoonover. This activity was conducted as part of an investigation into the officer involved shooting death of Rory J. Behling that occurred earlier that day. Dep. Schoonover was part of the SWAT Team that was tasked to take Behling into custody when this shooting occurred. This meeting took place at the Appleton Police Department. Also present for this meeting was Winnebago County Sheriff's Office Lt. Lori Seiler and Winnebago County Sheriff's Department Deputy Tyler Sleeter. Upon meeting with Dep. Schoonover, S/A Hunsader explained this process and asked Dep. Schoonover to dress out in his SWAT uniform as he was during the earlier callout. Dep. Schoonover then put on his tactical vest, gloves and his ballistic helmet. Dep. Schoonover stated that he did not have his rifle, rifle mags or body camera with him as they had already been taken. [REDACTED]

[REDACTED]. Dep. Schoonover stated that he was not carrying any additional taser cartridges. Dep. Schoonover did have a knife and a Noise/Flash Diversionary Device on his person during this callout. Dep. Schoonover stated that neither was used during this call. S/A Hunsader did inspect Dep. Schoonover's knife, which also appeared to be clean. S/A Hunsader did inspect Dep. Schoonover's pistol which Dep. Schoonover stated was not completely clean. [REDACTED]

[REDACTED] S/A Hunsader did examine Dep. Schoonover's uniform for blood, and none was observed. S/A Hunsader did photograph the following images of Dep. Schoonover and his equipment which have been uploaded to the DCI digital image storage file:

- 1. Front facing overall
- 2. Left facing overall
- 3. Rear facing overall
- 4. Right facing overall
- 5. Backs of gloves
- 6. Palms of gloves
- 7. Tops of both boots
- 8. Bottom of right boot
- 9. Bottom of left boot
- 10. [REDACTED]
- 11. [REDACTED]
- 12. [REDACTED]
- 13. [REDACTED]

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/27

Photographs continued:

- 14. 
- 15. 
- 16. 
- 17. 
- 18. 
- 19. 1 taser and live cartridge
- 20. 1 open black knife
- 21. 1 open black knife reverse side

Wisconsin Division of Criminal Investigation

Investigative 20-387/28

Report Date: 01/23/2020

Primary Information

Description: **Weapon Inspection 4: WCSO Lt. Justin R. Englund By S/A Hunsader 01/21/2020**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21st, 2020, DCI S/A Alan Hunsader met with Winnebago County SWAT Team Operator Kyle J. Englund for the purpose of conducting a weapons and equipment inspection and an ammunition inventory. This meeting occurred at the Appleton Police Department and was conducted in reference to an officer involved shooting death that occurred earlier that day.

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	Appleton Police Department, Wisconsin United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Eichman, Tim (Law Enforcement Official)	White, Male	---
Law Enforcement	Seiler, Lori (Law Enforcement Official)		---
Witness	Englund, Justin LT (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/28

On Tuesday January 21st, 2020, between the approximate times of 9:50PM-10:05PM and 11:19PM-11:42PM DCI S/A Alan Hunsader met with Winnebago County Sheriff's Regional SWAT Team Operator Lt. Justin Englund.

This meeting occurred so that S/A Hunsader could conduct a weapons and uniform inspection and an ammunition inventory from Lt. Englund. This activity was conducted as part of an investigation into the officer involved shooting death of Rory J. Behling that occurred earlier that day. Lt. Englund was part of the SWAT Team that was tasked to take Behling into custody when this shooting occurred. This meeting took place at the Appleton Police Department. Also present for this meeting was Winnebago County Sheriff's Department Lt. Lori Seiler and Winnebago County Sheriff's Department Deputy Tim Eichman. Upon initially meeting with Lt. Englund, S/A Hunsader began to explain this process to Lt. Englund when WPPA attorney Tom Schrank arrived and asked to speak with Lt. Englund. At that time this meeting with Lt. Englund was paused until Att. Schrank's business was concluded.

At approx. 11:19PM to 11:42PM DCI S/A Alan Hunsader and WCSO Lt. Lori Seiler again met with Lt. Englund in the same APD conference room to conclude this weapons, equipment, uniform and ammunition inventory and inspection. S/A Hunsader then asked Lt. Englund to dress out in his SWAT uniform as he was during the earlier callout. Lt. Englund was dressed out in his tactical vest. Lt. Englund indicated that he did not respond out with gloves, a ballistic helmet or a body cam. Lt. Englund stated that he had a noise flash diversionary device on his person. S/A Hunsader did verify that Lt. Englund's diversionary device was live. Lt. Englund did not have a taser or knife during this incident. Lt. Englund stated that he did have his rifle on this call, but that it remained in the bearcat and was not deployed out, or used. Lt. Englund stated that he did have 2-30 round rifle magazines on his person and that he had not fired any rounds from these magazines during this callout. Lt. Englund stated that one of these magazines contained 28 rounds of Winchester Soft Point ammunition and the other magazine contained 30 rounds of barrier ammunition. Lt. Englund stated that he kept the one magazine of 28 loaded down two rounds to avoid a weapon malfunction. Lt. Englund stated that he did have a pistol on his person and 2 additional magazines for that pistol during this call. Lt. Englund stated that this was a Glock model 22, .40 cal. pistol with serial number RYF999. Lt. Englund stated that the Glock pistol RYF999 and those 2 magazines were collected by WCSO Capt. Christie at the firehouse during the course of this call. Lt. Englund stated that Capt. Christie then issued Lt. Englund Capt. Christie's own pistol and 1 additional 15 round magazine. This newly issued pistol was described as a Glock 23, Gen. 4, 40 cal. with serial number TVF619. This pistol was loaded with a 13 round fully loaded magazine. Lt. Englund stated that this newly issued pistol was not deployed or fired during this call. Lt. Englund did not know if this newly issued pistol was clean or not. Lt. Englund's rifle magazines, pistol magazines and the chamber of the pistol were then unloaded. S/A Hunsader did verify the ammunition count was as Lt. Englund described. S/A Hunsader did examine Lt. Englund's uniform for blood, and none was observed.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/28

S/A Hunsader did photograph the following images of Lt. Englund and his equipment which have been uploaded to the DCI digital image storage file:

- 1. Front facing overall
- 2. Right facing overall
- 3. Rear facing overall
- 4. Left facing overall
- 5. Backs of hands
- 6. Palms of hands
- 7. Tops of both boots
- 8. Bottom of right boot
- 9. Bottom of left boot
- 10. 1 unloaded 30 round .223 magazine with yellow tape and 30 live rounds of .223 cal.
- 11. Is a duplicate picture of # 10
- 12. 1 unloaded 30 round .223 magazine with 28 live rounds of .223. These cartridges were observed to be considerably dirty
- 13. A combination picture of both unloaded .223 magazines and their associated live rounds
- 14. A top view of both 30 round .223 magazines loaded
- 15. 1 fully loaded 15 round Glock .40 cal. magazine
- 16. 1 unloaded Glock .40 pistol magazine and 15 live rounds
- 17. Glock Mod. 23, Gen 4 Pistol-TVF619, 1 fully loaded 13 round magazine and 1 live chamber round
- 18. Close up of serial number TVF619
- 19. Close up of left side of pistol TVF619
- 20. Pistol TVF619, 1 fully loaded 13 round .40 cal magazine and 1 live chamber round
- 21. Pistol TVF619, 1 empty .40 cal magazine, 13 live rounds and 1 live chamber round
- 22. Close up of pistol TVF619, 1 empty .40cal magazine, 13 live rounds and 1 live chamber round

Wisconsin Division of Criminal Investigation

Interview 20-387/29

Report Date: 01/23/2020

Primary Information

Description: Interview of Derek Sell [REDACTED] Oshkosh PD
Occurrence From: 01/21/2020 00:00
Occurrence To: 01/21/2020 00:00
Reporting LEO: Conrad, Lindsay L (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/29/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Synopsis

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI), Special Agent (SA) Lindsay Conrad conducted an interview with Oshkosh Police Detective Derek Sell at the Appleton Police Department located at 222 S Walnut St. Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Suspect Residence	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Sell, Derek A (Law Enforcement Official)		---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: interview of Derek Sell [REDACTED] Oshkosh PD

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI), Special Agent (SA) Lindsay Conrad conducted an interview with Oshkosh Police Detective Derek Sell at the Appleton Police Department located at 222 S Walnut St. Appleton, Wisconsin. Sell has been in law enforcement for approximately 24 years and has been assigned to LWAM since 2017. The following was a summary of the information provided by Sell during the interview.

Sell stated that on the morning of January 21, 2020, he attended a briefing at approximately 8:00am. Multiple investigative activities occurred throughout the day however Sell was primarily assigned to conduct surveillance on the target residence of, 810 Grove St. Fox Crossing, Wisconsin. Sell stated that he was parked, in his [REDACTED], in the Fair Market thrift shop parking lot located south east of the target residence. Sell stated that officers Pat O’Kane and Raymond Berna were also in his vehicle.

Sell stated that during the afternoon hours, information was obtained that the target of the surveillance was believed to be in the target residence. A residential search warrant was obtained for 810 Grove St. Sell stated Winnebago County SWAT team was called out to conduct the execution of the warrant due to the target subject’s history and him being known to carry a gun.

Sell stated that he remained parked in the thrift store parking lot during the execution of the search warrant and had a clear line of sight of the residence from his position. He stated he was using binoculars and could see multiple SWAT operators approaching on foot from the east of the target residence. Sell stated he could see lights on in the east windows of the residence and could see movement inside. As the SWAT Bearcat was pulling into the driveway from west of the residence, the lights on the east side of the house went out.

After the lights went out, moments later, Sell observed the door on the east side of the residence open and a male subject came out. He stated that he observed the male moving very quickly towards the front of the house where the bearcat was parked. Sell stated the male subject had his hands tight to his body and observed him “making a drawing motion.” At that point Sell stated he could see the male subject had a handgun in his hand. As the male subject rounded the front of the residence, Sell could no longer see him. Sell stated when he saw the gun, he immediately told O’Kane and Berna.

Sell then heard what he believed to be someone from the SWAT team giving commands over the loudspeaker of the bearcat. However he could not articulate what was being said. Sell stated he then heard numerous gun shots. He was unsure how many shots, but it was multiple. Sell could not see who had shot or if anyone had been hit by gun fire.

Sell stated that he did not recall anything further that was significant. He stated that he saw that the SWAT team members were moving around the residence after the shots were fired however

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: interview of Derek Sell [REDACTED] Oshkosh PD

could not give specific examples of what he observed. Sell stated that they remained parked in the thrift shop parking lot until they were advised to come to the fire department. Sell provided no further information.

Wisconsin Division of Criminal Investigation

Interview 20-387/30

Report Date: 01/23/2020

Primary Information

Description: Interview of Justin Ross [REDACTED] Outagamie County Sheriff Dept.
Occurrence From: 01/21/2020 00:00
Occurrence To: 01/21/2020 00:00
Reporting LEO: Conrad, Lindsay L (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/10/2020
Approved By: Klabunde, David R (Wisconsin Division of Criminal Investigation)

Synopsis

On January 21, 2020 at approximately 11:02pm Wisconsin Department of Justice – Division of Criminal Investigation conducted an interview with Justin Ross at the Appleton Police Department located at 222 S Walnut St. Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Dobbs, Ryan A (Law Enforcement Official)		---
Law Enforcement	Menzel, Jake R (Law Enforcement Official)		---
Law Enforcement	Ross, Justin J (Law Enforcement Official)	White, Male	---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: Interview of Justin Ross

On January 21, 2020 at approximately 11:02pm Wisconsin Department of Justice – Division of Criminal Investigation conducted an interview with Justin Ross at the Appleton Police Department located at 222 S Walnut St. Appleton, Wisconsin. Ross has been in law enforcement since 2016, with the Outagamie County Sheriff's Office since January of 2018 [REDACTED]

[REDACTED] The following was the information provided by Ross:

Ross [REDACTED] had been conducting investigative activities throughout the day. Ross stated at the time the residential search warrant was obtained for the target residence of 810 W Grove St. he was assigned to surveillance. He was parked in the Fair Market thrift shop parking lot which was south east of the residence. Jake Menzel and Ryan Dobbs were also in the vehicle with him. They were advised that the Winnebago County SWAT team would be executing the search warrant.

Ross stated they remained in the parking lot of the Fair Market thrift shop during the execution of the warrant. He stated he could see the windows on the east side of the house and the front door area from his vantage point. He was watching the residence through binoculars and could see a subject was pacing back and forth through the house. About the same time Ross stated a SWAT perimeter team was observed heading west towards the residence. He stated they took a position near the house just east of the target residence.

While watching the subject pacing, he stated that the lights were on in the house. Shortly after observing the perimeter teams take position, the Winnebago County SWAT bearcat pulled into the driveway of the residence. He stated, as the bearcat was pulling in the driveway, the lights in the house went out. Ross stated he could see a subject exit the residence. The subject came running towards the front of the house where the bearcat was parked. Ross could not identify who the subject was from his vantage point. When the subject reached the front of the residence, he heard multiple shots fired. He could not tell who had fired the shots. He saw the subject that exited the house fall to the ground and then could no longer see him.

Ross stated that there was a lot of activity of SWAT personnel at the residence but couldn't accurately say who had seen doing what. He stated that he remained in his position for a short time, then was asked to move his vehicle to block traffic at Grove St. and Lynch Ave. He stated he observed SWAT personnel move the subject to the Appleton Fire Dept across the street to administer medical aid. He stated he was unsure how long he stayed parked at Grove St. and Lynch Ave. Eventually he was called to the Appleton Fire Dept. and then advised to go to Appleton Police Dept. Ross provided no further information.

Wisconsin Division of Criminal Investigation

Interview 20-387/31

Report Date: 01/23/2020

Primary Information

Description: **Interview of Pete Sawyer - WCSO SWAT - Menasha PD**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Conrad, Lindsay L (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/10/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI) Special Agent, (SA) Lindsay Conrad conducted an interview of City of Menasha Investigator, Pete Sawyer at the Appleton Police Department, 222 S Walnut St. Appleton, Wisconsin

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Huth, Michael (Law Enforcement Official)		---
Law Enforcement	Kressin, Jonathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Law Enforcement	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Law Enforcement	Sawyer, Peter R (Law Enforcement Official)		---
Law Enforcement	Zill, Robert (Law Enforcement Official)		---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: Interview of Pete Sawyer

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI) Special Agent, (SA) Lindsay Conrad conducted an interview of City of Menasha Investigator, Pete Sawyer at the Appleton Police Department, 222 S Walnut St. Appleton, Wisconsin. Inv. Sawyer provided the following information.

Inv. Sawyer has been employed with Menasha Police Department for 12 years. [REDACTED]

[REDACTED]. He stated that he has been part of the Winnebago County SWAT team for approximately 7 years.

Inv. Sawyer stated he had been at training during the day in Milwaukee. He stated he had received the SWAT call at approximately 3:17pm while in route back to Menasha. Inv. Sawyer stated that he stopped at his residence to get his SWAT gear then responded to the Winnebago County Sheriff's office for the SWAT briefing between 5:15pm and 5:30pm.

At the brief, Inv. Sawyer spoke with Lt. Justin England and determined that he would be part of the perimeter unit. He stated he, Winnebago County Deputies, Mike Huth and John Kressin and Fox Crossing PD Officer, Seely Moe were assigned to be the perimeter/containment unit on the east side of the residence. He stated they all rode in an unmarked Ford Explorer, Officer Moe drove, Dep. Huth and Dep Kressin were in the back seat and Inv, Sawyer was in the front passenger seat. He stated the vehicle was parked in an empty lot east of the target residence which was 810 W Grove St. Fox Crossing, Wisconsin.

Upon exiting the vehicle, they moved west towards the target residence. There was one house just east of the target residence. Dep Huth and Inv. Sawyer went to the north west corner of that residence. Dep. Kressin and Off. Moe went to the south west corner of that residence. From Inv. Sawyer's vantage point he could observe the north and east sides of the target residence. He stated there was a wood fence in between him and direct access to the target residence. Once in position, Inv. Sawyer stated he could see a subject inside of the residence through a large window on the north side of the target residence. He stated the lights were on in the residence.

Sawyer stated he observed another containment team take position on the north east side of the target garage. He was unsure at that time who was assigned to that containment unit. A very short time later the bearcat pulled into the target residence driveway. He stated when the bearcat pulled up the lights in the house went out. Inv. Sawyer stated he could see a subject standing in the doorway on the east side of the house. He stated he called out over the radio he could see the subject and he was exiting the residence. The subject moved towards the north side of the residence and Inv. Sawyer could see he had a dark draw string backpack in his hands. The containment team located near the garage illuminated the subject and were giving the subject commands. Inv. Sawyer wasn't exactly certain what was being yelled.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: Interview of Pete Sawyer

The subject then turned and ran back towards the residence. He attempted to get back in the door he had exited, however it appeared to Inv. Sawyer that the subject had locked himself out. Inv. Sawyer stated he couldn't see the bag in the subject's hand at that point. The subject then began to run towards the front of the residence where the bearcat was parked. As the subject ran south, Inv. Sawyer lost sight of him. A few seconds later Inv. Sawyer heard someone yell, "he's got a gun." Then heard multiple gun shots. Sawyer did not observe who shot.

Inv. Sawyer stated that Dep Huth moved to the south west corner of the residence when he heard shots fired. Inv. Sawyer began to move south but then went back to maintain visual contact with the door of the target residence. He stated that he observed Winnebago County Deputy, Dean Pankratz and Robert Zill with his K-9 still positioned on the north side of the target garage.

He maintained the perimeter position with Dep. Pankratz until a shield team arrived to clear the residence. He stated SWAT breached the door and the SWAT team's robot entered the residence initially. He stated an entry team then went into the residence to finish clearing. He was called up to the house for secondary search. Inv. Sawyer stated that he observed the draw string backpack the subject had been holding, lying on the ground near the stairs that led to the door on the east side of the residence.

Inv. Sawyer stated once the residence was cleared, it was secured and he and Dep. Zill stood by until DCI took control of the scene. Once the scene was turned over he reported to the Appleton Fire station across the street and then to the Appleton Police Department. Inv. Sawyer did not provide any further information.

Wisconsin Division of Criminal Investigation

Interview 20-387/32

Report Date: 01/23/2020

Primary Information

Description: **Interview of Nick Beaman - SWAT - Winnebago County Sheriff Dept.**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Conrad, Lindsay L (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/10/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI) Special Agent, (SA) Lindsay Conrad conducted an interview of Winnebago County Sheriff’s Deputy Nick Beaman at the Appleton Police Department, 222 S Walnut St. Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Beaman, Nick (Law Enforcement Official)		---
Law Enforcement	Haag, Corey (Law Enforcement Official)		---
Law Enforcement	Kurczek, Adam (Law Enforcement Official)		---
Law Enforcement	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Law Enforcement	Rice, Darren (Law Enforcement Official)		---
Law Enforcement	Zill, Robert (Law Enforcement Official)		---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: Interview of Nick Beaman - Winnebago County Sheriff Dept.

On January 21, 2020, Wisconsin Department of Justice – Division of Criminal Investigation (DCI) Special Agent, (SA) Lindsay Conrad conducted an interview of Winnebago County Sheriff's Deputy Nick Beaman at the Appleton Police Department, 222 S Walnut St. Appleton, Wisconsin. The following is a summary of the information provided by Dep. Beaman.

Dep. Beaman has been employed with the Winnebago County Sheriff's Department (WCSD) for eight years. He has been on the Winnebago County SWAT Team for approximately four years. He was assigned as one of the shield operators. Beaman stated it was his off day when he received the SWAT call out at approximately 3:17pm. Beaman then responded to the WCSD for the briefing. He stated he was advised that Rory Behling was the target subject and was wanted for a felony warrant and a probation violation. Further officer safety information was provided that Behling was known to carry a gun. Beaman stated LWAM had been conducting surveillance at the target location of 810 W Grove St. through out the day. They received further information that confirmed that Behling was at the residence and then obtained a search warrant for the residence.

Beaman was assigned to a containment team as a shield operator. He along with Dep. Kyle Beck and Dep. Dean Pankratz rode together to the medical briefing located at 2320 S Memorial Dr. Appleton, Wisconsin. Dep. Robert Zill and Dep. Corey Haag were assigned with them as well, however, drove separately because they each have a K-9 assigned to them. Once that brief was completed, they followed the Bearcat towards the residence. They traveled north on Gardner's Row and headed east on Grove St.

Dep. Zill, Dep. Pankratz and Dep. Beaman exited their vehicles and went to the north side of the target residence. Dep. Beaman believed they cut through the yard of [REDACTED] W Grove St. Dep. Beaman stated they took a position on the north east corner of the garage for 810 W Grove St. and could see lights on in the target residence through the window. As soon as they were set, the Bearcat pulled into the driveway, as that happened Dep. Beaman stated the lights in the house went out.

Dep. Beaman stated that a male subject came out of the side door on the east side of the residence. He came running into the backyard near their location. He stated he, Dep. Pankratz and Dep. Zill were yelling commands at the subject to show his hands. It was observed that he was carrying a backpack. The subject then turned around and went back towards the door. The subject fell and dropped the backpack near the steps to the door. The subject got up and attempted to go back in the door he had exited through, however he had locked himself out. The subject then ran south towards the front of the residence where the bearcat was parked.

At this point Dep. Beaman could no longer see the subject. He heard someone in the front of the residence yelling, "gun gun gun." Dep. Beaman then heard multiple gunshots. He was unaware of who had shot. He stated he remained in position behind the garage for a short time when Dep.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: Interview of Nick Beaman - Winnebago County Sheriff Dept.

Pankratz and Off. Haag were replaced by 3 other officers. Dep Beaman couldn't recall who those officers were.

Dep. Beaman rallied at the Bearcat and a plan was formulated to send the robot into the residence. Dep Adam Kurczek was on shield and Dep. Ryan Hathaway and Dep. Beaman carried the robot to the side door on the east side of the residence. The robot was controlled by Dep. Kurczek when it got stuck on the screen door. Dep Beaman and Dep. Zill approached the side door again, breached the door and pushed the robot inside. Dep. Kurczek again attempted to clear the residence with the robot however it again malfunctioned. An entry team was formed with Dep. Kurczek and Dep Beaman on shields along with other members. Dep Beaman couldn't recall who else entered. The house was cleared and no one else was found to be in the residence. Dep. Beaman stated he returned to the Bearcat and sat in the back until receiving a call from Lt. Darren Rice to respond to the Appleton Fire Station across the street. From there he responded to the Appleton Police Department to wait to be interviewed. Dep Beaman did not provide any further information.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/33

Report Date: 01/23/2020

Primary Information

Description: **Receipt of Appleton Police Department Interview Reports By S/A Yerges 01/23/2020**
Occurrence From: **01/23/2020 00:00**
Occurrence To: **01/23/2020 00:00**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/05/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Dobbs, Ryan A (Law Enforcement Official)		---
Law Enforcement	Taylor, Raymond L (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

RECEIPT OF APPLETON POLICE DEPARTMENT INTERVIEW REPORT(S)

On Thursday, January 23, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI) received an electronic mail from Appleton Police Department (APPD), Administrative Support Specialist, Erica Dietzler. By means of the electronic mail, Dietzler digitally attached a copy of two (2) APPD interview reports related to APPD Agency Assist investigation/incident, "A20002629." S/A Yerges had requested APPD assistance with interviewing any DCI personnel there were related to the DCI officer-involved death (OID) investigation that was on-going. As the lead case agent, S/A Yerges did not want any critical case interviews conducted upon any DCI personnel by fellow DCI personnel. As a result, S/A Yerges requested APPD to interview any DCI personnel that had information or involvement related to the on-going DCI-led OID investigation for neutrality and impartiality. The APPD reports(s) documented interviews conducted upon DCI S/A Ryan A. Dobbs and DCI Special Agent In Charge (SAIC) Raymond L. Taylor. APPD Sergeant (Sgt.) Chad Riddle subsequently interviewed S/A Dobbs and Sgt. Dustin R. Yule subsequently interviewed SAIC Taylor. Each of the reports contained information about the decedent and the on-going investigation of the decedent prior to his death on January 21, 2020. S/A Yerges read both reports for familiarization purposes.

The incident report(s) consisted of a seven (7) page typewritten APPD report(s) completed by the aforementioned sergeants (detectives). Sgt. Riddle's interview report regarding S/A Dobbs consisted of three (3) pages. Sgt. Yule's interview report regarding SAIC Taylor consisted of two (2) pages.

According to the reports, S/A Dobbs informed Sgt. Riddle about his knowledge of a subject identified as "Rory Behling" being present and likely armed while inside a residence at 810 West Grove Street. The report also documented S/A Dobbs' observations of a subject running from the east side of the residence to the front (south side) of the residence until the point he heard multiple apparent gunshots.

According to the reports, SAIC Taylor informed Sgt. Yule about his knowledge of "a dangerous felon by the name of Rory Behling." SAIC Taylor advised the on-going investigation of Behling by the Lake Winnebago Area Metropolitan Enforcement Group (MEG) (LWAM). SAIC Taylor explained an LWAM investigator had obtained a search warrant for a residence located at 810 West Grove Street allegedly occupied by Behling. The search warrant for the residence was obtained at approximately 6:15 p.m. (January 21, 2020). SAIC Taylor offered other background information that pertained to Behling. SAIC Taylor went on to describe his observations of events up to the point a subject was shot by tactical team members during the initial stages of the execution of a search warrant at 810 West Grove Street.

Neither report documented any first-hand or direct involvement with any type of use-of-force that was applied to Behling. Both S/A Dobbs and SAIC Taylor were identified as only peripheral witnesses to the encounter that occurred at 810 West Grove Street with Behling (decedent).

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/33

Digital copies of the referenced APPD report(s) were electronically attached to S/A Yerges' supplemental report for informational and case documentation purposes. The referenced report(s) should be referred to or examined for any additional and/or more detailed information about the lead-up to and eventual law enforcement encounter with Behling.



APPLETON POLICE DEPARTMENT

DA Report for Incident A20002629

Narrative

APD provided crime scene security and maintained a crime scene log until the scene was released at 1519 hours on 1/22/20. The crime scene log was turned over to DCI Agent Jay Yerges at the APD front desk.

END OF REPORT

KNAUER

Supplement

Sequence: 1

Name: RIDDLE C

On 01/21/2020, at 2148 hours, I, Sgt. Riddle, was contacted off-duty by the front desk of the Appleton Police Department and advised my assistance was needed with interviewing witnesses of an officer involved shooting which had occurred earlier that evening at 810 Grove St in Fox Crossing, WI. I was told to contact Lt. Lewis for further details. Upon my arrival to the Appleton Police Department, I was tasked with interviewing Ryan Dobbs, a special agent with the State of Wisconsin Department of Justice (DOJ), Department of Criminal (DCI) Investigation [REDACTED].

I spoke with Ryan Dobbs in the specialized interview room at the Appleton Police Department. Ryan informed me his involvement in the incident began earlier on 01/21/2020 when the Lake Winnebago Area Metropolitan Enforcement Group had an arrest operation for a subject by the name of Rory Behling. Ryan stated the lead investigator on the case was [REDACTED].

[REDACTED] Ryan said his understanding was Rory Behling had been involved in several burglaries, a sexual assault and had rammed a couple squad cars which resulted in him having pending charges and an arrest warrant out for him.

Ryan said earlier in the day, [REDACTED]

[REDACTED] Ryan stated he and his team got set up near the residence at approximately 0830 hours that morning. Ryan said he was assigned to the arrest team in the operation. Ryan said the arrest team consisted of [REDACTED].

[REDACTED] Ryan stated their role was to take Rory Behling into custody if he left the residence. Ryan said they stayed mainly stagnant for most of the day waiting for movement out of 810 Grove St. Ryan said ultimately two subjects exited 810 Grove St. and left in a red in color Chevrolet S10. Ryan said they made contact with those two subjects and determined Rory Behling was not in the vehicle. Ryan stated information was obtained from the two subjects that Rory Behling was inside the residence of 810 Grove St. and was armed with two handguns. The two subjects stated Rory Behling had been staying at the residence for two days or two weeks.

Ryan indicated after making contact with the two subjects, he and the other agents returned to the area of 810 Grove St. to resume surveillance. Ryan said during the surveillance, he observed Rory Behling exit the front door of the residence to smoke a cigarette. Ryan stated he positively identified Rory Behling based on several photographs of Rory which he had seen. Ryan said when Rory exited the residence, Rory was wearing blue jeans and a black coat. At that time, Ryan said [REDACTED] was writing a warrant for the residence and making arrangements with Winnebago County Sheriff's Department to activate their SWAT team to assist with the execution of the warrant. Ryan said ultimately the warrant was obtained and the Winnebago County SWAT team was activated.

Ryan said once the Winnebago County SWAT team arrived, Ryan said they were notified the SWAT team would be handling the covering of the perimeter of the residence and potential entry of the residence. Ryan stated the role of [REDACTED] Appleton Police Department SIU personnel remained in their

positions and were basically "hands off" once the SWAT team took over. Ryan said he was inside a vehicle at the northeast corner of the north side parking lot of the Fair Market Thrift Shoppe, which was located to the southeast of 810 Grove St. Ryan said the front of their vehicle was facing towards the residence in a northwest direction. Ryan stated he was seated in the front passenger seat of the vehicle. Ryan said the others inside the vehicle with him were Jake Menzel and Justin Ross [REDACTED]

Ryan said from their position, he had a good view of the front of 810 Grove St., including the front door, and the east side of the residence, which included a service door on the east side of the residence. Ryan said there was also a kitchen window on the east side of the residence and a window that had an air conditioning unit in it. Ryan stated the kitchen window did not have any type of shades or blinds, so he was able to look inside the window fairly easily with a pair of binoculars. Ryan said members of the SWAT team parked in a vacant parking lot to the east of 810 Grove St. Ryan stated the team went around, to the north, of a side-by-side duplex which was next door to 810 Grove St. Ryan said he believed those members of the SWAT team were serving as the rear perimeter team. Ryan stated as the team began to move to the rear of the residence, he saw a lot of movement through the kitchen window. Ryan said he saw an individual going back and forth in the kitchen. Ryan stated he did not get a good look at the individual and couldn't say for certain it was Rory Behling. However, Ryan believed based on the intelligence gathered that it most likely would have been Rory Behling.

Ryan said he then observed the Bear Cat or MRAP traveling eastbound on Grove St. and then observed it pull into the driveway of 810 Grove St. Ryan stated the MRAP pulled straight into the driveway and observed it turned on its red and blue lights. Ryan said after the MRAP pulled into the driveway, he began to hear yelling, so he rolled down his window in the vehicle most of the way. Ryan stated he believed the yelling was coming from law enforcement as he heard things such as "show me your hands", "stop", and "police". Ryan said it sounded like the yelling was coming from multiple sources. Ryan said he also heard on the radio something to the effect that the target was out and was running northbound. Ryan stated he did not see anybody exit the residence.

Ryan said he then observed a subject, wearing a dark in color coat, running from the north to the south on the east side of 810 Grove St. Ryan stated there wasn't a lot of time between when the MRAP went into the driveway and when he saw the subject running. Ryan said he thought it could have been around ten seconds. Ryan said he didn't recall anything else the subject was wearing but was able to see the subject because the MRAP had the front of the residence lit up with lights. Ryan stated he wasn't able to positively identify the subject who he had seen running was Rory Behling. Ryan said the subject then reached the front area of 810 Grove St. and began running westbound in front of 810 Grove St. Ryan stated he observed the subject run past the area of the front porch of the residence and then lost sight of the subject. Ryan said the subject appeared to be running closer to the house than the yard. Ryan said he then heard multiple gun shots. Ryan stated he was not sure how many shots he heard fired, but said based on the succession of the shots, he thought the shots came from multiple weapons. Ryan said he heard commands being yelled before, during, and after the shooting. Ryan stated he didn't hear exactly what commands were being given. Ryan said he did not see the subject with anything in his hands and did not hear the subject say anything. Ryan said he did not see the subject doing anything other than running. Ryan said he did not see the subject go down if he had gone down.

Ryan said after he heard the shots fired, he communicated via a message group to other officers that shots had been fired and he and the others remained in the vehicle. Ryan stated he and the others in the vehicle did not exit the vehicle at any point during the incident and didn't leave the vehicle until they were directed to go to Appleton Fire Department Station 3. Ryan said that ended his involvement in the incident.

End of Report

Supplement

Sequence: 2

Name: YULE D

SGT YULE #9168 REPORTS: On 01/21/2020 at approximately 2200 hours I was called in to assist WI DCI in conducting an investigation related to an Officer involved shooting. I was told to contact LT Lewis #9221 with details on what was needed of me; LT Lewis in turn messaged me with a phone number and the name Jay DCI. I made contact with Special Agent Jay Yerges at AFD Station 3. He told me that he had requested APD's assistance in interviewing DCI personnel who were involved in the Officer involved shooting that DCI was investigating; that he did not want DCI interviewing DCI. He told me that his initial information was that no DCI personnel had directly been involved in the shooting, but that they were witnesses. He specifically asked me to begin interviewing Special Agent in Charge Ray Taylor, from LWAM; so that SAIC Taylor could continue his supervisory duties as soon as possible.

On 01/21/2020 at approximately 2235 hours, I interviewed SAIC Taylor in the basement of AFD Station 3. SAIC Taylor said he was the LWAM supervisor, and that they had been attempting to take a dangerous felon by the name of Rory Behling into custody. Behling had fled from police on multiple occasions, and had been known to use methamphetamine. SAIC Taylor said that the case agent responsible for locating and confining Behling was [REDACTED]. SAIC Taylor said [REDACTED].

SAIC Taylor said he stayed in regular contact with [REDACTED] and that his directive was that if they were able to determine Behling was at the residence, to utilize a SWAT team to take him into custody. SAIC Taylor said LWAM began conducting surveillance on 810 Grove St, and that eventually a vehicle left the residence with two people inside. Officers conducting surveillance thought one of the people inside the car looked like Behling, and so they initiated a traffic stop. Behling was not in the vehicle, but two people named F [REDACTED] and B [REDACTED] (unsure of spelling) were inside. F [REDACTED] and B [REDACTED] gave Officers information that Behling was inside the residence of 810 Grove St, that he had multiple firearms, [REDACTED]. SAIC Taylor said at that point Officers from LWAM drafted a search warrant for the residence, and obtained it around 1815 hours. Winnebago County's SWAT team was requested and approved. SAIC Taylor said that the Winnebago County SWAT team wanted him present at the Command Post during execution of the search warrant, and he agreed to do so. He said they made AFD Station 3 the Command Post.

SAIC Taylor said that once the warrant was executed, that Officers were in place to observe all the exits. Particularly relevant to this incident were what appeared to be two SWAT Officers monitoring an east-facing door on the northeast side of the residence. SAIC Taylor said those two were to the east of a solid wooden fence that separated the neighboring property, but that they could observe that door. While those two Officers were observing that eastern door, a group of four SWAT Officers began moving from the area of the armored Bearcat that had pulled up onto the driveway/lawn area to the southwest of the residence. The group of four began moving toward the house, and appeared to be approaching the south-facing door to the residence. During this movement, SAIC Taylor said he saw a person matching the description of Behling exit the northeast door. He said Behling seemed surprised after exiting, presumably seeing police nearby. He said Behling appeared to try to go back inside that same door, but could not gain entry. He said Behling then ran south along the residence, making it just past the southeast corner of the house, before encountering the group of four SWAT Officers approaching the front door. SAIC Taylor estimated both the two-man team and the four-man team to be approximately 10 feet from

Behling when they converged. SAIC Taylor said he was observing from the Fire Station, and he heard multiple people yelling something to the effect of "He's got a gun!" SAIC Taylor said he saw Behling raise both hands together up to eye level, arms extended in a classic shooter's stance, with his arms and hands pointing toward Officers. SAIC Taylor could not see a firearm from his vantage point, but could see Behling's body to determine what his movements looked like. SAIC Taylor said that when Behling raised his arms in that shooter's stance, that shortly thereafter he heard a "volley" of gunfire. He was unable to determine how many shots, as they happened quickly and at the same time. SAIC Taylor also did not remember seeing any muzzle flashes, nor could he determine who had fired their weapons. He said he saw Behling drop to the ground, and heard no gunfire after Behling fell.

SAIC Taylor said that SWAT Officers then dragged Behling behind the Bearcat, and he thought it appeared as if they began assessing Behling's injuries. SAIC Taylor said that once he knew Behling was in custody, he began checking in with his personnel, to determine if anyone was injured; he said they were not. He said he then notified his own supervisor of what happened, and shortly thereafter learned that Behling had died. SAIC Taylor then consolidated LWAM personnel at AFD Station 3, anticipating the investigation and the need for them to be interviewed. He had asked his personnel, and none of the LWAM Officers had discharged their firearm during this incident. SAIC Taylor said that though he never saw a firearm in Behling's hand, other Officers had told him that he had one; and SAIC Taylor said he believed that LT Lewis #9221 had sent an APD Officer to ensure that firearm was not disturbed until evidence technicians were on scene to process.

END OF SUPPLEMENT.

SGT Yule #9168

CC: DCI - Att: Jay Yerges (yergesjk@doj.state.wi.us) (01/23/20 eld)

Law Incident Data

Nature: Assist
Location: OAPS

Address: 810 GROVE ST
FOX CROSSING WI 54915

Offense Codes: Non UCR Reportable

Received By: BERGMAN A

How Received: T

Agency: AC

Responding Officers: VANDERWIELEN B, RIECHERS K, LEHRER D, WOELFEL J, ANDERSON D, LAWRENCE A,
MARTINEZ M, LERUM C, KANTNER C, PIEPER G, LUND D, KNAUER D

Responsible Officer: KNAUER D

Disposition: CLO 01/21/20

When Reported: 19:32:14 01/21/20

Occurred Between: 19:32:08 01/21/20 and 15:19:00 01/22/20

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant

Last:	First:	Mid:
DOB: **/**/**	Dr Lic:	Address:
Race:	Sex:	Phone:
Height:	Weight:	Hair:
		Eyes:
		Relationship:

Wisconsin Division of Criminal Investigation

Investigative 20-387/34

Report Date: 01/23/2020

Primary Information

Description:	Escort of Rory Behling's Body to the Fond du Lac ME's Office
Occurrence From:	01/22/2020 00:03
Occurrence To:	01/22/2020 01:00
Reporting LEO:	Roffers, Jed D (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/03/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On the early morning hours of Wednesday January 22, 2020, Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), was requested to escort the body Rory J. Behling, M/W, DOB: [REDACTED] to the Fond du Lac Medical Examiner's Office.

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/34

ACTIVITY

On the early morning hours of Wednesday January 22, 2020, Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), was requested to escort the body Rory J. Behling, M/W, DOB: [REDACTED] to the Fond du Lac Medical Examiner's Office. Larry's Livery Service provided the transport as S/A Roffers followed in a second vehicle.

At approximately 12:03 a.m., S/A Roffers and Larry's Livery Service departed Appleton Fire Station #3. At approximately 12:40 a.m. they arrived at the Fond du Lac Medical Examiner's Office where they were met by Deputy Medical Examiner Nancy Preder.

At approximately 1:00 a.m., Behling's body was secured inside the Fond du Lac County Medical Examiner's Office pending a subsequence autopsy, which was scheduled for the following day.

Wisconsin Division of Criminal Investigation

Interview 20-387/35

Report Date: 01/23/2020

Primary Information

Description: Interview of TEMS Officer Adam Paiser - 01/21/2020
Occurrence From: 01/21/2020 21:28
Occurrence To: 01/21/2020 22:52
Reporting LEO: Roffers, Jed D (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/05/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday January 21, 2020 Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), interviewed Adam S. Paiser; Paiser was employed as a full-time Firefighter with the City of Appleton Fire Department. The interview was regarding an officer involved shooting incident that had occurred in the Village of Fox Crossing, which resulted in the death of Rory J. Behling, M/W, DOB: [REDACTED].

Addresses

Relationship	Address
Interview Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Paisar, Adam S (Law Enforcement Official)		---
Mentioned	Haney, Jeremy R (Law Enforcement Official)		---
Mentioned	Jahr, Steve W (Law Enforcement Official)	White, Male	---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Documents

Document
20-387/35 - Med Brief
20-387/35 - Diagram

Narrative begins on the following page.

ACTIVITY

On Tuesday January 21, 2020 Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), interviewed Adam S. Paiser; Paiser was employed as a full-time Firefighter with the City of Appleton Fire Department. The interview was regarding an officer involved shooting incident that had occurred in the Village of Fox Crossing, which resulted in the death of Rory J. Behling, M/W, DOB: [REDACTED].

Prior to the interview, S/A Roffers identified himself as a law enforcement official with WI DOJ/DCI. The interview occurred in a private office within the Appleton Fire Department – Station #3, located at 801 W. Grove St, Appleton, Wisconsin.

The interview began at approximately 9:28 p.m. The following was a summary of information provided by Paiser during the interview:

Because of his emergency medical training/experience, Paiser was also assigned as a TEMS (Tactical Emergency Medical Support) Officer with local area police SWAT teams. Paiser worked as a firefighter for approximately 23 years and a TEMS Officer for 8 years.

Earlier that same day, Paiser was informed via cell phone that LWAM (Lake Winnebago Area Meg Unit) was requesting a TEMS Officer(s) for the execution of a high-risk residential search warrant. Paiser was made aware that the subject of the investigation had a criminal history which included weapons and violence towards law enforcement. Paiser also was informed that the subject of the investigation made prior comments, something to the effect of he (subject) was “not going back to jail.”

Earlier in the day, when Paiser was requested to assist, he was unavailable due to a prior commitment. Paiser became available at approximately 2:30 p.m. Paiser reached out to law enforcement staff organizing the operation and asked if his assistance was still required. Detective Jeremy Haney (Appleton PD) requested Paiser to assist in the operation, in which he agreed.

At approximately 7:10 p.m., Paiser, along with his coworker Steve Jahr (also a Firefighter with Appleton Fire Department and trained TEMS officer), conducted a “medical brief” with the Winnebago County SWAT Team. The brief occurred in the parking lot of Memorial Florists and Greenhouses, which was a short distance away from the suspect residence. During the brief, Paiser provided an oral ‘APD SWAT TEMS THREAT ASSESSMENT’ which he read from a written form. *A copy of this form was electronically attached to this report.*

After the medical brief was conducted, it was determined that Jahr would ride in the back of the ‘Bearcat’ Tactical Vehicle while Paiser would stage outside of Fire Station #3 as a QRF (Quick Reaction Force) Medic; the fire station (801 Grove St.) was within eyeshot of the suspect

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/35

residence (810 Grove St.). Paiser staged outside the fire station, looking in a NW direction towards 810 Grove Street, approximately 50-60 yards away.

As the Bearcat approached the residence, Paiser observed a white male, average height, and medium/heavy build step outside the residence of 810 Grove Street through a side access door. The side door was located on the east side of the home. Other members of the SWAT team observed the male subject and announced it via communication radio. Paiser believes the subject then reacted to red and blue lights (from the Bearcat) that were reflecting off the neighboring house.

The subject then attempting to walk towards the backyard of the residence, where he was contacted by police units, who set up perimeter positions. Specifically, the law enforcement would have been positioned on the NW corner of the neighboring home (directly to the east of 810 Grove Street). The Bearcat had pulled up near the front of the residence as the perimeter units made contact with the subject.

As a result, the subject turned, and frantically attempted to run back into the residence through the same side door he exited out of. The subject struggled with the door for a short period of time; he failed to gain access to the residence.

When the subject failed to get back into the home, his demeanor and body language immediately changed. Paiser described that the subject went from “flight” to “fight” in terms of his body language.

The subject then proceeded to walk towards the front of the residence, in the direction of the Bearcat. It was at this time Paiser observed the subject retrieve and draw a pistol. Paiser was not certain where the subject retrieved the pistol from, but assumed it was drawn from his waistband because it “happened so fast.” The subject then drew the pistol and was pointing it out in front of him with his arm extended. Paiser believed the subject was attempting to acquire a target, based off the way he was holding the pistol. Paiser affirmed that the subject was holding the pistol with his arm extended, as opposed to holding it at the “low-ready,” which is usually pointed in a downward direction.

The subject attempted to position himself behind a parked car, which was parked out in front of the residence.

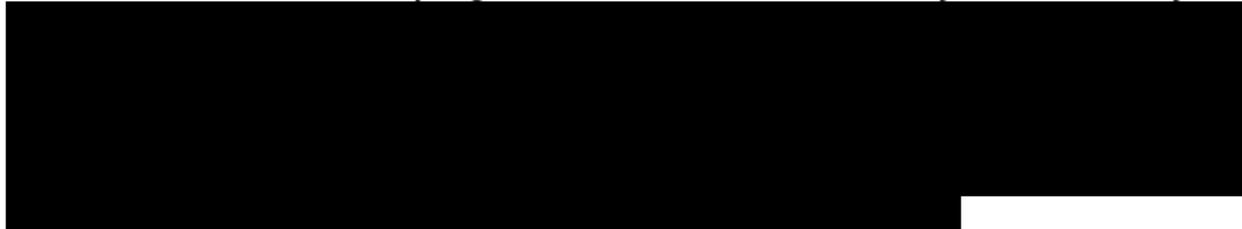
Soon after the subject drew the pistol, Paiser heard multiple officer’s yell various verbal commands to the subject. Paiser then heard several gunshots, presumable by members of the SWAT team, specifically the officers from the Bearcat. Paiser did not recall how many gunshots he heard. Immediately following the gunshots, the subject collapsed to the ground.

Members of the SWAT team that approached in the Bearcat then formed up to approach the subject on foot, using a tactical shield. The subject was handcuffed and then taken by the SWAT

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/35

team back behind the Bearcat for medical evaluation/care. Paiser ran across the street from the fire station and met Jahr at the back of the Bearcat where the subject had been taken.

The TEMS officers immediately began a medical assessment of the subject's condition/injuries.

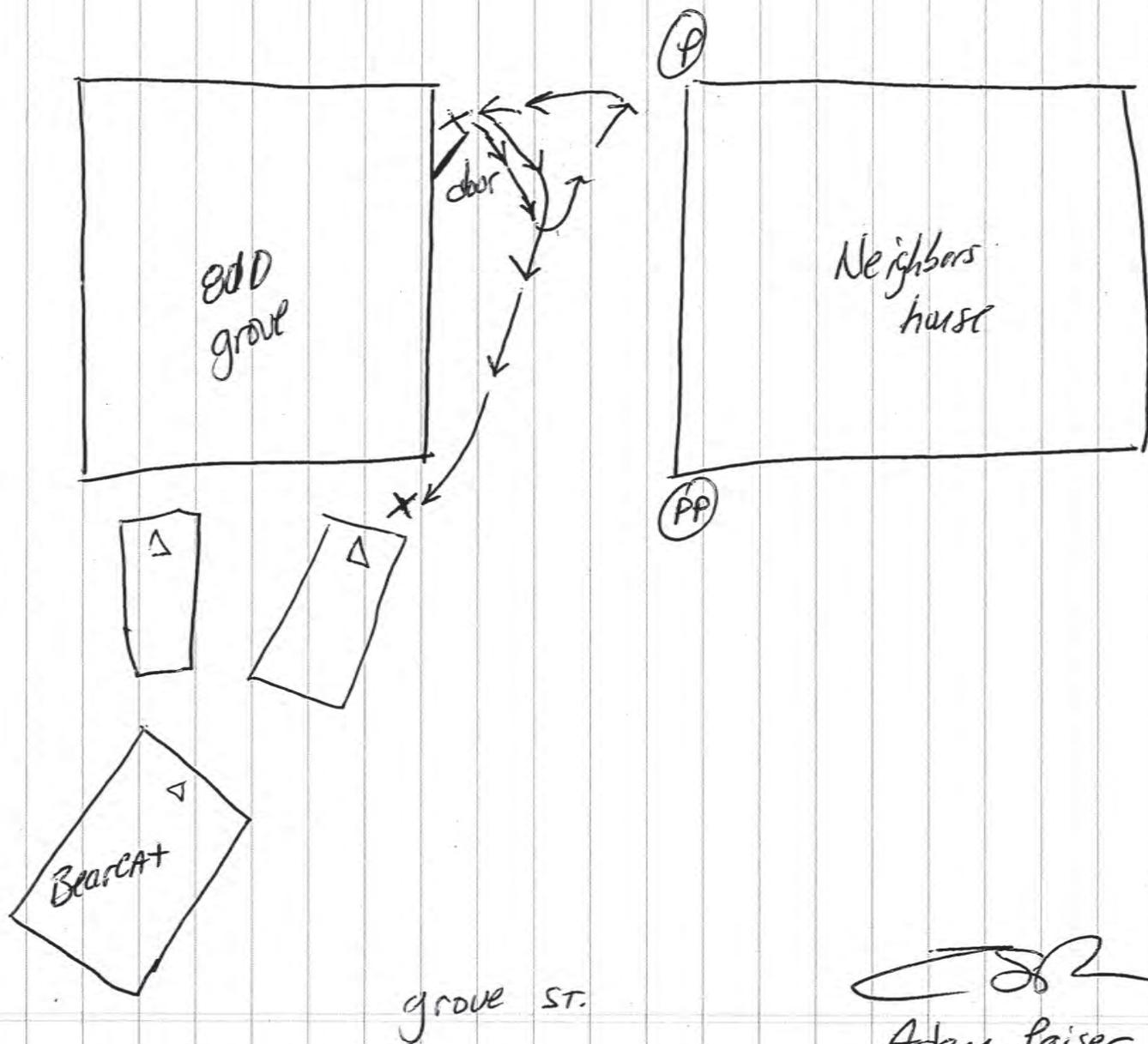


Someone from the SWAT team assisted Jahr and Paiser with removing the subject from the scene using a foldable-canvas stretcher. The subject was taken across the street to the garage bay area of fire station #3.

This concluded the information provided by Paiser. The interview was completed at approximately 10:52 p.m.

Also attached to this email is a hand written sketch provided by Paiser.

N ↑



Adam Paiser
1-21-2020
2253 hrs



APD SWAT TEMS

THREAT ASSESSMENT

Date: 21JAN20

Location: 810 Grove Street

Approx. Time: 1800

Mission: Knock and Announce Search Warrant

Primary Radion Freq: Winnebago SWAT

EMS

Ground Transport Agency: Gold Cross Ambulance

Unit #: N/A

Present at Briefing: No

Staging Location: FAIR MARKET THIRT – 2130 S. Memorial Dr.

Radio Freq: Winnebago SWAT or Gold Cross channel - Zone: Fire/Interop; Channel: 6

Special Needs/Considerations: Urban area/Ravine on 12 side

Hospital

Primary: ThedaCare – Neenah, 130 2nd St Neenah

ER Phone #: (920) 729-2060

Route of Travel: Hwy 47 SOUTH towards MENASHA, RIGHT on THIRD STREET, LEFT on TAYCO, LEFT on FIRST AVE

Secondary: St. Elizabeth Hospital - 1506 S. Oneida Street, Appleton

ER Phone #: (920) 738-6447

Route of Travel: CALUMET EAST to Oneida St, LEFT on ONEIDA, RIGHT on FREMONT to ER.



Air Ambulance

Primary: ThedaStar – (800) 236-2066

Secondary: Eagle III – (877) 332-4533

Primary Radio Freq: Marc II – Zone: Mutual Aid; Channel: 2

Secondary Radio Freq: Outagamie Fire Main

Landing Zone: Valley Fair Movie Theatre

Destination Hospital: ThedaCare - Neenah

TEMS Personnel / Level

1. Paiser - Paramedic
2. Jahr - Paramedic
- 3.

Special Considerations

Haz-Mat Possibility: UKN

Explosion Hazard: UKN

Environmental Concern: Urban area

Fire Department: AFD Station 4 – AFD Main

- **Need to Stage:** No (in quarters across the street)

Wisconsin Division of Criminal Investigation

Interview 20-387/36

Report Date: 01/23/2020

Primary Information

Description: Interview of TEMS Officer Steve Jahr - 01/21/2020
Occurrence From: 01/21/2020 23:11
Occurrence To: 01/21/2020 23:50
Reporting LEO: Roffers, Jed D (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/05/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday January 21, 2020 Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), interviewed Steve W. Jahr; Jahr was employed as a full-time Firefighter with the City of Appleton Fire Department. The interview was regarding an officer involved shooting incident that had occurred in the Village of Fox Crossing, which resulted in the death of Rory J. Behling, M/W, DOB: [REDACTED].

Addresses

Relationship	Address
Interview Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Jahr, Steve W (Law Enforcement Official)	White, Male	---
Mentioned	Paiser, Adam S (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

ACTIVITY

On Tuesday January 21, 2020 Special Agent Jed Roffers, of the Wisconsin Department of Justice (WI DOJ) – Division of Criminal Investigation (DCI), interviewed Steve W. Jahr; Jahr was employed as a full-time Firefighter with the City of Appleton Fire Department. The interview was regarding an officer involved shooting incident that had occurred in the Village of Fox Crossing, which resulted in the death of Rory J. Behling, M/W, DOB: [REDACTED].

Prior to the interview, S/A Roffers identified himself as a law enforcement official with WI DOJ/DCI. The interview occurred in a private office within the Appleton Fire Department – Station #3, located at 801 W. Grove St, Appleton, Wisconsin.

The interview began at 11:11 p.m. The following was a summary of information provided by Jahr during the interview:

Because of his emergency medical training/experience, Jahr was also assigned as a TEMS (Tactical Emergency Medical Support) Officer with local area SWAT teams. Jahr worked as a firefighter for approximately seven (7) years.

Earlier that same day, at approximately 8:55 a.m., Jahr was informed via cell phone that police were requesting a TEMS Officer(s) for the execution of a high-risk residential search warrant. Jahr was made aware that the subject of the investigation had a criminal history, which included weapons and violence towards law enforcement. Jahr also was informed that the subject of the investigation made prior comments, something to the effect of he (subject) was “not going back to jail.” The subject had an outstanding warrant for his arrest.

Throughout the day, authorities conducted surveillance on the residence of 810 Grove Street, Appleton, Wisconsin, where they believed the suspect was located.

At approximately 2:06 p.m., a traffic stop was conducted on a vehicle that left from the residence; the suspect was not an occupant of the vehicle. However, the occupants of the vehicle did provide verbal confirm that the suspect was at 810 Grove Street. The occupants also advised that they observed the suspect with a weapon the evening prior.

A residential search warrant was then drafted for 810 Grove Street.

At approximately 7:15 p.m., Jahr participated in a medical brief with the Winnebago County Sheriff’s Office SWAT Team in the parking lot of Memorial Florist, which was within proximity of 810 Grove Street. Jahr and his colleague, fellow TEMS Officer Adam Paiser provided the brief.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/36

Following the brief, Jahr rode in the back of the Bearcat tactical vehicle along with other members of the SWAT Team. There was a total of six officers in the Bearcat (including Jahr); four people were in the back, and two were in the front (driver/passenger).

The plan was to pull the Bearcat up in front of the residence once officers on designated perimeter positions were in place and call the suspect out of the residence via PA system.

Once it was time to approach, the Bearcat pulled up in front of the residence. Jahr heard someone yell "he's running" as he and three other members of the SWAT team started to exit out the back of the Bearcat. Prior to exiting the Bearcat, Jahr partially observed the subject through the windshield of the Bearcat; the observation was very brief. The subject was taking up a position behind a parked vehicle, which was positioned between the Bearcat and the residence.

Jahr also heard loud verbal commands of "stop!", "drop the gun!", and "don't do it!" Immediately after hearing the verbal commands, Jahr heard shots being fired. Jahr never had a direct view of the subject when the shots were fired. Jahr explained that because of his position inside the rear of the Bearcat, the fact he was exiting, he did not see the subject nor which specific officers who fired their weapons.

Once Jahr exited, he lined up behind other members of the SWAT Team to approach the subject, who was now down on the ground. Jahr then changed his position and stayed at the rear of the Bearcat. While the 'contact team' was approaching the subject, he heard one of the officers' yell, "weapon is on the ground!"

The subject was handcuffed by the 'contact team' and taken back toward the rear of the Bearcat. At that time, fellow TEMS Officer Adam Paiser joined Jahr in providing a medical assessment on the subject.



Paiser and Jahr loaded the subject onto a canvass stretcher and took him across the street to Fire Station #3 where the subject was placed in the garage bay, away from the scene.

This concluded the information provided by Jahr. The interview was completed at approximately 11:50 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/37

Report Date: 01/23/2020

Primary Information

Description: **Interview of Deputy Sheriff Jake Menzel: 01-21-20**
Reporting LEO: **Racine, Chad J (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/27/2020**
Approved By: **Mech, Joseph P (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, Wisconsin Department of Justice, Division of Criminal Investigation Special Agent Chad Racine completed an interview of Jake Menzel in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Suspect Residence	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Menzel, Jake R (Law Enforcement Official)		---
Mentioned	Dobbs, Ryan A (Law Enforcement Official)		---
Mentioned	██████████ (Law Enforcement Official)		---
Mentioned	Guillette, Ryan D (Law Enforcement Official)		---
Mentioned	██████████ (Law Enforcement Official)	White, Male	---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

INTERVIEW OF JAKE MENZEL: 01-21-20

On Tuesday, January 21, 2020, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) Special Agent (S/A) Chad Racine completed an interview of Jake Menzel in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

At approximately 11:08 p.m., S/A Racine made contact with a male subject at the police department whom identified himself as Jake R. Menzel Male DOB: [REDACTED] (hereinafter referred to as Menzel). At that time, S/A Racine explained the nature of the contact and requested to have a voluntary conversation with Menzel about the incident. Menzel said he understood the circumstances and was willing to be interviewed regarding the case. S/A Racine provided the below summary of information Menzel shared during their discussion:

Menzel was employed by the Calumet County Sheriff's Office and held the position of Deputy Sheriff. Menzel had about four years of law enforcement experience [REDACTED]

Menzel said while conducting surveillance on that date he was a [REDACTED]

[REDACTED] Menzel stated investigators Dobbs eventually replaced Guilette in the afternoon hours prior to the shooting on that date. Menzel explained his group was conducting surveillance of a residence located at 810 W. Grove Street, Fox Crossing, Wisconsin which was a location investigator's had developed through case intelligence as a possible whereabouts of felony fugitive, Rory Behling.

According to Menzel, investigators eventually observed a small pickup truck leave the property on W. Grove Street around 2:30 p.m. that date and a traffic stop was subsequently conducted. Menzel said investigators soon learned through interviews with the vehicle's occupants that fugitive Behling was in fact inside the W. Grove Street home (alone) and likely armed with two handguns. At that time, Menzel stated he collectively knew fugitive Behling to have active felony warrants, a history of fleeing/resisting the police and, most recently learned, that Behling likely was armed with a firearm. Upon conclusion of the roadside debrief of the traffic stop investigation, investigators returned to their surveillance assignments at the W. Grove Street location.

Menzel stated the intelligence attained through the traffic stop was later conveyed to case agent [REDACTED] whom then began preparing a search warrant application for the W. Grove Street residence.

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Menzel stated around 6:15 p.m. that date he was advised that a search warrant had been authorized for 810 W. Grove Street, Fox Crossing, Wisconsin in furtherance of an apprehension effort to custodial arrest fugitive Behling.

Menzel explained around 6:30 p.m. that date investigator Guillette was replaced by investigator Dobbs in his surveillance unit and together the group maintained a watch on the estate from a position located to the south east of the residence. Menzel said about [REDACTED] total [REDACTED] [REDACTED], consisting of multiple investigators each, were rotating in the area of the W. Grove Street property as surveillance elements. [REDACTED]

Menzel said about 7:05 p.m. that date he became aware that the Winnebago County Sheriff's Office TAC Team had arrive nearby and were going to lead the entry component of the mission. Menzel stated his team, [REDACTED], were assigned as outer perimeter units for the search warrant execution process in support of the TAC Team deployment.

Menzel said upon TAC Team arrival at 810 W. Grove Street, he noted movement inside the home and subsequently saw a light turn off on the home's eastside.

Menzel then heard police radio traffic that a subject had been seen exiting the residence and was standing on a porch on the east side of the home.

Menzel stated almost simultaneous to the radio transmission of the above observations, the TAC Team armored vehicle activated its emergency lights and pulled into the driveway of the W. Grove Street property.

About 7:30 p.m. that date Menzel saw an unknown subject run on foot from the east side of the home and soon came in contact with TAC Team operators whom where positioned nearby making their approach towards the dwelling. Menzel thought the TAC Team operators were walking just east of the subject on the neighboring property at that time.

Menzel then stated he then heard yelling followed by six to eight gunshots. Menzel said the gunshots were about two or three seconds after the yelling. Menzel stated after the gunshots he saw the subject fall to the ground. Menzel said he then relayed his observations, [REDACTED], to notify other nearby investigators of the situation.

Menzel stated he did not use any level of force nor provided any type of medical attention as a result of this incident. Furthermore, Menzel had no digital footage which memorialized the above discussed events.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/37

Menzel said he was relieved of his perimeter assignment around 8:00 p.m., at which time he eventually made his way to the Appleton Police Department to be interviewed.

Menzel had no further information to provide therefore, S/A Racine concluded the interview at approximately 11:49 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/38

Report Date: 01/23/2020

Primary Information

Description: Interview of [REDACTED] : 01-21-20
Occurrence From: 01/21/2020 23:57
Occurrence To: 01/22/2020 00:58
Reporting LEO: Racine, Chad J (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 01/27/2020
Approved By: Mech, Joseph P (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21, 2020, Wisconsin Department of Justice, Division of Criminal Investigation Special Agent Chad Racine completed an interview of [REDACTED] in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

Relationship	Address
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	[REDACTED] (Law Enforcement Official)	White, Male	---
Mentioned	Lewis, Gary D (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Property

Status	Quantity	Description
Inventory	1	(1) optical disc containing APD drone footage

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/38

INTERVIEW OF [REDACTED]: 01-21-20

On Tuesday, January 21, 2020, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) Special Agent (S/A) Chad Racine completed an interview of [REDACTED] in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

At approximately 11:57 p.m., S/A Racine made contact with a male subject at the police department whom identified himself as [REDACTED] Male DOB: [REDACTED] (hereinafter referred to as [REDACTED]). At that time, S/A Racine explained the nature of the contact and requested to have a voluntary conversation with [REDACTED] about the incident. [REDACTED] said he understood the circumstances and was willing to be interviewed regarding the case. S/A Racine provided the below summary of information [REDACTED] shared during their discussion:

[REDACTED] was employed by the Appleton Police Department and held the position of [REDACTED]. [REDACTED] had over ten years of law enforcement experience and was assigned to the agency's patrol division at the time of the interview. [REDACTED]'s police radio call number was 9198.

[REDACTED] was working a 2PM to 8PM shift in patrol unit 1019 on that date.

[REDACTED] said about 2:24 p.m. that date, he received a call from fellow Appleton Police Department employee, Lieutenant Gary Lewis whom requested his assistance with a case at 810 W. Grove Street, Fox Crossing, Wisconsin. [REDACTED] stated Lieutenant Lewis specifically requested he provide an aerial asset (drone) resource at the W. Grove Street location.

[REDACTED] stated he then gathered the necessary equipment and responded to Appleton Fire Station 3 located at 801 W. Grove Street to stage pending the anticipated operation.

[REDACTED] said while at the fire station he performed a test run of the drone and also gathered property lay out footage of 810 W. Grove Street in the event that intelligence was needed for the call out.

[REDACTED] said while he awaited further direction at the fire station he also assisted in conducting visual surveillance of the W. Grove Street home.

[REDACTED] stated around 7:30 p.m. that date, he observed the Winnebago County Sheriff's Office armored vehicle arrive at the W. Grove Street property. Near that time, [REDACTED] heard someone in the fire station mention that the 'target was on the move'.

[REDACTED] said he then observed a subject run down a set of stairs on the east side of the target residence and continued on foot south towards the home's driveway. [REDACTED]

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/38

thought the subject was carrying a dark colored object in their hand (possibly right) which looked consistent to the shape of a handgun. [REDACTED] stated while this took place the armored vehicle came to a stationary position in the driveway with it's emergency lights activated. [REDACTED] described the subject to be clothed with a dark colored hoodie sweatshirt that appeared to be unzipped. [REDACTED] further mentioned he felt the subject's appearance and stature was similar to that of the known fugitive, Rory Behling.

[REDACTED] said the subject then continued towards the south east corner of the home and before stopping facing west. At that time [REDACTED] saw the subject raise one of their arms (believed to be right and same one which was holding the unknown object) and point it in the direction of the armored vehicle. [REDACTED] continued stating he then saw the subject seemingly take a shooting like position; squatted down lowering their center of gravity while leveling their head to their raised and pointed arm.

[REDACTED] stating within one or two seconds he heard gunfire. [REDACTED] estimated he heard two or three total shots fired. [REDACTED] stated after the gunfire he saw the subject fall to the ground.

[REDACTED] said he then broadcasted a police radio transmission of 'shots fired' over the Appleton Police Department main frequency to update the situation to fellow officers nearby.

[REDACTED] stated upon conclusion of the shooting incident and once the premises was deemed secure he did re-deploy the drone at which time he captured digital aerial footage of the scene.

[REDACTED] said he did not use any level of force nor administer any medical aid as a result of his response to the incident. [REDACTED] later returned to the police department for his interview.

No body camera or squad camera footage was memorialized in relation to this police response.

On January 22, 2020, at approximately 12:58 a.m., [REDACTED] had no further information to share therefore, S/A Racine concluded the interview.

[REDACTED] later provided S/A Racine with an optical disc containing a copy of the drone footage captured in relation to the case. S/A Racine then transferred that item to the WI DOJ/DCI Appleton Regional Field Office (AFO) where it was secured into evidence. A copy of the recordings was placed into DCIR file electronically.

EVIDENCE

- (1) Optical disc containing two digital drone footage files

EVIDENCE DISPOSITION

The item was packaged, sealed, labeled and placed in a temporary evidence locker at the AFO pending transfer to long term evidence storage by an AFO evidence custodian. The item would remain in secure evidence pending and future analysis, Court determination and/or final case disposition.

Wisconsin Division of Criminal Investigation

Interview 20-387/39

Report Date: 01/23/2020

Primary Information

Description: **Interview of Deputy Sheriff Adam Kurczek: 01-22-20**
Occurrence From: **01/22/2020 01:08**
Occurrence To: **01/22/2020 01:48**
Reporting LEO: **Racine, Chad J (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Mech, Joseph P (Wisconsin Division of Criminal Investigation)**

Synopsis

On Wednesday, January 22, 2020, Wisconsin Department of Justice, Division of Criminal Investigation Special Agent Chad Racine completed an interview of Adam Kurczek in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Suspect Residence	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Kurczek, Adam (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	Hathaway, Ryan (Law Enforcement Official)	White, Male	---
Mentioned	Last, Christopher (Law Enforcement Official)		---
Mentioned	Schoonover, Kyle J (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

INTERVIEW OF ADAM KURCZEK: 01-22-20

On Wednesday, January 22, 2020, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) Special Agent (S/A) Chad Racine completed an interview of Adam Kurczek in relation to the officer involved death incident involving decedent, Rory Behling. The interview occurred at the Appleton Police Department located at 222 S. Walnut Street, Appleton, Wisconsin.

At approximately 1:08 a.m., S/A Racine made contact with a male subject at the police department whom identified himself as Adam T. Kurczek Male DOB: [REDACTED] (hereinafter referred to as Kurczek). At that time, S/A Racine explained the nature of the contact and requested to have a voluntary conversation with Kurczek about the incident. Kurczek said he understood the circumstances and was willing to be interviewed regarding the case. S/A Racine provided the below summary of information Kurczek shared during their discussion:

Kurczek was employed by the Winnebago County Sheriff's Office and held the position of Deputy Sheriff. Kurczek had over nine years of law enforcement experience and was a member of the agency's tactical team at the time of the interview. Kurczek had served as an operator on the tactical team for the past six years. Kurczek's police radio call number was W58.

Kurczek was off duty on January 21, 2020, when he received a TAC Team page around 3:17 p.m., requesting tactical operators assistance with a high risk situation.

Kurczek responded to the sheriff's office where he geared up and joined other team members in the agency's armored vehicle. Kurczek was assigned the shield for the mission's deployment request that date.

Kurczek said he was accompanied in the armored vehicle by Lieutenant Justin Englund (Winnebago County Sheriff's Office), Deputy Sheriff Ryan Hathaway (Winnebago County Sheriff's Office) Deputy Sheriff Christopher Last (Winnebago County Sheriff's Office), Deputy Sheriff Kyle Schoonover (Winnebago County Sheriff's Office) and an unknown Appleton Police Department tactical TEMS member (possibly a Appleton Fire Department Firefighter).

Kurczek explained the operational plan was for the armored vehicle to park near the ½ corner (SW) of the 810 W. Grove Street dwelling, activate the unit's emergency lights and attempt verbal contact with the home's occupants via communication over the unit's public address system.

Kurczek said the armored vehicle arrived at the staging area near the scene around 7:00 p.m. that date (01-21-20) at which point his personnel element waited for other tactical operators to establish their perimeter positions at the warrant execution site.

Wisconsin Division of Criminal Investigation Case Report
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Upon arrival at 810 W. Grove Street, Kurczek became aware via police radio transmissions that officers and/or perimeter tactical operators had contact with a subject at the residence.

Kurczek said carrying the ballistic shield, he was the second operator to get out from the armored vehicle and took a position facing the W. Grove Street residence on the south east rear corner of the armored vehicle. At that location, Kurczek stood next to fellow operator Deputy Sheriff Schoonover. Kurczek stated as he was establishing his footing and position on the snow covered terrain he heard someone yell "gun!". Kurczek said then heard gunfire.

Kurczek stated he believed the gunfire involved both pistol and rifle discharges though he was unsure as to the total number of shots fired. Kurczek said at that time he looked to Deputy Sheriff Schoonover and noted he was visually examining his (Schoonover's) rifle. Kurczek stated though he was unsure whether or not Deputy Sheriff Schoonover had shot he believed that he (Schoonover) may have had a weapon malfunction based on the observation. Kurczek explained he then physically guided Deputy Sheriff Schoonover behind him for cover (ballistic protection) as he took over as lethal cover in the direction of the house.

Kurczek said soon after the shots were fired he later took part in a four man element which approached the unknown subject who was believed to be lying on the ground near the south side of the home.

Kurczek stated eventually he saw the subject as he passed by the individual with the shield. Kurczek said he continued forward towards the residence's front door to provide a ballistic barrier between the home and fellow operators at that time. Kurczek stated while passing the subject he noted the subject was lying on their back on the ground; subject's head was positioned to the northeast with their feet to the southwest. Kurczek also said the subject looked to have blood on their face and wore a dark colored shirt and jeans. Kurczek further recalled the subject's right hand wasn't visible however he could see that nothing appeared to be in the subject's left hand at that time. Kurczek said he continued to provide ballistic protection for the contact operators while they attended to and ultimately moved the falling subject to a position of better cover located behind the armored vehicle.

Kurczek stated he later participated in tactically clearing the W. Grove Street home. Kurczek said no other subjects were found as a result of that search. Kurczek mentioned that prior to operators entering the home the TAC Team deployed electronic surveillance tools in attempt to gather further intelligence before the entry.

Kurczek stated he used no level of force nor provided any medical aid during as a result of this incident.

Kurczek's body camera was activated for the event and he reportedly turned over that device to member of the WI DOJ/DCI shortly after he was released from the scene.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/39

Kurczek stated he then travelled to the Appleton Police Department for his interview regarding the case.

At approximately 1:48 a.m., Kurczek had no further information to provide therefore, S/A Racine concluded the interview.

Wisconsin Division of Criminal Investigation

Interview 20-387/40

Report Date: 01/23/2020

Primary Information

Description:	Interview of Officer Corey Haag - Fox Crossing Police Department
Occurrence From:	01/22/2020 00:00
Occurrence To:	01/22/2020 00:00
Reporting LEO:	Taubel, Tamara C (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	01/30/2020
Approved By:	Klabunde, David R (Wisconsin Division of Criminal Investigation)

Synopsis

On Wednesday, January 22nd, 2020, at approximately 12:45 a.m., Special Agent (SA) Tamara Taubel conducted an interview of Fox Crossing Police Officer (Ofc.) Corey Haag in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/40

On Wednesday, January 22nd, 2020, at approximately 12:45 a.m., Special Agent (SA) Tamara Taubel conducted an interview of Fox Crossing Police Officer (Ofc.) Corey Haag in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin. Ofc. Haag made the following statements throughout the interview.

Ofc. Haag has been employed as a police officer with the Fox Crossing Police Department for approximately three and a half years. Prior to that employment, Ofc. Haag was employed as a police officer with the City of Oshkosh Police Department from 2012 to 2016. Ofc. Haag also served in the United States Army for approximately eight years and served two tours in Iraq. Between 2016 and 2018, Ofc. Haag served as an operator on Appleton Police Department SWAT. From 2018 to the present, Ofc. Haag has been a member of Winnebago SWAT. Approximately a little over a year ago, Ofc. Haag became a K9 handler and was partnered with his K9, Hans. Hans is trained in narcotics detection and apprehension.

Ofc. Haag's assigned work hours are [REDACTED], Ofc. Haag's [REDACTED]. On Tuesday, January 21st, 2020, Winnebago SWAT was requested to execute a search warrant. Ofc. Haag responded to the Winnebago County Sheriff's Department, 4311 Jackson Street, Oshkosh, Wisconsin, for the tactical briefing. Ofc. Haag believed that was approximately 6:00 p.m.

During that briefing, Ofc. Haag received the assignment being part of the entry team located on the north west corner of the target residence, 810 Grove Street, Menasha, Wisconsin. The primary breach location was planned to be the door located on the north east side of the residence. Members of SWAT then went to the parking lot of Memorial Florists & Greenhouses, 2320 S. Memorial Drive, Appleton, Wisconsin for a medical briefing from Tactical EMS (TEMS).

Ofc. Haag drove his vehicle with K9 Hans and parked it approximately three or four residences west of the target location, on Grove Street near Gardner's Row. Ofc. Haag parked his vehicle near Winnebago Deputy (Dep.) Zill and his K9 partner Franz's vehicle. Ofc. Haag planned that if K9 Franz got too cold, they could rotate him in and out of vehicles with K9 Hans. Ofc. Haag took his cold weather bag from his squad car, containing items like bottled water, hand warmers, etcetera, and got into vehicle 32 with Winnebago Dep. Kyle Beck. They drove vehicle 32 north up the driveway located to the west of the target residence. The bearcat passed them and drove into the adjoining driveway between the target residence and the residence immediately to the west. The bearcat's red and blue emergency lights were activated.

Ofc. Haag was monitoring the Winnebago SWAT radio frequency and heard someone say something regarding the suspect looking out a window of the residence. They stopped the vehicle near the north end of the driveway and heard another radio transmission, however Ofc. Haag did not hear what was said.

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Ofc. Haag exited the vehicle and ran to the SWAT team members on the north east corner of the garage, immediately west of the target residence. Ofc. Haag was approximately four people back in the stack of SWAT members. Ofc. Haag observed movement on the stairs, located on the north east side of the target residence, by what appeared to be an addition. Moments later, Ofc. Haag heard a volley of gunshots in rapid succession. Ofc. Haag estimated it was approximately eight to ten gunshots. Ofc. Haag did not hear any other sounds at that point and explained that he was wearing his 3M earmuffs, which were activated. With the earmuffs on, Ofc. Haag was unable to hear ambient type noise, however, could hear the muffled gunshots. The Winnebago SWAT radio frequency transmits through the earmuffs.

The area was illuminated by the flashlights of other SWAT team members located on the east side of the residence. Members at the front of the stack at Ofc. Haag's position also had their flashlights illuminating the area of the residence. The neighbor to the east of the residence had lights come on, which added to lighting the area.

Ofc. Haag, and the team members he was with, remained in their position, however Dep. Zill and K9 Franz moved back west. Ofc. Haag heard through radio transmissions that the suspect was in custody. The SWAT team members he was with checked themselves and each other for injuries and found none.

Ofc. Haag remained in his position until members of Appleton Police Special Investigations Unit (SIU) came to his location to relieve them. Ofc. Haag then moved to the east side of the residence and assisted with the deployment of the SWAT team's robot, Zeke. They breached the east door and deployed Zeke. Zeke flipped over attempting to enter the residence. Ofc. Haag approached with other team members and Zeke was placed into the residence. Ofc. Haag moved back to the bearcat and was advised that Zeke was stuck inside of the residence. The SWAT team decided to search the residence for person(s) themselves. Ofc. Haag was part of the stack that entered the residence and searched for person(s). They found that Zeke had a canvas belt stuck in his track, which they cleared. Ofc. Haag and other team members cleared the main floor of the residence and were proceeding to the basement. They considered deploying Zeke into the basement, however due to the steepness of the stairway decided to check it for person(s) themselves. They did not locate any person(s) inside of the residence.

Ofc. Haag then moved back to the bearcat where he remained until he was told to go to Appleton Fire Department Station 3, 801 W. Grove Street, Appleton, Wisconsin.

Ofc. Haag's Statements Regarding his Duty Gear

At the time of the interview Ofc. Haag was not wearing the same duty gear as he was when he was deployed. This was due to the time lapse between the incident and the interview. Ofc. Haag explained to SA Taubel what equipment was on his person at the time of the incident.

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Ofc. Haag was wearing green style BDU pants and a matching long sleeve shirt. On top of that, he wore a green tactical outer carrier ballistic vest which contained the following: four rifle magazines with twenty-eight rounds each; [REDACTED], IFAK medical kit, door block, chemlights, mirror, flashbang, and gas mask. In his pants he had a folding knife, hand warmers, and keys. On his duty belt, Ofc. Haag had a tourniquet, flashlight, medical pouch, [REDACTED], and 3M earmuffs. Ofc. Haag had also been wearing a black beanie style winter hat, green tactical ballistic helmet, black gloves, and tan boots.

The interview concluded on Wednesday, January 22, 2020, at approximately 1:20 a.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/41

Report Date: 01/23/2020

Primary Information

Description:	Interview of Inv. Nathan Hoffman - Appleton Police Department
Occurrence From:	01/22/2020 00:00
Occurrence To:	01/22/2020 00:00
Reporting LEO:	Taubel, Tamara C (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	01/30/2020
Approved By:	Klabunde, David R (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21st, 2020, at approximately 11:37 p.m., Special Agent (SA) Tamara Taubel conducted an interview of Appleton Police Investigator (Inv.) Nathan Hoffman in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Narrative begins on the following page.

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Case/Report Number: 20-387/41

On Tuesday, January 21st, 2020, at approximately 11:37 p.m., Special Agent (SA) Tamara Taubel conducted an interview of Appleton Police Investigator (Inv.) Nathan Hoffman in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin. Inv. Hoffman made the following statements throughout the interview.

Inv. Hoffman has been employed as a law enforcement officer with the Appleton Police Department for approximately eight years. He has been assigned as an investigator to the Special Investigations Unit for approximately one year and SWAT [REDACTED].

On today's date, Inv. Hoffman was assigned to surveillance in a vehicle with Appleton Police Sergeants (Sgt.) Jeremy Hany and Matt Ollwerther. Also, in their vehicle were the two Appleton Fire Department medics assigned to Winnebago County SWAT as Tactical EMS (TEMS) operators, Steve Jahr and Adam Paiser. They drove the TEMS operators to the parking lot of Memorial Florists & Greenhouses, 2320 S. Memorial Drive, Appleton, Wisconsin, where they provided a medical briefing to SWAT. That briefing took place at approximately 7:15 p.m. Jahr then entered a vehicle with SWAT members and Paiser remained with Inv. Hoffman.

Inv. Hoffman, Sgt. Hany, Sgt. Ollwerther, and Paiser drove to the Appleton Fire Department Station 3, 801 W. Grove Street, Appleton, Wisconsin. Paiser entered the fire department while Inv. Hoffman and the two Sgts. parked on the east side of the building, in the parking lot. Inv. Hoffman parked the vehicle so that it was facing north, towards the target residence, 810 W. Grove Street, Appleton, Wisconsin. Inv. Hoffman was also able to see the residence to the east of the target residence. Inv. Hoffman was monitoring the Lake Winnebago Area Metropolitan Enforcement Group Unit (LWAM) radio frequency. Inv. Hoffman was unable to monitor the Winnebago SWAT radio frequency.

Inv. Hoffman observed members of SWAT moving west along the east residence, towards the target residence. Inv. Hoffman was able to see the south side of the target residence and the east neighbor's residence by light from the bearcat spotlight and the east neighbor's residence lights. The neighbor's lights were activated as the team moved along the residence, which illuminated the SWAT members. Inv. Hoffman heard someone advise, over the radio, that they observed the suspect, Rory Behling, run to the kitchen area and turn off the lights.

A short time later, Inv. Hoffman observed the bearcat drive east on W. Grove Street, from the west. The bearcat pulled into the adjoining driveway on the west side of the target residence. The bearcat parked on the south west side of the target residence. The bearcat's red and blue emergency lights and spotlight were activated. Inv. Hoffman observed a white male wearing a black shirt exit the east door of the residence. The male turned to the north and quickly ran off the deck.

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Inv. Hoffman placed the vehicle in reverse and began to drive north of the residence. He believed that the suspect may run into the wooded area to the north of the target residence in order to avoid apprehension. Inv. Hoffman pulled onto Lynch Avenue and heard approximately five to six muffled gunshots. The windows of Inv. Hoffmans's vehicle were rolled up, the police radio was on, the heat was on, and the vehicle was moving. All of the above factored into the gunshots sounding muffled and Inv. Hoffman not hearing other sounds outside of his vehicle. He then drove to a small parking lot on the north side of W. Grove Street, at Lynch Avenue, to get a view of the ravine.

Inv. Hoffman heard someone advise, over the radio, that shots were fired, and the suspect was down. Inv. Hoffman remained in his position for approximately five minutes. During that time, Inv. Hoffman observed several SWAT members carry the suspect to the garage area of Appleton Fire Department Station 3, 801 W. Grove Street, Appleton, Wisconsin. Inv. Hoffman next drove back to the fire department and made contact with Appleton Police Lieutenant (Lt.) Gary Lewis. Inv. Hoffman asked Lt. Lewis what further assistance was needed, and he was instructed to assist with perimeter. Inv. Hoffman maintained the north west perimeter until the scene was secure.

The interview concluded at approximately 11:56 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/42

Report Date: 01/23/2020

Primary Information

Description: **Interview of Deputy Brent Baxter - Outagamie County Sheriff's Department**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Taubel, Tamara C (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/30/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21st, 2020, at approximately 10:42 p.m., Special Agent (SA) Tamara Taubel conducted an interview of Outagamie County Sheriff's Deputy (Dep.) Brent Baxter in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/42

On Tuesday, January 21st, 2020, at approximately 10:42 p.m., Special Agent (SA) Tamara Taubel conducted an interview of Outagamie County Sheriff's Deputy (Dep.) Brent Baxter in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin. Inv. Baxter made the following statements throughout the interview.

Dep. Baxter has been employed as a law enforcement officer with the Outagamie County Sheriff's Department since April of 2019. Dep. Baxter began his employment working in the Criminal Justice Unit. In October of 2019, Dep. Baxter was transferred to patrol. Dep. Baxter was in his third phase of field training. On today's date, Dep. Baxter was assigned to shadow Outagamie Sheriff's Department Sergeant (Sgt.) Shawn Oligney.

Dep. Baxter was in Sgt. Oligney's vehicle. As Sgt. Oligney received updated information, he relayed it to Dep. Baxter. Dep. Baxter was informed when the residential search warrant was being signed by the judge and that Winnebago County SWAT was going to execute the warrant. Sgt. Oligney and Dep. Baxter were assigned to conduct surveillance of the suspect residence, 810 W. Grove Street, Appleton, Wisconsin, from the west side of the residence. They parked in the driveway of the last residence on W. Grove Street, at Gardner's Row. The resident had given them permission to utilize his driveway.

Dep. Baxter observed SWAT members drive north on Gardner's Row and turn east onto W. Grove Street. Sgt. Oligney pulled east on W. Grove Street, and parked closer to the suspect's residence. They parked approximately one to two residences away, in the north side lane of W. Grove Street, facing east, and blocked traffic. Dep. Baxter observed three SWAT members and one K9 proceed to the north of the residence, on foot. He observed the bearcat drive into the adjoining driveway of the suspect's residence and the residence to the west. Dep. Baxter's view was the west side of the suspect's residence, the driver's side of the bearcat, and most of the rear side of the bearcat.

Dep. Baxter heard officers giving commands such as "show me your hands." He also heard them state "he's got a gun." Dep. Baxter then hears approximately fifteen gunshots. Dep. Baxter observed some officers with a shield at the door located on the south side of the residence. He observed additional officers drag someone from the east side of the bearcat to the rear of the bearcat. They then carried the subject to the Appleton Fire Department Station 3, 801 W. Grove Street, Appleton, Wisconsin. Dep. Baxter estimated that the subject was carried to the fire department approximately one to two minutes after he had heard the gunshots. At that point, Dep. Baxter's responsibility was to maintain the perimeter of the scene.

Dep. Baxter's window was rolled down so that he could hear what was occurring during the execution of the search warrant. Although it was dark outside, Dep. Baxter was able to make his visual observations by the light provided by the streetlights and the bearcat's headlights, which illuminated the residence. Inside the squad car they were monitoring both the Lake Winnebago

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Area Metropolitan Enforcement Group Unit (LWAM) and the Winnebago County SWAT radio frequencies. Dep. Baxter did not recall the radio transmissions during the incident.

The interview concluded at approximately 11:07 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/43

Report Date: 01/23/2020

Primary Information

Description: **Interview of Inv. Patrick O'Kane - Kaukauna Police Department**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Taubel, Tamara C (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/30/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21st, 2020, at approximately 11:09 p.m., Special Agent (SA) Tamara Taubel conducted an interview of City of Kaukauna Police Investigator (Inv.) Patrick O'Kane in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Narrative begins on the following page.

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Case/Report Number: 20-387/43

On Tuesday, January 21st, 2020, at approximately 11:09 p.m., Special Agent (SA) Tamara Taubel conducted an interview of City of Kaukauna Police Investigator (Inv.) Patrick O’Kane in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin. Inv. O’Kane made the following statements throughout the interview.

Inv. O’Kane has been employed as a law enforcement officer with the City of Kaukauna Police Department for approximately ten years. [REDACTED]

Inv. O’Kane was seated in the front passenger’s seat of Inv. Derek Sell’s squad car and Inv. Raymond Berna was seated in the rear passenger’s seat. They were assigned to surveillance. They were also going to be the contact vehicle if the suspect, Rory Behling, left the residence prior to the execution of the residential search warrant at the suspect’s residence, 810 W. Grove Street, Appleton, Wisconsin. Inv. O’Kane advised that Winnebago County SWAT had been requested to execute the search warrant. Inv. O’Kane, Inv. Sell, and Inv. Berna were parked in the Fair Market Thrift Store’s parking lot, 2130 S. Memorial Drive, Appleton, Wisconsin.

Inv. O’Kane observed four operators from Winnebago County SWAT approach the suspect residence from the east. Inv. Sell stayed in the vehicle, and then transmitted on the LWAM radio frequency that he observed the suspect walking by what he believed to be the kitchen windows. Those windows were located on the east side of the residence. Inv. O’Kane observed the SWAT bearcat pull into the adjoining driveway between the suspect’s residence and the residence to the west. The bearcat’s red and blue emergency lights and headlights were activated. Inv. Sell stated over LWAM’s radio frequency that he observed the suspect walk by the same east side windows towards the north side of the residence. As the suspect walked by those windows, the lights in that area of the residence turned off.

Approximately ten seconds passed, and the rear eastern door of the residence opened. What was believed to be the suspect, exited the door. The male that exited the residence was wearing a black hoodie and unknown pants. The male appeared to jump over the handrail for the landing, near the eastern door. The male was illuminated by flashlights. Inv. Sell was watching the suspect, through binoculars, and stated that the suspect had a firearm. Inv. O’Kane then observed the male extend both of his arms, as if he had a firearm. The male appeared to be continuing to approach the bearcat, with his arm extended. Inv. O’Kane heard approximately four to five muffled gunshots. The male dropped to the ground and Inv. O’Kane could no longer see the male. The windows of Inv. Sell’s squad car were rolled up, the police radio was on, the heat was on, the am/fm radio was on, and the distance they were parked away from the residence all were factors into the gunshots sounding muffled and Inv. O’Kane not hearing other sounds outside of his vehicle.

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Inv. O’Kane next observed the male at the rear of the bearcat. Inv. O’Kane did not observe the male being moved from his original location to the rear of the bearcat. Inv. O’Kane observed who he believed to be Tactical EMS (TEMS) operators providing the male medical attention. Two operators then carried the male to the garage of Appleton Fire Department Station 3, 801 W. Grove Street, Appleton, Wisconsin.

Inv. Sell then moved his squad car to block traffic on W. Grove Street, at Lynch Avenue. Inv. O’Kane believed the Wisconsin Department of Justice – Division of Criminal Investigation (DCI) Special Agent in Charge (SAC) Raymond Taylor instructed them to remain at their perimeter location and continue to block traffic.

Although it was dark outside, Inv. O’Kane was able to see what he reported by the light provided by the streetlights, bearcat, flashlights, and fire station parking lot lights.

The interview concluded at approximately 11:33 p.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/44

Report Date: 01/23/2020

Primary Information

Description: **Interview of Inv. Brody Erickson - New London Police Department**
Occurrence From: **01/21/2020 00:00**
Occurrence To: **01/21/2020 00:00**
Reporting LEO: **Taubel, Tamara C (ICAC & Computer Crimes DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/30/2020**
Approved By: **Klabunde, David R (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21st, 2020, at approximately 10:28 p.m., Special Agent (SA) Tamara Taubel conducted an interview of City of New London Police Investigator Brody Erickson in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/44

On Tuesday, January 21st, 2020, at approximately 10:28 p.m., Special Agent (SA) Tamara Taubel conducted an interview of City of New London Police Investigator Brody Erickson in an office at the Appleton Police Department, 222 S. Walnut Street, Appleton, Wisconsin. Inv. Erickson made the following statements throughout the interview.

Inv. Erickson has been employed as a law enforcement officer with the City of New London Police Department since approximately since February of 2015. [REDACTED]

Inv. Erickson explained that law enforcement was attempting to take Rory Behling into custody for multiple outstanding warrants. Inv. Erickson was aware that the warrants were for dangerous offenses through Grand Chute, Wisconsin and Neenah, Wisconsin. LWAM was conducting surveillance of the suspect's residence, 810 W. Grove Street, Appleton, Wisconsin. A residential search warrant was obtained for the suspect's residence and it was planned that Winnebago County SWAT would execute the search warrant.

At approximately 6:30 p.m., Inv. Erickson was on perimeter north of the suspect's residence, on Cherry Court. Inv. Erickson heard, over the radio, that Winnebago County SWAT approached the suspect's residence. He then heard that the lights were turned off in the residence and that the suspect ran northbound. Almost simultaneously he heard officers shouting and approximately five to twelve gunshots. Inv. Erickson could not hear exactly what the officers were shouting, just that it sounded like them announcing who they were, followed by standard orders and commands. Inv. Erickson described the shouting as "very loud." After Inv. Erickson heard the gunshots, he heard an officer relay that shots were fired over the radio. Inv. Erickson then stated "10-4" over the radio.

Inv. Erickson heard sirens, which he believed was possibly an ambulance because he knew it had been staged nearby. Inv. Erickson stated that only a couple minutes has passed between Winnebago County SWAT approaching the suspect's residence and the gunshots.

The interview concluded at approximately 10:41 p.m.

Wisconsin Division of Criminal Investigation

Investigative 20-387/45

Report Date: 01/23/2020

Primary Information

Description: **Body Camera Video Acquisition (Winnebago, Menasha, and Fox Crossing)**
Reporting LEO: **Gustafson, James S (DCI Administrative Services / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
---	1	Panasonic Body Worn Camera - FXPD Seely Moe
---	1	Panasonic Body Worn Camera Winnebago SO Kyle Schoonover
Returned	1	Vie-Vu Body-Worn - Menasha PD - Sawyer
Returned	1	Panasonic Body Worn Camera Winnebago SO - Michael Huth
Returned	1	Panasonic Body Worn Camera Winnebago SO - Ryan Hathaway
Returned	1	Panasonic Body Worn Camera Winnebago SO Christopher Last
Returned	1	Panasonic Body Worn Camera Winnebago SO Nick Beaman
Returned	1	Panasonic Body Worn Camera Winnebago SO Robert Zill
Returned	1	Panasonic Body Worn Camera Winnebago SO Dean Pankratz
Returned	1	Panasonic Body Worn Camera Winnebago SO Adam Kurczek
Returned	1	Panasonic Body Worn Camera Winnebago SO Kyle Beck
Returned	1	Panasonic Body Worn Camera Winnebago SO Jonathan Kressin
---	1	64GB Flash Drive Body Camera Video Files

Narrative begins on the following page.

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On January 21st, 2020 at approximately 8pm, Digital Records Analyst (DRA) James S. Gustafson with the WI Division of Criminal Investigation (WI-DCI), responded to the scene of an officer involved shooting in Fox Crossing, WI. DRA Gustafson was advised by Special Agent Jay Yerges with WI-DCI to collect law enforcement video devices that may have captured the officer involved shooting. SA Yerges was interested in anything that recorded around 7pm on 01/21/2020.

Upon arrival, DRA Gustafson met with SA Bryan Kastelic with WI-DCI. SA Kastelic had three (3) Panasonic body cameras in his possession. Two (2) of the body cameras were from the Winnebago County Sheriff's Office and one (1) of the cameras was from the Fox Crossing Police Department. DRA Gustafson collected the three (3) body cameras from SA Kastelic. Further information for each camera can be found in the property listings attached to this report. At approximately 11:15pm, DRA Gustafson collected nine (9) body cameras from Captain Lara Vendola with the Winnebago County Sheriff's Office. Eight (8) of the cameras were Panasonic body cameras from the Winnebago County Sheriff's Office and one (1) camera was a VieVu body camera from the Menasha Police Department. Captain Vendola provided information that explained who was wearing each camera. The aforementioned information can be found in the property listings attached to this report. All of the cameras were worn by law enforcement personnel on the Winnebago County Sheriff's Office Tactical Team. The tactical team was involved in the officer involved shooting mentioned above.

DRA Gustafson transported the cameras mentioned above to the WI-DCI Appleton field office for data acquisition. DRA Gustafson utilized Panasonic Arbitrator Back-End Client software to examine each Panasonic body camera. DRA Gustafson located video files on each camera that matched the time frame given by SA Yerges. DRA Gustafson used the software to convert the proprietary .av video files that are found on Panasonic body cameras to windows media video format. DRA Gustafson acquired and copied the video files to a 64GB flash drive.

DRA Gustafson removed a 32GB SanDisk Ultra micro SD card (Serial #704DUAK21PJ) from the VieVu body camera. DRA Gustafson utilized a Tableau write-blocker to examine the contents on the micro SD card. DRA Gustafson located one (1) .avi video file that matched the time frame given by SA Yerges. DRA Gustafson acquired and copied the video file to the 64GB flash drive mentioned above.

DRA Gustafson uploaded all of the video files mentioned above into the secure server "Critical Incident Materials" folder for WI-DCI special agent's review. DRA Gustafson placed two (2) Panasonic body cameras and the 64GB flash drive (20-387/45.13) into the WI-DCI Appleton secured evidence facility. The Panasonic cameras placed into evidence were worn by Deputy Kyle Schoonover with the Winnebago County Sheriff's Office (20-387/45.2) and Officer Seely Moe with the Fox Crossing Police Department (20-387/45.1).

Wisconsin Division of Criminal Investigation

Interview 20-387/46

Report Date: 01/24/2020

Primary Information

Description: Interview with K [REDACTED] P [REDACTED] - (Canvas)
Occurrence From: 01/23/2020 00:00
Occurrence To: 01/23/2020 00:00
Reporting LEO: Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Backup LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/18/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Addresses

Relationship	Address
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Interview Location	[REDACTED] W Grove St, Appleton, Wisconsin United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	P [REDACTED], K [REDACTED] (Person)	52 yr. old, White, Male	[REDACTED]
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

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Case/Report Number: 20-387/46

ACTIVITY

On Tuesday, January 21, 2020, the Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) Appleton Field Office was requested to lead the investigation into an officer-involved death. Rory J. Behling () died as a result of the shooting. The incident occurred at 810 W. Grove Street, Village of Fox Crossing, WI.

SUMMARY OF INTERVIEW/CANVAS

On Thursday, January 23, 2020, K () P () contacted DCI Appleton Regional Office about the neighborhood canvas that occurred on January 21, 2020, regarding the shooting. P advised he was not home at the time law enforcement came to his residence.

On Thursday, January 23, 2020, DCI Special Agent (S/A) Tami Sleeman and S/A Carl Waterstreet met P at his residence, W Grove Street, Village of Fox Crossing, WI at 4:00PM. P invited agents into his residence. P provided a cellular phone number of 920- .

The following is a summary of the interview:

P advised that on the evening of the shooting, at 810 W Grove Street, heard "pop,pop,pop". P then went and got his phone and started video taping the activity at 810 W. Grove Street. P said that he heard one of the officers say, they had a "misfire".

P stated that he had observed, "undercover officers" in the neighborhood over the past couple of days. P stated that the "undercover officers" were parked throughout the street. P was not sure what house was being watched at the time.

P stated that while he was video taping on his phone he had his window open. P said he had between four or five videos on his phone. S/A Sleeman asked P if S/A Sleeman could have copies of the video. P agreed to send the video's to S/A Sleeman.

P did see the BearCat pull into the neighbors while he had been sitting on his couch. P then heard the shots and believed it had been between five (5) to seven (7) shots. P said again that he did not start video recording until after the shots were fired.

P did not know who resided at the residence.

The interview ended at 4:10PM.

VIEWING OF VIDEOS TAKEN BY P

Page 1

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S/A Sleeman viewed the four (4) videos that P [REDACTED] recorded on his cellular phone.

The first recording lasted 49 seconds. Video showed BearCat and two police vehicles parked in the area with emergency lights on.

The second video lasted one (1) minute and 49 seconds. The video showed the area of the BearCat along with several law enforcement marked patrol vehicle.

Video number three (3) lasted four (4) minutes and 18 seconds. The video was focused on the area of the BearCat and would move across the street to the area of the Appleton Fire Department. People were observed walking in the area of the driveway of the fire department.

Video number four (4) lasted 58 seconds. The video showed the area of the BearCat and the Appleton Fire Department. People were walking in the area of the driveway of the fire department.

EVIDENCE

P [REDACTED]'s video's have been uploaded into the digital DCI Records systems. S/A Sleeman viewed the videos and noted that there was nothing of evidentiary value on the video recordings.

Wisconsin Division of Criminal Investigation

Interview 20-387/47

Report Date: 01/24/2020

Primary Information

Description: SWAT Team Leader Englund Interview With Agents 01/24/2020
Occurrence From: 01/24/2020 08:43
Occurrence To: 01/24/2020 11:04
Reporting LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Backup LEO: Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Friday, January 24, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) along with S/A Jay Yerges of the WI DOJ/DCI and Wisconsin Professional Police Association (WPPA) Staff Attorney Roger Palek accompanied by WPPA Business Agent Thomas Schrank met within a private conference room at the WI DOJ/DCI Appleton Regional Field Office with Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) Team Leader (TL) Justin R. Englund. The interview was arranged by S/A Yerges as part of an officer involved death investigation (OID) in the Village of Fox Crossing, Winnebago County, Wisconsin, that occurred on Tuesday, January 21, 2020.

Addresses

Relationship	Address
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Kressin, Johnathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Property

Status	Quantity	Description
Inventory	1	Scene Diagram signed by TL Englund

Narrative begins on the following page.

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Case/Report Number: 20-387/47 - SWAT Team Leader Englund Interview with Agents

ACTIVITY:

On Friday, January 24, 2020, Special Agent (S/A) Carl G. Waterstreet of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) along with S/A Jay Yerges of the WI DOJ/DCI and Wisconsin Professional Police Association (WPPA) Staff Attorney Roger Palek accompanied by WPPA Business Agent Thomas Schrank met within a private conference room at the WI DOJ/DCI Appleton Regional Field Office with Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) Team Leader (TL) Justin R. Englund. The interview was arranged by S/A Yerges as part of an officer involved death investigation (OID) in the Village of Fox Crossing, Winnebago County, Wisconsin, that occurred on Tuesday, January 21, 2020.

S/A Waterstreet and S/A Yerges requested to meet with TL Englund in order to discuss TL Englund's observations and formal actions that he had taken during the critical incident in which several SWAT operators affiliated with the SWAT Team had deployed deadly force, which resulted in the death of an individual, Rory J. Behling (M/W-DOB- [REDACTED]). Prior to the interview with TL Englund, Attorney Palek advised S/A Yerges that TL Englund declined to be audio and/or video recorded during any formal interview process. This was discussed with Winnebago County Deputy District Attorney (DDA) Tracy A. Paider prior to the interview with TL Englund and his request to not be recorded was honored by S/A Waterstreet and S/A Yerges.

SUMMARY OF INTERVIEW WITH WISO SWAT TEAM LEADER ENGLUND:

The interview with TL Englund began at approximately 8:44 a.m. and was conducted inside the conference room. The conference room was arranged in preparation for the interview with individual bottled water and the locations of the bathrooms were provided to TL Englund along with Attorney Palek and Agent Schrank. It was explained by S/A Yerges that the doors to the conference room were closed for privacy reasons only. Agents provided their WI DOJ/DCI issued credentials and identified themselves as Special Agents with the WI DOJ/DCI. TL Englund understood the interview was completely voluntary, was not being recorded, and TL Englund understood he could consult with his attorney or business agent during any time of the interview. It was also explained to TL Englund that he could take a break at any time and this interview was offered at his own free will. TL Englund understood and agreed to speak with agents. TL Englund understood the questions would relate directly to his involvement as a TL with the SWAT Team and the incident that took place on January 21, 2020.

S/A Waterstreet discussed TL Englund's education and background. TL Englund said he was a 1994 graduate of [REDACTED] and earned a High School Diploma. TL Englund then proceeded immediately to the University of Wisconsin - Oshkosh in 1994 where he graduated in 2000 with an undergraduate degree in journalism, public relations and advertising. TL Englund started his professional career working at U.S. Bank, AFLAC Insurance, and in the trade business involved in concrete work. TL Englund began his law enforcement career in April of 2003 with the WISO Corrections Division as a Full Time Correctional Officer. TL Englund

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Case/Report Number: 20-387/47 - SWAT Team Leader Englund Interview with Agents

attended the Jail Academy in 2003. TL Englund was hired in the WISO Patrol Division as a Patrol Deputy in 2005 and attended the Fox Valley Technical College Law Enforcement Academy in the Fall of 2006.

In November 2006, TL Englund was selected on the WISO SWAT Team as an operator and attended SWAT School at Northeast Wisconsin Technical College in 2007. TL Englund was assigned as [REDACTED]. TL Englund gave Agents verbal consent to obtain his training records from Lieutenant Timothy Dallenogare if requested by the Winnebago County District Attorney's Office.

TL Englund was current with his state handgun qualification, recently qualifying with the SWAT Team January 6, and completed the state qualification with his agency assigned pistol Glock 22, .40 caliber handgun accessories included a rubber grip, TLR 2 weapon light and night sights. TL Englund carried the same pistol on patrol and SWAT operations. TL Englund was also currently qualified with a tactical rifle with optic, and tactical rifle with iron sights. TL Englund was also certified in Less Lethal Munitions and is a state certified instructor in Patrol Tactics, General Instructor, Scenario Instructor. In addition, TL Englund had attended the National Tactical Officers Association (NTOA) SWAT Team Leader course, NTOA SWAT Commander course, Federal Bureau of Investigation Hostage Negotiator course and Field Training Officer course. TL Englund was also trained in, practiced and rehearsed in the operation, and manipulation of the SWAT Team BearCat armored Tactical Vehicle. TL Englund identified the SWAT Team Bear Cat as a Generation Three (3) armored vehicle with a camera system and ram capable. The Bear Cat was fully marked with WISO lettering on the side and functional red and blue emergency lights.

TL Englund provided a summary of his career advancement below:

- Patrol Division - 2006 to 2010
- Detective - 2010 to 2011
- Corrections Sergeant 2011-2012
- Patrol Sergeant 2012-2015
- Patrol Lieutenant 2015-Present

TL Englund's assigned badge number was W19. TL Englund works a [REDACTED]

[REDACTED] In addition to TL Englund being the SWAT Team Leader, he was an administrative/patrol Lieutenant. TL Englund described his SWAT Uniform as O.D. Green with ballistic helmet, tactical vest [REDACTED], and "Sheriff" placards on the front and back of the vest identifying him as a Sheriff's Deputy.

TL Englund carries the following on his Tactical Vest:

- Left side - CTS 7290 Flashbang in pouch

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This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

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- Left Chest - P-Mag 30 round .223 - Department Issued Rifle Magazine
- Middle Chest - Rechargeable LED Flashlight
- Right Chest - P-Mag 28 round .223 Department Issued Rifle Magazine
- Two (2) .40 caliber pistol magazines loaded with 15 rounds each of Speer Gold Dot 165 grain ammunition
- Two Ink Pens
- Left Back Shoulder - Radio and holder with external Microphone over shoulder with Push to talk button on vest front near center of vest and ear piece in left ear
- Middle Back - Gas Mask Pouch
- Right side thigh holster which contained his agency issued Glock 22 handgun, with only a pants belt and no duty belt

TL Englund had an agency issued .223 caliber tactical rifle, but did not deploy the rifle at this incident.

For the SWAT Call Out on January 21, 2020, TL Englund wore his navy uniform pants with SWAT O.D. Green SWAT Shirt, and SWAT Tactical Vest with protective eye glasses. TL Englund confirmed that he did not alter his appearance from the incident to the time WI DOJ/DCI S/A Hunsader took photographs of him. The photograph included Captain (Capt.) Todd Christie's firearm and magazine.

SUMMARY OF JANUARY 21, 2020 CRITICAL INCIDENT:

On Tuesday, January 21, 2020, TL Englund was working his [REDACTED] day of his [REDACTED] [REDACTED] and started shift at 5:00 a. m. TL Englund had not had any alcohol the night before, and slept approximately nine to ten (9-10) hours the night before. TL Englund was working as the patrol Lieutenant when he was notified the SWAT team was being requested by the Lake Winnebago Area Metropolitan Drug Unit (LWAM). TL Englund said no critical incidents had occurred in Winnebago County, so he was unsure of what the call out request was for.

TL Englund contacted dispatch who put him in touch with a Narcotics Investigator with LWAM who requested the SWAT Team for a male identified as Rory J. Behling (M/W-DOB-[REDACTED]) during surveillance by Law Enforcement at 810 W. Grove St, Appleton, WI 54915. Behling was wanted on numerous charges which included fleeing from law enforcement officers and was potentially armed with a firearm. Behling also made statements to his girlfriend of not wanting to go back to prison.

TL Englund said Lieutenant (Lt) Darren Rice assumed tactical command of the SWAT operation, TL Englund assumed duties as Team Leader. Capt. Christie was the overall Supervisor of the SWAT Team.

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Case/Report Number: 20-387/47 - SWAT Team Leader Englund Interview with Agents

TL Englund said Lt. Rice briefed the SWAT Team and provided a copy of the approved Operational Plan. There was an authorized warrant for 810 W. Grove St, Appleton WI, which included destruction of property. During the briefing it was emphasized the dangerousness of this operation, given comments made by Behling that he did not want to go back to prison, and his prior behavior eluding police in Neenah and Grand Chute prior to this warrant. TL Englund said LWAM conveyed to him that Behling had two (2) firearms and carried one.

A brief break was taken at 9:53 a.m. and the interview resumed at approximately 9:57 a.m.

TL Englund said Appleton Police Department SWAT Team offered to provide two (2) of their tactical emergency services (TEMS) operator to join the SWAT Team for this operation. TL Englund confirmed there was an ambulance on stand by, a medical helicopter available and a medical extraction plan in place in the event of a medical emergency.

TL Englund said the SWAT Team deployed with five (5) total SWAT Operators and one (1) TEMS operator in the BearCat. TL Englund said he deployed in the SWAT Team BearCat to the staging area. While at the staging area, containment teams of two to three (2-3) SWAT operators and a K-9 deployed to cover the North side of the residence and South side of the residence in an effort to prevent Behling from fleeing.

Once the teams confirmed via radio that they were in position, TL Englund said they "rolled" in the SWAT BearCat. About the same time, TL Englund told Operator Ryan Hathaway to activate the emergency red and blue lights. TL Englund activated the Panasonic Arbitrator dashboard camera system, which indicated was functional by the illumination of the red light on the switch. TL Englund heard on the radio, "he's coming out", but did not see anyone come out the front of the residence, so TL Englund assumed a person came out the side of the residence. TL Englund said a very short time later he observed a male, later identified as Behling, moving very fast, come around the corner of the home from North to South, and stop by a car parked in the driveway. TL Englund heard, "he's got a gun". TL Englund saw, Behling was stopped in front of one of the vehicles parked in the driveway facing the SWAT Bear Cat.

TL Englund opened the SWAT Team BearCat door and was face to face with Behling when TL Englund observed Behling with a handgun near his waist. TL Englund twice yelled at Behling to "Drop the gun," but Behling refused to obey commands. TL Englund said Behling raised the gun towards him. TL Englund said he feared for his life, and the lives of his fellow SWAT Operators, along with anyone else in the immediate area at the potential result of Behling's actions, so TL Englund fired one (1) round and experienced a malfunction with his pistol. TL Englund heard several shots from what he thought was other WISO SWAT Operators and eventually saw Behling had fallen down in front of the car. TL Englund's view was slightly obstructed so he could only see Behling's legs laying motionless in front of the car. TL Englund corrected his malfunction and moved back to the protection of the SWAT Team BearCat.

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TL Englund heard a lot of yelling from the SWAT Operators so he yelled, "Calm Down," and formed a team with a shield to approach Behling. The approach team moved around the car where Behling had fallen while maintaining cover on the house as no one was sure if the house was empty. TL Englund said as they approached, he looked for movement out of Behling but did not see any. TL Englund added that once the team had reached Behling, they handcuffed him for safety reasons, and the TEMS operators came forward to provide immediate life saving measures. TL Englund remembered TEMS Operator Christopher Last being there but was unsure if the other TEMS operators were. TEMS operators requested Behling be moved from his current position to the rear of the SWAT BearCat for protection from secondary threats from the unsecured house. SWAT Operators moved Behling from his current position to the rear of the SWAT BearCat where TEMS Operators began their assessment. While SWAT Operators were holding lethal cover on the house, TL Englund overheard the TEMS operators say Behling was, "obviously deceased."

TL Englund had the SWAT Operators conduct a self check for injuries, and notified Lieutenant Rice to discuss "down subject procedure." Lt. Rice told TL Englund, to move Behling from behind the SWAT Team BearCat to the Appleton Fire Station number 3 which was across the road. It was also decided to remove the shooting SWAT Team operators from further operational activities so they were removed to the Appleton Fire Station number 3. While at Appleton Fire Station number 3, TL Englund met with Capt. Christie who took possession of TL Englund's agency issued Glock 22. TL Englund ejected a live round from the chamber of the weapon and secured them. Capt. Christie then gave TL Englund, Capt. Christie's agency issued handgun and a spare magazine.

TL Englund said, SWAT Operator (S/O) Kyle J. Schoonover, S/O Kressin, S/O Moe and himself were removed while other operators cleared the remaining parts of the home.

TL Englund said he did not get exposed to any bio-hazard, nor did he medically treat Behling, nor know Behling from any personal or professional contacts.

TL Englund re-iterated he understood from the intelligence provided in the briefing that Behling had the potential to use whatever force necessary to get away from police, and that there was a high probability that Behling was armed. When TL Englund was confronted face to face with Behling, TL Englund felt that Behling would kill him and the other SWAT Operators if TL Englund did not act. TL Englund did not feel he had any option to retreat as when he stepped away from the SWAT BearCat he did not have cover from a firearm. TL Englund felt like he could not act fast enough and felt his reaction was "behind" the actions of Behling. TL Englund added, "it was like Behling had the upper hand and I could have been shot and killed."

There was a brief break taken at 10:39 a.m. The interview resumed at approximately 10:46 a.m.

TL Englund reviewed the diagram provided by S/A Waterstreet and S/A Yerges. The diagram was a scaled model of the incident location at 810 W. Grove St, Appleton, WI which identified

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Case/Report Number: 20-387/47 - SWAT Team Leader Englund Interview with Agents

locations of the home, neighboring homes, vehicles parked in the driveway, along with the location of the SWAT BearCat as it was parked in the driveway.

TL Englund identified on the diagram his recollection of where Behling had exited out of 810 W. Grove St, Appleton, WI, which was on the North side of the door. In comparison of where the SWAT BearCat was located, TL Englund was not able to see Behling until Behling had come around the northeast corner of the home. TL Englund drew small marks which indicated Behling had moved from the corner of the home to in between the two parked vehicles. TL Englund marked an area behind the white vehicle as identified of about a car length face to face with Behling. TL Englund indicated he shot from that location and retreated back to the SWAT Bear Cat when he experienced his malfunction. TL Englund then identified on the diagram where they extracted Behling by drawing marks on the diagram. TL Englund drew a small stick figure at the location behind the SWAT BearCat when they began their assessment. TL Englund also drew a stick figure which identified where they extracted Behling to the Appleton Fire Station number 3.

The diagram was signed by TL Englund, S/A Yerges, and S/A Waterstreet in the presence of Attorney Palek and Agent Schrank at 10:34 a.m.

EVIDENCE:

A scanned digital copy of the scene diagram reviewed and signed by TL Englund was electronically attached to this report. The physical copy of the scene diagram was packaged, labeled, sealed and placed into a secure evidence locker within the Appleton Regional Field Office Evidence Storage Facility.

REPORT REVIEW:

On Friday, January 31, 2020, S/A Waterstreet along with S/A Yerges met with TL Englund, Attorney Palek, and Agent Schrank at the Appleton Regional Field Office Conference Room to formally review the interview report for accuracy.

The meeting began at 9:16 a.m. S/A Yerges made introductory statements and S/A Waterstreet and S/A Yerges to give TL Englund the ability to review the report with his representatives privately. A short time later, S/A Waterstreet and S/A Yerges returned to the conference room after TL Englund and his representatives were completed with their review. Minor corrections were made to the narrative for accuracy and finalization.

The meeting concluded at 11:24 a.m.

Wisconsin Division of Criminal Investigation

Interview 20-387/48

Report Date: 01/24/2020

Primary Information

Description: **SWAT Operator Schoonover Interview With Agents 01/24/2020**
Occurrence From: **01/24/2020 00:00**
Occurrence To: **01/24/2020 00:00**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Backup LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Christie, Todd (Law Enforcement Official)	White, Male	---
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Kurczek, Adam (Law Enforcement Official)		---
Law Enforcement	Last, Christopher J (Law Enforcement Official)		---
Law Enforcement	Schoonover, Kyle J (Law Enforcement Official)		---
Law Enforcement	Zill, Robert (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

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On Friday, January 24, 2020, at approximately 11:30 a.m., DCI Special Agents (S/As) Kyra M. Schallhorn and Jay K. Yerges interviewed Winnebago County Multi-Jurisdictional SWAT Team Operator Kyle J. Schoonover in a conference room at the Appleton DCI Field Office, Appleton, WI. Operator Schoonover was interviewed regarding his observations and actions during an officer-involved shooting incident in the Village of Fox Crossing, Winnebago County, on Tuesday, January 21, 2020. As a result of that incident, Rory J. Behling, DOB: [REDACTED], was shot by police and died from his injuries. Also present during the interview was Wisconsin Professional Police Association (WPPA) Attorney Roger W. Palek and Business Agent Thomas Schrank.

Operator Schoonover was familiar with S/A Yerges from past professional contacts, and Schallhorn introduced herself to Operator Schoonover. S/A Yerges explained to Operator Schoonover DCI's role in conducting the investigation into the officer-involved death of Behling. S/A Yerges indicated that they were not a part of any internal investigation that may be conducted into the incident, and Operator Schoonover was not required to provide a statement to them. Operator Schoonover was told he was free to leave, to take a break whenever he needed or to consult with Attorney Palek and Business Agent Schrank at any point during the interview. Operator Schoonover indicated that he understood the purpose of the interview, and he agreed to answer questions and provide a statement about the incident. Operator Schoonover and Attorney Palek indicated that they did not wish to have the interview recorded, and it was not. Operator Schoonover provided the following information during the interview:

Operator Schoonover received a high school diploma from [REDACTED] in 2004. He then attended UW-Fox Valley in Menasha before transferring to UW-Oshkosh. He graduated from UW-Oshkosh in spring 2009 with a bachelor's degree, with a major in criminal justice and a minor in business administration. Operator Schoonover attended the police recruit academy at Northeast Wisconsin Technical College (NWTC), becoming a certified law enforcement officer in the summer of 2008. From January 2009 through the summer of 2009, Operator Schoonover worked as a part-time officer for the Omro Police Department.

Operator Schoonover was hired full time by the Winnebago County Sheriff's Department (WISO) as a patrol deputy on September 21, 2009. Once hired, he participated in a field training program through WISO. Operator Schoonover became a part of the SWAT team in 2011, after attending a basic SWAT course at Gateway Technical College. Operator Schoonover is a canine handler with the team with his canine partner "Tim." He got Tim in December 2013 and became certified with him in February 2014. Operator Schoonover is a part of the SWAT entry team and is in charge of electronics for the team when they are needed in an operation.

Operator Schoonover is a field training officer for WISO and is a general law enforcement instructor with a specialization in standardized field sobriety tests (SFST). Operator Schoonover is a drug recognition expert (DRE) and is on the tactical team for crowd control and special events. Operator Schoonover has no prior military experience.

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Operator Schoonover is a full-time patrol deputy for WISO, with badge number and call number W42. He works [REDACTED] [REDACTED] Tuesday, January 21, 2020, was day [REDACTED] day rotation.

Operator Schoonover was a part of the SWAT team call-out on January 21, and his supervisor for the operation was SWAT Team Leader Lieutenant Justin Englund. Operator Schoonover was part of the team in the BearCat armored vehicle. The BearCat is equipped with emergency lights, a recording system, gun ports and a turret. It is black with silver and gray markings identifying it as a Winnebago County SWAT vehicle.

Operator Schoonover was wearing his navy-blue patrol uniform shirt and cargo style duty pants. His uniform shirt had patches on the shoulders, and he wore a concealed ballistic vest under his shirt. Operator Schoonover had taken the metal badge and name plate off the front of the shirt. Operator Schoonover had a SWAT vest on over the shirt, which was OD green, with plates. He was wearing black boots, a black winter hat, a green ballistic helmet, gloves, ear protection with communications, and clear safety glasses. Operator Schoonover stated that he had a folding knife and a tourniquet in his left cargo pocket; his work and personal cell phones in his left front pants pocket; keys, a wallet and Chapstick in his right front pants pocket; a pen in his left chest shirt pocket; and a notepad in his right chest shirt pocket.

Operator Schoonover stated that his [REDACTED]. Operator Schoonover stated that his outer vest had a white and black Sheriff patch in the center. On his left chest was the mic button for his radio, and below that was a pouch containing three rifle magazines with 30 rounds in each. [REDACTED]. His radio was worn on his left front quadrant, inside the vest's straps. On his right front quadrant was a pouch with a CTS flashbang device. Operator Schoonover wore his magnetic body camera, which was a Panasonic Arbitrator brand, on his groin protection. Both of his arms had arm protection with a subdued WISO patch and black and white Sheriff patch. The back of the vest had a green patch with his name and a Sheriff patch, a pouch containing a gas mask with filter, and an IFAK medical kit. On his left side was a pouch that held an X26 Taser with a 25', green door cartridge, a tourniquet in a holder, and a carabiner with a silver ring for use with his canine.

On the right side of his belt, Operator Schoonover wore a duty holster [REDACTED]

[REDACTED] On the left side of his belt, Operator Schoonover wore a pouch containing one 30-round rifle magazine [REDACTED]. Operator Schoonover carried a Colt M4 enhanced patrol rifle, with an 11 ½ inch barrel, with a suppressor, mounted weapon light, and aim point pro optic, in a two-point sling. Operator Schoonover knew the total number of rounds he carried because he checked before his shift and again before this operation.

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Operator Schoonover stated that his last state qualification course with his pistol was on August 6, 2019. He said the SWAT team qualifies quarterly on both rifle and handgun, and his last SWAT qualification was on January 6, 2020. Operator Schoonover is also certified to use less lethal weapons, including 40mm baton rounds, pepper balls, Taser and flashbangs. He did not use any of these during this operation. Operator Schoonover gave his permission for agents to obtain his training records, if needed.

Operator Schoonover was asked about his time leading up to his shift on Tuesday, January 21, 2020. He said he had slept seven and half to eight hours, and then he woke up and went to work. Operator Schoonover was not under a doctor's care for anything, and he had not taken any drugs or alcohol for 24 hours prior to his shift.

Prior to this SWAT operation, Operator Schoonover attended a briefing in the WISO training room. Operator Schoonover stated that he was generally aware of some incidents that had occurred in the county in the last week, involving an individual who had rammed a Neenah Police Department squad car and had committed a burglary of some guns in Brown County. The Lake Winnebago Area Metro Enforcement Group (LWAM) was investigating an individual believed to be involved in these incidents, and they had confirmed that that individual was currently located at 810 Grove St, in the Village of Fox Crossing. The individual was identified as Rory Behling. Operator Schoonover stated that he did not know Behling and had never had any previous dealings with him. Behling was known to have had two firearms on him the previous day, and he had warrants out for his arrest. For these reasons, the SWAT team was called to assist LWAM with this operation.

Operator Schoonover stated that the SWAT team had a tactical plan in place, per Team Leader Englund. The team would break up into three smaller teams to surround the house at 810 Grove St and call Behling out. Operator Schoonover stated that he was assigned to the team in the BearCat armored vehicle, because he was the electronics operator, if needed.

At this point in the interview, a short break was taken, from 12:14 to 12:17 p.m.

Operator Schoonover stated that LWAM had a signed search warrant for the house at 810 Grove St. The SWAT team staged away from the address on Grove St and met with two medical personnel from the Appleton Police Department (APD) SWAT team. One of the medics joined the part of the team in the BearCat. Operator Schoonover stated that there were six individuals in the BearCat—SWAT Operator Ryan Hathaway driving, Team Leader Englund in the passenger seat, and SWAT Operators Schoonover, Christopher Last, Adam Kurczek, and the APD medic in the back. Operator Schoonover stated that he had driven separately to the area of 810 Grove St with his canine Tim in his squad vehicle. Operator Schoonover then got into the back of the BearCat before it approached the residence. He said the BearCat waited down the street until the other two teams had gotten into place around the residence.

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Once the two teams were in position, the BearCat drove up to the southwest corner of the house, as planned. Operator Schoonover was shown a diagram showing the positioning of the house, the BearCat and two other vehicles in front of the house, and he stated that the positioning was correct.

Operator Schoonover stated that, when the BearCat pulled into position, he immediately heard over the radio that Behling was out of the house and was going toward the back. Operator Schoonover knew that another team was in the back yard, including Operator Robert Zill, with his canine partner. Operator Schoonover stated that almost instantly after hearing that Behling was going to the back, he heard over the radio that Behling was coming to the front. Operator Schoonover said the plan had been to stay in the BearCat, but that changed because Behling was mobile. Operator Schoonover stated that he exited the BearCat, since the information was that Behling was coming to the front of the house. Within seconds, Operator Schoonover heard other officers yelling, "he has a gun."

Operator Schoonover stated that SWAT Operator Kurczek had a shield for cover, but Operator Kurczek was behind Operator Schoonover in exiting the BearCat. Operator Schoonover used the BearCat as cover and peeked around the back passenger corner of the BearCat to look at the front of the house. He said he heard yelling, unknown by whom, yelling that he (Behling) was out of the house, going to the front, and he has a gun. Watching the house, Operator Schoonover saw two vehicles in the yard in front of the house. He said one was an SUV and one was a car. He again confirmed their positioning on the diagram.

Operator Schoonover stated that he saw an individual located between the two vehicles, at the front of the vehicles, and tight against the house, by the stoop. (This individual was later positively identified as Behling, and he will be referred to as Behling, for clarity.) Operator Schoonover could only see Behling from about the waist up. Initially, Behling had his hands down. Operator Schoonover saw something in Behling's hands, but he did not know what it was. Operator Schoonover said it was dark out, and there was limited lighting. He said the red and blue lights of the BearCat were flashing, and it was not pitch black. Operator Schoonover said Behling was wearing a dark shirt or jacket.

At first Behling's hands were low, but then they came up. Operator Schoonover saw Behling in a "shooting stance," pointing a handgun in Operator Schoonover's direction. Operator Schoonover said he for sure saw a gun pointing at him.

Operator Schoonover stated that, prior to this point, Team Leader Englund had also exited the passenger side of the BearCat and was using the opened door of the BearCat as cover. Operator Schoonover stated that Team Leader Englund is tall, so a lot of his body was exposed and not behind the cover of the BearCat door. Operator Schoonover also stated that he himself was only partially behind the cover of the BearCat at the back corner, as he was leaning out to see the situation. Operator Schoonover stated that he had some cover, but he was exposing himself and

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was not fully protected, because he was not inside the BearCat, which would have provided total cover.

Operator Schoonover stated that Team Leader Englund was in front of him, between him and Behling, but at an angle. Operator Schoonover stated that Behling had the firearm pointed at both himself and Team Leader Englund. At this point, Operator Schoonover believed that his life and Team Leader Englund's life were in danger. He also believed other members of the SWAT team were in danger, because they were still getting out of the BearCat.

Operator Schoonover stated that Behling had a weapon, intent and a delivery system. He said that lives were in danger. Operator Schoonover said he had identified Behling as the target, acquired him, and he was isolated. Operator Schoonover said there was no one else in his view. Operator Schoonover stated that he had been pointing his rifle at the house, and then he pointed it at Behling, as the target. Operator Schoonover fired his rifle at Behling to stop the threat. He stated that he was not sure how many times he fired, but he knew it was several. Operator Schoonover said he was aware of other shots being fired and that it was not just him shooting.

Operator Schoonover continued firing at Behling until the threat was stopped. Operator Schoonover saw Behling fall hard to the ground. He said Behling was incapacitated, and it was an instant fall. Operator Schoonover stopped firing at that point. Operator Schoonover stated that he had a malfunction with his rifle on his last shot. He said it felt as though the rifle had run out of ammunition, but it hadn't.

Operator Schoonover was asked if he had considered disengaging from the situation. He stated that Behling was dangerous, had struck two squad cars in the past, and was known to have guns. He said it was the SWAT team's role to keep Behling contained, and Operator Schoonover's team in the BearCat was the front perimeter for that containment. Operator Schoonover also said everything happened instantaneously once he and the BearCat arrived on scene. Operator Schoonover also said he had heard officers yelling commands at Behling, and Behling was not complying with those commands.

Operator Schoonover stated that Operator Kurczek came up on his left with the shield. Operator Schoonover ducked behind Operator Kurczek and was second in line to approach. Operator Last was behind Operator Schoonover in the stack. They moved up to the location of Team Leader Englund. Operator Schoonover conducted a magazine change in his rifle. He took out the current magazine and placed it in his left pocket and took a new magazine from his belt to reload the rifle. He put the new magazine in the rifle and racked the rifle. Operator Schoonover stated he also had gotten on the radio and had relayed, "law enforcement shots fired."

The plan was to approach Behling behind the cover of Operator Kurczek's shield in order to take him into custody and provide medical aid. Operator Schoonover said the stack moved around the right side of the SUV to approach Behling. Operator Schoonover stated that Behling was on his back, partially under the front of the SUV, with his head facing east/northeast. Operator

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Schoonover could see that Behling's hands were empty. Operator Schoonover stated that he saw a black handgun with sights in a snowbank.

Operator Schoonover and another operator grabbed and pulled Behling out in front of the SUV. Operator Schoonover said he saw no signs of life. Behling was rolled onto his stomach, and Operator Last put handcuffs on him. Operator Schoonover aided by bringing Behling's right arm behind his back. Operator Schoonover saw that Behling had a head injury, and he saw blood on both the front and the back of Behling's head. Operator Schoonover had also seen a possible injury to Behling's hand, [REDACTED], when he was approaching Behling.

Operator Schoonover said he was concerned about the house and that it was not yet secure, so he radioed to have the ambulance hold back. Behling was dragged back to the last place of cover, behind the BearCat, and they met the medics there. Operator Schoonover stated that the medics indicated they could see brain matter and that Behling was beyond the help of any life saving measures. Operator Schoonover said the medics had more training than he did in that regard.

Operator Schoonover stated that other operators on the team were positioned behind the vehicles in front of the house and were not in a good position of cover. They moved to the driver's side of the BearCat to assess the situation. Operator Schoonover said everything happened very quickly.

Operator Schoonover said Captain Todd Christie had taken over incident command from the location of the fire station located across the street. Captain Christie asked for Behling to be brought to the fire station for aid. Behling was put on a litter and was carried across the street to the fire station. Operator Schoonover provided lethal cover, pointing his rifle at the house, while Behling was carried to the fire station. Operator Schoonover remained at the fire station and was soon removed from the scene and any further duties.

Operator Schoonover stated that he did not provide any medical care to Behling. Operator Schoonover did not receive any injuries during the incident. Operator Schoonover never made entry to the house. Operator Schoonover said he had not altered anything at the scene.

Operator Schoonover remained at the fire station and then was taken to the Appleton Police Department, where he eventually was met by DCI S/A Alan Hunsader, who took photographs of him. Operator Schoonover said he had taken off his vest and helmet, but he put them back on for the photos. Operator Schoonover stated that Captain Christie had collected his rifle and magazines from him.

Operator Schoonover stated that he had not talked to anyone in detail about this incident except for Attorney Palek, Business Agent Schrank, and his wife.

At this point in the interview, Operator Schoonover was told that he could view video footage of the incident if he wished to. Operator Schoonover was shown video footage of the incident as captured by the body camera he was wearing. After viewing the video footage and consulting

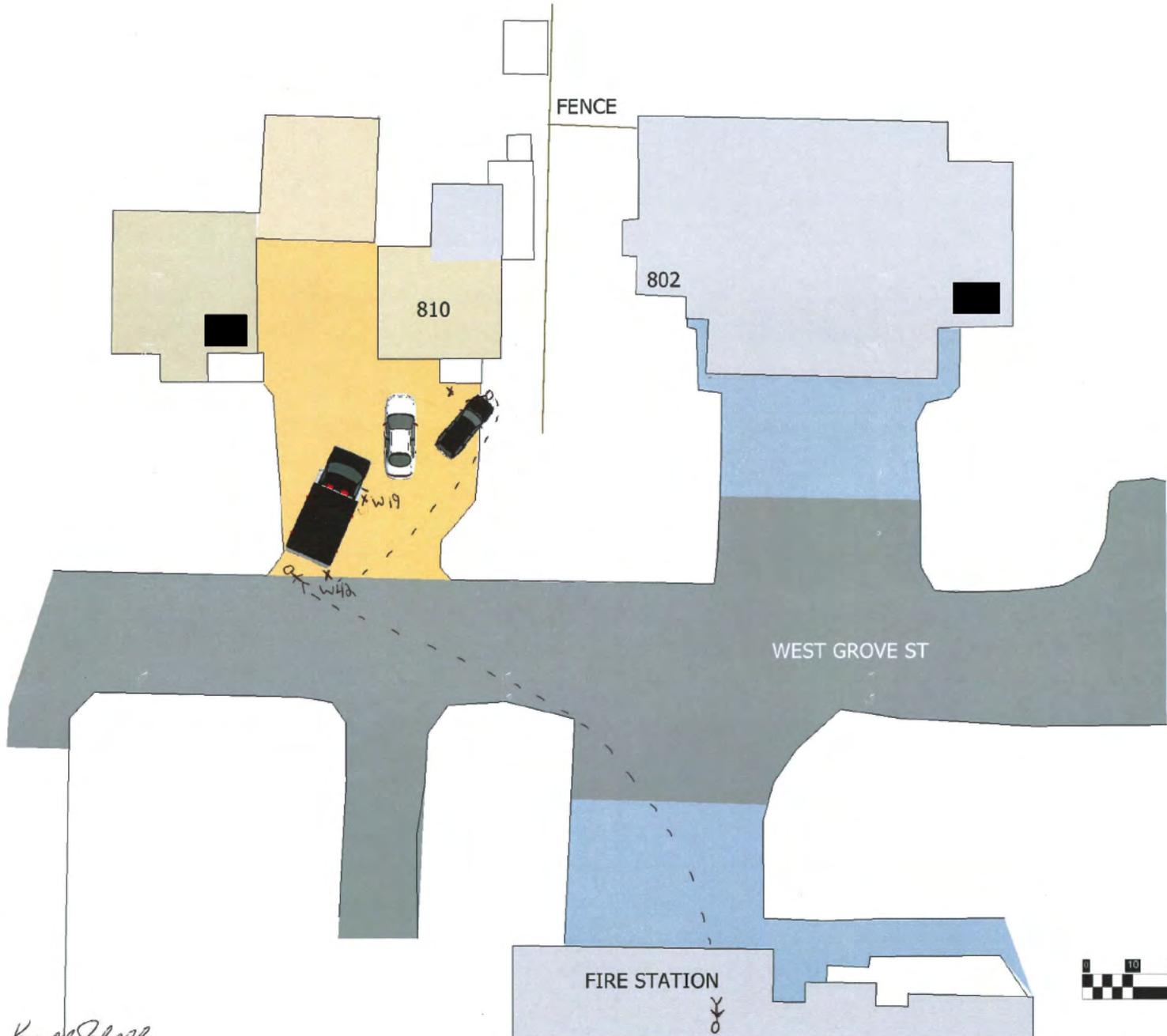
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with Attorney Palek and Business Agent Schrank, Operator Schoonover added one additional statement to his interview. After viewing the video, Operator Schoonover realized he had given a command to Behling to “drop the gun.”

Operator Schoonover provided no additional information, and the interview was concluded at approximately 1:27 p.m.

During the interview, Operator Schoonover had been asked to indicate certain locations on the diagram used for reference during the interview. Operator Schoonover had indicated the locations of himself, Team Leader Englund and Behling at different points during the incident. Operator Schoonover had then signed and dated the diagram. That diagram was later placed into evidence as item 20-387/48. A scanned copy of the diagram is attached to this report and made a part of the case file.

On Friday, January 31, 2020, S/As Schallhorn and Yerges met again with Operator Schoonover, Attorney Palek and Business Agent Schrank and provided them with a draft copy of the written report of the interview to review. Based on that review, S/A Schallhorn made a couple of minor revisions and clarifications to the narrative report, but no substantive changes were made.



Ryan Schellman
 1/24/2020
 1258 NPS
 Aug 30, 2019, JLS Ryan M Schellman

Wisconsin Division of Criminal Investigation

Interview 20-387/49

Report Date: 01/24/2020

Primary Information

Description: **SWAT Operator Moe Interview With Agents 01/24/2020**
 Occurrence From: **01/24/2020 13:56**
 Occurrence To: **01/24/2020 16:03**
 Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
 Backup LEO: **Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
 Report Status: **Approved**
 Report Status Date: **02/06/2020**
 Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Friday, January 24, 2020, Special Agent (S/A) Jay K. Yerges and S/A Tami M. Sleeman, of the Wisconsin Department of Justice (DOJ) – Division of Criminal Investigation (DCI) conducted an interview of SWAT Operator Seely C. Moe, of the Winnebago County Multi-Jurisdictional SWAT Team. The interview was in response to an officer involved death (OID) investigation being led by S/A Yerges. The critical incident occurred during night time hours on Tuesday, January 21, 2020. The critical incident resulted in the death of Rory J. Behling, M/W, DOB: [REDACTED].

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Huth, Michael (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Law Enforcement	Sawyer, Peter R (Law Enforcement Official)		---
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Kressin, Johnathan L (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned	Palek, Roger W. Atty (Person)	White, Male	---
Mentioned	Schrank, Thomas (Person)	White, Male	---

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	SWAT Operator Seely Moe Hand-Labeled Scene Diagram Document

Narrative begins on the following page.

SWAT OPERATOR SEELY C. MOE INTERVIEW

On Friday, January 24, 2020, Special Agent (S/A) Jay K. Yerges, of the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI), was present at the DCI Appleton Regional Field Office (AFO), Appleton, Wisconsin to conduct an interview with Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team, Operator, Seely C. Moe. S/A Yerges had prearranged a formal officer-involved death (OID) investigation interview with Operator Moe. S/A Yerges learned Operator Moe would be accompanied with, and represented by, Wisconsin Professional Police Association (WPPA), Staff Attorney, Roger W. Palek and Business Agent, Thomas Schrank. Fellow DCI S/A Tami M. Sleeman accompanied S/A Yerges during the interview with Operator Moe.

S/A Yerges had requested to meet with Operator Moe in order to discuss Operator Moe's observations and formal actions that he took during a SWAT operation that occurred during night time hours on Tuesday, January 21, 2020. During the operation, several SWAT team operators were confronted by an individual who pointed a firearm at operators as the operators began to approach a residence during the initial stage of the execution of a search warrant/arrest warrant. The encounter resulted in the death of the individual. At the time, Operator Moe was part of a containment team providing over-watch and containment of a residence located at 810 West Grove Street, Fox Crossing (Appleton), Winnebago County, Wisconsin. As a result of the incident, an individual identified as Rory J. Behling, M/W, DOB [REDACTED] died as a result of gunshot injuries sustained during the incident which involved law enforcement.

Prior to the interview with Operator Moe, Attorney Palek advised S/A Yerges that Operator Moe declined to be audio and/or video recorded during any formal interview process. Such matter was discussed with assigned Winnebago County District Attorney's Office, Assistant District Attorney (ADA), Tracy A. Paider prior to the interview with Operator Moe. Operator Moe's request not to be recorded during his formal interview process was honored by agents.

Agents utilized the conference room inside the DCI AFO for the interview with Operator Moe. S/A Yerges set-up the conference room for the interview.

The interview with Operator Moe began at approximately 1:56 p.m. inside the conference room. The doors to the conference room were closed for privacy reasons during the interview process. S/A Yerges and S/A Sleeman each greeted Operator Moe. Operator Moe was accompanied with WPPA Staff Attorney Palek and Business Agent Schrank. Operator Moe, Attorney Palek and Business Agent Schrank sat on one side of the tables inside the conference room and directly across from S/A Yerges and S/A Sleeman. Operator Moe confirmed he declined to allow the interview to be recorded by any means. Operator Moe expressed that he was comfortable. Operator Moe confirmed he did not want any additional persons or professionals accompanied with him during the interview process.

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S/A Yerges explained to Operator Moe that he was free to leave the conference room at any time he wished and that he could take any amount of breaks, during the interview process, at any time he wished. S/A Yerges informed Operator Moe that he was free to counsel with his attorney at any time he wished during the interview process.

S/A Yerges explained to Operator Moe that agents wished to speak with him related to his involvement with the subject OID critical incident. S/A Yerges advised Operator Moe that he was not under arrest, detained or charged with any crime. Operator Moe acknowledged S/A Yerges' advisements. S/A Yerges informed Operator Moe that any statements he made during the interview process were entirely voluntary statements. Operator Moe confirmed he was present on his own free will and that his presence was entirely voluntary, consensual and willful. Operator Moe confirmed that no other person had compelled, directed, ordered or pressured him to meet with agents or to make any specific statements to agents. S/A Yerges specifically informed Operator Moe if he did not want to answer any specific question(s), it was his right not to answer any question that he so chose and that he could end the interview or leave the interview at any time he wished. S/A Yerges also instructed Operator Moe to only answer questions truthfully and to the best of his memory or recollection. S/A Yerges instructed Operator Moe not to answer any question that he did not have first-hand knowledge, observations or opinions about. Operator Moe confirmed he did not have any questions about the voluntariness of his meeting and/or his statements to agents. Operator Moe stated he understood the purpose of the interview and that he freely, voluntarily and willingly wished to proceed by speaking to agents.

S/A Yerges confirmed Operator Moe's personal identity and contact information. S/A Yerges explained the interview topics that would be discussed with Operator Moe at the beginning of the interview process. Operator Moe agreed to offer verbal statements about his observations and duty actions related to the subject critical incident prior to seeing any recording that captured audio and/or video depictions of his interactions and/or duty actions related to the decedent during the referenced critical incident.

S/A Yerges offered an overview to Operator Moe about DCI's role and objectives related to OID investigations. S/A Yerges explained to Operator Moe the requirement for outside investigators to independently investigate OID incidents in accordance with Wisconsin State Statute 175.47. S/A Yerges advised Operator Moe that his voluntary interview with agents had nothing to do with any type of potential use-of-force review and/or any internal investigation that his agency (or the Winnebago County Sheriff's Office [WISO]) may or may not perform subsequent to the OID investigation. Operator Moe provided the following information during the interview with agents, which was a synopsis of Operator Moe's statements:

S/A Yerges discussed Operator Moe's education with him. Operator Moe confirmed he was a high school graduate. Operator Moe received his high school diploma from [REDACTED] in 1995. Following high school, Operator Moe attended Moraine Park Technical College (MPTC) in Fond du Lac, Wisconsin for one (1) semester (one-half year) and that he did not receive any degree from MPTC. Operator Moe explained he

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subsequently enrolled at Fox Valley Technical College (FVTC) and pursued Police Science studies after attending MPTC. Operator Moe graduated from FVTC after obtaining an Associates Degree in Police Science in January, 1998. According to Operator Moe, the FVTC Police Science program had an integrated state Law Enforcement Standards Board (LESB) affiliated recruit school training incorporated into the program. Operator Moe identified himself as an un-sponsored FVTC student and after he graduated from FVTC he achieved an LESB "certifiable" status. While he attended FVTC and after graduation, Operator Moe was employed at St. Agnus Hospital, Fond du Lac, Wisconsin for two (2) years as a security officer as well as a loss prevention worker at Fleet Farm for approximately three (3) months. Operator Moe reported no military experience or service.

Operator Moe explained he was eventually hired by Kiel Police Department sometime in the spring of 1998 as a part-time patrol officer. Operator Moe explained he was also simultaneously hired sometime during the spring of 1998 by Kohler Police Department as a part-time patrol officer. Operator Moe estimated he averaged or worked approximately [REDACTED] at each police department. In December, 1998, Operator Moe transitioned to a full-time and permanent patrol officer position with North Fond du Lac Police Department. Operator Moe was employed at North Fond du Lac Police Department for approximately four (4) and one-half (1/2) years. In April, 2003, Operator Moe was hired by the (then) Town of Menasha Police Department (presently the Village of Fox Crossing Police Department [FCPD]) as a full-time, permanent patrol officer.

Operator Moe confirmed his training records were maintained by FCPD. Operator Moe offered voluntary consent for S/A Yerges to obtain such training records in the event the district attorney's office requested and/or wanted to inspect such training records related to the OID investigation. Operator Moe identified FCPD Lieutenant (Lt.) Cutler as the custodian of his FCPD training records.

In addition to his primary FCPD patrol duties and law enforcement functions, Operator Moe identified that he was a member of the FCPD Honor Guard for the last eight (8) years and was a Field Training Officer (FTO) for the last ten (10) years. In January, 2018, Operator Moe was selected to the Winnebago County Multi-Jurisdictional SWAT Team [REDACTED]. Operator Moe advised he attended a FVTC-sponsored Basic SWAT training in April, 2018.

[REDACTED] Operator Moe advised he had attained his LESB Basic Instructor status and that he was set to become an Adjunct Instructor for FVTC related to Vehicle Contacts and Emergency Vehicle Operator's Course (EVOC).

Operator Moe identified he had participated in a SWAT team qualification course with his assigned duty pistol and issued rifle (.223 caliber) on January 06, 2020. Operator Moe reported that he did not clean his duty pistol after the referenced training. Operator Moe reported that he did clean his issued SWAT rifle after the referenced training. Operator Moe completed a State pistol qualification course sometime in the fall of 2019.

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S/A Yerges discussed Operator Moe's current work assignment and duties with him. Operator Moe identified himself as a patrol officer who worked for FCPD in a full-time capacity for the past 16 years. Operator Moe verified his radio call number and badge number was, "X540." Operator Moe stated he performed law enforcement duties for FCPD on a [REDACTED] on and [REDACTED] off duty rotation. Operator Moe identified he worked each of his duty shifts from [REDACTED]. Operator Moe identified the date of the critical incident (January 21, 2020) as his "[REDACTED]" ([REDACTED]). Operator Moe confirmed he had been working his normal duty shift for FCPD until the time of the SWAT call-out. Upon being called for SWAT duty and after shift coverage was obtained for Operator Moe, he then transitioned to his SWAT operator role.

S/A Yerges discussed Operator Moe's activities with him prior to the critical incident. Operator Moe estimated he received approximately seven (7) hours of sleep prior to his duty shift on January 21, 2020. Operator Moe verified he did not consume any alcoholic beverages within 24 hours of the critical incident. Operator Moe verified he did not ingest any prescribed, over-the-counter or street drug(s) prior to the critical incident. Therefore, Operator Moe did not consume or ingest anything that would have affected his duty performance prior to the SWAT operation on January 21, 2020. Operator Moe reported not being under any doctor's care for any significant health-related diagnosis or issues. Therefore, Operator Moe reported nothing that would have affected his ability to perform his essential law enforcement duties during night time hours on January 21, 2020.

Operator Moe described an average work shift the day of the critical incident (January 21, 2020). The night prior to the critical incident (January 20, 2020), Operator Moe described experiencing a more unusual call-for-service he had experienced with another officer. Operator Moe described that a mother and son, respectively, had to be decentralized at the time the son was being handcuffed to be taken into physical custody. The son was escorted to shelter care and the mother was arrested and transported to jail as a result of the incident. Prior to the critical incident date, Operator Moe advised he had not worked any special or extra work shifts. Operator Moe did not identify any unusual, stressful or critical calls-for-service during his prior shifts that led up to the critical incident date.

Operator Moe reported that he received notification of a SWAT call at 3:17 p.m. on January 21, 2020. Operator Moe recalled he transitioned to his SWAT role sometime between 4:00 p.m. and 4:30 p.m. on January 21, 2020. Operator Moe described how he eventually attended a SWAT team briefing at an undisclosed location prior to the SWAT operation. Operator Moe subsequently attended a medical briefing and rallied with other SWAT operators at an undisclosed staging location.

During the briefing, Operator Moe learned of a subject identified as, "Rory Behling," who reportedly originated from the Neenah, Wisconsin area. Operator Moe learned that there was a \$100,000 bond related to an arrest warrant for Behling. Operator Moe stated he had been informed that there was also a probation warrant out for Behling and that Behling was "on the

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run” (evading law enforcement). Operator Moe was aware of a Neenah Police Department (NEPD) incident in which Behling allegedly rammed a patrol vehicle, which activated eight (8) airbags inside the patrol vehicle recently. During the same incident, Behling reportedly rammed into a convenience store building. Operator Moe was familiar with a similar incident in the Town of Grand Chute, Wisconsin previously. Operator Moe was aware that there was an on-going Brown County burglary investigation in which weapons had been stolen and Behling was a suspect in such investigation. After the Neenah incident, a rental car had been located abandoned in which ammunition, a shotgun and body armor were located inside of it. The Lake Winnebago Area Metropolitan Enforcement Group (MEG Unit) (LWAM) was investigating Behling for illegal drug-related criminal offenses, burglaries and the outstanding warrants for Behling's physical apprehension. It was determined on January 21, 2020, that the MEG Unit had verified that Behling was present inside the residence located at 810 West Grove Street, Appleton (Fox Crossing), Winnebago County, Wisconsin. Operator Moe had also learned that it was typical for Behling to possess two (2) firearms on his person. During the briefing, Operator Moe was informed that a search warrant had been obtained for the lawful search of the residence and there was an arrest warrant for the apprehension of Behling that would occur at 810 West Grove Street. Following the briefing, Operator Moe described how SWAT team operators staged at an undisclosed location to integrate with two (2) Tactical Emergency Medical Services (TEMS) operators. Following the integration of the TEMS operators, Operator Moe operated a law enforcement vehicle with three (3) other SWAT team operators inside of it. Operator Moe identified that he operated the law enforcement vehicle to an unspecified location somewhere east of [REDACTED] West Grove Street.

S/A Yerges discussed Operator Moe's SWAT uniform and appearance with him. Operator Moe described wearing olive drab (OD) colored “multi-cam” (camouflage) battle dress uniform (BDU) tactical pants. Operator Moe had extra gloves and hats stowed inside the cargo pockets of his BDU tactical pants. Operator Moe had a black-colored nylon duty belt applied to the tactical pants. Over a base layer shirt, Operator Moe wore an armored vest. Operator Moe wore a dark green-colored, fleece-type sweatshirt over the armored vest. Operator Moe wore a heavier duty SWAT armored vest carrier with steel plates applied in the front and back of the vest during the operation. Operator Moe had green and black-colored Velcro "SHERIFF" placards applied to the front and back of the heavy armored vest carrier. Operator Moe wore no eye protection at the time of the operation. Operator Moe wore green-colored "Mechanix" brand gloves and a “headsock” under a ballistic helmet with ear protection/communications pieces during the operation. There was nothing applied to Operator Moe’s ballistic helmet. Operator Moe wore green-colored tactical boots at the time of the operation.

Following were the items and/or equipment applied to Operator Moe’s duty belt:

- Multi-Tool
- One (1) Pair Handcuffs
- Flashlight
- [REDACTED]

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- One (1) Rifle Magazine

[REDACTED]

Operator Moe reported that he was absolutely certain about the round counts [REDACTED] and associated magazines because he had checked all of the magazines prior to his duty shift and during preparation for the SWAT operation. Operator Moe [REDACTED]. Operator Moe identified himself as a [REDACTED].

Adhered to the front of the armored vest carrier were the following:

- Two (2) P-Mag Brand Rifle Magazines Containing 28 .223 Caliber Bullets
- Pen
- Marker
- Department-Issued Panasonic Brand, Arbitrator Model Body Camera

Operator Moe was absolutely certain about the round count inside the rifle magazines because he had performed a pressure check of both magazines with his hands in preparation of the SWAT operation. Operator Moe verified his body camera was functional and operating properly, as he observed the light upon the body camera activate during the SWAT operation.

Adhered to the back side of the armored vest carrier were the following:

- Individual First-Aid Kit (IFAK)
- Extra Tourniquet
- Small Pouch Containing Water & Snacks
- Two (2) Carabiners

Adhered to the right side of the armored vest carrier were the following:

- “Diver’s Knife”
- “Flash Bang” (Diversionary Device)

Adhered to the left side of the armored vest carrier were the following:

- [REDACTED]
- [REDACTED]
- Winnebago County Sheriff’s Office (WISO) Motorola Brand Portable Radio Inside Holder

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(The microphone from the portable radio was routed over the left shoulder and looped to Operator Moe's push-to-talk [PTT] button at the left upper chest area of the armored vest carrier)

A break was taken at approximately 2:54 p.m. The interview with Operator Moe resumed at approximately 2:58 p.m.

Operator Moe proceeded to offer details about the critical incident which involved the referenced decedent. Prior to Operator Moe going into detail about the critical incident event, S/A Yerges presented Operator Moe with a preliminary scaled scene diagram which had been provided to S/A Yerges by a member of the Wisconsin State Patrol (WSP), Technical Reconstruction Unit (TRU), for the purpose of the interview with Operator Moe. Operator Moe orientated himself with the scene diagram and expressed that the scene diagram seemed accurate, according to the best of his recollection. S/A Yerges instructed Operator Moe to feel free to utilize, reference and/or document things of importance upon the diagram during his verbal account of events during the critical incident.

After Operator Moe parked at an undisclosed location somewhere east of [REDACTED] West Grove Street, Operator Moe explained how he and fellow operators waited for a containment team comprised of several other operators from the SWAT team to take up a location somewhere behind or in back of the residence at 810 West Grove Street. Operator Moe described how himself and fellow operators on the containment team moved to a location directly to the east of 810 West Grove Street. Operator Moe explained how Operators Huth and Sawyer took up a position somewhere behind 802 West Grove Street. After the element of four (4) operators were in place, Operator Moe recalled that the four (4) element team notified the SWAT team leader that they were in place. Operator Moe documented upon the map where himself and fellow Operator Kressin took up a position at the southwest corner of the attached garage at 802 West Grove Street. Operator Moe explained how Operators Huth and Sawyer were responsible for providing over-watch and containment of the back of the residence located at 810 West Grove Street. Operators Moe and Kressin were responsible for providing over-watch and containment of the east side exterior door of 810 West Grove Street. Operator Moe recalled how himself and Operator Kressin talked about not having much cover from the front door of 810 West Grove Street. Operator Moe described after taking up his position in the driveway area, he observed a motor vehicle parked in the driveway at [REDACTED] West Grove Street. Operator Moe explained that he advised Operator Kressin that they could potentially utilize the parked motor vehicle in the driveway as cover in the event they had to. Operator Moe described he was in front (west) of Operator Kressin and Operator Kressin was behind Operator Moe (to the east). Operator Moe described watching the BearCat operate eastbound upon West Grove Street. Upon approaching the driveway to 810 West Grove Street, Operator Moe observed the red and blue-colored emergency lights activate upon the BearCat.

Within moments of the BearCat's arrival in the driveway area, Operator Moe recalled hearing a "commotion" in the back of 810 West Grove Street. Operator Moe described having had a

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limited field-of-view of the area in which the commotion was coming from. Operator Moe described just moments prior to hearing the commotion, he observed through the east side windows of the residence, a male subject walking around inside the residence of 810 West Grove Street, somewhere between where he perceived the kitchen and living room areas of the residence were. Operator Moe described having received a house layout description during the briefing which preceded the SWAT operation. Moments after hearing the commotion, Operator Moe recalled hearing either yelling or a radio transmission that, "He (subject) was outside." After Operator Moe learned that the subject was outside, Operator Moe recalled stepping forward and out from the garage at 802 West Grove Street. At such time, Operator Moe described being able to see the entire east side of the residence at 810 West Grove Street. At such time, Operator Moe observed a male subject moving atop a small porch near the east side door. Operator Moe described he observed the subject run toward the east side door of 810 West Grove Street. Operator Moe described seeing a screen door standing open at the doorway. Operator Moe described the subject "yanked" and pushed on the east side exterior door. Operator Moe recalled that it was apparent to him that the subject had locked himself outside the residence and the subject was unable to gain entry back inside the residence. Operator Moe observed the subject maneuver around the screen door that was standing open.

Operator Moe described seeing the subject perform a "draw motion" from the subject's "waist area" with the subject's right hand/arm. Operator Moe expressed in accordance with his training and experience, he had rarely observed any individual perform a "draw motion" without not possessing a firearm in one's hand. Operator Moe described how there was an "item" in the subject's hand. Operator Moe stated he observed a firearm come from the "waist area" of the subject. Operator Moe stated he then observed the subject walk in a very brisk and determined manner which transitioned to a jog/run along the side of 810 West Grove Street. Operator Moe described the subject advanced southbound alongside the house at which time Operator Moe yelled, "gun." Operator Moe described how the subject went out-of-view because of a privacy fence between the yards located at 802 and 810 West Grove Street. Operator Moe described how, even though he was unable to actually observe the subject, Operator Moe could determine the subject was moving because he could see "movement" (by the subject) in between the spacing of the slats of the fence. Operator Moe described how the subject ran south along the fence line, until the subject came to where the fence transitioned to approximately two (2) feet tall. At such area, Operator Moe, once again, could distinguish the subject.

When Operator Moe distinguished the subject again, Operator Moe observed the subject with his hands at his side as if he was in a running motion. Operator Moe watched the subject turn right (west) and maneuvered around the corner of the house at 810 West Grove Street. The subject proceeded to run in a westerly direction between the front porch of the residence and the SUV motor vehicle parked in front of 810 West Grove Street.

While Operator Moe was performing over-watch and containment from the garage of 802 West Grove Street, Operator Moe described possessing a Colt brand, M-4 style rifle. Operator Moe confirmed that such rifle was assigned to him as his SWAT rifle. Operator Moe described

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knowing that Operator Kressin was somewhere on his left side and behind him. Operator Moe advised he raised the rifle and positioned it to his (right) shoulder when he observed the subject running with a perceived firearm in his hand. Operator Moe described how he placed the optics reticle "on the back of the subject." Operator Moe described how he observed the subject stop by the "front driver's, corner" of the SUV. While at the corner of the SUV, the subject turned to his left and faced the BearCat. Operator Moe described the subject "pivoted" towards the BearCat in a determined and deliberate maneuver. Operator Moe described sensing "movement" at the BearCat, which indicated to Operator Moe that his fellow SWAT team operators were "outside" the BearCat. Operator Moe described upon immediately seeing the subject turn and face the BearCat, where Operator Moe knew there were operators, Operator Moe observed movement from the subject's arms. Operator Moe discharged his rifle at the subject in order to stop the threat of the subject being able to harm his fellow operators. Operator Moe estimated he discharged his rifle between one (1) and five (5) times at the subject. Simultaneously, Operator Moe heard other "gunshots." Operator Moe described seeing the subject fall "down" and "backwards." Operator Moe recalled hearing yelling and an unidentified SWAT operator transmitted via portable radio, "shots fired" and something to the effect that operators were "okay." Operator Moe described seeing additional movement somewhere near the BearCat.

After Operator Moe discharged his rifle, Operator Moe recalled stepping outward toward 810 West Grove Street and then he stepped backward. Operator Moe described Operator Kressin stepped outward with him, at which time, Operator Moe directed Operator Kressin to take cover near the tree in the front yard of 802 West Grove Street. Operator Moe described how he moved to the same tree for cover in order to gain a potential better view of where the subject had fallen down. From such location, Operator Moe observed the subject lying on the ground in front of the SUV motor vehicle. Operator Moe described himself and Operator Kressin moved up closer toward the residence when the contact team from the BearCat maneuvered toward the subject in front of the SUV. As the contact team began to approach the subject, Operator Moe described seeing "blood running out of him" (subject). Operator Moe described seeing blood come from the subject's left neck area, which turned the snow "red." Operator Moe described after the contact team moved up to the subject they handcuffed the subject and moved him to somewhere behind the BearCat.

Operator Moe left the front yard of 802 West Grove Street and proceeded to move to the backyard, where he met up with Operator Sawyer. Operator Moe and Operator Sawyer continued to provide over-watch of the east side door of 810 West Grove Street for any potential movement and/or additional individuals from/inside the residence. While he watched the side door of 810 West Grove Street, Operator Moe observed movement behind the BearCat which indicated to Operator Moe that the contact team had relocated and/or moved the subject behind the BearCat. While Operator Moe took up a position at the northwest corner of 802 West Grove Street, he observed the other containment team behind a garage located at [REDACTED] West Grove Street. While at his location, Operator Moe described how he provided over-watch and attempted to make observations through the window on the east side of 810 West Grove Street. Operator Moe identified how Operator Sawyer made observations for any potential movement from/at the east

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side door of 810 West Grove Street. Operator Moe described how he shined a very bright flashlight (affixed to his duty rifle) and illuminated the east side of the house at 810 West Grove Street. After some time, Operator Moe described informing Operator Sawyer that he was “done,” at which time he advised Operator Sawyer that he would not make entry inside the residence, as the residence still had to be cleared and searched for any additional subjects. Operator Moe described how Operator Sawyer requested another operator to replace Operator Moe at his location.

After Operator Moe was relieved, Operator Moe described walking along the backside of 802 and [REDACTED] West Grove Street and proceeded to walk along the east side of [REDACTED] West Grove Street. At such time, Operator Moe described calling out his identity and he intentionally deactivated his body camera. Operator Moe described walking across the street to Appleton Fire Department – Station 3, at which time, he gained access to the fire department and stayed there until he was later taken to Appleton Police Department.

Operator Moe expressed that he discharged his duty rifle at the point he observed the subject “confronting” fellow SWAT operators. Operator Moe described how the subject could have hurt or killed someone with the firearm he possessed which the subject pointed at his fellow SWAT operators.

S/A Yerges then requested Operator Moe to document where he initially observed the subject, the subject’s route of travel and where he observed the subject fall after gunshots sounded. Operator Moe identified the SUV and the tree on the scene diagram which were referenced during his statements to agents. Operator Moe also identified the front yard locations near the garage where himself and Operator Kressin took up their containment positions. Operator Moe also identified the approximate location of the automobile he observed parked in the driveway at [REDACTED] West Grove Street, as well as the position that he took up at the northwest corner of 802 West Grove Street after he discharged his rifle. After the discussion about the scene diagram, S/A Yerges concluded asking questions of Operator Moe related to the scene diagram. Operator Moe applied his hand signature to the scene diagram at approximately 3:34 p.m. S/A Yerges and S/A Sleeman each applied their hand signatures to the scene diagram as witnesses to Operator Moe’s hand applied labels upon the scene diagram. S/A Yerges received the scene diagram from Operator Moe and retained it in his exclusive custody and control. The scene diagram was considered and handled as evidence by S/A Yerges.

Following the discussion about the scene diagram, Operator Moe described discharging his duty rifle at the subject in order to stop the threat to his fellow operators. Operator Moe described becoming extremely concerned at the point he observed the subject perform a “full run and stop,” which indicated to Operator Moe that the subject “confronted” his fellow SWAT operators while the subject possessed a firearm. Operator Moe described that such confrontation was not consistent with the action(s) of “escape.” Operator Moe described how he believed the subject had escape routes, but, instead chose to intentionally confront his fellow SWAT operators with a firearm. Operator Moe described seeing the “arm motion” of the subject as he drew a weapon

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and Operator Moe was aware that the subject did not drop the weapon at the time the subject confronted Operator Moe's fellow SWAT operators. Operator Moe repeated how he observed and/or sensed motion near the BearCat which was when the subject was pointing a firearm at his fellow SWAT operators. Operator Moe described that the firearm possessed by the subject could have caused great bodily harm and/or even death to his fellow SWAT operators. Operator Moe repeated how he discharged his rifle at the subject in order to stop the threat to his fellow SWAT operators.

Operator Moe reported he did not receive any injuries or significant bio-hazard exposures as a result of the incident with the subject. Operator Moe verified he did not offer any first aid or emergency medical treatment to the subject because the contact team members were in the process or capable of performing any such procedures. Operator Moe described seeing other unidentified SWAT operators carry the subject to the fire department across the street from the subject residence. Operator Moe observed the subject covered with a covering on the floor of the fire department when he entered the fire department after the incident.

Operator Moe stated he may have been to the residence located at 810 West Grove Street many years ago and that it was perhaps in excess of ten (10) years ago. Operator Moe was reasonably certain that he never made contact with the subject at the residence years ago.

Operator Moe recalled learning that a subject by the name of "P [REDACTED]" resided at the residence. Operator Moe reiterated how he did not believe he knew the subject.

Operator Moe described the weather conditions at the time of the incident. Operator Moe described the temperature was in the mid twenties and that it was windy outside with no precipitation.

S/A Yerges inquired with Operator Moe why he did not disengage during the incident. Operator Moe replied that there was nowhere for him to go and when the subject was running toward his fellow operators he felt he had a duty and obligation to stop the subject (who possessed a firearm) from harming his fellow SWAT operators. Operator Moe also advised he felt he was present and assigned to contain anyone from inside the residence which, in turn, protected any nearby citizens and/or residents in the neighborhood from any threatening or dangerous act that the subject may have performed.

At approximately 3:35 p.m., agents displayed Operator Moe's body camera video recording for Operator Moe and his representatives. Attorney Palek and Business Agent Schrank watched the video footage with Operator Moe. After displaying the video footage to Operator Moe, Operator Moe had no additional statements or explanations about anything.

At approximately 3:43 p.m., agents excused themselves from the conference room. Agents returned to the conference room at approximately 3:50 p.m.

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After Operator Moe had no additional information or facts to provide to agents, the interview with Operator Moe concluded at approximately 4:03 p.m. After the interview process, Operator Moe left the conference room.

EVIDENCE

Item 1 Operator Moe Hand-Labeled Scene Diagram Document

EVIDENCE PROCESSED

S/A Yerges retained Evidence Article One (scene diagram) in his exclusive custody and control. The evidence article was maintained at the DCI AFO. S/A Yerges packaged, sealed and labeled the referenced evidence article utilizing accepted evidence processing protocols. S/A Yerges secured the evidence article inside an evidence locker at the DCI AFO. The evidence article would continue to be maintained by DCI as evidence pending any judicial proceeding(s) and/or a final case disposition. A digital copy of Evidence Item One was electronically attached to S/A Yerges' supplemental report for informational and case documentation purposes. The hand labeled scene diagram should be referred to for any additional and/or more detailed information.

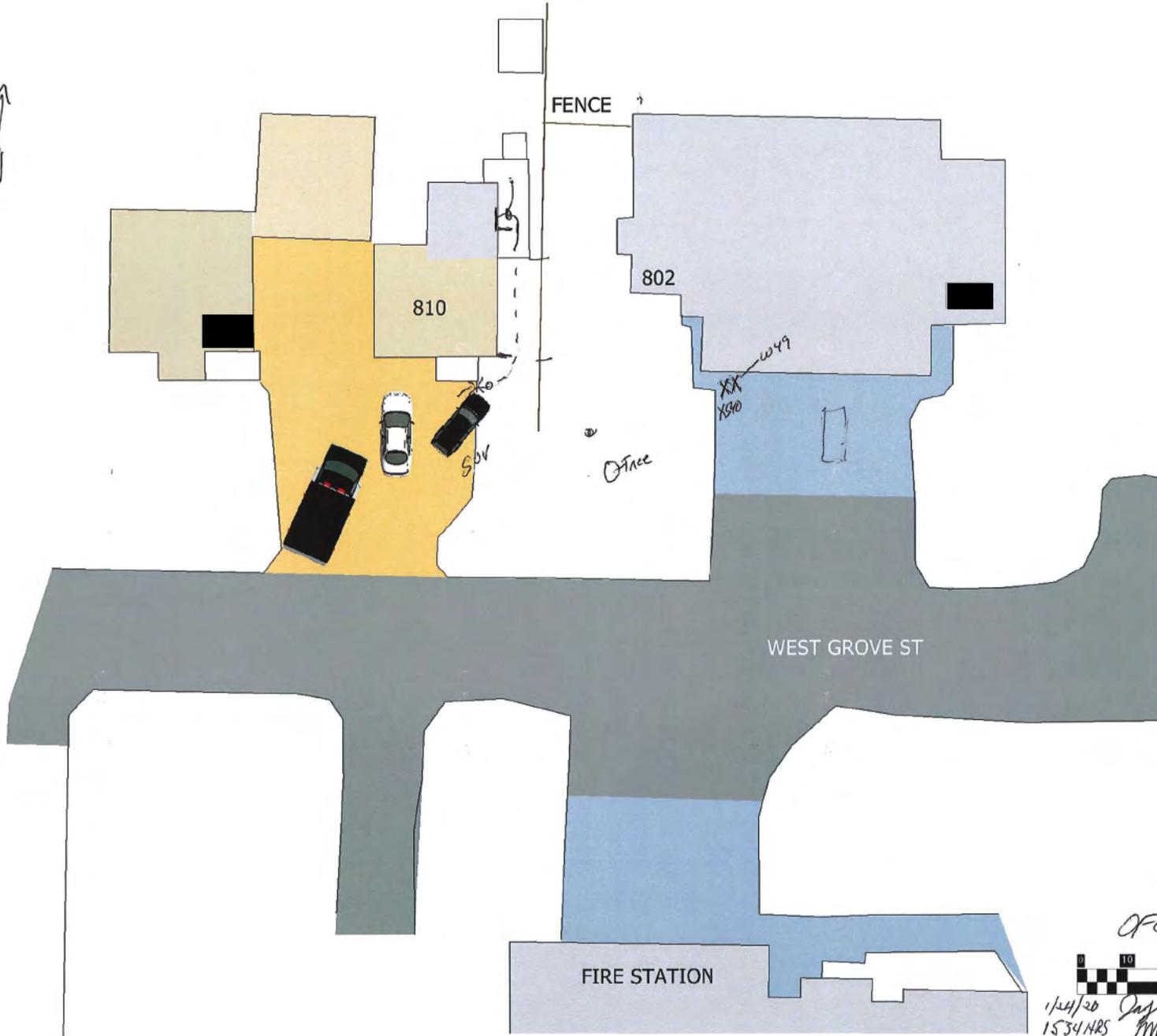
REPORT REVIEW

On Friday, January 31, 2020, S/A Yerges was present at the DCI AFO. S/A Yerges met with Operator Moe, Attorney Palek and Business Agent Schrank in order to formally review S/A Yerges' draft interview report for accuracy and completeness purposes. S/A Yerges met with Operator Moe and his representatives in the same conference room as during the original interview with Operator Moe. S/A Yerges met with Operator Moe and his representatives at approximately 12:52 p.m.

After S/A Yerges made introductory statements, S/A Yerges left the conference room while Operator Moe reviewed the draft interview report with his representatives. A short time later, S/A Yerges returned to the conference room after Operator Moe and his representatives completed their report review. Minor and non-substantive corrections were made to the narrative report for accuracy purposes and finalization.

The meeting with Operator Moe and his representatives concluded at approximately 2:26 p.m. Operator Moe subsequently left the DCI AFO at the conclusion of the meeting. It was agreed that S/A Yerges would provide Attorney Palek with a finalized copy of Operator Moe's typewritten interview report as soon as practical.

20-387/49



OFC *[Signature]*
ROAD XS40
1/24/20 *[Signature]*, JZSS
1534 HRS *[Signature]*

Wisconsin Division of Criminal Investigation

Interview 20-387/50

Report Date: 01/24/2020

Primary Information

Description: **SWAT Operator Kressin Interview With Agents 01/24/2020**
Occurrence From: **01/24/2020 00:00**
Occurrence To: **01/24/2020 00:00**
Reporting LEO: **Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Backup LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Kressin, Johnathan L (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Documents

Document
Diagram

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	Diagram

Narrative begins on the following page.

SWAT OPERATOR JONATHAN L. KRESSIN INTERVIEW

On Friday, January 24, 2020, Special Agent (S/A) Tami Sleeman of the Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ/DCI) along with S/A Jay Yerges of the WI DOJ/DCI conducted an interview with Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) Team Operator Jonathan L. Kressin. During the interview Wisconsin Professional Police Association (WPPA) Staff Attorney Roger Palek was also present. The interview was arranged by S/A Yerges as part of an officer-involved death (OID) investigation in the Village of Fox Crossing, Winnebago County, WI. The OID occurred on Tuesday, January 21, 2020.

S/A Sleeman and S/A Yerges requested to meet with Operator Kressin in order to discuss Operator Kressin's observations and actions taken during a critical incident in which several SWAT operators deployed deadly force, which resulted in the death of Rory J. Behling (██████████) at 810 W. Grove Street, Fox Crossing, (Appleton), Winnebago County, WI.

Prior to the interview with Operator Kressin, Attorney Palek advised S/A Yerges that Operator Kressin declined to be audio and/or video recorded during any formal interview process. Such matter was discussed with assigned Winnebago County District Attorney's Office, Assistant District Attorney (ADA) Tracy A. Paider prior to the interview with Operator Kressin. Operator Kressin's request not to be recorded during the interview process was honored by agents.

The interview was conducted at the DCI Appleton Field Office in a conference room, the doors to the conference room were closed for privacy reasons during the interview.

The interview started at 4:35PM and the following is a summary of the interview:

S/A Yerges explained the role of DCI and the process of the investigation. Operator Kressin confirmed he did not want the interview recorded and agreed to the voluntary interview. Operator Kressin was made aware that DCI had no part in an internal investigation within Operator Kressin's agency.

Prior to this interview DCI had learned that Operator Kressin's rifle did not fire during the incident.

Operator Kressin has been a law enforcement officer with the Winnebago Sheriff's Office for seven (7) years.

On Tuesday, January 21, 2020, Operator Kressin was on his day off. Operator Kressin received a notification at 3:17PM via text message and then a phone call for a call out for SWAT to serve a search warrant.

Operator Kressin retrieved his SWAT equipment and headed to the location of the operational briefing. An operational plan had been completed and all members were briefed on the incident.

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Operator Kressin learned that the Lake Winnebago Area Metro Task Force, (LWAM) had been following suspect, Rory Behling (██████████), who had a warrant out for his arrest. Behling had been a suspect in burglaries in Green Bay and had been armed with a handgun. There were two different incidents where Behling had been involved in ramming police vehicles. One happened two weeks ago, when Behling rammed a Neenah Police squad. The second incident was in the summer of 2019, Behling had rammed a Grand Chute police squad.

The location of the search warrant that was to be served was at 810 W. Grove Street, Fox Crossing (Appleton), WI. Operator Kressin was shown a colored overview of the area by S/A Yerges and Operator Kressin pointed out 810 W. Grove Street, as the location of the incident.

Operator Kressin had never had contact with Behling prior to this date. Operator Kressin heard another police officer say that Behling had commented that Behling was not going back to jail.

Operator Kressin had been aware that the WISO had located Behling's vehicle prior to this date. Behling had an armored vest and shotgun in the vehicle.

Information was that Behling had been staying at 810 W. Grove Street with two friends. Behling had occupied the south/west corner bedroom on the first floor. Information was also provided that Behling was a methamphetamine user and potential seller. A traffic stop was made on a vehicle on this date that left 810 W. Grove Street. The persons in the vehicle knew Behling and advised law enforcement that Behling had two (2) handguns and usually carried one on his person.

SWAT Team Leader Lt. Justin Englund oversaw the SWAT operation. Operator Kressin drove the WISO truck and trailer to a pre-determined staging location. While at the staging location SWAT team members met up with two (2) TEMS Firefighters from the Appleton Fire Department to discuss the situation. One of the TEMS operator was assigned to the BearCat.

Operator Kressin had to leave the WISO truck and trailer at the staging location, because the road was not wide enough on W. Grove Street to have the truck and trailer in the area. Operator Kressin got into Operator Seely Moe's vehicle.

Operator Kressin has known and been on the SWAT Team with Operator Moe for over one year. Operator Pete Sawyer was in the front passenger seat. Operator Michael Huth and Operator Kressin were in the back seat. They drove to a vacant lot east of W. Grove Street and parked.

Operator Kressin and Operator Moe were to take perimeter to the front (south) of the garage at 802 W. Grove Street to cover the front (south/east) side of 810 W. Grove Street. Operator Sawyer and Operator Huth took a position to cover the north/east side of the residence.

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Operator Moe was able to get a visual on the east side of residence at 810 W. Grove Street. Operator Moe observed a male subject in the house. Operator Moe advised Operator Kressin that there was a male subject in the residence, (later identified as Behling).

A vehicle had been parked in the driveway at [REDACTED] W. Grove Street. Operator Kressin and Operator Moe talked about moving to the parked vehicle in the driveway if they needed to gain some cover and to get a better visual on the residence at 810 W. Grove Street. At this time, Operator Moe advised over the radio that Team 2 was in place.

The BearCat came in eastbound on W. Grove Street. Operator Kressin positioned behind Officer Moe at the east corner of the garage. Operator Kressin remembered an SUV in the driveway at 810 W. Grove Street. Operator had a visual when the BearCat drove to the west of the driveway of 810 W. Grove Street. The emergency lights were activated on the BearCat.

Operator Kressin could hear commands being given from the containment team on the north side of the residence. Operator Kressin could not remember what commands were being given. Operator Kressin remembered hearing that the suspect had been running. Operator Kressin believed that the police were giving commands to Behling.

Operator Kressin moved to the left of Operator Moe and saw a white male subject matching the description of Behling. Operator Kressin saw Behling trying to get back into the door on the east side of the residence. Behling shook the door and tried pulling it open but was unable to get the door opened.

Behling then ran southbound along the residence, somewhat in the direction of Operator Kressin and Operator Moe. Operator Kressin was giving commands, "show me your hands!" to Behling. Behling continued to run and did not follow commands.

Behling ran to the area of the SUV in the driveway, slid in the snow turned around to go back in front of the SUV, Operator Kressin observed a firearm in Behling's hand. At that time, Operator Moe yelled, "He's got a gun, he's got a gun!" Behling went to the west side of the SUV. Behling stood up right and squared up towards the Bearcat. Operator Kressin thought he heard officers giving commands from outside of the BearCat.

Operator Kressin saw Behling raise the firearm in direction of the operators outside of the BearCat.

Operator Kressin believed that his fellow SWAT Team operators were in immediate threat of death by Behling actions and failing to follow commands.

Operator Kressin pointed his Colt M4, .223 rifle at Behling and squeezed the trigger, to stop the threat. As Operator Kressin squeezed the trigger and felt a click. Operator Kressin believed that he had a malfunction and the rifle did not fire. At this time Operator Kressin heard multiple gunshots and Behling fell to the ground. When Behling fell to the ground, Operator Kressin

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could no longer see Behling. Operator Kressin moved to a tree in the yard to get a visual on Behling. Operator Kressin held that position until the arrest team approached to secure and render aid to Behling.

Operator Kressin then moved towards the residence to hold on the house for protection for the arrest team. The Operators who were rendering aid moved Behling to the back of the BearCat. Operator Kressin moved back to the tree for cover.

Operator Kressin was aware that the arrest team moved Behling across the street to the Appleton Fire Department.

Once the scene was secure, Operator Kressin went over to the BearCat and advised Lt. Englund that Operator Kressin attempted to fire his rifle and believed that he had a misfire. Operator Kressin advised that he was not sure if the rifle fired or not. Lt. Englund told Operator Kressin to go over to the Appleton Fire Department.

Operator Kressin did not clear the rifle while on the scene. Once at the Fire Department, Operator Kressin examined his rifle and noted that the bolt was not completely forward and there was a slight gap with a round still chambered. The rifle was in the fire position but not able to move the selector switch, indicating the rifle was no longer charged.

Operator Kressin's rifle was taken by Captain Todd Christie (WISO) along with Operator Kressin's three rifle magazines. Operator Kressin was transported to the Appleton Police Department where he and his equipment were documented by DCI.

Operator Kressin advised that during the incident Operator Kressin was wearing safety glasses. At the time the DCI documented Operator Kressin's equipment, Operator Kressin had his safety glasses attached to his SWAT vest. Operator Kressin had an electronic control device (taser) on his vest.

Operator Kressin believed that the Behling was face up when he fell but cannot be sure. Operator Kressin advised that Behling was taken to the back of the BearCat where he was placed on some type of soft carrier and brought across the street to the fire department.

When Operator Kressin went to the fire department, he did observe Behling briefly.

Operator Kressin did not receive any injuries, nor exposed to any biohazards during the incident.

Operator Kressin advised that the weather conditions during the incident were cold, windy and there was no precipitation.

Operator Kressin had no prior contacts or knowledge of Behling.

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Operator Kressin stated that he was not able to retreat anywhere because Behling was posing an imminent threat to his fellow SWAT team operators. Operator Kressin was fearful for the safety of his co-workers because Behling was pointing a gun at them.

Operator Kressin advised that Behling had an out and could have ran away from the scene but did not do that. Operator Kressin stated that when the suspect ran towards the SUV it was as though the suspect was not sure what to do, but then stood his ground turning towards the BearCat.

Operator Kressin has never been to 810 W. Grove Street prior to the evening of January 21, 2020.

Operator Kressin said that Behling had a dark object in his hand and was gripping it like a firearm. Operator Kressin could see the slide of the firearm. Operator Kressin again advised that Behling shifted his attention to the BearCat by squaring up and pointing the gun in the direction of the BearCat.

Operator Kressin did not pull his firearm from his holster during the incident.

At 5:24PM to 5:33PM, Operator Kressin watched his body camera that he had been wearing at the time of the incident. After viewing the video Operator Kressin had no additional information to add to the report.

Operator Kressin last qualified on his rifle on January 6, 2020 after the qualification, Operator Kressin cleaned his rifle.

Operator Kressin and Attorney Palek met without S/A Sleeman and S/A Yerges in the conference room. At 5:45PM, S/A Sleeman and S/A Yerges came back in the room and were advised that Operator Kressin had nothing further to add.

The interview ended at 5:45PM.

EVIDENCE

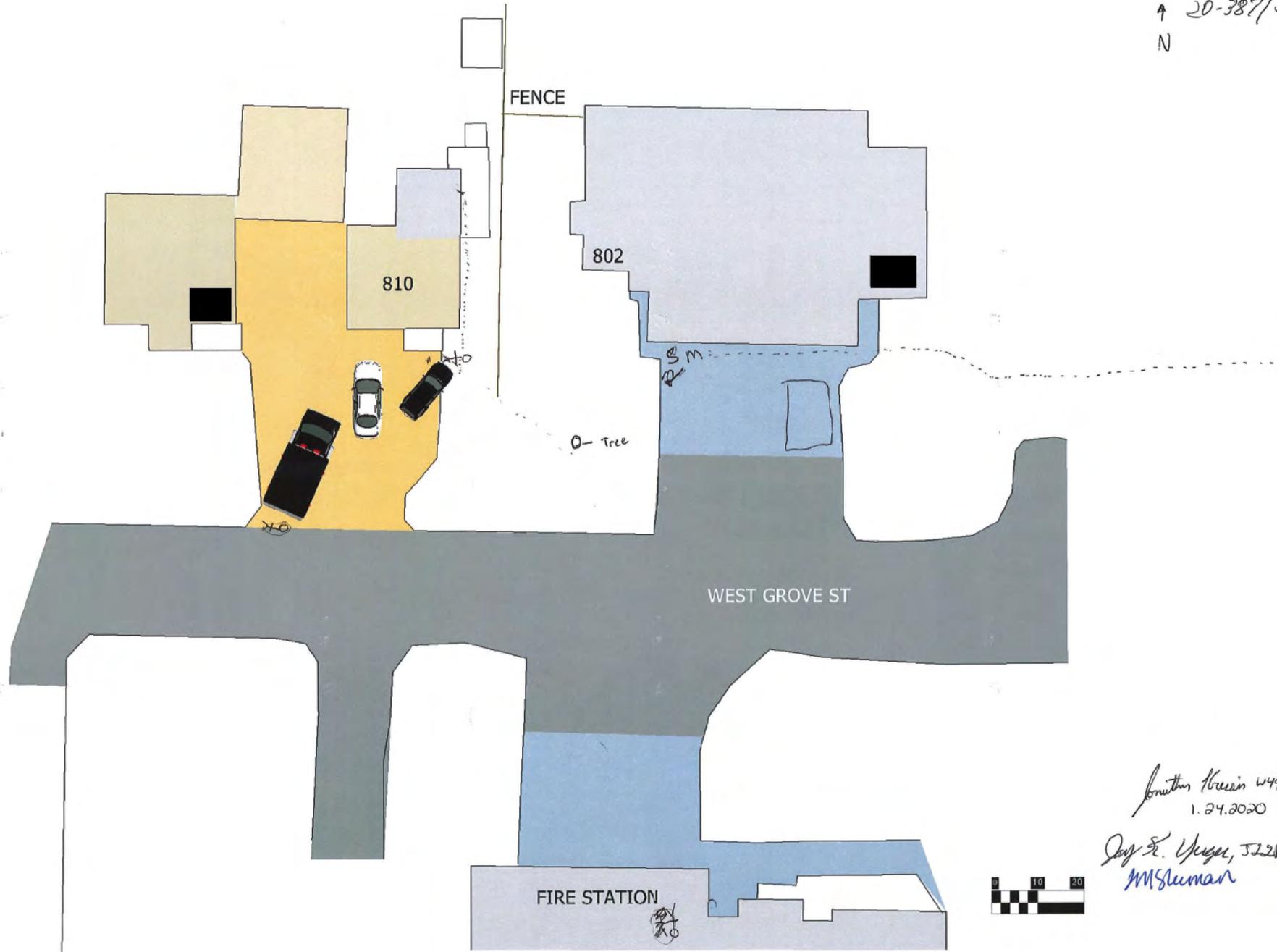
Item 1: Operator Kressin hand labeled scene diagram document. A copy of the scene diagram will be attached to this report.

REPORT REVIEW

On Friday, January 31, 2020, at approximately 2:30PM, S/A Sleeman and S/A Yerges met with Operator Kressin and Attorney Palek at the DCI Appleton Field Office. WPPA Business Agent Thomas Schrank was also present. At this time S/A Sleeman provided Operator Kressin and Attorney Palek and Business Agent Schrank with S/A Sleeman's draft interview report to be reviewed for accuracy and completeness purposes.

The meeting with Operator Kressin and his representatives ended at approximately 3:30PM.

↑ 20-387/50
N



17:23 HRS

Jonathan Kressin 449
1.24.2020
Jay E. Vogel, 5225
M. Sluman

Wisconsin Division of Criminal Investigation

Investigative 20-387/51

Report Date: 01/28/2020

Primary Information

Description:	Transmittal of [REDACTED] Evidence to Milwaukee Crime Lab
Occurrence From:	01/24/2020 00:00
Occurrence To:	01/24/2020 00:00
Reporting LEO:	Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Backup LEO:	Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/05/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Narrative begins on the following page.

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Case/Report Number: 20-387/51

On 01/24/2020, DCI Special Agent Alan Hunsader transported [REDACTED] evidence from this officer-involved death investigation to the Milwaukee Crime Lab for analysis. The evidence included [REDACTED]

Attached to this report and made a part of the case file are the ACISS Property Receipts for the items, the Transmittal of Criminal Evidence form and the Receipt of Physical Evidence from the crime lab.

Wisconsin Division of Criminal Investigation

Property Release/Disposal Receipt

Page 1 of 2

Offense Number: 20-38717

Case Agent: Yerges, Jay K

Item	Quantity	Description
1	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
2	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
3	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
4	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
5	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
6	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
7	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
8	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
9	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
10	1.00	Unfired Handgun Round Stamped "Speer 40 S&W"
11	1.00	Unfired Rifle Round Stamped "Winchester 223 REM"
12	1.00	Bullet Core Fragment
13	1.00	Fired Handgun Casing Stamped "Speer 40 S&W"
14	1.00	Bullet Core Fragment
15	1.00	Bullet Jacket Fragment
16	1.00	Bullet Jacket Fragment
17	1.00	Bullet Core Fragment
18	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
19	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
20	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
21	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
22	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
23	1.00	Fired Rifle Casing Stamped "Winchester 223 REM"
24	1.00	Fired Handgun Casing Stamped "*Illegible* 45 Auto"
25	1.00	Black Springfield Armory XDS .45 ACP Handgun, 7 Round Magazine, 5 Unfired Rounds
26	1.00	Fired Handgun Casing Stamped "Tulammo 45 Auto"
27	1.00	Bullet Jacket Fragment
28	1.00	Possible Bullet Core Fragments
29	1.00	Bullet Core Fragment
30	1.00	Fired Bullet
31	1.00	Fired Bullet
32	1.00	Bullet Jacket Fragment
33	1.00	Bullet Core Fragment
34	1.00	Bullet Jacket Fragment
35	1.00	Bullet Jacket Fragment

Wisconsin Division of Criminal Investigation

Property Release/Disposal Receipt

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Offense Number: 20-38717

Case Agent: Yerges, Jay K

Item	Quantity	Description
36	1.00	Bullet Jacket Fragment
37	1.00	Bullet Jacket Fragment
66	1.00	Black Taurus 709 Slim 9mm Handgun, 7 Round Magazine, 8 Unfired Rounds

State authority to release or manner of disposition:

Milwaukee Lab

Items transported to Milwaukee Crime Lab [REDACTED]

I hereby certify that I have received the above listed property

Signature

Date Received

01-23-2020

Name

Milwaukee Regional Crime Lab

Owner/For Owner

Address

City/State

Telephone

Released By

Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)

Verified By

Wisconsin Division of Criminal Investigation

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 20-387/24

Case Agent: Yerges, Jay K

Item	Quantity	Description
10	1.00	Bullet fragments from jacket
11	1.00	Bullet fragments from left chest wall
12	1.00	Bullet fragments from left shoulder
13	1.00	Bullet fragments from head

State authority to release or manner of disposition:

Milwaukee Lab

Items transported to Milwaukee Crime Lab [REDACTED]

I hereby certify that I have received the above listed property

Signature	_____	Date Received	01-23-2020
Name	Milwaukee Regional Crime Lab	Owner/For Owner	_____
Address	_____		
City/State	_____		
Telephone	_____		
Released By	Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)		
Verified By	_____		

Wisconsin Division of Criminal Investigation

Property Release/Disposal Receipt

Page 1 of 2

Offense Number: 20-387/22

Case Agent: Yerges, Jay K

Item	Quantity	Description
1	1.00	Glock 22 recovered from Lt Englund
2	1.00	(1) 40 caliber round recovered from chamber of Item #1
5	1.00	(1) Glock magazine with 13 Speer brand .40 caliber JHP rounds
6	1.00	Colt M4 Carbine (Kressin) with Aimpoint sight, suppressor, weapon munted light & sling
7	1.00	(1) Winchester brand 5.56mm round
8	1.00	(1) 30 Round magazine with (28) 5.56mm Winchester brand rounds
12	1.00	(1) Colt M4 carbine (Schoonover) with Aimpoint optic, suppressor, weapon light & sling
13	1.00	(1) Winchester brand 5.56mm round
15	1.00	(1) 30 Round magazine with (20) 5.56mm Winchester brand rounds
19	1.00	(1) M4LE rifle (Moe) with Strike Eagle scope, weapon light and sling
20	1.00	(1) 5.56mm Winchester brand round
21	1.00	(1) 30 Round magazine with (21) 5.56mm Winchester brand rounds

State authority to release or manner of disposition:

Milwaukee Lab

Items transported to Milwaukee Crime Lab [REDACTED]

I hereby certify that I have received the above listed property

Signature	_____	Date Received	01-23-2020
Name	Milwaukee Regional Crime Lab	Owner/For Owner	_____
Address	_____		
City/State	_____		
Telephone	_____		
Released By	Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)		
Verified By	_____		

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/52

Report Date: 01/28/2020

Primary Information

Description: **Examination of Bearcat Video**
Occurrence From: **01/21/2020 19:29**
Occurrence To: **01/21/2020 20:31**
Reporting LEO: **Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Within the BearCat was a Panasonic Arbitrator Squad Camera which was activated during the deployment. S/A Waterstreet summarized the contents of that video below.

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Documents

Document
Video - File Folder 20-387/52

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/52 - Examination of Bear Cat Squad Video

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Within the BearCat was a Panasonic Arbitrator Squad Camera which was activated during the deployment. S/A Waterstreet summarized the contents of that video below.

SUMMARY OF WISO SWAT BEAR CAT VIDEO:

The BearCat video began on Tuesday, January 21, 2020 at 7:29 p.m. The Title on the video was SWAT@CTY and the video did not appear to have any audio and was active for approximately one hour and three minutes (1:03).

At 7:30 p.m. the BearCat moved to 810 W. Grove Street and parked in the driveway. As the BearCat pulled in the driveway, the emergency red and blue lights were activated.

At 7:30 p.m. on the right side of the camera a silhouette of a person appeared, and then fell down. At 7:31 p.m. flashlights appear on the front side of the home and stay illuminated until 7:32 p.m. when was appear to be two (2) SWAT Operators with a shield holding security on the front door. At 7:35 p.m. the SWAT Operators moved back behind the BearCat. The flashlights remained on the front of the house. At 7:36 p.m. a team of SWAT Operators moved to the front of the BearCat and then off camera.

At 7:44 p.m. the camera blurs and nothing can be seen except red and blue flashing lights.

The video was labeled and stored in the WI DOJ/DCI electronic case file.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/53

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Schoonover Body Camera Video**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/19/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Documents

Document
20-387/53 Operator Schoonover Body Camera Video

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/53

As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI received body camera video footage from multiple members of the Winnebago County Multi-Jurisdictional SWAT team that were on scene at the time of the incident. This report is a summary only of information seen and heard on the body camera video footage from SWAT Operator Kyle Schoonover. Please refer to the video footage itself, which is associated with this report in the electronic case file, for additional and more detailed information.

The video contained a time stamp in the upper left corner of the video, indicating the time of day. The video began at 19:26:50 and ended at 19:41:45 on 01/21/2020, with a total duration of 14:56 (minutes, seconds). Any times noted below refer to the time stamp on the video and are approximate.

The video began with Operator Schoonover in his squad. He left the squad, with his dog remaining in the squad, and got into the back of the BearCat armored vehicle. The view from the camera was dark and sometimes difficult to see. The view was also sometimes obscured by equipment in front of the camera.

Radio transmissions were heard in the background. At 19:28:20, an operator stated, "My element's working our way through the back yard." At 19:28:44, an operator stated, "540 and 549 are in position from team 3." At 19:29:29, an operator stated, "Be advised he looked out the front window. We did have a visual on him inside the residence."

Additional operators announced via the radio that they were in position.

At 19:30:12, the BearCat began moving. The radio transmissions continued, but they were difficult to hear over the sound of the BearCat.

At 19:30:37, the back doors of the BearCat opened. Operator Schoonover exited the back of the Bearcat and took up a position behind the BearCat, on the passenger side. The view showed two vehicles parked in a front yard, with the house behind. Two other operators were in view at the corner of the house next door, to the right of the house that Behling was at.

The next portion of the video took place within 10 seconds, and everything noted was happening very quickly and/or simultaneously. Specific times for every action are not noted for this reason.

At 19:30:44, an operator asked, "Got a shield?" A second operator exited the back of the BearCat. An operator, known to be Team Leader (TL) Justin Englund exited the passenger door of the BearCat, in front of Operator Schoonover. Operators positioned near the neighboring house could be heard shouting "show us your hands, show us your hands" multiple times. Eventually those operators were heard yelling, "He's got a gun, he's got a gun."

At 19:30:50, TL Englund moved up toward the back of the car located in the front yard. Operator Schoonover yelled, "Englund," and TL Englund stepped back behind the passenger door of the

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/53

BearCat. At 19:30:53, operators were heard yelling, "Gun. Gun. Drop the gun." Behling could be seen briefly on the video, located between the two vehicles and closer to the house.

Operator Schoonover yelled, "Drop the gun." At 19:30:54, Operator Schoonover fired his rifle multiple times. An operator was heard yelling, "Stay down." At 19:31:02, Operator Schoonover radioed, "42. Shots fired. Shots fired. Law enforcement shots fired."

A team of operators moved up to the passenger side of the BearCat. An operator asked, "Justin, are you good?" TL Englund responded, "I'm good. I'm good. He's right down in the front." An operator stated, "He's not secure. Hold off on the ambulance. He's not secure."

Operators indicated that they had eyes on Behling, on his foot or right hand. At 19:31:28, Operator Schoonover asked for cover, and he switched magazines on his rifle. Other operators confirmed that they had eyes on Behling.

A team of operators moved up along the passenger side of the SUV parked in the front yard. Operator Schoonover was behind several other operators, so there was no view of Behling as others approached him first.

At 19:32:31, the team moved in closer, and Behling came into view of the camera. Behling was on the ground, on his back, with his head closer to the approaching operators and his feet pointing back toward the location of the BearCat. His left arm was up and outstretched to his left side, and his right arm was located closer to his right side.

At 19:32:37, an operator asked, "Where's the gun." Another operator stated, "Gun's over there."

At 19:32:45, operators pulled Behling away from the SUV. They rolled him over onto his left side. An operator stated, "Something fell out of his pocket, right there by your foot."

The team worked to get Behling's hands behind his back, and handcuffs were placed on him. At 19:33:22, an operator stated, "He's 95 (in custody)." At 19:33:30, an operator stated, "We're gonna need to get him back if you want me to assess him. I'm not going to do it right here with this house."

At 19:33:40, operators pulled Behling back away from the house and to the back of the BearCat. Medical personnel assessed Behling. At 19:34:05, one of the medical personnel stated, "[REDACTED]

Operators were located at the back of the BearCat. They conducted a check to make sure all operators were good. There was discussion of getting Behling out of the immediate scene in order to get him medical aid. The medics stated that it was done and there was no need for medical attention or a transport by ambulance.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/53

At 19:35:57, Operator Schoonover moved up by a group of operators located in the front yard. The view from the camera was sometimes obscured by equipment in front of the camera. At 19:36:51, the team moved to the driver's side of the BearCat for cover.

At 19:38:07, Operator Schoonover retreated to the back of the BearCat. A plan was made to carry Behling to the fire station just across the road. Behling was placed on a litter for transport. He was lifted and carried to the fire station by a group of operators. Operator Schoonover followed the group of operators carrying Behling to the fire station.

Once at the fire station, it was confirmed that Operator Schoonover had shot, and he was removed from the rest of the scene. The body camera was turned off, and the video ended at 19:41:45 (7:41 p.m.).

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/54

Report Date: 01/28/2020

Primary Information

Description: Examination of SWAT Operator Hathaway Body Camera Video
Occurrence From: 01/21/2020 19:25
Occurrence To: 01/21/2020 20:31
Reporting LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Ryan Hathaway of the Winnebago County Sheriff's Office was the SWAT Operator who drove the BearCat Armored Vehicle.

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/54 - Examination of Operator Hathaway Body Camera

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Ryan Hathaway of the Winnebago County Sheriff's Office was the SWAT Operator who drove the BearCat Armored Vehicle.

SUMMARY OF OPERATOR HATHAWAY BODY CAMERA:

The date stamp on the camera was 01/21/2020 and began at 7:25 p.m with "rhathaway" as the title. The video was one hour, six minutes (1:06) in length. Hathaway was operating the BearCat. The camera showed mostly the steering wheel in a dark environment. There was both audio and visual recording.

At 7:28 p.m. there was radio communication that elements were working their way through the back yards. At 7:29 p.m. there was radio communication that "he" looked out the front window. At 7:30 p.m. there was radio communication that teams were set in position. The BearCat began to move.

As the BearCat approached there was radio communication that the door opened, and soon there after there was an Operator that radioed there was movement on the door. At 7:30 p.m. there was an Operator who yelled into the radio "out front, he's out on the four side". There are several commands heard from several different Operators yelling, "drop the gun, drop the gun!" Several gun shots can be heard following the commands. Commands can be heard yelling, "Stay down". Hathaway then exits the BearCat and directs the K-9 handler to where the person that was down was. Hathaway holds on the front of the BearCat toward the front of the home.

At 7:32 p.m. Hathaway moves around the back of the BearCat towards where Rory J. Behling (M/W-DOB-██████████) was lying. There was an operator holding on the front of the door of the residence, and Hathaway moved to support that Operator. The camera was slightly blocked by Hathaway's weapon. At 7:35 p.m. Hathaway moved to behind a vehicle to put gloves on. At 7:37 p.m. Hathaway moved to the back of the BearCat. Operators had moved Behling to that location for medical assessment. At 7:39 p.m. Hathaway and three (3) others moved Behling from the back of the BearCat into the Appleton Fire Station #3 apparatus bay. Hathaway moved back to the BearCat and there was discussion on who could be on a team to move into the home. Several of the Operators had to be removed due to the shooting. Self and buddy checks were conducted for injuries.

The decision was made to deploy the robot to search the home. At 7:52 p.m. a team of Operators approached the home with the robot. They made entry on the North side of the home. While

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/54 - Examination of Operator Hathaway Body Camera

making the approach they located a blue backpack in the back yard. An Operator commented to be careful of the bag as that was what "he" dropped.

At 7:55 p.m. the entry team breached the door with a ram and deployed the robot into the home. The team moved back to the BearCat to operate the robot. While at the back of the BearCat several Operators commented that Behling had run to the back yard, however one of the Operator's deployed the K-9 but recalled him because Behling ran to the front.

At 7:58 p.m. Operators had to deploy back to the home to fix the robot, however Operator Hathaway remained at the rear of the BearCat. The Operators returned to the BearCat and evaluated the robot's camera. There was discussion over the incident when Behling left, however it was hard to fully understand what everyone was saying.

At 8:12 p.m. Hathaway and team Operators moved to the North side of the home to begin an entry into the home. When Operators approached the door they yelled "Sheriff's Office" and they went into the home. Operators found the robot had a belt lodged within the track system making the robot inoperable. There was no other persons inside the home.

At 8:20 p.m. they got the robot fixed and Hathaway began to operate the robot. Operator's began to announce into the basement of the home "Sheriff's Office, announce yourself if there is anybody down there." Hathaway could not safely deploy the robot into the basement so a team of Operators made entry into the basement. Operators could not safely clear the basement from threats so they made a decision to deploy a flash bang. At 8:25 p.m. Operators deployed a flash bang in the basement. No one was located.

At 8:31 p.m. Hathaway requested to "kill the body cam". Permission was given and the body camera was shut off.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/55

Report Date: 01/28/2020

Primary Information

Description: Examination of SWAT Operator Kurczek Body Camera Video
Reporting LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Adam Kurczek of the Winnebago County Sheriff's Office was a SWAT Operator who deployed in the BearCat Armored Vehicle.

Addresses

Relationship	Address
Search Location	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/55 - Examination of Operator Kurczek Body Camera

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Adam Kurczek of the Winnebago County Sheriff's Office was a SWAT Operator who deployed in the BearCat Armored Vehicle.

SUMMARY OF BODY CAMERA VIDEO FROM OPERATOR ADAM KURCZEK:

The video title was akurczek on 01/21/2020. The video began at 7:28 p.m. and was very dark and hard to see what the video was about. The audio was enabled. The video showed several operators exit the rear of the BearCat. Kurczek stands on the South side of the BearCat. At 7:29 p.m. there was a significant amount of yelling that was hard to make out. One command heard was "Drop the gun." Several shots were fired. Kurczek moves to the North side of the BearCat and says, "Schoony get back". There are several SWAT Operators visible on the North side neighboring property moving back and forth. A SWAT Operator yells, "Calm down, hey slow it down."

Kurczek moves toward the front of the home at 810 W. Grove St. Kurczek identified the person later identified as Rory J. Behling (M/W-DOB- [REDACTED]) was down. Video showed Behling laying on his back, bleeding from his head. Kurczek moved to the front door and was holding on the front door. A partial video showed the SWAT Team accessing Behling. The team then escorts Behling to the back of the BearCat.

At 7:33 p.m. Kurczek moved back to the rear of the vehicle parked in the driveway. At 7:35 p.m. Kurczek moved to the front drivers side of the BearCat and continued to monitor the front of the home. At 7:41 p.m. Kurczek moved back behind the BearCat. At 7:46 p.m. Kurczek began to assemble the robot for deployment. At 7:51 p.m. a plan was established to place the robot. A team of Operators moved toward the North side of the home near the side door. While they approached they crossed a blue back pack that was in the snow just off of the back stairwell. An Operator moved forward towards the door and rammed the door open as it was locked. Once the robot was in place the SWAT Team moved back to the BearCat.

At 7:57 p.m. it was determined the robot could not make entry into the home with the screen door closed so a set of Operators had to go and brace the screen door open. Kurczek stayed behind the BearCat while the team deployed. Kurczek was the robot operator. At 8:02 p.m. Kurczek said he got "hung up on a belt" and the robot could not move. A plan was established to move a team of Operators into the home.

At 8:10 p.m. the SWAT Team moved to make entry into the home. The team approached from the South to the North sided of the home around the back yard to the North side door. As the

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/55 - Examination of Operator Kurczek Body Camera

SWAT Team made entry they announced "Sheriff's Office" and entered. Kurczek held on the basement stairwell while the SWAT Team cleared the home. The SWAT Team attempted to have the robot go downstairs to safely clear the basement, however the stairwell was too steep and the robot could not make it down the stairwell. Kurczek led a team with the ballistic shield in the basement. Kurczek yelled "Sheriff's Office" several times as he made the approach. SWAT Operators met an unknown room and the decision was made to "bang" which meant to throw a flash bang to disorient anyone in the unknown room. At 8:24 p.m. Kurczek threw the flash bang into the unknown room, and made entry. Kurczek then went upstairs and there was discussion over what to do with the flash bang that was deployed.

At 8:30 p.m. the SWAT Team met back behind the BearCat and they shut off the body camera.

The body camera recording was uploaded into the electronic WI DOJ/DCI file folder labeled 20-387/55.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/56

Report Date: 01/28/2020

Primary Information

Description: Examination of SWAT Operator Last Body Camera Video
Reporting LEO: Waterstreet, Carl G (Appleton HT DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Christopher Last of the Winnebago County Sheriff's Office was a SWAT Operator who deployed in the BearCat Armored Vehicle.

Addresses

Relationship	Address
Search Location	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/56 - Examination of Operator Last Body Camera

ACTIVITY:

On Tuesday, January 21, 2020, Special Agent (S/A) Carl G. Waterstreet assisted with an officer involved death investigation that occurred at 810 W. Grove St, Village of Fox Crossing, Winnebago County, WI. As part of that incident, the Winnebago County Multi-Jurisdictional Special Weapons and Tactics Team (WISO SWAT) deployed their BearCat armored response vehicle to the address. Operator Christopher Last of the Winnebago County Sheriff's Office was a SWAT Operator who deployed in the BearCat Armored Vehicle.

SUMMARY OF BODY CAMERA VIDEO FROM OPERATOR LAST:

The video title showed "clast" on 01/21/2020. The camera was positioned low on Last's body, about waist high and was frequently blocked by his gear.

The video began at 7:31 p.m. and began with Last at the drivers side front of the BearCat. Last then moves quickly to the back of the BearCat when you can hear someone say "Shots Fired, Shots Fired". Last joins other Operators and approached Rory J. Behling (M/W-DOB- [REDACTED]) who was laying on the ground in front of a vehicle on the front side of the home. When Last got up to Behling there was an announcement that said "Gun's over there" and they pulled Behling behind a car. Last handcuffed Behling. Last said they needed to move Behling because he didn't want to assess Behling in front of the house. Last began an assessment of Behling. Last said "[REDACTED]". The Operators then did a self assessment and Last moved to the drivers side front of the BearCat and held on the front of the home. At 7:42 p.m. the announcement was made the SWAT Team was going to move in to clear the home. The SWAT Team moved behind the BearCat for further protection.

At 7:53 p.m. the SWAT Team moved to the South side of the home around the back to the North side of the home. Last held on the back bay window of the home while other SWAT Operators went to the North side of the home. At 7:56 p.m. the SWAT Team moved back to the BearCat. At 7:59 p.m. Last and a Team of Operators re-approached the home from the South to the North. Last held on the rear bay window and corner of the home. At 8:02 p.m. the SWAT Team moved back to behind the BearCat.

Conversation was difficult to understand, however at 8:12 p.m. the SWAT Team re-approached the home from the South side, through the back yard and to the North side entry door. Last was part of the entry team that approached. Once in position an Operator yelled "Sheriff's Office!" and the SWAT Team made entry. Some of the view was blocked by Last's rifle. SWAT Operators attempted to deploy the robot downstairs to clear the basement, however the stairwell was too steep for the robot to make it down so the SWAT Team decided to clear the basement themselves. At 8:22 p.m. Last and other SWAT Operators began to clear the basement. At 8:24 p.m. a SWAT Operator yelled "Sheriff's Office, announce yourself if your down here!" At 8:25 p.m. a flash bang was deployed. Last cleared the downstairs bedroom. Last took a water bottle by the bed and sprayed the flash bang housing with it to cool it off. A photo was taken of the

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/56 - Examination of Operator Last Body Camera

flash bang as it laid on the floor. The SWAT Operators collected the flash bang and walked up stairs. The SWAT Team left the residence and went back to the BearCat. the video lasted one hour and one minute, shutting off at 8:32 p.m.

The video upload from Last's body camera was placed in the WI DOJ/DCI electronic file folder 20-387/56.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/57

Report Date: 01/28/2020

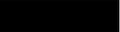
Primary Information

Description:	Examination of SWAT Operator Moe Body Camera Video
Reporting LEO:	Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/11/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	802 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Kressin, Jonathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	

Narrative begins on the following page.

SWAT OPERATOR SEELY C. MOE BODY CAMERA EXAMINATION

On Thursday, February 06, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) performed an audio and visual examination of the acquired Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team, Operator, Seely C. Moe's body worn video camera recording associated with the on-going officer-involved death (OID) investigation. There was one (1) recovered video file extracted from Operator Moe's acquired body camera from the date of the critical incident (January 21, 2020). The video file depicted content directly related to the critical incident which involved an occupant of 810 West Grove Street, Fox Crossing (Appleton), Winnebago County, Wisconsin. The occupant was identified as Rory J. Behling who eventually became the decedent related to the incident. Due to the focus of the investigation and because of the circumstances, S/A Yerges closely examined the audio and visual video content of the video file which captured the OID incident which involved Behling.

The subject video file that was examined was a converted Windows-based file (from the original format) supplied to S/A Yerges by DCI Digital Records Analyst (DRA) J. Spencer Gustafson (see also DCI Report 20-387/45). DRA Gustafson offered the video recording file to S/A Yerges via a USB drive. At the time of the incident, Operator Moe wore a Fox Crossing Police Department (FCPD) agency-issued Panasonic brand, Arbitrator model body camera.

The video file had a documented date and time of "01/21/2020" (January 21, 2020) at "19:30:31" (7:30 p.m.). Because of S/A Yerges' knowledge and familiarity with the critical incident event, S/A Yerges was aware the aforementioned time documented in the video recording was not precise or exact. It was noted, for video examination purposes, S/A Yerges reviewed a digital converted copy of the original evidence article (20-397/45.1) that had originally been acquired from Operator Moe's referenced body worn camera from the date of the incident. The video file was 15 minutes, 50 seconds ("15:50") in length. The video had a two-lined, white-colored alphanumeric header in the upper left-hand corner of the video. The top (first) line consisted of Operator Moe's body camera/video recording identifier, "seely@FCPD." Below the content of the top header line, there was a bottom (second) line which consisted of the documented date and running time of the recorded video. The header documented the initial date and time of, "01/21/2020 19:30:31." S/A Yerges, again, noted that the denoted video time was not consistent with other data collected during the investigation, such as, dispatch logs and recordings. There were no other headers, footers, labels, timers or clocks displayed in the video recording upon playback. The video had good quality sound and reasonably fair resolution, appearance and playback capability. S/A Yerges cited and utilized the elapsed time counter incorporated in/with the Windows-based video player for specific and select referenced depictions and/or narrations that S/A Yerges perceived were critical and/or important facts related to events that transpired during the critical incident which involved Behling.

The video began at zero minutes, zero seconds ("00:00") with Operator Moe's apparent silhouette (shadow) depicted against a perceived light-colored garage door while outside in a dim lit setting. There was no initial sound that emitted from the recording. Flashing lights flickered against the

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garage door. Such lighting were the presumed emergency lights being emitted from the SWAT Team BearCat that was known to have been parked in the driveway at [REDACTED] West Grove Street (adjacent to the driveway in front of the residence at 810 West Grove Street). S/A Yerges was aware from a formal interview with Operator Moe (see also DCI Report 20-387/49) that Operator Moe's tactical perimeter position was at the garage door of 802 West Grove Street (immediately to the east of the subject residence at 810 West Grove Street). Operator Moe was faced in a westerly direction during the initial stages of the event. The silhouettes against the referenced garage door also depicted another SWAT operator behind Operator Moe who held an extended rifle with apparent optics (as the shadow depicted). As Operator Moe approached the brick facade, at the corner of the garage, the operator's shadow behind Operator Moe continued to be silhouetted against the light-colored garage door and in obvious close proximity to Operator Moe. A masonry address capstone was depicted at the front brick facade at the corner of the garage which identified numerals, "802." There was a bright, forward beaming light that shined in front of Operator Moe. S/A Yerges recognized the light to be Operator Moe's tactical light that was applied to Operator Moe's rifle and activated by Operator Moe.

At 17 seconds ("00:17"), the bright light illuminated the front right (southeast) exterior corner of the residence located at 810 West Grove Street. At 18 seconds ("00:18"), a subject who wore a dark-colored outerwear jacket was depicted quickly walking and the subject rounded the front right (southeast) corner of the subject residence. The subject continued to walk in front of the subject residence. The subject went out of view at 22 seconds ("00:22"). From 23 seconds ("00:23") to 25 seconds ("00:25") there were six (6) rapid-in-succession jerks of Operator Moe's rifle which signified the rifle discharged. There were also "puffs" of smoke depicted from in front of Operator Moe which were the gases released from Operator Moe's rifle into the cold nighttime air. Cartridges were depicted ejecting (toward the right) and falling to the sidewalk area in front of 802 West Grove Street at the time the firearm discharged. S/A Yerges was aware the time Operator Moe discharged his SWAT rifle was at approximately 7:31 p.m.

At 30 seconds ("00:30"), the sound to the video recording activated. Other unidentified background voices were sounding. Operator Moe repeatedly directed another subject (known to be SWAT Operator Kressin) to, "get behind the tree." Snow was depicted on the ground in front of the depicted and referenced residences. Snow also appeared atop the parked motor vehicles in front of 810 West Grove Street. Other unidentified SWAT operators were depicted in the recording.

At 38 seconds ("00:38"), Operator Moe moved from his garage position, forward toward the front yard area of 802 West Grove Street. Operator Moe was met by another unidentified SWAT operator in the front yard area that he passed. After Operator Moe began to advance toward 810 West Grove Street, he stopped and suddenly back-stepped to a position behind a tree in front of 802 West Grove Street. There was another unidentified SWAT operator (presumed to be Operator Kressin) at the tree. Operator Moe arrived at the tree at approximately 48 seconds ("00:48"). Operator Moe exclaimed to the other operator, "I shot." The other operator exclaimed that his rifle "did not go off" and he thought his (rifle) "misfired." Operator Moe also yelled to other unknown SWAT operators that, "We have eyes on him." At one (1) minute, 27 seconds

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("01:27"), Operator Moe exclaimed, "I totally saw him take the gun out when he went by that door."

At one (1) minute, 40 seconds ("01:40"), Operator Moe moved from the tree location and transitioned in a northwesterly direction to a fence line area. Operator Moe arrived at the fence line at one (1) minute, 45 seconds ("01:45"). Operator Moe stayed on the right (east) side of the fence. Operator Moe's rifle light illuminated the southeast exterior corner of the residence at 810 West Grove Street. A motionless male subject was depicted lying supine with his left arm extended straight outward near the southeast corner of the residence at 810 West Grove Street. The subject was near the raised concrete porch (at the front of the residence). The subject laid with his head facing toward the east/northeast. The subject laid upon the top of the snow.

At one (1) minute, 59 seconds ("01:59"), an element of three (3) armed and uniformed SWAT operators approached the subject. At said time, Operator Moe was depicted turning and he walked away toward the street. Appleton Fire Department - Station 3 was depicted across the street from Operator Moe's location. Operator Moe proceeded to turn around and proceeded to pace in the front yard of 802 West Grove Street while numerous other unidentified SWAT operators tended to the subject on the ground in front of 810 West Grove Street.

At two (2) minutes, 28 seconds ("02:28"), Operator Moe jogged to a position at the northwest (back) corner of 802 West Grove Street. Operator Moe announced his presence to other SWAT operators as he made his way back to the referenced location. At two (2) minutes, 34 seconds ("02:34"), Operator Moe exclaimed to an unidentified SWAT operator, "Hey I was involved. Just so you know." The unidentified SWAT operator acknowledged Operator Moe's statement. An unidentified operator inquired with Operator Moe if he was okay. Operator Moe replied, "I'm good."

Operator Moe proceeded to inform an unidentified operator counterpart that he was covering "the window" (on the east side of 810 West Grove Street) and that the other operator should concentrate on the "door" of the same residence. The other operator acknowledged Operator Moe. Operator Moe intermittently shined his rifle light at the side of the house at 810 West Grove Street. Operator Moe transmitted via his portable radio that himself and the other operator were at the "3-4 corner." Operator Moe advised the other operator that he probably "would not go in" (to clear the residence) unless he had to. The other operator accompanied with Operator Moe confirmed to Operator Moe that his assigned body camera "was rolling" (activated on). Operator Moe inquired with the counterpart operator, "Did you guys see him pull his gun, too?" The counterpart operator confirmed to Operator Moe that he did not see the subject draw a firearm (from his vantage point). Operator Moe proceeded to inform the counterpart operator, "Yeah, I could see him, when he couldn't, when that door was locked and he couldn't get back in, I could see him draw the gun. He ran behind that fence. Ran right to the front. He had it right in his hand. Unreal." Other muted and indiscernible law enforcement radio transmissions sounded throughout the recording. Operator Moe announced to his counterpart operator that he would not leave his position until the team was able to send another operator to accompany his counterpart.

At 15 minutes, ten (10) seconds, ("15:10"), Operator Moe departed from his location and walked

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along the back side of 802 and [REDACTED] West Grove Street. Operator Moe proceeded to walk along the east side of [REDACTED] West Grove Street in a southerly direction. At 15 minutes, 39 seconds ("15:39"), Operator Moe verbally announced, "This is, this is Officer Moe, I'm turning off my body cam. Once again, Officer Moe, I'm turning off my body cam." The recording depicted Operator Moe approaching some trees while he walked toward west Grove Street. The body camera deactivated at 15 minutes, 50 seconds ("15:50") which was approximately 7:46 p.m.

As detailed in DCI investigative report 20-387/45, DRA Gustafson extracted body camera video footage recordings, affiliated with the investigation, from the critically-involved and other Winnebago County Multi-Jurisdictional SWAT Team member operators who were present for the operation. DRA Gustafson made working copies of the critically-involved operator's converted video files available to S/A Yerges upon a USB drive for S/A Yerges' investigative work, examination/review, interview and any potential follow-up purposes. The actual original acquired video file recordings should be referred to and/or reviewed for any additional or more detailed information. The described video footage from Operator Moe's assigned body camera, which was associated with the video file examination of this report, for purposes of the creation of the interactive case file, would also eventually be submitted to the Winnebago County District Attorney's Office for legal review along with all other video files that had been acquired as evidence related to the OID investigation involving Behling. A digital copy of the referenced body camera recording examined by S/A Yerges was placed in an associated DCI electronic records file management system for reference, record-keeping and public records production purposes.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/58

Report Date: 01/28/2020

Primary Information

Description:	Examination of SWAT Operator Kressin Body Camera Video
Occurrence From:	01/21/2020 00:00
Occurrence To:	01/21/2020 00:00
Reporting LEO:	Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/18/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Addresses

<u>Relationship</u>	<u>Address</u>
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Kressin, Jonathan L (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---

Narrative begins on the following page.

ACTIVITY

On Tuesday, January 21, 2020, The Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) were involved in serving a search warrant at 810 W. Grove Street, Fox Crossing, WI when there was an Officer-Involved Death. The Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) was requested to lead the investigation.

SUMMARY OF BODY CAMERA

DCI Special Agent Tami Sleeman watched WISO-SWAT Operator Jonathan Kressin's body camera video. Operator Kressin had his body camera on for a total of 18 minutes and two (2) seconds. The following is a summary of the body camera video from 01/21/2020:

19:25 PM: Body camera was turned on.

19:26PM: SWAT Operators making approach to target residence. (Video footage was dark and hard to hear while making approach due to wind)

19:28PM: Operator Kressin and Operator Seely Moe positioned to the east of residence near neighboring garage. Operator Kressin was positioned just behind Operator Moe and the left of Operator Moe.

19:30:24PM: BearCat arriving on scene with emergency lights on.

19:30:49PM: Operator Moe yelling, "show us your hands, show us your hands!" as subject was running from east door toward the front yard. Subject observed at east door on porch (subject was not observed for a moment as subject ran along fence on the east side). Subject ran to front yard then turned toward the BearCat.

19:30:51PM: Operator Moe yelling, "he's got a gun, he's got a gun!"

19:30:54PM: Subject was facing BearCat; subject's arms were in the position of firing a firearm and subject fired firearm toward BearCat. (smoke from muzzle was observed).

19:30:55PM: Operator Moe fired multiple rounds at subject, subject fell to the ground.

10:30:56PM: Operator Moe done firing.

19:31:27PM: Operator Moe and Operator Kressin moved location to a tree within the same yard. Operator Moe said, "I shot" and then asked Operator Kressin if he shot. Operator Kressin said "I don't think mine went "off"; I had a misfire."

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19:31:41PM: Operators on east side advising SWAT members near the BearCat that they could see subject.

19:35:56PM: SWAT Operators approaching front of residence with Shield.

19:32:51PM: Operator Kressin approached the subject who was laying on the ground. Operator Kressin was covering the residence while other Operators handcuffed the subject.

19:33:50PM: Operators advised that they were moving subject to the back of the BearCat.

19:36PM: Operator Kressin moved back to tree in the yard east of the target residence.

19:41PM: Operator Kressin moved to behind the BearCat. Operator Kressin advised that he pulled the trigger and it went "click" and was "90%" sure the weapon did not fire. Operator Kressin was advised that he needed to head to the Appleton Fire Department (that was across the street).

19:42PM: Operator Kressin at the fire department, as Operator Kressin walked into the sally port of the fire department, the subject had been laying on the floor and was being covered with a white sheet.

19:42:49PM: Operator Kressin walked to the back of the sally port of the fire department at which time his body camera video was shut off.

EVIDENCE

Operator Kressin's body camera video has been uploaded into the digital DCI Records system.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/59

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Huth Body Camera Video**
Reporting LEO: **Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---

Narrative begins on the following page.

ACTIVITY

On Tuesday, January 21, 2020, The Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) were involved in serving a search warrant at 810 W. Grove Street, Fox Crossing, WI when there was an Officer-Involved Death. The Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) was requested to lead the investigation.

SUMMARY OF BODY CAMERA

DCI Special Agent Tami Sleeman watched WISO-SWAT Operator Michael Huth's body camera. Operator Huth had his body camera on for a total of one (1) hour and nine (7) minutes.

The following is a summary of the body camera video from 01/21/2020:

19:25 PM: Body camera was turned on.

19:26PM: SWAT Operators making approach to target residence.

19:28PM: Discussion of where to set up, due to bay window on the residence and being able to see the door.

19:30:23PM: Operator said, "Doors opening"

19:30:37PM: Operator said, "He's outside" (Video shows subject running from porch/door area toward backyard (subject is no longer visible due to fence) there was mention that subject was heading back inside and then subject "heading to the front" yard. Commands were being given in the background, "show us your hands, show us your hands" multiple times by multiple voices.

19:30:54PM: Multiple gun shots were heard (no video of just audio).

19:31:PM: Operator Huth moved position to the east side of residence, can see front side of residence on body camera.

19:31:30PM: Operator Seely Moe stated to Operator Huth, "I shot". Multiple SWAT Operators were near a tree in the yard to the east of the target residence.

19:31:37PM: Operators talking about crossfire. SWAT Operators near the tree yelling to Operators near BearCat that they had "eyes on" the subject.

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19:32:24PM to 19:33:42PM: SWAT Operators move closer to the residence while a second team of Operators handcuff subject. Body camera showed subject laying on the ground briefly. Once subject was handcuffed, they move subject to the back of the BearCat.

19:36PM: Operator Huth along with additional team members move to the back of the BearCat for cover.

19:38PM: Subject was being put on a soft cot to transport across the street to the Appleton Fire Department.

19:40PM: Operator Huth assist with transporting the subject to the fire department, then headed back to BearCat.

19:41PM: Conversations with operators confirming if any other operators still at the scene had fired their weapons.

19:45PM: Operators checking each other to confirm that no one was injured.

19:48PM: Conversation about clearing residence and using the Robot.

19:50PM: Operator Huth advising SWAT Operators that the subject had locked himself out of the house and mentioned that there was a screen door.

19:53PM: SWAT Operators approaching the residence. As they approach that door, Operator Huth advised team to watch for the bag that was on the ground on the three/four corner (north/east).

19:55PM: SWAT Operators at the door, door opened.

19:56PM: SWAT Operators return to the BearCat.

19:59PM: SWAT Operators return to residence, same door (east side). Operator Huth covers on the bay window while other SWAT Operators approach the door.

20:02PM: SWAT Operators return to the BearCat.

20:03PM – 20:08PM: Operational plan being discussed for clearing the residence.

20:08PM: Operator Huth was assigned to stay in BearCat and assist with monitoring Robot.

20:12PM: SWAT Operators approaching residence.

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20:16PM: Operator Huth approached residence with controls for Robot. (technical issues with the track on the Robot).

20:21PM: SWAT Operators announce “Sheriff’s Office, announce yourself” into the basement from upstairs.

20:22PM: SWAT Operators make entry into the basement. SWAT Operators announce again, “Sheriff’s Office, announce yourself”. SWAT Operators see movement, it was a cat.

20:23PM: SWAT Operators discuss using a “bang”. A request was made for a fire extinguisher.

20:25:51PM: Bang was deployed, SWAT Operators continued to clear the rest of the basement.

20:26:28PM: SWAT Operators advised that basement was clear.

20:28:41PM: Operator Huth used his body camera to document the bang.

20:29:45PM: SWAT Operators remove the bang from the residence.

20:30:57PM: SWAT Operators are out of residence and head back to BearCat.

20:32:30PM: Operator Huth turns off his body camera.

EVIDENCE

A copy of Operator Huth's body camera video has been uploaded to the digital DCI Records system.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/60

Report Date: 01/28/2020

Primary Information	
Description:	Examination of SWAT Operator Sawyer Body Camera Video
Occurrence From:	01/21/2020 00:00
Occurrence To:	01/21/2020 00:00
Reporting LEO:	Sleeman, Tami M (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/18/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Addresses	
<u>Relationship</u>	<u>Address</u>
Crime Scene	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects			
<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---

Narrative begins on the following page.

ACTIVITY

On Tuesday, January 21, 2020, The Winnebago County Sheriff's Office (WISO) Multi-Jurisdictional Special Weapons and Tactics (SWAT) were involved in serving a search warrant at 810 W. Grove Street, Fox Crossing, WI when there was an Officer-Involved Death. The Wisconsin Department of Justice-Division of Criminal Investigation (DOJ/DCI) was requested to lead the investigation.

SUMMARY OF BODY CAMERA

DCI Special Agent Tami Sleeman watched WISO-SWAT Operator Peter Sawyer's body camera video. Operator Sawyer had his body camera on for a total of one (1) hour and four (4) minutes.

The following is a summary of the body camera video from 01/21/2020:

Operator Sawyer's body camera video was dark through out most of the viewing.

19:27 PM: Operator Sawyer's body camera was turned on.

19:27PM: SWAT Operators making approach to target residence. Operator Sawyer and Operator Michael Huth approaching to the north/east of residence.

19:28 PM: Discussion of bay window on residence.

19:29PM: Operators advised that they have view of east door. Movement at door, door opening, subject outside, then back at door. Subject moving to front of residence.

19:30:56PM: Multiple gunshots are heard.

19:31:41PM: Operators move to front of residence on the east side in the area of Operator Seely Moe and Operator Jonathan Kressin.

19:31:41PM: Operator Sawyer asked Operator's Moe and Kressin if they were good. Operators are good.

19:32PM: Operators have east door covered.

19:33PM: Operator Seely advised that he was involved.

19:39:47PM: Conversation between operators, that when the subject went back the door and it was locked, "I could see him draw the gun", the subject then went along the fence. (Conversation believed to be between Operator Sawyer and Operator Moe).

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19:43PM: Operator Sawyer radios to have a replacement for Operator Moe due to Operator Moe being involved.

19:45PM: Operator Moe leaves the scene.

19:46:26PM: Operator Sawyer telling another operator that “he” (referring to subject) tried to shoulder the door a few times but could not get back into the residence.

19:47:38PM: Additional conversation about the subject not being able to get back into the east door. Mention of a bag being dropped by subject and subject running to the front yard.

19:58PM: Radio traffic about there being no handle on the screen door.

20:16PM – 20:18PM: Operator Sawyer goes into residence. Video still dark. Conversations about Robot having some issues not operating correctly.

20:21PM: SWAT Operators announcing “Sheriff’s office – announce yourself” prior to making entry into basement.

20:33PM: Discussion of using a flash bang device and having a fire extinguisher.

20:24PM: SWAT Operators announcing, “Sheriff’s Office – announce yourself”.

20:25PM: Flash bang deployed.

20:27PM: Flash bang being documented by serial number/photo.

20:28PM: Basement cleared of any additional person (s).

20:29PM: Flash bang being brought outside of residence.

20:31PM: Operator Sawyer turned off his body camera.

EVIDENCE

Operator Sawyer’s body camera video has been uploaded into the digital DCI Records system.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/61

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Beaman Body Camera Video**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Beaman, Nick (Law Enforcement Official)		---

Documents

Document
20-387/61 Operator Beaman Body Camera Video

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/61

As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI received body camera video footage from multiple members of the Winnebago County Multi-Jurisdictional SWAT team that were on scene at the time of the incident. This report is a summary only of information seen and heard on the body camera video footage from SWAT Operator Nick Beaman. Please refer to the video footage itself, which is associated with this report in the electronic case file, for additional and more detailed information.

The video contained a time stamp in the upper left corner of the video, indicating the time of day. The video began at 19:35:02 and ended at 20:32:30 on 01/21/2020, with a total duration of 57:29 (minutes, seconds). Any times noted below refer to the time stamp on the video and are approximate.

When the video began at 19:35:02 (7:35 p.m.), the shooting had already occurred. There was no audio or video of the shooting, the shooting officers or Behling on any portion of the video.

The video began with several SWAT operators standing by outside the back of the house that Behling had been at. The view was somewhat obscured by the operator's hands and/or firearm held in front of the camera.

From 19:37:36 to 19:38:00, several operators discussed the incident that had occurred, stating the following: "That was close to being us. About as close as you could get." "So, he actually came down the stairs?" "He was right where that backpack is. He looked at us and then turned around and went back up the stairs..." "It was so fucking fast. I can't believe how quick he came out." "Yeah, he came out real fast and then back up right away. Threw the bag and went."

Operators continued to maintain their positions at the back of the house. At 19:50:34, another operator joined them, and they discussed the incident again, stating the following, "Where guy went down, do you know, is there a gun there?" "I don't know. No idea. He came running out, came down the stairs, threw the backpack, and went right back up. He tried shouldering the door to get back inside and he couldn't get it open and then he took off to the front." "If there is a weapon there, they want somebody standing by it or at least cover it up."

At 19:50:53, the team of operators moved around to the front of the house and to the BearCat armored vehicle located in front. Multiple additional SWAT operators and/or other officers were located there. A plan was made to go into the house with a robot to clear it.

A team of multiple officers went around to the back of the house, rammed the door, and placed the robot on the back landing. They then returned to the front of the house.

A team of multiple officers went back around to the back of the house in order to open a screen door that was in the way for the robot. Operator Beaman was on the shield, and the view from the camera was obscured behind the shield. The team then returned to the front of the house.

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Officers discussed the incident, in general terms, including where officers were located when the shooting occurred and which officers had likely shot.

A plan was made to go into the house to clear it. At 20:13:10, a team of officers entered the back door of the house. The view from the camera was obscured again behind the shield. The video continued, showing officers as they cleared the entire house. They eventually finished and returned to the front of the house near the BearCat.

The body camera was turned off, and the video ended at 20:32:30 (8:32 p.m.).

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/62

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Beck Body Camera Video**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Beck, Kyle (Law Enforcement Official)	Unknown, Male	---

Documents

Document
20-387/62 Operator Beck Body Camera Video

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/62

As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI received body camera video footage from multiple members of the Winnebago County Multi-Jurisdictional SWAT team that were on scene at the time of the incident. This report is a summary only of information seen and heard on the body camera video footage from SWAT Operator Kyle Beck. Please refer to the video footage itself, which is associated with this report in the electronic case file, for additional and more detailed information.

The video contained a time stamp in the upper left corner of the video, indicating the time of day. The video began at 19:30:50 and ended at 20:31:26 on 01/21/2020, with a total duration of 1:00:37 (hour, minutes, seconds). Any times noted below refer to the time stamp on the video and are approximate.

When the video began at 19:30:50 (7:30 p.m.), Operator Beck was just exiting a squad car on scene. As the video started, multiple gunshots could be heard in the background. Other than this initial audio from shots being fired, there was no other audio or video of the shooting, the shooting officers or Behling on any portion of the video.

Operator Beck quickly moved away from the squad and joined a rear containment team located in the back of the house that Behling had been at. The team maintained lethal cover on the back of the house. The team confirmed over the radio that they were all okay.

Operators discussed the incident that had occurred, stating the following about the door “he” (Behling) had come out: “He came out the side one, ran down the stairs. He saw us standing here, ran back up and went in the front. He had something hanging around his neck. I couldn’t tell what it was...looked like a rope.”

Four operators continued to maintain their positions at the back of the house.

At 19:37:20, Operator Beck left to get Operator Robert Zill’s squad to bring to the front of the house for Operator Zill’s canine. Operator Beck drove the squad, apparently to the location of Operator Zill, and the dog was placed into the squad. Operator Beck then returned on foot to the rear containment team.

At 19:50, another team came to take the place of the rear containment team. Several operators eventually moved around to the front of the house and to the BearCat armored vehicle located in front. Multiple additional SWAT operators and/or other officers were located there. A plan was made to go into the house with a robot to clear it.

At 19:53, Operator Beck remained in the front of the house, near the BearCat. The view from the camera was sometimes obscured from equipment in front of it.

At 20:12, Operator Beck joined a team of multiple officers going around to the back of the house and into the house to clear it. The video continued, showing officers as they cleared the house.

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At 20:23, Operator Beck went to get a fire extinguisher from the BearCat, which he brought back into the house. At 20:26, a flash bang was deployed in the basement.

The video continued as officers cleared the remainder of the house. The body camera was turned off, and the video ended at 20:31:26 (8:31 p.m.).

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/63

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Pankratz Body Camera Video**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Pankratz, Dean (Law Enforcement Official)	White, Male	---

Documents

Document
20-387/63 Operator Pankratz Body Camera Video

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/63

As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI received body camera video footage from multiple members of the Winnebago County Multi-Jurisdictional SWAT team that were on scene at the time of the incident. This report is a summary only of information seen and heard on the body camera video footage from SWAT Operator Dean Pankratz. Please refer to the video footage itself, which is associated with this report in the electronic case file, for additional and more detailed information.

The video contained a time stamp in the upper left corner of the video, indicating the time of day. The video began at 19:32:21 and ended at 20:32:22 on 01/21/2020, with a total duration of 1:00:02 (hour, minutes, seconds). Any times noted below refer to the time stamp on the video and are approximate.

When the video began at 19:32:21 (7:32 p.m.), the shooting had already occurred. There was no audio or video of the shooting, the shooting officers or Behling on any portion of the video.

The video began with several SWAT operators standing by outside the back of the house that Behling had been at, as a part of the rear containment team. The team maintained lethal cover on the back of the house. The team confirmed over the radio that they were all okay.

An operator indicated that he was glad they didn't get into a shootout with him (Behling) back there, because of a crossfire situation.

Several operators discussed the incident that had occurred, as previously summarized in the reports regarding Operator Beck and Operator Beaman's body camera videos.

Operators continued to maintain their positions at the back of the house.

At 19:45:40, Operator Pankratz left the group at the back and walked around to the side of the house, behind a fence. He joined another operator located at that position.

At 19:47:10, operators discussed the incident, stating the following (not verbatim): He saw you guys. He had the bag. He came back up. I saw him try to shoulder the door a few times. I think he locked the door. Then he went that way. And....

At 19:48:15, operators discussed the incident, stating the following (not verbatim): So, he came out and then I kinda ducked in there. (There was a worry about crossfire.) He ran that way. I saw that blue bag. And then he ran back up, tried to shoulder the door a few times. I moved over in this area and then after he couldn't get inside, that's when he took off running up front.

Operator Pankratz maintained his position on the side of the house, behind the fence. The camera view showed as teams of officers came and went from the back/side of the residence several times, as previously summarized in the report regarding Operator Beaman's video. At 20:14:08, a team announced and entered the house. Operator Pankratz maintained his position outside the back/side of the house.

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At 20:16:13, Operator Pankratz began moving, and at 20:17:35, he entered the house and joined the team inside. The video continued as officers cleared the house.

Operator Pankratz eventually left the house, and the body camera was turned off. The video ended at 20:32:22 (8:32 p.m.).

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/64

Report Date: 01/28/2020

Primary Information

Description: **Examination of SWAT Operator Zill Body Camera Video**
Reporting LEO: **Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/19/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Zill, Robert (Law Enforcement Official)		---

Documents

Document
20-387/64 Operator Zill Body Camera Video

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/64

As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI received body camera video footage from multiple members of the Winnebago County Multi-Jurisdictional SWAT team that were on scene at the time of the incident. This report is a summary only of information seen and heard on the body camera video footage from SWAT Operator Robert Zill. Please refer to the video footage itself, which is associated with this report in the electronic case file, for additional and more detailed information.

The video contained a time stamp in the upper left corner of the video, indicating the time of day. The video began at 19:36:42 and ended at 20:31:17 on 01/21/2020, with a total duration of 54:36 (minutes, seconds). Any times noted below refer to the time stamp on the video and are approximate.

When the video began at 19:36:42 (7:36 p.m.), the shooting had already occurred. There was no audio or video of the shooting, the shooting officers or Behling on any portion of the video.

The video began with several SWAT operators standing in front of the house that Behling had been at. The team moved to the opposite side of the BearCat armored vehicle for cover.

At 19:37:27, operators briefly discussed the incident that had occurred, stating the following: “He came out the back first, too...had the dog off. As soon as I was getting ready to let him go, he took off towards the front.”

Operator Zill remained at the side of the BearCat, while other operators left the immediate area. Operator Zill put his canine away in his squad. He then returned to the team at the BearCat. Any operators who had shot were removed from the scene.

The team moved to the back of the BearCat. They all conducted a “self-check” to make sure no one had been shot.

Operators discussed a plan to clear the house with the use of a robot, and the robot was prepared. Another group of operators were sent to replace a team at the back of the house. A plan was made to take a team to the back of the house to drop the robot and ram the door.

At 19:53:39, a team of operators moved to the back of the house, dropped the robot on the back landing and rammed the door. They returned to the front of the house and the BearCat. Operators briefly discussed the incident in general terms.

At 19:59:00, a team of officers went back around to the back of the house in order to open a screen door that was in the way for the robot. The robot was sent into the house. The team then returned to the front of the house and the BearCat.

Operators briefly discussed the incident, in general terms, including where officers were located when the shooting occurred and which officers had likely shot.

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A plan was made to go into the house to clear it. At 20:12:06, a team of operators moved to the back of the house. At 20:13:08, operators announced and entered the house. The video continued, as operators cleared the house.

The body camera was turned off, and the video ended at 20:31:17 (8:31 p.m.).

Wisconsin Division of Criminal Investigation

Investigative 20-387/65

Report Date: 01/29/2020

Primary Information

Description: **Winnebago SO Bearcat Video Acquisition**
Reporting LEO: **Gustafson, James S (DCI Administrative Services / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/18/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
---	1	16gb Flash Drive - WSO Bearcat Video
Returned	1	Panasonic SSD - Bearcat

Narrative begins on the following page.

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On January 21st, 2020 at 8pm, Digital Records Analyst (DRA) James S. Gustafson with WI Division of Criminal Investigation (WI-DCI), responded to the scene of an officer involved shooting in Fox Crossing, WI. DRA Gustafson was advised by Special Agent Jay Yerges with WI-DCI to collect law enforcement video devices that may have captured the officer involved shooting. SA Yerges was interested in anything that recorded around 7pm on 01/21/2020.

At approximately 11pm, DRA Gustafson, accompanied by SA Ryan Windorff with WI-DCI, examined the Winnebago County Sheriff's Office tactical vehicle (Bearcat) that was on scene. DRA Gustafson determined that the vehicle was using Panasonic Arbitrator for its squad vehicle surveillance system. DRA Gustafson determined that he would need a special key to gain access to the DVR (digital video recorder). DRA Gustafson obtained the key from Captain Lara Vendola with the Winnebago Sheriff's Office.

DRA Gustafson entered the vehicle from the driver's side and located the DVR in the center console. DRA Gustafson accessed the DVR with the key. DRA Gustafson removed a Panasonic solid-state drive cartridge from the DVR. DRA Gustafson utilized Panasonic Arbitrator Back-End Client software to review the contents on the solid-state drive. DRA Gustafson located one video file that recorded during the timeframe mentioned above. DRA Gustafson copied the video file onto a USB flash drive.

DRA Gustafson made a copy of the USB flash drive and gave the copy to SA Yerges for his review. DRA Gustafson placed the original flash drive into the WI-DCI Appleton secured evidence facility. DRA Gustafson returned the Panasonic solid-state drive cartridge to Captain Vendola on 01/22/2020.

Wisconsin Division of Criminal Investigation

Interview 20-387/66

Report Date: 01/30/2020

Primary Information

Description: Interview of Deputy Dean Pankratz by S/A Kastelic
 Occurrence From: 01/21/2020 00:00
 Occurrence To: 01/22/2020 00:00
 Reporting LEO: Kastelic, Bryan F (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
 Report Status: Approved
 Report Status Date: 02/06/2020
 Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. On WED 22JAN20, at approximately 12:42 am, S/A Kastelic met with WCSD Deputy DEAN A. PANKRATZ (M/W, DOB [REDACTED]) and conducted an interview. The following information was provided.

Addresses

Relationship	Address
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Mentioned	Beaman, Nick (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---
Mentioned	Rice, Darren (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---
Mentioned	Schoonover, Kyle J (Law Enforcement Official)		---
Mentioned	Zill, Robert (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Mentioned	Beck, Kyle (Person)	Unknown, Male	---
Mentioned	Haag, Corey (Person)	White, Male	---

Wisconsin Division of Criminal Investigation

Interview 20-387/66

Report Date: 01/30/2020

Narrative begins on the following page.

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On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. On WED 22JAN20, at approximately 12:42 am, S/A Kastelic met with WCSD Deputy DEAN A. PANKRATZ (M/W, DOB [REDACTED]) and conducted an interview. The following information was provided.

DEP PANKRATZ identified that he has employed as a law enforcement officer (LEO) for 9 ½ years. During this, time he has served on the WCSD ERT for 5 years. During this time, he served in the roles of [REDACTED].

DEP PANKRATZ stated that on TUE 21JAN20, at 3:18 pm he was paged out for a Tactical Team deployment to serve a high-risk search warrant. Upon arrival to the WCSD (4311 Jackson St, Oshkosh WI), he met with Team Leader Lt. Englund. He was informed by LT Englund that the Lake Winnebago Area Multijurisdictional drug task force (LWAM) was obtaining a search warrant for 810 WEST GROVE ST., Fox Crossing WI, the residence associated with RORY J. BEHLING. BEHLING had been involved in a vehicular assault against a Neenah Police Department a few days previously and the theft of firearms.

DEP PANKRATZ identified he was assigned to Team 2 which had been tasked with the back / north side containment of the residence. Team 2 consisted of Deputy Zill with his K-9, Deputy Beaman on ballistic shield, Deputy Haag with rifle, Deputy Beck with rifle and DEP PANKRATZ armed with a M4 5.56mm rifle, [REDACTED]

DEP PANKRATZ stated Team 2 was dropped off 6 houses to the west of 810 WEST GROVE ST, at which time they began walking towards their area of responsibility. On approach DEP PANKRATZ heard over the radio "he's looking out the window". As they approached the north

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west side of the residence, DEP PANKRATZ observed the backyard light turn off and an interior light on the same side as well.

DEP PANKRATZ stated a short time later he observed a male that he believed to be BEHLING coming down the porch stairs on the north east side of the residence. Based on information given during briefing, he knew there was a door located on the east side of the residence and a porch that ran from the east side and out to the north side. BEHLING was wearing a jacket that was open and had a dark blue bag or backpack in his hand. DEP PANKRATZ aimed his rifle at BEHLING and illuminated him with his weapon mounted light. BEHLING fell and dropped the dark blue bag / backpack. BEHLING stood back up and squared off or faced DEP PANKRATZ. Dep Beaman also illuminated BEHLING. Verbal commands "Freeze, don't move" were given. BEHLING ran back around the east side of the building and out of the view of DEP PANKRATZ. DEP PANKRATZ yelled to members of Team 3 that he knew would be positioned on the east side of the residence. DEP PANKRATZ heard a "pounding" against the building and then one of the Team yelling "he's boxed in". He then heard muffled commands coming from the south / front of the residence where he knew Team 1 in the Bearcat armored car would be positioned.

DEP PANKRATZ heard approximately 6 gunshots from at least 3 different weapons. He explained that the entry Team had suppressed M4 rifles and [REDACTED]. The Bearcat engine and other officers yelling made it difficult to identify all shots fired. A short while later one of the Team called out on the radio "shots fired". DEP PANKRATZ waited a while and then replied on the radio that all on Team 2 were O.K. He then heard radio traffic and officers planning an extraction of the downed suspect and evacuation to the fire department.

DEP PANKRATZ stated Deputy Zill went to the front / south side of the residence to assist in handling the scene. The rest of Team 2 remained on the back of the residence. DEP PANKRATZ copied radio traffic asking who had been involved in the shooting. During this radio traffic he learned Lt Englund and Officer Moe had been involved. Based on the pro operation briefing, he knew that Officer Moe and Detective Sawyer (Team 3) had been positioned on the east side of the residence and Lt Englund (Team 1) on the front / south side.

DEP PANKRATZ was requested by Lt Rice to assist on clearing of the residence. DEP PANKRATZ encountered Officer Moe who was walking to the fire station. He asked Officer Moe how he was doing, and he responded, "I don't know". DEP PANKRATZ observed deployment of the robot into the residence. No contact was made with the robot and they then made entrance through the east side door. A noise flash device was deployed in the basement and secondary searches were then conducted. No other suspects were found in the residence. After clearing the residence, DEP PANKRATZ went to the fire station across the street.

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DEP PANKRATZ confirmed he had not activated his body camera until after the shooting. The reason he did not activate his camera before is that on the approach he had to help Deputy Beamen up after slipping on the ice and then they had immediate contact with BEHLING. DEP PANKRATZ confirmed he fired no rounds during the call.

At 1:11 am, the interview with DEP PANKRATZ was completed.

Wisconsin Division of Criminal Investigation

Interview 20-387/67

Report Date: 01/30/2020

Primary Information

Description: Interview of Deputy Robert L. Zill by S/A Kastelic
Occurrence From: 01/21/2020 00:00
Occurrence To: 01/22/2020 00:00
Reporting LEO: Kastelic, Bryan F (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. On WED 22JAN20, at approximately 1:16 am, S/A Kastelic met with WCSD Deputy ROBERT L. ZILL (M/W, DOB [REDACTED]) and conducted an interview. The following information was provided.

Addresses

Relationship	Address
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Interviewed	Zill, Robert (Law Enforcement Official)		---
Mentioned	Beaman, Nick (Law Enforcement Official)		---
Mentioned	Englund, Justin LT (Law Enforcement Official)		---
Mentioned	Huth, Michael (Law Enforcement Official)		---
Mentioned	Moe, Seely (Law Enforcement Official)		---
Mentioned	Pankratz, Dean (Law Enforcement Official)	White, Male	---
Mentioned	Rice, Darren (Law Enforcement Official)		---
Mentioned	Sawyer, Peter R (Law Enforcement Official)		---
Mentioned	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/67

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

S/A Kastelic traveled to the Appleton Police Department (222 South Walnut St, Appleton WI) to assist with interviews of law enforcement witnesses. On WED 22JAN20, at approximately 1:16 am, S/A Kastelic met with WCSD Deputy ROBERT L. ZILL (M/W, DOB [REDACTED]) and conducted an interview. The following information was provided.

DEP ZILL identified that he has employed as a law enforcement officer (LEO) for 15 years. During this, time he has served on the WCSD ERT for 9 years. During this time, he served in the roles of [REDACTED], K-9 handler and Team Leader.

DEP ZILL stated that on TUE 21JAN20, at 3:17 pm he was paged out for a Tactical Team deployment to serve a high-risk search warrant. Upon arrival to the WCSD (4311 Jackson St, Oshkosh WI), he met with Team Leader Lt. Englund. He was informed by LT Englund that the Lake Winnebago Area Multi jurisdictional drug task force (LWAM) was obtaining a search warrant for 810 WEST GROVE ST., Fox Crossing WI, the residence associated with RORY J. BEHLING. BEHLING had been involved in a vehicular assault against a Neenah Police Department a few days previously and the theft of firearms. He had knowledge that a stolen shotgun, ammunition and body armor had been recovered from the abandoned vehicle BEHLING had fled in. Further information provided by the LWAM had also identified BEHLING was involved in meth distribution out of the house and was armed with two handguns. It was also known that BEHLING had stated in JUL19 that he would not return to prison.

DEP ZILL stated that WCSD ERT Lt Englund began planning the high-risk search warrant. This plan consisted of the deployment of the Bearcat armored car (Team 1) on the front / south side of the residence. The plan also had Team 3 deploying to the east side of the residence which would include [REDACTED] and then DEP ZILL's Team (Team 2) with the K-9 deploying to the back / north side of the residence as containment. The primary plan was to surround the residence and call out BEHLING. If BEHLING attempted to escape he would run into one of the containment Teams. The possibility of BEHLING

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attempting to run out of the east door and then flee north into the adjacent wooded area was considered. This led the decision to have DEP ZILL with his K-9 positioned with Team 2 on the back / north side of the residence.

DEP ZILL stated that the Team briefed and then Team 2 was dropped off west of the residence. Movement was slowed down with movement on the iced pavement. DEP ZILL stated Team 2 consisted of WCSO Dep Beaman with the ballistic shield in the lead; DEP ZILL with his K-9 was #2 in the stack; Dep Pankrantz with M4 rifle was #3. Dep Beaman slipped on the ice two times and had to be assisted up. They arrived on the northwest side of the residence. At this time DEP ZILL heard "he's running" and then observed a male he identified as BEHLING on the north side of the residence, illuminated by shield and weapon mounted lights of his Team. He observed BEHLING carrying a back pack which he appeared to be reaching for or trying to put on. DEP ZILL prepared to release his K-9 at this time. At this time BEHLING dropped the bag and ran towards the east side of the residence and out of view. DEP ZILL could hear reports of BEHLING's movements on the radio. He then heard a "pounding" sound followed multiple shouts of "gun...gun...gun". This was followed by multiple gunshots, estimated to 15 to 20 rounds. DEP ZILL could identify the sound of suppressed M4 rifles and unsuppressed M4 rifles utilized by his Team. DEP ZILL stated that he knew [REDACTED]. He then copied on the radio "Shots fired. Get EMS up here".

DEP ZILL stated he moved along the west side of the residence and to the front / south side to the back of the Bearcat armored car location. DEP BEHLING and Dep Schoonover moved towards BEHLING's location at the base of the stairs by the front / south side door. As they approached DEP ZILL observed BEHLING laying on the ground with blood on his upper chest and face. Verbal commands were given with no response. DEP ZILL observed a semiautomatic handgun near BEHLING's body and heard one of the officers' yell "gun's right there". BEHLING was handcuffed and Tactical Emergency Medical Services (TEMS) CJ Lass began to medically assess and treat BEHLING. Officers extricated BEHLING to the back of the Bearcat armored car who then was moved into the fire station across the street.

DEP ZILL stated Dep Schoonover and Lt Englund were moved away from the scene due to their involvement in the shoot. DEP ZILL arranged to get his K-9 squad brought up to the scene to secure K9 "Franz". DEP ZILL then assumed Team Leader position and started planning to secure the residence. Lt Rice arrived on scene and a plan to make entry through the east door was devised. This was done in an attempt not to disturb the shooting site on the front / south side of the residence. A breach of the east side door was made and robot deployed on the interior. The robot became tangled up on the first floor living room and was no longer able to move. Two shield teams were assembled, and entry was made. The first floor was cleared, and the robot freed from the obstruction. DEP ZILL then led one shield team down to the basement. Observation of the back bedroom was difficult and to aid in surprise the team deployed a noise

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/67

flash device (NFD). No other occupants were found in the residence. Before exiting the residence, the expended NFD body was secured.

DEP ZILL and Det Sawyer remained on scene until WI DOJ DCI personnel arrived. DEP ZILL then went to the fire station across the street and met with the rest of the Team. DEP ZILL gave his body camera over for collection. He stated that the camera was not activated until after the shots had been fired. This had occurred due to the speed in which the incident occurred.

DEP ZILL confirmed he had been armed with a [REDACTED] [REDACTED] on the approach and contact with BEHLING due to his controlling K9 "Franz". DEP ZILL had a M4 rifle holstered in a back backpack as well. This rifle was secured in the Bearcat armored car prior to clearing the residence. The rifle was later recovered and secured by CPT CHRISTIE. DEP ZILL stated he did not fire any weapon during this event.

S/A Kastelic asked DEP ZILL if there was anything else, he may have remembered. DEP ZILL stated he remembered seeing evidence of a bullet impact on the passenger side door of the Bearcat armored car. He remembered the bullet strike being located on the "r" of the "Sheriff" sign on the door. DEP ZILL also observed 3 bullet holes in the wall right (as seen from outside) of the front / south side door of the residence.

DEP ZILL also remembered hearing radio traffic on their approach stating "he (BEHLING) just peeked out the front window" followed the "lights are going off". Shortly after this he heard the suspect is running. DEP ZILL heard verbal commands of "show me your hands" prior to the shooting.

The interview with DEP ZILL was ended at 1:37am.

Wisconsin Division of Criminal Investigation

Interview 20-387/68

Report Date: 02/01/2020

Primary Information

Description: **Interview of WCSO Deputy Michael Huth**
Occurrence From: **02/01/2020 00:00**
Occurrence To: **02/01/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/11/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On Wednesday January 22nd, 2020 from the approximate times of 12:05AM to 1:05AM, DCI S/A Alan Hunsader interviewed Winnebago County Sheriff's Office Deputy Michael Huth. This interview pertained to the officer involved shooting death of Rory Behling. The shooting death of Behling occurred on January 21st, 2020. This interview occurred in a conference room at the Appleton Police Department.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	222 S Walnut St, Appleton, Wisconsin 54911 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Interviewed	Huth, Michael (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	

Narrative begins on the following page.

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On Wednesday January 22nd, 2020 from the approximate times of 12:05AM to 1:05AM, DCI S/A Alan Hunsader interviewed Winnebago County Sheriff's Office Deputy Michael Huth. This interview pertained to the officer involved shooting death of Rory Behling. The shooting death of Behling occurred on January 21st, 2020. This interview occurred in a conference room at the Appleton Police Department. Also present for this interview was Winnebago County Sheriff's Office Lieutenant Lori Seiler.

Upon speaking with Dep. Huth, S/A Hunsader was advised that Dep. Huth was hired by the WCSO in December of 2012 and is currently assigned as a patrol deputy [REDACTED] for the Winnebago County Regional SWAT Team. Dep. Huth said that the Winnebago County Regional SWAT Team is made up of officers from the Winnebago County Sheriff's Office and the Fox Crossing, and the City of Menasha Police Departments. Dep. Huth said that his assigned patrol shift is currently from [REDACTED].

Dep. Huth stated that this callout occurred at approximately 3:00PM, but that Dep. Huth had received some prior information about this call from Off. Moe that the MEG had found a fugitive in a house in Fox Crossing.

Dep. Huth stated that he was briefed on the history of this fugitive and that the fugitive was involved in ramming a Neenah Police Department patrol car the week prior to this incident. Dep. Huth stated that the MEG Unit provided information that the fugitive is known to carry at least two firearms and that law enforcement officials from Brown County had sent down a crime alert on January 21st that said that the fugitive was involved in several burglaries and was selling items to include firearms in exchange for drugs. According to Dep. Huth, the last time that the fugitive was seen with a firearm was the previous night. Dep. Huth also stated that he was advised that there were several outstanding arrest warrants currently active for this fugitive. Dep. Huth stated that information was provided by the MEG that the fugitive was believed to be using meth and that surveillance officers had seen the fugitive "peeking out windows."

Dep. Huth stated that this callout was for a warrant to take this fugitive into custody due to his violent behavior, and that the SWAT Operational Plan was to perform a surround and callout. Dep. Huth stated that he did not know the fugitive's name, but that there were pictures of the fugitive at the briefing. Dep. Huth stated that his SWAT Team was the only team deployed out on this call and that Dep. Huth was almost positive that the fugitive was the only one in the house. Dep. Huth stated that the SWAT Team was serving this warrant for the MEG Unit.

Dep. Huth stated that the SWAT Team's operational plan involved splitting the team into three separate elements, with Team 1 in the Bearcat, Team 2 providing containment on the 2-3 side of the residence and Team 3 providing containment on the 1-4 side of the residence. Dep. Huth stated that the Team Commander was Lt. Englund, and that Lt. Englund was also the Team Leader for Team 1. Dep. Huth stated that the Team Leader for Team 2 was Dep. Zill and the

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Team Leader for Team 3 was Dep. Huth. Dep. Huth stated that side 1 of the fugitive residence was on the south side, side 2 on the west side, side 3 on the north side and side 4 on the east side.

Dep. Huth stated that the SWAT Team did have contingency plans in place to include gas deployment, tactical deconstruction and an in-custody team. Dep. Huth stated that the team deployed out and was in position. Dep. Huth stated that he believed that the fugitive knew that the team was outside as the lights went out in the house and the fugitive could be seen looking out the windows. Dep. Huth stated that he saw the side 4 door open on the house, but also stated that it was dark. Dep. Huth stated that the fugitive came out of the side 4 door and started running north, but as he was doing this, he was verbally challenged by Team 2. Dep. Huth stated that the fugitive ignored Team 2's commands and ran back towards the side 4 door but was unable to get back inside as the door now appeared to be locked.

Dep. Huth stated that the fugitive appeared very animated at this time and that the fugitive was reaching about his waistline area. Dep. Huth stated that there was a lot of radio traffic going on at that time and that the fugitive then ran from side 4 to side 1. Dep. Huth said that at that time he heard the fugitive to be aggressively verbally challenged with commands to include "show me your hands" and "he's got a gun" repeated several times.

Dep. Huth stated that he then began running from his position east of side 4 towards side 1, and that is when the gunfire started. Dep. Huth stated that several shots were fired and that Dep. Huth heard Off. Moe's non-suppressed rifle fire and other guns firing. Dep. Huth stated that he could see snow flying near the fence on the 1-4 corner of the fugitive residence. Dep. Huth stated that as he came up to the 1-4 corner, he grabbed Dep. Kressin and pulled him back towards a tree. Dep. Huth stated that from the tree he could see the fugitive down in between a vehicle and the house on side 1. Dep. Huth stated that where the fugitive was down was very tight quarters. Dep. Huth also said that from his vantage point near the tree he could see blood coming out of the fugitive's nose.

Dep. Huth stated that the SWAT Operators were able to get things organized again and that Off. Moe stated that he had fired. Dep. Kressin wasn't sure if he had fired or not but thought that he had pulled the trigger and heard a click. Dep. Huth said that an arrest team was formed up off the corner of one of the vehicles near the fugitive and included a shield. Dep. Huth stated that he was part of that team. Dep. Huth stated that as this team approached the suspect there wasn't enough room to do anything, so the team dragged the fugitive east and rolled him over. Dep. Huth stated that at that time the TEMS officers began working on the fugitive. Dep. Huth stated that while this was occurring Dep. Huth saw something fall off of or out of the fugitive's jacket. Dep. Huth stated that he got some blood on his pants while he was assisting. Dep. Huth stated that he observed [REDACTED].

Dep. Huth stated that the fugitive was handcuffed behind his back and dragged to the rear of the Bearcat where 2 Appleton PD TEMS officers examined the fugitive. Huth stated that these TEMS officers stated that the was "[REDACTED]". Dep. Huth stated that at that point

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no further first aid was provided. Dep. Huth stated that the fugitive was placed on a stretcher and dragged to one of the garage bays at the fire department across the street.

Dep. Huth said that he remained on scene and that the fugitive's house was cleared by SWAT Team members except the four team members that fired their weapons. Dep. Huth stated that upon clearing the residence the SWAT Officers deployed noise/flash diversionary devices in the basement. No other persons were located in that house.

Dep. Huth stated that he was aware that the Bearcat had been shot on the passenger side above the "R" in Sheriff during this altercation.

Dep. Huth stated that the 4 officers that fired their weapon during this incident were Moe, Schoonover, Krissen and Englund.

Dep. Huth stated the SWAT Operators that were present for this call were the following: Englund, Huth, Kressin, Schoonover, Sawyer, Moe, Pankratz, Beck, Hathaway, Beeman, Kurczek, Haag, Zill and Last.

Dep. Huth stated that a command post was established at the fire department across the street and that Captain Christie and Lieutenant Rice were in the C.P.

This concludes information received from Dep. Huth during this interview.

This interview has been presented to Dep. Huth for his review and is an accurate accounting of Dep. Huth's statements.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/69

Report Date: 02/03/2020

Primary Information

Description:	Receipt of CAD Reports and Radio Traffic
Reporting LEO:	Schallhorn, Kyra M (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Backup LEO:	Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/18/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Property

<u>Status</u>	<u>Quantity</u>	<u>Description</u>
Inventory	1	DVD containing radio transmissions and phone calls

Narrative begins on the following page.

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As a part of this investigation into the officer-involved shooting death of Rory J. Behling on 01/21/2020, DCI Special Agent (S/A) Jay K. Yerges received computer aided dispatch (CAD) reports, radio traffic and public telephone calls related to the incident from the Winnebago County Sheriff's Department dispatch center. S/A Yerges provided the reports and audio files to S/A Kyra M. Schallhorn for examination and review. The following is a summary only of the information contained in the CAD reports, radio traffic and telephone calls. (Please refer to the CAD reports and radio traffic, attached and associated with this report, for additional and more detailed information.)

Two separate CAD reports related to this incident were received, as follows:

One report, 16 pages long, regarding Winnebago County Sheriff's Department incident number WI20012100003043, location 810 Grove St, Fox Crossing, incident type "Warran," containing sections showing summary information, dispatch of units, comments, associated incidents and history. The CAD report began at 18:45:15 on 1/21/2020 and ended at 11:33:27 on 1/22/2020. The report contained very little actual information of significance to this investigation. The pertinent comments, and times logged, were as follows:

19:25:48 ETN Alert sent out

19:31:15 Shots fire suspect is down

19:37:40 2nd ETN alert sent

21:05:56 ETN alert lifted

One 3-page report regarding Fox Crossing Police Department incident number FP20012100000701, created at 18:44:06 on 1/21/2020 and ending at 11:51:52 on 1/22/2020, showing the same pertinent information as above.

Copies of the two printed CAD reports are attached to this report and made a part of the case file.

The radio traffic and telephone calls were received on a DVD labeled "20200121 WI0000313 810 Grove St."

There were six telephone calls recorded from members of the general public, from 7:47:09 p.m. to 9:04:11 p.m., regarding the incident taking place in their neighborhood and when the alert that was sent out was in place or was lifted.

There were 743 separate radio transmissions, from the Neenah Police Department, Winnebago County Sheriff's Department, and the Winnebago County Sheriff's Department SWAT,

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Case/Report Number: 20-387/69

beginning at 6:43:22 p.m. and ending at 9:09:55 p.m. All the radio transmissions from the SWAT channel were encrypted and were therefore not recorded. A cover letter from the sheriff's department was provided explaining that issue. That letter is attached to this report and made a part of the case file.

Most of the audible radio transmissions provided to DCI pertained to other, non-related incidents and calls for service being handled by the Neenah Police Department and the Winnebago County Sheriff's Department during the same time frame that this officer-involved incident was occurring. The following are the only audible radio transmissions noted to be pertinent to this investigation:

7:31:03 521...shots are fired. Shots are fired. Stay back.

7:31:06 Winnebago 8. We had shots fired. Shots fired. Suspect is down.

7:33:51 Did you need medical to respond and stage?

7:33:56 We have medical through Appleton.

The DVD containing the radio traffic was placed into evidence as item 20-387/69.1. The radio traffic was also uploaded to the electronic folder for this case file, associated with this report.

Incident Detailed Report

Incident #: FP20012100000701

Summary

Location: 810 GROVE ST
 Loc Name:
 City: FOX CROSSING
 Description:
 Building: Subdiv:
 Floor: Apt/Unit:
 Status: Closed Created: 18:44:06 1/21/2020
 Inc Type: WARRANT Agency Type: L
 Mod Circ: Priority: 2
 Agency ID: FP Area: 592
 Sector: 92 Beat: WX06
 Report #:
 Disposition: 003

Dispatch

Unit(s):

Comments

2:35:15 1/22/2020 W2840PW W4
 DCI COMPLIANT # 20-387
 21:05:56 1/21/2020 W8662NH W4
 ETN ALERT LIFTED
 20:51:46 1/21/2020 W8662NH W4
 DCI REQUESTING 10-79 TO APPLETON FIRE STATION 3
 19:37:40 1/21/2020 W8662NH W4
 2ND ETN ALERT SENT
 19:31:15 1/21/2020 W8662NH W4
 SHOTS FIRE SUSPECT IS DOWN
 19:25:48 1/21/2020 W8662NH W4
 ETN ALERT SENT OUT

Persons

Vehicles

Premise Hazard

Previous Incidents

Note: The number of previous incidents printed was limited to 0. There were additional previous incidents not printed. Incomplete Printout (IncNum:0/8):

Associated Incidents

Incident #	Type	Agency ID	Status	Location
FP20012100000701	WARRANT	FP	Closed	810 GROVE ST, FOX CROSSING
WI20012100003043	WARRANT	WI	Closed	810 GROVE ST, FOX CROSSING

Attachments

History

Time/Date	Trans Type	User ID	Console ID
11:51:52 1/22/2020 Incident Viewed	INC VIEW	W5125JJ	1W
10:32:22 1/22/2020 Incident Viewed	INC VIEW	W7269LS	W8
7:53:25 1/22/2020 Incident Viewed	INC VIEW	FP/X0101AO	FP/X0
7:17:25 1/22/2020 Incident Viewed	INC VIEW	W4305BS	W2
7:16:43 1/22/2020 Incident Viewed	INC VIEW	NP/N0124CG	NP/N3
7:16:08 1/22/2020 Incident Viewed	INC VIEW	W4305BS	W2
7:13:58 1/22/2020 Incident Viewed	INC VIEW	NP/N0030LM	NP/NB
7:03:07 1/22/2020 Incident Viewed	INC VIEW	W4305BS	W2
6:36:56 1/22/2020 Incident Viewed	INC VIEW	W9248JB	W6
6:29:32 1/22/2020 Incident Viewed	INC VIEW	FP/X0101AO	FP/X0
5:38:14 1/22/2020 Incident Viewed	INC VIEW	W2840PW	W4
2:35:15 1/22/2020 Comments DCI COMPLIANT # 20-387	CMNTS	W2840PW	W4
22:02:28 1/21/2020 Incident Viewed	INC VIEW	W8402AL	W2
22:00:58 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
21:05:56 1/21/2020 Comments ETN ALERT LIFTED	CMNTS	W8662NH	W4
20:51:46 1/21/2020 Comments DCI REQUESTING 10-79 TO APPLETON FIRE STATION 3	CMNTS	W8662NH	W4
19:37:40 1/21/2020 Comments 2ND ETN ALERT SENT	CMNTS	W8662NH	W4
19:31:15 1/21/2020 Comments SHOTS FIRE SUSPECT IS DOWN	CMNTS	W8662NH	W4
19:25:48 1/21/2020 Comments ETN ALERT SENT OUT	CMNTS	W8662NH	W4
18:45:22 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:22 1/21/2020 Incident Status	INC STAT	W8662NH	W4 Status: Closed (Pending)
18:45:21 1/21/2020 Disposition	INC UPDT	W8662NH	W4 Dispo: 003
18:45:20 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:15 1/21/2020	INC ASSOC	W8662NH	W4

Time/Date	Trans Type	User ID	Console ID
Incident Associated		Incid #:	WI20012100003043
18:45:15 1/21/2020	CLONE	W8662NH	W4
Clone Created		Cloned Incid #:	WI20012100003043
18:45:06 1/21/2020	TIMEOUT	System	System
Incident Timeout			
18:45:04 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
18:44:07 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
18:44:06 1/21/2020	QUERY	W8662NH	W4
Query Request		Name:	IMLocation
Summary: Location - 810 GROVE ST		Database:	LegacyRDW
Auto: Yes			
18:44:06 1/21/2020	INC CREATE	W8662NH	W4
Jurisdiction		Area:	592
Sector: 92		Beat:	WX06
18:44:06 1/21/2020	INC CREATE	W8662NH	W4
Incident Created		Started:	18:43:50 1/21/2020
Details to Follow: None		Location:	810 GROVE ST
Latitude: 44.243374		Longitude:	-88.417876
City: FOX CROSSING		Cross Strs:	100 GARDNERS ROW ST / W LYNCH AV
Source: Phone		Incid Type:	WARRAN
Priority: 2		Zip Code:	54915
Validation Level: Premise Lvl			

Incident Detailed Report

Incident #: WI20012100003043

Summary

Location: 810 GROVE ST
 Loc Name:
 City: FOX CROSSING
 Description:
 Building: Subdiv:
 Floor: Apt/Unit:
 Status: Closed Created: 18:45:15 1/21/2020
 Inc Type: WARRANT Agency Type: L
 Mod Circ: Priority: 2
 Agency ID: WI Area: PCW
 Sector: Beat:
 Report #: L-WI-2020-01-22-0000313
 Disposition: 156

Dispatch

Unit(s): WI/W68 (Primary), WI/W36 (Officers: WI/Simmons L Jesse), WI/W9 (Officers: WI/Seiler A Lori), WI/W3 (Officers: WI/Vendola-Messer S Lara), WI/W8, WI/W19, WI/X552, WI/X540, WI/E62, WI/W27, WI/W42 (Officers: WI/Schoonover J Kyle, WI/Tim), WI/W49, WI/W23 (Officers: WI/Zill L Robert), WI/W21, WI/W56, WI/W55 (Officers: WI/Hathaway E Ryan), WI/W39 (Officers: WI/Last J Christopher), WI/W61

Comments

2:35:15 1/22/2020 W2840PW W4
 DCI COMPLIANT # 20-387
 21:05:56 1/21/2020 W8662NH W4
 ETN ALERT LIFTED
 20:51:46 1/21/2020 W8662NH W4
 DCI REQUESTING 10-79 TO APPLETON FIRE STATION 3
 19:37:40 1/21/2020 W8662NH W4
 2ND ETN ALERT SENT
 19:31:15 1/21/2020 W8662NH W4
 SHOTS FIRE SUSPECT IS DOWN
 19:25:48 1/21/2020 W8662NH W4
 ETN ALERT SENT OUT

Persons

Vehicles

Premise Hazard

Previous Incidents

Note: The number of previous incidents printed was limited to 0. There were additional previous incidents not printed. Incomplete Printout (IncNum:0/9):

Associated Incidents

Incident #	Type	Agency ID	Status	Location
FP2001210000701	WARRANT	FP	Closed	810 GROVE ST, FOX CROSSING
WI20012100003043	WARRANT	WI	Closed	810 GROVE ST, FOX CROSSING

Attachments

History

Time/Date	Trans Type	User ID	Console ID
11:33:27 1/22/2020 Incident Viewed	INC VIEW	W5125JJ	1W
9:23:14 1/22/2020 Report Number Assigned	RPT NUM	W4843SH	W4 Rprt Num: L-WI-2020-01-22-0000313
9:23:01 1/22/2020 Incident Viewed	INC VIEW	W4843SH	W4
7:17:23 1/22/2020 Incident Viewed	INC VIEW	W4305BS	W2
7:16:36 1/22/2020 Incident Viewed	INC VIEW	W4305BS	W2
7:16:11 1/22/2020 Incident Viewed	INC VIEW	NP/N0124CG	NP/N3
7:12:07 1/22/2020 Incident Viewed	INC VIEW	OP/S0366CR	OP/S3
6:22:09 1/22/2020 Incident Viewed	INC VIEW	W0544DK	W1
5:58:37 1/22/2020 Incident Viewed	INC VIEW	W7269LS	W8
2:42:19 1/22/2020 Incident Viewed	INC VIEW	W2840PW	W4
2:42:18 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W56
2:42:18 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W56
2:42:18 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W56
2:42:18 1/22/2020 Incident Status	INC STAT	W2840PW	W4 Status: Closed (Active)
2:42:18 1/22/2020 Disposition	INC UPDT	W2840PW	W4 Dispo: 156
2:42:03 1/22/2020 Incident Viewed	INC VIEW	W2840PW	W4
2:39:11 1/22/2020 Incident Viewed	INC VIEW	W2840PW	W4
2:37:27 1/22/2020 Incident Viewed	INC VIEW	W2840PW	W4
2:36:21 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W23
2:36:21 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W23
2:36:21 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W23
2:36:19 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W49
2:36:19 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W49

Time/Date	Trans Type	User ID	Console ID
2:36:19 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W49
2:36:12 1/22/2020 Unit Location Location: NULL (A414)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W36
2:36:12 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W36
2:36:12 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W36
2:36:10 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W27
2:36:10 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W27
2:36:10 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W27
2:36:04 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W39
2:36:04 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W39
2:36:04 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W39
2:35:59 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W55
2:35:59 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W55
2:35:59 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W55
2:35:56 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W61
2:35:56 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W61
2:35:56 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W61
2:35:53 1/22/2020 Unit Location Location: NULL (APPLETON PD)	UNIT MGMT	W2840PW	W4 Unit ID: WI/W68
2:35:53 1/22/2020 Unit Freed	FREE UNIT	W2840PW	W4 Unit ID: WI/W68
2:35:53 1/22/2020 Unit Status Status: C (A)	UNIT STAT	W2840PW	W4 Unit ID: WI/W68
2:35:51 1/22/2020 Unit Location	UNIT MGMT	W2840PW	W4 Unit ID: WI/W8

Time/Date	Trans Type	User ID	Console ID
Location: NULL (APPLETON PD)			
2:35:51 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/W8	
2:35:51 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W8	
Status: C (A)			
2:35:47 1/22/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/X540	
Location: NULL (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
2:35:47 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/X540	
2:35:47 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/X540	
Status: C (A)			
2:35:43 1/22/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/X552	
Location: NULL (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
2:35:43 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/X552	
2:35:43 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/X552	
Status: C (A)			
2:35:40 1/22/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W21	
Location: NULL (APPLETON PD)			
2:35:40 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/W21	
2:35:40 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W21	
Status: C (A)			
2:35:37 1/22/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/E62	
Location: NULL (APPLETON PD)			
2:35:37 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/E62	
2:35:37 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/E62	
Status: C (A)			
2:35:34 1/22/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W19	
Location: NULL (APPLETON PD)			
2:35:34 1/22/2020	FREE UNIT	W2840PW	W4
Unit Freed		Unit ID: WI/W19	
2:35:34 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W19	
Status: C (A)			
2:35:29 1/22/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/E62	
Status: A (A)			
2:35:15 1/22/2020	CMNTS	W2840PW	W4
Comments			

Time/Date	Trans Type	User ID	Console ID
DCI COMPLIANT # 20-387			
2:35:01 1/22/2020	INC VIEW	W2840PW	W4
Incident Viewed			
2:31:14 1/22/2020	UNIT MGMT	W7378KS	WI10
Unit Location Unit ID: WI/W42			
Location: NULL (APPLETON PD)			
2:31:14 1/22/2020	FREE UNIT	W7378KS	WI10
Unit Freed Unit ID: WI/W42			
2:31:14 1/22/2020	UNIT STAT	W7378KS	WI10
Unit Status Unit ID: WI/W42			
Status: C (A)			
2:21:47 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W36			
2:11:47 1/22/2020	UNIT MGMT	W8827JS	WI29
Unit Location Unit ID: WI/W36			
Location: A414 (APPD)			
2:11:47 1/22/2020	UNIT STAT	W8827JS	WI29
Unit Status Unit ID: WI/W36			
Status: A (A) Submitted: 2:11:46 1/22/2020			
1:22:30 1/22/2020	UNIT MGMT	W5649LS	WI1
Unit Location Unit ID: WI/W9			
Location: NULL (APPLETON PD)			
1:22:30 1/22/2020	FREE UNIT	W5649LS	WI1
Unit Freed Unit ID: WI/W9			
1:22:30 1/22/2020	UNIT STAT	W5649LS	WI1
Unit Status Unit ID: WI/W9			
Status: C (A)			
0:05:30 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W9			
0:05:21 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W8			
0:05:08 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W68			
0:05:00 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W61			
0:04:52 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W56			
0:04:41 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W55			
0:04:33 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W49			
0:04:26 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W42			
0:04:19 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W39			
0:04:09 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W27			
0:04:01 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W23			
0:03:53 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W21			
0:03:43 1/22/2020	TIMEOUT	System	System
Unit Timeout Unit ID: WI/W19			

Time/Date	Trans Type	User ID	Console ID
0:03:30 1/22/2020	TIMEOUT	System	System
Unit Timeout		Unit ID: WI/E62	
23:55:29 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W9	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:55:29 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W9	
Status: A (A)			
23:55:21 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W8	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:55:21 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W8	
Status: A (A)			
23:55:08 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W68	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:55:08 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W68	
Status: A (A)			
23:54:59 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W61	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:59 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W61	
Status: A (A)			
23:54:52 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W56	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:52 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W56	
Status: A (A)			
23:54:41 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W55	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:41 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W55	
Status: A (A)			
23:54:33 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W49	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:33 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W49	
Status: A (A)			
23:54:26 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W42	

Time/Date	Trans Type	User ID	Console ID
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:26 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W42	
Status: A (A)			
23:54:18 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W39	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:18 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W39	
Status: A (A)			
23:54:09 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W27	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:09 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W27	
Status: A (A)			
23:54:01 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W23	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:54:01 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W23	
Status: A (A)			
23:53:53 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W21	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:53:53 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W21	
Status: A (A)			
23:53:43 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/W19	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:53:43 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/W19	
Status: A (A)			
23:53:30 1/21/2020	UNIT MGMT	W2840PW	W4
Unit Location		Unit ID: WI/E62	
Location: APPLETON PD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:53:30 1/21/2020	UNIT STAT	W2840PW	W4
Unit Status		Unit ID: WI/E62	
Status: A (A)			
23:52:53 1/21/2020	UNIT MGMT	W4769LV	WI27
Unit Location		Unit ID: WI/W3	
Location: NULL (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
23:52:53 1/21/2020	FREE UNIT	W4769LV	WI27
Unit Freed		Unit ID: WI/W3	

Time/Date	Trans Type	User ID	Console ID
23:52:53 1/21/2020 Unit Status Status: C (A)	UNIT STAT	W4769LV	WI27 Unit ID: WI/W3
22:45:22 1/21/2020 Incident Viewed	INC VIEW	NP/N0036KM	NP/N1
22:38:19 1/21/2020 Incident Viewed	INC VIEW	MP/E0412LW	MP/E3
22:37:02 1/21/2020 Incident Viewed	INC VIEW	W8402AL	W2
22:33:56 1/21/2020 Incident Viewed	INC VIEW	W7872JR	W1
22:21:19 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
22:19:13 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
22:18:02 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
22:12:34 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
22:07:06 1/21/2020 Incident Viewed	INC VIEW	W2840PW	W4
22:03:44 1/21/2020 Incident Viewed	INC VIEW	W2840PW	W4
22:02:23 1/21/2020 Incident Viewed	INC VIEW	W8402AL	W2
22:00:48 1/21/2020 Incident Viewed	INC VIEW	W8402AL	W2
22:00:41 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
21:59:57 1/21/2020 Incident Viewed	INC VIEW	W6447CW	W6
21:56:25 1/21/2020 Incident Viewed	INC VIEW	W7917AV	W6
21:52:57 1/21/2020 Incident Viewed	INC VIEW	W7917AV	W6
21:48:50 1/21/2020 Incident Viewed	INC VIEW	W8762MT	W2
21:42:06 1/21/2020 Incident Viewed	INC VIEW	NP/N0036KM	NP/N1
21:12:01 1/21/2020 Unit Timeout	TIMEOUT	System	System Unit ID: WI/W36
21:05:56 1/21/2020 Comments ETN ALERT LIFTED	CMNTS	W8662NH	W4
21:05:39 1/21/2020 Incident Viewed	INC VIEW	W8762MT	W2
21:02:54 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
21:02:00 1/21/2020 Unit Status Status: A (EO)	UNIT STAT	W8827JS	WI29 Unit ID: WI/W36 Submitted: 21:02:00 1/21/2020
20:52:22 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4

Time/Date	Trans Type	User ID	Console ID
20:51:46 1/21/2020	CMNTS	W8662NH	W4
Comments DCI REQUESTING 10-79 TO APPLETON FIRE STATION 3			
20:50:55 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
20:47:42 1/21/2020	UNIT MGMT	W8827JS	WI29
Unit Location		Unit ID: WI/W36	
Location: APPD (810 GROVE ST)		City: NULL (FOX CROSSING)	
Zip Code: NULL (54915)			
20:47:42 1/21/2020	UNIT STAT	W8827JS	WI29
Unit Status		Unit ID: WI/W36	
Status: EO (E)		Submitted: 20:47:41 1/21/2020	
20:43:59 1/21/2020	INC VIEW	W8762MT	W2
Incident Viewed			
20:42:54 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
20:41:51 1/21/2020	INC VIEW	W7917AV	W6
Incident Viewed			
20:40:22 1/21/2020	INC VIEW	W8762MT	W2
Incident Viewed			
20:38:31 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
20:38:22 1/21/2020	UNIT STAT	W8827JS	WI29
Unit Status		Unit ID: WI/W36	
Status: E (D)		Submitted: 20:38:21 1/21/2020	
20:38:14 1/21/2020	UNIT MGMT	W8662NH	W4
Unit Location		Unit ID: WI/W36	
Location: 810 GROVE ST		City: FOX CROSSING	
Zip Code: 54915			
20:38:14 1/21/2020	UNIT STAT	W8662NH	W4
Unit Status		Unit ID: WI/W36	
Status: D (SR)			
20:38:14 1/21/2020	DPTCH	W8662NH	W4
Dispatch		Assigned Unit: WI/W36 (Officers: WI/Simmons L Jesse)	
20:36:09 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
20:35:16 1/21/2020	INC VIEW	W8762MT	W2
Incident Viewed			
20:33:42 1/21/2020	INC VIEW	W7917AV	W6
Incident Viewed			
20:31:47 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
20:31:18 1/21/2020	TIMEOUT	System	System
Unit Timeout		Unit ID: WI/W9	
20:21:18 1/21/2020	UNIT STAT	W5649LS	WI1
Unit Status		Unit ID: WI/W9	
Status: A (E)		Submitted: 20:21:16 1/21/2020	
20:21:17 1/21/2020	UNIT STAT	W5649LS	WI1
Unit Status		Unit ID: WI/W9	
Status: E (A)		Submitted: 20:21:16 1/21/2020	
20:20:32 1/21/2020	UNIT STAT	W8662NH	W4
Unit Status			
		Unit ID: WI/W9	

Time/Date	Trans Type	User ID	Console ID
Status: A (D)			
20:20:17 1/21/2020	UNIT MGMT	W8662NH	W4
Unit Location		Unit ID: WI/W9	
Location: 810 GROVE ST		City: FOX CROSSING	
Zip Code: 54915			
20:20:17 1/21/2020	UNIT STAT	W8662NH	W4
Unit Status		Unit ID: WI/W9	
Status: D (C)			
20:20:17 1/21/2020	DPTCH	W8662NH	W4
Dispatch		Assigned Unit: WI/W9 (Officers: WI/Seiler A Lori)	
20:12:01 1/21/2020	INC VIEW	W7304KN	W1
Incident Viewed			
20:02:00 1/21/2020	INC VIEW	OP/S0359MH	OP/S3
Incident Viewed			
20:01:23 1/21/2020	TIMEOUT	System	System
Unit Timeout		Unit ID: WI/W3	
19:55:07 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
19:54:49 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
19:51:23 1/21/2020	UNIT STAT	W4769LV	WI27
Unit Status		Unit ID: WI/W3	
Status: A (E)		Submitted: 19:51:23 1/21/2020	
19:48:27 1/21/2020	INC VIEW	OP/S0359MH	OP/S3
Incident Viewed			
19:47:52 1/21/2020	UNIT STAT	W4769LV	WI27
Unit Status		Unit ID: WI/W3	
Status: E (D)		Submitted: 19:47:51 1/21/2020	
19:47:41 1/21/2020	UNIT MGMT	W8662NH	W4
Unit Location		Unit ID: WI/W3	
Location: 810 GROVE ST		City: FOX CROSSING	
Zip Code: 54915			
19:47:41 1/21/2020	UNIT STAT	W8662NH	W4
Unit Status		Unit ID: WI/W3	
Status: D (C)			
19:47:41 1/21/2020	DPTCH	W8662NH	W4
Dispatch		Assigned Unit: WI/W3 (Officers: WI/Vendola-Messer S Lara)	
19:47:36 1/21/2020	INC VIEW	W7917AV	W6
Incident Viewed			
19:42:31 1/21/2020	INC VIEW	OP/S0359MH	OP/S3
Incident Viewed			
19:41:34 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
19:40:41 1/21/2020	INC VIEW	W8662NH	W4
Incident Viewed			
19:39:47 1/21/2020	UNIT MGMT	W8662NH	W4
On Duty Assignment Update		Unit ID: WI/W55	
Jurisdiction: Area: PCW (SPE)		Personnel Count: 1	
19:39:41 1/21/2020	UNIT MGMT	W8662NH	W4
On Duty Assignment Update		Unit ID: WI/W23	
Jurisdiction: Area: PCW (SPE)		Personnel Count: 1	
19:39:35 1/21/2020	UNIT MGMT	W8662NH	W4

Time/Date	Trans Type	User ID	Console ID
On Duty Assignment Update Jurisdiction: Area: PCW (SPE)		Unit ID: WI/W42 Personnel Count: 2	
19:39:30 1/21/2020 On Duty Assignment Update Jurisdiction: Area: PCW (PTN)	UNIT MGMT	W8662NH	W4
19:39:07 1/21/2020 On Duty Assignment Update Jurisdiction: Area: SPE (903)	UNIT MGMT	W8662NH	W4
19:37:40 1/21/2020 Comments 2ND ETN ALERT SENT	CMNTS	W8662NH	W4
19:37:24 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
19:35:36 1/21/2020 Incident Viewed	INC VIEW	NP/N0036KM	NP/N1
19:32:25 1/21/2020 Incident Viewed	INC VIEW	MP/E0412LW	MP/E3
19:31:15 1/21/2020 Comments SHOTS FIRE SUSPECT IS DOWN	CMNTS	W8662NH	W4
19:31:11 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
19:25:48 1/21/2020 Comments ETN ALERT SENT OUT	CMNTS	W8662NH	W4
19:25:40 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
19:17:22 1/21/2020 Incident Viewed	INC VIEW	MP/E0412LW	MP/E3
19:12:58 1/21/2020 Incident Viewed	INC VIEW	OP/S0359MH	OP/S3
18:48:39 1/21/2020 Incident Viewed	INC VIEW	MP/E0412LW	MP/E3
18:48:33 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/W56
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/X552
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/X540
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/W61
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/W8
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH	W4 Unit ID: WI/W19

Time/Date	Trans Type	User ID	Console ID
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/E62	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W27	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W42	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W49	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W23	W4
18:47:39 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W21	W4
18:47:38 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W55	W4
18:47:38 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W39	W4
18:47:38 1/21/2020 Unit Timeout Reset Timeout Value: Disabled	TIMEOUT	W8662NH Unit ID: WI/W68	W4
18:47:30 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/X552	W4
18:47:29 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/X540	W4
18:47:29 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/E62	W4
18:47:29 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/W68	W4
18:47:28 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/W8	W4
18:47:28 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/W61	W4
18:47:28 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/W56	W4
18:47:28 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH Unit ID: WI/W55	W4
18:47:28 1/21/2020 Unit Status	UNIT STAT	W8662NH Unit ID: WI/W49	W4

Time/Date	Trans Type	User ID	Console ID
Status: A (D)			
18:47:27 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W42
18:47:27 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W39
18:47:26 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W27
18:47:26 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W23
18:47:26 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W21
18:47:26 1/21/2020 Unit Status Status: A (D)	UNIT STAT	W8662NH	W4 Unit ID: WI/W19
18:47:19 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:47:18 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W8
18:47:18 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W19
18:47:18 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W8
18:47:18 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W19
18:47:18 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W8
18:47:18 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W19
18:47:18 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:47:03 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:47:01 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/X552
18:47:01 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/X540
18:47:01 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/X552
18:47:01 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/X540
18:47:01 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/X552
18:47:01 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/X540

Time/Date	Trans Type	User ID	Console ID
18:47:01 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:46:42 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:46:40 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/E62
18:46:40 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W27
18:46:40 1/21/2020 Unit Location Location: 810 GROVE ST Zip Code: 54915	UNIT MGMT	W8662NH	W4 Unit ID: WI/W42 City: FOX CROSSING
18:46:40 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/E62
18:46:40 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W27
18:46:40 1/21/2020 Unit Status Status: D (SA)	UNIT STAT	W8662NH	W4 Unit ID: WI/W42
18:46:40 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/E62
18:46:40 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W27
18:46:40 1/21/2020 Dispatch Kyle, WI/Tim)	DPTCH	W8662NH	W4 Assigned Unit: WI/W42 (Officers: WI/Schoonover J
18:46:40 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:46:14 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:46:12 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W49
18:46:12 1/21/2020 Unit Location Location: 810 GROVE ST Zip Code: 54915	UNIT MGMT	W8662NH	W4 Unit ID: WI/W23 City: FOX CROSSING
18:46:12 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W21
18:46:12 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W49
18:46:12 1/21/2020 Unit Status Status: D (C)	UNIT STAT	W8662NH	W4 Unit ID: WI/W23
18:46:12 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W21
18:46:12 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W49
18:46:12 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W23 (Officers: WI/Zill L Robert)

Time/Date	Trans Type	User ID	Console ID
18:46:12 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W21
18:46:12 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:46:00 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:59 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W56
18:45:59 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W56
18:45:59 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W56
18:45:59 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:45:56 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:55 1/21/2020 Unit Location Location: 810 GROVE ST (A414) Zip Code: 54915	UNIT MGMT	W8662NH	W4 Unit ID: WI/W55 City: FOX CROSSING
18:45:55 1/21/2020 Unit Location Location: 810 GROVE ST Zip Code: 54915	UNIT MGMT	W8662NH	W4 Unit ID: WI/W39 City: FOX CROSSING
18:45:55 1/21/2020 Unit Status Status: D (SA)	UNIT STAT	W8662NH	W4 Unit ID: WI/W55
18:45:55 1/21/2020 Unit Status Status: D (SA)	UNIT STAT	W8662NH	W4 Unit ID: WI/W39
18:45:55 1/21/2020 Dispatch Ryan)	DPTCH	W8662NH	W4 Assigned Unit: WI/W55 (Officers: WI/Hathaway E
18:45:55 1/21/2020 Dispatch Christopher)	DPTCH	W8662NH	W4 Assigned Unit: WI/W39 (Officers: WI/Last J
18:45:55 1/21/2020 Not Requested	REC	W8662NH	W4 Recommendations not requested
18:45:41 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:39 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W61
18:45:39 1/21/2020 Temp Unit Created	UNIT MGMT	W8662NH	W4 Unit ID: WI/W68
18:45:39 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W61
18:45:39 1/21/2020 Unit Status Status: D	UNIT STAT	W8662NH	W4 Unit ID: WI/W68
18:45:39 1/21/2020 Incident Status	INC STAT	W8662NH	W4 Status: Active (Pending)

Time/Date	Trans Type	User ID	Console ID
18:45:39 1/21/2020 Primary Unit	PRIM UNIT	W8662NH	W4 Primary: WI/W68
18:45:39 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W61
18:45:39 1/21/2020 Dispatch	DPTCH	W8662NH	W4 Assigned Unit: WI/W68
18:45:24 1/21/2020 Fixed	REC	W8662NH	W4 No recommendations found
18:45:24 1/21/2020 Incident Viewed	INC VIEW	W8662NH	W4
18:45:15 1/21/2020 Incident Associated	INC ASSOC	W8662NH	W4 Incid #: FP20012100000701
18:45:15 1/21/2020 Jurisdiction	INC CREATE	W8662NH	W4 Area: PCW
18:45:15 1/21/2020 Incident Created Details to Follow: None Latitude: 44.243374 City: FOX CROSSING Source: Phone Priority: 2 Validation Level: Premise Lvl	INC CREATE	W8662NH	W4 Started: 18:45:15 1/21/2020 Location: 810 GROVE ST Longitude: -88.417876 Cross Strs: 100 GARDNERS ROW ST / W LYNCH AV Incid Type: WARRAN Zip Code: 54915
18:45:15 1/21/2020 Cloned From Created: 18:44:06 1/21/2020	CLONE	W8662NH	W4 Original Incid #: FP20012100000701

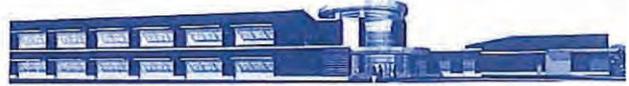
Sheriff
John F. Matz

Chief Deputy
Todd A. Christopherson



Winnebago County Sheriff

www.co.winnebago.wi.us



4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
(920) 236-7300 (920) 727-2888
JAIL (920) 236-7380
ADMINISTRATION FAX (920) 236-7333
RECORDS FAX (920) 236-7302

TO: DCI
FROM: Lt. Jensen W10
DATE: January 22, 2020
RE: Encrypted Radio Audio

During a review of radio traffic from the incident on 810 Grove Street in Fox Crossing on 1/21/2020 I found that the encrypted talk groups were all set to not decrypt. Upon speaking to the vendor about this it was determined that during our last radio hardware upgrade the upgrade operations team used an old backup for settings on the AIS server. This caused the decryption setting for the encrypted talk groups to be set to not decrypt.

Radio transmission were still logged that they occurred but only included the metadata. This only includes resource name (WI SO SWAT), start time, duration, individual alias (Badge Number) and unit ID (radio number). Because the AIS was set to not decrypt, audio was not recorded. There is no way to decrypt the audio because it was never recorded to begin with. The settings have been fixed and steps have been put in place to reduce the likelihood of this occurring in the future.

Please contact me if you have any questions.

cc: Capt. Cianciolo

Wisconsin Division of Criminal Investigation

Interview 20-387/70

Report Date: 02/03/2020

Primary Information

Description: Neighborhood canvas of [REDACTED] Block of WEST GROVE ST
Occurrence From: 01/22/2020 00:00
Occurrence To: 01/22/2020 00:00
Reporting LEO: Kastelic, Bryan F (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/06/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

On WED 22JAN20, S/A Kastelic conducted a neighborhood canvas of the surrounding residences on W. GROVE St. The following address locations, contacts and or events occurred.

Addresses

Relationship	Address
Interview Location	[REDACTED] W Grove St, Appleton, Wisconsin United States of America
Interview Location	[REDACTED] W Grove St, Appleton, Wisconsin United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America
Other	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

Relationship	Name	Bio	DOB
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Interviewed	F [REDACTED], A [REDACTED] (Person)	33 yr. old, White, Female	[REDACTED]
Interviewed	F [REDACTED], D [REDACTED] (Person)	41 yr. old, White, Male	[REDACTED]
Interviewed	F [REDACTED], Z [REDACTED] (Person)	24 yr. old, White, Male	[REDACTED]

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/70

On TUE 21JAN20, Wisconsin Department of Justice, Division of Criminal Investigation (WI DOJ DCI) Special Agent (S/A) Bryan Kastelic was requested to assist with an officer involved death (OID) scene at the address of 810 WEST GROVE Street, Fox Crossing WI. At 9pm, S/A Kastelic arrived at the incident command post (ICP) (located at Appleton Fire Department Station #3, 801 West Grove St, Appleton WI) and met WI DOJ DCI Special Agent (SAIC) in Charge Jeff Wisch. SAIC Wisch provided a brief that the Winnebago County Sheriff's Department (WCSD) Special Weapons & Tactics / Emergency Response Team (ERT), while attempting to serve a high risk search warrant at 810 WEST GROVE ST, had encountered an armed suspect (later identified as RORY J. BEHLING, M/W [REDACTED]) who actively resisted commands and fired on officers. Based on BEHLING's actions, multiple officers returned fire. BEHLING sustained multiple gunshot wounds and died on scene.

On WED 22JAN20, S/A Kastelic conducted a neighborhood canvas of the surrounding residences on W. GROVE St. The following address locations, contacts and or events occurred.

[REDACTED] WEST GROVE ST: At approximately 10:02 am, S/A Kastelic contacted Z [REDACTED]. F [REDACTED] (m/w DOB [REDACTED]). F [REDACTED] stated he lived at [REDACTED] W Grove St and had been home on the evening of 21JAN20. He stated at approximately 8:30 pm he looked out his front window and observed a Police armored car with armed law enforcement positioned facing the residence next door (810 W GROVE ST). He stated he had been playing video games that had the gunfire soundtracks, so he did not hear any shooting coming from outside. He also confirmed he had not observed any of the event. F [REDACTED] stated he had received a message from the Police Department on the home phone stating they should stay inside. F [REDACTED] also stated he did not know the occupants of 810 W. GROVE very well. He had nothing else to add at that time and the interview was ended at 10:29 am.

[REDACTED] WEST GROVE ST: At approximately 10:40 am, S/A Kastelic contacted A [REDACTED] F [REDACTED] (F/W [REDACTED]). A [REDACTED] stated that she lived at [REDACTED] W. Grove St and had not been home during the event on 21JAN20. She stated that she was not allowed to return to her home until 9:45 pm. A [REDACTED] stated her husband (ID as D [REDACTED] F [REDACTED] m/w dob [REDACTED]) had been home that evening. She also stated that he had observed some of the event. She provided a cell phone number for her husband who was currently at work

On 03FEB20 at 12:43pm, S/A Kastelic was able to contact D [REDACTED] by cell phone. D [REDACTED] confirmed he had been home on the evening of 21JAN20. He observed reflections on his front window blinds which drew his attention. D [REDACTED] looked out the window and observed uniformed officers moving through the yards from south (street side) to north (backyard area). This was followed shortly by a Police armored car followed by a Police SUV. The vehicles were moving from the west to east. The armored car was observed parked facing a residence approximately two houses to the east. D [REDACTED] stated shortly after the armored car positioned outside the residence, he observed a muzzle flash from what he believed to be a Police officer armed with a rifle. D [REDACTED]

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/70

stated the officer was positioned towards the front side of the armored car. D████ stated he could only remember seeing one muzzle flash or shot being fired from the officer positioned by the armored car. D████ also stated he had heard 8 to 10 gunshots. D████ did not note anything else observed after this point. The phone interview was concluded at 12:12:52pm.

████ **WEST GROVE ST:** On 22JAN20 at approximately 10:34 am S/A Kastelic contacted the resident of █████ W Grove St identified as D████ P████ (m/w DOB █████). P████ stated that he had not been home on 21JAN20 until after 9:00pm. Subsequently he did not hear or see anything of the event. The interview was ended at 10:37am.

Contact was attempted at the following homes but with no result.

- █████ West Grove
- █████ West Grove
- █████ West Grove
- █████ West Grove

End of report.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/71

Report Date: 02/03/2020

Primary Information

Description: **Receipt of Decedent Background Investigation(s) By S/A Yerges 02/03/2020**
Occurrence From: **02/03/2020 00:00**
Occurrence To: **02/03/2020 00:00**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Behling, Rory J (Person)	32 yr. old, White, Male	

Narrative begins on the following page.

RECEIPT OF DECEDENT BACKGROUND INVESTIGATION(S)

On Monday, February 03, 2020, during mid-afternoon hours, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received an electronic mail from a representative of the Neenah Police Department (NEPD). By means of the electronic mail, the representative forwarded NEPD Incident Report number "L-NP-2020-01-10-0000424" to S/A Yerges. The referenced incident report was related to case decedent, Rory J. Behling and his recent actions and contact with NEPD officers. The information contained in the incident report was of interest to S/A Yerges because it documented Behling's recent background actions and criminal behavior which led to the point of S/A Yerges' officer-involved death (OID) investigation. The incident report was electronically attached to the referenced electronic mail. S/A Yerges acknowledged receipt of the incident report to the representative. S/A Yerges maintained a digital copy of the referenced incident report electronically. S/A Yerges reviewed the report for familiarization purposes.

The report consisted of 14 pages of typewritten NEPD incident reports related to the recent NEPD contact with and investigation of Behling. NEPD Sergeant (Sgt.) Chad J. Gruenstern had led an investigation in which Behling was the primary suspect. The report began on "1/10/2020" at "1:54:00 PM." The report documented a "welfare check" contact that NEPD officers had with Behling in the City of Neenah at a local convenience store. Behling was reportedly unresponsive and somewhat incoherent during the contact. During the contact, Behling became uncooperative and resistant with NEPD law enforcement. Behling eventually caused damage to the convenience store, a NEPD patrol vehicle and the rental vehicle Behling had been operating. Behling intentionally fled NEPD law enforcement during the incident. The preceding actions were the continuation of a list of other alleged criminal offenses that were stacking against Behling. Behling also had outstanding criminal charges and/or was a suspect with peripheral investigations originating from the Brown County Sheriff's Office (BRSO), the Grand Chute Police Department (GCPD), the Winnebago County Sheriff's Office (WISO) and the Wisconsin Department of Corrections. The rental vehicle that Behling had operated at the time of the incident with NEPD was subsequently located abandoned by the WISO. A firearm, ammunition and a bullet resistant vest were located inside the rental vehicle among other evidentiary items. Behling was never located by law enforcement until the Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team was called to assist the Lake Winnebago Area Meg (Multi-Jurisdictional Enforcement Group) (LWAM) unit with the execution of a search warrant at a Fox Crossing (Winnebago County) residence occupied by Behling. As documented elsewhere in the investigation, Behling confronted SWAT Team operators with a firearm and died as a result of gunshot wound injuries sustained during the encounter with law enforcement.

A digital copy of the referenced NEPD incident report was electronically attached to S/A Yerges' supplemental report for informational, official agency record-keeping and case documentation purposes. The incident report should be referred to, and/or examined, for any additional or more detailed information.

Subject **WELFARE CHECK** Location **1340 Gillingham Rd NEENAH CITY, 54956**

Incident Type	Incident Report	Reported By	Gruenstern, Chad J
Loc Name	MOBIL WEST	Report Type	Incident Report
Call Source		Assisted By	Peterson, Joshua R
Disposition	Closed	Entered On	1/13/2020 4:35:17 PM
Entered By	Gruenstern, Chad J	Occurred On	1/10/2020 1:54:00 PM
Reported On	1/10/2020 1:54:47 PM	Occurred Bet	

OFFENSES

Offense	346.67(1) - Hit and Run - All Other Offenses		
Domestic	No	IBR Group	B
Hate	None (No Bias)	IBR Against	Person, Property, Society
Weapons		UCR Hiera	26
Tools		Activities	
Location	Parking/Drop Lot/Garage	Securities	
Completed	Yes		
Using	Not Applicable		
IBR Code	90Z		

OFFENSES

Offense	346.62(2) - Reckless Driving-Endanger Safety - Not Reportable		
Domestic	No	IBR Group	B
Hate	None (No Bias)	IBR Against	Person, Property, Society
Weapons		UCR Hiera	26
Tools		Activities	
Location	Parking/Drop Lot/Garage	Securities	
Completed	Yes		
Using	Not Applicable		
IBR Code			

OFFENSES

Offense	941.30(2) - 2nd-Degree Recklessly Endangering Safety - All Other Offenses		
Domestic	No	IBR Group	B
Hate	None (No Bias)	IBR Against	Person, Property, Society
Weapons		UCR Hiera	26
Tools		Activities	
Location	Parking/Drop Lot/Garage	Securities	
Completed	Yes		
Using	Not Applicable		
IBR Code	90Z		

OFFENSES

Offense	946.41(1) - Resisting or Obstructing an Officer - All Other Offenses		
Domestic	No	IBR Group	B
Hate	None (No Bias)	IBR Against	Person, Property, Society
Weapons		UCR Hiera	26
Tools		Activities	
Location	Parking/Drop Lot/Garage	Securities	
Completed	Yes		
Using	Not Applicable		
IBR Code	90Z		

OFFENSES

Offense	346.04(3) - Vehicle Operator Flee/Elude Officer - All Other Offenses		
Domestic	No	Using	Not Applicable
Hate	None (No Bias)	IBR Code	90Z
Weapons		IBR Group	B
Tools		IBR Against	Person, Property, Society
Location	Parking/Drop Lot/Garage	UCR Hiera	26
Completed	Yes	Activities	

OFFENDER

BEHLING, RORY J [REDACTED] Male White Hgt 6' 0" Wgt 216 Hai Brown Eye Blue [REDACTED] Wisconsin 32 No
[REDACTED] NEENAH, WI 54956

(920) [REDACTED]

Arrested For: 346.04(3) - Vehicle Operator Flee/Elude Officer - All Other Offenses
946.41(1) - Resisting or Obstructing an Officer - All Other Offenses
941.30(2) - 2nd-Degree Recklessly Endangering Safety - All Other Offenses

VICTIM

MOBIL WEST Hgt Wgt Hai Eye
1340 Gillingham Rd NEENAH, WI 54956 WINNEBAGO USA
(920) 720-0274 ext 01/08/2019

VICTIM

F [REDACTED], R [REDACTED] [REDACTED] Male White Hgt Wgt Hai Brown Eye BLU - Blue Wisconsin 54 No
[REDACTED] MENASHA, WI 54952 WINNEBAGO USA

(920) [REDACTED]

VICTIM

P [REDACTED], J [REDACTED] [REDACTED] Male White Hgt Wgt Hai Eye 34 No
[REDACTED] NEENAH, WI 54956 WINNEBAGO

(920) [REDACTED]

VICTIM

CITY OF NEENAH Hgt Wgt Hai Eye
211 Walnut St NEENAH, WI 54956 WINNEBAGO USA
(920) 886-6100

VICTIM

GRUENSTERN, CHAD J [REDACTED] Male White Hgt Wgt Hai Eye 47 No
2111 Marathon Ave NEENAH, WI 54956 WINNEBAGO USA
(920) 886-6000

OTHER

Type Business
WE ENERGIES Hgt Wgt Hai Eye
800 S Lynndale Dr APPLETON, WI 54914 OUTAGAMIE
(800) 242-9137

OTHER

Type Business
SOLEA MEXICAN GRILL Hgt Wgt Hai Eye
1350 Gillingham Rd NEENAH, WI 54956 WINNEBAGO USA
(920) 727-0540

OTHER

Type Business
GOSS AUTO BODY Hgt Wgt Hai Eye
629 Olde Midway Rd MENASHA, WI 54952 WINNEBAGO USA
(920) 725-2022

OTHER

Type Business
ENTERPRISE RENT-A-CAR Hgt Wgt Hai Eye

3060 S Business Dr SHEBOYGAN, WI 53081 SHEBOYGAN USA
(920) 458-1414

OTHER

Type Contact

V [REDACTED], C [REDACTED] Male Asian [REDACTED] [REDACTED] Wisconsin
[REDACTED] SHEBOYGAN, WI 53081 SHEBOYGAN USA
(920) [REDACTED]

OTHER

Type Government

WINNEBAGO COUNTY SHERIFFS OFFICE Hgt Wgt Hai Eye
4311 Jackson St OSHKOSH, WI 54901 WINNEBAGO USA
(920) 727-2888

OTHER

Type Contact

T [REDACTED], N [REDACTED] Female Asian [REDACTED] [REDACTED] Wisconsin
[REDACTED] OSHKOSH, WI 54904 WINNEBAGO USA
(916) [REDACTED]

OTHER

Type Contact

V [REDACTED], G [REDACTED] Male White [REDACTED] [REDACTED] Wisconsin
[REDACTED] KAUKAUNA, WI 54130 OUTAGAMIE USA
(920) [REDACTED]

OTHER

Type Contact

B [REDACTED], M [REDACTED] Female Black or African American [REDACTED] [REDACTED] Wisconsin
[REDACTED] NEENAH, WI 54956 WINNEBAGO USA
(920) [REDACTED]

OTHER

Type Contact

G [REDACTED], K [REDACTED] Male White [REDACTED] [REDACTED] Wisconsin
[REDACTED] NEENAH, WI 54956 WINNEBAGO USA
(920) [REDACTED]
(920) [REDACTED]

OTHER

Type Contact

N [REDACTED], A [REDACTED] Female White [REDACTED] [REDACTED] Wisconsin
[REDACTED] NEENAH, WI 54956 WINNEBAGO USA
(920) [REDACTED]

PROPERTY

Property Automobile (not Stolen or Recovered)
IBR Type 03
Description

Status Used In The Crime
Count 1
Value
Serial [REDACTED]

Vehicle: HYUNDAI SEDAN 2020 4DR
4DR Illinois

[REDACTED] [REDACTED]

PROPERTY

Property Police Automobile (not Stolen or Recovered)

IBR Type 03

Description	Count	1
Status	Value	2,019.00
Vehicle: FORD EXPLORER 2019 SPORT UTILITY VEHICLE	Serial	[REDACTED]
SPORT UTILITY VEHICLE Wisconsin		
[REDACTED]		
[REDACTED]		

NARRATIVE

Summary

Narrative

01/10/20 1:54PM
Sergeant C. Gruenstern

I was dispatched to Mobil West at 1340 Gillingham Road for a welfare check. I was advised there was a male sleeping in a vehicle and he had been there since 8:00AM with the car running. Officer J. Peterson arrived and located the vehicle on the south side of the building and there was a male in the car. When I met with Officer J. Peterson, I parked my car, a fully marked Neenah Police car (Squad #4) behind this car at an angle. The car was a blue Hyundai with Illinois license plate [REDACTED].

Officer J. Peterson was on the passenger side of the car. He knocked on the window. I saw the male look at Officer J. Peterson, then appear to go back to sleep. I approached the driver side of the car. The person inside was a white male. He had a Bic lighter on his stomach. I saw a butane fuel can next to the passenger seat. The male also had a black item on his chest that was similar in shape and size to the tourniquets Neenah officers carry on duty, but it was not. I knocked on the window, but did not get a response. I opened the car door to check on the male. I nudged his elbow and finally got a reaction from him. I identified myself as a police officer and asked what he was doing there. He said he was just taking a nap. The male seemed a little confused. I told him we were called there because he had been sleeping in the lot all day. He mumbled something about being there all day and all night. He told me had had gone into the gas station at some point and played the poker machine and referenced "cashing out". I asked the male if he had any identification and he did not answer. I continued requesting identification and he told me he was just trying to gather his wits. At one point, the male reached to his left ankle and starting pulling his pant let up (he was wearing sweatpants). I told him to stop and asked why he was doing this. He then went up to his waistband, which was halfway down his buttocks, and said he was trying to pull up his pants.

I told the male to step out of the car. I did so because I wanted to assess his well-being and I felt there may be a weapon in the vehicle or on the male. As I repeated this, Officer J. Peterson stepped around the car to my side. I saw he had his TASER drawn and turned on. After the male continued to refuse to get out of the car, I drew my TASER and turned it on. The male reached for the door to close it and I stopped him from doing so. The male started reaching for the ignition. Before he realized the car was already running, I determined I would not be able to use the TASER effectively because of the close proximity and the male's baggy clothing. The male fumbled with the key, not realizing the car was already running. He then was able to close the car door, get the car into drive and drive forward. The car stopped after it went up the curb, but the driver continued accelerating and he hit the gas meter. I recognized the sound of the gas leak as the male put the

car in reverse. The male backed into my parked squad car, then drove out of the parking lot and was last seen southbound on Gillingham Road.

I was not able to use my squad car, as eight of the internal airbags had deployed. Officer J. Peterson attempted to catch the vehicle as it left, but he was not able to get back to his squad before the male left the parking lot. I notified Dispatch of the situation and immediately evacuated the gas station and advised all the customers at the gas pumps they needed to leave the parking lot. Dispatch put out the notice county wide to watch for the suspect vehicle.

I was able to speak with the original caller on this, A [REDACTED] S [REDACTED]. She told me she did not recognize the male as being a regular and didn't believe she had seen him at all before. The male was in the store at about 8:00AM and he made a phone call. The male used the store phone, not his own phone. The power was still turned off at the time of this contact, but A [REDACTED] said she would see if she can check the call log on the telephone to get the phone number that was called. The male left the store after the phone call. He did not purchase anything and did not play the poker machines as he had claimed.

WE Energies responded and was able to get the gas shut off.

I contacted Goss Auto Body to tow the damaged squad car. The driver door was significantly damaged and all four airbags on both sides of the vehicle were deployed. Only the front airbags were still intact.

Lieutenant T. Van Sambeek made attempts to locate the renter of the vehicle. See his narrative for information.

I obtained a still photo of the suspect from my body worn camera and posted it on the Neenah Police Facebook page for possible identification. Follow up is to attempt to identify the male. If he is identified, he should receive citations for the Hit and Run accident, Reckless Driving and a criminal charge of Resist/Obstruct an Officer. If we learn the suspect does not have a valid driver's license, he should be cited for that, as well.
cjk/lm

01/10/2020 1:54 PM J. Peterson Body Camera Activated

On the above date and time, I assisted Sgt. C. Gruenstern with a welfare check at 1340 Gillingham Road; Fox Convenience gas station. Officers were advised that there was a male subject sitting in a blue 4 door sedan with the vehicle running since 8:00 AM today. The reporting party, A [REDACTED], who is an employee of Fox Convenience, stated the male has been sleeping in the vehicle since 8:00 AM. A [REDACTED] did not provide a make/model or a plate to the vehicle.

I initially observed a silver/blue colored sedan parked and running on the northwest corner of Solea Mexican Grill. The driver and sole occupant of the vehicle appeared to be hunched over the wheel. I made contact with the individual who advised that he works at Solea and just got done with work and that he was fine.

I made contact with A [REDACTED], who was outside at this time. She advised the vehicle was parked on the south side of Fox Convenience. I located the vehicle in question, which can be described as blue colored Hyundai with Illinois license plate [REDACTED]. I observed one occupant in the vehicle that was in the driver seat. I did confirm the vehicle was running.

I made a passenger side approach to the vehicle. I observed a large white male Caucasian behind the wheel. The male appeared to be sleeping and/or passed out. I did observe that the male was breathing normally. I observed on the center console a large canister of butane liquid fuel.

I knocked on the front passenger side window to get the male's attention and announced myself. The male turned towards me, opened his eyes briefly and then looked away. The male was then observed placing his head back on the headrest and placed an arm over his face/eyes.

Sgt. C. Gruenstern had made a driver side approach and engaged the male with dialogue. Please refer to his report for further details.

I maintained a visual of the male via the passenger side window. At some point, I observed the male to start moving around the vehicle and attempt to reach for something on the floorboard/underneath the seat. I heard Sgt. C. Gruenstern tell the male not to reach for anything. At this time, I suggested that officers needed to attempt to get the male out of the vehicle to further talk to him.

I made my way to Sgt. C. Gruenstern's location and observed the driver side door open. I did have my department taser unholstered, as I felt if the male came out of the car, he was going to fight with officers. Officers attempted to have dialogue with the male, however, he did not comply. The male ultimately put the vehicle in drive and drove forward onto the curb/sidewalk of the business and struck the gas meter. Almost immediately, I heard a loud hissing sound coming from this area and the smell of natural gas. It was obvious the male had damaged the meter creating a dangerous situation.

Officers disengaged the male. The male was observed backing up and ultimately struck fully marked Squad #4. The male was then observed driving westbound through the parking lot and turning south onto Gillingham Road. I ran to my squad, which was across the parking lot, in order to follow the male, however, by the time I got to my squad, I lost sight of the vehicle. Based on the location of the business, I believed the male most likely had gotten onto the Interstate 41 southbound or the frontage road. I responded to the frontage road area and drove all the way to HWY G. I did not observe the vehicle at this time.

I responded back to Fox Convenience to further assist with the scene and evacuation of Solea Mexican Grill and provide traffic control.

Body camera footage uploaded. JP tvs/lm

T Van Sambeek 1-10-20 1:54PM

On the above date and time, officer responded for a welfare check at 1340 Gillingham Rd. for a subject that had been sleeping in his car most of the day. I later heard that the subject had struck a gas meter and a squad car.

Upon my arrival, I learned that the vehicle was a rental from Enterprise Rent-A-Car. I contacted our local Enterprise and was informed that this vehicle had been rented in Sheboygan by C █ V █. C █ had given an address of █, Sheboygan, and a phone number of 920-█. C █ did not match the description that officers had given me. I called this number and left a message about who I was and why I was calling.

I then had a teletype sent to Sheboygan Police to attempt to make contact with C █ at his residence. Officers responded that they were unable to make contact and left a card with our phone number on it.

Enterprise Rent-A-Car put a note in the account to call local law enforcement when the car is turned in. It is due to be returned on 1-13-20 at 12:30PM in Sheboygan. tvs/lm

01/11/2020 9:30am
Sergeant C. Gruenstern

I was driving through the parking lot of Enterprise Rent-A-Car on Main Street and made contact with an employee who I learned was the same Lieutenant T. Van Sambeek spoke with yesterday. The employee, A █, told me she has not seen the vehicle or heard that it had been turned in. She said she would be able to get me a copy of the rental agreement, which I attached to this supplement. The rental agreement shows the car due back in Sheboygan on 01/13/20 at 12:30PM. A █ left a note in the computer file that when the car is returned, the keys are not to be accepted and the renter not released from responsibility until the police are called. I gave A █ the case number and asked that the note in the computer reflect to have the rental agency contact the local police before calling the Neenah Police Department.

At about 1:35PM, I was told the female responsible for this car called. I called N █ T █ back right away. N █ told me her husband, C █ V █, was the person that actually rented the car. They are going through a separation, but he rented the car on her behalf. The car was rented on January 2, 2020. On January 9, 2020, they renewed the rental. N █ loaned the car to a male she only knew as "Keej". She said she has also heard people use the nickname "Beijing" because he hangs around with Asian people. N █ knows "Keej" through other friends. N █ has known him for a couple months. He has helped N █ with favors and she never had an issue with him to make her not trust him. N █ knew nothing of any drug use or history for "Keej". "Keej" asked N █ if he could borrow the car to go home and get some items. She agreed to let him borrow the car on Thursday, January 9, 2020, and he was to return it the next night. She was notified by C █ today the police were looking to talk to him regarding a crash. N █ has been trying to get a hold of "Keej", but he is not answering his phone. She provided the phone number 920-█ for "Keej". I asked if she knew where "home" was for "Keej". N █ thought he lived in Neenah. I had N █ look at the Facebook post while I was on the telephone with her and she identified the photograph I posted as the male she loaned the car to.

Shortly after I got off the phone with N [REDACTED], I learned the Winnebago County Sheriff's Department were dispatched to an abandoned vehicle at the quarry at 4140 Brooks Rd. in Vinland. The car that was abandoned was the vehicle involved in this complaint and it was unoccupied. I drove to that location and saw the Hyundai. The car was covered with snow. I photographed the damage to the rear of the car. The bumper was cracked and it appeared, based on fresh paint flaking, the top edge of the trunk was dented. I also photographed some damage to the front of the vehicle where it struck the building and gas meter. After the deputies searched the vehicle, I photographed the broken window on the rear driver's side and the pile of glass that was on the seat from this window. This is the window that was previously broken and taped up at the time of my initial contact with the vehicle in Neenah.

Winnebago County deputies searched the vehicle as an abandoned vehicle. They located a cased shotgun in the trunk that had tape on it and what appeared to be fresh spray paint where the serial number was. There were several shells in the shotgun case. There was also a bullet proof vest in the trunk, as well as a bucket of 9mm ammunition. Deputy Zill gave Dispatch the serial number and learned the shotgun was stolen during a reported burglary in Brown County. They also located what is presumed to be a crack pipe in the car. There were items of clothing in the car, but nothing to be able to identify who was in the car. There was a receipt in the car from approximately 9:30AM that showed the male purchased a phone charging cord and car plug-in. I do recall the cell phone cord attached to the male's cell phone looked new. I determined there was no need for our department to keep the car. I advised Winnebago Sheriff Lieutenant L. Seiler we had no interest in taking the car or any property from it. I tried to contact Enterprise, but the local offices were closed. The sheriff's department decided to tow the car and hold it for now.

While I was at the quarry, at the request of Lieutenant L. Seiler, I requested Lieutenant T. Van Sambeek give

[REDACTED]

When I returned to the Neenah Police Department, with the assistance of Officer J. Peterson, I learned Riley Kleist was in prison. I called the phone number at 5:19PM and spoke to a male named Gordon Vanden Bloomer. He said he was assigned this phone number by the cell phone company in October, 2019. This would be after Riley was arrested. Gordon did not know Riley and had no knowledge of this incident.

At 5:45PM, I called N [REDACTED]. I told her of the finding of the car and what was found in it. She said she did not know anything about the firearm in the car. She also did not know about the broken window on the back door. N [REDACTED] still did not have any other information on the identity of "Keej". After further questioning, she remembered hearing him say something about living on [REDACTED]. I asked if he lived alone or with roommates. N [REDACTED] said she remembered "Keej" saying his roommates were always "tripping on him" because he has to stay in the garage. N [REDACTED] had no information on who the roommates were.

At 6:17PM, N [REDACTED] called the police department. She said she received a call from 651-[REDACTED] and it was "Keej". He was trying to put the blame and responsibility of the car on N [REDACTED] and C [REDACTED]. "Keej" did not admit any involvement in anything and told N [REDACTED] she should report the car as stolen. She said it sounded like he thought the phone call was being monitored. N [REDACTED] did not tell "Keej" anything and played it off as she didn't

know anything that was going on with the car or the items found in the car. I asked her to try to not reveal to "Keej" that we found the shotgun in the car. N [REDACTED] said she would continue trying to find out who "Keej" is by talking to her other friends.

Winnebago County Dispatch was able to contact Sprint and they forwarded her the cell phone tower data and call log for 920-[REDACTED]. Follow up is to look through the logs and see if there is any useful information to follow up on.

This information and report can be cross referenced with Winnebago County Sheriff's Department report 20-000161. cjl/lm

01/12/2020 11:20am
Sergeant C. Gruenstern

One of the phone numbers on the call log was 920-[REDACTED]. I checked TLO and found [REDACTED] [REDACTED] Officer S. Santiago and I went to that address and made contact with K [REDACTED] G [REDACTED] in the garage. He said he was in the process of cleaning the garage out. I asked him about a male staying there and he said that is why they were cleaning it out. There was a male staying there and he had been kicked out. K [REDACTED] said he is staying at the house with his girlfriend, M [REDACTED]. I showed K [REDACTED] the photos I had from my body worn camera of the suspect and he identified the male as the male that was staying in the garage. He only knew the male by the name "Nick".

We went into the house and met with M [REDACTED]. She also said she recognized the male and only knows him as Nick. They had problems with him and concerns with a number of different cars that would come and go from the residence while Nick was there. They said the majority of visitors were Asian. They said Nick hasn't been seen since New Year's Eve. I asked about the multiple calls and text messages starting just after midnight Friday morning, specifically an 11 minute call just after midnight. M [REDACTED] said she talked to him about bills and the money he owed. M [REDACTED] had no interest in having Nick back at the house and they changed the locks. The locks on the doors looked brand new. M [REDACTED] agreed to allow Officer S. Santiago look through the property left behind to attempt to identify Nick.

We went to the garage with K [REDACTED]. He let us go through boxes of stuff that was going to be thrown away. There were a large quantity of brand new small plastic baggies. There was nothing in those boxes to identify the male. We then went upstairs where Nick was staying. K [REDACTED] told us all the property there was Nick's, including a lot of clothing and other items. There were items in the "apartment" consistent with someone packaging and dealing narcotics. We also located some ammunition. Officer S. Santiago found a receipt for Boost Mobile from August 26, 2019, for N [REDACTED] V [REDACTED]. The receipt was for a phone trade-in. The receipt showed this was done at Computer Corner, 105 W. Winneconne Ave.

Before leaving, we advised K [REDACTED] and M [REDACTED] to call us if Nick shows up at the house. Based on the amount of personal belongings in the garage, it is likely he will want to return. M [REDACTED] said she would call him on our

behalf and set up a meeting if we wished. We later learned from M [REDACTED] she received a call from Nick from 651-[REDACTED]. This is the same number that called N [REDACTED] yesterday.

[REDACTED] I contacted Investigator C. Gorden to advise him of our findings and ask for his assistance.

At 12:56PM, I called 715-[REDACTED]. The female I spoke to wished to not give her name or information. She recalled receiving the calls and talking to a male she only knows as "C [REDACTED]". The caller was looking for the female's ex-boyfriend, J [REDACTED] M [REDACTED], who is incarcerated in Outagamie County and heading to prison soon. She had no other information for me.

At 1:10PM, I called 260-[REDACTED]. I spoke to a male who said the phone belonged to his sister. He told me his sister had an attitude and likely wouldn't talk to me. He also said she was "on the clock" and they were at work at White Castle. I heard a female in the background. The male told her who was calling and then the phone hung up.

The call log showed N [REDACTED] called the male once after the incident, at 4:40PM. It did not appear she had spoken to him. There was one text message sent from N [REDACTED] to the male. The male called N [REDACTED] four times:

- 3:30pm 36 seconds
- 3:31pm 3 seconds
- 3:37pm 126 seconds
- 3:53pm 130 seconds

He sent her two text messages in that, as well; one at 3:31PM and one at 4:09PM. I tried to call N [REDACTED] and left her a voice message. She needs to be asked about these calls and text messages.

Officer S. Santiago will continue follow up as I am off until January 22, 2020. cjk/lm

Officer S. Santiago, 01/13/2020 6:00AM

Sergeant C. Gruenstern requested that I follow up on this case during his extended absence.

Upon beginning my scheduled duty shift, I requested that Investigator A. Streubel disseminate the following message via the Wisconsin Crime Alert Network (WCAN). Still photographs from Sergeant C. Gruenstern's body camera were attached.

[REDACTED]

[REDACTED]

At 11:30AM, I received a phone call from Investigator M. Omdahl of the Brown County Sheriff's Office informing me that he believed the subject of the WCAN alert may be Rory Behling. Officer J. Kramer shortly after, received a phone call from Officer T. Thao of the Kaukauna Police Department who provided the same information. Officer T. Thao indicated that Rory is known to be referred to as, "Beijing" and as of August of 2019 has a last a known address of [REDACTED] in Appleton.

I located the identifying information for the suspect: Rory J. Behling, date of birth: [REDACTED], and compared the body camera footage to Rory's Department of Transportation photograph and his Department of Correction photographs, ultimately concluding that they were indeed the same person. Rory currently has multiple warrants through: Wisconsin Community Corrections for initial convictions of Battery by Prisoners, Habitual Criminality, Possession w/ Intent to Distribute Designer Drugs, and Possession with Intent to Distribute Narcotics (Felony/ Body Only); and the Outagamie County Sheriff's Office for Possession with Intent to Distribute Methamphetamine (2nd or Subsequent), Second Degree Recklessly Endangering Safety, Attempting to Flee or Elude an Officer, Obstructing an Officer, Criminal Damage to Property, Negligent Operation of Vehicle, Possession of Drug Paraphernalia (Felony/ \$100,000 Bond or Body). It is to be noted that in July of 2019, Rory was accused of reversing into a Grand Chute Police Department squad, nearly striking an officer, and then being involved in a pursuit. He has yet to be arrested for the incident, hence the warrants.

I then received a phone call from Investigative Sergeant R. Aronstein of the Brown County Sheriff's Office. He was inquiring as to what charges we would be considering and coordinating efforts between his agency, the Winnebago County Sheriff's Office, and the Neenah Police Department reference the vehicle and stolen shotgun that was recovered. I informed him that I would consult with our Investigative Services Unit. In the meantime, Professional Staff member L. Moede emailed Investigative Sergeant R. Aronstein a copy of the narratives for this case. Brown County's case number for the burglary involving the stolen shotgun is: 19-50275.

After consulting with Lieutenant A. Wagner and Investigative Sergeant J. Bauman, probable cause exists for the following criminal charges:

- Second Degree Recklessly Endangering Safety, Wisconsin State Statute 941.30(2)
- Flee/ Elude an Officer, Wisconsin State Statute 346.04(3)
- Resist/ Obstruct an Officer, Wisconsin State Statute 946.41

Through the reckless operation of the vehicle, Rory endangered the safety of officers on scene, a citizen who was standing near by until officers yelled at him to get away. The male was later identified as R [REDACTED] F [REDACTED]. Furthermore, Rory created a substantial risk of great bodily harm. In the body camera footage of both

officers, a citizen is seen smoking within a few feet of the crash scene that caused a major leak. Prior to crashing and leaving the scene, Sergeant C. Gruenstern repeatedly commanded Rory to not turn the car on, "Stop.", and get out of the car. Rory knowingly disobeyed officers in full patrol duty uniforms who identified themselves as such and proceeded to crash into the gas station, reverse into a fully marked squad car, and then leave the scene at a high rate of speed, nearly striking a parked car during a busy time of day. Once on Gillingham Rd., Rory was seen traveling South at a high rate of speed, again putting the general public at risk through his reckless operation of his vehicle.

I completed a Request for Prosecution for the above mentioned charges, saving an electronic copy to the DA Electronic Transfer folder under the corresponding case number.

Investigative Sergeant J. Bauman subsequently made contact with Investigator Craig Bohn (W61) of the Winnebago County Sheriff's Office and Investigative Sergeant R. Aronstein to coordinate efforts.

Investigative Sergeant J. Bauman later requested that I respond to the Enterprise Rent-A-Car located at 833 Main St. in the City of Neenah at 4:00PM to obtain Consent to Search the rental vehicle that was used at the time of this incident and later recovered. I met with Management Assistant, Amanda Nussbaum, who reviewed and signed the Consent to Search form which has been attached to this report.

At 4:15PM, I returned a call to N [REDACTED] T [REDACTED] who left a voicemail with our front desk. N [REDACTED] indicated that she did not have any further information to disclose but wanted an update on things. She supposedly spoke to a lawyer who advised her to no longer cooperate. I ended the conversation with N [REDACTED].

At this time, there is no further information. This case can be forwarded to the Investigative Services Unit for continued follow up. sds/alw/sjv

01-14-2020 9:59AM SGT J BAUMAN 117

On the above date and approximate time, Investigator Hoffer and I responded to the Winnebago County Sheriff's Department to process the vehicle for this case. Officer Santiago already obtained written consent from the Enterprise Rent-A-Car company for this vehicle. The contract expired for this vehicle and it is legally owned by the Enterprise Company. I initially consulted with the Sheboygan Enterprise Rent-A-Car and have worked with Trace Sonnleitner. Arrangements were made with the Neenah Enterprise Rent-A-Car office to sign the Consent to Search form. Both verbally and in writing, the Neenah Police Department obtained consent to search the vehicle.

At the Winnebago County Sheriff's Department storage area, we began by taking photographs of the vehicle. Damage to the vehicle included the cracks and dents to the rear bumper, the driver side rear door had a broken window, the driver side corner of the front bumper had damage, and there was also damage to the lower frame below the door of the front passenger side door. As indicated above, photographs were obtained.

There was a variety of different items located throughout the vehicle. On the front seat I located a receipt, empty soda bottle, napkins, and Altoids mints. Inside the glove box were various manuals. On the rear or passenger seat on the driver side seat was a red basket with miscellaneous clothing, a receipt, and bottle of water. There was also a window scraper in the rear seat area.

The trunk contained the following items: 1 Pail of Remington 9 mm Luger ammunition, Miscellaneous 9 mm Luger ammunition not inside the pail, two propane tanks, bag with cell phone cover, miscellaneous tools, and other miscellaneous items inside, black plastic case, miscellaneous receipts, red reusable shopping bag with shoes, soda and body spray inside, cell phone covers, fireworks, plastic containers, Bud Light beer, Dr. Pepper soda, bottled water, clear rubber hose, miscellaneous black and red shopping bags that are reusable.

The receipts were taken as evidence along with the 9mm ammunition. Processing of the vehicle included miscellaneous wet and dry swabs. I also lifted what appeared to be a partial fingerprint on the rear view mirror. When we returned to the Neenah Police Department, the following items were inventoried into the BEAST Evidence System:

Item number 1 - Sunkist pineapple soda bottle located on the front passenger seat

Item number 2 - wet and dry swabs upper right quadrant of steering wheel

Item number 3 - wet and dry swabs upper left quadrant of steering wheel

Item number 4 - wet and dry swabs lower right quadrant of steering wheel

Item number 5 - wet and dry swabs lower left quadrant of steering wheel

Item number 6 - wet and dry swabs of shifting handle

Item number 7 - approximately 277 9 mm Luger R-P cartridges in pail

Item number 8 - receipt from front passenger seat of vehicle

Item number 9 - multiple receipts from trunk of vehicle

Item number 10 - fingerprint lift card from rearview mirror

The receipt from the front passenger seat showed a purchase on January 10, 2020 at 9:34 AM at the Mobil gas station, where the incident took place. Other receipts that were located in the vehicle indicate the suspect has made purchases in Woodbury, Minnesota and Oshkosh, Wisconsin. Photocopies of the receipts are attached to this report.

Enterprise Rent-a-Car Company was given contact information for the Winnebago County Sheriff's Department in order to have their vehicle retrieved. The rifle that was previously inside the vehicle was collected by the Brown County Sheriff's Department.

This information needs to be added to this report. JPB/pp/sjv

01/15/2019 at 1:00 PM
Officer E. Douglas

On the above date and time, I was dispatched to follow up with M [REDACTED] B [REDACTED] in regards to this complaint.

I made contact with M [REDACTED] via phone, who advised that the suspect in this case had contacted her the previous night while she was at work. I asked her if it was Rory Behling who had contacted her and she advised that she was unsure of who the male was, due to him using a false name when renting from her. M [REDACTED] told me that the male who had been renting a place to stay from her at [REDACTED] in Neenah, had contacted her while she was at work. She knew the male was related to this case and that police were looking for him. I later verified with Lieutenant A. Wagner that the male M [REDACTED] had been speaking about was in fact Rory Behling.

M [REDACTED] told me that Rory had contacted her at work the night before. Rory had wanted to meet at her residence to get his belongings and to pay her rent. M [REDACTED] had told Rory that she had gotten rid of his stuff, that she did not want him to pay the rent and that she did not want him back there. M [REDACTED] told me that Rory was persistent about getting his belongings from her residence. Rory had called from the phone number (414) [REDACTED]. I told M [REDACTED] that I would submit an added patrol request for her so that officers could be aware that Rory may return to the residence. M [REDACTED] told me she had changed the locks on her residence in case he did return. She advised that she would contact the police department if she got any other updated information and advised that she would call 911 if he showed up at her residence.

I contacted Investigator C. Gorden and informed him of Rory's updated phone number for their investigation. An added patrol log was submitted to the supervisors basket to be approved.

I have no further information and this ends my involvement with this complaint. emd/kmv/sjv

01/21/20 7:30PM
Sergeant C. Gruenstern

At the above date and time, the Winnebago County Sheriff's SWAT team attempted to execute a warrant on Rory Behling at 810 Grove Street, Menasha. Shortly after their arrival, the SWAT team members were involved in a shooting with Rory, resulting in Rory's death.

This case can be closed. cjb/sjv

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/72

Report Date: 02/04/2020

Primary Information

Description:	Receipt of Finalized Scene Mapping Data By S/A Yerges 02/04/2020
Occurrence From:	02/07/2020 00:00
Occurrence To:	02/07/2020 00:00
Reporting LEO:	Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	02/20/2020
Approved By:	Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Narrative begins on the following page.

RECEIPT OF FINALIZED SCENE MAPPING DATA

On the morning of Friday, February 07, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received an electronic mail from Wisconsin State Patrol (WSP), Technical Reconstruction Unit (TRU), Accredited Reconstruction Specialist, Trooper David R. Marquardt. By means of the electronic mail, Trooper Marquardt electronically sent S/A Yerges a web link address to follow and access in order to obtain all of Trooper Marquardt's scene mapping data related to the on-going officer-involved death (OID) investigation. After digitally accessing a file-sharing application, S/A Yerges accessed Trooper Marquardt's forwarded Forensic Diagramming Report, five (5) finalized and assorted scene mapping diagrams and an electronic file which contained the "raw" data, scans and images related to the "capture" data from the scene mapping/diagramming efforts. The scene mapping diagrams accurately and precisely depicted the scene in connection with the on-going Winnebago County Multi-Jurisdictional SWAT Team OID investigation. S/A Yerges obtained electronic downloaded copies of all of the referenced data. S/A Yerges retained control of the electronic data and finalized scene diagrams.

S/A Yerges subsequently reviewed the aforementioned report and scene mapping diagrams. The electronic documents consisted of a one (1) page Forensic Diagramming Report created by Trooper Marquardt related to the OID investigation scene. The report documented Trooper Marquardt's duties, scene documentation process and the instrumentation utilized to map the scene on behalf of the DCI. The referenced scene diagrams consisted of five (5) individual renditions of one (1) page 2D assorted scene diagrams. Following were the referenced scene diagrams:

- Overall Scene Diagram
- Overall Scene Diagram With Evidence Marker Locations Depicted
- BearCat Diagram With Associated Evidence Marker Locations Depicted
- 802 West Grove Street Rendition With Associated Evidence Marker Locations Depicted
- 810 West Grove Street Rendition With Associated Evidence Marker Locations Depicted

The scene diagram included the designation and location of scene evidence articles which were identified, documented, seized and preserved during the scene examination (see also DCI Reports 20-3877). S/A Yerges included the referenced mapping data with the OID investigative case file in order that the official scene mapping data became a permanent part of the DCI case file and investigation.

Digital copies of the referenced mapping data were electronically attached to S/A Yerges' supplemental report for informational and case documentation purposes with the exception of the scene "capture" data. Due to the electronic size of the capture data file, S/A Yerges would subsequently place such data in the electronic DCI Records (DCIR) file separate from the report.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/72

Any of the referenced scene mapping data should be referred to or examined for any additional and/or more detailed information and/or documentation of the official scene depiction and precise location of evidence articles.



Wisconsin State Patrol
Technical Reconstruction Unit
Bureau of Field Operations
433 West St. Paul Ave, Ste. 300
Milwaukee, WI 53203-3023



DATE OF INCIDENT: January 21st, 2020
LOCATION OF INCIDENT: 810 West Grove St. Appleton, WI
REQUESTING AGENCY: Dept. of Justice – Division of Criminal Investigation
WSP TRU CASE NUMBER: 000145-7533
DATE OF REPORT: February 7, 2020

REQUEST FOR SERVICE

On January 21st, 2020 at approximately 9:20 PM I was contacted by the Wisconsin State Patrol Traffic Management Center and was advised of a forensic mapping request in the City of Appleton, WI. The Department of Justice – Division of Criminal Investigation (DOJ-DCI) was investigating an officer involved shooting and requested the Technical Reconstruction Unit (TRU) respond to forensically map the scene.

RESPONSE

I responded to the scene and arrived at 10:57 PM. I contacted Special Agent T. Sleeman who directed me to work with Special Agents R. Windorff and K. Heimerl. Special Agent Windorff and I entered the crime scene and he showed me the evidence they had marked and what they wanted mapped.

FORENSIC MAPPING

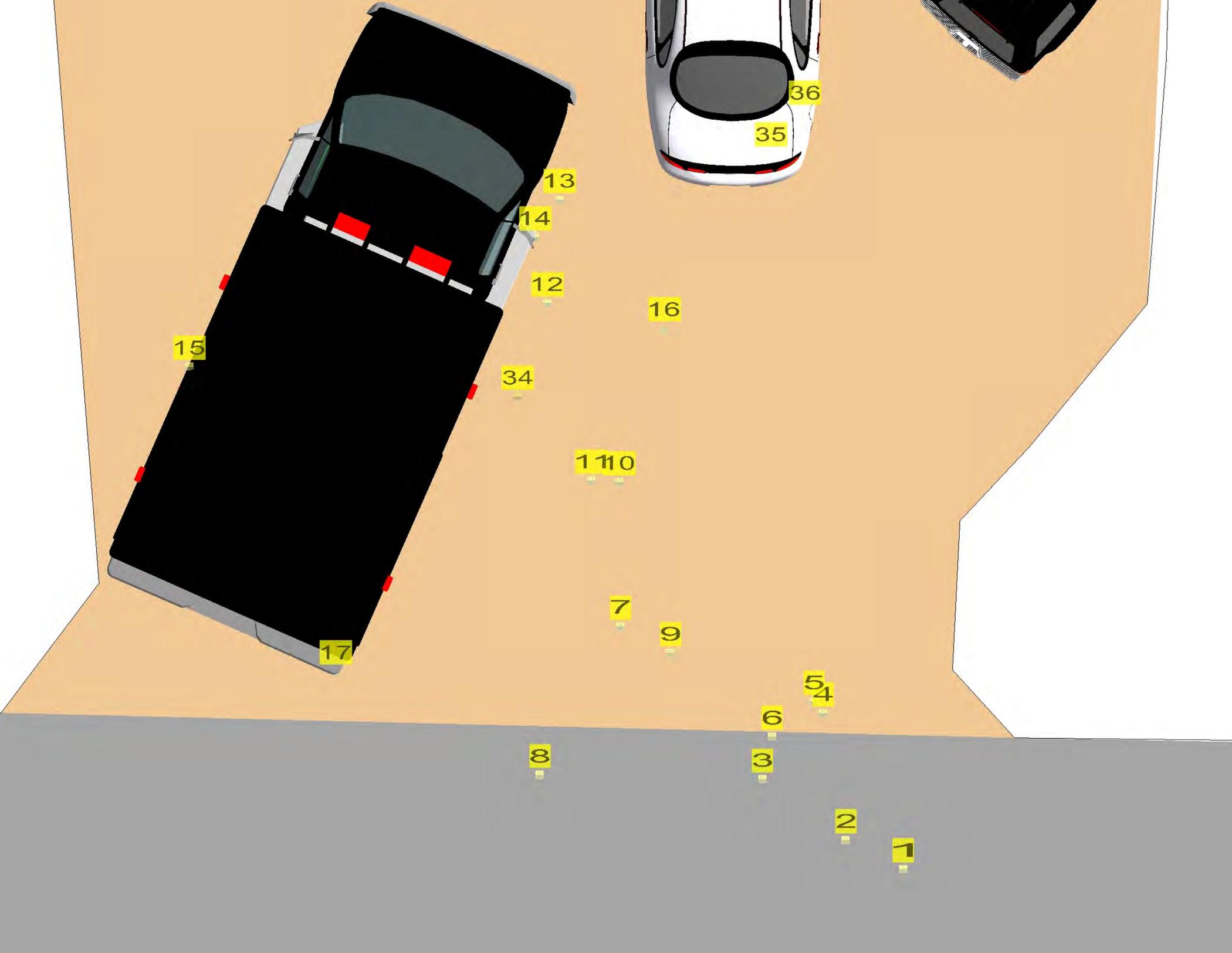
I utilized my division issued Trimble SX-10 Scanning Total Station to map the scene. Seven scans were taken of the two buildings, three vehicles and multiple evidence markers within the scene. An additional scan was taken inside the residence of 810 West Grove St.

DIAGRAMMING

The scan data was used to create 2-D diagrams of the scene in a computer aided drawing (CAD) environment. The diagrams were turned over to DOJ-DCI along with the scanner data.

Respectfully submitted,

Trooper David R. Marquardt
Crash Reconstruction Specialist
Wisconsin State Patrol – Technical Reconstruction Unit
david.marquardt@dot.wi.gov
1-844-847-1234 Ex. 3354



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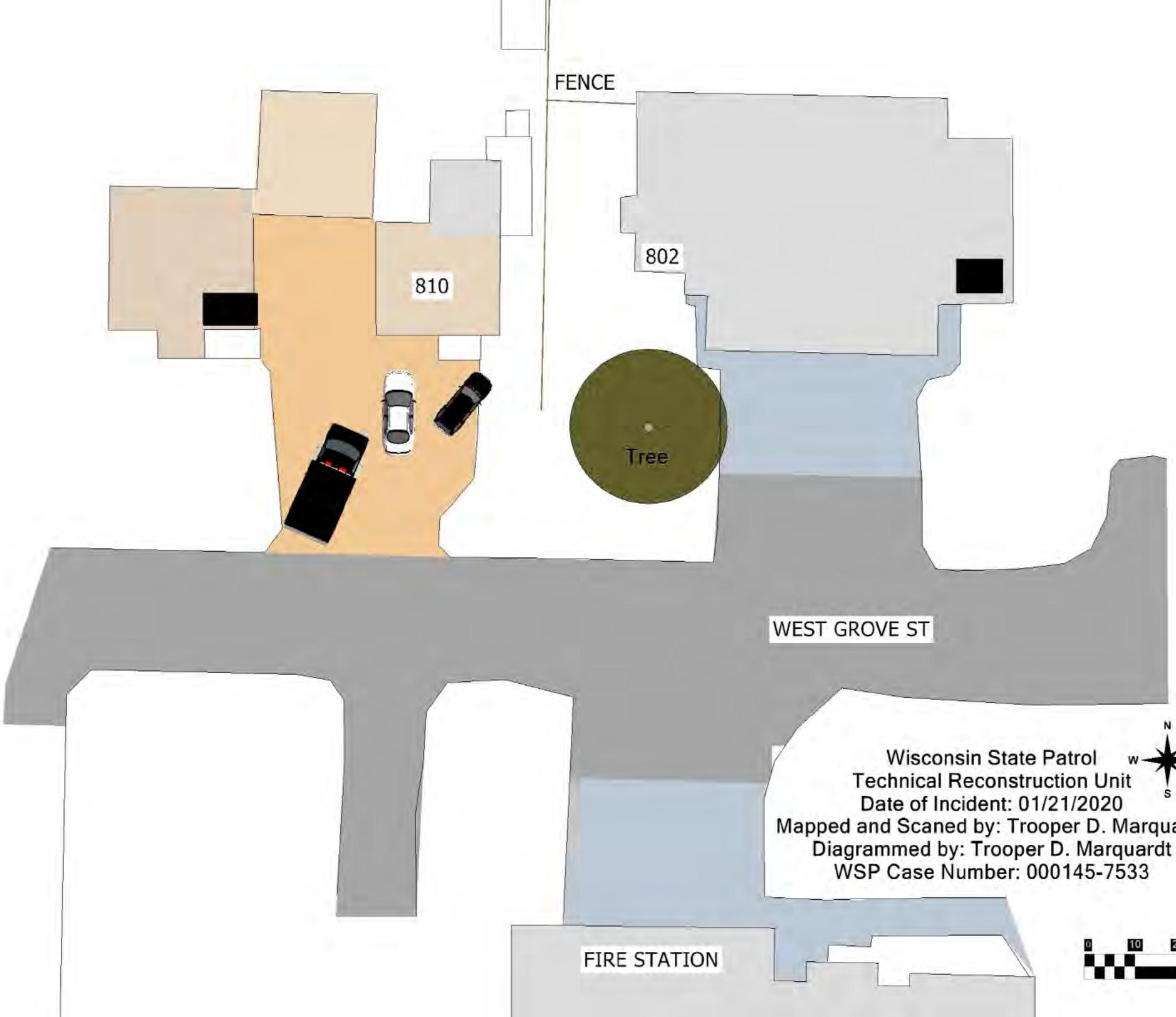
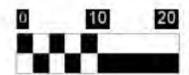
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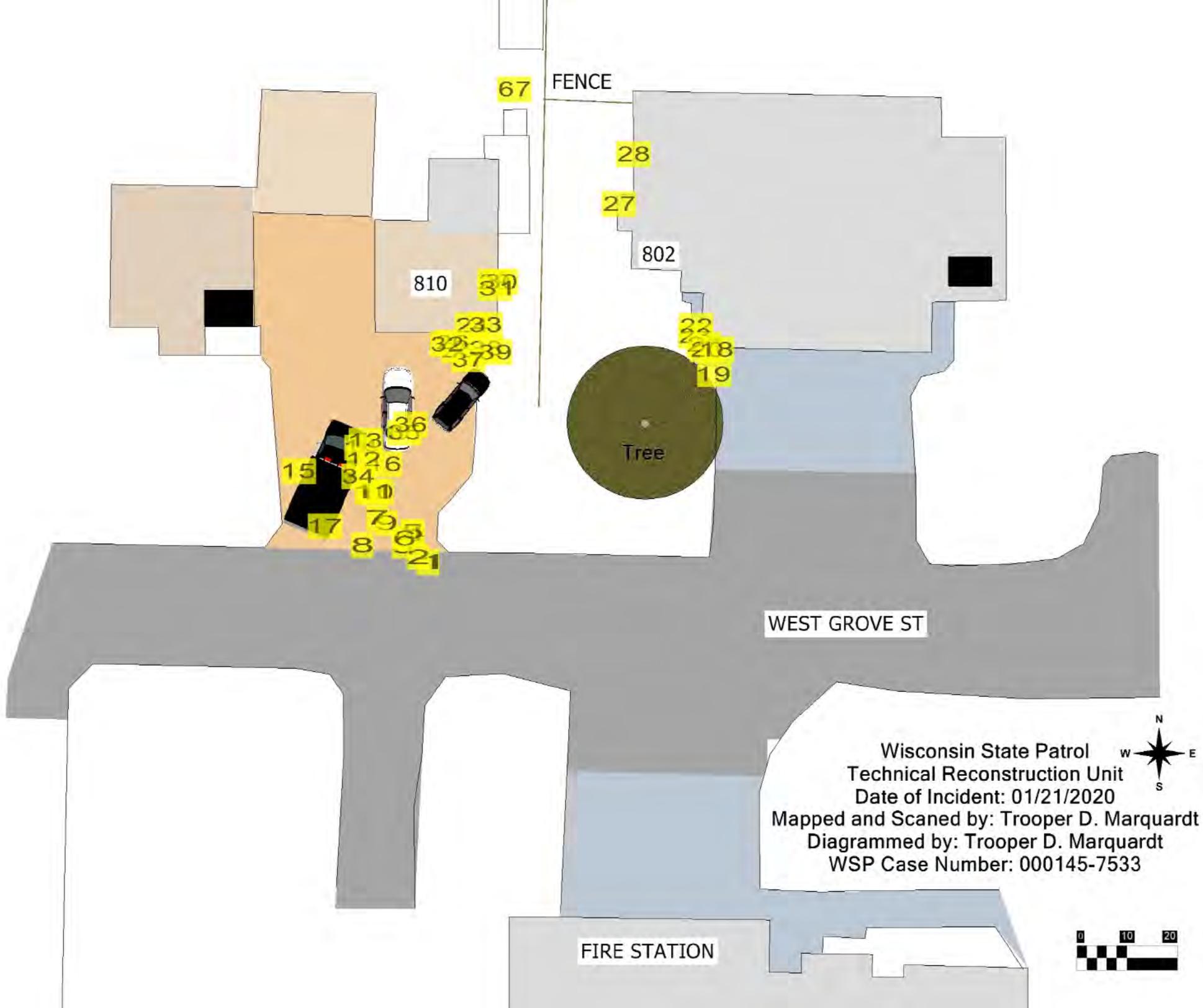
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WEST GROVE ST

Wisconsin State Patrol
Technical Reconstruction Unit
Date of Incident: 01/21/2020
Mapped and Scanned by: Trooper D. Marquardt
Diagrammed by: Trooper D. Marquardt
WSP Case Number: 000145-7533

FIRE STATION





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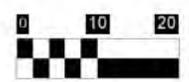
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WEST GROVE ST

FIRE STATION

Wisconsin State Patrol
Technical Reconstruction Unit
Date of Incident: 01/21/2020
Mapped and Scanned by: Trooper D. Marquardt
Diagrammed by: Trooper D. Marquardt
WSP Case Number: 000145-7533



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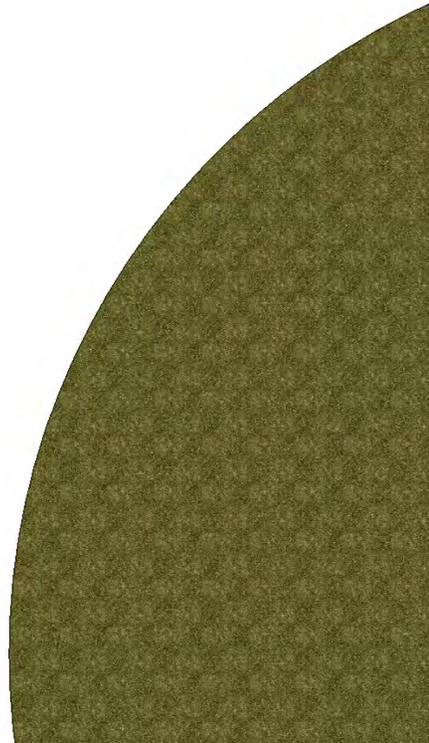
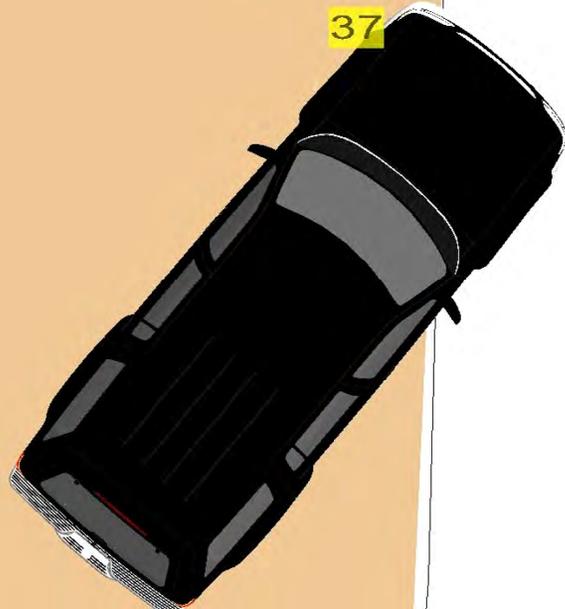
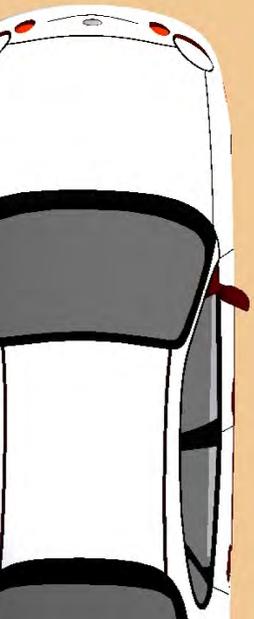
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Wisconsin Division of Criminal Investigation

Examination of Records 20-387/73

Report Date: 02/04/2020

Primary Information

Description: **Receipt of Decedent Toxicology Report By S/A Yerges 02/04/2020**
Occurrence From: **02/04/2020 00:00**
Occurrence To: **02/04/2020 00:00**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/06/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Subject of Records	Behling, Rory J (Person)	32 yr. old, White, Male	

Narrative begins on the following page.

RECEIPT OF DECEDENT TOXICOLOGY REPORT

On Tuesday, February 04, 2020, during mid-afternoon hours, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received an electronic mail from a representative of the Winnebago County Coroner's Office. By means of the electronic mail, the representative forwarded the toxicology report related to case decedent, Rory J. Behling, to S/A Yerges. The toxicology report was electronically attached to the referenced electronic mail. S/A Yerges acknowledged receipt of the toxicology report to the representative. S/A Yerges maintained a digital copy of the referenced toxicology report electronically. S/A Yerges reviewed the report for familiarization purposes.

The report consisted of a three (3) page typewritten confidential NMS Labs toxicology report regarding workorder number, "20030142." The report was issued on "02/04/2020" at "08:04" Hours (8:04 a.m.). The report documented the forensic toxicology quantified test results pertinent to the decedent's submitted biological specimens from time of autopsy. The report was completed and electronically signed by Certifying Scientist, Denice M. Teems. According to the report, [REDACTED]

A digital copy of the referenced toxicology report was electronically attached to S/A Yerges' supplemental report for informational, official agency record-keeping and case documentation purposes. The detailed toxicology report should be referred to, and/or examined, for any additional or more detailed information.

Wisconsin Division of Criminal Investigation

Investigative 20-387/74

Report Date: 02/13/2020

Primary Information

Description: **Case Synopsis Report By S/A Yerges**
Reporting LEO: **Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/19/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	802 W Grove St, Appleton, Wisconsin 54915 United States of America
Location of Event	810 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Kressin, Jonathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Law Enforcement	Schoonover, Kyle J (Law Enforcement Official)		---
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	██████████

Narrative begins on the following page.

SYNOPSIS REPORT FOR OFFICER-INVOLVED DEATH OF RORY J. BEHLING

On Tuesday, January 21, 2020, the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI) received a formal request from the Winnebago County Sheriff's Office (WISO) to investigate an officer-involved death (OID). The incident occurred at a residence located at 810 West Grove Street, Fox Crossing (Appleton), Winnebago County, Wisconsin. During an encounter with law enforcement, an individual identified as Rory J. Behling was shot by law enforcement and died as a result of gunshot wound injuries sustained during the incident.

On Tuesday, January 21, 2020, the Lake Winnebago Area MEG (Metropolitan Enforcement Group) Drug Unit (LWAM) was investigating a subject who was identified as Rory J. Behling. Behling had become an individual-of-interest in Brown County burglaries in which firearms were stolen, intentionally damaging a Neenah Police Department (NEPD) patrol vehicle and convenience store with a motor vehicle and on-going narcotics investigations. Behling also had an outstanding Department of Corrections (DOC) warrant and a \$100,000.00 cash bond related to an outstanding arrest warrant in Outagamie County. Behling was alleged to have been in possession of two (2) handguns. As a result, LWAM investigators secured a search warrant for the residence that Behling was determined to be occupying. Due to the danger factors, LWAM investigators requested the assistance of the Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team to initiate the search warrant at the residence and execute the physical arrest of Behling for the outstanding arrest warrants.

At the time the SWAT Team BearCat (armored vehicle) pulled up to the residence, Behling was exiting the east side of the residence. Behling was confronted by SWAT Team operators. As a result, Behling attempted to re-enter the residence. Behling became locked-out of the residence. Behling then ran to the front of the residence where he pointed a handgun at other SWAT Team operators who were in the process of exiting the BearCat. Behling discharged the handgun at at least one (1) SWAT Team operator. SWAT Team Operator Seely Moe discharged his SWAT rifle at Behling simultaneous to Behling pointing his firearm at the other SWAT operators. Operator Moe was located at a next door residence (east) of Behling at 802 West Grove Street. Behling was impacted by .223 caliber rifle rounds and immediately became incapacitated and unresponsive at the scene. Two (2) additional SWAT Team operators simultaneously discharged their weapons at Behling during the incident. SWAT Team operators approached Behling and handcuffed him. SWAT Team Tactical Emergency Medical Services (TEMS) operators determined Behling was deceased at the scene. Behling's body was transferred to the Appleton Fire Department – Station 3 immediately across the street from the scene. During the investigation, it was determined that no other person(s) was accompanied with Behling at the time of the incident.

DCI Special Agent (S/A) Yerges was assigned as the lead case investigator and DCI S/A Sleeman was assigned as the secondary case investigator. DCI special agents received scene assistance from the Wisconsin State Patrol, Technical Reconstruction Unit. DCI special agents were also assisted by the Appleton Police Department (APPD) and the Winnebago County Coroner's

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/74

Office.

Behling's next-of-kin family members were identified by the DCI. Death notifications were made to Behling's mother and children on January 22, 2020. Family members were offered support services by the DOJ - Office of Crime Victim Services.

DCI special agents conducted the following case interviews: five (5) citizen-witness interviews during the neighborhood canvass, four (4) involved SWAT Team operator interviews, 31 related law enforcement officer interviews and two (2) SWAT Team TEMS operator interviews. DCI special agents interviewed SWAT Team Leader Englund, Operator Kressin, Operator Moe and Operator Schoonover on January 24, 2020.

During the investigation, 12 law enforcement body-worn video camera recordings were acquired for examination. One (1) BearCat 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: Behling's body, two (2) motor vehicles, six (6) firearms, fired bullet casings, fired bullets, extracted bullets, ammunition, audio and video recordings, a cellular telephone, a backpack with contents, suspected illegal drugs, drug paraphernalia, United States currency, clothing articles, personal effects, biological specimens, forensic evidence and other miscellaneous articles of evidence.

An autopsy upon Behling was performed at the Fond du Lac County Medical Examiner's Office on January 22, 2020 by Chief Medical Examiner and forensic pathologist, Dr. Adam Covach, MD. The autopsy revealed Behling sustained multiple gunshot wounds to the head, back and left hand. Behling died as a result of injuries sustained to the head during the encounter with law enforcement.

On February 20, 2020, 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.

Wisconsin Division of Criminal Investigation

Interview 20-387/75

Report Date: 02/14/2020

Primary Information

Description: Statement of Interview: C [REDACTED] D [REDACTED]
Occurrence From: 02/14/2020 00:00
Occurrence To: 02/14/2020 00:00
Reporting LEO: Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 02/14/2020
Approved By: Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)

Synopsis

On 01-22-2020, DCI S/A Alan Hunsader interviewed C [REDACTED] D [REDACTED] regarding information pertaining to the officer involved shooting death of Rory Behling on 01-21-2020.

Subjects

Relationship	Name	Bio	DOB
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Interviewed	D [REDACTED], C [REDACTED] (Person)	41 yr. old, White, Female	[REDACTED]

Telephones / E-Addresses

Relationship	Number/E-Address
Subject's Telephone	(920) [REDACTED] (Cellular)

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/75

INTERVIEW

On Wednesday January 22nd, 2020, from the approximate times of 7:55AM to 8:00AM, DCI S/A Alan Hunsader spoke with C [REDACTED] D [REDACTED], F/W, [REDACTED], of [REDACTED] Grove St., Appleton, WI. on the telephone. This interview pertained to the officer involved shooting death of Rory Behling on January 21st, 2020.

Upon speaking with Ms. D [REDACTED], Ms. D [REDACTED] stated that at approximately 6:30PM or 7:00PM she took her dog for a walk and was gone about a half an hour. Ms. D [REDACTED] stated that she was walking back and was at the intersection of Calumet and Memorial streets when she heard a loud bang. Ms. D [REDACTED] stated that she thought this sound might have been gunshots. Ms. D [REDACTED] stated that as she continued walking she saw that officers had her road closed and she was told by officers that she couldn't get back in.

S/A Hunsader observed that Ms. D [REDACTED]'s address is listed in ACISS as [REDACTED] Grove St. which is in the vicinity to where Behling was shot by police.

This concluded information provided by Ms. D [REDACTED].

Wisconsin Division of Criminal Investigation

Interview 20-387/76

Report Date: 02/14/2020

Primary Information

Description: **Statement of Interview: T [REDACTED] L [REDACTED]**
Occurrence From: **02/14/2020 00:00**
Occurrence To: **02/14/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On 01-22-2020, DCI S/A Alan Hunsader interviewed T [REDACTED] L [REDACTED] pertaining to information concerning the officer involved shooting death of Rory Behling

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Interviewed	L [REDACTED], T [REDACTED] (Person)	White, Male	---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/76

INTERVIEW

On Wednesday, January 22nd, 2020, from the approximate times of 10:45AM to 11:50AM DCI S/A Alan Hunsader interviewed T ■ I ■, M/W, Unknown DOB, concerning information pertaining to the officer involved shooting death of Rory Behling that occurred on January 21st, 2020.

I ■ lives in the vicinity of where this shooting occurred. Upon speaking with I ■, I ■ stated that during the morning of January 21st he noticed a lot of strange cars in the neighborhood. I ■ stated that he figured these were unmarked police cars. I ■ stated that he has lived in that house for 30 years, and he knew something was going on.

I ■ stated that towards evening on the 21st there was a flurry of police vehicles coming into the area. I ■ stated that around 7:00PM he received a "robo-call" saying to shelter in place. I ■ stated that he looked out his second story window and saw activity. I ■ stated that he couldn't tell what house it was, but figured he knew which house it was. I ■ said that he walks almost every day and he frequently sees Fox Crossing Police Department squads at a house near to where he activity was. I ■ described this house as a little ramshackle place 2nd from the east - the west side of the duplex on the north side of the road. I ■ stated that at about 7:30PM he heard about 6 or 7 gunshots. I ■ stated he got the approximate time from watching the news. I ■ stated that during this time he did not hear anything verbal and didn't see anything other than squad lights reflecting off the neighboring houses.

This concluded information received from T ■ I ■.

Wisconsin Division of Criminal Investigation

Interview 20-387/77

Report Date: 02/14/2020

Primary Information

Description: **Statement of Interview: S [REDACTED] R [REDACTED]**
Occurrence From: **02/14/2020 00:00**
Occurrence To: **02/14/2020 00:00**
Reporting LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **02/14/2020**
Approved By: **Wisch, Jeffrey A (Wisconsin Division of Criminal Investigation)**

Synopsis

On January 22, 2020 DCI S/A Alan Hunsader interviewed S [REDACTED] R [REDACTED] pertaining to information concerning the officer involved shooting death of Rory Behling.

Addresses

<u>Relationship</u>	<u>Address</u>
Interview Location	801 W Grove St, Appleton, Wisconsin 54915 United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Deceased	Behling, Rory J (Person)	32 yr. old, White, Male	[REDACTED]
Interviewed	R [REDACTED], S [REDACTED] (Person)	White, Female	---

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-387/77

INTERVIEW

On Wednesday, January 22nd, 2020, from the approximate times of 11:10AM to 12:00PM DCI S/A Alan Hunsader interviewed S [REDACTED] R [REDACTED]. This interview took place at the Appleton Fire Department - Station #3 and pertained to information concerning the January 21st, 2020, shooting death of Rory Behling. Ms. R [REDACTED] resides at [REDACTED] W. Grove St.

Upon speaking with Ms. R [REDACTED] she stated that she noticed a suspicious van in the neighborhood on the morning of January 21st, 2020. Ms. R [REDACTED] stated that this van was around all day. Ms. R [REDACTED] stated that she also noticed a second van in the area as well. Ms. R [REDACTED] stated that she thought those were police vehicles. Ms. R [REDACTED] stated that she thought something was going on but didn't know what.

Ms. R [REDACTED] stated that at approximately 7:25PM she received a "robo-call" telling her to shelter in place. Ms. R [REDACTED] stated that at approximately 7:35PM a second robo-call came in saying the same thing.

Ms. R [REDACTED] stated that she noticed a SWAT Truck and Sheriff's Department SUVs parked down by Grove and Gardner's Row streets. Ms. R [REDACTED] stated that some of these vehicles were parked in the parking lot for D&D.

Ms. R [REDACTED] stated that a little while later she saw these vehicle slowly driving down the street. Ms. R [REDACTED] stated that these police vehicles pulled in by either 810 or [REDACTED] Grove St. Ms. R [REDACTED] stated that police officers and a police SUV pulled around behind the residence.

Ms. R [REDACTED] stated that she then observed a lot of commotion with a lot of lights and people yelling. Ms. R [REDACTED] stated that she couldn't understand what was being said. Ms. R [REDACTED] stated that she heard gunshots and saw smoke. She said that this all occurred very fast. Ms. R [REDACTED] stated that she heard several overlapping gunshots.

Ms. R [REDACTED] stated that she then observed more commotion with dogs barking and officers moving in formation in and out from behind the SWAT truck. Ms. R [REDACTED] stated that she thought she observed 6 officers carry a body out. Ms. R [REDACTED] stated that officers were going back and forth from the fire department. Ms. R [REDACTED] said that additional squads began blocking the road and the commotion started to die down. Ms. R [REDACTED] stated that at about 9:00PM she received another robo-call stating that the situation was safe.

Ms. R [REDACTED] stated that while she was speaking with S/A Hunsader outside fire station 3 she observed 2 males standing on Grove St. Ms. R [REDACTED] identified one of them as T [REDACTED] - last name unknown from [REDACTED] Grove St. and K [REDACTED] - last name unknown from 810 Grove St. Ms. R [REDACTED] stated that she has had no interaction with anyone at 810 Grove St.

This concluded information received from Ms. R [REDACTED].

Wisconsin Division of Criminal Investigation

Memo to File 20-387/78

Report Date: 02/20/2020

Primary Information

Description:	Case File Submitted To DA Office For Legal Review By S/A Yerges 02/20/2020
Reporting LEO:	Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status:	Approved
Report Status Date:	03/02/2020
Approved By:	Schallhorn, Kyra M (Wisconsin Division of Criminal Investigation)

Synopsis

CASE FILE SUBMITTED TO DISTRICT ATTORNEY OFFICE FOR LEGAL REVIEW

On Thursday, February 20, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigation (DCI) traveled to the Winnebago County District Attorney's Office during late afternoon hours. S/A Yerges personally met with Assistant District Attorney (ADA) Tracy A. Paider reference the completed DCI interactive case file associated with the Winnebago County Multi-Jurisdictional SWAT (Special Weapons And Tactics) Team officer-involved death (OID) investigation which occurred in Fox Crossing (Appleton), Wisconsin. The incident involved several SWAT Team members and case decedent Rory J. Behling.

S/A Yerges provided ADA Paider with a verbal overview and briefing of the entire DCI OID investigation. During the meeting, S/A Yerges supplied ADA Paider with a USB drive which had digital versions of all of the case file reports, attachments, images and video files associated with the investigation included on it. Such content was supplied to ADA Paider for her legal review of the OID investigation in accordance with state law. S/A Yerges informed ADA Paider that the outstanding reports associated with the investigation would be forwarded to ADA Paider, for her review, as soon as practical. After the meeting and case submission, S/A Yerges left the district attorney's office. S/A Yerges would await any formal legal decision(s) and/or opinions made by ADA Paider regarding the OID case.

Subsequent to submitting the investigative case file to the district attorney's office for review, S/A Yerges met with Winnebago County Sheriff's Office (WISO), Detective Captain (Det. Capt.), David Mack during late afternoon hours on February 20, 2020. S/A Yerges confirmed to Det. Capt. Mack that the Behling OID case had been submitted to the district attorney's office for the mandated legal review. Det. Capt. Mack was supplied with a courtesy copy of the interactive case file via a USB drive by S/A Yerges with ADA Paider's verbal authorization. After meeting with Det. Capt. Mack, S/A Yerges left the sheriff's office and made telephone contact with Fox Crossing Police Department (FCPD), Chief of Police, Tim G. Seaver. S/A Yerges advised Chief Seaver of the case submission to the district attorney's office. Chief Seaver acknowledged S/A Yerges' advisement.

After the aforementioned meetings, S/A Yerges notified Wisconsin Professional Police Association (WPPA) Staff Attorney, Roger W. Palek and Business Agent, Thomas Schrank of the case submission for legal review to the district attorney's office, for WPPA awareness, and on behalf of the involved SWAT Team operators. S/A Yerges additionally notified case stakeholders affiliated with DCI, the DOJ's Office of Crime Victim Services, DOJ public information specialists and a DCI public records specialist about the case submission to the district attorney's office. Any follow-up meetings with any victim family members and/or the involved law enforcement officers would be conducted at the direction of ADA Paider and after the district attorney office's legal decision(s) about the case.

Wisconsin Division of Criminal Investigation

Examination of Records 20-387/79

Report Date: 03/05/2020

Primary Information

Description: Receipt of Crime Laboratory [REDACTED] Analysis By S/A Yerges 03/04/2020
Occurrence From: 03/04/2020 00:00
Occurrence To: 03/04/2020 00:00
Reporting LEO: Yerges, Jay K (Appleton Special Assignments DCI / Wisconsin Division of Criminal Investigation)
Report Status: Approved
Report Status Date: 03/08/2020
Approved By: Schallhorn, Kyra M (Wisconsin Division of Criminal Investigation)

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Law Enforcement	Englund, Justin LT (Law Enforcement Official)		---
Law Enforcement	Kressin, Jonathan L (Law Enforcement Official)		---
Law Enforcement	Moe, Seely (Law Enforcement Official)		---
Law Enforcement	Schoonover, Kyle J (Law Enforcement Official)		---

Narrative begins on the following page.

RECEIPT OF CRIME LABORATORY [REDACTED] TESTING REPORT

On Wednesday, March 04, 2020, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) received a State Crime Laboratory Confidential Report Of Laboratory Findings report via the postal service. The report was related to Crime Laboratory Case Number "R20-307." The report was dated February 18, 2020. The report was authored by [REDACTED], [REDACTED]. The report consisted of a five (5) page typewritten document that reported the official findings of the State Crime Laboratory [REDACTED] analysis related to the investigation. The report was certified on February 24, 2020. After receiving the report, S/A Yerges reviewed the forensic and analytical content in the report which consisted of [REDACTED]'s conclusions, professional opinions and official forensic findings related to the [REDACTED] analysis that was requested to be performed for the DCI officer-involved death (OID) investigation.



A digital copy of the referenced crime laboratory findings report was electronically attached to S/A Yerges' supplemental report for official agency record-keeping and case documentation purposes. The original received crime laboratory findings report would temporarily be held by S/A Yerges in his working case file until it could be destroyed after any final case disposition. [REDACTED] forensic laboratory findings report should be referred to, and/or examined, for any additional and/or more detailed information.