



Madison Police Department

Noble Wray, Chief of Police

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January 9, 2013

Madison Citizens and Community Members:

The Internal Madison Police Department Investigation regarding the Officer Involved shooting that occurred on November 9, 2012 is now complete. As found in the investigation, during the early morning hours on that date, Officer Stephen Heimsness responded to the report of a burglary in progress. As he approached the scene, he observed a person he believed to be the homeowner in a physical struggle with another subject. Officer Heimsness drew his sidearm and gave loud verbal commands while covering the subject with his firearm. Confronting potential burglary suspects is a high-risk and dangerous activity for police officers; officers are trained to address such suspects at gunpoint. This initial action has been determined to be in compliance with Madison Police Department Policy 4-500 Police Weaponry, and is consistent with Madison Police Department training.

It is undisputed that the subject, later identified as Paul Heenan, did not comply with Officer Heimsness' demands. Unfortunately – ultimately tragically – and for unknown reasons, Mr. Heenan turned on Officer Heimsness, moved to him quickly, and continued not to follow any verbal commands given by the Officer. Mr. Heenan engaged Officer Heimsness physically, grappled with him. It was Officer Heimsness' perception that Mr. Heenan also attempted to grab his handgun. Citizen witness Mr. O'Malley physically demonstrated that Mr. Heenan was swinging his hand in the general area of Officer Heimsness' handgun. Officer Heimsness believed he was in imminent danger of being disarmed, and that his life was in imminent danger. Officer Heimsness determined that his only option to protect his life at that time was to use deadly force. Officer Heimsness indicated that he was able to push Mr. Heenan and create enough distance to bring his firearm to bear. He then fired three shots in rapid succession, all of which struck Mr. Heenan. Mr. Heenan expired as a result of these gunshots. Officer Heimsness' use of deadly force has been determined to be objectively reasonable and in compliance with Madison Police Department Policy 6-100 Deadly Force Authorized, as well as State of Wisconsin use-of-force standards.

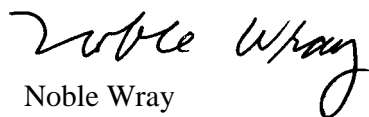
It is important to note that from the officer's perspective, this was a very tense, uncertain, and rapidly evolving situation. It has been determined that from the time Officer Heimsness first observed the physical altercation occurring between the homeowner and the subject (and made a radio transmission) to the time the three shots were fired (the sound of which is captured on the 911 call), only 15 seconds passed.

I have made the decision to release two documents that were created as a result of this investigation in order to provide the public with a solid understanding of the factual information gathered and the factual and legal basis for the conclusions reached in this matter. They consist of the Professional Standards and Internal Affairs Administrative Review and a review document provided by the State of Wisconsin Department of Justice, Division of Law Enforcement Services Training and Standards Bureau.

Because of the circumstances of this unique case, the significant public interest surrounding it and the fact that the public naturally has a strong – indeed compelling – interest in full factual information regarding the use of deadly force by police officers, I feel it is important to provide this additional information. These documents will be released in their entirety with the exception of two minor redactions of personally identifiable information of cooperating citizens: a private telephone number and a home address. Additionally, although the Administrative Review written by Lt. Olivas references other police reports and the Master Report File (MRF), no additional records will be released at this time. This Administrative Review document is the summary of all the audio, video and hundreds of pages of written records used to investigate this incident.

The purpose of the Professional Standards Administrative Review document is to provide the Chief of Police with a review of the facts surrounding an Officer Involved Shooting and to determine if there was compliance with MPD policies and training. The State of Wisconsin Department of Justice document was created at the special request of this Department, as an additional administrative review of Officer Heimsness' use of deadly force. In both of these separate reviews, it was found that the decision of Officer Stephen Heimsness to use deadly force falls within State of Wisconsin use-of-force standards. The Madison Police Departments review also determined that Officer Heimsness' decision to use deadly force was objectively reasonable and in compliance with Madison Department Policy. Based on these investigations I have determined that no MPD policies were violated and have exonerated Officer Heimsness for MPD Policies 4-500 Police Weaponry and 6-100 Deadly Force Authorized.

Sincerely,

A handwritten signature in black ink that reads "Noble Wray". The signature is written in a cursive, flowing style.

Noble Wray
Chief of Police