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For Official Use

October 30, 2023

Dear Chief Smetana:

The District Attorney's Office has now reviewed the materials from the Racine County Sheriff's Office regarding their investigation into the death of Jacob Albright on July 20, 2023 while he was in the custody of the Pleasant Prairie Police Department. The only role of the District Attorney's Office is to determine whether any criminal charges are warranted as required by Wisconsin Statutes section 175.47. Based on our review of the investigative materials, particularly the squad video which shows unequivocally that Albright took his own life, the DA's Office has determined that no criminal charges are appropriate.

Albright was arrested by Pleasant Prairie Police Officers on July 20, 2023 at the Super 8 Hotel. At the Super 8, Albright was placed in handcuffs behind his back and remained continuously handcuffed. As Officer Matz and Officer Gorman escorted Albright to Officer Matz's squad to conduct a search, Albright took a step backwards and began thrashing his arms left and right. Officer Matz and Officer Gorman secured Albright against the outside of the squad and searched him incident to arrest; however, both Officer Matz and Officer Gorman determined that a more thorough search should occur. Both officers determined that the more thorough search should be conducted in the secure environment of the jail sallyport due to Albright's resistive behaviors and out of concern he may fight or try to escape.

Officer Matz stated that before responding to this call at the Super 8 he conducted a squad check. He checked the rear seats and floorboard of his squad with no weapons or contraband located. Further, Officer Matz's squad which was used to transport Albright to the sallyport of the jail has video of the rear seat area which showed the entirety of Albright's transport. Investigator Vogt of the Racine County Sheriff's Office reviewed this squad video. During this transport, Albright remained handcuffed behind his back, but he is seen moving

around almost continually and reaching in his rear waistband area while complaining multiple times about the tightness of the handcuffs, being uncomfortable, and feeling sick. Albright was originally seat-belted in; however, he unfastens his own seatbelt and, at points, lays across the backseat of the squad. At 4:13 pm, Albright is observed rolling onto his right side across the seat and moving his hands behind his back. Albright then sits back up. A black handgun is then observed on the seat along Albright's right hip area which he pulls toward himself with his right hand. Albright then picks up the handgun with his right hand in a pistol grip, holding it against his right hip. Albright rotates his body, facing outward toward the driver's side window, leaning toward the partition with his head toward the passenger side. As the squad is turning southbound onto Sheridan Road approaching the driveway entrance to the jail sallyport, a loud pop sound consistent with the discharge of a firearm is heard and it is clear that Albright has shot himself in the head.

Officer Matz immediately pulled the squad into the driveway leading to the sallyport and he and Officer Girdaukas, who was riding with Officer Matz in the front passenger seat of the squad, attempt to render emergency aid to Albright until, within moments, Officers with the Kenosha Police Department arrive and take over. In spite of these efforts, due to his injury, Albright passed away on scene. Investigator LaCombe of the Racine County Sheriff's Office conducted evidence collection from the scene and observed a black semi-automatic 9 mm Taurus G3 handgun on the center seat in the rear of the squad. There was blood on the firearm and it had a unique green cord that also contained metal charms attached to the inserted magazine. Officer Matz and Officer Girdaukas both carried Glock 17 firearms and all duty rounds were accounted for regarding their firearms.

We concur with the Racine County Sheriff's Office who, having pursued an investigation which included obtaining statements from all involved parties as well as a review of the video and physical evidence, have specifically concluded that no criminal charges are appropriate and thus no charges have been referred regarding the involved officers.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Graveley", with a long, sweeping horizontal line extending to the right.

Michael Graveley
Kenosha County District Attorney