



OFFICE OF DISTRICT ATTORNEY

Gary King | District Attorney

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March 2, 2018

PRESS RELEASE – OFFICER INVOLVED SHOOTING JULY 22, 2017

On July 22, 2017, an officer-involved shooting took place in the City of Eau Claire. The incident involved City of Eau Claire Police Sergeant Jesse Henning. Sergeant Jesse Henning responded to 4527 Woodford Court, #3, Eau Claire, WI 54701 as part of a Tactical Response Team (hereinafter TRT) call out to that residence. The TRT was called out to the residence after initial reports that an occupant of the residence, Michael Caponigro, had made multiple comments of a suicidal/homicidal nature earlier that day. In response to the comments made by Michael Caponigro, two City of Eau Claire police officers responded to the residence to perform a welfare check on Michael Caponigro. During this welfare check, Michael Caponigro was not cooperative with the police officers and yelled obscenities at them. In addition to the obscenities, Michael Caponigro also showed that he was in possession of a handgun and indicated that the situation would not end well. Following these comments, Michael Caponigro went back into his residence. A several hour standoff took place between law enforcement and Michael Caponigro. During this time, Michael Caponigro communicated with multiple individuals while continuing to make suicidal/homicidal comments. Police negotiators spent hours in attempts to communicate with Caponigro to peacefully end the standoff. These negotiation efforts took place while law enforcement, including TRT and SWAT units responded to the residence. After a final attempt at negotiation, a decision was made to utilize gas in an attempt to have Michael Caponigro exit the residence and safely end the standoff. In response, Michael Caponigro armed himself with a shotgun and fired a shot out of the window of his residence in the direction of law enforcement. Under the circumstances and in response to Michael Caponigro's actions, Sergeant Jesse Henning fired one shot from his weapon at Michael Caponigro. The shot was fatal to Michael Caponigro and he died at the residence.

As a result of the incident on July 22, 2017, and pursuant to the laws of the State of Wisconsin, an investigation was undertaken by an outside law enforcement agency – the City of La Crosse Police Department. The lead investigator was Captain Shawn Kudron. The investigation included several hundred pages of narrative reports, photographs, videos, interviews, 911 call transcripts, and crime lab reports. The investigation also included a total station and scene

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diagram by the Wisconsin State Patrol, an autopsy of Michael Caponigro, as well as other miscellaneous information related to the investigation.

Michael Caponigro Status July 22, 2017

On July 22, 2017, Michael Caponigro resided at 4527 Woodford Court, #3 in the City and County of Eau Claire. He lived at that residence with one other individual, TB. As part of the investigation, law enforcement interviewed Michael Caponigro's roommate, relatives, friends, and neighbors. On July 22, 2017, Michael Caponigro was employed by the City of Eau Claire.

Initial Report

As part of the investigation, Detective Don Henning of the Eau Claire County Sheriff's Department was interviewed. Detective Don Henning has worked for the Sheriff's Department for 22 years, including the last 6 ½ as a detective. Detective Don Henning said that on the day of the incident, he was working traffic detail at the Country Jam festival when at approximately 8:15 p.m. he observed a black Dodge pickup truck, two-door, single cab, traveling eastbound on Crescent Avenue coming toward his location. Once the vehicle stopped, a female, later identified as CB, jumped out of the passenger side of the truck and approached him on foot. CB walked toward him while the Dodge pickup truck continued to travel east on Crescent Avenue. CB had contact with Detective Don Henning and said that she had just been in a verbal argument with her boyfriend, Michael Caponigro.

CB advised that she had been at Country Jam with Michael Caponigro that day since approximately 3 p.m. CB said that when the rain began to fall earlier that evening that they both went for cover underneath some tents and got separated. After the rain was done, CB said that she and Michael Caponigro got into an argument, particularly because Caponigro could not find her in the tent. CB said that after a certain period of time, she advised Caponigro that she was done with him and wanted him to take her home. Caponigro responded "oh this is how it's going to end; we're just going to go home like this." CB advised Caponigro that she did want to go home. CB said it was approximately a half-mile walk to where the vehicle was parked.

CB advised that while walking back to the pickup truck, Michael Caponigro became verbally abusive, calling her names, and talking in the past tense. Caponigro said things like "you were a good grandma" and that "you were a good girlfriend." CB asked Michael Caponigro what he meant and why he was talking like that. Michael Caponigro responded by saying "because if I can't have you, no one will; I have no one and I have nothing." Michael Caponigro then stated that he wanted to be with his brother, Lou. CB advised that Lou had passed away in March of 2017. CB advised Detective Don Henning that she was concerned about this and that Michael Caponigro had been drinking that day and was somewhat intoxicated. CB said that when Michael Caponigro is intoxicated, he becomes unreasonable and rude.

CB said that once in the vehicle, Michael Caponigro's stepson called him. Caponigro started talking to his stepson and said "it's done, it's over, the car is all yours." Caponigro also said "don't worry, I am fine, I am going to see my brothers." Caponigro told his stepson that his restored Pontiac Firebird is in his stepson's name and that he would leave the title of the vehicle in the apartment easy for him to find. After a short conversation, Michael Caponigro ended the call with his stepson.

Following the call with the stepson, CB said that Michael Caponigro asked her "are you coming into the apartment and into my bedroom to get your stuff when we get home?" CB said that she was going to do that to which Caponigro responded "good." When CB asked Caponigro why he said that, Caponigro said "because I'm going to kill you and then I'm going to kill myself." CB said they continued to argue until they got near the intersection where police officers were directing traffic. CB said she knew she needed to get out of the truck for help before something happened to her. CB said once the vehicle stopped, she quickly stepped out of the passenger side and approached Detective Don Henning for help.

Detective Don Henning asked CB if Michael Caponigro had ever attempted or threatened suicide in the past. CB said that he had. CB said approximately five years ago, he attempted and threatened suicide by taking sleeping pills. This was soon after another brother of his had died. CB said that since Caponigro's brother Lou died in March that Caponigro had not been the same since. After receiving this information from CB, Detective Don Henning called dispatch and provided information about the situation. He also requested that the City of Eau Claire Police Department go and do a welfare check, as Michael Caponigro was possibly suicidal and homicidal. While Detective Don Henning communicated with dispatch, CB stayed in a squad car waiting for a friend to come pick her up. While waiting CB received a text from Michael Caponigro that read "tell them to come and get me, I'm ready." CB advised that she knew Caponigro had access to a pistol and that officers should be careful. Under the circumstances, when CB's friend, DS, arrived, a decision was made for both CB and DS to be transported to the Eau Claire Police Department.

Interview of CB

CB was interviewed as part of the investigation. CB said that she had been in an "on again, off again" relationship with Michael Caponigro for the past 4 plus years. CB advised that they got along well for the first two years of the relationship. CB advised that after that, Michael Caponigro would drink heavily and began to verbally and physically abuse her. At one point a temporary restraining order was obtained, but later it was dropped. CB advised that when Michael Caponigro drinks to excess, that he would become belligerent, agitated, aggressive, and abusive. CB advised that she had not spoken to Michael Caponigro for the past two months, but that Caponigro would follow her around and just show up at different locations. CB said that Caponigro began to aggressively call her, asking to see her again. CB said she

agreed and they began to see each other off and on. CB said it started out fine, but then Caponigro became more aggressive and abusive.

CB said that Michael Caponigro had called her on July 12 or July 13 asking her if she wanted to go to the Country Jam festival. After several calls, CB agreed to go and that she would go with him on Thursday and Saturday. CB said that everything was fine when they went to Country Jam on Thursday. On Saturday, CB went to Caponigro's residence around 3 p.m. CB said that Caponigro had already been drinking and appeared to be partially intoxicated. CB said she advised Caponigro that he should stop drinking for a while and that Caponigro became upset. Before leaving, CB said she left a bag of clothes in Caponigro's room and also left her purse in his residence.

CB advised that at approximately 7 p.m., some heavy storms came to the fest grounds, causing a hard downpour of rain. CB said that she and Caponigro ended up in different tents and that this upset Caponigro. Caponigro accused CB of intentionally ditching him and wanted to know where she had been and who she was with. CB advised that Caponigro had consumed at least ten large mugs of beer. CB said that while walking, Caponigro was calling her names. CB asked him to stop but the name calling continued. At approximately 8 p.m., CB told Caponigro that she had enough and wanted to go home. CB said Caponigro was furious with her and continued to call her names.

CB advised that the truck was approximately one-half mile away. While going back to the vehicle, Caponigro continued to call her names and then began talking to her in the past-tense. CB asked him why he was talking like that and Caponigro said "because if I can't have you, no one will." CB said that while they were traveling in the truck, Caponigro got a call from his stepson. Caponigro told his stepson that he was going to be with his brothers and not to worry, that he had signed the Pontiac Firebird over to his stepson. CB said while traveling in the truck at a slow pace, Caponigro told her "I'm going to kill you and then I'm going to kill myself." CB said that given the way this was stated, she knew Caponigro was serious. CB said she determined she needed to get out of the vehicle for her own safety. CB said when the vehicle came to a slow stop near the officers, she opened the door and exited the truck. CB said she made contact with a member of the Eau Claire County Sheriff's Department and explained the whole situation.

As part of the interview, CB was informed that her vehicle had been damaged, including her front windshield and her front passenger side window. CB was also advised that her purse and overnight bag had been observed on the grill outside of Michael Caponigro's apartment, where they had been set on fire.

Officer Wutschke Interview

Officer Wutschke was interviewed as part of the investigation. Officer Wutschke advised that he had worked for the Eau Claire police department for 4.5 years and that he is also a trained crisis negotiator. Officer Wutschke said that on July 22, 2017, he was working as a patrol officer on the south district evening overlap shift. Officer Wutschke said that dispatch informed him of a situation where a female had fled a vehicle after having an argument with a male and that the male had made homicidal and suicidal statements. The information also included that the male was driving a black Dodge pickup truck, was headed back to his residence and that he had access to a handgun.

Officer Wutschke said he and Officer Briski arrived at the scene on Woodford Court together. Officer Wutschke said he observed a black Dodge pickup truck in front of the residence. Officer Wutschke said they approached and found a bald headed male standing outside a pickup truck. The subject was standing by the hood and talking on his phone. The subject didn't notice the officers until they approached and called out the name "Mike." After calling out the name, the subject became agitated and replied "fuck you, get the fuck out of here, back the fuck up!" Officer Wutschke attempted to ask the subject why he was so upset. The subject refused to communicate and continued with agitated remarks. At that point, the subject lifted up his white t-shirt to expose a black handgun located in his front waistband. Officer Wutschke noted that the gun was in a holster. The subject made comments that this could "go bad." Officer Wutschke drew his firearm and provided commands. The subject continued with remarks. The subject then went around the corner of the garage and was out of sight. Officer Wutschke then advised dispatch that the subject was armed and requested assistance.

Officer Wutschke left his original position to go around the apartment complex directly across from the subject's apartment door to get a view of the front door of 4527 Woodford Court, #3. Within a minute, the subject came out the front door looking to see where the officers were located. Officer Wutschke again gave him verbal commands to show his hands. The subject did not comply and picked up something black in color from the lawn and retreated back into the residence. The subject continued yelling "fuck you" multiple times.

Officer Wutschke remained in his position of cover armed with his duty weapon. Officer Briski met him at his position and other officers began to arrive. Officers Wutschke and Briski moved to the silver colored Equinox to watch the front door and window. The subject came out multiple times before more officers arrived. The door opened and a white male was pushed out of the front door. The door was then closed. The male was given directions to keep his hands up and move away from the residence. Officer Wutschke had the impression that the subject didn't want the other male being part of what was going on and just wanted him out of the residence. Officer Wutschke noted that several other officers arrived and that instructions were provided by tactical command. One duty was to evacuate 4526 Woodford Court. As evacuation of the units

began, shooting began at the residence. Following the shooting, Officer Wutschke stood by with the stepson of the subject until the tactical team cleared the residence.

Officer Briski Interview

Officer Briski was interviewed as part of the investigation. Officer Briski advised he has been a police officer with the City of Eau Claire for approximately 2.5 years. On the date of the incident, Officer Briski advised he heard a general broadcast regarding a domestic situation involving a suicidal person who had left from the Country Jam grounds. The information included that the subject was driving a black Dodge and that the subject had threatened to kill himself and the complainant. Officer Briski said he and Officer Wutschke were dispatched to 4527 Woodford Court to check the welfare of Michael Caponigro. Officer Briski advised that Caponigro owned or had access to a handgun. Officer Briski said he and Officer Wutschke parked near the intersection of Prairie Lane and Woodford Court, where they observed a black Dodge Ram parked in the driveway of 4527 Woodford Court. Officer Briski was surprised that Michael Caponigro had already made it back to the residence. As he and Officer Wutschke began walking toward the residence, they observed a male subject standing near the hood of the Dodge Ram talking on the phone and appeared to be drinking a beer or something. It was determined that Officer Wutschke would make contact with the subject as he is a trained negotiator.

Officer Briski said that Officer Wutschke initiated contact with Caponigro. Caponigro immediately responded by saying “fuck you, what the fuck are you guys doing here?” Officer Briski said Caponigro’s demeanor remained uncooperative and vulgar throughout the contact. Officer Briski advised that Caponigro made the comment “this is going to go one of two ways guys, but I’m going to make you shoot me.” As Caponigro said this, Officer Briski said that Caponigro lifted his shirt at which time he saw “very clearly” the butt of a handgun tucked into the front of his waistband. Officer Briski said that he targeted Caponigro with his duty firearm and ordered “do not reach for the gun.” Caponigro responded by saying “fuck you” and began walking away. Officer Briski said he and Officer Wutschke updated dispatch and requested additional resources.

Officer Briski said that while they stayed in position, he could see a grill smoking. Officer Briski said they also observed an SUV with the windshield and passenger side window broken out. While other officers were arriving on scene and were being deployed to their positions, Officer Briski said he observed a white male exit the residence holding a grocery bag with his hands above his head. The male was saying “I’m innocent, I’m innocent, I have nothing to do with this.” Officer Briski said the man looked scared. Officer Briski gave this individual surrender instructions and another officer detained him and later brought him to the command post. The male was later identified as TB.

Officer Briski said a short time later, Michael Caponigro's brother, TC, called the Communications Center. This call was transferred to Officer Briski. Officer Briski estimates that he spoke to TC for five minutes. TC advised Officer Briski that he had been talking to Michael Caponigro for the last few minutes and that Michael Caponigro had been having a tough time because their older brother Lou had died a few months prior. TC also told Officer Briski that Michael Caponigro had told him that he was going to "make the police shoot me." Officer Briski forwarded that information to Sergeant Dohms.

Officer Briski states as night fell they began to position squads around the residence and using spotlights to provide light by directing the light onto the residence. Officer Briski said the tactical team was paged to arrive and that he knew Sergeant Wise was negotiating with Michael Caponigro over the phone. Officer Briski recalls hearing over the radio that Caponigro was "getting pretty agitated" over the spotlight directed at his front window. Officer Briski recalls transmissions regarding Caponigro's threats to "shoot at officers" and that he "had someone in his sights" and that he was going to get on his motorcycle and get into a pursuit during which they'd have to engage in a gunfight.

Officer Briski said that Caponigro would come to the window of the residence and look through regularly to display rude/profane gestures or to display a weapon. Near the end of the incident, Caponigro came to the window with what Officer Briski believes to be a long gun slung around his body. Shortly after appearing in the window with the long gun, he appeared to strike the window with the butt end of the gun four or five times. Caponigro was not successful in breaking the window. Officer Briski said that gas rounds were fired through the windows and after that he heard "a shot come out from the window." Officer Briski said that he didn't know if he felt the blast but that he saw glass or something come out of the residence. Officer Briski estimated he was 25 yards from the residence. After the shot from inside the residence, Officer Briski heard a second shot come from behind him. After that shot, Officer Briski heard comments over the radio, including "suspect dropped." At that time, Officer Briski believed that Caponigro was either wounded or killed. Officer Briski said he stayed in position until TRT searched and cleared the residence.

TB Interview

TB was interviewed as part of the investigation. TB advised he is the roommate of Michael Caponigro. TB said he had lived at the residence for the past three and a half years and that Michael Caponigro had lived with him at the address for the past year and a half. TB advised he had known Michael Caponigro for approximately 20 years and felt he knew him well. TB said he did know Caponigro's relationship with CB was very volatile. TB said Caponigro and CB would always argue aggressively but that he did not see anything physical take place.

TB said that after Caponigro's brothers Harold and Lou passed away, Caponigro took this very hard. This was especially true after Caponigro's brother Lou passed away in the spring. TB said when Michael Caponigro was drinking, he would notice him becoming very depressed and would start saying things like, I think I am going to go and see my brothers, I have nothing here. TB said Michael Caponigro would state at times that he had a dream last night and his brothers were telling him to come and join them. TB said he would tell Michael Caponigro that he needed to go and get help but that Caponigro would just blow him off.

TB said that on Saturday morning (July 22, 2017), he went with friends to Winter, WI for the day. TB said he got home around 8 or 8:30 p.m. When TB got home, he pulled his car into the garage, but noticed the garage door was open and that the door into the house from the garage was open and that the front door was open. TB also saw the grill on outside and that Michael Caponigro was in the kitchen. TB asked Caponigro if he was cooking dinner and received no response. TB said Caponigro was acting very strange and was half dressed. TB asked where CB was. Caponigro responded by saying, "I don't know..things aren't good, and things aren't going to go good here." TB thought that Caponigro and CB had another argument or something due to Caponigro's behavior.

TB said that he went to his room and started to get ready for bed. TB said he was in bed a short time and just about asleep when Caponigro burst into his room and stated "you got to leave, you got to fucking leave now!" TB asked what was going on. Caponigro responded you need to fucking leave now, you need to leave now. Caponigro said it's not going to get pretty here; it's not going to go well. Caponigro said he was done with everything and it's not going to go well. TB asked Caponigro what he meant. Caponigro told TB to just grab his shit, grab everything, grab your phone and get the hell out of here. TB said he did not want to argue with Caponigro so he grabbed his work stuff.

As TB was walking out of his bedroom, Caponigro walks up to him and shakes his hand. Caponigro told TB it's been good knowing you, you have been a good friend, this has nothing to do with you. As Caponigro was walking away, he turned to TB and said, "oh by the way I have your pistol." TB asked for it back and Caponigro declined. TB said instinct told him not to push it and to just leave. TB said he was going to walk into the garage and get in his car and leave. Just before getting to the garage, Caponigro said not to go out of the garage. TB said Caponigro asked him where CB's purse was. TB pointed to the kitchen counter. Caponigro grabbed the purse and put it into a bag he was already holding. TB said that Caponigro then went into the garage. TB said he thought CB was in the garage and that Caponigro must have done something to her. TB said he thought to himself for a minute and then went out the front door. Upon going out the front door, TB said he had all kinds of guns pointed at him and that police were yelling to him to drop what he had in his hands. TB said he dropped everything to the ground. TB said he was told to walk over to another house and was told everything was going to be okay. TB said the police were very professional.

TB said the police asked for Caponigro's phone number. TB was also asked to draw a sketch/layout of the house. TB said a short time later, Caponigro called him on his cell phone. TB answered the call and put the call on speaker phone. TB told Caponigro that he was in a squad car. Caponigro apologized and stated this was nothing about him. TB asked Caponigro to put the gun away and come out. Caponigro responded by telling TB he had been a great friend and that this has absolutely nothing to do with you. Caponigro told TB that he was not coming out of there. TB said this was the last conversation he had with Caponigro.

TB said he told the police about the shotgun and where the ammunition was located. TB said that Caponigro might also have a hunting rifle in his room as well. TB said he heard an officer say that Caponigro was breaking the screen out with a long gun through the window. TB said then "I heard a shotgun blast and then I heard another shot, the next thing I heard was head shot." TB said it got very quiet after that. TB said for what it was worth, from his perspective the police did everything they could. TB said it was hard because Caponigro was a friend. TB also said he felt bad for the officer and hoped he was doing okay. TB said in hindsight, when he was in the bedroom, he saw all of the titles to Mike's vehicles but did not pay any attention to them. TB said Caponigro knew what he was doing by taking the pistol and shotgun out of his room.

Sergeant Andrew Wise Interview

Sergeant Andrew Wise was interviewed as part of the investigation. Sergeant Wise advised that he has been with the Eau Claire Police Department for ten years. He was promoted to Patrol Sergeant in 2014 and for the past eight years has been the coordinator for the Crisis Negotiation Team. On July 22, 2017, Sergeant Wise was incident command for the traffic detail for a music festival in town (Country Jam). While working, he was informed of an incident involving a welfare check of an armed man. Sergeant Wise said he started calling in negotiators to respond to the police department. Multiple individuals responded while Sergeant Wise gathered more information from the Communications Center.

Sergeant Wise said that during the incident he participated in phone calls with Michael Caponigro between 9:55 p.m. and 11:43 p.m. He said the calls would usually last for 30 seconds to one minute. One call lasted several minutes. Sergeant Wise said he called in 30-50 times throughout the incident. Sergeant Wise believed Michael Caponigro was intoxicated and also armed in that he had displayed a gun to responding officers and had mentioned having a shotgun. Sergeant Wise was worried that Caponigro was going to hurt an officer as Caponigro mentioned several times he was going to shoot the lights out and also made statements about having an officer or officers in his sights.

Sergeant Wise said that Michael Caponigro would go from normal talk to angry/agitated. Caponigro was upset about the lights and would get agitated, paranoid, and angry. Caponigro

usually answered the phone by stating “what do you want” and within seconds would escalate to the point of screaming. Caponigro requested that Sergeant Wise respond to his door and then indicated that he would take Sergeant Wise out. Caponigro never spoke of a peaceful resolution and repeatedly asked officers to leave the house. The last contact with Caponigro was when Caponigro made a comment about gas being deployed into his residence.

As part of the investigation, Sergeant Wise provided a copy of the Crisis Negotiation Team dialogue record. The following are examples of entries in the record.

1. 2205 Michael wants lights off in one minute and said if the lights didn't get turned off, he was going to come out shooting; shooting would include out the front window and if someone came inside, he would shoot his .45 and shotgun.
2. 2214 Michael states that he would take someone out and said that he had someone in his sights (officers) and he would take them out.
3. 2224 Michael indicates that he is armed.
4. 2231 Michael indicates he could see the armored vehicle and was very agitated that it was parked out front.
5. 2238 “Things are going to get bad” and someone was going to get hurt, and that if they came up to the front door, he would take them out.
6. 2250 “Time was running out.”
7. 2301 Michael was going to be coming out on his motorcycle and said that it was running.
8. 2317 “If you want me to come out, get the lights off my door.”
9. 2335 Michael is upset that the lights were still on his residence and he was going to shoot them out. Michael sounded frustrated, as though he had been asking for two and a half hours for the light to come off and that “things are going to get ugly” and that he didn't care what happened, and that “shit was going to happen.” Michael then stated that he was going to shoot out the light in two minutes.
10. 2345 Michael is documented saying, “Are they coming in? Here we go.”

In addition to the dialogue record, Sergeant Wise advised he had used an audio recorder during the negotiations. The following are examples of audio heard over the calls.

1. (When asked if he is injured) “No, I'm not, but somebody's gonna be injured.” Later in the conversation states “I'm going out with a glory.” When Sergeant Wise indicates he doesn't want that to happen, Michael responds “oh it's going to happen.”
2. “I have a job too, and my job is if you fuckers even, if anybody comes in, I'm, I'm shooting. I'm telling you right now, anybody fucking even tries to come into this house, I'm going to shoot.”
3. Michael requests Sergeant Wise to respond to the scene and to his front door. Sergeant Wise asks if he could do so safely and Michael responds “no, you won't, cause I will take you the mother fucker out.”

4. After threatening to come out of the garage with his motorcycle, Michael states “you are going to pay now.”
5. “I’m telling you, I’m not going to do anything wrong but if you don’t take that light off my house in two minutes, shit’s going to happen, I’m telling you right now.”

Sergeant Mark Pieper Interview

Sergeant Mark Pieper was interviewed as part of the investigation. He advised he has been with the Eau Claire Police Department for the past 17 years, including five and half years as a Detective Sergeant. He is part of the Tactical Response Team (TRT) primarily as the head team leader. He also fills in as the lead commander and was in that role during the incident on July 22, 2017. Sergeant Pieper advised that July 22, 2017 was a day off for him and that he was contacted by Sergeant Dohms at 2120 hours. Sergeant Pieper advised he learned Michael Caponigro had been at Country Jam earlier in the night, was intoxicated, and made threats to kill his girlfriend and himself. Caponigro was currently at 4527 Woodford Court #3. Officers performed a welfare check wherein Caponigro displayed a handgun and was agitated, making a statement that this was not going to end well. Sergeant Pieper advised it was determined the TRT team would be called out.

Sergeant Pieper advised that he started making phone calls to other TRT team leaders and that he responded to the area of 4527 Woodford Court to the command post set up at Jeffers Road and Prairie Lane. Sergeant Pieper continued to gather information from radio traffic including that the suspect was banging on the window, was very agitated, and that white smoke was coming from the residence – which was later found to be a grill near the house. As tactical team members arrived, they were given an assigned job or position.

At 2130 hours, stop sticks were placed in front of the garage at 4527 Woodford Court #3 due to Caponigro stating he was going to flee the scene on a motorcycle with a firearm and shoot it out with police as he fled. Sergeant Pieper advised that he considered Caponigro extremely dangerous, suicidal and homicidal to the officers on scene and the public at large. Sergeant Pieper advised the armored vehicle was repositioned to in front of the garage. Sergeant Pieper also contacted the Eau Claire Sheriff’s Department tactical team requesting their armor and personnel. Sergeant Pieper asked the Sheriff’s Department to come up with a less lethal option and a plan for gas deployment. Around this same time, Caponigro told negotiators that “he had an officer in his sights” and could shoot them if he wanted. Sergeant Pieper was concerned for all law enforcement at the scene and asked them to check their positions and find cover.

Under the circumstances, Sergeant Pieper assessed priorities and the protection of the community. Sergeant Pieper had real concerns not only for his personnel but the public as well. Sergeant Pieper knew that Caponigro had a handgun, a shotgun, and possibly a long gun and the ability to use them to harm everyone. Given the totality of the information, Sergeant Pieper

decided to put the gas deployment plan into action with the Eau Claire County Sheriff's Department immediately.

During this time, Caponigro was demanding that the lights be turned off that were illuminating the front of the house. Sergeant Wise advised that Caponigro had given a two minute deadline and was very agitated. Sergeant Pieper learned that Caponigro displayed himself in the window and had a sling on his person, believed to be for a long gun. Caponigro was trying to break the window out of the residence. During this time, the County team began gas deployment. Between gas deployment rounds, Caponigro showed himself at the front window with a shotgun. After being advised that Sergeant Henning fired his weapon, Sergeant Pieper advised the armored vehicle to move forward to determine if they could see Caponigro. Eventually a pole camera was used and it was determined that Caponigro was not moving. Sergeant Pieper advised an entry team, with gas masks on, made entry into the residence and confirmed that Michael Caponigro was deceased. Sergeant Pieper provided an operations log for the Tactical Response Team during the incident. Entries begin at 2120 hours and end at 0043 hours. The time listed for the fatal shot to Michael Caponigro is 2345 hours.

Sergeant Jesse Henning Interviews

Walk Through Interview July 23, 2017

As part of the investigation, Captain Kudron and Captain Kloss had contact with Sergeant Jesse Henning on July 23, 2017. A walk-through of the scene was conducted with Sergeant Henning. Sergeant Henning advised he responded to 4527 Woodford Court #3 to assist other tactical members on the call. Sergeant Henning stated he parked his vehicle behind the tactical truck and walked behind the houses across from the incident location with his rifle to get into position. Sergeant Henning said he observed Officers Olson and Walden and that he set up his rifle next to Officer Olson. Sergeant Henning said that Officer Walden was acting as an observer. Sergeant Henning said that he set the magnification of his rifle scope to the lowest level to observe the front door and window of the residence. Sergeant Henning stated there was movement in the window along with three loud thuds. This was followed by an observation of a male subject holding a long gun in his hands. Sergeant Henning fired his rifle one time after the male subject raised the long gun. Sergeant Henning recalled being in the prone position for about 30 minutes prior to firing his rifle. Sergeant Henning pointed out where the shell casing was ejected.

Second Interview July 25, 2017

Sergeant Henning was interviewed on July 25, 2017, as part of the investigation. Lieutenant Blokhuis and Captain Kudron conducted the interview. Sergeant Henning advised that he is a Sergeant with the Eau Claire Police Department and had been a full time officer with the

department for nine years. He is currently assigned to the patrol division as a Sergeant and has been in the position since January of 2016. In addition to his duties as a Patrol Sergeant, Sergeant Henning has specialties and was assigned in the following areas: Honor Guard (7 years), Gang Unit Police Training Officer (7 years), Police Training Officer Supervisor, TRT Team (Tactical Response Team 5 years), and worked in the Detective Bureau for four years prior to his current position. Sergeant Henning also summarized his other training.

Sergeant Henning advised that he finished work on Friday, July 21, 2017, went home and had a normal night's sleep. He advised he awoke at approximately 6 a.m. on Saturday, July 22, 2017 and participated in a golf outing that began at approximately 8 a.m. Sergeant Henning advised that he did consume alcohol during the golf outing. However, Sergeant Henning advised that when he was called out as part of the tactical unit during the incident, he was not impaired. Sergeant Henning said that he would not have responded to the call-out if he had been impaired. As part of the investigation and protocol, Sergeant Henning participated in a blood draw following the shooting. The test results came back negative for the presence of any alcohol or drugs.

Sergeant Henning said he was first contacted in reference to the incident at 4527 Woodford Court via a page he received from Sergeant Pieper. The page stated that all tactical personnel were needed for a suicidal/homicidal subject who was barricaded. The page stated for them to respond to Jeffers and East Prairie Road and to contact Sergeant Pieper. Sergeant Henning said he responded to the police department and went to the equipment room to obtain his TRT gear. While walking to the tactical room, he observed Sergeant Wise in the command office. He noted Sergeant Wise appeared to be negotiating. Sergeant Henning learned that the suspect had kicked his roommate out of the residence and that they were in the process of assembling a team to respond to that location. Sergeant Henning said he obtained his tactical gear, changed into his tactical uniform. After obtaining all of the needed equipment, he responded to the scene at 4527 Woodford Court. While en route, he was listening to radio transmission. He learned that the initial responding officers who confronted the suspect were shown a handgun by the suspect.

Upon arrival at the scene, Sergeant Henning made contact with Sergeant Pieper. Sergeant Henning consulted Sergeant Pieper for his assignment. After conversation, it was decided that Sergeant Henning would take position with Officer Olson. Sergeant Henning put on all of his equipment and confirmed Officer Olson's position near the 4526 Woodford Court residence. Sergeant Henning was told by Sergeant Pieper that the suspect was continuing communications with the negotiator, Sergeant Wise. Information from Sergeant Wise was that the negotiations were not going very well and were not very successful. The suspect continued to be agitated; there was information that he had kicked his roommate out via gunpoint and that he had access to other long weapons including a shotgun and hunting rifle. In addition, information was received that the suspect had threatened to shoot and kill police officers.

Sergeant Henning advised at 4526 Woodford Court, he made contact with Officer Olson and Officer Walden. Both officers provided similar intelligence that Sergeant Pieper had provided about the suspect. Sergeant Henning advised that prior to setting up and taking the prone position, he did go through a checklist procedure that he normally does. Sergeant Henning advised that due to the darkness, the front of the residence was illuminated. Officer Olson and Sergeant Henning discussed which areas each would be covering while Officer Walden acted as a spotter and rear cover for each of them.

Sergeant Henning and Officer Olson again confirmed the information that had been learned from Sergeants Wise and Pieper, as well as from Officer Olson who had been on scene shortly after the incident started. While covering the residence, they were advised by Sergeant Wise that while negotiations were going on, they were not going well. The suspect had hung up on negotiators and 911 dispatchers several times and that the suspect continued to be agitated. Sergeant Henning advised he learned from Sergeant Pieper that the suspect planned to come out "blazing." Sergeant Henning believed this meant the suspect was going to come out and shoot at him and other officers. Information was learned that a motorcycle could be heard running inside of the suspect's garage. The concern at this time was the suspect was planning to leave the scene and shoot it out with the police. Sergeant Pieper at this time advised the ARV to move across the garage to block the entire garage door. Sergeant Pieper advised the motorcycle was not to leave due to the high risk of both public and law enforcement safety.

Sergeant Pieper advised the suspect exhibited behaviors of being homicidal/suicidal and had concerns for the safety of the public as well as the risk of death to officers at the scene. Sergeant Henning advised that with all of this information, he knew the situation was very serious and needed to protect himself, other law enforcement, and the community from having great bodily harm done to them. Sergeant Henning advised he continued to coach Officer Olson and advised that the incident was getting very tense. Sergeant Henning advised that the house was re-illuminated. When this took place, the suspect demanded the light be shut off or he would shoot the light out. Negotiators also advised that suspect stated he had his sights on officers and would not hesitate to shoot them if the lights were not turned off. Sergeant Henning advised the light did not get turned off and continued to illuminate the house.

Sergeant Henning advised that with the information from the suspect stating he had his sights on officers, it became a significant safety concern and threat. Sergeant Henning was unsure if the suspect was referring to either himself or Officer Olson because he might be able to see them near the light. Shortly after that, Sergeant Pieper came across the radio and stated the suspect had provided a two-minute countdown. Sergeant Henning advised a two-minute countdown is never good for tactical reasons because this usually means the suspect is about ready to make a move and possibly create harm to everyone in the area. Sergeant Henning reset his position and continued to cover the house. Officer Olson advised that he saw

movements in the window and it appeared the suspect was moving the blinds once again. Sergeant Pieper advised that a plan to deploy gas was in place and that the gas was going to be delivered by the Bearcat from the Eau Claire County Sheriff's Department from the rear of the house.

Sergeant Henning said that he and Officer Olson both observed the suspect moving back and forth in the living room from one side to the other. These observations included a sling on the suspect's shoulder and that the suspect had a long gun. It was confirmed the suspect was inside the residence by himself. A few moments later, Sergeant Henning again observed the suspect in possession of a long gun. Sergeant Henning heard three loud bangs from the residence. Information he received was that the bangs were coming from the Sheriff's Department deploying gas into the rear of the residence. While hearing these bangs, Sergeant Henning observed the suspect come to the front window and attempt to hit the window with the barrel of the gun in an attempt to break the window. The window did not break and the suspect moved away from the front of the window.

Sergeant Henning heard Officer Olson say the suspect had a gun. Sergeant Henning also made the same observation. Sergeant Henning observed the suspect lift his weapon in the upward motion, pointing the gun towards him. Sergeant Henning believed himself and others were in danger of great bodily harm or death. Sergeant Henning heard a shot go off from the suspect's weapon. In observing the suspect lift the weapon, and hearing the shot go off, within a split second, Sergeant Henning pressed the trigger of his weapon and fired at the suspect. Sergeant Henning observed his round hit the suspect and the suspect fell immediately in a straight down manner. Sergeant Henning continued to look inside of the residence but could not locate the suspect. Sergeant Henning, as well as Officer Olson and Officer Walden relayed information about the shot and that the suspect was down. Sergeant Pieper asked on the radio for the status of the suspect and Officer Walden stated "subject down." Sergeant Pieper asked and was told which officer took the shot. Sergeant Pieper advised to continue to cover the residence to determine if there was any other movement inside the residence. Nothing was observed.

Sergeant Henning advised after he shot, he observed a small hole in the window from what he believed to be his shot and a large hole in the front window from the suspect's shot. Sergeant Henning believes these observations were documented with photographs. After the ARV moved into position, Sergeant Henning placed his weapon on safe and stood up. Sergeant Henning left his weapon at the same spot he had taken the shot. A glove was placed near the spent round. A few minutes later, Officer Ruppert came to the location and both he and Officer Ruppert went behind Officer Ruppert's squad car. Sergeant Henning said he hunched over, put his hands on his head and between his knees continuing to breathe and cough. After a few minutes, Sergeant Henning left all of his belongings behind and walked with Officer Ruppert to the tactical truck. Sergeant Henning said he was reassured by other officers but was not asked

any questions. A few minutes later he was taken to the Eau Claire Police Department where he was photographed. Sergeant Henning then said he was taken to the hospital for a blood draw.

Sergeant Henning was asked how he felt after taking the shot. Sergeant Henning stated he felt sick about it, but knew he had to do it. Sergeant Henning said he had to protect himself and others from great bodily harm or death from the suspect's actions. Sergeant Henning said he did not recognize the suspect nor had he ever dealt with him. Sergeant Henning said he had never been to 4527 Woodford Court during his regular patrol duties.

Officer Jacob Olson Interview

Officer Jacob Olson was interviewed as part of the investigation. Officer Olson advised he has worked for the Eau Claire Police Department for the past five years in the patrol division. In addition to those duties, he is assigned to the Tactical Response Team (TRT). He is also a Taser Instructor as well as a drone operator. Officer Olson advised that on July 22, 2017, he responded to several calls on his shift and was working on a call when he heard a request for more officers from Officer Wutschke over the radio. The request was to respond to 4527 Woodford Court in regard to a man with a gun. Officer Olson could tell from the tone of Officer Wutschke's voice that the call for more officers was important, so he cleared his current call.

Officer Olson advised that when he arrived at the residence of 4526 Woodford Court, he met up with Officer Walden. Officer Walden was observing 4527 Woodford Court from the southwest corner of the residence. Officer Olson deployed his rifle and charged it, making it call ready. During the incident, Officer Olson was advised that the suspect had access to long guns and most likely did have a long gun in his possession. Officer Olson was able to observe the suspect through the front window. After that, the suspect came to the front door and held up his middle finger through the glass towards him and other officers who were in the area.

Officer Olson advised that when an armored vehicle arrived on scene, he attempted to find a new location due to the obstruction of that vehicle. As the incident went on, nightfall started and it began to become dark. Additional information was learned that the suspect was about to leave on his motorcycle and was going to have a shootout with police. While this was going on, officers could hear a motorcycle running in the garage. The armored vehicle then moved backwards to cover the garage. During this time, Sergeant Henning arrived on scene and set up near his position. Officer Walden turned the spot light of Officer Ruppert's squad onto the front of the house to re-illuminate the front of the house. Once this took place, the suspect demanded the lights be turned off or he would shoot the light out. Further radio traffic stated the suspect had threatened violence to officers and others, stating he had a cop in his sight and could shoot him. Radio transmissions indicated the suspect demanded the lights be shut off in two minutes or he would come out of the residence shooting. Further information was received that the suspect spoke with his brother and indicated that he wanted to have a shootout with

police and that things would not end peacefully. With this information, Officer Olson knew the incident was growing more serious.

Officer Olson advised that a plan was in place for the Eau Claire Sheriff's Department SWAT team to utilize gas. Officer Olson observed the suspect through the blinds of the residence with a sling over one shoulder. He could also see the suspect pacing back and forth in the residence and observed a long gun in the suspect's hands. Officer Olson received information that the gas would be deployed into the rear of the house. When Officer Olson heard the gas being deployed in the rear of the house, he observed the suspect come to the front window and attempt to break the window out by striking the butt of his gun against the window several times. The window did not break. Following this, the suspect stood in front of the window in a squared-up position. The suspect took the long gun, pointed it in an upward and outward position from the front window. Officer Olson observed a muzzle blast and heard and observed the sounds of glass breaking towards him and other officers. Officer Olson heard one shot from the suspect's gun.

Officer Olson advised that due to the fear of his safety, namely great bodily harm to himself or others, he pulled the trigger of his rifle. Officer Olson said he heard the rifle click, but the weapon did not fire. Officer Olson assumed the weapon had a malfunction and he went through a malfunction drill to clear the malfunction. Officer Olson advised that within a second of him pulling the trigger of his weapon that he heard Sergeant Henning fire his gun. After this shot, he heard over the radio that the suspect was down. Officer Olson came back on the scope and was no longer able to see the suspect standing in the residence. Officer Olson said he stayed at his location with Officer Walden until they were relieved of their duties. At the command post, they were asked to respond back to the police department.

Officer Marcus Walden Interview

Officer Marcus Walden was interviewed as part of the investigation. Officer Walden advised he has been a police officer with Eau Claire for two years and served with the military police for six years. He is also part of the Tactical Response Team (TRT) and has attended basic SWAT school. On July 22, 2017, he was working as a patrol officer in the north district. He overheard a welfare check on the radio and heard one officer state that the subject had a gun. Officer Walden advised that upon hearing this, he immediately drove to the scene, met up with Officer Olson, and took over as an observer for him across from the residence. During the incident, Officer Walden observed the subject hit the window with the barrel of a gun and also saw the subject peek out of the window multiple times. Officer Walden said that when Sergeant Henning arrived on scene, he set up a few feet to Officer Olson's right.

Officer Walden said communication from Sergeant Wise indicated the subject was calming down but then escalated. The subject hit the window and hit the blinds causing a few to fall

down. The subject was also in possession of a long gun. Officer Walden could see the subject talking on the phone multiple times. After the armored vehicle moved to prevent the subject from leaving on a motorcycle, the gas was started in an effort to get the subject to surrender. Officer Walden was positive he saw the barrel of a long gun and a short time later, the subject shot out the window. Officer Walden saw the subject shoot out the window and felt debris hit him. After this, Sergeant Henning fired his rifle. Officer Walden advised after the shot, he did not see any more movement inside the residence.

Officer Jacob Gullickson Interview

Officer Jacob Gullickson was interviewed as part of the investigation. He advised he has been with the Eau Claire Police Department for five years and that he is on the Tactical Response Team. Officer Gullickson said on the night of the incident he responded to the scene and was first deployed to the southwest corner of 4526 Woodford Court. After the arrival of the armored vehicle, he took a position on the west side of that vehicle. Officer Gullickson advised that he deployed stop sticks along the garage exterior of the shut garage door to prevent the subject from leaving in a vehicle or on a motorcycle. As negotiations continued, Officer Gullickson advised he was behind the rear passenger tire of the armored vehicle. Loud hail (verbal commands) continued from the armored vehicle and Officer Gullickson advised he could see the front window blinds moving. Officer Gullickson advised it was determined the Sheriff's Department would deploy gas to the rear of the residence.

Officer Gullickson advised that he heard several verbal commands from the armored vehicle informing the subject that they were the police and the subject should come out with his hands up. At one point the subject was visible through the front window and had a sling. As gas was being deployed, Officer Gullickson said he heard one round that was distinct coming from the front area of the home. Officer Gullickson said he was within 25-30 feet of the house and could feel broken glass coming over the top of the armored vehicle. Within seconds, Officer Gullickson heard one more shot which was believed to be return fire. Officer Gullickson believed this because he knew where others were positioned. After the shooting, Officer Gullickson approached on the front sidewalk with a shield and blocked the front window as other officers deployed a pole camera and were able to see the subject inside of the residence. Officer Gullickson advised that the door was barricaded by a "lazy boy" chair. The door was forced open and the chair had to be pushed out of the way. The team put on gas masks and made entry to clear the residence. Officer Gullickson advised that he observed multiple weapons and ammunition inside of the residence, including a weapon alongside of the subject's body.

Sergeant Benjamin Frederick Interview

Sergeant Benjamin Frederick was interviewed as part of the investigation. He advised he has been with the Eau Claire Police Department for 12 years and been part of the Tactical Response Team for 10 years. On the night of the incident, Sergeant Frederick was responsible for retrieving the armored vehicle with Officer Aldrich and responding to the scene with said vehicle. Sergeant Frederick said the armored vehicle was “staged” in the front yard of the residence with the intent to provide protection for other officers in their positions. During the incident, Sergeant Frederick advised that he saw Caponigro come to the window with an item he believed was a shotgun sling around his chest. Sergeant Frederick confirmed that after Caponigro threatened to leave the residence on a motorcycle and engage in a gunfight with officers, the armored vehicle was repositioned by the garage to limit escape routes.

Sergeant Frederick advised that the County’s Tactical Response Team arrived at the east side of the residence in an armored vehicle with the intention of implementing a gas plan. When the County team advised it was ready, Sergeant Frederick began giving commands to Caponigro over the armored vehicle’s “loud hail” public address system. Sergeant Frederick advised the following command was constantly given: “Occupants inside 4527 Woodford Court apartment #3...come to the front door with your arms raised and your hands empty...do it now.” Sergeant Frederick could hear the County team deploying gas into the residence. At this time, an officer advised that Caponigro had armed himself with a long gun. With this information, Sergeant Frederick varied his loud hail address to state: “Occupant inside needs to DROP THAT GUN...comply...come out with your arms raised and your hands empty.” Sergeant Frederick advised he gave this command numerous times for a minute or so.

Sergeant Frederick advised that he looked out the passenger side front windshield of the armored vehicle and observed Caponigro attempting to smash out the front window with the butt of his long gun. Caponigro was unsuccessful. Shortly after, Sergeant Frederick observed the front window of the residence “break outward.” Sergeant Frederick said he heard a pretty muffled gunshot at about the same time as well as an officer outside of the armed vehicle yell that he had been struck by the glass. Sergeant Frederick believes Caponigro had shot out from the apartment. Quickly after that, a round entered into the apartment and this was confirmed by radio information. Sergeant Frederick advised that this all happened within a few seconds.

RC Interview

RC was interviewed as part of the investigation. RC is the daughter of Michael Caponigro. RC said that Michael Caponigro called her around 8:45 p.m. Caponigro was slurring his words and sounded like he was crying. Caponigro told RC that he loved her. RC asked Caponigro what he was doing and why. Caponigro advised that he had been drinking and that he wanted to go

be with Harold and Lou and to leave him alone. RC asked Caponigro to put the gun down and come out. Caponigro responded “no” and hung up.

RC stated that a short time later, Caponigro called back. RC asked him to put the guns down. Caponigro said “no” and that he was going out guns a blazing. RC told Caponigro that if he did that, they are going to shoot you. Caponigro again stated that he needed to be with Harold and Lou. After a few more comments, Caponigro hung up the phone. RC said this was the last time she spoke with Caponigro.

BC Interview

BC was interviewed as part of the investigation. BC is the daughter of Michael Caponigro. BC said that Caponigro suffered from some sort of depression. BC said her father could become angry and that alcohol was the normal catalyst. BC confirmed that Caponigro had attempted suicide in the past. BC confirmed that she did speak with Caponigro on the night of the incident. BC said that Caponigro was crying and kept saying “I’m done, I can’t deal with this anymore.” BC said that Caponigro explained that he was at home, that the “cops were here,” and that “I’m not coming out of this.” BC said that Caponigro told her he loved her and that he had to go and then hung up.

RR Interview

RR was interviewed as part of the investigation. RR is the stepson of Michael Caponigro. RR advised that he usually communicated with Caponigro on a daily basis. RR said that on Saturday (July 22, 2017), Caponigro called him around 8 p.m. and was talking crazy. RR heard Caponigro and CB arguing. Caponigro told RR that he had all of the titles signed, there was money in a safe for him to take care of everything. Caponigro told RR that he loved him and to take care, then said bye and hung up. RR stated that after this he called the Eau Claire Police Department.

RR said that he had additional contact with Caponigro. RR traveled to the residence on Woodford Court and made contact with a police officer. While waiting to talk to the officer, RR had additional phone contact with Caponigro. Caponigro said he was at his residence. RR said that Caponigro was talking in circles, making no sense and repeated statements about the vehicle titles.

Interview of TC

TC was interviewed as part of the investigation. TC is the brother of Michael Caponigro. TC advised that he was contacted on July 22, 2017 about 8 p.m. in regard to something going on with Michael Caponigro in Eau Claire. TC advised he attempted and made phone contact with

Michael Caponigro. TC advised that Caponigro's speech sounded slurred and that he was agitated. Michael Caponigro immediately stated that he was going to have the police shoot him and that he was going to be with Lou and Harold. TC asked Caponigro why he wanted to do that and told him he needed to speak with him about this and put down the guns and come out to comply with the police. TC said that Caponigro advised "no, I'm not going to do that" and then hung up on TC. TC advised that he called the Eau Claire Police Department to inform them of the information he obtained from Caponigro.

TC advised that Harold and Lou were brothers to he and Michael Caponigro. TC advised that when Harold died, Michael attempted suicide by taking an overdose of sleeping pills. Then, in March of 2017, Lou passed away and Michael Caponigro became extremely emotionally depressed and was definitely not himself from that point on out. TC advised that when Caponigro drinks heavily, he is mean, insulting, and agitated. TC advised that about a month prior to the incident, TC started posting old photos of Harold and Lou on Facebook. He also placed quotes from Robin Williams in reference to depression and mental health awareness. TC advised he was not surprised by the outcome of the incident in that Caponigro had called to say goodbye and told TC that he was going to have a shootout with police and that police were going to have to shoot him.

Search of Michael Caponigro Residence

As part of the investigation, Michael Caponigro's residence was searched pursuant to a search warrant. A shotgun was located near Michael Caponigro. The shotgun had a spent round in the chamber and two rounds in the magazine. A .45 handgun was found on the kitchen counter. The handgun had one round in the chamber and eight rounds in the magazine. Additional shotgun rounds were found on the table behind the couch, as well as on the kitchen counter near the handgun, as well as an additional box on the bed with eleven more rounds. The ammunition box is a 25 round box when purchased new. The number of live/spent rounds that were found in the residence equals 25 (11 rounds in the box, 5 rounds on the end table, 6 rounds on the kitchen counter, 2 live round in the shotgun, 1 spent round in the shotgun).

Also located in the residence were three titles on Michael Caponigro's bed that appeared to be signed by Michael Caponigro. The titles were for a 2004 Dodge Ram, a 2005 Mitsubishi Eclipse, and a 1969 Pontiac.

Paramedic / EMS Interview

Shawn Willi of the Eau Claire Fire Department was interviewed as part of the investigation. Willi advised that he is a firefighter/paramedic and has been with the Eau Claire Fire Department for two years. Willi advised that on July 22, 2017, he was dispatched to the area of Prairie Lane and Alpine Road to stage for a patient who was suicidal. Willi explained that he was on standby for

approximately three hours. After receiving information that a person was shot and was down, Willi said Medic 5 was brought into the cul-de-sac, wherein they waited about fifteen minutes while the house was being cleared. Willi explained he was escorted into the house to assess the patient. Willi stated the patient was lying on the ground and that they were unable to find a pulse. Willi said they administered a 3-lead EKG and it indicated no activity on the EKG monitor. Willi stated that based on all of the information and the obvious signs of death, they ended their assessment and exited the house.

Michael Caponigro Autopsy Report

As part of the investigation, an autopsy on Michael Caponigro was performed on July 24, 2017 by Dr. Michael Stier, a forensic pathologist and the University of Wisconsin hospital in Madison. The autopsy contains a section entitled "Interpretive Statement." The section reads: "The decedent died of firearm injury during an engagement with law enforcement. The autopsy findings support the injury was sustained after the projectile (bullet) passed through an intermediary target, possibly glass." Among the findings in the autopsy with respect to firearm injury include: "There is a complex atypical firearm entry wound to the anterolateral left neck. This wounding with associated abrasive component measures 10.5 x 7 cm overall." Additional testing was also done as part of the investigation. The results of these tests showed that Michael Caponigro had a blood alcohol concentration of .173 at the time of his death.

Use of Force Justification

After a review of the investigation performed by the City of La Crosse Police Department, I have concluded that City of Eau Claire Police Sergeant Jesse Henning was justified in the use of lethal force on July 22, 2017 during the incident that resulted in the death of Michael Caponigro. The circumstances that existed lead to the conclusion that the use of lethal force was justified. The analysis of this determination includes, but is not limited to, the following information:

1. In the months prior to July 22, 2017, Michael Caponigro had lost a close relative. He had made many comments in response to losing the relative that he wanted to be with said relative – a clear indication that he was thinking of his own death. Multiple individuals who were interviewed as a part of the investigation confirmed that Michael Caponigro had made statements about wanting to join his deceased relatives. In addition to verbal statements, Michael Caponigro also undertook other actions that indicated his plan to die. These include, but are not limited to, signing over vehicle titles, talking about his own impending death, as well as the potential death of others, including police officers and his girlfriend.

2. Michael Caponigro displayed extremely troubling behavior at the music festival Country Jam on July 22, 2017. He spoke of his girlfriend in the past tense, and indicated he was going to kill her and then himself. His behavior was so concerning that his girlfriend exited the vehicle that she and Michael Caponigro were in while Caponigro was driving the vehicle. CB then immediately approached Detective Don Henning of the Eau Claire County Sheriff's Department and reported the concerning behavior of Michael Caponigro.
3. Following the report from Detective Don Henning from the grounds at Country Jam, two City of Eau Claire police officers performed a welfare check on Michael Caponigro at his residence. Michael Caponigro's concerning behavior continued and included, but was not limited to, yelling obscenities at the officers, showing a handgun, and indicating verbally that the situation would not end well.
4. After the attempted welfare check by the City of Eau Claire police officers, Michael Caponigro went into his residence, refused to come out as directed, and eventually took steps to barricade himself in the residence. During a several hours long standoff with law enforcement, Michael Caponigro called multiple individuals and continued to make suicidal/homicidal comments.
5. Police negotiators spent hours attempting to talk with Michael Caponigro and bring the incident to a peaceful resolution. In response to these efforts, Michael Caponigro became more angry, continued to threaten law enforcement, including statements that he was going out in a blaze of glory, that he had officers in his sights, and that he would shoot police officers.
6. Michael Caponigro took part in several phone calls during the standoff. He had final phone calls with both of his daughters, his stepson, and his brother wherein he told each goodbye. He also specifically told his brother that he was going to have a shootout with police and that the police were going to have to shoot him.
7. Given these statements and the surrounding circumstances, law enforcement attempted to utilize gas deployment in an effort to have Michael Caponigro exit the residence. In response, Michael Caponigro used a shotgun to shoot through a window of a residence. This shot resulted in law enforcement being hit with projectiles, including the broken glass from the window.

8. Given the information provided to law enforcement regarding the circumstances of July 22, 2017, as well as the actions of Michael Caponigro during the standoff with law enforcement – in particular the firing of the shotgun at law enforcement out of the window of the residence, Sergeant Jesse Henning had reason to fear death or great bodily harm to himself. This fear was applicable not only to himself, but to other fellow law enforcement officers on scene.
9. Multiple officers, including Sergeant Henning, saw Michael Caponigro with a long gun and saw him raise the long gun and point it at officers before firing a shot out of the window. This action by Caponigro was consistent with his earlier comments that he would shoot at police officers. This action by Caponigro was also consistent with his earlier stated plan that the police would have to shoot him.
10. The decision by Sergeant Henning to use lethal force was justified under the circumstances that existed at the time Sergeant Henning fired his weapon. Michael Caponigro had just fired a shotgun at law enforcement after hours of comments and communications of suicidal/homicidal nature.

I would like to thank Captain Shawn Kudron and the City of La Crosse Police Department for performing a complete investigation into the incident that took place on July 22, 2017. The materials submitted as part of the final investigation provide a clear and unambiguous accounting of the events of July 22, 2017. The details of the investigation clearly support that City of Eau Claire Police Sergeant Jesse Henning was justified in the use of lethal force given the circumstances on July 22, 2017.

Thank you for your time and consideration of this information.

Gary King
District Attorney
Eau Claire County