



BE A FORCE

Milwaukee Police Department
Police Administration Building
749 West State Street
Milwaukee, Wisconsin 53233
<http://www.milwaukee.gov/police>

Edward A. Flynn
Chief of Police

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Milwaukee Police Department- Wauwatosa PD Investigation Case Report

Incident Report Number: 16 175 0037

Investigative Synopsis of the Officer Involved Death (OID) of Jay Anderson

On Thursday, June 23, 2016 at approximately 3:35 a.m., the Milwaukee Police Department received a request from the Wauwatosa Police Department to respond to the scene of a fatal Officer Involved Shooting involving an on duty Wauwatosa Police officer. The Milwaukee Police Department was requested to be the lead investigative agency pursuant to Wisconsin Statute 175.47.

The incident occurred in the City of Wauwatosa on the parking lot of Madison Park, 9800 W. Glendale Ave. The subject the officer shot was conveyed to Froedtert Hospital. That person was subsequently identified as Jay L. Anderson.

Lt. McLin responded to the scene along with Detectives L. O'Day, M. Gadzalinski, S. Johnson, T. Porter and N. Johnson from the Milwaukee Police Department's Metropolitan Investigations Division (Homicide Division). Detective N. Johnson was assigned to conduct the scene investigation. Milwaukee Police personnel were briefed at the scene by Wauwatosa Police Lt. Gary Gabrish, who identified the involved officer as Police Officer Joseph Mensah. Officer Mensah was working as a one person squad and was the only officer present at the time of the shooting. No independent witnesses were located.

The investigation revealed that on Thursday, June 23, 2016 at approximately 3:03 a.m., Officer Mensah patrolled Madison Park for after hour loitering violations. He was dressed in his department issued uniform and driving a marked squad at the time. As he arrived in the park, he observed a black 4-door, 2006 Nissan Altima parked in the parking lot facing westbound. Officer Mensah observed at least one subject in the auto sitting in the driver's seat. Officer Mensah indicated it appeared that there was movement inside the Altima as he approached in his squad. Officer Mensah notified the dispatcher of his location and then attempted to make contact with the occupant(s) of the vehicle. Officer Mensah parked one to two car lengths away facing the Altima, while illuminating the interior of the auto with his take down lights.

Police Officer Mensah approached from the front and walked to the passenger door of the Altima. Using his flashlight to illuminate the interior of the auto he observed the driver to be the lone occupant. Police Officer Mensah believed the subject was now pretending to be asleep due to the movement he observed as he drove up. Officer Mensah attempted to rouse the driver by tapping on the front passenger's window and announcing "Police Officer Mensah with the Wauwatosa Police Department. Wake up. Gotta talk to you." The driver subsequently "woke up", turned the key in the ignition, let down the front passenger window and engaged in a brief dialogue with Officer Mensah thru the open window.



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During the conversation Officer Mensah observed a handgun on the front passenger's seat next to Mr. Anderson. Officer Mensah drew his weapon, ordered Mr. Anderson to raise his hands and to not reach for the weapon. Officer Mensah also requested for back up over his handheld radio. Mr. Anderson raised his hands above his shoulders, suggesting he was complying with the officer's orders. But on at least four occasions Mr. Anderson started to lower his right arm while leaning toward the front passenger seat where the gun was located. On each occasion Officer Mensah indicated he directed verbal commands to Mr. Anderson, instructing him to not reach for the weapon and to keep his hands up. Mr. Anderson suddenly lunged toward the gun with his right hand. Fearing for his safety, Mensah discharged his weapon into the vehicle as he disengaged. Immediately after discharging his weapon he remotely activated his squad camera.

Wauwatosa Police Officer Ralph Salyers III and Police Officer Stephen Mills were the first two officers to arrive on scene to assist after the shooting. Officer Salyers and Mills with the assistance of PO Tyler L'Allier subsequently removed Anderson from the driver's seat as the fire department arrived. Firefighters were able to find a pulse and transported Anderson to Froedtert Hospital where he eventually succumbed to his injuries and was pronounced deceased at 4:05 a.m.

An autopsy of Mr. Anderson was conducted at the Milwaukee County Medical Examiner's office by Dr. Tlomak and witnessed by MPD Police Service Specialist Michael Braunreiter. The autopsy revealed Anderson suffered five gunshot wounds to the head and one to the upper right shoulder.

Prior to the arrival of the Milwaukee Police Department's Investigators, for safety, Officer Mills recovered the suspect's gun, a 9mm Ruger, from the front passenger seat of the Altima and secured it in the trunk of his squad where it remained until it was turned over to Det. N. Johnson. The gun contained 16 unfired cartridges in the magazine and one in the chamber. It was not reported stolen. The gun was later linked thru ballistics to a shots fired investigation in Milwaukee at 4761 N. 30th filed (MPD IR#160890009).

A check of Officer Mensah's gun revealed he discharged the weapon six times; consistent with the number of casings recovered on scene. Officer Mensah did not have a body camera. However, his squad video was recovered and reviewed. Officer Mensah remotely activated the squad video immediately after discharging his firearm. When activated the camera automatically went back and recorded the previous 28 seconds, but that 28 seconds doesn't include audio. The audio recorded from the time the camera was activated. As a result there is no recorded audio documenting the dialogue between Officer Mensah and Mr. Anderson before Officer Mensah discharged his weapon.

The squad video begins with Officer Mensah standing near the front passenger door of Mr. Anderson's vehicle. It showed Officer Mensah had his gun drawn and pointed toward Mr. Anderson who was seated in the driver's seat of his vehicle. Mr. Anderson appeared to have both hands up above his shoulders.



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Within a few seconds, Mr. Anderson is observed lowering his right hand and leaning slightly toward the front passenger seat. He raised that hand back above his shoulder but immediately lowered it again toward the passenger's seat, as his hand goes out of camera view. Officer Mensah then discharged his weapon.

Evidence from this investigation was transmitted to the Wisconsin Regional Crime Lab for examination. On July 21, 2016 the Milwaukee Police Department received a report indicating Mr. Anderson's DNA was present on the gun. Toxicology reports revealed Mr. Anderson to be legally intoxicated with a blood alcohol level of 0.114 and traces of marijuana in his system. Mr. Anderson was also in possession of 12.41g of marijuana.

On November 17, 2016 final discovery was provided to Deputy District Attorney Kent Lovern for review.