



Milwaukee Police Department
 749 W. State Street Milwaukee, WI 53233
 414-933-4444
 POLICE REPORT

Case Number: C2404090031.0
CAD Number : 2404090031

Report Type: **Initial Report**
 Nature of Incident: **HOMICIDE**

Incident					
Reported Date / Time 04/09/2024 02:32		Incident Start Date / Time 04/09/2024 02:32		Incident End Date / Time	
Case Status CLEARED	PV-17 Issued No	Victim Ordered In No	Victim Ordered In Date/Time		
Incident Address					
2441 KOSSOW RD, WAUKESHA, WI 53186					
Offense (1)			Modifier		
940.01(1)(a) 1st-Degree Intentional Homicide					
Attempted / Completed COMPLETED			Victim Consented to Offense No		
Suspect (1)					
Suspect Arrested NO					
Related Offense Link 940.01(1)(a) 1st-Degree Intentional Homicide					
Name (Last, First, Middle, Suffix)					Date of Birth
VIALL, JAKE					
Race WHITE	Sex MALE	Ethnicity NOT HISPANIC/LATINO	Age UNKNOWN yrs	Age To	
Height	Weight	Build	Eye Color	Hair Color	
Hair Length	Hair Style	Facial Hair	Skin Type	Glasses	
Clothing					
Description (Additional Misc Info)					
Moniker					
Driver's License / ID Number			DL / ID State of Issue		
Suspect Address					
Phone #1	Phone #1 Type	Phone #2	Phone #2 Type		



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Employer / School Name				Employer / School Phone			
Employer / School Address							
Suspect (2)							
Suspect Arrested NO							
Related Offense Link 940.01(1)(a) 1st-Degree Intentional Homicide							
Name (Last, First, Middle, Suffix)						Date of Birth	
KIRCHER, BRANDAN							
Race WHITE		Sex MALE	Ethnicity NOT HISPANIC/LATINO		Age UNKNOWN yrs	Age To	
Height		Weight		Build	Eye Color		Hair Color
Hair Length		Hair Style		Facial Hair	Skin Type		Glasses
Clothing							
Description (Additional Misc Info)							
Moniker							
Driver's License / ID Number				DL / ID State of Issue			
Suspect Address							
Phone #1		Phone #1 Type		Phone #2		Phone #2 Type	
Employer / School Name				Employer / School Phone			
Employer / School Address							
Suspect (3)							
Suspect Arrested NO							
Related Offense Link 940.01(1)(a) 1st-Degree Intentional Homicide							
Name (Last, First, Middle, Suffix)						Date of Birth	
MURPHY, JUSTIN							



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Race WHITE		Sex MALE	Ethnicity NOT HISPANIC/LATINO		Age UNKNOWN yrs	Age To
Height	Weight		Build	Eye Color		Hair Color
Hair Length	Hair Style		Facial Hair	Skin Type		Glasses
Clothing						
Description (Additional Misc Info)						
Moniker						
Driver's License / ID Number				DL / ID State of Issue		
Suspect Address						
Phone #1		Phone #1 Type		Phone #2		Phone #2 Type
Employer / School Name				Employer / School Phone		
Employer / School Address						
Suspect (4)						
Suspect Arrested NO						
Related Offense Link 940.01(1)(a) 1st-Degree Intentional Homicide						
Name (Last, First, Middle, Suffix)						Date of Birth
ARELLANO, JORGE						
Race WHITE		Sex MALE	Ethnicity HISPANIC/LATINO		Age UNKNOWN yrs	Age To
Height	Weight		Build	Eye Color		Hair Color
Hair Length	Hair Style		Facial Hair	Skin Type		Glasses
Clothing						
Description (Additional Misc Info)						
Moniker						



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Driver's License / ID Number		DL / ID State of Issue	
Suspect Address			
Phone #1	Phone #1 Type	Phone #2	Phone #2 Type
Employer / School Name		Employer / School Phone	
Employer / School Address			
Victim (1)			
Victim Type PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)			
Related Offense Link 940.01(1)(a) 1st-Degree Intentional Homicide			
Name (Last, First, Middle, Suffix) MILAKOVICH, CHRISTOPHER MICHAEL			Date of Birth
Age 50 yrs	Race WHITE	Sex MALE	Ethnicity NOT HISPANIC/LATINO
Height 5'07"	Weight 165 lbs.	Eye Color Brown	Hair Color Brown
Driver's License / ID Number	DL / ID State of Issue	Email or Social Media	
Victim Address 2130 S 7TH ST, # 109, MILWAUKEE, WI 53215			
Phone # 1 (414) 732-6402	Phone # 1 Type Phone	Phone # 2	Phone # 2 Type
Employer / School Name		Employee / School Phone	
Employer / School Address			
Medical / Fire Information			
Engine, Truck, Ladder, Med Unit	MFD Supervisor		MFD Shift
Ambulance Company	Ambulance Number		Transported By
Transported To	Treating Physician		Hospital Admit Date / Time
Victim Additional Information			
Victim Relationship To Offender JAKE VIAL/RELATIONSHIP UNKNOWN JORGE ARELLANO/RELATIONSHIP UNKNOWN BRANDAN KIRCHER/RELATIONSHIP UNKNOWN JUSTIN MURPHY/RELATIONSHIP UNKNOWN			



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Injuries

Narrative

Title

INITIAL INVESTIGATION

SEE SUPPLEMENTAL REPORTS REGARDING THIS INVESTIGATION.



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Report Type: Forensics - FI Supplemental

Processing		
Processed Data/Time 04/09/2024 09:34	Location of Processing 2441 Kossow Rd Waukesha	CAD Number P2404090160
Requesting Officer or Detective Detective Curtis PELCZYNSKI		Requesting Squad Number 9328
Evidence Submitted To Forensics Lab By		
Photographs		
Photos Taken UNKNOWN	Number of Photos Taken 470	Description of Photos Taken car lot, auto, street scene, items of evidence
Prints		
Processed for Prints NO	Prints Recovered	Processing Used For No Lifts
Number of Lifts Recovered		Latent Case #
Description of Items Processed		
DNA		
DNA Collected NO		Number of DNA samples
Tow Lot		
Tow Lot Processing No	Video Taping No	Video Turned Over To
Other Scene Processing		
Other Processing No	Other Type of Processing	Video Taping of Scene No
Video Turned Over To	Location of Processing	Processed Date/Time
Lift		
Lift #	Lift Description	
Processing Type Used		



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Lab Processing Type Used		Photograph of Lift on CD	
DNA Property (1)			
Inventory #	Item Number	Hold Reason	
Property Title			
DNA Property Description			
Quantity	Recovery Location	Recovery Date / Time	
Narrative			
Title scene photos			

This supplemental incident report was written by Forensic Investigator Sarah RAKOWSKI, 015319, assigned to Forensics Division, Late Shift, Squad 1922.

On Tuesday, April 9, 2024, at approximately 3:27 AM, I was dispatched to 2441 Kossow Road Waukesha WI , regarding an out of jurisdiction officer involved shooting complaint. Upon my arrival, I was met by Detective Curtis PELCZYNSKI, assigned to Squad 9328. Detective PELCZYNSKI informed me of the circumstances and requested photos of the car lot, auto, street scene and items of evidence. In total, I took 470 photos which were uploaded to Evidence.com under CAD # P2404090160.



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Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Owner	
Related Offense Link			
Property Title DNA CARD FROM MILAKOVICH			
Property Description DNA CARD			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009798	Item Number 1	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title SMALL CARDBOARD BOX - CONTAINING A LARGE JACKETED SLUG - RECOVERED FROM THE LEFT HEEL OF MILAKOVICH			
Property Description SLUG			
Quantity 1.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009798	Item Number 3	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (3)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title SMALL CARDBOARD BOX - CONTAINING BULLET JACKET FRAGMENTS – RECOVERED FROM THE LEFT SIDE OF THE HEAD OF MILAKOVICH			
Property Description BULLET FRAGMENT			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009798	Item Number 5	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (4)			



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Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title SMALL CARDBOARD BOX - CONTAINING BULLET JACKET FRAGMENT – RECOVERED FROM THE LEFT UPPER ARM OF MILAKOVICH			
Property Description BULLET FRAGMENT			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009798	Item Number 2	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title SMALL CARDBOARD BOX - CONTAINING BULLET JACKET FRAGMENT – RECOVERED FROM THE BASE OF THE SKULL OF MILAKOVICH			
Property Description BULLET FRAGMENT			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value



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Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009798		Item Number 4		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (6)					
Property Involvement			Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other		
Related Offense Link					
Property Title MEDICAL EXAMINERS PROPERTY RECEIPT					
Property Description RECEIPT					
Quantity 1.0000	Make/Brand		Model		Color
Serial #			Owner Applied #		
Insured By					
IBRS Property Description				Property Value	
Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009798		Item Number 7		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (7)					
Property Involvement			Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other		
Related Offense Link					
Property Title SMALL CARDBOARD BOX - CONTAINING LARGE PARTIALLY JACKETED SLUG - RECOVERED FROM THE LEFT CHEST WALL OF MILAKOVICH					



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Property Description SLUG			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009798	Item Number 6	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Narrative			
Title EVIDENCE RECOVERED FROM CHRISTOPHER MILAKOVICH'S AUTOPSY			

This report is written by **Detective Ryan BERGEMANN**, assigned to the Homicide Division on the day shift.

On **Tuesday, April 9th 2024**, at about **2:32 am**, a Waukesha Police Officer involved shooting, occurred at the **address of 2441 Kossow Road, which is located in the City and County of Waukesha**. The suspect in the incident is **(Christopher M. MILAKOVICH, white male,**
 The Incident number assigned to the incident is **(C2404090031)**, and Waukesha PD's Case Number is **(24-13662)**.

On **Tuesday, April 9th 2024**, at about **11:15 am**, I reported to the Waukesha County Medical Examiner Office, which is located at **515 Moreland Boulevard, which is located in the City and County of Waukesha**.

The autopsy of MILAKOVICH was performed by Dr. Lynda BIEDRZCKI. The Medical Examiner case number is **(WK 24-0867)**. This report pertains to the property that I recovered at the autopsy and subsequently placed on inventory.



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Dr. BIEDRZCKI located (8) gunshot wounds to MILAKOVICH. Dr. BIEDRZCKI recover the following items from MILAKOVICH.

DNA blood sample card from MILAKOVICH - (Inventory #24009798 - **Item #1**)

Small cardboard box - containing bullet jacket fragment - recovered from the left upper arm of MILAKOVICH - (Inventory #24009798 - **Item #2**)

Small cardboard box - containing a large jacketed slug - recovered from the left heel of MILAKOVICH - (Inventory #24009798 - **Item #3**)

Small cardboard box - containing bullet jacket fragment - recovered from the base of the skull of MILAKOVICH - (Inventory #24009798 - **Item #4**)

Small cardboard box - containing bullet jacket fragments - recovered from the left side of the head of MILAKOVICH - (Inventory #24009798 - **Item #5**)

Small cardboard box - containing large partially jacketed slug - recovered from the left chest wall of MILAKOVICH - (Inventory #24009798 - **Item #6**)

Waukesha County Medical Examiner's Office - Evidence Disposition Receipt - which shows the evidence that was collected from the autopsy of Christopher MILAKOVICH- (Inventory #24009798 - **Item #7**)

I transported the property to the Milwaukee Police Administration Building and placed it on Milwaukee Police Department Inventory Number (24009798 - Items 1 - 7).



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This concludes this report.



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 Case Number: C2404090031.003

Report Type: Forensics - FI Supplemental

Processing		
Processed Data/Time 04/09/2024 08:00	Location of Processing 1901 DELAFIELD ST. (WAUKESHA PD)	CAD Number P2404090160
Requesting Officer or Detective DET. JOSE FLORES		Requesting Squad Number 9327
Evidence Submitted To Forensics Lab By N/A		
Photographs		
Photos Taken YES	Number of Photos Taken 173	Description of Photos Taken OFFICERS/PHOTOGRAPHS
Prints		
Processed for Prints NO	Prints Recovered NO	Processing Used For No Lifts
Number of Lifts Recovered 0	Latent Case # N/A	
Description of Items Processed N/A		
DNA		
DNA Collected NO	Number of DNA samples 0	
Tow Lot		
Tow Lot Processing No	Video Taping No	Video Turned Over To N/A
Other Scene Processing		
Other Processing No	Other Type of Processing	Video Taping of Scene No
Video Turned Over To N/A	Location of Processing	Processed Date/Time
Lift		
Lift #	Lift Description	
Processing Type Used		



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Lab Processing Type Used		Photograph of Lift on CD	
DNA Property (1)			
Inventory #	Item Number	Hold Reason	
Property Title			
DNA Property Description			
Quantity	Recovery Location	Recovery Date / Time	
Narrative			
Title FI PHOTOGRAPH FIREARMS			

This report is written by F.I. Peter ULATOWSKI (P.S. 018030) assigned to the Forensics Division, Forensic Investigator Section, assigned to Late shift as Squad 1921.

On 04-09-2024 at approximately 3:26 a.m., I was dispatched to a Critical Incident Investigation at the address of 1901 Delafield St. (Waukesha P.D. Station) to meet Det. Jose FLORES, Squad 9327.

Upon arrival, I took a total of 173 photographs of officers and firearms.

These photographs that I took were uploaded to Evidence.com for archival under Axon ID #/ MPD CAD# P2404090160 along with a copy to Det. FLORES.



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Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Owner	
Related Offense Link			
Property Title BLACK IN COLOR BOXERS - SATURATED IN BLOOD			
Property Description BOXERS			
Quantity 1.0000	Make/Brand JOCKEY	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009801	Item Number 1		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Owner	
Related Offense Link			
Property Title BLUE IN COLOR JEANS - SOAKED IN BLOOD			
Property Description JEANS			
Quantity 1.0000	Make/Brand LEVI STRAUSS	Model	Color Blue



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009801	Item Number 4	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (3)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Owner	
Related Offense Link			
Property Title WHITE IN COLOR SOCKS - SOAKED IN BLOOD			
Property Description SOCKS			
Quantity 2.0000	Make/Brand	Model	Color White
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009801	Item Number 2	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (4)			



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Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title BLACK IN COLOR TOURNIQUETS			
Property Description TOURNIQUET			
Quantity 3.0000	Make/Brand	Model	Color Black
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009801	Item Number 3	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Narrative			
Title MILAKOVICH CLOTHING INVENTORY - BY DETECTIVE ERIC FRENCH			



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This report is written by **Detective Ryan BERGEMANN**, assigned to the Homicide Division on the day shift.

On **Tuesday, April 9th 2024**, at about **2:32 am**, a Waukesha Police Officer involved shooting, occurred at the **address of 2441 Kossow Road, which is located in the City and County of Waukesha**. The suspect in the incident is **(Christopher M. MILAKOVICH, white male,**
The Incident number assigned to the incident is **(C2404090031)**, and Waukesha PD's Case Number is **(24-13662)**.

I met with West Allis Detective Eric FRENCH, at the Milwaukee Police Administration Building, which is located at 749 W. State Street in the City and County of Milwaukee. Detective FRENCH had clothing that he recovered from MILAKOVICH.

I placed the following items onto Milwaukee Police Department Inventory Number (24009801 - Items 1 - 4):

Item #1 - Black in color, Jockey brand boxers, which were saturated in blood

Item #2 - White in color socks (2) that were soaked in blood

Item #3 - Black in color tourniquets (3) - which were applied to MILAKOVICH

Item #4 - Blue in color, Levi Strauss brand jeans, which were soaked in blood

These items were placed into the evidence drying room in Stall (11), due to being soaked in blood.

This concludes this report.



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Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Narrative

Title

POLICE OFFICER JORGE ARELLANO- BODY WORN CAMERA SYNOPSIS

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Unit, Late Shift, Squad 9327.

On Thursday, April 11th, 2024, I conducted follow-up regarding a Waukesha Police Officer-involved shooting that occurred on Tuesday, April 9th, 2024, at 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin. This incident is associated with Milwaukee Police Department case number C2404090031 and Waukesha Police Department Case Number 24-13662.

The follow-up I conducted was to review and document the Axon body-worn camera of Waukesha **Police Officer Jorge ARELLANO**. Police Officer ARELLANO's body-worn camera was assigned serial# X60A5682C.

The video was turned over by the Waukesha Police Department, and I was able to view the downloaded video on my desktop. This supplemental report is a brief synopsis of Police Officer ARELLANO's Axon body-worn camera. It should only be considered a synopsis, as a copy of the body-worn camera is available for review. Please watch/listen to its recording in its entirety.

The recording starts at 2:33.18 AM on Tuesday, April 9th, 2024 and the recording is nineteen minutes and fifteen seconds in length. It should be noted, there is no audio for the first thirty seconds of the video.

02:33.18- Police Officer ARELLANO is within the Waukesha Police Department station, runs towards his Police vehicle, enters the driver seat, and leaves the station.



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02:33.52- There is a broadcast on the Police radio that states, "subject is wearing a jacket with some type of graphic design on the back, he's holding something in his hand, not sure what it was."

02:33.19 - 02:37.49- *Police Officer ARELLANO is driving his Police vehicle. The view of his body camera briefly depicts the interior of his Police vehicle towards the dashboard below the windshield. It sometimes goes black with no video as the audio continues. Officers continue to relay information regarding the Police call; however, most of the Police radio broadcasts are inaudible.*

02:36.29- Police radio broadcast states, "I have eyes on him. He's walking towards Bluemound right now."

02:37.38- Police Officer ARELLANO activates his red and blue flashing lights and audible sirens in his Police vehicle.

02:37.38- Police radio broadcasts states, "Foot pursuit, white male, black sweatshirt, blue jeans".

02:37.49- Audible gunshots can be heard in the background.

02:37.50- Police Officer ARELLANO stops his vehicle and parks.

02:37.51- Police Officer ARELLANO exits his vehicle and runs East on the driver's side of his vehicle as gunfire is heard in the background.

02:37.52- It sounds as if Police Officer ARELLANO is drawing his firearm from the holster.

02:37.53- One (1) round appears to be discharged from Police Officer ARELLANO's firearm based on the audible gunshot, and one (1) apparent casing falling in the roadway from the right



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side (South) of Police Officer ARELLANO's body worn camera forward (East). A puff of smoke appears to emanate at the curb line as the shot was fired.

02:37.57- Officers can be heard saying, "Hands up! Don't move!"

02:38.00- Police Officer ARELLANO advised Officers near him to get behind the cars

02:38.04- Officers can be heard saying, "Is everyone good? Who has shields?"

02:38.17- Someone near Police Officer ARELLANO states, "Back off if you shot."

02:38.44- Police Officer ARELLANO states, "I'm out."

02:38.52- Police Officer ARELLANO runs South to a different position toward other Officers. When he arrives, he states, "Can somebody check me? He was turning towards my car."

02:39.37- Police Officer ARELLANO was advised to mute his mic so the audio stops; however, the video remains active.

02:39.37- 2:52.33- Police Officer ARELLANO's audio never turns back on. He remains on scene near a supervisor and fellow Officers until the Body camera turns off.

End of supplemental report.



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Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title HOLOSUN RED DOT SIGHT			
Property Description HOLOSUN RED DOT SIGHT			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 20	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title STREAMLIGHT TLR-1			
Property Description STREAMLIGHT TLR-1			
Quantity 0.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 21	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (3)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title CARTRIDGES			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP			
Quantity 16.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 22	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (4)			



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Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title CARTRIDGE			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 23	Hold Reason Evidence	
Securities			
Account Name	Account Number		Bank Name
Amount on Document	Card Company		
Property (5)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title MAGAZINE			
Property Description MGAZINE			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value



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Inventory Number 24009748	Item Number 22	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (6)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title CARTRIDGES			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP			
Quantity 17.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 25	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (7)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title MAGAZINE			
Property Description MAGAZINE			



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Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 26	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (8)			
Property Involvement		Relationship to Property ARELLANO, JORGE : Owner	
Related Offense Link			
Property Title CARTRIDGES			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP			
Quantity 17.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 27	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	



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Property (9)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title MAGAZINE			
Property Description MAGAZINE			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 28	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (10)			
Property Involvement		Relationship to Property ARELLANO,JORGE : Owner	
Related Offense Link			
Property Title CARTRIDGES			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP			
Quantity 17.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value



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Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009748		Item Number 29		Hold Reason Evidence	
Securities					
Account Name			Account Number		Bank Name
Amount on Document			Card Company		
Gun (1)					
Gun Involvement			Relationship to Gun ARELLANO, JORGE Owner		
Related Offense Link					
Property Title BLACK GLOCK 45 9MM SEMI-AUTOMATIC PISTOL					
Property Description BLACK GLOCK 45 9MM SEMI-AUTOMATIC PISTOL					
Quantity 1.0000	Manufacturer		Model		Color
Firearm Type	Gun Action PI – Pistol, Semi-automatic		Caliber		Barrel Length
Gun Value	Serial Number		Gun Tag Number 105322		Date of Recovery
Inventory Number	Item Number		TTY Number		Hold Reason
Narrative					
Title POLICE OFFICER JORGE ARELLANO- OVERALL PHOTOGRAPHS/ROUND COUNT (INVOLVED OFFICER)					

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9327.

On Tuesday, April 9th, 2024, I, along with other members of the Milwaukee Police Department Homicide Division, in our capacity as members of the Milwaukee Area Investigative Team (M.A.I.T.), were instructed by **Lieutenant Britt KOHNERT** to respond to 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin regarding a Waukesha Police Officer involved shooting. This incident is associated with Milwaukee Police Department case number C2404090031 and Waukesha Police Department Case Number 24-13662.

Initial Response

Upon our arrival in the area of West Bluemound Road and West Kossow Road, I observed that



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yellow Crime Scene tape was set up to create a perimeter that was preserving the scene as well as marked Police squads, with red and blue flashing lights activated, blocking and redirecting traffic from all directions. We were briefed on the preliminary details of the incident by Waukesha Police Department **Sergeant Daniel KLEIN**. We were informed there were (4) four members of the Waukesha Police Department involved in the incident who had discharged their firearms, identified as **Police Officer Jake VIALI**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARELLANO**.

Sergeant Matthew BELL (Squad 9319) instructed **Detective Daniel O'CONNELL** (Squad 9324), **Detective Shaun LESNIEWSKI** (Squad 9326), and I to respond to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI, to obtain overall photographs of the involved Officer, conduct round counts, and identify potential witness Officers.

Response to Waukesha Police Department

Milwaukee Police Department **Forensic Investigator Peter ULATOWSKI** (Squad 1921) met us at the Waukesha Police Department and we were eventually led to the Evidence processing room where Officers would be directed to us. Forensic Investigator ULATOWSKI's assignment was to take overall photographs of the involved Officers, overall photograph of witness Officers, as well as take photographs of the Officers firearms and round counts.

Officer Info:

Upon making contact with **Police Officer Jorge NMI ARELLANO** (Hispanic/male, it did not appear he sustained any injuries based on my observations. Additionally, there were no indications or evidence that Police Officer ARELLANO was under the influence of any substance that would affect his decision-making ability.

Position: Police Officer

Badge#: 646

Date of hire: 01-25-2022

Assignment: Patrol

Unit# 300

Vehicle: Fleet#16

Partner(s): None

Shift: Late

Hours: 8:45 PM - 7:00 AM

Schedule: 4/4-4/3 (was regular off, working overtime from 5:00 PM- 3:00 AM)



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Appearance

It should be noted as soon as Officer ARELLANO arrived at the Waukesha Police Department, his body-worn camera was removed and docked so all recordings contained within the unit could be uploaded for investigative purposes.

-Official Waukesha Police Department dark blue uniform (short sleeve)

- Waukesha Police patch on both right and left sleeves on the upper arm near the shoulder

-Outer Vest Carrier

- Body camera affixed to Officer's chest area (right)
- ARELLANO name tape on right chest
- Waukesha Police Badge on the left side above the chest
- Cellular phone in right breast pocket
- Cellular phone in the left breast pocket
- Small flashlight/business cards/ (2) pens in the left breast pocket
- Flashlight front, center left pocket
- Black molly pouch on the lower right portion
- Tourniquet on the lower right portion
- (3) Firearm magazines in holders on the lower left portion of the outer carrier
- Microphone for handheld radio attached above ARELLANO name tape
- Radio in holder attached to front lower left portion, with keys on antenna
- Radio mic cord attached around the rear of the outer carrier from the left side to the right
- "POLICE" patch displayed horizontally on the upper portion of the rear of the outer carrier

Officer ARELLANO was equipped with a black nylon duty belt that contained the following items in a clockwise fashion, starting from the center of the belt and moving to the right side of the belt:

-Duty Belt

- Handcuffs in case
- Firearm, firearm holster, tourniquet attached to the front of the holster
- Oleoresin Capsicum spray (O.C.) in holder
- Baton in holder
- Taser in holster
- Flashlight in holder
- Small black pouch

Handgun Round Count

Police Officer ARELLANO was equipped with the following firearm, which we were informed was a personal purchase and not issued by the Waukesha Police Department based on the department's standard operating procedure.



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- Black Glock 45 9mm Semi-Automatic pistol

Serial Number

(Later assigned Milwaukee Police Department Gun tag #105322)

Attachments on firearm:

- HOLOSUN red dot sight,

Serial Number HE508T-GR-X2#73020993

- Streamlight TLR-1

Serial Number 425011A0621 (equipped on the rail of the handgun)

The firearm had a magazine in the magazine well. I removed the magazine from the firearm and removed the cartridges from the magazine. I then cleared the firearm, and located one (1) WIN stamped Nickle 9mm luger plastic tip cartridge in the chamber.

I then recovered three (3) additional magazines from Police Officer ARELLANO's outer vest carrier and removed the cartridges from the three (3) magazines. The round count is as follows;

Round in Chamber:

- (1) WIN stamped Nickle 9mm luger plastic tip cartridge

Magazine#1- (located in gun)

- (16) WIN stamped Nickle 9mm luger plastic tip cartridges

Magazine #2- recovered from Officer ARELLANO's outer vest carrier.

- (17) WIN stamped Nickle 9mm luger plastic tip cartridges

Magazine #3- recovered from Officer ARELLANO's outer vest carrier.

- (17) WIN stamped Nickle 9mm luger plastic tip cartridges

Magazine #4- recovered from Officer ARELLANO's outer vest carrier.

- (17) WIN stamped Nickle 9mm luger plastic tip cartridges

Total cartridges recovered: (68)

After the completion of the round count, I provided Police Officer ARELLANO with my business card. Police Officer ARELLANO would not be making a statement at this time. I spoke with Luke WAGNER of the Wisconsin Professional Police Association who provided me with his contact information to set up the interview at a future date.



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Evidence Inventory

Detective O'CONNELL and I placed the evidence in paper bags and retained them in our custody at 6:00 AM; this was meant to safeguard all properly bagged and labeled items of evidence. The evidence was later conveyed to the 4th floor of the Police Administration Building, located at 749 W State St, Milwaukee, WI, and placed on Milwaukee Police Department electronic Inventory number 24009748 (items 19-31).

End of supplemental report.



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Case Number: C2404090031.007

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title DP-PRO RED DOT SIGHT			
Property Description DP-PRO RED DOT SIGHT			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 11	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (2)			
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title STREAMLIGHT TLR-1			
Property Description STREAMLIGHT TLR-1			
Quantity 0.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 12	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (3)			
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title CARTRIDGE			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP JACKETED HOLLOW POINT CARTRIDGE			
Quantity 2.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 13	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (4)			



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Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title CARTRIDGE			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP JACKETED HOLLOW POINT CARTRIDGE			
Quantity 15.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 16		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title CARTRIDGE			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP JACKETED HOLLOW POINT CARTRIDGE			
Quantity 25.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value



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Inventory Number 24009748	Item Number 18	Hold Reason Evidence
Securities		
Account Name	Account Number	Bank Name
Amount on Document	Card Company	
Property (6)		
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner
Related Offense Link		
Property Title MAGAZINE		
Property Description MAGAZINE		
Quantity 1.0000	Make/Brand	Model
Serial #		Owner Applied #
Insured By		
IBRS Property Description		Property Value
Recovery Location	Recovery Date / Time	Recovered Value
Inventory Number 24009748	Item Number 15	Hold Reason Evidence
Securities		
Account Name	Account Number	Bank Name
Amount on Document	Card Company	
Property (7)		
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner
Related Offense Link		
Property Title MAGAZINE		
Property Description MAGAZINE		



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Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 17	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (8)			
Property Involvement		Relationship to Property KIRCHER, BRANDAN : Owner	
Related Offense Link			
Property Title CARTRIDGE			
Property Description WIN STAMPED NICKLE 9MM LUGER PLASTIC TIP JACKETED HOLLOW POINT CARTRIDGE			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 14	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	



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Gun (1)			
Gun Involvement		Relationship to Gun KIRCHER, BRANDAN Owner	
Related Offense Link			
Property Title BLACK GLOCK 19 GEN 5 9MM SEMI-AUTOMATIC PISTOL			
Property Description BLACK GLOCK 19 GEN 5 9MM SEMI-AUTOMATIC PISTOL			
Quantity	Manufacturer	Model	Color
Firearm Type	Gun Action	Caliber	Barrel Length
Gun Value	Serial Number	Gun Tag Number	Date of Recovery
Inventory Number 24009748	Item Number 10	TTY Number	Hold Reason
Narrative			
Title POLICE OFFICER BRANDON KIRCHER - OVERALL PHOTOGRAPHS/ROUND COUNT (INVOLVED OFFICER)			

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9327.

On Tuesday, April 9th, 2024, I, along with other members of the Milwaukee Police Department Homicide Division, in our capacity as members of the Milwaukee Area Investigative Team (M.A.I.T.), were instructed by **Lieutenant Britt KOHNERT** to respond to 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin regarding a Waukesha Police Officer involved shooting. This incident is associated with Milwaukee Police Department case number C2404090031 and Waukesha Police Department Case Number 24-13662.

Initial Response

Upon our arrival in the area of West Bluemound Road and West Kossow Road, I observed that yellow Crime Scene tape was set up to create a perimeter that was preserving the scene as well as marked Police squads, with red and blue flashing lights activated, blocking and redirecting traffic from all directions. We were briefed on the preliminary details of the incident by Waukesha Police Department **Sergeant Daniel KLEIN**. We were informed there were (4) four members of



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the Waukesha Police Department involved in the incident who had discharged their firearms, identified as **Police Officer Jake VIALI**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARELLANO**.

Sergeant Matthew BELL (Squad 9319) instructed **Detective Daniel O'CONNELL** (Squad 9324), **Detective Shaun LESNIEWSKI** (Squad 9326), and I to respond to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI to obtain overall photographs of the involved Officer, conduct round counts, and identify potential witness Officers.

Response to Waukesha Police Department

Milwaukee Police Department **Forensic Investigator Peter ULATOWSKI** (Squad 1921) met us at the Waukesha Police Department and we were eventually led to the Evidence processing room where Officers would be directed to us. Forensic Investigator ULATOWSKI's assignment was to take overall photographs of the involved Officers, overall photograph of witness Officers, as well as take photographs of the Officers firearms and round counts.

Officer Info:

Upon making contact with **Police Officer Brandon M. KIRCHER** (white/male, it did not appear he sustained any injuries based on my observations. Additionally, there were no indications or evidence that Police Officer KIRCHER was under the influence of any substance that would affect his decision-making ability.

Position: Police Officer

Badge#: 628

Date of hire: 07-28-2020

Assignment: Patrol

Unit# 404

Vehicle: Fleet# 8



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Partner(s): None

Shift: Late

Hours: 8:45 PM - 7:00 AM

Schedule: 4/4-4/3 (was on day one of four of regular shift; however, worked overtime on his regular off, thus was his second working day)

Appearance

It should be noted as soon as Officer KIRCHER arrived at the Waukesha Police Department, his body-worn camera was removed and docked so all recordings contained within the unit could be uploaded for investigative purposes.

- Official Waukesha Police Department dark blue uniform (long sleeve)
- Waukesha Police patch on both right and left sleeves on the upper arm near the shoulder
- Blue hat with brim with "WKPD" and Waukesha Police printed on front

-Outer Vest Carrier

- Body camera affixed to officer's chest area (left)
- KIRCHER name tape on right chest
- Waukesha Police Badge on the left side above the chest
- Cellular phone in left breast side pocket/ (2) pens in the left breast pocket
- Small flashlight in the right breast pocket
- Holder containing tool on lower right portion
- Tourniquet on the lower right portion
- Handcuffs in holder
- (2) Firearm magazines in holders on the lower left portion
- Microphone for handheld radio attached above KIRCHER name tape
- Radio in holder attached to rear lower left portion
- Radio mic cord attached around the rear of the outer carrier from the left side to the right
- "POLICE" patch displayed horizontally on the upper portion of the rear of the outer carrier



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Officer KIRCHER was equipped with a black nylon duty belt that contained the following items in a clockwise fashion, starting from the center of the belt and moving to the right side of the belt:

-Duty Belt

- Set of keys on key ring, on clip
- Oleoresin Capsicum spray (O.C.) in holder
- Firearm, firearm holster
- Small black pouch
- Baton in holder
- Flashlight in holder
- Taser in holster

Handgun Round Count

Police Officer KIRCHER was equipped with the following firearm, which we were informed was a personal purchase and not issued by the Waukesha Police Department based on the department's standard operating procedure.

- Black Glock 19 Gen 5 9mm Semi-Automatic pistol

Serial Number

(Later assigned Milwaukee Police Department Gun tag #105328)

Attachments on firearm:

- DP-PRO red dot sight

Serial Number 142344AJ

- Streamlight TLR-1



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Serial Number 7345100520 (equipped on the rail of the handgun)

The firearm had a magazine in the magazine well. I removed the magazine from the firearm and removed the cartridges from the magazine. I then cleared the firearm, and located (1) WIN stamped Nickle 9mm luger plastic tip jacketed hollow point cartridge in the chamber.

I then recovered two (2) additional magazines from Police Officer KIRCHER's outer vest carrier and removed the cartridges from the two (2) magazines. The round count is as follows;

Round in Chamber:

- (1) WIN stamped Nickle 9mm luger plastic tip jacketed hollow point cartridge

Magazine#1- (located in gun)

- (2) WIN stamped Nickle 9mm luger plastic tip jacketed hollow point cartridges

Magazine #2- recovered from Officer KIRCHER's outer vest carrier.

- (15) WIN stamped Nickle 9mm luger plastic tip jacketed hollow point cartridges

Magazine #3- recovered from Officer KIRCHER's outer vest carrier.

- (15) WIN stamped Nickle 9mm luger plastic tip jacketed hollow point cartridges

Total cartridges recovered: (33)

After the completion of the round count, I provided Police Officer KIRCHER with my business card. Police Officer KIRCHER would not be making a statement at this time. I spoke with Luke WAGNER of the Wisconsin Professional Police Association who provided me with his contact information to set up the interview at a future date.



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Evidence Inventory

Detective O'CONNELL and I placed the evidence in paper bags and retained them in our custody at 5:05 AM; this was meant to safeguard all properly bagged and labeled items of evidence. The evidence was later conveyed to the 4th floor of the Police Administration Building, located at 749 W State St, Milwaukee, WI, and placed on Milwaukee Police Department electronic Inventory number 24009748 (items 10-18).

End of supplemental report.



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Case Number: C2404090031.008

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 SERGEANT DANIEL KLEIN - OVERALL PHOTOGRAPHS/ ROUND COUNT (WITNESS OFFICER)

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9327.

On Tuesday, April 9th, 2024, I, along with other members of the Milwaukee Police Department Homicide Division, in our capacity as members of the Milwaukee Area Investigative Team (M.A.I.T.), were instructed by **Lieutenant Britt KOHNERT** to respond to 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin regarding a Waukesha Police Officer involved shooting. This incident is associated with Milwaukee Police Department case number C2404090031 and Waukesha Police Department Case Number 24-13662.

Initial Response

Upon our arrival in the area of West Bluemound Road and West Kossow Road, I observed that yellow Crime Scene tape was set up to create a perimeter that was preserving the scene as well as marked Police squads, with red and blue flashing lights activated, blocking and redirecting traffic from all directions. We were briefed on the preliminary details of the incident by Waukesha Police Department **Sergeant Daniel KLEIN**. We were informed there were (4) four members of the Waukesha Police Department involved in the incident who had discharged their firearms, identified as **Police Officer Jake VIALI**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARELLANO**.

Sergeant Matthew BELL (Squad 9319) instructed **Detective Daniel O'CONNELL** (Squad 9324), **Detective Shaun LESNIEWSKI** (Squad 9326), and I to respond to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI, to obtain overall photographs of the involved Officer, conduct round counts, and identify potential witness Officers.



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Response to Waukesha Police Department

Milwaukee Police Department **Forensic Investigator Peter ULATOWSKI** (Squad 1921) met us at the Waukesha Police Department and we were eventually led to the Evidence processing room where Officers would be directed to us. Forensic Investigator ULATOWSKI's assignment was to take overall photographs of the involved Officers, overall photograph of witness Officers, as well as take photographs of the Officers firearms and round counts.

Officer Info:

Upon making contact with **Sergeant Daniel NMI KLEIN** (white/male, it did not appear he sustained any injuries based on my observations. Additionally, there were no indications or evidence that Sergeant KLEIN was under the influence of any substance that would affect his decision-making ability.

Position: Sergeant

Badge#: 429

Date of hire: 03-20-2006

Date of promotion: June 2021

Assignment: Patrol Supervisor

Unit# 429

Vehicle: Fleet# 64

Shift: Late

Hours: 8:45 PM - 7:00 AM

Schedule: 4/3-3/2 (on day two of three)

Appearance



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- Official Waukesha Police Department dark blue uniform (long sleeve)
- Waukesha Police patch on both right and left sleeves on the upper arm near the shoulder
- Sergeant Stripes below Waukesha Police patch on both right and left sleeves

-Outer shirt

- D. KLEIN metal name plate above right breast pocket
- Waukesha Police Badge above left breast pocket
- Microphone for handheld radio attached above KLEIN name plate

Sergeant KLEIN was equipped with a black nylon duty belt that contained the following items in a clockwise fashion, starting from the center of the belt and moving to the right side of the belt:

-Duty Belt

- Handcuffs in holder on lower right portion
- key clip
- Oleoresin Capsicum spray (O.C.)
- Firearm, firearm holster
- Flashlight in holder
- Radio in holder (Radio cord across back from left to right)
- Baton in holder
- Taser holster (Empty)
- (2) two Firearm magazines in holders

Handgun Round Count

Sergeant KLEIN was equipped with the following firearm, which we were informed was a personal purchase and not issued by the Waukesha Police Department based on the department's standard operating procedure.

- Black Glock 21 45 Cal Semi-Automatic pistol



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Serial Number

Attachments on firearm:

- Surefire X200 weapon light

Serial Number A29122 (equipped on the rail of the handgun)

The firearm had a magazine in the magazine well. I removed the magazine from the firearm and removed the cartridges from the magazine. I then cleared the firearm, and located (1) 45 Cal Nickle luger jacketed hollow point cartridge in the chamber.

I then recovered two (2) additional magazines from Sergeant KLEIN's duty belt and removed the cartridges from the two (2) magazines. The round count is as follows;

Round in Chamber:

- (1) 45 Cal Nickle luger jacketed hollow point cartridge

Magazine#1- (located in gun)

- (13) 45Cal Nickle luger jacketed hollow point cartridges

Magazine #2- recovered from Officer KLEIN's outer vest carrier.

- (13) 45 Cal Nickle luger jacketed hollow point cartridges

Magazine #3- recovered from Officer KLEIN's outer vest carrier.

- (13) 45 Cal Nickle luger jacketed hollow point cartridges



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Total cartridges: (40)

After the completion of the round count, Sergeant KLEIN was returned his firearm, magazines, and rounds. Detective LESNIEWSKI conducted an interview of Sergeant KLEIN because it was determined he did not discharge his firearm and was a witness to the incident. See his supplemental report regarding the interview.

End of supplemental report.



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 POLICE REPORT
Case Number: C2404090031.009

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 POLICE OFFICER JEREMY BOUSMAN - OVERALL PHOTOGRAPHS/ ROUND COUNTS (WITNESS OFFICER)

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9327.

On Tuesday, April 9th, 2024, I, along with other members of the Milwaukee Police Department Homicide Division, in our capacity as members of the Milwaukee Area Investigative Team (M.A.I.T.), were instructed by **Lieutenant Britt KOHNERT** to respond to 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin regarding a Waukesha Police Officer involved shooting. This incident is associated with Milwaukee Police Department case number C2404090031 and Waukesha Police Department Case Number 24-13662.

Initial Response

Upon our arrival in the area of West Bluemound Road and West Kossow Road, I observed that yellow Crime Scene tape was set up to create a perimeter that was preserving the scene as well as marked Police squads, with red and blue flashing lights activated, blocking and redirecting traffic from all directions. We were briefed on the preliminary details of the incident by Waukesha Police Department **Sergeant Daniel KLEIN**. We were informed there were (4) four members of the Waukesha Police Department involved in the incident who had discharged their firearms, identified as **Police Officer Jake VIAL**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARELLANO**.

Sergeant Matthew BELL (Squad 9319) instructed **Detective Daniel O'CONNELL** (Squad 9324), **Detective Shaun LESNIEWSKI** (Squad 9326), and I to respond to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI, to obtain overall photographs of the involved Officer, conduct round counts, and identify potential witness Officers.



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Response to Waukesha Police Department

Milwaukee Police Department **Forensic Investigator Peter ULATOWSKI** (Squad 1921) met us at the Waukesha Police Department and we were eventually led to the Evidence processing room where Officers would be directed to us. Forensic Investigator ULATOWSKI's assignment was to take overall photographs of the involved Officers, overall photograph of witness Officers, as well as take photographs of the Officers firearms and round counts.

Officer Info:

Upon making contact with **Police Officer Jeremy NMI BOUSMAN** (white/male, it did not appear he sustained any injuries based on my observations. Additionally, there were no indications or evidence that Police Officer BOUSMAN was under the influence of any substance that would affect his decision-making ability.

Position: Police Officer

Badge#: 488

Date of hire: 10-19-2011

Assignment: Patrol

Unit# 326

Vehicle: Fleet# 44

Partner(s): None

Shift: Late

Hours: 5:00 PM - 3:00 AM

Schedule: 4/4-4/3 (on day two of four)

Appearance



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It should be noted as soon as Officer BOUSMAN arrived at the Waukesha Police Department, his body-worn camera was removed and docked so all recordings contained within the unit could be uploaded for investigative purposes.

-Official Waukesha Police Department dark blue uniform (long sleeve, sleeves partially rolled up)

- Waukesha Police patch on both right and left sleeves on the upper arm near the shoulder

-Blue hat with brim with "WKPD" and Waukesha Police printed on front

-Outer Vest Carrier

- Body camera affixed to officer's chest area (right)
- BOUSMAN name tape on right chest
- Waukesha Police Badge on the left side above the chest
- Small flashlight in center portion of chest
- (3) pens on the left breast pocket
- "U" shaped door stop on the left breast pocket
- Scissors connected to lanyard next to right breast pocket
- Handcuffs in holder on lower right portion
- Oleoresin Capsicum spray (O.C.) in holder on lower right portion
- (3) Firearm magazines in holders on the lower right portion
- Microphone for handheld radio attached above BOUSMAN name tape
- Radio in holder attached to lower left portion
- Hand cuff key in right breast pocket
- Red pen, on lower left portion
- Pouch in center right portion
- "POLICE" patch displayed horizontally on the upper portion of the rear of the outer carrier

Officer BOUSMAN was equipped with a black nylon duty belt that contained the following items in a clockwise fashion, starting from the center of the belt and moving to the right side of the belt:

-Duty Belt

- Set of keys on key ring, on clip



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- Tourniquet in holder
- Firearm, firearm holster
- Small black pouch
- Flashlight in holder
- Baton in holder
- Taser in holster

Handgun Round Count

Police Officer BOUSMAN was equipped with the following firearm, which we were informed was a personal purchase and not issued by the Waukesha Police Department based on the department's standard operating procedure.

- Black Sig Saur P229 40 Cal Semi-Automatic pistol

Serial Number

Attachments on firearm:

- Streamlight TLR-1

Serial Number 0103690110 (equipped on the rail of the handgun)

The firearm had a magazine in the magazine well: I removed the magazine from the firearm and removed the cartridges from the magazine. I then cleared the firearm, and located (1) 40 Cal Nickle luger jacketed hollow point cartridge in the chamber.

I then recovered three (3) additional magazines from Police Officer BOUSMAN's outer vest carrier and removed the cartridges from the three (3) magazines. The round count is as follows;

Round in Chamber:



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- (1) 40 Cal Nickle luger jacketed hollow point cartridge

Magazine#1- (located in gun)

- (12) 40 Cal Nickle luger jacketed hollow point cartridges

Magazine #2- recovered from Officer BOUSMAN's outer vest carrier.

- (12) 40 Cal Nickle luger jacketed hollow point cartridges

Magazine #3- recovered from Officer BOUSMAN's outer vest carrier.

- (12) 40 Cal Nickle luger jacketed hollow point cartridges

Magazine #4- recovered from Officer BOUSMAN's outer vest carrier.

- (12) 40 Cal Nickle luger jacketed hollow point cartridges

Total cartridges: (49)

After the completion of the round count, Police Officer BOUSMAN was returned his firearm, magazines, and rounds, and I provided him with my business card. It was determined the Greenfield Police Department would be conducting the interview of Police Officer BOUSMAN because he did not discharge his weapon and was only a witness to the incident.

End of supplemental report.



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Case Number: C2404090031.010

Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property CLARK, MATTHEW K : Owner	
Related Offense Link			
Property Title UTILITY PANTS			
Property Description UTILITY PANTS			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009747	Item Number 1	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	

Narrative
Title POLICE OFFICER MATTHEW CLARK - OVERALL PHOTOGRAPHS/ ROUND COUNTS (WITNESS OFFICER)

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9327.

On Tuesday, April 9th, 2024, I, along with other members of the Milwaukee Police Department Homicide Division, in our capacity as members of the Milwaukee Area Investigative Team (M.A.I.T.) were instructed by **Lieutenant Britt KOHNERT** to respond to 2441 Kossow Road,



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which is located in the City and County of Waukesha, State of Wisconsin regarding a Waukesha Police Officer involved shooting. This incident is associated with Milwaukee Police Department case number C2404090031, and Waukesha Police Department Case Number 24-13662.

Initial Response

Upon our arrival in the area of West Bluemound Road and West Kossow Road, I observed that yellow Crime Scene tape was set up to create a perimeter that was preserving the scene as well as marked Police squads, with red and blue flashing lights activated, blocking and redirecting traffic from all directions. We were briefed on the preliminary details of the incident by Waukesha Police Department **Sergeant Daniel KLEIN**. We were informed there were (4) four members of the Waukesha Police Department involved in the incident who had discharged their firearms, identified as **Police Officer Jake VIALL**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARELLANO**.

Sergeant Matthew BELL (Squad 9319) instructed **Detective Daniel O'CONNELL** (Squad 9324), **Detective Shaun LESNIEWSKI** (Squad 9326), and I to respond to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI to obtain overall photographs of the involved Officer, conduct round counts, and identify potential witness Officers.

Response to Waukesha Police Department

Milwaukee Police Department **Forensic Investigator Peter ULATOWSKI** (Squad 1921) met us at the Waukesha Police Department and we were eventually led to the Evidence processing room where Officers would be directed to us. Forensic Investigator ULATOWSKI's assignment was to take overall photographs of the involved Officers, overall photograph of witness Officers, as well as take photographs of the Officers firearms and round counts.

Officer Info:

Upon making contact with **Police Officer Matthew K. CLARK** (white/male, it did not appear he sustained any injuries based on my observations. Additionally, there were no indications or evidence that Police Officer CLARK was under the influence of any substance that would affect his decision-making ability.



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Position: Police Officer

Badge#: 657

Assignment: Patrol

Unit# 426

Vehicle: Fleet# 36

Partner(s): None

Shift: Late

Hours: 8:45 PM - 7:00 AM

Schedule: 4/4-4/3 (on day two of four)

Appearance

It should be noted as soon as Police Officer CLARK arrived at the Waukesha Police Department, his body-worn camera was removed and docked so all recordings contained within the unit could be uploaded for investigative purposes.

-Official Waukesha Police Department dark blue uniform (long sleeve, sleeves partially rolled up)

- Waukesha Police patch on both right and left sleeves on the upper arm near the shoulder

-Blue hat with brim with "WKPD" and Waukesha Police printed on front

-Outer Vest Carrier

- Body camera affixed to officer's chest area (left)
- CLARK name tape on right chest
- Waukesha Police Badge on the left side above the chest
- Cellular phone in left breast side pocket/Small flashlight in the right breast pocket
- (2) pens in the right breast pocket
- Holder containing tool on lower right portion



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- Tourniquet on the lower right portion
- Handcuffs in holder on lower left portion
- (2) Firearm magazines in holders on the lower right portion
- Taser in holster on the lower right portion
- Microphone for handheld radio attached above CLARK name tape
- Radio in holder attached to lower left portion
- Radio mic cord attached around the rear of the outer carrier from the left side to the right
- "POLICE" patch displayed horizontally on the upper portion of the rear of the outer carrier

Officer CLARK was equipped with a black nylon duty belt that contained the following items in a clockwise fashion, starting from the center of the belt and moving to the right side of the belt:

-Duty Belt

- Set of keys on key ring, on clip
- Oleoresin Capsicum spray (O.C.) in holder
- Flashlight in holder
- Baton in holder
- Small black pouch
- Firearm, firearm holster

Handgun Round Count

Police Officer CLARK was equipped with the following firearm, which we were informed was a personal purchase and not issued by the Waukesha Police Department based on the department's standard operating procedure.

- Black Glock 17 Gen 5 9mm Semi-Automatic pistol

Serial Number



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Attachments on firearm:

- Holosun red dot sight

Serial Number HS507CX2#7101181845

- Streamlight TLR-1

Serial Number 944745 (equipped on the rail of the handgun)

The firearm had a magazine in the magazine well. I removed the magazine from the firearm and removed the cartridges from the magazine. I then cleared the firearm, and located (1) WIN stamped Nickle 9mm luger plastic tip cartridge in the chamber.

I then recovered two (2) additional magazines from Police Officer CLARK's outer vest carrier and removed the cartridges from the two (2) magazines. The round count is as follows;

Round in Chamber:

- (1) WIN stamped Nickle 9mm luger plastic tip cartridge

Magazine#1- (located in gun)

- (22) WIN stamped Nickle 9mm luger plastic tip cartridges

Magazine #2- recovered from Officer CLARK's outer vest carrier.

- (22) WIN stamped Nickle 9mm luger plastic tip cartridges

Magazine #3- recovered from Officer CLARK's outer vest carrier.

- (22) WIN stamped Nickle 9mm luger plastic tip cartridges



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Total cartridges: (67)

After the completion of the round count, Police Officer Clark was returned his firearm, magazines, and rounds, and I provided him with my business card. It was determined the Greenfield Police Department would be conducting the interview of Police Officer CLARK because he did not discharge his weapon and was only a witness to the incident.

It should be noted that Police Officer CLARK had a significant amount of apparent blood on his pants. Therefore, we recovered them, and they were later placed on Milwaukee Police Department electronic Inventory number 24009747 (item 1) by Detective LESNIEWSKI.

End of supplemental report.



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 POLICE REPORT
Case Number: C2404090031.011

Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Narrative

Title
 POLICE OFFICER BRANDON KIRCHER BODY WORN CAMERA AND SQUAD CAMERA SYNOPSIS

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigations Bureau, Homicide Unit, Late Shift, Squad 9324.

On Thursday April 11, 2024, I, conducted follow up regarding the Waukesha Police Department Officer Involved Shooting, involving **Police Officers Brandon KIRCHER, Jacob VIAL, Justin MURPHY, and Jorge ARRELANO**, that occurred on Tuesday April 9, 2024 at 2441 Kassow Road, Waukesha, WI 53186, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. The purpose of my follow up was to review and document the body worn camera and squad camera belonging to Police Officer Brandon KIRCHER.

The Waukesha Police Department provided the body worn camera and squad car camera footage related to the officer involved shooting via Axon Evidence.com.

Body Worn Camera synopsis

I was able to review the body worn camera and squad car camera footage. The following is a brief synopsis of Officer KIRCHER's body worn camera. The recording is 21 minutes and 37 seconds long. It should be noted that there is no audio for the first 30 seconds of the video. It should not be taken as a word-for-word account. Please review the footage in its entirety for the full context of the events recorded.

The video begins at 2:30:54 AM on April 9, 2024 with KIRCHER backing up another officer on a traffic stop in the eastbound lanes of E Moreland Blvd near Oscar's Ice Cream, located at 21165 E Moreland Blvd, Waukesha, WI 53186.

2:33:10 AM Officer KIRCHER reacts to something on the radio (the radio traffic is not audible as Officer KIRCHER wears an earpiece)

2:33:38 AM Radio traffic in the squad can be heard as Officer KIRCHER responds.



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400 can be heard instructing squads to respond silent (no siren). Officer KIRCHER advises over the radio that he is responding. Officer KIRCHER is provided with a description that the subject is wearing a jacket with a design on the back and was seen with an unknown object in his hand.

2:34:43 AM Officer KIRCHER arrives on scene and parks his squad car in the lot of the CarMax, 2441 Kossow Road, Waukesha, WI, 53186, parking lot entrance before moving it further into the lot. He then begins to search the area for the suspect.

2:36:00 AM A car alarm can be heard going off in the distance.

2:36:28 AM Officer KIRCHER says on the radio "I've got eyes on him. He's walking towards Bluemound right now".

2:36:47 AM Officer KIRCHER calls out on the radio "he's at Kassow and Bluemound right now" Other officers can be heard giving commands to get on the ground, announcing themselves as Waukesha Police, and hands up

2:37:23 AM As additional units arrive, Officer KIRCHER begins to run north across Bluemound road on Kassow towards where the other officers and suspect are located.

2:37:34 AM Officer KIRCHER draws his firearm and shouts the command "Show me your hands!" He continues to run towards the suspect and other officers while in a tactical ready position.

2:37:47 AM The suspect is partially visible kneeling on the ground with KIRCHER's left arm partially obscuring the suspect.

2:37:48 AM Numerous gunshots can be heard being fired

2:37:54 AM Officer KIRCHER calls out to other officers to get to cover as he retreats behind a nearby parked squad car and positions himself behind the rear passenger side tail lamp to maintain eyes on the suspect. As officers get to positions of cover they begin to call out to check if everyone is ok.

2:38:09 AM Officer KIRCHER calls out for others to take deep breaths and then responds to another officer that he shot. He then is removed from his position observing the suspect as he was an involved officer.



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2:38:59 AM Officer KIRCHER begins to check other officers for injuries and then remains with other involved officers until the video ends.

A second 11 second body worn camera clip was recorded by Officer KIRCHER. The video begins at 2:52:34 AM with Officer KIRCHER walking away from the scene with another officer before the clip ends.

Squad Camera Synopsis

The following is a brief synopsis of Officer KIRCHER's squad camera. It should not be taken as a word-for-word account. The recording is 25 minutes and 13 seconds long. The video begins at 2:30:55 AM on April 9, 2024. It should be noted that there is no audio for the first 30 seconds of the video. I've noted the relevant portions of the footage below that are not duplicated in Officer KIRCHER's body worn camera footage. Please review the footage in its entirety for the full context of the events recorded.

2:33:27 AM Officer KIRCHER begins to travel eastbound on W Moreland Blvd and performs a U-turn to head westbound. He then turns northbound onto N Kossow Road.

2:35:21 AM Officer KIRCHER parks his squad facing Northeast in the parking lot. He begins to search moving east before looking northwest and then moves in that direction. Officer KIRCHER stands next to a silver Jeep parked in the lot and looks to the north.

2:36:19 AM A door of a parked vehicle in the lot to the north of the squad opens and the suspect exits the lot. The suspect then begins to walk north through the lot. Officer KIRCHER calls out the suspect's direction of travel and location.

2:37:48 AM Numerous gunshots can be heard being fired.

2:38:36 AM Dispatch reports that the Fire Department is enroute.

For the remainder of the video, radio traffic can be heard.

2:56:07 AM Officer KIRCHER and an Officer Matthew CLARK off camera return to the squad car. The Officer CLARK enters the driver's seat while Officer KIRCHER enters the passenger seat. The video then ends.

End of Report



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POLICE REPORT
Case Number: C2404090031.012

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property VIALL,JACOB C : Owner	
Related Offense Link			
Property Title Officer Jacob VIALL's black Glock 22 Gen 4 .40 caliber Semi-Automatic pistol with Magazine #1 inserted in the magazine well, Serial Number , Gun tag #105436			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 30		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property VIALL,JACOB C : Owner	
Related Offense Link			
Property Title Surefire X300 attached to Officer VIALL's firearm, Serial Number A18905			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 31	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (3)			
Property Involvement		Relationship to Property VIALL,JACOB C : Owner	
Related Offense Link			
Property Title (15) WIN stamped Nickle 40 S&W jacketed hollow point cartridges, recovered from Magazine #1 located in the magazine well			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 32	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (4)			



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Property Involvement		Relationship to Property VIALL,JACOB C : Owner	
Related Offense Link			
Property Title (1) WIN stamped Nickle 40 S&W jacketed hollow point cartridge, recovered from the chamber of Officer VIALL's firearm			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 33	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property VIALL,JACOB C : Owner	
Related Offense Link			
Property Title Magazine #2 recovered from VIALL's external vest carrier			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value



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Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009748		Item Number 34		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (6)					
Property Involvement			Relationship to Property VIAL, JACOB C : Owner		
Related Offense Link					
Property Title (15) WIN stamped Nickle 40 S&W jacketed hollow point cartridges, recovered from Magazine #2					
Property Description					
Quantity 0.0000	Make/Brand		Model		Color
Serial #			Owner Applied #		
Insured By					
IBRS Property Description				Property Value	
Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009748		Item Number 35		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Narrative					
Title POLICE OFFICER JACOB C VIAL - ROUND COUNT AND OVERALL PHOTOGRAPHS					

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9324.



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Case Number: C2404090031

On Tuesday, April 9, 2024, at approximately 3:15 AM, I was instructed by **Lt. Britt KOHNERT** to respond to the intersection of E Moreland Boulevard and W Kossow Road in Waukesha, WI regarding a critical incident involving four officers from the City of Waukesha Police Department, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. We would be responding as the lead member agency of the Milwaukee Area Investigative Team (MAIT). The other members of the Milwaukee Police Department Homicide Division also responded to the scene of the critical incident. **Squad 9204**, Lieutenant Jeremiah JACKS, **Squad 9310**, Lieutenant Britt KOHNERT, **Squad 9316**, Sergeant Matthew BELL, **Squad 9322**, Detective Michael GRETHENHARDT, **Squad 9323**, Detective Joseph NEWELL, **Squad 93325**, Detective Shamara GONZALEZ, **Squad 9326**, Detective Shaun LESNIEWSKI, **Squad 9327**, Detective Jose FLORES, and **Squad 9328**, Detective Curtis PELCZYNSKI.

Scene Response

Upon our arrival at approximately 3:33 AM, it was determined that the scene of this incident was **2441 Kossow Road, Waukesha, WI 53186**. The area surrounding the scene was secured by yellow evidence tape with numerous squad cars from different agencies blocking traffic with their red and blue emergency lights activated. Waukesha Police Department **Sergeant Daniel KLEIN** provided us with a preliminary briefing. During the preliminary briefing Sergeant KLEIN stated that Waukesha Police Officers responded to an entry in progress and encountered suspect who fled from them on foot. Ultimately four officers discharged their duty firearms, striking the suspect. The suspect was transported to Waukesha Memorial Hospital where he was pronounced deceased. Sergeant KLEIN stated that the involved officers were **Police Officer Jacob VIALI, Police Officer Brandon KIRCHER, Police Officer Justin MURPHY, and Police Officer Jorge ARRELANO**.

Sergeant KLEIN stated that all four officers had already been driven back to the Waukesha Police Department station located at 1901 Delafield Street, Waukesha, WI 53188. Sergeant BELL then instructed Detective FLORES, Detective LESNIEWSKI, Detective GRETHENHARDT, Detective GONZALEZ, and me to respond to the Waukesha Police Department to meet with the involved officers.

Response to Waukesha Police Department.

I then responded with the aforementioned detectives to the Waukesha Police



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Department Station. **Squad 1921, Forensic Investigator Peter ULATOWSKI**, also responded to assist with photo documentation of the officers. Detective FLORES and I were proceeded to the evidence room on the lower level of the station where F.I. ULATOWSKI would photograph each officer and their equipment as each involved and witness officers were directed down to us.

Contact with Police Officer Jacob VIALL

Waukesha Police Officer Jacob VIALL

Appointment Date: 04-25-2023, Prior law enforcement experience with West Milwaukee for 10 years

Badge #: 682

Unit: 406 with no partner

Vehicle: Fleet 14

Shift: 8:45 PM to 7 AM

Schedule: 4 on 4 off/4 on 3 off (4th working day of 4)

Officer VIALL was dressed in his dark blue Waukesha Police Uniform, with the Waukesha Police patch located on both arms. VIALL did not appear to be under the influence of any alcohol or any other substance. VIALL was wearing a blue outer carrier vest that was equipped with the following items attached:

- Waukesha Police Velcro badge on upper left chest
- Radio mic attached next to the badge
- “Police” tab on the left chest
- Cell phone in left breast pocket
- Two pens and small light attached to Molle straps on left chest
- Radio in radio holster attached to left side
- Two magazine pouches, one with a magazine and one empty
- Velcro name strip “J VIALL” on right chest
- Cell phone in right breast pocket
- Body worn camera mount (camera removed)
- Knife attached to Molle strap next to camera mount
- Oleoresin Capsicum “OC” spray in a pouch
- Handcuffs inside a handcuff case



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- Flashlight inside a pouch
- “POLICE” patch worn horizontally across the back panel of the external carrier

Officer VIALL was also equipped with a nylon duty belt with the following items attached to the belt in a clockwise manner starting from the center of the belt:

- Key Holder with keys
- Officer’s duty weapon in a holster on right side of belt
- Latex glove pouch
- Handcuffs
- Expandable baton
- Flashlight
- Taser in holster

I noted a pair of gloves in VIALL’s rear right pants pocket.

Handgun Round Count

Firearm: Glock 22 Gen 4 Austria .40

Serial Number:

Caliber: .40 Caliber

Color: Black

Attachments: A Surefire X300 weapon mounted light, **Serial Number A18905**, was attached to the underside rail of the firearm.

I recovered Officer VIALL’s firearm from his holster. I removed the magazine (Magazine 1) from the magazine well. I then removed the round located in the chamber of the weapon, to clear the weapon. Finally, I recovered one magazine from Officer VIALL’s external vest carrier. Each magazine had a sticker with “VIALL” on it. In total I recovered the following items from Officer VIALL:

-Officer VIALL’s black Glock 22 Gen 4 .40 caliber Semi-Automatic pistol, Serial Number Gun tag #105436. Attachments: Surefire X300, Serial Number A18905

- (15) WIN stamped Nickle 40 S&W jacketed hollow point cartridges, recovered from Magazine #1 located in the magazine well.



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- **(1) WIN stamped Nickle 40 S&W jacketed hollow point cartridge, recovered from the chamber of Officer VIALL's firearm.**
- **Magazine #2 recovered from VIALL's external vest carrier and (15) WIN stamped Nickle 40 S&W jacketed hollow point cartridges, recovered from Magazine #2.**

Total Cartridges Recovered: 31

All of the evidence was photographed by F.I. ULATOWSKI at approximately 6:02 AM, recovered, and retained in my custody. This was meant to safeguard the properly bagged and labeled items of evidence recovered from Officer VIALL. All of the recovered evidence was inventoried under Milwaukee Police Department Inventory Number **24009748, Items 30 through 35.**

It should be noted that as soon as Officer VIALL arrived at the Waukesha Police Department, his body worn camera was removed and docked for all recorded items contained within the unit to be uploaded for investigative purposes.

Officer VIALL was not going to make a statement regarding this incident at this time. I provided him my business card with my contact information and explained that we would schedule his interview through Luke WAGNER of the Wisconsin Professional Police Association (WPPA) and his representation at a later date.

End of Report



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Case Number: C2404090031.013

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title Officer Justin MURPHY's black Glock 17 Gen 5 9mm Semi-Automatic pistol with Magazine #1 inserted in the magazine well, Serial Number Gun tag #105444			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 1		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title Trijicon red dot sight attached to Officer Justin MURPHY's firearm, Serial Number 804753			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 2	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (3)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title Streamlight TLR-1 attached to Officer Justin MURPHY's firearm, Serial Number 4946980418			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 3	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (4)			



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Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #1 located in the magazine well			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 4	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title (1) WIN stamped Nickle 9mm luger plastic tip cartridge, recovered from the chamber of Officer MURPHY's firearm			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value



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Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009748		Item Number 5		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (6)					
Property Involvement			Relationship to Property MURPHY,JUSTIN T : Owner		
Related Offense Link					
Property Title Magazine #2 recovered from Officer MURPHY's external vest					
Property Description					
Quantity 0.0000	Make/Brand		Model		Color
Serial #			Owner Applied #		
Insured By					
IBRS Property Description				Property Value	
Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24009748		Item Number 6		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (7)					
Property Involvement			Relationship to Property MURPHY,JUSTIN T : Owner		
Related Offense Link					
Property Title (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #2					



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Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 7	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (8)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title Magazine #3 recovered from Officer MURPHY's external vest carrier			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 8	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name



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Amount on Document		Card Company	
Property (9)			
Property Involvement		Relationship to Property MURPHY,JUSTIN T : Owner	
Related Offense Link			
Property Title (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #3			
Property Description			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009748	Item Number 9	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		

Narrative
Title POLICE OFFICER JUSTIN MURPHY - INVOLVED OFFICER ROUND COUNT AND OVERALL PHOTORGRAPHS

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9324.

On Tuesday, April 9, 2024, at approximately 3:15 AM, I was instructed by **Lt. Britt KOHNERT** to respond to the intersection of E Moreland Boulevard and W Kossow Road in Waukesha, WI regarding a critical incident involving four officers from the City of Waukesha Police Department, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. We would be responding as the lead member agency of the Milwaukee Area



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Investigative Team (MAIT). The other members of the Milwaukee Police Department Homicide Division also responded to the scene of the critical incident. **Squad 9204**, Lieutenant Jeremiah JACKS, **Squad 9310**, Lieutenant Britt KOHNERT, **Squad 9316**, Sergeant Matthew BELL, **Squad 9322**, Detective Michael GRETENHARDT, **Squad 9323**, Detective Joseph NEWELL, **Squad 93325**, Detective Shamara GONZALEZ, **Squad 9326**, Detective Shaun LESNIEWSKI, **Squad 9327**, Detective Jose FLORES, and **Squad 9328**, Detective Curtis PELCZYNSKI.

Scene Response

Upon our arrival at approximately 3:33 AM, it was determined that the scene of this incident was **2441 Kossow Road, Waukesha, WI 53186**. The area surrounding the scene was secured by yellow evidence tape with numerous squad cars from different agencies blocking traffic with their red and blue emergency lights activated. Waukesha Police Department **Sergeant Daniel KLEIN** provided us with a preliminary briefing. During the preliminary briefing Sergeant KLEIN stated that Waukesha Police Officers responded to an entry in progress and encountered suspect who fled from them on foot. Ultimately four officers discharged their duty firearms, striking the suspect. The suspect was transported to Waukesha Memorial Hospital where he was pronounced deceased. Sergeant KLEIN stated that the involved officers were **Police Officer Jacob VIALI, Police Officer Brandon KIRCHER, Police Officer Justin MURPHY, and Police Officer Jorge ARRELANO**.

Sergeant KLEIN stated that all four officers had already been driven back to the Waukesha Police Department station located at 1901 Delafield Street, Waukesha, WI 53188. Sergeant BELL then instructed Detective FLORES, Detective LESNIEWSKI, Detective GRETENHARDT, Detective GONZALEZ, and me to respond to the Waukesha Police Department to meet with the involved officers.

Response to Waukesha Police Department.

I then responded with the aforementioned detectives to the Waukesha Police Department Station. **Squad 1921, Forensic Investigator Peter ULATOWSKI**, also responded to assist with photo documentation of the officers. Detective FLORES and I were proceeded to the evidence room on the lower level of the station where F.I. ULATOWSKI would photograph each officer and their equipment as each officer was directed down to us.

Contact with Police Officer Justin MURPHY



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Waukesha Police Officer Justin MURPHY

Appointment Date: 10-24-2022

Badge #: 665

Unit: 400 with no partner

Vehicle: Fleet 32

Shift: 8:45 PM to 7 AM He was working his 1st of four days scheduled.

Schedule: 4 on 4 off/4 on 3 off.

Officer MURPHY was dressed in his dark blue Waukesha Police Uniform, with the Waukesha Police patch located on both arms. MURPHY did not appear to be under the influence of any alcohol or any other substance. MURPHY was wearing a blue outer carrier vest that was equipped with the following items attached:

- Waukesha Police Velcro badge on upper left chest
- Radio mic attached next to the badge
- “Police” tab on the left chest
- Body worn camera mount (camera removed)
- a black pen and small crowbar in a left side pocket
- Oleoresin Capsicum “OC” spray in a pouch
- Handcuffs inside a handcuff case
- Flashlight inside a pouch
- A foldable light attached to center chest
- Cell phone in right breast pocket
- Velcro name strip on right chest
- Two pens attached to Molle strips on right chest
- Three magazine pouches on the, two with magazines and one empty
- Taser in holster on right side
- Radio in radio holster attached to right side with pair of gloves attached to the radio holster
- Flashlight and pen in right side pocket
- “POLICE” patch worn horizontally across the back panel of the external carrier

Officer MURPHY was also equipped with a nylon duty belt with the following items attached to the belt in a clockwise manner starting from the center of the belt:



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- CAT Tourniquet in a pouch with a red patch with white cross
- Expandable baton
- Flashlight
- Handcuffs
- Black pouch with blue cross on front
- Key holder
- Officer's duty weapon in a holster on left side of belt with tourniquet attached to the front of the holster
- Key holder

I noted a knife in MURPHY's right pants pocket, a knit hat in his rear left pants pocket, and second knife in his left cargo pocket.

Handgun Round Count

Firearm: Glock 17 Gen 5 Austria 9x19

Serial Number:

Caliber: 9mm

Color: Black

Attachments: A Trijicon red dot sight, **Serial Number 804753**, was attached to Officer MURPHY's Glock 17 on the rear of the firearm. A Streamlight TLR-1, **Serial Number 4946980418**, was attached to the underside rail of the firearm.

I recovered Officer MURPHY's firearm from his holster. I removed the magazine (Magazine 1) from the magazine well. I then removed the round located in the chamber of the weapon, to clear the weapon. Finally, I recovered two magazines from Officer MURPHY's external vest carrier. Each magazine had a sticker with "665" affixed to it. In total I recovered the following items from Officer MURPHY:

-Officer MURPHY's black Glock 17 Gen 5 9mm Semi-Automatic pistol, **Serial Number** Gun tag #105444. Attachments: A Trijicon red dot sight, Serial Number 804753. A Streamlight TLR-1, Serial Number 4946980418.

- (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #1 located in the magazine well.

- (1) WIN stamped Nickle 9mm luger plastic tip cartridge, recovered from the



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chamber of Officer MURPHY's firearm.

- **Magazine #2 recovered from Officer MURPHY's external vest carrier** and (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #2.

- **Magazine #3 recovered from Officer MURPHY's external vest carrier** and (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #3.

Total Cartridges Recovered: 52

All of the evidence was photographed by F.I. ULATOWSKI at approximately 5:11 AM, recovered, and retained in my custody. This was meant to safeguard the properly bagged and labeled items of evidence recovered from Officer MURPHY. All of the recovered evidence was inventoried under Milwaukee Police Department Inventory Number **24009748, Items 1 through 9.**

It should be noted that as soon as Officer MURPHY arrived at the Waukesha Police Department, his body worn camera was removed and docked for all recorded items contained within the unit to be uploaded for investigative purposes.

Officer MURPHY was not going to make a statement regarding this incident at this time. I provided him my business card with my contact information and explained that we would schedule his interview through Luke WAGNER of the Wisconsin Professional Police Association (WPPA) and his representation at a later date.

End of Report



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 POLICE REPORT
Case Number: C2404090031.014

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 POLICE OFFICER DRAELON LEIJA - WITNESS OFFICER ROUND COUNT AND OVERALL PHOTOGRAPHS

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9324.

On Tuesday, April 9, 2024, at approximately 3:15 AM, I was instructed by **Lt. Britt KOHNERT** to respond to the intersection of E Moreland Boulevard and W Kossow Road in Waukesha, WI regarding a critical incident involving four officers from the City of Waukesha Police Department, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. We would be responding as the lead member agency of the Milwaukee Area Investigative Team (MAIT). The other members of the Milwaukee Police Department Homicide Division also responded to the scene of the critical incident. **Squad 9204**, Lieutenant Jeremiah JACKS, **Squad 9310**, Lieutenant Britt KOHNERT, **Squad 9316**, Sergeant Matthew BELL, **Squad 9322**, Detective Michael GRETENHARDT, **Squad 9323**, Detective Joseph NEWELL, **Squad 93325**, Detective Shamara GONZALEZ, **Squad 9326**, Detective Shaun LESNIEWSKI, **Squad 9327**, Detective Jose FLORES, and **Squad 9328**, Detective Curtis PELCZYNSKI.

Scene Response

Upon our arrival at approximately 3:33 AM, it was determined that the scene of this incident was **2441 Kossow Road, Waukesha, WI 53186**. The area surrounding the scene was secured by yellow evidence tape with numerous squad cars from different agencies blocking traffic with their red and blue emergency lights activated. Waukesha Police Department **Sergeant Daniel KLEIN** provided us with a preliminary briefing. During the preliminary briefing Sergeant KLEIN stated that Waukesha Police Officers responded to an entry in progress and encountered suspect who fled from them on foot. Ultimately four officers discharged their duty firearms, striking the suspect. The suspect was transported to Waukesha Memorial Hospital where he was pronounced deceased. Sergeant KLEIN stated that the



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involved officers were **Police Officer Jacob VIALI**, **Police Officer Brandon KIRCHER**, **Police Officer Justin MURPHY**, and **Police Officer Jorge ARRELANO**.

Sergeant KLEIN stated that all four officers had already been driven back to the Waukesha Police Department station located at 1901 Delafield Street, Waukesha, WI 53188. Sergeant BELL then instructed Detective FLORES, Detective LESNIEWKSI, Detective GRETHENHARDT, Detective GONZALEZ, and me to respond to the Waukesha Police Department to meet with the involved officers.

Response to Waukesha Police Department.

I then responded with the aforementioned detectives to the Waukesha Police Department Station. **Squad 1921, Forensic Investigator Peter ULATOWSKI**, also responded to assist with photo documentation of the officers. Detective FLORES and I were proceeded to the evidence room on the lower level of the station where F.I. ULATOWSKI would photograph each officer and their equipment as each officer was directed down to us.

Contact with Police Officer Draelon LEIJA

Waukesha Police Officer Draelon LEIJA

Appointment Date: 07-28-20

Badge #:627

Unit: 302 with no partner

Vehicle: Fleet 2

Shift: 4:45 PM to 3 AM, Working his fourth day of four.

Schedule: 4 on 4 off/4 on 3 off

Officer LEIJA was dressed in his dark blue Waukesha Police Uniform, with the Waukesha Police patch located on both arms. LEIJA did not appear to be under the influence of any alcohol or any other substance. LEIJA was wearing a blue outer carrier vest that was equipped with the following items attached:

- Waukesha Police badge on upper left chest
- Radio mic attached to the left chest



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- Cell phone in left chest pocket
- Earpiece cord running from empty radio pouch to shirt collar
- Tourniquet in pouch
- Two magazine pouches with magazines inserted
- Radio in magazine pouch
- Empty body worn camera mount
- Merit award above name strip
- Faded name strip on right chest
- Various items in right chest pocket below name strip
- Handcuff case on right side of vest
- “POLICE” patch worn horizontally across the back panel of the external carrier

Officer LEIJA was also equipped with a nylon duty belt with the following items attached to the belt in a clockwise manner starting from the center of the belt:

- Key holder
- Handcuffs in handcuff case
- Officer’s duty weapon in a holster on right side of belt
- Latex Glove pouch
- Expandable baton
- Flashlight
- Taser in holster
- Oleoresin Capsicum “OC” spray in a pouch

Handgun Round Count

Firearm: Glock 17 Gen 5 Austria 9x19

Serial Number:

Caliber: 9mm

Color: Black

Attachments: A Streamlight TLR-1 HL, **Serial Number 331016A0520**, weapon mounted light was attached to the underside rail of the firearm. A DP-PRO red dot sight attached to rear of the slide of the weapon.



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I recovered Officer LEIJA's firearm from his holster. I removed the magazine (Magazine 1) from the magazine well. I then removed the round located in the chamber of the weapon, to clear the weapon. Finally, I recovered two magazines from Officer LEIJA's external vest carrier. I conducted a round count of Officer LEIJA's firearm and magazines as noted below:

- **(16) Mixed brand Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #1 located in the magazine well.**
- **(1) WIN stamped Nickle 9mm jacketed hollow point cartridge, recovered from the chamber of Officer LEIJA's firearm.**
- **Magazine #2 recovered from LEIJA's vest carrier and (17) Mixed brand Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #2.**
- **Magazine #3 recovered from LEIJA's vest carrier and (17) Mixed brands stamped Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #3.**

Total Cartridges Recovered: 51

All of the aforementioned items were photographed by F.I. ULATOWSKI at approximately 6:16 AM.

Officer LEIJA's body worn camera was removed and docked for all recorded items contained within the unit to be uploaded for investigative purposes while he was at the station.

End of Report



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 POLICE REPORT
Case Number: C2404090031.015

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 POLICE OFFICER ERIK HENDRIKSEN - WITNESS OFFICER ROUND COUNT AND OVERALL PHOTOGRAPHS

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9324.

On Tuesday, April 9, 2024, at approximately 3:15 AM, I was instructed by **Lt. Britt KOHNERT** to respond to the intersection of E Moreland Boulevard and W Kossow Road in Waukesha, WI regarding a critical incident involving four officers from the City of Waukesha Police Department, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. We would be responding as the lead member agency of the Milwaukee Area Investigative Team (MAIT). The other members of the Milwaukee Police Department Homicide Division also responded to the scene of the critical incident. **Squad 9204**, Lieutenant Jeremiah JACKS, **Squad 9310**, Lieutenant Britt KOHNERT, **Squad 9316**, Sergeant Matthew BELL, **Squad 9322**, Detective Michael GRETENHARDT, **Squad 9323**, Detective Joseph NEWELL, **Squad 93325**, Detective Shamara GONZALEZ, **Squad 9326**, Detective Shaun LESNIEWSKI, **Squad 9327**, Detective Jose FLORES, and **Squad 9328**, Detective Curtis PELCZYNSKI.

Scene Response

Upon our arrival at approximately 3:33 AM, it was determined that the scene of this incident was **2441 Kossow Road, Waukesha, WI 53186**. The area surrounding the scene was secured by yellow evidence tape with numerous squad cars from different agencies blocking traffic with their red and blue emergency lights activated. Waukesha Police Department **Sergeant Daniel KLEIN** provided us with a preliminary briefing. During the preliminary briefing Sergeant KLEIN stated that Waukesha Police Officers responded to an entry in progress and encountered suspect who fled from them on foot. Ultimately four officers discharged their duty firearms, striking the suspect. The suspect was transported to Waukesha Memorial



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Hospital where he was pronounced deceased. Sergeant KLEIN stated that the involved officers were **Police Officer Jacob VIALI, Police Officer Brandon KIRCHER, Police Officer Justin MURPHY, and Police Officer Jorge ARRELANO.**

Sergeant KLEIN stated that all four officers had already been driven back to the Waukesha Police Department station located at 1901 Delafield Street, Waukesha, WI 53188. Sergeant BELL then instructed Detective FLORES, Detective LESNIEWKSI, Detective GRETHENHARDT, Detective GONZALEZ, and me to respond to the Waukesha Police Department to meet with the involved officers.

Response to Waukesha Police Department.

I then responded with the aforementioned detectives to the Waukesha Police Department Station. **Squad 1921, Forensic Investigator Peter ULATOWSKI**, also responded to assist with photo documentation of the officers. Detective FLORES and I were proceeded to the evidence room on the lower level of the station where F.I. ULATOWSKI would photograph each officer and their equipment as each officer was directed down to us.

Contact with Police Officer Erik HENDRIKSEN

Waukesha Police Officer Erik HENDRIKSEN

Appointment Date: 07-28-20

Badge #: 629

Unit: 306 with no partner

Vehicle: Fleet 56

Shift: 4:45 PM to 3 AM, Working his third day of five work week, 1st on the street after working inside the station for the first two days.

Schedule: 4 on 4 off/4 on 3 off

Officer HENDRIKSEN was dressed in his dark blue Waukesha Police Uniform, with the Waukesha Police patch located on both arms. HENDRIKSEN did not appear to be under the influence of any alcohol or any other substance. HENDRIKSEN was wearing a blue outer carrier vest that was equipped with the following items attached:



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- Waukesha Police badge on upper left chest
- Radio mic attached to the right chest
- Earpiece cord running from empty radio pouch to shirt collar
- Empty radio pouch
- Two magazine pouches with magazines inserted
- Tourniquet in pouch
- Double handcuff pouch with handcuffs
- Empty body worn camera mount
- Black pouch next to the handcuff pouch
- Knife in right side pocket

Officer HENDRIKSEN was also equipped with a nylon duty belt with the following items attached to the belt in a clockwise manner starting from the center of the belt:

- Officer's duty weapon in a holster on right side of belt
- Oleoresin Capsicum "OC" spray in a pouch
- Expandable baton
- Taser in holster

I noted that HENDRIKSEN had a pair of gloves in his right rear pants pocket.

Handgun Round Count

Firearm: Glock 17

Serial Number:

Caliber: 9mm

Color: Black

Attachments: A Streamlight TLR-1 weapon mounted light was attached to the underside rail of the firearm.

I recovered Officer HENDRIKSEN's firearm from his holster. I removed the magazine (Magazine 1) from the magazine well. I then removed the round located in the chamber of the weapon, to clear the weapon. Finally, I recovered two magazines from Officer HENDRIKSEN's external vest carrier. I conducted a round count of Officer HENDRIKSEN's firearm and magazines as noted below:



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- (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #1 located in the magazine well.
- (1) WIN stamped Nickle 9mm luger plastic tip cartridge, recovered from the chamber of Officer HENDRIKSEN's firearm.
- Magazine #2 recovered from HENDRIKSEN's vest carrier and (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #2.
- Magazine #3 recovered from HENDRIKSEN's vest carrier and (17) WIN stamped Nickle 9mm luger plastic tip cartridges, recovered from Magazine #3.

Total Cartridges Recovered: 52

All of the aforementioned items were photographed by F.I. ULATOWSKI at approximately 6:48 AM.

Officer HENDRIKSEN's body worn camera was removed and docked for all recorded items contained within the unit to be uploaded for investigative purposes while he was at the station.

End of Report



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 POLICE REPORT
Case Number: C2404090031.016

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 POLICE OFFICER BRYCE A BUTRYN - WITNESS POLICE OFFICER ROUND COUNT AND OVERALL PHOTOGRAPHS

This report is written by Detective Daniel O'CONNELL assigned to the Criminal Investigation Bureau, Homicide Division, Late Shift, Squad 9324.

On Tuesday, April 9, 2024, at approximately 3:15 AM, I was instructed by **Lt. Britt KOHNERT** to respond to the intersection of E Moreland Boulevard and W Kossow Road in Waukesha, WI regarding a critical incident involving four officers from the City of Waukesha Police Department, Milwaukee Police Department **Case Number C24-0409-0031** and Waukesha Police Department **Case Number 24-13662**. We would be responding as the lead member agency of the Milwaukee Area Investigative Team (MAIT). The other members of the Milwaukee Police Department Homicide Division also responded to the scene of the critical incident. **Squad 9204**, Lieutenant Jeremiah JACKS, **Squad 9310**, Lieutenant Britt KOHNERT, **Squad 9316**, Sergeant Matthew BELL, **Squad 9322**, Detective Michael GRETENHARDT, **Squad 9323**, Detective Joseph NEWELL, **Squad 93325**, Detective Shamara GONZALEZ, **Squad 9326**, Detective Shaun LESNIEWSKI, **Squad 9327**, Detective Jose FLORES, and **Squad 9328**, Detective Curtis PELCZYNSKI.

Scene Response

Upon our arrival at approximately 3:33 AM, it was determined that the scene of this incident was **2441 Kossow Road, Waukesha, WI 53186**. The area surrounding the scene was secured by yellow evidence tape with numerous squad cars from different agencies blocking traffic with their red and blue emergency lights activated. Waukesha Police Department **Sergeant Daniel KLEIN** provided us with a preliminary briefing. During the preliminary briefing Sergeant KLEIN stated that Waukesha Police Officers responded to an entry in progress and encountered suspect who fled from them on foot. Ultimately four officers discharged their duty firearms, striking the suspect. The suspect was transported to Waukesha Memorial



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Hospital where he was pronounced deceased. Sergeant KLEIN stated that the involved officers were **Police Officer Jacob VIALI, Police Officer Brandon KIRCHER, Police Officer Justin MURPHY, and Police Officer Jorge ARRELANO.**

Sergeant KLEIN stated that all four officers had already been driven back to the Waukesha Police Department station located at 1901 Delafield Street, Waukesha, WI 53188. Sergeant BELL then instructed Detective FLORES, Detective LESNIEWSKI, Detective GRETHENHARDT, Detective GONZALEZ, and me to respond to the Waukesha Police Department to meet with the involved officers.

Response to Waukesha Police Department.

I then responded with the aforementioned detectives to the Waukesha Police Department Station. **Squad 1921, Forensic Investigator Peter ULATOWSKI**, also responded to assist with photo documentation of the officers. Detective FLORES and I were proceeded to the evidence room on the lower level of the station where F.I. ULATOWSKI would photograph each officer and their equipment as each officer was directed down to us.

Contact with Police Officer Bryce BUTRYN

Waukesha Police Officer Bryce BUTRYN

Appointment Date: 08-01-17

Badge #: 572

Unit: 308 with no partner

Vehicle: Fleet 4

Shift: 4:45 PM to 3 AM

Schedule: 4 on 4 off/4 on 3 off, Working his third day of the work week

Officer BUTRYN was dressed in his dark blue Waukesha Police Uniform, with the Waukesha Police patch located on his left arm and the deployable Technology Unit patch on his right. BUTRYN did not appear to be under the influence of any alcohol or any other substance. BUTRYN was wearing a blue outer carrier vest that was equipped with the following items attached:



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- “Guardian Angel” light on left epaulette
- Waukesha Police badge on upper left chest
- Knife attached to the collar of the outer vest carrier
- “Police” tab on the left chest
- Radio mic attached to the center chest area
- Taser in holster with additional cartridges attached to the holster
- Radio in radio holster attached to left side
- Flashlight in holster next to radio
- Key holder with gloves attached
- Flight light attached to the right epaulette
- Chain attached to right epaulette
- Merit award pins above name plate
- Metal name plate “B BUTRYN” on right chest
- Black medical pack with blue cross and blood type patch affixed to exterior
- Body worn camera attached to its mount
- “POLICE” patch worn horizontally across the back panel of the external carrier

Officer BUTRYN was also equipped with a nylon duty belt with the following items attached to the belt in a clockwise manner starting from the center of the belt:

- Handcuffs in handcuff pouch
- Key holder
- Tourniquet attached to holster
- Officer’s duty weapon in a holster on right side of belt
- Oleoresin Capsicum “OC” spray in a pouch
- Latex glove pouch
- Handcuffs
- Flashlight
- Expandable baton
- Three magazine pouch with three magazines

I noted a BUTRYN’s pants had mud on the knees.

Handgun Round Count

Firearm: Glock 17 Gen 4 9x19

Serial Number:



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Caliber: 9mm

Color: Black

Attachments: A Streamlight TLR-1 weapon mounted light, **Serial Number 3739960517**, was attached to the underside rail of the firearm.

I recovered Officer BUTRYN's firearm from his holster. I removed the magazine (Magazine 1) from the magazine well. I then removed the round located in the chamber of the weapon, to clear the weapon. Finally, I recovered three magazines from Officer BUTRYN's duty belt. I conducted a round count of Officer BUTRYN's firearm and magazines as noted below:

- **(22) WIN stamped Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #1 located in the magazine well.**
- **(1) WIN stamped Nickle 9mm jacketed hollow point cartridge, recovered from the chamber of Officer BUTRYN's firearm.**
- **Magazine #2 recovered from BUTRYN's Duty belt and (17) WIN stamped Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #2.**
- **Magazine #3 recovered from BUTRYN's Duty belt and (17) WIN stamped Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #3.**
- **Magazine #4 recovered from BUTRYN's Duty belt and (17) WIN stamped Nickle 9mm jacketed hollow point cartridges, recovered from Magazine #4.**

Total Cartridges Recovered: 74

All of the aforementioned items were photographed by F.I. ULATOWSKI at approximately 6:37 AM.

Officer BUTRYN's body worn camera was removed and docked for all recorded items contained within the unit to be uploaded for investigative purposes while he was at the station.

End of Report



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 POLICE REPORT
Case Number: C2404090031.017

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title COMPACT DISC OF AUTOPSY PHOTOGRAPHS			
Property Description COMPACT DISC			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010091	Item Number 1	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Narrative			
Title INVENTORY OF AUTOPSY PHOTOGRAPHS ON A COMPACT DISC			



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Case Number: C2404090031

This report is written by **Detective Ryan BERGEMANN**, assigned to the Homicide Division on the day shift.

On **April 11th 2024**, while assigned to **Squad 9121**, I went to the Waukesha County Medical Examiner's Office, which is located at 515 Moreland Boulevard, which is located in the City and County of Milwaukee, and picked up a compact disc, which contained photographs of the autopsy of **(Christopher M. MILAKOVICH, white male,** MILAKOVICH was the victim/suspect of the Officer involved shooting, which occurred with Waukesha Police Officers in the City of Waukesha. The incident was assigned **Case Number (C2404090031)**.

I placed a copy of the photographs on Milwaukee Police Department Inventory Number **(24010091)**.

This concludes this report.



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POLICE REPORT
Case Number: C2404090031.018

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title BLUE SHEET WITH BLOOD STAINS			
Property Description SHET			
Quantity 1.0000	Make/Brand	Model	Color Blue
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 3		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title WHITE SHEET WITH BLOOD STAINS			
Property Description SHEET			
Quantity 1.0000	Make/Brand	Model	Color White



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 2	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (3)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title BLUE FITTED SHEET WITH BLOOD STAINS			
Property Description SHEET			
Quantity 1.0000	Make/Brand	Model	Color Blue
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 4	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (4)			



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Case Number: C2404090031

Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title WHITE SHEET WITH BLOOD STAINS			
Property Description SHEET			
Quantity 1.0000	Make/Brand	Model	Color White
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 1		Hold Reason Evidence
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title BLUE TOWEL WITH BLOOD STAINS			
Property Description TOWEL			
Quantity 1.0000	Make/Brand	Model	Color Blue
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value



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Inventory Number 24010089		Item Number 5		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (6)					
Property Involvement			Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other		
Related Offense Link					
Property Title BLUE TOWEL WITH BLOOD STAINS					
Property Description TOWEL					
Quantity 1.0000	Make/Brand		Model		Color Blue
Serial #			Owner Applied #		
Insured By					
IBRS Property Description				Property Value	
Recovery Location		Recovery Date / Time		Recovered Value	
Inventory Number 24010089		Item Number 6		Hold Reason Evidence	
Securities					
Account Name		Account Number		Bank Name	
Amount on Document		Card Company			
Property (7)					
Property Involvement			Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other		
Related Offense Link					
Property Title BROWN PAPER BAG RECOVERED FROM THE LEFT HAND OF MILAKOVICH					
Property Description BAG					



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Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 7	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (8)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title SMALL CARDBOARD BOX WHICH CONTAINS A SMALL BLUE PIECE OF PLASTIC, WHICH WAS RECOVERED FROM THE WOUND TRACK IN THE LOWER LEFT THIGH OF MILAKOVICH			
Property Description PLASTIC PIECE			
Quantity 1.0000	Make/Brand	Model	Color Blue
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 9	Hold Reason Evidence	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		



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Property (9)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title BROWN PAPER BAG RECOVERED FROM THE RIGHT HAND OF MILAKOVICH			
Property Description BAG			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24010089	Item Number 8	Hold Reason Evidence	
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (10)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title EVIDENCE RECEIPT			
Property Description RECEIPT			
Quantity 1.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value



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Recovery Location	Recovery Date / Time	Recovered Value
Inventory Number 24010089	Item Number 10	Hold Reason Evidence
Securities		
Account Name	Account Number	Bank Name
Amount on Document	Card Company	

Narrative		
Title ITEMS OBTAINED FROM WAUKESHA MEDICAL EXAMINERS OFFICE - DURING THE AUTOPSY OF MILAKOVICH		



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POLICE REPORT
Case Number: C2404090031

This report is written by **Detective Ryan BERGEMANN**, assigned to the Homicide Division on the day shift.

On **April 11th 2024**, while assigned to **Squad 9121**, I went to the Waukesha County Medical Examiner's Office, which is located at 515 Moreland Boulevard, which is located in the City and County of Milwaukee, and picked up property that was collected during the autopsy of **(Christopher M. MILAKOVICH, white male,** MILAKOVICH was the victim/suspect of the Officer involved shooting, which occurred with Waukesha Police Officers in the City of Waukesha. The incident was assigned **Case Number (C2404090031)**.

The following items were collected and turned over to myself, which I then collected and placed onto Milwaukee Police Department **Inventory Number (24010089)**.

Item #1 - White sheet with blood stains

Item #2 - White sheet with blood stains

Item #3 - Blue sheet with blood stains

Item #4 - Blue fitted sheet with blood stains

Item #5 - Blue towel with blood stains

Item #6 - Blue towel with blood stains

Item #7 - Brown paper bag recovered from the left hand of MILAKOVICH

Item #8 - Brown paper bag recovered from the right hand of MILAKOVICH

Item #9 - Small cardboard box which contains a small blue piece of plastic, which was recovered from the wound track in the lower left thigh of MILAKOVICH

Item #10 - Waukesha County Medical Examiner's Office - Evidence Disposition Receipt

This concludes this report.



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POLICE REPORT
Case Number: C2404090031.019

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 PO VIALL body camera

This report is written by Det Joseph Newell, Criminal Investigation Bureau, Homicide Division.

On April 9, 2024 I responded to an officer involved shooting in the City of Waukesha as a member of the Milwaukee Area Investigative Team (MAIT). While on scene I was assigned to conduct the scene investigation along with Det Curtis Pelczynski. Involved officers were directed to the Waukesha Police Station where they were meet by Det Jose Flores, Det Dan OCONNELL and Det Shaun LESNIEWSKI. At the Police station their body cameras were taken and uploaded to AXON Evidence.com.

The following officers were determined to have fired their weapons during this incident:

VIALL, Jake #682, KIRCHER, Brandan #628, MURPHY, Justin #665, and ARELLANO, Jorge #657.

I was assigned to review and document the body camera of Waukesha Police Officer Jake VIALL Officer# 682.

PO VIALL's camera was assigned serial# X60AD391H. The first recording I watched started at 2:33Am on 04/09/2024. The video is 19min 22seconds in length.

The following is a synopsis of the video. Please note the times used in the video below are the minutes and seconds into the video file itself not the time of day. There is no audio for the first 30 seconds of the video.

The video starts with PO VIALL in the front seat of a squad car. The view to the exterior is blocked by the dashboard and the steering wheel.

0:30 – audio starts, radio can be heard, PO VIALL is driving vehicle.

00:41 – radio transmission states “subject is wearing a jacket with some type of graphic design on the back, he’s carrying something in his hand not sure what it was”

03:19 – more radio communication is heard, PO VIALL appears to be responding with his emergency lights on with no siren, at 3:19 someone on the radio states “be advised he’s walking towards Bluemound right now”.

3:50 – someone on radio states “306... 10-33..he’s got his hands in his pockets, not cooperative” someone acknowledges “10-4 10-33 on channel 1”

4:17 – someone on radio states “he’s continuing to walk northbound towards comfort in” at this time PO



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VIALL is putting his squad car into park.

4:21 – someone yelling outside “let me see your hands” PO VIALL quickly exits squad car as he exits his squad the camera now captures the outside. The video shows PO VIALL running northbound across Bluemound Rd. A subject is seen running down the middle of Kossow Rd northbound. *(The subject is later identified as MILAKOVICH, Christopher M (W/M, and will be referred to as MILAKOVICH for the remainder of this report for ease of comprehension.)*

4:31 - PO VIALL is running northbound on Kossow Rd behind another officer determined to be PO Justin Murphy. MILAKOVICH is still running north in the road.

4:33 – another officer is heard stating “let me see your hands right now” and second officer enters the camera frame running on the grassy divider between Kossow Rd and the Comfort Inn hotel. MILAKOVICH is still running and starting to turn into the grassy divider.

4:35 – MILAKOVICH is now on the grassy divide and has turned around and is now standing facing PO VIALL and the PO MURPHY who is in-between PO VIALL and MILAKOVICH.

4:36 – MILAKOVICH lowers his left knee to the ground and is now in a kneeling position facing PO VIALL and PO MURPHY. PO VIALL draws his firearm with his right hand. Someone can be heard stating “drop the gun” MILAKOVICH is reaching behind his back with his right hand, his left hand is near the center of his chest. MILAKOVICH is still looking directly at PO VIALL and PO MURPHY who is now directly between PO VIALL and MILAKOVICH. MILAKOVICH’s right hand swings out from behind his back.

4:37 - PO MURPHY steps in front of PO VIDALL as PO VIDALL is pointing his firearm towards MILAKOVICH. PO VIALL lowers his firearm and then raises his gun again as he moves to the right out, clearing PO MURPHY from his guns aim. As PO VIALL comes around PO MURPHY MILAKOVICH is now still kneeling both hands together in front of his chest facing officers. The first shot can be heard.

4:38 – PO VIALL and PO MURPHY both discharge their weapons, it is unclear as to how many times the firearms are discharged. PO VIALL is side stepping to the right as he is firing.

4:40 - PO VIALL’s last discharge. He states “Hands out, don’t move, hands out don’t move, hands out don’t move”. Another person can be heard in the background stating “get to cover”.

4:49 - PO VIALL moves to cover behind car# 36’s front drivers quarter panel.

4:51 - PO VIALL calls out “Murphy you good?” “everyone one good, call out”. Someone else then states “whos got shields”

5:00 - PO VIALL conducts an in-battery reload, dropping his magazine to the ground.

5:05 – someone is heard stating “backoff if you shot”

5:12 - PO VIALL states “I shot, I shot”, then walks backwards disengaging, and takes cover behind a different squad further away.

5:44 PO VIALL then does a “wet Check” with PO MURPHY and PO MURPHY “wet checks” him. PO VIALL and other officer then stand behind the vehicle until approached by a sergeant.

6:36 – PO VIALL is approached by Sgt Kline who states “Viall you shoot?” VIALL responds “yea”. Sgt



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Kline then instructs "wet checks" to be conducted to make sure no one was shot.

7:12 – PO VIALI informs Sgt Kline that he dropped his magazine near a squad during the shooting. PO VIALI then stands around near other officers away from the scene, with very little conversation.

12:16 – Waukesha Fire Department is observed arriving on scene.

15:00 – Sgt Kline informs officers that he will do a round count and they will be taken back to the station.

19:14 – PO VIALI asks Sgt Kline "at what point do you want our cameras off" He responds they can be off. PO VIALI then turns off his camera.

The recording ends 19min 22 seconds time which is at 2:52:19AM CST.

END REPORT



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 POLICE REPORT
Case Number: C2404090031.020

Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Narrative

Title BODY CAMERA SYNOPSIS FROM SERGEANT DANIEL KLEIN

This report is written by Detective Shaun LESNIEWSKI assigned to the Criminal Investigations Bureau, Homicide Unit late shift, squad 9326.

On 4-10-2024 I reviewed the body camera recording from Sgt. Daniel KLEIN related to the Officer Involved Shooting that took place on 4-9-2024 at the location of 2441 Kossow Road, Waukesha, WI. The recording starts at 2:36am and the recording is 42 minutes and 48 seconds in length. The following is a synopsis of the body cam video. For a full account of the video watch the recorded version.

When the recording starts Sgt. KLEIN is in the middle of Bluemound Rd, just east of Kossow Rd., and is facing the CarMax dealership. Sgt. KLEIN then starts running westbound towards Kossow Rd.

2:37:23am- Audio starts, Sgt. KLEIN is displaying his Taser and states, "You're going to get Tased, get down on the ground now." The laser sights from the Taser can be seen going in the direction of the suspect as he is walking northbound across Bluemound Rd. The Taser being arced can be heard.

2:37:30am- Sgt. KLEIN continued west towards the suspect and is telling him to get on the ground. Other officers can be heard giving the suspect commands, which he ignores and continues walking north with his hands in his pockets.

2:37:37am- Sgt. KLEIN discharges his Taser at the suspect for the first time.



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2:37:42am- Sgt. KLEIN discharges the Taser a second time, the suspect starts running northbound and officers follow. Sgt. KLEIN is just east of the suspect and other officers.

2:37:46am- The suspect can be seen turning around and facing the officers that are chasing him. The suspect appears to have his right hand in his jacket and is pointing it in the direction of the officer's right behind him in a manner that someone would point a gun. The suspect has his right hand in front of his face as if he was looking at the sights of a gun. The suspect then goes down to a knee and gunshots are heard. Two officers west of Sgt. KLEIN can be seen shooting at the suspect. Sgt. KLEIN turns and goes south west in the parking lot as he was in the line of fire from the officers shooting at the suspect.

2:38:06am- Sgt. KLEIN yells out asking if everyone is good. Sgt. KLEIN gets a ballistic shield from a squad and hand it off to officers so they can approach the suspect.

2:39:02am- Someone asks if the suspect has a firearm. Sgt. KLEIN responds that he saw him pointing something in his pocket.

The recording continues as Sgt. KLEIN manages the scene and deals with the involved officers.

End of report.



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POLICE REPORT
Case Number: C2404090031.021

Report Type: **Supplemental Report**
Nature of Incident: **HOMICIDE**

Narrative

Title SQUAD CAMERA FROM FLEET 32, P.O. JUSTIN MURPHY'S SQUAD
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This report is written by Detective Shaun LESNIEWSKI assigned to the Criminal Investigations Bureau, Homicide Unit late shift, squad 9326.

On 4-14-2024 I reviewed the squad camera from the squad P.O. Justin MURPHY, Fleet 32, was operating on April 9, 2024. The video starts at 2:32:32am and runs until 5:12:41am. The video shows P.O. MURPHY arrive to the CarMax and then park at the northeast corner of the property on Bluemound Rd. The squad is parked facing southbound. The video did not capture any part of the officer involved shooting.

End of report.



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POLICE REPORT
Case Number: C2404090031.022

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title REVIEW OF PO JUSTIN MURPHY'S BODY CAMERA
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This report is written by Detective Shaun LESNIEWSKI assigned to the Criminal Investigations Bureau, Homicide Unit late shift, squad 9326.

On 4-14-2024 I reviewed the body camera footage from P.O. Justin MURPHY related to the Officer Involved Shooting he was involved in on 4-9-2024 in the City of Waukesha. The body camera is an Axon Body 3 with serial #X60A51439. The body camera video starts at 2:32:31am and runs until 2:52:27am. The following is a synopsis of what is observed in the video. For a full detailed account of the video, watch the recorded version. Also to get some of the details of the video it was played frame by frame to accurately depict what the video shows:

2:32:31am- P.O. MURPHY is driving in his squad, no audio

2:33:01am- Audio starts, can hear the dispatcher sending squads to the CarMax and squads responding. P.O. MURPHY tells the dispatcher he is responding and he advises squads to respond silently.

2:33:54am- Radio transmission can be heard the subject is wearing a jacket with a graphic design on the back and he had something in his hand, not sure what it was

2:35:00am- P.O. MURPHY asks P.O. BUTRYN to respond with his drone



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2:36:37am- P.O. MURPHY exits his squad car and a radio transmission is heard the subject is walking towards Bluemound. P.O. MURPHY starts walking west on Bluemound Rd. and then starts running westbound.

2:27:23am- P.O. MURPHY yells, "Stop, Waukesha Police" as he is running westbound. As he is approaching Kossow Rd. the suspect can be observed walking north across Bluemound Rd. P.O. MURPHY has his firearm in his left hand.

2:27:31am- P.O. MURPHY is heard giving the following commands, "Let me see your hands, show me your hands, do it now. You will get Tased."

2:27:39am- The suspect appears to be looking back at P.O. MURPHY over his right shoulder. P.O. MURPHY continues to give commands, "Let me see your hands."

2:37:41am- The suspect looks again over his right shoulder in the direction of P.O. MURPHY. P.O. MURPHY then gives the command, "Let me see your hands or you will get shot."

2:37:45am- The suspect continues to flee on foot and now goes slightly east onto the grass area.

2:37:46am- The suspect abruptly turns around and is facing P.O. MURPHY. He has his right hand in his jacket pocket that is up to his face and his left hand near his chest. The suspect goes down to his left knee and is looking directly at P.O. MURPHY with his right hand still concealed.



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2:37:47am- The suspect appears to be pulling his hand from behind his back and appears to be making a finger gun with his thumb and pointer finger. He brings his right hand in front of his face and brings his left hand to his right hand in a manner that someone would be holding a firearm to shoot it. When he has his hands together he puts them in front of his eye as if he is aiming a gun.

2:37:38am- P.O. MURPHY can be observed shooting his firearm on the right side of the camera, other firearms can also be heard being fired. P.O. MURPHY is moving to the left, north, as he is delivering rounds at the suspect. P.O. MURPHY can be seen going by a tree that is to the north of the suspect as he continues to monitor the suspect after he stop delivering rounds.

2:38:04am- Someone asks, "MURPHY you good" and he responds "Yeah I'M good". P.O. MURPHY is running from the tree to behind a squad the is slightly south of him. Once at the rear of the squad car he conducts a magazine change in his gun.

2:38:18am- While behind this squad P.O. MURPHY checks himself to be sure he was not shot during this incident

2:38:33am- Someone on scene states, "Whoever shot back off", P.O. MURPHY taps the officer that is at the rear of this squad and tells him, "I'm out". P.O. MURPHY then goes further south where another officer conducts a "wet check" on him and P.O. MURPHY "wet checks" the other officer. P.O. MURPHY then gathers with the other officers that discharged their firearms in the incident.

2:49:05am- P.O. MURPHY mutes his body camera for investigation, but the video continues to record

2:50:49am- audio resumes on the body camera



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2:52:34am- Body camera is turned off at the direction of Sgt. KLEIN

End of report.



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Case Number: C2404090031.023

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 INTERVIEW OF WAUKESHA POLICE OFFICER JACOB C. VIALL

This report is submitted by **Detective Jose E. FLORES**, assigned to the Criminal Investigation Bureau, Homicide Unit, Late Shift, Squad 9327.

On Thursday, April 11th, 2024, **Detective Daniel O'CONNELL** and I responded to the Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI, to interview **Police Officer Jacob C. VIALL** (white/male, _____) regarding a Waukesha Police Officer-involved shooting that occurred on Tuesday, April 9th, 2024, at 2441 Kossow Road, which is located in the City and County of Waukesha, State of Wisconsin. This incident is associated with Milwaukee Police Department Case Number C2404090031 and Waukesha Police Department Case Number 24-13662.

Upon arrival, Waukesha Police Department personnel directed us to the Assembly area. **Luke WAGNER** of the Wisconsin Professional Police Association led us to the Waukesha Criminal Investigation Division conference room number 256, where we were advised that **Attorney James L. PALMER II** is counsel provided to Police Officer VIALL from the Wisconsin Professional Police Association. The interview began at approximately 9:27 AM. Police Officer VIALL, Attorney PALMER, and Mr. WAGNER were all present. I acted as the lead interviewer for the interview, and Detective O'CONNELL was assisting. The interview of Police Officer VIALL was done voluntarily and was not recorded.

This report details the interview of Police Officer VIALL. It should be noted that Detective O'CONNELL and I had previous contact with Police Officer VIALL on the day of the incident, that day being Tuesday, April 9th, 2024. During that contact we took note of Police Officer VIALL's physical appearance and the condition of his duty firearm. We also recovered Police Officer VIALL's firearm, spare magazines, and ammunition that were later placed on Milwaukee Police Department electronic inventory. Detective O'CONNELL filed a separate supplemental report regarding that aspect of the investigation.

Interview of Police Officer VIALL

Background information

Police Officer VIALL stated his badge number is 682, and his date of hire was Tuesday, April 25th, 2023. Police Officer VIALL stated he was previously employed at West Milwaukee Police Department from May of 2013 until April of 2023 and subsequently had approximately eleven



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years of law enforcement experience. Police Officer VIALL stated he was assigned to Patrol, and on April 9th, 2024, he was assigned as Unit number 406, which is responsible for the southwest side sector of Waukesha, operating Waukesha Police vehicle Fleet number 14 and did not have a partner. Police Officer VIALL stated he is assigned to Late Shift, with his normal hours being 8:45 PM to 7:00 AM. Police Officer VIALL stated his schedule is a four-on-four off, four-on-three off schedule, and he was working his fourth day of four.

Police Officer VIALL stated that, as a member of the West Milwaukee Police Department, he was a taser instructor for several years, a field training officer, and was on the Civil Disturbance team. Police Officer VIALL stated he has attended numerous trainings and courses during his law enforcement career, some of which were active shooter training, crisis intervention training, and spike strip training. Police Officer VIALL stated he last qualified with his handgun on the Waukesha Police Department firearms range in January of 2024. Police Officer VIALL stated he is a trained rifle operator. Police Officer VIALL stated that he had LASIK eye surgery approximately two (2) or three (3) years ago, so he does not need to wear contacts or glasses.

Activity before shift / arriving at Work

After obtaining this background information, we began to interview Police Officer VIALL regarding his recollection of events the day prior to Tuesday, April 9th, 2024. Police Officer VIALL stated that twenty-four hours prior, he had worked his normal shift, 8:45 AM until 7:00 AM; however, it was extended until approximately 9:00 AM due to dayshift staffing shortages. Police Officer VIALL stated he got home at approximately 9:30 AM and went to sleep at approximately 10:00 AM. Police Officer VIALL stated he woke up at approximately 4:00 PM and thus slept for approximately six (6) hours. Police Officer VIALL stated he spent time with his family all day, and they all ate dinner together at approximately 6:00 PM. Police Officer VIALL stated he did not consume alcohol and did not take any prescription or non-prescription medication.

Police Officer VIALL stated he arrived at the Waukesha Police Department at approximately 8:25 PM for his shift. Police Officer VIALL stated he went to the locker room and dressed into his Police uniform and put on all his equipment. Police Officer VIALL stated after getting dressed, he went to the cafeteria and ate some yogurt and fruit. Police Officer VIALL stated roll call started at 8:45 PM and was conducted by Sergeant Daniel KLEIN.

Police Officer VIALL stated, during the roll call, the emphasis was on crime trends related to burglaries, mail theft, and ongoing issues with entry to automobiles at businesses throughout various locations in the City of Waukesha. Police Officer VIALL stated that after the roll call, he went to the garage where the Police vehicles are located and determined he would be Unit number 406, one man without a partner, operating Fleet number 14. Police Officer VIALL stated he conducted a squad check, which consisted of ensuring all the equipment within the interior and exterior of his Police vehicle were operable. Police Officer VIALL stated all of his equipment was operable, and he left the Waukesha Police Department building to patrol his assigned area.

Assignments prior to the incident



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Police Officer VIALI stated his first assignment was related to a subject suffering from a mental health crisis. Police Officer VIALI stated a sixteen-year-old male had ingested medication, believed to be aspirin, and attempted to harm himself. Police Officer VIALI stated ultimately, they were able to facilitate helping the male subject get medical and mental health services, and the male subject would ultimately voluntarily agree to continued care. Police Officer VIALI stated the assignment lasted approximately three (3) hours. Police Officer VIALI stated the next assignment was a self-initiated check for a wanted subject at 344 W. Main St, Waukesha, WI.

Police Officer VIALI stated the subject had multiple warrants from multiple jurisdictions. Police Officer VIALI stated he was unsuccessful locating the wanted subject and cleared from the assignment after approximately one (1) hour.

Police Officer VIALI stated the next assignment was assisting Waukesha Police Officer Brandon KIRCHER with the arrest of a subject with a warrant, who was ultimately processed at the Waukesha County Jail. Police Officer VIALI stated he then conducted a traffic stop near West North Street in Waukesha, WI. Police Officer VIALI stated the traffic stop was for expired registration, and the disposition was a citation for operating a motor vehicle without proof of insurance. Police Officer VIALI stated he then went back to 344 W. Main St., attempting to locate the wanted subject from the aforementioned self-initiated assignment. Police Officer VIALI stated he knocked on the door but received no response. Police Officer VIALI stated he was on that assignment for approximately twenty minutes and cleared.

Officer Involved incident

Police Officer VIALI stated he was near Waukesha Fire Station One, in the area of E. St Paul Avenue and Madison Street, when he heard three (3) audible beeps come over his radio. Police Officer VIALI explained three (3) audible beeps mean that a priority one call, or "10-39", is about to be broadcast. Police Officer VIALI stated that a priority one call per Waukesha Department policy generally requires more Police Officers to respond due to the potential of locating a suspect committing a crime in progress or the severity of the crime itself. Police Officer VIALI stated he recalled the call was broadcast as a theft in progress at the CarMax located near Kossow Road. Police Officer VIALI stated he recalled the broadcast indicating there was a third-party security company monitoring the surveillance cameras at the CarMax and observed a subject in one of the vehicles on the CarMax lot manipulating the steering column. Police Officer VIALI stated he recalled that at some point, it was broadcast that the subject involved was a male wearing a dark or black hooded sweatshirt with a graphic design on the back. Police Officer VIALI stated he was not dispatched to the assignment, and he did not broadcast that he was going to the assignment; however, he began to travel towards the location as backup. Police Officer VIALI stated the reason why he did not broadcast that he was going to the assignment was to keep the Police radio clear of unnecessary radio broadcasts and to keep the air clear so that updates on the assignment could continue to be broadcast. Police Officer VIALI stated his reason for responding to the assignment was because there has been a lot of entry to automobiles and burglaries recently, and the potential for the responding Police Officers to encounter a suspect in the commission of the crime was highly probable.



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Police Officer VIALL stated he activated his squad vehicle mounted red and blue flashing lights but did not activate his audible siren and, began to travel northbound from N. St Paul Ave to E. Moorland Blvd. Police Officer VIALL stated the reason he did not activate his audible siren was due to the nature of the crime in progress; he did not want to alert the Suspect to his location as he was responding to the area. Police Officer VIALL stated at some point near N. St Paul Ave. and E. Moorland Blvd, another Police vehicle got behind him and began to follow him. Police Officer VIALL stated he traveled eastbound on E. Moorland Blvd road to Kossow Road and then northbound on Kossow Road towards W. Bluemound Road. Police Officer VIALL stated as he was traveling to the assignment, other Police Officers who had already arrived on the scene of the assignment were broadcasting that they observed a Suspect leaving the location of the Theft in progress and indicated the Suspect was walking towards W. Bluemound Road. Police Officer VIALL stated as he was traveling northbound on Kossow Road, more responding Police vehicles were behind him.

Police Officer VIALL stated he then recalled hearing a broadcast indicating that the Suspect was crossing traffic across W. Bluemound Road from Kossow Road with his hands in his pockets and was not obeying the Police officer's commands to stop. Police Officer VIALL stated that based on the amount of Police Officers giving commands and Police Vehicles in the area, the Suspect would know that Police Officers were present and the Suspect was making a conscious decision to disobey lawful commands. Police Officer VIALL stated that based on his experience, he thought that a subject disobeying lawful commands from Officers to remove hands from their pockets and failing to comply with Police Officers' commands to stop that it is probable that the Suspect is attempting to conceal something in their pockets and attempting to flee and evade Police. Further, Police Officer VIALL stated that based on the nature of the call, which was a Theft in progress, Suspects oftentimes are in possession of tools that aid them in the commission of the crime, such as screwdrivers, crowbars, and metal instruments, as well as weapons that can be used to prevent capture and aid in escape. Police Officer VIALL stated he bases this belief on his training and having over a decade of law enforcement experience.

Police Officer VIALL stated as he approached the intersection of Kossow Road and W. Bluemound Road, he observed the Suspect and described him as a male, wearing a black hooded sweatshirt, with the hood up, a baseball cap, with his hands in his pockets. Police Officer VIALL stated he had a heightened sense of awareness due to the Suspect continuing to disobey commands to remove his hands from his pockets and continuing to flee from Police Officers' lawful commands to stop. Police Officer VIALL stated as he reached the intersection of Kossow Road and W. Bluemound Road, he observed Police vehicles facing eastbound on W. Bluemound Road. Police Officer VIALL stated that at this point, the Suspect was almost near the Home Depot entrance North of W. Bluemound Road. Police Officer VIALL stated he exited his vehicle at the intersection of Kossow Road and W. Bluemound Road, and he began to follow the Suspect on foot as he continued to flee. Police Officer VIALL stated there was a Police Officer on the sidewalk in front of him giving the Suspect commands to stop while identifying himself as Waukesha Police; however, the Suspect continued to disobey the lawful commands to stop. Police Officer VIALL stated that the Suspect began to quicken his pace as he reached the grassy area on the East side of the Home Depot driveway entrance and began to walk toward



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the Comfort Inn hotel.

Police Officer VIALL stated that, at this point, he was approximately fifty feet from the Suspect. Police Officer VIALL stated that based on the distance between the Police Officers and the Suspect, who was still walking away, their relative position to his was close enough that he was able to hear their commands and made a conscious decision to disobey commands. Police Officer VIALL stated he observed the Suspect's hands inside his hooded sweatshirt's front pocket and noticed that both his right and left arms and elbows were parallel to the ground in an unnatural position. Police Officer VIALL stated, based on his experience, that the positioning of the Suspect's arms indicated that he was holding something. Police Officer VIALL stated the Suspect proceeded to turn his head and look over both his shoulders as he walked away at a faster pace from the Police Officers behind him. Police Officer VIALL stated that it was his belief at this time that the Suspect was obtaining target identification and acquisition and that, at any point, the Suspect had the ability to escalate force rapidly. Police Officer VIALL stated the Suspect appeared unfazed that multiple Police Officers were giving him commands to stop and pursuing him. Police Officer VIALL stated that based on the Suspects actions of continuously disobeying their lawful commands to stop, turning his head over his shoulders, obtaining target identification and acquisition, the location and unnatural position of his concealed hands, he feared for his safety, and the safety of the Police Officers around him, because the Suspect could attack them and his behavior created an imminent threat of death or great bodily harm.

Police Officer VIALL stated he then heard a Taser deploy based on a loud arcing and audible pop; however, the Suspect continued to flee. Police Officer VIALL stated he then heard another Taser deployment that was unsuccessful again. Police Officer VIALL stated that this concerned him and made him fear for his safety because he wasn't sure if the Taser deployments were unsuccessful and did not make contact, and the Suspect was not fazed by the Taser Deployments, or if they did strike the Suspect and he continued to flee. Police Officer VIALL stated, based on his experience, that Tasers are an effective system for Law Enforcement Officers, and oftentimes, Suspects will stop resisting and obey Police Officers' commands. Police Officer VIALL stated the fact that the Taser deployments did not stop or deter the Suspect, he believed he and the surrounding Police Officers were in danger of great bodily harm or death based on the Suspect's actions. Police Officer VIALL stated the Suspect was now jogging, so he quickened his pace and was catching up and was only about twenty feet away from the rear right side of the Suspect's body. Police Officer VIALL stated he recalls being closest to the Suspect or one of the closest.

Police Officer VIALL stated all of a sudden, the Suspect turned rapidly to his right side, lowered his right knee, kneeled, looked at him while he (Police Officer VIALL) was in the roadway, obtaining target acquisition, and began manipulating something in his front hooded sweatshirt pocket while both hands were still concealed. Police Officer VIALL stated the position that the Suspect was taking is what appeared to be a stabilized shooting position. Police Officer VIALL stated that he would take a similar position if he were planning on firing his weapon because a kneeling position is oftentimes more stable than a standing position. Police Officer VIALL stated that the Suspect then moved his right arm from the lower portion of his hooded sweatshirt to the



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center portion. Police Officer VIALL stated there was an "L" shaped object protruding forward from the center portion of the Suspects body still concealed by the hooded sweatshirt. Police Officer VIALL stated that based on the Suspect's body position, movement of his hands, location of his hands, and the shape of the object, he believed it was a firearm. Police Officer VIALL stated the Suspect appeared to be conducting the steps of a firearms draw. Police Officer VIALL stated he feared for his safety and the safety of the Police Officers around him, although remaining calm and pulled his firearm. Police Officer VIALL stated he discharged his firearm, what he believes to be seven (7) times, to stop the Suspect's threat of imminent death to himself and the other Police Officers around him.

Police Officer VIALL stated that the Suspect then dropped to his side, and he determined the Suspect was no longer an imminent threat. Police Officer VIALL stated he remembered thinking that the Suspect was down, and he began to give commands such as "Hands out! Don't Move!" Police Officer VIALL stated another Police Officer called out to him and told him to get back to cover. Police Officer VIALL stated he ran back to cover behind a Police vehicle, and he was able to see multiple Police Officers and Police vehicles set up to safely assess the Suspects' condition and provide follow-through consideration options. Police Officer VIALL stated that he conducted an in-battery reload and dropped the magazine that was in his firearm next to Police vehicle Fleet number 36. Police Officer VIALL stated he remembered what Waukesha Police personnel were saying. "Anyone who shot get back!" Police Officer VIALL stated the other Police Officers who had discharged their weapons gathered in one area behind cover and began to check each other to ensure no one had been shot. Police Officer VIALL stated he remembers reminding surrounding Police Officers to breathe and to make sure no one was hit. Police Officer VIALL stated at some point; Sergeant KLEIN conducted a round count at the rear of a Police vehicle. Police Officer VIALL stated he recalls his load out was fifteen (15) rounds in his magazine that was inserted into his firearm, (1) one round in the chamber of his firearm, along with two (2) magazines containing fifteen (15) rounds each that were on his outer vest carrier.

Police Officer VIALL stated Sergeant KLEIN then assigned Police Officer MULLENS to be his support Officer, and he drove him back to the Waukesha Police Department. Police Officer VIALL stated upon arrival, he docked his body worn camera so it could be downloaded. Police Officer VIALL stated he provided his public safety statement to Sergeant WANNER. Police Officer VIALL stated he has no previous involvement in critical incidents.

Police Officer VIALL stated he does not know the identity of the Suspect, even now at the time of this interview, so to the best of his knowledge, he does not know if he has ever had contact with the Suspect in the past. Police Officer VIALL stated he saw the Suspect being put in the ambulance while he was on the scene and observed that he was a white male with a tattoo on his arm.

Police Officer VIALL stated that the statement that he gave during the interview was based on his recollection of the events as they unfolded that night. I asked Police Officer VIALL if he had reviewed his body camera footage or any other footage related to the Shooting incident, and he stated he did not. Police Officer VIALL stated he had no further information to provide regarding the incident and ended the interview.



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The interview concluded at 10:18 AM.

On Friday, April 19th, 2024, at 8:46 AM, I met with Police Officer VIALL, Attorney PALMER, and Mr. WAGNER at the Waukesha Police Department, Criminal Investigation Division conference room number 256, to review his statement. Besides grammatical and punctuation corrections the statement was accurate as to the content. After the statement was reviewed, Police Officer VIALL and Attorney PALMER reviewed Police Officer VIALL's body camera footage and found nothing further to add or change to the statement previously given.

End of supplemental report.



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Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative
Title INTERVIEW OF WAUKESHA POLICE OFFICER BRANDON KIRCHER

This report is written by Milwaukee Police Detective Daniel O’Connell, assigned to the Homicide Division, Late Shift.

On Thursday, April 11, 2024, I, along with Detective Jose Flores, went to the Waukesha Police Department located at the address of 1901 Delafield Street, Waukesha, WI 53188, to conduct an officer interview regarding an Officer Involved Shooting that took place on Tuesday, April 9, 2024.

I was assigned to interview Waukesha Police Officer Brandon Kircher, who was making a voluntary statement and was present with Wisconsin Professional Police Association attorney James L Palmer II and Wisconsin Professional Police Association business agent Luke Wagner throughout the entire interview. It should be noted that the interview was not recorded and it was conducted in CID conference room 256 of the Waukesha Police Department.

INTERVIEW OF OFFICER KIRCHER

Detective Jose Flores and I started the interview at approximately 7:53 AM, with Waukesha Police Officer identified as, Brandon M Kircher who was appointed to the Waukesha Police Department on 07-28-2020, and assigned badge #628. Officer Kircher is currently assigned to the Patrol Division, Late Shift, with the hours of 8:45 PM to 7 AM. Officer Kircher was working his 1st scheduled day of his four day work week but second overall as he worked an extra shift on Sunday April 7 into April 8.

Officer Kircher stated that this is his 1st law enforcement position and has not been involved in any officer involved critical incidents previously. He did mention that he was present and for the Waukesha Christmas Parade mass casualty incident in 2021. During that incident Officer Kircher was providing traffic control



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for the parade before assisting in mass casualty care. Officer Kircher stated he has no prior military experience and that he is Crisis Intervention trained as well as Taser trained. He does wear corrective lenses and stated that he was wearing them April 8th into April 9th.

We began by discussing the 24 hours leading up to his shift starting on Monday night. Officer Kircher stated that he worked from 445 PM on Sunday, April 7 to 3 AM on Monday, April 8. He went directly home and went to bed around 3:45 AM to 4 AM.

He also mentioned that he did not consume any alcoholic beverages on Monday prior to the start of his shift on that night.

Officer Kircher knew the exact time he awoke, 2:07 PM, as he woke up during the height of the Solar Eclipse. After waking up, he remained in bed for 10 to 15 minutes before beginning his morning routine, brushing his teeth and things of that nature. At 3:30 PM he walked with his wife to pick up his kids from school and then returned home. They ate dinner, he ate beef tacos, and he later exercised for 45 minutes at home. He walked his dogs for approximately 30 minutes and then began to get ready for work. Officer Kircher remarked that this is his daily routine and that Monday was an average day.

He got to work at approximately 8:30 PM and got dressed in his full Waukesha Police Uniform which consisted of a WPD baseball cap, long-sleeved uniform shirt, external vest carrier with his badge affixed, duty belt, and blue uniform pants. He then attended the roll call at 8:45 PM. Sergeant Daniel Klein conducted the roll call. Officer Kircher stated that the crime trends discussed during the roll call included some burglaries that occurred as well as some entry to autos. The incidents were spread throughout the city; however, a business, Peterbilt, was having a particular issue that was noted. His normal duty assignment is Unit 404 which is assigned to the Southeast section of the city. He does not have a vehicle assigned to him and on this night he was operating Fleet 8, which is a fully marked squad car equipped with red and blue emergency lights. Each vehicle has its own Taser and patrol rifle assigned to it. He clarified that the only equipment assigned to him is his duty firearm and his body-worn camera (BWC).

After the roll call, he conducted his squad check which included ensuring all the equipment within the squad as well as the squad itself is functional and operating



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normally. Officer Kircher stated that all of his equipment was functioning normally. He then went out for general patrol. Officer Kircher described the last few months as being slow with only a few dispatched calls coming in each night. He explained that self-initiated activity occupies most of his time during his shift and he usually conducts three to four traffic stops a night.

His first activity was a traffic stop at Main Street and 164. He searched the vehicle but did not locate any contraband during the search. He concluded the traffic stop with a citation for Operating without a License being issued to the driver. Officer Kircher then conducted a wanted check for an individual he knew had a warrant out for his arrest for a violation of their probation. This subject was arrested without incident and was conveyed directly to the Waukesha County Jail.

He went back in service (10-8) at approximately 2:15 AM and from the jail, he turned right onto E Moreland Blvd. He saw a vehicle on the road and went to investigate it but another officer caught up to the vehicle before he was able to. Officer Kircher identified the officer as Officer Matthew Clark. He observed Officer Clark initiate a traffic stop on E Moreland Blvd near Kossow Road. He explained that from midnight to 5 AM, it is department policy that dispatch will send a second squad to any traffic stop initiated. It is the responsibility of the initiating unit to cancel the second unit if they deem it unnecessary. However, since Officer Kircher was in the immediate vicinity, he put himself out with Officer Clark. He believed the traffic stop was for expired registration.

Officer Kircher explained that during the night shift, the primary officer conducts the traffic stop from the passenger side while the secondary officer parks behind and extinguishes all their lights but for the rear emergency red and blue lights to avoid backlighting the primary squad. The secondary officer will approach from the driver's side in a delayed manner while the attention is on the primary officer.

While they were on the traffic stop, he heard three tones over the radio indicating a 10-39 call which is an emergency response with emergency lights and sirens activated. The call description was a vehicle theft in progress at the Carmax on Kossow Road, which was approximately two blocks away from where they were conducting their traffic stop. He explained that two or three units will be dispatched to a 10-39 call but usually any unit that can respond will.

Officer Kircher stated that he was not the dispatched unit but due to his proximity, he moved to the back of the vehicle to see if Officer Clark was okay with him



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leaving the traffic stop to respond to the call at the CarMax. After Clark indicated he was good, he returned to his vehicle and began to respond to the CarMax. Officer Kircher recalled a similar call for service a few months prior. The initial information that was provided as the call was broadcast was that a third party security company monitoring the security camera footage, observed a subject inside a vehicle. He also is aware of an audible motion detection alert on the CarMax parking lots that the lot is closed and is being monitored.

As he responded he activated his emergency lights but conducted a silent run to the call for service. Officer Kircher explained this to mean that his emergency would be on but not his siren so as to not alert the suspect of his presence. He went eastbound on Moreland Blvd and then performed a U-turn to go back westbound towards Kossow Road. He turned northbound onto Kossow Road and shortly after turning north, he extinguished his emergency lights as well as his headlights to avoid detection. As he responded he told Officer Clark to remain in his vehicle as in his previous experience with calls of this nature, there is usually more than one subject, and oftentimes there is a getaway vehicle. By keeping Officer Clark in his squad, Officer Kircher was preparing for the possibility that the suspects might flee in a vehicle.

Officer Kircher described the CarMax split into two parking lots. One lot, located on the south side of the property, is unfenced and he believed it to be a parking lot for customers/employees. The larger northern lot is fenced in by a black metal fence and this is where the vehicles for sale are located. Officer Kircher positioned his vehicle in the southern lot near a tree to try and obscure it from view. He asked which area of the lot the vehicle the subject was in, was located. He was informed that it was the western portion of the lot which was the side of the lot he was positioned on. Officer Kircher exited his patrol vehicle and began to walk on foot. As he walked he heard what he believed to be beeps coming from a vehicle somewhere on the lot. He observed the suspect seated in the driver's seat of the vehicle but couldn't see exactly what the suspect was doing.

Officer Kircher then moved to a vehicle parked to his right to use as a position of cover and remain hidden while allowing him to keep eyes on the suspect. He described that from this position he observed Sgt. Klein eastbound on Bluemound Road. He presumed that Sgt. Klein was going to the northeast corner of the lot to try and set up a perimeter around the parking lot. At some point, he was unsure exactly when the suspect exited the vehicle and began to walk northbound through



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the parking lot. Officer Kircher broadcast that the suspect was on the move north. He could see that the suspect was wearing a black jacket and had his hands in his pockets. As the suspect continued north, he broadcast that the suspect would be nearing the intersection of Kossow Road and Bluemound Road.

Officer Kircher then moved west towards the sidewalk along Kossow Road. While he was moving, he lost sight of the suspect but regained sight as he moved north along the sidewalk. By this time, numerous additional squads were responding with their emergency lights on. He could also hear other officers issuing commands to show his hands, which the suspect was conspicuously ignoring. Based on his experience as a law enforcement officer, Officer Kircher believed this was an indicator that the suspect was armed with an object as on previous calls similar to this subjects have been armed with burglarious tools and sometimes weapons.

He began to move quickly north to the northeast corner of Kossow and Bluemound with the other responding squads at which time he heard the distinct "pop" of a Taser being deployed. He was unsure who attempted the Taser deployment but stated there may have been a second deployment as well. Officer Kircher was unsure if the Taser if the deployment was ineffective or just missed. He described feeling that this encounter was going to be different as this was his first experience as a law enforcement officer where a subject was conspicuously ignoring commands to remove their hands from their pockets with such an extensive and obvious police presence attempting to communicate with the subject. Additionally, the failed Taser deployment was escalating the encounter as their use of force options were becoming fewer as they continued up the use of force continuum. Officer Kircher began to fear for the safety of his coworkers who were closer to the subject than he was as he believed the suspect was armed with something his in pocket.

He was unsure when he exactly drew his firearm, but he had drawn his firearm and commanded the subject to show him (Officer Kircher) his hands. This command, amongst the many others, was also ignored by the suspect. Officer Kircher moved behind the squads that were continuing forward to use them as cover. He heard on the radio that the suspect then began to flee on foot from the officers but didn't see the foot pursuit begin. The suspect emerged from behind the squads in the middle of the street and moved to the right of them. He observed the suspect then stop and turn around to face the officers pursuing him. He knew that the suspect turned



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because instead of the black jacket the suspect wore, he now saw a white shirt facing him.

The suspect crouched down or possibly went down to one knee and presented his hands toward the officer as if he were drawing a firearm. Officer Kircher stated he observed what he thought was a black object in the suspect's hands. Based on the actions leading up to this moment and the manner in which the suspect presented his hands, Officer Kircher believed this was a firearm. At this point, Officer Kircher feared that the suspect was going to shoot his coworkers. Officer Kircher stated he discharged his firearm five times toward the suspect to stop the imminent threat of great bodily harm or death to his coworkers. Officer Kircher stated he ceased fire when the imminent threat was stopped.

However, Officer Kircher was unable to see if the suspect was still armed and since he was unsure if the lack of movement was a ruse, he did not rush in to render aid. He retreated back behind a squad that was to his left. He positioned himself at the passenger side tail lamp which allowed him to maintain eyes on the suspect and to provide deadly force cover should the suspect present himself as a threat again. He called out to other officers to get to cover for an arrest team to assembled and approach safely. He also started to check on his coworkers to see if they were ok.

At some point, he was pulled from his position by Sergeant Klein as he was an involved officer. He then was moved back to remain with the other involved officers behind a squad. Initially, he was assigned to remain with Officer Mullins as a support officer but ultimately was assigned to remain with Officer Matthew Clark as his support officer. Officer Kircher returned to his parked squad with Officer Clark who drove him back to the station in Officer Kircher's squad. As he returned to his squad, he saw the vehicle that the suspect was discovered in and noticed that the steering wheel column was "peeled" which was indicative of an attempted auto theft. He also discovered a red plastic piece near the driver's door. He didn't know if that was related to this incident or not. He also noted that the driver's window was still intact.

Officer Kircher clarified that he knew exactly how many times he shot as 12 based on the round count that I conducted with Detective Jose Flores that night. He stated his load out that he carries for his duty firearm is 14 rounds in the magazine in his firearm with an additional round in the chamber and two extra magazines with 15 rounds each.



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To the best of Officer Kircher's knowledge, he has never encountered this suspect prior. Officer Kircher stated he knew that the suspect was not black but couldn't say for sure what the suspect's race was.

Finally, Officer Kircher stated that he last qualified with his firearm in January of this year and had just attended a bi-monthly firearms training that was focused on the foundation of good basics. Officer Kircher agreed that the pointing motion the suspect made towards the officers was similar to step four of the draw which is the final position before firing the weapon.

The interview was ended at approximately 8:45 AM.

On Friday April 19th, 2024, at 8 AM,, along with Detective Jose Flores, met with Officer Kircher, Attorney Palmer, and Business Agent Wagner in room 256, Criminal Investigation Division conference room, at the Waukesha Police Department to review his statement. Apart from minor grammatical corrections, there were no changes to the content of Officer Kircher's statement. After they reviewed the statement, Officer Kricher, Attorney Palmer, and Business agent Wagner reviewed Officer Kircher's body worn camera footage and had nothing further to add or change to the statement given prior to reviewing the footage.

End of report



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Case Number: C2404090031.025

Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Suspect (1)				
Suspect Arrested				
Related Offense Link				
Name (Last, First, Middle, Suffix)				Date of Birth
MURPHY,JUSTIN				
Race	Sex	Ethnicity	Age	Age To
WHITE	MALE	NOT HISPANIC/LATINO	30 yrs	
Height	Weight	Build	Eye Color	Hair Color
Hair Length	Hair Style	Facial Hair	Skin Type	Glasses
Clothing				
Description (Additional Misc Info)				
Moniker				
Driver's License / ID Number			DL / ID State of Issue	
Suspect Address				
6929 W SILVER SPRING DR, MILWAUKEE,WI 53218				
Phone #1	Phone #1 Type	Phone #2	Phone #2 Type	
		(414) 935-7242	Phone	
Employer / School Name			Employer / School Phone	
Employer / School Address				

Narrative
Title
INTERVIEW OF P.O. JUSTIN MURPHY, WAUKESHA POLICE

This report is written by Detective Shaun LESNIEWSKI assigned to the Criminal Investigations Bureau, Homicide Unit late shift, squad 9326.



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On April 11, 2024 Detective Curtis PELCZYNSKI and I went to the Waukesha Police Department to conduct interviews of the officers involved in a shooting incident that took place in the City of Waukesha on April 9, 2024. The first interview we conducted was with P.O. Justin T. MURPHY. The interview was conducted in the Chiefs briefing room. Also present for the interview was Attorney Kate HARRELL from the Wisconsin Professional Police Association and P.O. Jason TRIMBORN, Union President. The interview went from approximately 8:50am-9:50am.

P.O. MURPHY was appointed to the Waukesha Police Department on 10-25-2022 and currently works late shift, 8:45pm-7:00am, with a 4 on-4 off-4 on-3 off schedule. Prior to working at the Waukesha Police Department, P.O. MURPHY worked as a Police Officer at The Wisconsin State Fair for one year and then with the City of Milwaukee Police Department for four years. Prior to working at the State Fair Police P.O. MURPHY went through the police academy at the Milwaukee Area Technical College to be certified as a law enforcement officer. Even though he was a certified law enforcement officer he went through the City of Milwaukee Police Academy after he was hired there. Also during his 6 years as a law enforcement officer he has attended numerous in services and training sessions to continue to be certified and better trained.

I asked P.O. MURPHY if he has been involved in any other critical incidents during his time as a law enforcement officer. He stated that when he was working in Milwaukee he shot a dog, but no other incidents where he fired his handgun. P.O. MURPHY wears contacts and was wearing them on April 9th.

Regarding the shooting incident I started the interview with what P.O. MURPHY did during the day prior to coming into work. He stated that he woke up on April 8th around 8am and then went back to sleep around 1pm until 6:30pm. When he woke up he got ready for work. This was the first day of work for a three day work week. He was assigned to squad 400 for the night of the 8th going into the 9th. P.O. MURPHY explained that squad 400 is a desk officer that is tasked with booking arrests and monitoring people in custody at the police station, if there are any. If nobody is in custody squad 400 can go on patrol, which he did for his



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shift since there were no arrests. P.O. MURPHY stated that he was operating squad car "Fleet 32" for his shift. He wears a body camera and the squad has mounted cameras, all of them were operational during the incident. P.O. MURPHY was wearing his department uniform identifying him as a Waukesha police officer on April 9th.

The first call P.O. MURPHY took was a mental health call. He then did a couple traffic stops, which he stated he just advised the drivers of the infractions. Then at approximately 2:30am he was driving west on Moreland Rd. and saw on his squad computer a call was coming in that was flashing red. P.O. MURPHY knows that when a call is flashing red it is an emergent call. Upon reading the call he saw the call was for a vehicle theft on Kossow Rd. He opened the call on the computer and the call detailed that the vehicle theft was at the CarMax. After reading this he heard his radio beep three times. The three beeps is to alert officers that an emergent call is being dispatched. P.O. MURPHY then began driving towards the CarMax with his emergency lights on. He did not use his siren because he did not want to alert the suspect that the police were coming. When the call was dispatched he heard that a 3rd party surveillance monitor saw the suspect in a vehicle and the theft was in progress. P.O. MURPHY stated he made a radio transmission for other responding squads to respond silent.

P.O. MURPHY knows the layout of the CarMax lot and knows that the entrances to the lot where car are for sale are blocked by gates or vehicles when the dealership is closed, and the customer parking lot does not has no access barriers so they had to get containment on the parking lot prior to entering. He also requested that P.O. Bryce BUTRYN get the drone in the air to see if they could locate the suspect with it. P.O. MURPHY stated that he came north on Kossow Rd. to Bluemound Rd. and went to hold on the northeast corner of the lot on Bluemound Rd. He was holding containment for approximately a minute when he heard a radio broadcast that the suspect was going north on Kossow Rd. towards Bluemound Rd. P.O. MURPHY started to run west on Bluemound Rd. towards Kossow Rd. As he approached Kossow Rd. he observed the suspect going north across Bluemound Rd. P.O. MURPHY stated the suspect had his hands in his jacket and was conspicuously ignoring the commands of other officers for him to "Stop, show your hands" among other commands. P.O.



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MURPHY knows that these actions are early warning signs of a potential assault on officers. P.O. MURPHY also stated that he noticed the pre-attack posturing of the suspect doing target glances over his right shoulder as he began following the suspect on foot.

P.O. MURPHY stated that as he began to follow the suspect north on Kossow Rd. he saw an officer coming towards him and the suspect from the east and this officer had his Taser out. This officer deployed the Taser at the suspect, but it was ineffective. For the entire time that P.O. MURPHY was behind the suspect he was giving commands for the suspect to stop, show me your hands, show me your hand or you could get shot. The suspect continued to conspicuously ignore any commands that were being given to him. After the first Taser deployment by the officer to the east, the suspect began to jog. P.O. MURPHY then heard a second Taser deployment, which was also ineffective.

P.O. MURPHY stated that he was approximately 20 feet behind the suspect and could see him continue to do target glances over his right shoulder as he was running. The suspect then ran to the east slightly where there was grass and trees. Once the suspect made it on the grass he observed the suspect abruptly stop jogging and turn to face him. The suspect then dropped down to one knee, went down onto his right side and then produced his hand in a manner that he believed the suspect had a gun pointed at him. P.O. MURPHY stated he was waiting to see muzzle flashes from the firearm he believed the suspect had and was expecting to be shot. P.O. MURPHY stated that the suspect had a clear line of sight. P.O. MURPHY stated that he fired his handgun numerous times to save his life and knows that action beats reaction. He also heard other officers firing their handguns when the suspect did these actions. P.O. MURPHY stated that he had no other choice to save his life and the lives of other officers that were trying to take the suspect into custody. Once the suspect went down to the ground and he was no longer a threat he stopped firing his handgun. P.O. MURPHY did not know how many rounds he fired, but he fired what he had to until the threat was stopped.

P.O. MURPHY stated that just prior to the shooting portion of this incident he



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was approximately 20 feet behind the suspect, but was less than that when the shots were fired since he was closing the distance between him and the suspect when the suspect started to jog. The area the foot pursuit took place was in an open area with no place for cover for the gun fight. After he discharged his handgun he went slightly north to a tree where he monitored the suspect to see if he continued to be a threat. P.O. MURPHY then went behind a responding squad for cover where he did an in battery reload and dropped the partially used magazine on the ground. He then changed positions behind another squad as more officers arrived on scene. P.O. MURPHY stated he was pulled from doing any further police action at the scene by Sgt. Daniel KLEIN at this point. P.O. MURPHY stated that numerous other responding officers took the suspect into custody and provided medical attention to the suspect until the fire department arrived.

P.O. MURPHY stated he did a self "wet check" to see if he was shot, which he was not. Other officers were also conducting "wet checks" and no officers were shot. At the direction of Sgt. KLEIN, P.O. MURPHY stayed with the other officers that discharged their firearms away from the main scene until it was stabilized and enough back up arrived. P.O. MURPHY was then teamed up with P.O. Jeremy BOUSMAN as a support officer. P.O. BOUSMAN drove P.O. MURPHY to the police station where he docked his body camera and waited for investigators.

P.O. MURPHY stated that prior investigations involving auto thefts and stolen vehicles have resulted with firearms being recovered on the suspects and in the stolen vehicles. In the initial dispatch it had been broadcast that the suspect had something in his hand that could be seen by the monitoring center. P.O. MURPHY stated that he knows that foot pursuits can escalate quickly due to the suspect's actions. P.O. MURPHY made a point to recall observing the target glances at him when he began to follow the suspect and during the foot pursuit. The suspect continued to conspicuously ignore all commands to stop and show his hands from every officer at the scene. Finally the suspect abruptly stopped and in an exaggerated action pointed what P.O. MURPHY believed to be a gun at him, resulted with P.O. MURPHY using deadly force against the suspect to stop his actions to save his and other officers lives.

On 4-19-2024 Detective PELCZYNSKI and I met again with P.O. MURPHY



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along with Attorney HARRELL and P.O. TRIMBORN. The statement was reviewed and finalized.

End of report.



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 Case Number: C2404090031.026

Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Narrative

Title
 OIS WAUKESHA - PO ARELLANO INTERVIEW

This report is written by Detective Curtis Pelczynski, Criminal Investigation Bureau – Homicide Division, Late Shift.

On 4/11/2024, at approximately 10:15 AM, Detective Shaun Lesniewski and I conducted an interview of City of Waukesha Police Officer Jorge Arellano regarding an Officer Involved Shooting incident which took place on 4/09/2024 at 2:32 AM, at 2441 Kossow Road, Waukesha, WI. This interview took place at the City of Waukesha Police Department, located at 1901 Delafield St, Waukesha, WI.

Attorney Kate Harrell and Officer Jason Trimborn (Union President) were present in the room during our interview with PO Arellano.

Interview of Police Officer Jorge Arellano

Police Officer Jorge Arellano

Employee Number – 646

Appointed to Waukesha Police Department - 1/25/2022

Prior Law Enforcement Experience – None

Training/Certification – Associate Degree from Waukesha Technical College and Milwaukee Area Technical College 720 Hour Law Enforcement Basic Training Academy

Normal Assigned Shift – Nights, 8:45 PM to 7 AM

We began by asking about Arellano’s shift prior to the incident occurring. Arellano stated that April 8th was actually supposed to be his third of three consecutive regular off days, however he came in for an overtime assignment. Arellano stated the night before he got a good night of sleep, from approximately 10 pm until 8 am. Arellano stated he came in to work the Late Power shift, which is from 5:00 PM to 3 AM. Arellano stated he was assigned to Squad 300, which is a “Teleservice” squad. Arellano explained that the Teleservice squad is responsible for walk-in complaints and phone calls at the station until 9:00 PM, and then may go on patrol after that.

Arellano stated that during his shift he responded twice to meet the County Sheriffs as a Spanish Translator. Arellano stated that in-between those assignments he also responded to back up other officers on a suicide attempt call. Arellano stated after completing the last translator assignment he returned to the station and ate lunch. Arellano stated after this he remained at the station and was in the report room.



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Arellano stated there is a TV in the report room that displays the Computer Aided Dispatch System and pending calls for service. Arellano stated he observed a call on the board that was flashing red, which he knows signifies that it is an emergency call or a call that requires immediate police response. Arellano stated that he looked and saw that it was a vehicle theft in progress at the Carmax, 2441 Kossow Rd. Arellano stated he then went out to his assigned squad car, Fleet 16, which is a fully marked Waukesha Police vehicle equipped with emergency lights and siren.

Arellano stated he began responding towards the Carmax to assist, but he knew other officers were much closer and would arrive before him. Arellano stated he began responding with only his emergency lights activated, so not to alert the suspect of the arriving police presence. Arellano stated he heard officers broadcast over the radio that they had a visual on the suspect and he was being uncooperative with his hands in his pockets. Arellano stated other officers then began broadcasting that they were in foot pursuit of the suspect, so he activated his siren. Arellano stated he was approaching the area traveling east on Bluemound Rd.

Arellano stated as he was approaching the intersection of Kossow and Bluemound he observed the suspect wearing all dark clothing traveling northbound crossing over Bluemound. Arellano stated he observed the suspect had both hands in his pockets and he was jogging away from at least two uniformed police officers. Arellano stated that based upon his previous experience and training he believed that the suspect may be armed. Arellano stated he has previously responded to an attempted vehicle theft where suspects have fled from police and upon apprehension of the suspect's vehicle, a firearm was located. Additionally the suspect appeared to be fleeing on foot from uniformed officers with his hands in his pockets, which is indicative of armed person.

Arellano stated that he observed the suspect run onto the grassy area along the east side of Kossow. Arellano stated he turned his squad northbound onto Kossow to follow the suspect, still with his emergency lights and siren activated. Arellano stated that because of the siren he was unable to hear if any of the officers on foot were giving any commands or saying anything. Arellano stated the suspect continued to run with his hands in his pockets along the grassy area as he approached in his squad. Arellano stated that he misjudged his speed and slightly passed the suspect, causing him to lose visual. Arellano stated that he estimated that the suspect was approximately two car lengths or twenty feet away from his vehicle, on the passenger side.

Arellano stated then heard a barrage of gunfire, from multiple weapons, which caused him to stop his squad. Arellano stated he believed that the suspect must have observed his squad as he passed him and started shooting at him. Arellano stated that he believed that his squad car was taking gunfire so he leaned forward to get below the window line, as he struggled to remove his seatbelt. Arellano stated that it sounded like multiple guns being fired so he believed that the other officers that were in foot pursuit were returning fire at the suspect.

Arellano stated that he was able to exit his vehicle squad car, draw his firearm and move to a position of cover at the rear of his squad car, all of which occurred within a manner of seconds. Arellano stated he believed that the suspect had already shot at him vehicle and potentially shot another officer. Arellano stated as he came around the rear of his squad he acquired visual of the suspect, who was lying on his side. Arellano stated he feared the suspect may continue to shoot at him so he fired one shot towards the suspect. Arellano stated after he fired the shot he re-assessed the situation and observed that the suspect was no longer moving. Arellano stated he remained in a position of cover, holding the suspect at gunpoint in the event he represented a threat.

Arellano stated that Officer Justin Murphy then appeared next to him. Arellano stated he observed



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numerous other officers to his right. Arellano stated that PO Murphy began moving over towards the other officers, so he followed as well to avoid any possible crossfire situation. Arellano stated he observed that several other officers were in position to monitor the suspect, and advance to take the suspect into custody and provide medical attention. Arellano stated that a supervisor then called out for all officers who fired to fall back, so he did. Arellano stated he checked himself to see if he was injured and he was not.

Arellano stated he was then paired up with a Peer Support Officer, Dray Leija, at the scene. Arellano stated that Leija then drove him back to the Waukesha Police Station.

End Report



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Report Type: **Supplemental Report**
 Nature of Incident: **HOMICIDE**

Person Involved (1)			
Involvement Type Witness of Incident			
Related Offense			
Name (Last, First, Middle, Suffix) KLEIN,DANIEL			Date of Birth
Age 0 yrs	Race UNKNOWN	Sex MALE	Ethnicity
Height	Weight	Eye Color	Hair Color
Driver's License / ID Number		DL / ID State of Issue	Email or Social Media
Person Involved Address 1901 DELAFIELD ST, WAUKESHA,WI 53188			
Phone # 1 (262) 524-3831	Phone # 1 Type	Phone # 2	Phone # 2 Type
Employer / School Name		Employer / School Phone	
Employer / School Address			

Narrative
Title INTERVIEW OF SGT DANIEL KLEIN

This report is written by Detective Shaun LESNIEWSKI assigned to the Criminal Investigations Bureau, Homicide Unit late shift, squad 9326.

On 4-9-2024 I responded to an officer involved shooting that took place in the City of Waukesha. I responded with other members of the Milwaukee Police Department as the lead investigating agency. Upon being briefed regarding the initial police response and investigation I went to the Waukesha Police Department, 1901 Delafield St., to conduct interviews of the involved or witness officers. I made contact with Sgt. Daniel KLEIN and went to an empty conference



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room to conduct an interview of him.

Sgt. KLEIN was wearing his Waukesha Police Department uniform with department patches on the shoulders, Sergeant chevrons on each arm, badge, nameplate and full duty belt. I took note that the Taser holster on his duty belt was empty. During the briefing I was informed that Sgt. Klein had discharged his Taser and was now at the scene of the incident. I asked Sgt. KLEIN if he wears a body camera. He stated he does, but he removed the camera and shirt mount to dock the camera upon his return to the police station after the shooting incident.

Sgt. KLEIN was appointed to the Waukesha Police Department on March 20, 2006. He was then promoted to the rank of Sergeant in June of 2021. His employee number is 429 and has the same on his badge. Sgt. KLEIN currently works the hours of 8:45pm-7:00am with a rotating off group of 4 on, three off, three on and two off. When Sgt. KLEIN started his shift on 4-8-2024 it was the second day in his three day work week. Sgt. KLEIN stated that the prior work day he left at his scheduled time of 7:00am and went home. He slept from 8:30am until 4:30pm. After he woke up, he ate dinner and then got ready for work.

Sgt. KLEIN stated that he arrived to work around 8:20pm. He conducted roll call until approximately 9:30pm. He had administrative tasks to conduct at the police station for a couple hours and then went on the streets around 12:30am. Sgt. KLEIN stated he was operating Fleet 64 as his patrol vehicle and this vehicle has operation squad cameras installed in it. While on patrol he stated he observed a suspicious vehicle behind the Kohl's Department store on Moreland Blvd. After that vehicle was investigated and no police action regarding that vehicle was required he was clearing from that assignment when he heard three "beeps" coming over the radio. Sgt. KLEIN explained that the three "beeps" are to alert officers that a call of a crime that is in progress is going to be dispatched. This is to get the attention of all officers to alert them of the seriousness of the incoming call. The Dispatcher then broadcast that there was an entry to an auto in progress at the CarMax dealership and the suspect is manipulating the steering column. Sgt. KLEIN stated that the CarMax is only a couple blocks away from the Kohl's store. He stated that numerous squads were at the suspicious auto he was



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clearing from and could respond quickly to this new call.

When he arrived to the area of the CarMax other squads were setting up a perimeter around the dealership. Updates were coming in giving the location of the suspect from the monitoring center for CarMax. Sgt. KLEIN suggested that a squad go to the Urban Air parking lot to see if a possible suspect vehicle could be parked there since it is next door to the CarMax dealership. He then heard P.O. KIRCHER broadcast the suspect was near the corner of Kossow and Bluemound. Sgt. KLEIN was at the east end of the parking lot of CarMax on W. Bluemound Rd., so he started to go west on foot towards Kossow Rd. Initially he did not see the suspect, but upon getting closer to Kossow Rd. he observed a white male, short, 35-50 years old, wearing a dark jacket and blue jeans walking north across Bluemound Rd. with officers following the suspect. Sgt. KLEIN could hear officers yelling commands to the suspect to "Stop!, Show me your hands!, Alto!, Police!, You are going to get Tased!"

As he continued to approach the suspect from the east Sgt. KLEIN observed he had his hands concealed in his jacket. Sgt. KLEIN had his Taser out and was giving the suspect commands, "Stop!, Police!, Show me your hands!", and once he was approximately 45 feet east of the suspect he conducted an Arc test on the Taser, which is a de-escalation tactic, and then deployed the Taser at the suspect due to his active noncompliance with officers and doing a target glance at him. The probes did not strike the suspect, so Sgt. Klein reassessed and deployed the Taser a second time. This deployment was also unsuccessful, so Sgt. KLEIN discarded the Taser. He continued to approach the suspect from the east as the suspect continued to go north.

Sgt. KLEIN stated he was in the parking lot of a hotel when he saw the suspect go down to the ground. He did not see why the suspect went down to the ground and no officers were near him when he did this. Sgt. KLEIN saw the suspect had his right hand in his jacket pocket still and was pointing his right hand with what appeared to be a gun in the pocket at the officers that were to the west of him. Sgt. KLEIN then heard 4 gunshots and realized he was in the line of fire. Sgt. KLEIN stated that he quickly ran southwest to get out of the line of fire. Once the



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gunfire stopped Sgt. KLEIN saw blood coming from the leg of the suspect. He then yelled asking if all officers were ok. Sgt. KLEIN stated that he was near a squad and removed a ballistic shield and gave it to officers to approach the suspect as he started his supervisory duties related to the officer involved shooting.

As he was monitoring the radio he heard officers were doing CPR on the suspect and the AED was not recommending a shock. The fire department responded and transported the suspect to the hospital where he later was pronounced deceased. Sgt. KLEIN continued with his supervisory duties until investigators and relief responded to take over the scene supervisor duties.

End of report.



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Report Type: **Supplemental Report**

Nature of Incident: **HOMICIDE**

Property (1)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title Yellow Plastic Taser Cap Pieces			
Property Description Yellow Plastic Taser Cap Pieces			
Quantity 4.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number		Hold Reason
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (2)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title Glock 15 rd .40 Magazine - "VIALL" - containing 5 WIN 40 S&W Cartridges			
Property Description Glock 15 rd .40 Magazine - \VIALL\ - containing 5 WIN 40 S&W Cartridges			
Quantity 0.0000	Make/Brand	Model	Color



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Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number		Hold Reason
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (3)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title Glock 17 rd 9mm Magazine - "665" - containing 9 WIN 9mm Cartridges			
Property Description Glock 17 rd 9mm Magazine - \665\ - containing 9 WIN 9mm Cartridges			
Quantity 0.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number		Hold Reason
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (4)			



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Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title WIN 9mm Luger Casings			
Property Description WIN 9mm Luger Casings			
Quantity 20.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number		Hold Reason
Securities			
Account Name		Account Number	Bank Name
Amount on Document		Card Company	
Property (5)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title WIN 40 S&W Casings			
Property Description WIN 40 S&W Casings			
Quantity 10.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value



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Inventory Number 24009754	Item Number	Hold Reason	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (6)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title Taser 7, fired with wires wrapped, "FLT 64" sticker			
Property Description Taser 7, fired with wires wrapped, \FLT 64\ sticker			
Quantity 1.0000	Make/Brand	Model	Color
Serial # X40016ENM		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number	Hold Reason	
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Property (7)			
Property Involvement		Relationship to Property MILAKOVICH,CHRISTOPHER MICHAEL : Other	
Related Offense Link			
Property Title Fired bullet			
Property Description Fired bullet			



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Quantity 2.0000	Make/Brand	Model	Color
Serial #		Owner Applied #	
Insured By			
IBRS Property Description			Property Value
Recovery Location	Recovery Date / Time		Recovered Value
Inventory Number 24009754	Item Number		Hold Reason
Securities			
Account Name	Account Number	Bank Name	
Amount on Document	Card Company		
Narrative			
Title SCENE INVESTIGATION			

This report is written by Detective Curtis Pelczynski, Criminal Investigation Bureau – Homicide Division, Late Shift.

On Tuesday April 9th 2024, at approximately 3:00am, members of the Late Shift Homicide Division were alerted to a request from the Waukesha Police Department for the Milwaukee Area Investigative Team (MAIT) to respond to their jurisdiction regarding a fatal officer involved shooting. We were advised to respond to the intersection of Kossow Road and Bluemound Road, which is located in the City and County of Waukesha, State of Wisconsin.

Upon arrival, I observed that the officers had secured the area around the scene with yellow police tape and blocked traffic with marked squad cars. I then entered the secured scene area and met with my supervisor, Sergeant Matthew Bell. Sgt. Bell advised that the Waukesha Police Department would be providing us with a briefing regarding the preliminary investigation, and detectives from additional agencies were responding to the scene to assist in the investigation.

During this briefing, we were advised that members of the Waukesha Police Department were dispatched to the Carmax, located at 2441 Kossow Rd, for the report of a suspect onsite breaking into a vehicle. We were advised that the preliminary investigation revealed that officers made contact with the suspect, who then fled on foot. During this foot pursuit, four Waukesha Police Officers discharged their duty weapons, striking the suspect. The suspect was transported to the hospital, however he succumbed to his injuries



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and was pronounced deceased.

The deceased subject was identified as **Christopher M Milakovich (W/M)**

Sgt. Matthew Bell instructed Detective Joseph Newell and I to conduct the scene investigation, while other detectives interviewed officers, and canvassed the area for witnesses and video. Forensic Investigator Sarah Rakowski also responded to the scene to assist me with photographs.

Law Enforcement Personnel

Waukesha Police Department

Sergeant Daniel Klein -- Police Officer Jacob Viall -- Police Officer Brandan Kircher -- Police Officer Justin Murphy -- Police Officer Jorge Arellano -- Police Officer Matthew Clark -- Police Officer Jeremy Bousman -- Police Officer Erik Henderson -- Police Officer Damon Bukouras -- Police Officer Draelon Leija -- Police Officer Ryan Whittow -- Police Officer Brice Butryn -- Police Officer Roosevelt Mullins -- Detective Tyler Bauer

Waukesha County Sherriff Office

Lieutenant Kent Krause -- Lieutenant Kyle Strandberg -- Deputy Trever Broehm -- Deputy Connor Boyle -- Deputy Henry Barrett -- Deputy Levi Leonard -- Deputy Mitch Cairns

MAIT Response -- Primary - Milwaukee Police Department

Captain James Hutchinson -- Lieutenant Jeremiah Jacks -- Lieutenant Britt Kohnert -- Sergeant Matthew Bell -- Detective Curtis Pelczynski -- Detective Joseph Newell -- Detective Shaun Lesniewski -- Detective Daniel O'Connell -- Detective Jose Flores -- Forensic Investigator Sarah Rakowski -- Forensic Investigator Peter Ulatowski

MAIT Response -- Assisting Agencies

Detective Joshua Morgan (Brown Deer PD) -- Sergeant Mitch Bartlein (Glendale PD) -- Detective Patrick Costigan (Glendale PD) -- Detective Sam Krenn (Glendale PD) -- Detective Aaron Busche (Greenfield PD) -- Detective John Lucas (Greenfield PD) -- Detective Nathan McCarthy (Greenfield PD) -- Lieutenant Andrew Sagan (Oak Creek PD) -- Detective Gary Schneider (Oak Creek PD) -- Detective Jason Baranek (Oak Creek PD) -- Detective Ashley Chapman (Oak Creek PD) -- Lieutenant David Hoepfner (South Milwaukee PD) -- Sergeant James Wood (Wauwatosa PD) -- Detective Joel Kutz (Wauwatosa PD)



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Scene Description / Walkthrough:

This incident initiated from the Carmax, 2441 Kossow Rd, which is located on the southeast corner of the intersection of Kossow Rd and W Bluemound Rd. Bluemound Rd is a four-lane roadway, divided by small grass medians, designed for two-way vehicular travel to the east and west. Kossow Rd is a smaller four-lane roadway between Bluemound Rd and Moreland Blvd, designed for two-way vehicular travel to the north and south.

The Carmax property has two parking lots, a large lot with vehicles for sale that runs along Bluemound Rd, and a smaller lot for customers along Kossow Rd. The Carmax building is located in the southeast corner of the property. The perimeter of the parking lots are lined with evergreen bushes, which obstruct the view of the lot from the street.

The area immediately surrounding the Carmax is predominantly commercial. The southwest and northwest corners of the intersection contain large open parking lots for Menards and Home Depot. Immediately to the south on Kossow Rd is another large open parking lot for Target. The northeast corner of the intersection contains a small parking lot for a Comfort Inn Hotel.

This incident took place during hours of darkness, however the Carmax parking lot and surrounding streets are well lit with numerous street lights. The weather at the time of the incident was clear, with temperatures in the low 50's with little to no wind and no precipitation.

I then conducted a walkthrough of the scene, documented and marked items of evidence with yellow crime scene markers.

I began at the Carmax lot, where I observed the vehicle that the suspect was reported to have been inside. I observed a blue Scion xD parked alone in an aisle in the southwest corner of the main lot. Outside of the vehicle on the ground near the driver's door, I observed what appeared to be the handle of an ice scraper. Detective Joseph Newell later conducted a search of this vehicle. (Waukesha Police Department is handling the investigation related to the entry to motor vehicle)

I then walked the suspected path that Milakovich walked away from the vehicle as officers approached and attempted to make contact with him. I walked northbound through the Carmax lot towards the northwest corner of the property. As I reached the corner of the lot, I went through a small opening in the line of bushes along Kossow Rd. I walked down a slight hill onto Kossow Rd and continued north across Bluemound Rd. Kossow Rd continues north of Bluemound, but is no longer a through street and leads into the parking lot of Home Depot and the nearby hotels.



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I observed three squad cars parked staggered in the roadway, all facing northbound. The first squad (Car# 62) was approximately 50 feet north of the intersection and was near the center of the roadway. The second squad (Car# 36) was in the northbound lanes of traffic and its rear bumper was even with the first squad's front bumper. The third squad (Car# 16) was in the southbound lanes of traffic and approximately 20 feet north of the second squad.

On Kossow Rd between the intersection and the squad cars, I observed four small pieces of yellow plastic, which appeared to be pieces of a Taser cartridge. On the ground next to the driver door of Vehicle 36 I observed a handgun magazine with a sticker attached reading "VIALL". I observed a grouping of casings in the grassy area east of roadway, and even with front of Vehicle 36.

On the ground near the driver side rear bumper of Vehicle 16 I observed another handgun magazine with a sticker attached reading "665". In the area of the roadway between Vehicle 16, the curb line to the east and Vehicle 36, I observed a sporadic grouping of casings.

In the grassy area along the east side of the road, directly east of Vehicle 16, I observed a scattered pile of police equipment, medical equipment and cut up clothing. Near the central area of this pile, I observed several large pools of blood in the grass and soil.

I then walked the exterior of the western side of the hotel to check for any bullet strikes to the exterior but was unable to locate any. I did observe a black Nissan Rogue SUV parked in the hotel parking lot approximately 90 feet to the north of the scene. I observed that this vehicle sustained a single bullet strike to the rear passenger side door. Investigators obtained consent from the owner of the vehicle and I was able to locate a fired bullet on the rear passenger floorboard. I also observed an additional fired bullet on the ground near the rear of the vehicle.

I was also advised by Waukesha PD that they placed a fired Taser in the front passenger floorboard of Vehicle 36 and personal property recovered from Milakovich's person in the rear storage area of Vehicle 62.

After I completed my scene walkthrough, the scene was scanned and photographs were taken, I was advised by other Detectives that round counts of the involved officers were completed and it was estimated that the officers fired a total of 30-31 shots. At this time I had only located (27) casings so we requested assistance from ATF Agent Jason Salerno and his ballistic detection K9. While awaiting Agent Salerno's arrival we located an additional casing in the bushes within the grouping of casings in the grassy area. Agent Salerno's K9 later located two additional casings in the grassy area.

Evidence (Measurements and Locations):



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Specialists Andrew Schmidt and David Platta conducted a scan of the scene using a Trimble 3D Scanner and a Camera Drone. Specialist Schmidt later provided me with a flash drive containing the Trimble Scan Explorer Application and scans from the scene. Using this program measurements can be taken of any piece of evidence or distance between any two points. I placed this flash drive on MPD Inventory # 24013094.

I used this feature to take approximate measurements of the distance between Fleet Vehicle 16 and 36, as well as the approximate location of each officer during the incident as they relate to the estimated location of Milakovich when he turned to engage officers. I took screenshots of each of these approximate measurements, as well as screenshots of the officers captured on squad camera (PO Matthew Clark – Fleet 36). I inserted these screenshots, along with an aerial photograph of the scene, to a PDF document using Microsoft Publisher, and then uploaded that file to Evidence.com. The following are the **approximate** measurements depicted on this document.

Distance from PO Justin Murphy to Milakovich when Milakovich turns to engage with officers – 15.963 feet

Distance from PO Murphy to Milakovich when shots are fired – 24.365 feet

Distance from PO Viall to Milakovich when shots are fired – 18.748 feet

Distance from PO Kircher to Milakovich when shots are fired – 31.854 feet

Distance from PO Arellano to Milakovich when shots are fired – 37.833 feet

Distance from front bumper of Fleet 36 to Milakovich – 28.785 feet

Distance from passenger side B pillar of Fleet 16 to Milakovich – 36.919 feet

Crime Scene Marker (CSM) and Description of evidence

CSM #1 Yellow plastic Taser Cap



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Location: Northbound lane of Kossow Rd at Bluemound

CSM #2 Yellow plastic Taser Cap

Location: Middle of Kossow Rd, behind Vehicle # 62

CSM #3 Yellow plastic Taser Cap

Location: Middle of Kossow Rd, behind Vehicle # 62

CSM #4 Yellow plastic Taser Cap

Location: Middle of Kossow Rd, behind Vehicle # 62

CSM #5 Glock 15rd .40 cal Magazine with "VIALL" on sticker, loaded with five .40 cartridges head stamped "WIN 40 S&W"

Location: On the ground, Kossow Rd, next to driver's door of Vehicle #36

CSM #6 Glock 9mm 17rd Magazine "665" on sticker, loaded with nine 9mm cartridges head stamped "WIN 9mm"

Location: On the ground, Kossow Rd, near rear driver's side rear corner of Vehicle #16, next to CSM #7

CSM #7 9mm cartridges head stamped "WIN 9mm"

Location: On Kossow Rd near driver's side rear corner of Vehicle #16, next to CSM #6

CSM #8 9mm casing head stamped "WIN 9mm"

Location: On ground, Kossow Rd, southeast of the passenger' side rear corner of Vehicle #16

CSM #9 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 9-13 grouped together closer to center of roadway

CSM #10 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 9-13 grouped together closer to center of roadway

CSM #11 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 9-13 grouped together closer to center of roadway

CSM #12 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 9-13 grouped together closer to center of roadway



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CSM #13 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 9-13 grouped together closer to center of roadway

CSM #14 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #15 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #16 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #17 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #18 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #19 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #20 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #21 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #22 9mm casing head stamped "WIN 9mm"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #23 .40cal casing head stamped "WIN 40 S&W"



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Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #24 .40cal casing head stamped "WIN 40 S&W"

Location: On the ground, in the northbound lanes of Kossow Rd, north of Vehicle #36 and East of Vehicle #16. CSM 14-24 grouped together closer to curb line of roadway

CSM #25 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #26 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #27 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #28 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #29 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #30 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #31 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #32 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #33 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.



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CSM #34 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #35 WKPD Ballistic Shield from Vehicle 36 **Photographed and returned to WKPD**

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #36 Black WI badger logo hat with blood

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #37 Cut up clothing, bloody black/white cloth

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #38 Pair of black reebok size 10 shoes

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #39 Cut up clothing, black cloth

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #40 Blue cloth blanket (bloody) and papers with hand written phone numbers

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #41 Cut up black Harley Davidson coat with multiple bullet strikes, bloody

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #42 WKPD Ballistic Shield from Vehicle 62 **Photographed and returned to WKPD**

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #43 Cut up clothing, white and black t-shirt, bloody

Location: Grassy area along the east side of Kossow Rd, approximately 28 feet north of Vehicle 36 and items 25-34. CSM 35-43 were located scattered in a circular fashion.

CSM #44 Fired bullet from parking lot



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Location: Located in the parking lot on the ground behind the Nissan Rouge, approximately 110 feet north of Vehicle 36

CSM #45 Fired bullet from interior of Nissan Rogue

Location: Located on rear passenger side floor board of Nissan Rouge

CSM #46 WI ID Card "Milakovich" and Master Card

Location: Located inside rear of Vehicle 36, placed there by responding officers after being recovered from Milakovich

CSM #46 Black Samsung smart phone, IMEI# 353409203621566

Location: Located inside rear of Vehicle 36, placed there by responding officers after being recovered from Milakovich

CSM #47 Taser 7, fired with wires wrapped, "FLT 64" sticker, X40016ENM

Location: Located inside Vehicle 36, placed there by responding officers

CSM #48 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #49 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

CSM #50 ***duplicate of CSM 49*** CSM 49 was inadvertently not collected and then re-located by K9 during search and re-photographed under CSM 50 and then collected.*

CSM #51 9mm casing head stamped "WIN 9mm"

Location: Grassy area along the east side of Kossow Rd, adjacent to the right front quarter panel of Vehicle 36. CSM 25-34, 48-51 grouped together.

End Report