

Exhibit 40
(DCI Interviews Summary)

REPORT OF INVESTIGATION

OFFICER INVOLVED DEATH (OID) of TONY TERRELL ROBINSON, JR.

This report will serve as the summary of the Officer Involved Death (OID) investigation of TONY TERRELL ROBINSON, JR. that occurred at 1125 Williamson Street, Apartment #2, Madison, Wisconsin on March 6, 2015. ROBINSON was shot by law enforcement officer MATTHEW KENNY of the City of Madison Police Department on March 6, 2015 after ROBINSON physically attacked KENNY.

The Wisconsin Department of Justice (DOJ), Division of Criminal Investigation (DCI) - Madison Field Office, was contacted and requested to respond as the lead investigating agency pursuant to Wisconsin Statute 175.47(3). This report is prepared pursuant to the statutory requirements of Wisconsin Statute 175.47 (5).

DOJ/DCI responded with a Special Agent in Charge (SAC) and eight Special Agents (SAs): De La Rosa, Fernandez, Holmes, Prieve, Lange, Pertzborn, Joy and Poller. A lead agent and secondary agent were designated. Additional assistance was provided during the investigation by a second SAC and sixteen additional SAs: Freymiller, Leck, Lehmann, Racine, Berkley, Todd, Jurci, Mech, VanSchoyck, Boswell, Jurci, Wilson, Dobbs, Augsburg, Orn and Forsythe.

The SACs met with supervisory personnel from the Madison Police Department and Dane County District Attorney (DA) Ismael Ozanne.

Due to the circumstances of the event, DOJ/DCI SAs and Madison Police Department personnel conducted a neighborhood canvass of businesses and residences surrounding the building at 1125 Williamson Street, to locate and identify witnesses.

As a result of the investigation, seven (7) critical witnesses were identified, and preliminary interviews were conducted. Subsequently, those seven (7) witnesses were contacted and interviewed by SAs Fernandez, Poller, Dobbs and Prieve.

An interview of Officer MATTHEW KENNY was conducted on March 9, 2015.

At the request of DOJ/DCI, investigative tasks including locating witnesses and conducting preliminary interviews were conducted by the Madison Police Department. Investigative reports were filed by that agency utilizing their report protocols.

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SA Holmes was assigned to conduct the scene investigation. The Wisconsin State Crime Laboratory's Madison Office Crime Scene Response Team (CSRT) was requested by DOJ/DCI to respond to the scene to assist in the investigation. CSRT took photographs of the exterior and interior and video recorded the scene at 1125 Williamson Street, Apartment #2. SA Holmes, along with CSRT members, located items of evidence at the crime scene which were then photographed, collected, packaged and placed into evidence by SA Holmes. The items of evidence included fired cartridge casings, spent bullets, a firearm, drug paraphernalia, drugs, packaging, a knife, sword and any other items of evidence located, including personal property of Madison Police Department officers left at the crime scene during the initial police response.

During the evidentiary processing, SA Holmes, along with CSRT members, identified items of evidentiary value within the scene, which were collected for submission to the Crime Laboratory for forensic analysis. These items included fired cartridge casings, fired bullets, and swabs of a red stain located on the living room floor.

In addition, the Madison Police Department's forensic unit took photographs and conducted video recording of the areas that could be observed at 1125 Williamson Street, Apartment #2, from the exterior portion of the scene.

DOJ/DCI requested the assistance of the Wisconsin State Patrol's Technical Reconstruction Unit (TRU), which responded to the scene to assist with the investigation.

The body of TONY TERRELL ROBINSON, JR. was secured at the University of Wisconsin Hospital in Madison, Wisconsin until it was transported to the Dane County Medical Examiner's Office in Madison for a forensic autopsy.

SAs Todd and Wilson attended the forensic autopsy of ROBINSON on March 9, 2015, at the Dane County Medical Examiner's Office in Madison. The following individuals were also in attendance: Dr. Vincent Tranchida, Autopsy Technician Amy Brinkman, and Jeanette Fridie and Chris Miles of the Dane County Medical Examiner's Office.

SAs Todd and Wilson noted multiple gunshot entry wounds to ROBINSON in the general areas of the lower lip/chin, left front shoulder, left chest, nearby left nipple, upper middle chest (2 entry wounds), and right index finger. Also noted was stippling associated with the entry wounds to the left chest, nearby left nipple, and upper middle chest area. Besides the aforementioned wounds, additional detail on each entry wound, its respective trajectory path, and either its associated exit wound or recovered fired bullet location was documented by Dr. Tranchida, including

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information regarding the re-entry and exit wound information, and documentation of other injuries and bruising.

Daily investigative briefings were conducted from March 6, 2015 through March 10, 2015, at the Madison Police Department Central District, with a DOJ/DCI SAC or SA present. Madison Police Department personnel were assigned with DOJ/DCI SAs to complete the canvass of the area, locate witnesses and assist with interviews.

DOJ/DCI obtained all reports generated by the Madison Police Department and reviewed the reports for accuracy and content. All documented interviews were reviewed by DOJ/DCI agents and, when necessary, follow-up was completed to obtain additional details and/or corroborate information provided to Madison Police Department personnel.

All surveillance video was reviewed by DOJ/DCI SAs and reports were generated to document their findings.

As a result of the critical witness interviews, the initial scene investigation, Madison Police Department records, the autopsy and a review of all additional witness interviews developed through canvass of surrounding businesses, the following factual information was obtained:

REQUEST FOR POLICE SERVICE

On Friday, March 6, 2015, at approximately 7:50 p.m., Division of Criminal Investigation (DCI) Special Agent In Charge (SAC) James Engels received a request from Madison Police Department Assistant Chief Randy Gaber to investigate an officer-involved shooting incident that occurred at approximately 6:39 p.m. on the same date.

Madison police officers had been dispatched to the 1100 block of Williamson Street, in the City of Madison, regarding a subject who was yelling and jumping in front of cars. While officers were en route to the area, dispatch received several 911 calls and updated responding officers with that additional call information. Dispatch identified the subject as TONY ROBINSON (TONY TERRELL ROBINSON, JR.), 19 years old, a light-skinned black male wearing a tan jacket and jeans. Additional information indicated that ROBINSON had hit one of his friends, that no weapons had been seen, and that ROBINSON may have taken "shrooms" or some other drug or intoxicant. Dispatch also indicated that one of the subsequent callers was a victim, and that the suspect was currently at the gas station. This information was later updated with dispatch indicating that the suspect had left the gas station and gone inside 1125 Williamson Street, and had reportedly tried to strangle another person.

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After making entry at 1125 Williamson Street, Apartment #2 a Madison police officer utilized deadly force against ROBINSON. The Madison Police Department officer involved in the shooting incident was Officer MATTHEW KENNY.

WITNESS INTERVIEWS

NEIGHBORHOOD CANVASS

During this investigation, DCI Special Agents conducted a neighborhood canvass of businesses and residences surrounding the building at 1125 Williamson Street, Madison, WI. The agents made contact with at least thirty-nine (39) individuals during the neighborhood canvass. The majority of individuals who were interviewed during the neighborhood canvass were either not home during the officer involved shooting incident, or if they were in their residence or business, they did not hear the officer involved shooting incident. No one who was interviewed during the neighborhood canvass witnessed the shooting incident.

A few people were home and did hear something. J.P. told a special agent she was walking her dog in the backyard of her residence when she heard seven shots fired. A special agent spoke with O.E. who said she was inside her home and heard four shots fired. J.P. told a special agent he was inside his residence at approximately 6:45 p.m. when he thought he heard approximately five gunshots. J.P. advised he was standing near a window located on the east side of his residence and was listening to music. B.B. informed a special agent that on March 6, 2015, at approximately 6:30 p.m. he was driving eastbound in the 1000 block of Williamson Street. B.B. stated that his friend, J.V., was a passenger in his vehicle at the time. B.B. stated that as he approached the intersection of Williamson Street and Ingersoll Street he observed the red and blue lights of a police squad car quickly approach the rear of his vehicle. B.B. stated that he immediately turned left onto Ingersoll Street and parked directly across the street from Roman Candle Pizza. B.B. stated that after he parked his vehicle, he and J.V. stepped out and observed an SUV type squad unit and another police car speed eastbound on Williamson Street through the intersection at Ingersoll with their red and blue lights on. B.B. stated that he did not pay any attention to the squad cars after they traveled through the intersection. B.B. stated that he and J.V. then began removing a bicycle from his vehicle at which time he heard what he believed were five loud gunshots. B.B. stated that the gunshots sounded like they were coming from east of his location. B.B. stated that he and J.V. immediately crouched down on the side of his vehicle for protection, for approximately thirty seconds, then quickly walked to his residence and went inside. B.B. estimated that he heard the five gunshots approximately thirty seconds after he initially parked his vehicle at the intersection of Williamson Street and Ingersoll Street. J.V. spoke with a special agent and relayed the same information as B.B.

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Other individuals contacted during the neighborhood canvass told special agents they heard something, but not gunshots. Both J.V. and J.Y. “heard a commotion.” L.H. heard “yelling,” and P.M. heard “loud yelling.” M.E. heard “what sounded like rocks being thrown against the window.” He heard the sound four times. M.E. stated that he exited his apartment through the front door toward Williamson Street. M.E. stated that when he exited his apartment he saw a tall black male, with a gray hoodie, yelling, “You shot him; you fucking shot him.” M.E. stated that he did not recognize the individual making the statement. M.E. stated that he was not certain what was happening, but that he did see a Madison Police Department SUV parked in his driveway. P.A. was in her home when she heard someone yell, “Why did you kill him?”

DCI also obtained the following information from a neighbor:

Witness “K.B.”

On March 6, 2015, SA Holmes received information that the tenant of 1125 Williamson Street, Apartment #1, Madison, Wisconsin, was currently in her apartment. SA Holmes introduced himself to the tenant, who verbally identified herself as K.B. S/A Holmes asked K.B. how she was doing. K.B. replied that she was a little shaken up as she had recently watched the local news regarding the shooting incident that just occurred at 1125 Williamson Street #2.

SA Holmes asked K.B. where she was located during the shooting incident. K.B. responded that she was in her kitchen when she heard gunshots. SA Holmes asked K.B. to describe what she heard in regard to the shooting incident. K.B. stated that at least 30 to 45 minutes prior to the shooting incident, she heard the tenants upstairs in Apartment #2 fighting. K.B. believed that fighting was occurring upstairs because she heard yelling and screaming and something breaking or being knocked over. K.B. recalled hearing a male subject yelling something similar to “get up, get up, get up.” The yelling occurred long before K.B. heard any gunshots. K.B. then stated that she heard an item breaking or a heavier item falling over. K.B. heard fighting occurring above K.B.’s kitchen, which is located in the southeast section of the building at 1125 Williamson Street. K.B. described how she observed her kitchen light, on the ceiling of her kitchen, shaking because of the fighting that was occurring in the upstairs apartment.

Prior to the shooting incident, K.B. heard at least one person, possibly more, leave the upstairs apartment and move down the steps that lead to the lower-level entry door for Apartment #2, located on the east side of the building. The individual or individuals left the apartment. Shortly after that, K.B. heard someone pounding on the entry door for Apartment #2. K.B. heard what sounded like that same person pushing their way into the entry door for Apartment #2, and then she heard that person move back up the stairs to Apartment #2. K.B. thought it was possible, based on the sounds of the individual pushing against the entry door for Apartment #2 that he/she might have forced their way through that door.

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K.B. thought that the person who had returned to Apartment #2, and possibly pushed through the door, was fighting someone else again within Apartment #2. K.B. could hear what sounded like fighting in the upstairs apartment after the subject returned. K.B. believed that the sounds of the door for Apartment #2 being pushed open and the unknown subject moving upstairs, and the sounds of the unknown subject possibly fighting with another person upstairs, occurred at least five minutes before K.B. heard the gunshots. K.B. stated that, approximately five minutes after the individual returned to Apartment #2, she heard what sounded like someone coming down the stairway again, and then the shots were fired. K.B. stated that she did not hear anything else prior to the gunshots other than what sounded like fighting in the upstairs apartment, and then the sound of someone coming down the stairs just prior to the gunshots.

K.B. did not know that the police were the individuals shooting until after the shots had been fired and K.B. observed the flashing lights from the squad cars.

ROBINSON'S EARLIER ACTIVITY ON MARCH 6, 2015

During this investigation, DCI Special Agents obtained the following information concerning ROBINSON's activities earlier in the day on March 6, 2015, prior to the Madison Police Department officer-involved shooting incident:

Witness "A.L."

On March 6, 2015, at approximately 6:35 p.m., and again on that same date at approximately 10:38 p.m., A.L. was interviewed by the Madison Police Department and DOJ/DCI, respectively. The 6:35 p.m. interview was conducted by Officer Magolan of the Madison Police Department, the 10:38 p.m. interview was conducted by DCI SAs Fernandez and Poller. The information obtained from A.L. by the SAs was consistent with the information obtained by Officer Magolan. During the interviews with A.L., he provided the following information:

A.L. said his current address was 1125 Williamson Street, Madison, Wisconsin. He lives there with his brother, J.L. ROBINSON is a friend of theirs who was "just staying" with them, but ROBINSON's "real" home was in McFarland. A.L. said ROBINSON moved in with him and his brother on March 2, 2015. A.L. has been friends with ROBINSON for the past four to five years.

A.L. said ROBINSON was currently unemployed, and was collecting SSI checks every month as a source of income. A.L. said ROBINSON got paid on March 5, 2015, so he had some money and he wanted to buy some drugs.

A.L. said he and ROBINSON had smoked a "blunt" that morning when they first got up, and then around noon they had another one. A.L. stated ROBINSON had also taken a Xanax pill that morning. A.L. stated that he knew that ROBINSON commonly used Xanax that ROBINSON bought on the street without a prescription. A.L. stated that ROBINSON also told A.L. that ROBINSON wanted to "trip on shrooms" (psilocybin mushrooms) today (March 6, 2015).

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A.L. said mushrooms have never affected ROBINSON negatively before; instead, there was always giggling and laughter when ROBINSON took them. After the officer-involved shooting, when A.L. got a call and learned what had happened, A.L. said he thought ROBINSON had been using drugs based on the statements ROBINSON had made earlier that afternoon. A.L. also said he got a Snapchat from someone on March 6, 2015 that indicated ROBINSON had purchased some “shrooms” earlier that day.

At approximately 1:00 p.m., A.L. and ROBINSON went to their friends W.T.’s residence to play video games. While they were playing video games, shortly after A.L. and ROBINSON arrived, another friend, V.A., arrived at W.T.’s house to hang out. A.L. left W.T.’s house by himself at around 2:40 p.m., to pay his rent downtown. ROBINSON, V.A. and W.T. were all still at W.T.’s house, and ROBINSON had stated they were going to purchase some mushrooms to get high.

After A.L. left W.T.’s residence, he received a call from S.D., a cousin of ROBINSON’s, who was at A.L.’s house and called A.L. to tell him that ROBINSON had tried to punch S.D. a couple of times, “taking a swing” at S.D. A.L. said that, according to S.D., ROBINSON was acting “weird” and really aggressive, trying to fight with S.D.

Witness “W.T.”

On Sunday, March 8, 2015, and again on Monday, March 9, 2015, SA Dobbs interviewed W.T. Also present for the interviews was Madison Police Detective Helgren. W.T. provided the following information during the interviews:

W.T. stated that on March 6, 2015, he was with ROBINSON and other friends during the afternoon. W.T. indicated that ROBINSON and A.L. got to W.T.’s residence in Monona between approximately 12:30 and 1:00 p.m., and V.A. and R.S. arrived between 2:30 and 3:00 p.m. W.T. said that, while he did dishes and took a shower, ROBINSON, A.L., V.A. and R.S. hung out in W.T.’s bedroom, smoking weed (marijuana) and playing video games.

According to W.T., ROBINSON said to him, “I want to get on some spiritual shit.” W.T. stated that ROBINSON subsequently used W.T.’s cell phone to call a subject named G.Z. W.T. explained that he did not have G.Z.’s phone number programmed in his phone; ROBINSON knew G.Z.’s phone number from memory. W.T. stated that G.Z. drove to Nichols Road and McKenna Road in Monona, and ROBINSON walked from W.T.’s residence to meet G.Z. on the street for the drug transaction. W.T. indicated that ROBINSON purchased seven (7) grams of “shrooms” from G.Z. that day.

W.T. observed ROBINSON eat an eighth (1/8) of the “shrooms”, and said that ROBINSON then asked W.T. for orange juice because the “shrooms” did not taste good. W.T. subsequently observed ROBINSON eat another eighth (1/8) of the “shrooms” before any symptoms set in. In addition to seeing ROBINSON smoking marijuana and ingesting psilocybin mushrooms, W.T. also observed ROBINSON take a Xanax pill while at W.T.’s residence.

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W.T. stated to investigators that, over the time the friends were at W.T.'s residence, ROBINSON ingested all seven (7) grams of the "shrooms" he had purchased. W.T. stated that, if he had known ROBINSON was going to eat all seven (7) grams, he would not have let him. W.T. said using marijuana, "shrooms" and Xanax at the same time would intensify a person's symptoms. W.T. stated that he had personally used "shrooms" in the past, and his body got a tingly feeling, like he wanted to come out of his own skin. W.T. said he could not imagine what ROBINSON must have been feeling.

W.T. stated that he, ROBINSON, V.A. and R.S. left his residence between approximately 3:30 and 4:30 p.m. and headed to Governor's Island. At that time, according to W.T., ROBINSON thought the trees were talking to him.

W.T. indicated that he has known ROBINSON since they were kids. W.T. stated that he observed that ROBINSON had posted some sexual gifs (short video clips) on his Twitter page and found this to be unusual and out of the ordinary for ROBINSON. W.T. indicated that he had observed these Twitter posts of ROBINSON's after ROBINSON ingested the "shrooms".

Witness "V.A."

On Sunday, March 8, 2015, SA Dobbs interviewed V.A. Also present for the interview was Madison Police Detective Helgren. V.A. provided the following information:

On March 6, 2015, V.A. had a class at Madison College until 12:30 p.m. After that class ended, V.A. went from Madison College to W.T.'s house, where ROBINSON and A.L. were already present.

V.A. stated that he, W.T., A.L. and ROBINSON were "smoking weed" (marijuana) at W.T.'s residence. V.A. told law enforcement that, in addition to ROBINSON having marijuana with him, he also had "shrooms" (meaning psilocybin mushrooms.) V.A. stated that he knew this because ROBINSON told V.A. that ROBINSON had the "shrooms" in his possession. V.A. said he knew ROBINSON had done "shrooms" in the past.

According to V.A., at approximately 4:00 p.m. A.L. left for work. V.A. and W.T. then drove ROBINSON back to his residence at 1125 Williamson Street.

Witness "G.Z."

On Monday, March 9, 2015, Special Agent Dobbs and Madison Police Detective Helgren interviewed G.Z. regarding the Madison Officer Involved Death Investigation which occurred on March 6, 2015. G.Z. provided the following information:

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G.Z. indicated that, on March 6, 2015, he met ROBINSON in Monona by a skate park off Nichols Road. In a follow-up interview, G.Z. stated he believed he met ROBINSON between 3:55 and 4:15 p.m. G.Z. said ROBINSON had walked from a friend's residence to meet him.

According to G.Z., when he met ROBINSON they smoked weed (marijuana), talked and hung out for approximately one (1) hour. G.Z. stated that ROBINSON was on Xanax and weed, and G.Z. told law enforcement that ROBINSON stated to G.Z., "I'm off the bars." G.Z. said he knew ROBINSON's statement to mean that ROBINSON was on (had taken) Xanax. G.Z. said ROBINSON appeared drowsy when he was with G.Z.

G.Z. told S/A Dobbs and Detective Helgren he sold ROBINSON a quarter (1/4) ounce or seven (7) grams of "shrooms," meaning psilocybin mushrooms. G.Z. indicated he sold the "shrooms" to ROBINSON for \$50.00. G.Z. stated that, at the time of the sale of the "shrooms," ROBINSON told G.Z. he was going to sell the "shrooms." According to G.Z., ROBINSON offered to trade marijuana for the "shrooms," but G.Z. said he wanted the money to purchase gas for his vehicle. G.Z. said the "shrooms" he sold ROBINSON were contained within a fold-over sandwich bag, which was stuffed inside an empty cigarette pack.

G.Z. told law enforcement officers that ROBINSON had purchased an eighth (1/8) ounce of "shrooms" from him once before.

Witness "R.S."

On March 10, 2015, SA Prieve interviewed R.S. Also present for the interview was Madison Police Detective Ryan. R.S. provided the following information:

R.S. said he had been with ROBINSON "off and on" throughout the day on March 6, 2015, from approximately 10:00 a.m. until approximately 4:00 or 4:30 p.m., at which time R.S., ROBINSON and their friends returned to the 1100 block of Williamson Street in V.A.'s vehicle. At that time, according to R.S., he left alone in his own car, and ROBINSON went upstairs to A.L.'s apartment at 1125 Williamson Street. R.S. recalled that ROBINSON had complained of being tired at that point, and R.S. believed ROBINSON went up to A.L.'s apartment to sleep.

Witness "K.A."

On March 6, 2015, at approximately 6:31 p.m. and again on March 7, 2015, at approximately 3:30 a.m., K.A. was interviewed by the Madison Police Department and DCI, respectively. The interview that occurred on March 6, 2015 at 6:31 p.m. was conducted by Officer Naylor of the Madison Police Department. The interview that occurred on March 7, 2015 at 3:30 a.m. was conducted by SA Fernandez, with Madison Police Detective Riley also present for the interview. The information obtained from K.A. by SA Fernandez was consistent with the information contained in Officer Naylor's report. During the interviews with K.A., she provided the following information:

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K.A. stated that her boyfriend is J.L., who lives at 1125 Williamson Street, Apartment #2, in Madison with his brother, A.L.

At approximately 5:00 or 6:00 p.m. on March 6, 2015, K.A. and J.L. were in J.L.'s bedroom at 1125 Williamson Street #2 when ROBINSON knocked on the door to the apartment, and K.A. let ROBINSON in. At the time of his arrival, ROBINSON went directly toward A.L.'s bedroom, while K.A. and J.L. returned to J.L.'s bedroom. K.A. estimated it was five minutes later when she heard ROBINSON say, "I took shrooms. I'm freaking out. I shouldn't have done this."

K.A. told investigators that J.L. left the bedroom to talk to Robinson. From J.L.'s bedroom, K.A. could hear J.L. talking to ROBINSON in a calm voice, as if reassuring ROBINSON that everything was okay, and telling him he just needed to relax.

K.A. estimated that J.L. had been gone from the bedroom for approximately ten or fifteen minutes when she heard another person in the living room with J.L. and ROBINSON. She recognized the new voice as belonging to a person she knows as S.D. K.A. said she looked into the living room and saw S.D. falling backwards into a chair. She then came out of J.L.'s bedroom and saw that ROBINSON had pushed S.D. K.A. said ROBINSON was trying to fight S.D. "over nothing." J.L. was telling ROBINSON to stop, and asking him to leave. K.A. said she saw J.L. standing behind ROBINSON, attempting to hold him back, because ROBINSON was still trying to get S.D. to fight with him. At approximately 6:30 p.m., K.A. and S.D. left the apartment, leaving J.L. there with ROBINSON. K.A. went to sit in her nearby vehicle.

While sitting in her vehicle, K.A. saw J.L. and ROBINSON come out of the apartment. J.L. locked the apartment door and joined K.A. at her vehicle, parked on the opposite side of Williamson Street from the apartment. K.A. then saw ROBINSON jogging towards the street, where ROBINSON jumped into the roadway in front of a vehicle that was traveling eastbound on Williamson Street, causing it to stop suddenly. ROBINSON did not appear to be hurt, and he immediately got up and returned to the sidewalk on the apartment side of Williamson Street. J.L. joined K.A. in her vehicle, and they started to drive away, at which time K.A. saw that ROBINSON was sprinting after her vehicle.

K.A. said she has never seen ROBINSON behave like that, and she was scared. As she drove, J.L. told her he was calling 911 because ROBINSON was running in the street and he was afraid that ROBINSON would get hurt.

Witness "S.D."

On March 8, 2015 SA Racine conducted an interview of S.D. in S.D.'s home. S.D. was also interviewed on March 24, 2015, by SAs Pertzborn and Lehmann. The interview on March 24, 2015 was conducted at Madison East High School, located at 2222 E. Washington Avenue,

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Madison, Wisconsin. SA Pertzborn and Lehmann met with Assistant Principal A.T. prior to their interview and informed A.T. of their intention to speak with S.D.

Principal A.T. placed a telephone call to S.D.'s father, S.D. Sr., and informed him that the agents wanted to speak to his son. Principal A.T. then arranged for agents to interview S.D. in Assistant Principal A.T.'s office.

At approximately 10:35 a.m. SA's Pertzborn and Lehmann met with S.D., who verbally identified himself to agents. Also present during the interview was Madison East Assistant Principal B. B., who requested to be present during the interview.

During the interview with SA's Pertzborn and Lehmann, S.D., provided the following information:

On March 06, 2015, at approximately 6:00 p.m. S.D. drove his friend, J.D., to J.L.'s residence, located at 1125 Williamson Street. Upon arriving in the area, S.D. parked his vehicle in the parking lot of the Mobile Spirit gas station located across the street from J.L.'s residence. S.D. then exited his vehicle and walked towards J.L.'s residence while J.D. stayed in the vehicle. As S.D. walked across the street to J.L.'s residence he observed TONY ROBINSON walking near J.L.'s residence. S.D. told agents that ROBINSON was fully dressed in a T-shirt, sweatshirt, pants and shoes when he saw him. S.D. stated ROBINSON did not seem like his normal happy self. S.D. stated that as he approached ROBINSON he asked ROBINSON "what's up". S.D. stated that he felt that ROBINSON was in a bad mood because ROBINSON did not further engage him in conversation and that he normally would have.

S.D. then walked up the stairs to J.L.'s apartment where he visited with J.L. and J.L.'s girlfriend, K.A., in the living room of the apartment. S.D. informed agents that the living room of the apartment is located at the top of the staircase and that the living room has a large bed located in it. S.D. told agents that he talked with J.L. and K.A. for approximately three minutes at which time, ROBINSON suddenly walked into the living room. S.D. stated that immediately after ROBINSON entered the living room ROBINSON told S.D. to come over to him, at which time ROBINSON gave S.D. a hug. S.D. stated that as he disengaged from ROBINSON's hug, ROBINSON suddenly threw a punch in the direction of S.D.'s chest. S.D. told agents that he deflected ROBINSON's punch with his hand but that the momentum of the punch caused S.D. to take a step back. S.D. stated that when he took the step back he tripped over the corner of the bed and fell into a chair that was located behind him. S.D. told agents that he does not know why ROBINSON threw the punch at him and that ROBINSON did not say anything prior to doing it. S.D. told agents that he did notice that ROBINSON's pupils were dilated so he assumed that ROBINSON was on drugs. S.D. told agents that after he fell into the chair he immediately stood

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up and said to ROBINSON, "Bro calm down, what are you doing". S.D. told agents that J.L. then told S.D. to, "Just leave". S.D. told agents that he then walked out of the apartment and walked across the street to where his vehicle was parked.

S.D. told agents that as he pulled out of the parking lot of the gas station he observed J.L. and K.A. walk out of J.L.'s apartment door and observed J.L. locked the door behind him. S.D. informed agents that he assumed that ROBINSON stayed in J.L.'s apartment because he did not see ROBINSON walk out with J.L. and K.A.

Witness "J.L."

On March 6, 2015, at approximately 7:19 p.m. and again on the same date at approximately 11:42 p.m., J.L. was interviewed by the Madison Police Department and DCI, respectively. The interview at 7:19 p.m. was conducted by Detective Ware of the Madison Police Department. The interview at 11:42 p.m. was conducted by SAs Fernandez and Poller. The information obtained from J.L. by SA Fernandez was consistent with the information contained in Detective Ware's report. During the interviews with J.L., he provided the following information:

Since October 2014, J.L., his brother, A.L., and their mother, T.H., all lived together at 1125 Williamson Street, Apartment #2. Approximately two weeks prior to March 6, 2015, T.H. moved out, and J.L. and A.L. continued living together at the residence. J.L. described the apartment as being on the second level of the house, and he said it is accessed by a side door that exits onto the driveway. J.L. described the apartment as having two bedrooms, and his bedroom is on the left upon entering the apartment. J.L. said his bedroom contains three dressers, a bed and a school athletic photo on the wall, and he also mentioned that he had a sword in his room. J.L. said the other bedroom belongs to his brother, A.L.

J.L. told agents that he knew ROBINSON and they have been friends for the past 2 to 3 years. According to J.L., ROBINSON had been staying at the apartment shared by J.L. and A.L. for "the past few days."

On March 6, 2015, at approximately 4:00 p.m., J.L. was at his 1125 Williamson Street #2 apartment with his girlfriend, K.A. He said that he and K.A. were in his bedroom when he heard ROBINSON walking up the stairs to the apartment. According to J.L., ROBINSON looked directly at J.L. without saying anything, then walked into A.L.'s bedroom.

J.L. stated that, after approximately one hour, during which time he did not hear anything more from ROBINSON, J.L. went to A.L.'s bedroom and opened the door. J.L. saw that ROBINSON was "balled up on the bed in the corner." J.L. described ROBINSON as lying on his side on the bed, with his arms crossed on his chest and both knees bent up towards his chest. J.L. said that ROBINSON was staring at a wall in A.L.'s bedroom, simultaneously saying "Oh my god!" and reaching out for the wall. J.L. said he heard ROBINSON shout, "Fuck you, Dad!", "Where's my

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father? Where's my mother? Don't call the police!", and "Fuck you." J.L. described ROBINSON as "yelling at his father who was not there." J.L. said this was really out of character for ROBINSON, and he started to believe something was seriously wrong with him. J.L. stated that he was yelling "Tony" at the top of his lungs, but ROBINSON did not seem to hear him. After a few seconds of shouting "Tony, Tony, Tony", ROBINSON finally replied "Javie bro". ROBINSON then began yelling "Fuck you, Dad" in the air repeatedly.

J.L. described ROBINSON as "smelling like sweat" and said ROBINSON had a "sheen" of sweat on his body, but was not "dripping" sweat. J.L. said he told ROBINSON, "Tony, you got to get out. You're out of control." J.L. said ROBINSON grabbed the front, crotch area of J.L.'s shorts and said, "Let me suck your dick." J.L. said this statement was out of character for ROBINSON because they are not in a relationship and ROBINSON was not homosexual. J.L. said as ROBINSON grabbed J.L.'s athletic shorts, he tore a hole in the front of the shorts.

J.L. said he tried to grab ROBINSON and "control him" by his hand or arm, in an attempt to get ROBINSON out of J.L.'s apartment. J.L. said that, while this was happening, J.L.'s girlfriend, K.A., ran to her vehicle because she was "so scared." J.L. said he had to control ROBINSON several times by pushing his hand on ROBINSON's chest to push him back. J.L. stated that he was worried that ROBINSON was going to hurt J.L. or his girlfriend, K.A.

According to J.L., he then ran down the stairs (which he said contained 12 steps) to exit his apartment, and ROBINSON followed him. J.L. described ROBINSON as running toward the door without acknowledging that there were stairs there. J.L. said ROBINSON stepped off the top stair without looking and continued towards the door. J.L. described ROBINSON's jump as being "like super human."

J.L. said after ROBINSON exited the residence, ROBINSON lay down on the driveway. J.L. then observed ROBINSON walk to the sidewalk and sit on his bottom, with his hands on his knees. J.L. had crossed Williamson Street to talk with K.A. at her vehicle, and he next observed ROBINSON run in front of a car traveling eastbound on Williamson Street. J.L. described that ROBINSON ran, then jumped so that his body was in a horizontal position in the air, with his left elbow under his chin. J.L. said ROBINSON landed in the street, in the path of the car, which stopped 1 to 1.5 feet short of ROBINSON. J.L. said he went to see if ROBINSON was hurt, at which point ROBINSON "popped up" and "monkey walked" on his feet and hands back to the sidewalk near 1125 Williamson Street, where he again sat down.

J.L. said he then joined K.A. in her vehicle, and they drove away westbound on Williamson Street. ROBINSON chased after their vehicle in the street, "fast," and J.L. said K.A. was scared. J.L. said he called 911 at that point because ROBINSON was out of control and he was getting more violent. J.L. was afraid that ROBINSON was going to "snap", and said he could not control ROBINSON. J.L. stated that he was afraid, if he did not call police, ROBINSON would hurt A.L. or somebody else. J.L. said that, after he called 911, he called A.L. and told him that something

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was wrong with ROBINSON. J.L. told A.L. that ROBINSON was punching holes in the walls of their apartment and “going crazy.”

OTHER CRITICAL WITNESSES

During the course of this investigation, DCI Special Agents interviewed five (5) individuals who called the police to report assaultive behavior on Williamson Street relating to this investigation. An additional witness contacted DCI to report that he had observed Robinson on March 6, 2015. During the interviews with these six (6) witnesses, they provided the following information:

J.L. Call #1 to MPD 3/6/15 at 6:28:01 p.m.

On March 6, 2015, SAs Fernandez and Poller interviewed J.L. J.L. said he called 911 because ROBINSON was out of control and was getting more violent. J.L. was afraid ROBINSON was going to “snap”, and said he could not control ROBINSON. J.L. was afraid that, if he did not call police, ROBINSON would hurt A.L. or somebody else. J.L. said after calling 911, he called A.L. and told him something was wrong with ROBINSON. J.L. told A.L. that ROBINSON was punching holes in the walls of their apartment and “going crazy.”

L.Y. Call #2 to MPD 3/6/15 at 6:31:47 p.m.

On March 7, 2015, SAs Joy and Prieve interviewed L.Y. regarding an assault that had occurred on the evening of March 6, 2015, during which L.Y. was punched in the face by a male who was unknown to him. The assault had taken place on Williamson Street in the City of Madison.

L.Y. stated that he had parked his car on Williamson Street to wait for a friend, later identified as J.J., to arrive. L.Y. explained that he and his friend had made plans to go to a restaurant on Williamson Street. After J.J. arrived, at approximately 6:20 p.m., L.Y. and J.J. walked towards the restaurant. According to L.Y., when he and J.J. were almost to the restaurant, L.Y. saw a guy walking towards him, wearing a coat with no shirt on underneath. L.Y. said the man looked angry and mad. L.Y. stated that this man then punched L.Y. one time in the face. L.Y. said that L.Y. lost his balance due to the punch, and tried to hold on to the man’s arms to hold them down.

L.Y. said that the man who punched him was taller than L.Y. and muscular. L.Y. believed the man was approximately 20 years of age. L.Y. said he thought the coat the man was wearing was a short coat, possibly green or brown in color.

L.Y. told agents that, after the man hit him, the man went to the front door of a nearby residence and started hitting it. The man then crossed the street towards the gas station and began hitting the window of one of the cars parked on Williamson Street. L.Y. stated several times that the man appeared to be trying to get someone to fight with him. L.Y. further stated that the man was acting very aggressively, and reiterated that the man seemed to want to fight someone.

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T.T. Call #3 to MPD 3/6/15 at 6:32:48 p.m.

On March 7, 2015, SA Jurci and Detective Dolsen interviewed T.T. regarding the incident.

T.T. explained that, on March 6, 2015, just before dark, he pulled into the old BP fuel station in the 1100 block of Williamson Street to get gas for his vehicle. As T.T. was fueling his vehicle, he observed a young, tall, African American male across the street from the gas station. T.T. further described the subject as possibly being in his early twenties, having no facial hair and no glasses, wearing camouflage or khaki pants, and having no shirt on. T.T. thought it was odd that the subject was not wearing a shirt because it was cold outside. The subject was yelling loudly, and initially T.T. thought he was on the phone, because it seemed he was yelling, swearing, and saying racial slurs such as the word “nigga” at someone either in the area or on the phone. After watching the subject for a short time, however, T.T. realized that the subject was not on the phone with anyone.

At one point the subject (later identified as ROBINSON) started to cross Williamson Street in the direction of T.T. According to T.T., ROBINSON seemed not to care about cars as he crossed the street, and several cars almost struck him. ROBINSON came up to T.T., put his hands around T.T.’s neck, and started to choke T.T. Regarding ROBINSON, T.T. stated to investigators that, “He looked like he was going to kill me.” After one to two seconds of being choked and feeling pain, T.T. was able to push ROBINSON off. T.T. stated to investigators, “It could have been bad, one of us would have been hurt, or both.”

Almost immediately after T.T. pushed ROBINSON off, ROBINSON began apologizing to T.T. T.T. had a feeling that something was not right with ROBINSON, saying that ROBINSON did not seem “right” in the eyes. T.T. said he has had previous life experience with people under the influence of some sort of drugs, and T.T. believed that ROBINSON’S behaviors coincided with being under the influence of some type of narcotic.

T.T. stated that, after apologizing to T.T., ROBINSON went back across Williamson Street, where T.T. had initially seen him. At that point, ROBINSON “threw a fist” at a couple who were walking eastbound on the sidewalk. T.T. ran across the street to assist the couple, and said he yelled at ROBINSON to get his attention, but it seemed to have no effect. According to T.T., after ROBINSON assaulted the couple it seemed like ROBINSON backed off again, and possibly apologized to them, but T.T. could not hear what ROBINSON said. T.T. then observed ROBINSON trying forcefully to get into Apartment #2 of a house on Williamson Street, and heard loud banging and yelling coming from ROBINSON.

The couple asked T.T. to call the police, and T.T. dialed 911 and spoke with a dispatcher. ROBINSON eventually gained entry to the apartment while T.T. was on the phone with police.

T.T. stated that police arrived quickly, and T.T. flagged down the first officer on the scene. T.T. got the officer’s attention, and was asked by the officer what was going on. T.T. said he told

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the officer that a guy was trying to get into a house, and pointed out the house to the officer. T.T. then moved back across the street to the gas station, and heard what he believed to be officers yelling. T.T. could not make out what was being said. He then saw another police squad or two arrive on the scene. Seconds later, T.T. heard what he thought were at least 3 gunshots, 2 shots at first and then another shot. T.T. did not see the shooting; he only heard the gunshots.

T.T. advised that, on the morning of March 7, 2015, the day after the incident, he saw articles and pictures on the Internet regarding the officer-involved shooting. T.T. stated that when he saw a picture of TONY ROBINSON on the news, he recognized him as the same guy who had choked T.T. and assaulted the couple on the sidewalk the day before.

J.J. Call #4 to MPD 3/6/15 at 8:22:32 p.m.

On March 7, 2015, SA Berkley and Madison Police Detective Ryan interviewed witness J.J.

J.J. stated that, on March 6, 2015, he, his wife, and their daughter were trying to find a place to eat dinner that did not have a long wait to be seated. J.J. explained that his wife was driving, he was in the front passenger seat, and their daughter was sitting in the rear passenger side as they traveled westbound on Williamson Street at approximately 6:08 p.m.

J.J. stated that, when they were across from the Spirit gas station at 1130 Williamson Street, J.J. noticed an older vehicle parked near the bushes at the gas station, which J.J. thought was odd. J.J. then saw three tall, slender, African American males, wearing dark, hip-length jackets, run in front of J.J.'s vehicle, forcing J.J.'s wife to stop immediately to avoid hitting them. J.J. stated that a fourth, shorter, African American male who was wearing a lighter-colored jacket then ran from the gas station side of the street and crossed in front of their car, forcing his wife to stop again to avoid hitting him. J.J. said, "Normally people don't run into traffic that way."

B.B. Call #5 to MPD 3/6/15 at 9:14:46 p.m.

On March 7, 2015, SA Orn and Detective Humerickhouse of the Madison Police Department interviewed B.B. regarding an incident on Williamson Street in Madison the previous evening, during which his vehicle had been damaged. B.B. provided the following information:

B.B. said that he happened to look at the time before he left his apartment and it was 6:12 p.m. B.B. was driving by himself eastbound on Williamson Street, "about a block before the gas station", when he heard something hit the rear of his car on the passenger side. When he turned his head to look, B.B. saw that a person had run into his car. This person then fell backwards but immediately got up and started running northbound, passing in front of B.B.'s car, toward the gas station. B.B. thought this occurred at approximately 6:25 p.m. B.B. said the sun had already set and it was dark outside.

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B.B. was asked to show the law enforcement officers the damage to his vehicle, and the officers observed three distinct dents on the rear passenger side of the vehicle driven by B.B. Two of the dents were on the rear passenger door, and the third dent was on the quarter-panel right above the passenger-side rear tire. The officers also noticed that the dirt-covered door appeared to have a clear section in the area of the dents, as if something had been in contact with the vehicle there.

D.S. Call to DCI 3/9/15

On Monday, March 9, 2015, DCI Headquarters in Madison received a telephone call from a subject identified as D.S., who provided the following information:

D.S. stated that, if TONY ROBINSON had a shoulder injury, D.S. may be able to explain why.

According to D.S., at approximately 6:30 p.m. on March 6, 2015, D.S. was driving eastbound on Williamson Street when he (and his wife who was a passenger in the vehicle) observed a group of three to four subjects run across the road approximately 100 yards in front of their vehicle. D.S. said he slowed down, and when their vehicle reached the west side of the Spirit gas station ROBINSON “jumped” in front of D.S.’s vehicle. D.S. said he positively identified ROBINSON as the person who jumped in front of their vehicle through photographs seen on television news.

D.S. described the motion as ROBINSON “bounding” in front of D.S.’s vehicle. D.S. said that, as ROBINSON jumped/bounded, his right shoulder hit the pavement in the middle of the eastbound lane of traffic, directly in front of D.S.’s vehicle. D.S. described the jump/bound as looking like a wrestling move. D.S. stated that Tony’s shoulder hit the ground very hard, to the point where D.S. believed Tony could have dislocated his shoulder. D.S. said that, after ROBINSON hit the pavement in front of D.S.’s vehicle, ROBINSON got up, pointed at D.S., and then continued across to the north side of Williamson Street, where ROBINSON’s friends were standing. D.S. said no cars were traveling westbound on Williamson Street at that time.

INTERVIEWS OF MADISON POLICE OFFICERS

During the investigation of this officer-involved shooting incident, DCI Special Agents interviewed five (5) Madison Police Department officers regarding their actions during the incident. The following information was obtained from Madison Police Officers Matt Kenny, John Christian, Daniel Hamilton and Joshua Bower, and Madison Police Sergeant Jamar Gary:

INTERVIEW OF OFFICER KENNY

On Monday, March 9, 2015, SA De La Rosa interviewed Officer Kenny regarding Officer Kenny’s utilization of deadly force resulting in the death of TONY T. ROBINSON, JR. Madison Police Detective Riesterer was also present during the interview. Officer Kenny provided the following information during the interview:

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On Friday, March 6, 2015, Officer Kenny was assigned to work downtown as 3 David 8, assigned sectors 408 and 410. The assigned area consists of everything west of Division Street and south of East Washington Avenue, and all the way west to Blair Street.

Officer Kenny was dispatched with the initial information that a subject was running in traffic on Williamson Street and had struck one of his associates. Information indicated the subject was a light-skinned black male, and the location was given as the 1100 block of Williamson Street. Officer Kenny was dispatched as primary, with Officer Christian as back-up.

While Officer Kenny was stopped at a traffic light en route, he was able to scan call notes for a further description and name of the subject, and learned that the subject was described as a 6 foot black male wearing a tan coat and blue jeans. The call notes included the subject's full name, but Officer Kenny said he just centered in on the subject's first name, Tony. While Officer Kenny was still stopped at the traffic light, dispatch provided further information, stating that there were reports of the subject running into traffic, and that the subject had run into the gas station on the 1100 block of Williamson Street. The subject was said to have stripped off his clothing to his waist, so he was now shirtless. Dispatch also advised that the subject was believed to have taken some type of mind-altering substance. Dispatch subsequently advised that the subject had left the gas station, had run into a residence, and was strangling someone.

As Officer Kenny came into the area of the incident, the Spirit gas station was on his left and he was scanning the street from side to side, and listening. An unknown white male stepped into the street from the gas station, waving his hand and yelling, "He went in there", pointing at a residence directly across the street from the gas station. The white male kept repeating that the subject had gone into the residence indicated, and said that the subject had gone upstairs.

Officer Kenny could hear signs of a disturbance. Officer Kenny made his way up the driveway. Officer Kenny noticed a door that was completely open, and could see a narrow staircase. Officer Kenny heard sounds of incoherent yelling and screaming. Officer Kenny approached the stairwell and could hear more clearly. Officer Kenny continued to hear yelling, along with what sounded like a fist was hitting something. He said it did not sound like items being thrown or someone pacing, it sounded like somebody was striking someone or something. Officer Kenny heard someone yelling, "What are you going to do now, bitch?"

Based on the last radio traffic Officer Kenny had heard, indicating that the subject was acting erratically and that the subject was strangling someone, Officer Kenny believed that the subject was violently assaulting someone upstairs in this residence. Officer Kenny radioed dispatch that there was a disturbance going on upstairs, and said he was going in.

Officer Kenny went up the stairs, drawing his weapon as he took the first step. Officer Kenny was holding his weapon at the "low ready" position, using both hands. Officer Kenny could still hear the sounds of thumping, smacking and incoherent yelling from upstairs. When Officer Kenny was a few steps from the top of the stairs, Officer Kenny yelled "Madison Police", in an attempt to

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shift the subject's focus from whoever was being assaulted to Officer Kenny. There was a brief silence, then, coming from the left as he was facing up the stairs, Officer Kenny heard someone yell, "Well, the po-lice is here", with emphasis on the first syllable of po-lice. He said the tone was very aggressive, non-conversational but angry.

Officer Kenny continued up the stairs to the step just before the top. As Officer Kenny moved towards his right, in order to see as much as he could towards the left, the subject immediately appeared from around the corner at the top of the stairs and struck Officer Kenny with a closed fist on the left side of Officer Kenny's head, knocking Officer Kenny back and into the wall on Officer Kenny's right. Officer Kenny struck the wall in the stairwell with the right side of his head and his right side. The subject, who was closer than an arm's length away, continued to swing at Officer Kenny and continued to aggress towards Officer Kenny. Officer Kenny said he believed he was struck more than once by the subject.

Officer Kenny was afraid that the subject was either going to knock Officer Kenny out or that Officer Kenny was going fall backwards on the stairs and hit his head, leaving the subject in a position to grab Officer Kenny's weapon and shoot Officer Kenny or someone else. Officer Kenny said he was afraid he was going to strike his head or break a long bone while falling down the stairs, leaving him injured to the point of being incapacitated. Officer Kenny shot at the subject three times while they were fairly close to the top of the stairs. The subject was still striking at Officer Kenny and continued to aggress towards Officer Kenny. Officer Kenny then shot another string of fire, consisting of two to three rounds. Officer Kenny stated that he shot two rounds very fast and then was able to achieve full extension and fired one more round.

Officer Kenny stated that he did not have the ability to use non-lethal force during this incident, based on space and time considerations.

Officer Kenny was joined almost simultaneously by Sergeant Gary and Officer Christian. Officer Kenny radioed to dispatch that shots had been fired, and he requested an ambulance. Officer Kenny directed Sergeant Gary to check upstairs, because someone else was up there.

Officer Kenny stated that, when he fired the last round, he was back on his feet, backing away, and the subject was at the bottom of the stairs, lying back against the stairs but in a semi-upright position due to the steepness of the staircase. The subject was shirtless, and Officer Kenny could not see anything in the subject's hands or in the subject's waistband. The subject was conscious and speaking, but Officer Kenny could not understand what the subject was saying. Once it was clear the subject was no longer a threat to Officer Kenny, Officer Kenny holstered his weapon, began an assessment of the subject's medical condition, and attempted to render aid, along with Officer Christian, who ran back to his squad car to get some additional medical gear.

While rendering aid, Officer Kenny was talking to the subject. Officer Kenny explained that he was taught during training to talk to patients, to try to motivate them and give them will to live, even when a patient is unconscious. Officer Kenny said he was telling the subject, "Stay with

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me. Stay with me. Come on, stay with me.” Officer Kenny continued to work on the subject, and was able to put a dressing in place on a wound on the subject’s right side. However, the subject’s color was not good, and Officer Kenny was unable to find the subject’s carotid artery. Therefore, Officer Kenny began chest compressions, and continued while briefing the paramedics who had arrived, until the paramedics advised Officer Kenny that they were taking over. Officer Kenny advised the paramedics that the subject had at least three gunshot wounds high in his upper torso that were immediately life-threatening.

In response to questions from law enforcement officers, Officer Kenny stated that the subject was a large male. Officer Kenny advised that Officer Kenny is 5’10” tall and weighs 168 pounds. SA De La Rosa asked Officer Kenny if there is an officer/subject factor, and Officer Kenny explained that officers are trained to take size into consideration, but officers are also trained in alternative use-of-force options when attempting to control larger people. Officer Kenny stated that he would have liked to have had the space and time to have been able to use those options.

In response to questions from law enforcement officers, Officer Kenny provided information regarding injuries he received during the officer-involved shooting incident:

Officer Kenny said he had noticed an ache to the top, left side of his head, and it was determined that he had a lump and an abrasion on the left side of his head, above the hair line. Officer Kenny stated that he has had a headache since the incident, and the headache was still present. Officer Kenny’s left knee was wrenched during the incident. On waking the next day, he noticed his left knee was significantly sorer than his right knee, and he found he was walking with a limp, favoring his left knee. A doctor informed Officer Kenny that the knee injury was a muscle strain.

INTERVIEW OF SERGEANT GARY

On March 10, 2015, SA Freymiller interviewed Sergeant Gary regarding his response to a call on March 6, 2015 regarding an individual who had battered someone on Williamson Street, which evolved into the officer-involved shooting incident in which Officer Kenny shot ROBINSON, resulting in ROBINSON’s death. Madison Police Detective Nale was also present during the interview. Sergeant Gary provided the following information:

On March 6, 2015, Sgt. Gary reported for duty at 2:45 p.m. That evening, he was in his squad when he heard dispatch provide information about a battery on Williamson Street. He knew Officer Kenny was responding and heard another officer also was dispatched. Sgt. Gary decided to respond as well, and while en route, he considered whether the situation may involve an excited delirium event, based on the information dispatch had provided.

Upon his arrival at the scene, Sgt. Gary saw Officer Kenny’s squad car parked in a driveway northeast of where Sgt. Gary had stopped. Sgt. Gary turned on the emergency lights in his squad when he parked. He also left his headlights on. As he exited his squad, Sgt. Gary heard Officer Kenny state on the radio that he was going to attempt entry at the residence.

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Sgt. Gary proceeded along Williamson Street toward Officer Kenny's location. Prior to reaching the driveway on the northeast side of 1125 Williamson Street, where Officer Kenny's squad was parked, Sgt. Gary cut through the terrace toward the sidewalk and the northeast corner of the residence. Sometime between walking past the cars in the street and reaching the terrace, Sgt. Gary heard a series of shots fired. He did not see anyone fire the shots. Sgt. Gary estimated that he heard at least three shots fired. Sgt. Gary communicated via radio that shots were fired.

As Sgt. Gary approached Officer Kenny, he "quickly glanced over Officer Kenny to see if there were any obvious injuries or if he was bleeding." Sgt. Gary did not see any injuries on Officer Kenny. Sgt. Gary then saw TONY ROBINSON lying on the ground, with his upper torso still inside the entryway of the home and his head on the last step of a stairway which led to the upstairs apartment. Sgt. Gary was not sure of the exact placement of ROBINSON's legs and feet.

Sgt. Gary asked Officer Kenny whether ROBINSON had any guns or knives. Officer Kenny responded with words similar to, "Nothing in his hands." ROBINSON was lying on his back with his hands behind his back, eyes closed, gasping for air. ROBINSON brought his hands out from underneath his body and Sgt. Gary saw that they were empty.

Officer Kenny told Sgt. Gary he believed there were other people in the apartment. Sgt. Gary decided to clear the apartment for safety, in order to determine whether there were any suspects or victims located there. With his gun drawn, Sgt. Gary climbed the stairway, and he announced his presence as he proceeded up the stairs to clear the apartment. He found no one present there.

When Sgt. Gary was finished clearing the apartment, he went back down the stairs. Officer Kenny was still performing CPR on ROBINSON, who appeared to be in the same or nearly the same position as when Sgt. Gary last saw him. Officer Kenny was talking to ROBINSON and encouraging ROBINSON to stay alive. Paramedics arrived shortly thereafter.

INTERVIEW OF OFFICER CHRISTIAN

On March 7, 2015, SAs Leck and Mech interviewed Officer Christian regarding his observations in connection with an officer-involved shooting at 1125 Williamson Street on March 6, 2015. Officer Christian provided the following information:

On March 6, 2015, sometime after 6:00 p.m. and before 7:00 p.m., Officer Christian was in the property room at the central police precinct processing evidence when he was dispatched to a "check the well being" call on Williamson Street. Officer Christian believes the dispatcher described the situation as something to the effect of, "1125 Williamson – friend is calling because the caller was hit by the subject and the subject was running through traffic."

While Officer Christian was en route to 1125 Williamson Street, he heard an update from the dispatcher stating something to the effect of "the subject is in the Spirit gas station with his shirt

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off.” As he neared the intersection of Ingersoll and Williamson Streets, Officer Christian heard Officer Kenny say, “I need another here, upstairs apartment.” Officer Christian, who is familiar with Officer Kenny’s radio transmissions, heard an inflection in Officer Kenny’s voice and knew that the situation demanded other officers immediately.

After exiting his vehicle, Officer Christian first ran to 1121 Williamson Street, then realized his mistake and ran to the east side of 1125 Williamson Street, where he saw Sgt. Gary standing in the driveway area beside the house. Immediately after observing Sgt. Gary, Officer Christian heard a volley of shots. Officer Christian was unable to identify the number of shots, but described it as numerous. Officer Christian subsequently witnessed Officer Kenny exiting the threshold of the door backwards with his pistol at the “low ready” position.

Realizing that the subject would need immediate medical attention, Officer Christian quickly retrieved his medical equipment from his vehicle. Officer Kenny immediately started CPR on the subject, while Officer Christian assisted with wound care, including packing the wound cavity with gauze and applying direct pressure. While performing CPR, Officer Kenny called for emergency medical services to respond. Officer Christian subsequently told dispatch to send the EMS vehicle directly to the scene, rather than having them halt at the perimeter per protocol.

INTERVIEW OF OFFICER HAMILTON

On March 9, 2015, SA Pertzborn and Madison Police Detective Luedtke interviewed Officer Hamilton regarding his involvement in and observations regarding an officer-involved shooting incident that took place on March 6, 2015, at 1125 Williamson Street in Madison. Officer Hamilton provided the following information:

On March 6, 2015, Officer Hamilton was scheduled to work a 7:00 p.m. to 3:00 a.m. shift. At approximately 6:35 p.m., Officer Hamilton was sitting in his office at the central police district, preparing to begin his shift, when he heard dispatch send officers to a disturbance-type call in the 1100 block of Williamson Street. Officer Hamilton said it was a few minutes later that he heard Sgt. Gary notify dispatch that shots had been fired.

Officer Hamilton stated that he parked his squad car and approached the scene on foot. Officer Hamilton observed that City of Madison EMS and Fire/Rescue vehicles were already at 1125 Williamson Street, and medics were performing chest compressions on a black male subject who was lying near a porch on the east side of the residence.

INTERVIEW OF MADISON POLICE OFFICER BOWER

On March 11, 2015, SA Pertzborn interviewed Officer Bower regarding his involvement in an officer-involved shooting incident that took place on March 6, 2015, at 1125 Williamson Street in Madison. Officer Bower provided the following information:

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Officer Bower said that, on March 6, 2015, he was en route to downtown Madison to respond to the scene when he was instead reassigned to respond to the UW Hospital emergency room, to assist with security at that location.

SCENE EXAMINATION

On March 6, 2015, SAC Engels assigned SA Holmes to work with the Wisconsin State Patrol's Technical Reconstruction Unit (TRU) and the Wisconsin Crime Laboratory's Crime Scene Response Team (CSRT), who had been requested to assist DCI in a forensic processing of the officer-involved shooting scene at 1125 Williamson Street, Apartment #2.

The processing of the scene identified seven (7) fired cartridge casings and three (3) spent bullets within the scene. More specifically, three (3) cartridge casing were located within the stairwell to Apartment # 2, and four (4) cartridge casings were located on or near the porch/stoop at the entrance to Apartment #2. Two (2) spent bullets were found within the stairwell to Apartment #2 and one (1) spent bullet was found within a living room closet of Apartment #2.

During the investigation, through interviews and squad video examination, it was determined that Officer Kenny was the only person who fired a gun.

The CSRT members also noted the following information during their examination of the scene at 1125 Williamson Street, Apartment #2:

- The interior stairway of Apartment #2 consisted of twelve steps, which included the upper entryway of the apartment as being the 12th step.
- Depressed drywall above the top of the 8th step from the bottom of the interior stairway.
- Hole/large defect in drywall above the top of the second step from the bottom of the interior stairway.
- The door frame of the lower-entry doorway to Apartment #2 exhibited evidence that the door had been forced open, as the dead bolt on the door was engaged (in locked position) and a piece of fractured wood and strike plate from the door frame were located on the fourth step from the bottom of the interior stairway.

The CSRT team also informed DCI that they had identified what appeared to be blood stains on the south wall of the staircase, approximately five (5) feet above the top of the fifth step from the bottom of the staircase.

REVIEW OF DANE COUNTY DISPATCH RECORDINGS

SA De La Rosa received and reviewed five compact discs (CDs) containing audio recordings from the Dane County Public Safety Communication Center (DCPSCC) of 911 calls and radio communications pertinent to the investigation into the officer-involved shooting at

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1125 Williamson Street, Apartment #2, which resulted in the death of TONY ROBINSON. Upon reviewing the recordings, S/A De La Rosa found the information to be consistent with what had been documented during witness statements and interviews.

AUTOPSY FINDINGS

On March 9, 2015, SAs Todd and Wilson attended the forensic autopsy of TONY ROBINSON at the Dane County Medical Examiner's Office in Madison. The following individuals were also in attendance at the autopsy: Dr. Vincent Tranchida, Autopsy Technician Amy Brinkman, and Jeanette Fridie and Chris Miles of the Dane County Medical Examiner's Office.

During the autopsy, SAs Todd and Wilson noted that ROBINSON had multiple gunshot entry wounds in the general areas of the lower lip/chin, left front shoulder, left chest, nearby left nipple, upper middle chest (two entry wounds), and right index finger. Also noted was stippling associated with the entry wounds to the left chest, nearby left nipple, and upper middle chest areas. Details regarding each entry wound, its respective trajectory path, and either its associated exit wound or recovered fired bullet location were documented by Dr. Tranchida, who included re-entry and exit wound information and documentation of other injuries and bruising.

WISCONSIN STATE CRIME LABORATORY FORENSIC RESULTS

Numerous evidence items connected with the officer-involved shooting incident that occurred at 1125 Williamson Street, including a firearm, fired cartridge casings and spent bullets, were collected at the scene and submitted to the Wisconsin State Crime Laboratory for analysis.

FAMILY CONTACT

On Thursday, March 19, 2015, SAs De La Rosa and Holmes met with A.I. at her residence. Also present was Dane County Victim Witness Crime Response Program Manager Foley.

A.I. was accompanied by her brother, T.C., and later by her mother, S.I. SA De La Rosa asked A.I. if her attorney was coming. A.I. stated that he was not, but that she would like to talk with SA De La Rosa, SA Holmes and VW Manager Foley anyway. SA De La Rosa advised A.I. that he wanted to make sure that she was comfortable talking without her attorney. A.I. stated that she was. SA De La Rosa advised A.I. that SA De La Rosa did not intend to record the meeting, but had the capability of doing so if she wanted him to. A.I. stated that she did not want the meeting to be recorded. SA De La Rosa advised A.I. that he would not record the meeting.

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During this meeting, A.I. made the following comments:

A.I. said J.L. called the police for help, and he advised the police that TONY ROBINSON was unarmed and under the influence. The police should have waited for back-up when on a call dealing with a subject who has psychological issues.

A.I. said ROBINSON was a gentle giant, and only wanted to belong. Although ROBINSON had been involved in an armed robbery, he did not want to participate in the first place. ROBINSON felt his involvement in the armed robbery was a stupid mistake, and ROBINSON paid dearly for it. ROBINSON was on the GPS bracelet from May 1 until December 19, 2014, and just four months after being off the bracelet, ROBINSON died. ROBINSON was a good boy who did not deserve this. When ROBINSON had got into trouble, he did not lie to the police.

A.I. said she and ROBINSON were best friends. ROBINSON was honest and open with A.I. and he never stayed out past curfew until a couple of months before he turned 18. ROBINSON graduated high school six months early. ROBINSON was a great kid with new ideas, and his future was taken from him.

A.I. said she was held against her will at the hospital when she went to see ROBINSON. A.I. begged to be with her family, but was not allowed to join them. A.I.'s boyfriend (J.J.) was not allowed to come into the room where A.I. was. She said that two Madison police officers were in the room with her, and one Madison police officer was standing outside the room. The doctor at the hospital told A.I. that ROBINSON was shot and died at the hospital. A.I. said she had to tell ROBINSON'S father (T.R., Sr.). The police finally allowed A.I.'s boyfriend into the room to see her so he could help calm her down. When A.I. was finally allowed to go back to the area where her family was, she was asked to promise to be quiet in the hallways. A.I. was never allowed to kiss her warm son. A.I. said when she and her family got outside the emergency room doors, the emergency room doors were locked behind them.

A.I. said that ROBINSON had talked to her about his spiritual journey. ROBINSON was stingy with his money, but would give someone the shirt off his back. ROBINSON ate a lot, but had been working out and trimming down. A.I. said although ROBINSON smoked weed, his grades went up and he graduated. ROBINSON enjoyed skateboarding.

When A.I.'s nephew committed suicide six years ago, ROBINSON took the suicide really hard. ROBINSON treated women well and was not a womanizer. She said ROBINSON did not have a current girlfriend, but was possibly seeing someone. A.I. did not know the girl's name, but stated

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that the girl wrote ROBINSON a letter and A.I. put the letter into ROBINSON's casket. The letter did not have a name on it, but A.I. could tell it was from a girl that ROBINSON was seeing, by reading the first few lines. She did not read the entire letter.

A.I. said ROBINSON did not deserve to die so violently. His death made no sense to A.I., especially because he was unarmed. A.I. did not think that it was right or fair that she will have to live with this. She does not know how to live and go forward without her son.

A.I. said that friends of hers have had contact with Madison Police Officer Kenny in the past, and those friends advised A.I. that Officer Kenny has used excessive force. A.I. has been in contact with the son of the person who was killed by Officer Kenny.

A.I. said she does not have a problem with the police department, and she knows there are good cops. However, A.I. holds Officer Kenny responsible because it is not okay to take lives.

A.I. said that ROBINSON went to East High School in Madison for a month in ninth grade, then finished ninth grade at La Follette High School in Madison, where he played football. Over the summer following ROBINSON's freshman year, ROBINSON and A.I. clashed hard, and therefore ROBINSON moved in with his father in Sun Prairie, Wisconsin. ROBINSON attended Sun Prairie High School for 10th, 11th, and 12th grade. ROBINSON joined the wrestling team in Sun Prairie, but did not wrestle in any matches because he was suspended due to his grades.

A.I. stated that, when T.R. Sr. had to move in April 2014, ROBINSON moved back in with A.I. ROBINSON had been going over to his friends' (J.L. and A.L.) house more and more since the end of December. Even though ROBINSON stayed at J.L. and A.L.'s house at times, ROBINSON still lived with A.I. A.I. said that J.L. and A.L. were ROBINSON'S best friends, and ROBINSON grew up with J.L. and A.L.

A.I. said that ROBINSON was working on getting his license. ROBINSON was unemployed, but ROBINSON had been receiving Social Security benefits since the age of seven. ROBINSON had stated that he wanted to go to Madison College in the fall to study business management.

A.I. said she wished that ROBINSON had not taken whatever ROBINSON took that night. A.I. also said she wished that Officer Kenny had not responded that night.

During this family meeting, the following comments were made by T.C.:

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T.C. said ROBINSON was a good, kindhearted kid. T.C. said the family has had a private autopsy performed because the family did not trust the details provided by the doctor and Barry Irwin of the medical examiner's office in the autopsy report. The family was not happy that the preliminary autopsy results were released without notifying the family first.

T.C. said that Officer Kenny probably wishes this did not happen because Officer Kenny does not want to spend his life in jail. T.C. said that Officer Kenny probably shot ROBINSON while Officer Kenny was at the top of the stairs and ROBINSON was at the bottom of the stairs. T.C. said young, unarmed black males are dying at an alarming rate.

A.I.'s mother (S.I.) was also present for part of the family meeting. S.I.'s only comment was that she hoped Madison would be the first community to state that this is wrong.

At the end of the family meeting, SA De La Rosa thanked A.I. for her time and for providing background information regarding her son. SA De La Rosa invited A.I. to call him if there was anything she needed. SA De La Rosa, SA Holmes and VW Manager Foley then departed.

DISTRICT ATTORNEY REVIEW

On March 27, 2015, a copy of DCI's complete investigative file as of that date was turned over to Dane County District Attorney Ismael Ozanne for his review.

DCI is continuing to document additional activity as its investigation is completed, and copies of those additional reports will be provided to the district attorney as soon as they are written.