

**Wisconsin Division of Criminal Investigation Case Report**

**Case/Report Number: 20-4149/70**

**DCI SA Rafael De La Rosa**

**Investigative Synopsis of the Officer Involved Death (OID) of Thomas J. Sutherlin**

On Monday, June 1, 2020 at approximately 12:53 a.m., the Division of Criminal Investigation (DCI) received a request from the Watertown Police Department to respond to the scene of an officer involved shooting at 1731 S. Church St., Watertown, WI.

At approximately 11:09 p.m., Watertown Police Officer Muehlenkamp conducted a traffic stop on a silver colored Buick with Indiana license plates at the Kwik Trip parking lot, located at 1731 S. Church St., Watertown, WI. Watertown Police Officer Gallegos responded to the traffic stop to assist Officer Muehlenkamp.

The vehicle had a total of four occupants. The rear driver's side passenger produced an ID that appeared to be fictitious to Officer Muehlenkamp. The rear driver's side passenger was later identified as Thomas J. Sutherlin and will be referred to as Sutherlin for the rest of this report.

Officer's Muehlenkamp and Gallegos asked Sutherlin to step out of the vehicle due to the fact that the identification he was providing was not coming back on file. Sutherlin refused to exit the vehicle. Both Officer Muehlenkamp and Officer Gallegos gave Sutherlin verbal commands to show them his hands. Sutherlin was non-compliant and would not show his hands. Officer Gallegos tased Sutherlin, using his department issued taser. Sutherlin reacted to the taser yet continued to conceal his hands.

Officer Gallegos saw a black handgun in Sutherlin's right hand. Officer Gallegos dropped his taser, yelled gun several times and retreated towards his and Officer Muehlenkamp's squad cars. While Officer Gallegos retreated, he heard a pop which he believed to be a gunshot. Officer Gallegos used his department issued Glock .40 caliber firearm to return fire, shooting 13 times. Officer Gallegos aimed at the left bottom portion of the vehicle's rear window. Officer Gallegos was in between the rear portion of his squad and Officer Muehlenkamp's squad when he shot at the left bottom portion of the rear window of the Buick.

Officer Gallegos reloaded his firearm, advised dispatch that there were shots fired and requested EMS to respond and stage at the Badger Car Wash. Officer Gallegos asked the occupants of the vehicle if they were okay. Several Watertown police officers responded to assist Officer Muehlenkamp and Officer Gallegos.

Officers on scene conducted a high-risk traffic stop and ordered the occupants to show their hands. The driver, front passenger and right rear passenger showed their hands and were asked to exit the vehicle one at a time. Officer Gallegos, along with other officers approached the vehicle from the driver's side, using a ballistic shield, not knowing if Sutherlin was not responding to commands due to being non-compliant and still a threat or not. Watertown Police Officer Peters opened the rear driver's side door and located a black handgun on the floor, in front of Sutherlin. Officer Peters retrieved the handgun and placed it on the trunk of the vehicle. The gun was later

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secured within Officer Muehlenkamp's squad. Officer Gallegos held Sutherlin by the shoulder area and pulled Sutherlin out of the vehicle.

Officer Gallegos provided aid to Sutherlin until EMS arrived. EMS arrived and took over care for Sutherlin. Sutherlin was transported to the Watertown hospital and ultimately med-flighted to the University of Wisconsin Hospital in Madison, WI.

DCI responded to the incident with 11 Special Agents (SA): SA De La Rosa, SA Fernandez, SA Holmes, SA Volenberg, SA Klavekoske, SA Folkers, SA Boswell, SA Agnew, SA Twing, SA Pertzborn, SA Prieve, 1 Special Agent in Charge (SAC): SAC Crowe and 1 Director: Director Wilson. SA De La Rosa was assigned as the lead investigator and SA Fernandez was assigned as the secondary investigator. The Wisconsin State Crime Laboratory (WSCL) collected evidence from the scene and the Wisconsin State Patrol Traffic Reconstruction Unit (WSP TRU) assisted with the investigation/created a scene diagram.

The mother of Thomas J. Sutherlin was identified, and a death notification was made by UW Hospital staff. Wisconsin Crime Victim Services forms were also provided to the family.

SA De La Rosa and SA Fernandez interviewed involved officers, Officer Gallegos and Officer Muehlenkamp on June 2, 2020. An additional 6 officers from Watertown Police Department responded. Three of the officers were interviewed by DCI agents and the other three wrote their own reports.

DCI interviewed a total of 6 witnesses, 3 of which were the other occupants of the vehicle and were critical witnesses.

The following audio / video recordings were collected: 2 squad dash camera videos, 6 body camera videos and 1 security video from Kwik Trip (no audio). The 2 squad dash camera videos, 1 body camera video and the Kwik Trip video captured the incident.

Evidence from this investigation included casings, spent bullets, firearms, cellular phones and the decedent's clothing. Evidence was transmitted to DCI / Digital Forensic Unit (DFU) and WSCL for forensic examination.

An autopsy of Thomas J. Sutherlin was conducted at the University of Wisconsin Pathology Department on June 5, 2020 by Dr. Robert Corliss and was attended by DCI SA De La Rosa. Dr. Corliss concluded Sutherlin's cause of death was a gunshot wound to the head.

On Thursday, June 25, 2020, the completed investigative file as of that date was turned over to Jefferson County Assistant District Attorney Theresa A. Beck for review.