

**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

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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.