



DANE COUNTY DISTRICT ATTORNEY ISMAEL R. OZANNE



PRESS RELEASE
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NO CRIMINAL LIABILITY FOR LAW ENFORCEMENT OFFICERS IN RELATION TO MONONA CRASH AND DROWNING ON 6-27-2020

After briefings by investigators, review of summary reports, autopsy findings, diagrams, and other evidence, the Dane County District Attorney's Office concluded on Tuesday, September 8, 2020, that there is no potential criminal court liability for the law enforcement officers involved in the June 27, 2020, investigation of a single vehicle crash and subsequent drowning death of Mr. Rodney J. Freeman Jr. whose body was found on June 29, 2020.

On June 29, 2020, Rodney J. Freeman Jr. was found deceased in the water in a lagoon connected to the Yahara River in the City of Monona, Dane County, Wisconsin. Monona Police Department connected Mr. Freeman Jr. to an incident which occurred during the early morning hours of June 27, 2020, in the City of Monona, in which a car driven by Mr. Freeman Jr. drove at a high rate of speed as police attempted to make contact with the vehicle, a black Chrysler sedan. The vehicle crashed and the occupants fled the scene of the crash and were not located on June 27, 2020.

The Monona Police Department requested the Wisconsin Department of Justice's Division of Criminal Investigation (DCI) conduct an investigation of Mr. Freeman Jr.'s death to ensure that if this situation was an Officer Involved Incident that the investigation would be done in compliance with the Wisconsin Statutes. DCI agreed to conduct the death investigation in compliance with officer involved protocols and procedures.

On Saturday, June 27, 2020, in the City of Monona, just before 1:10am a motor vehicle attempting to elude police officers crashed through a fence and came to rest in the back yard area of homes on Queens Way, in the City of Monona, behind the Studio Z Salon. Law enforcement observed two occupants in the vehicle prior to the crash. An officer arriving on the scene after the crash indicated he saw a person running from the scene. When law enforcement reached the vehicle no occupants were found inside.

A Monona K9 unit was deployed and a track was initiated from the location of the crash through the adjacent neighborhood. When the Monona K9 unit was no longer able to continue, a City of Madison K9 unit attempted to continue the track. Neither K9 unit located either of the two occupants of the crashed vehicle. The Madison K9 unit's track was ended at 1:59:28am at or near the intersection of Kings Row and Westgate Road.

Video from home security systems captured each of the two believed occupants of the crashed vehicle. One person was captured running through video footage on Gateway Green. The

other person who is believed to be Mr. Freeman Jr. is seen on video footage from Interlake Dr. at 1:58:04am.

Autopsy results are consistent with a fresh water drowning, and there does not appear to be evidence of a struggle or use of force noted in the autopsy findings.

“There is no indication law enforcement ever made contact with either occupant of the crashed vehicle until after Mr. Freeman Jr.’s body was reported in the lagoon by a citizen,” stated Dane County District Attorney Ismael Ozanne. “There is nothing to suggest there is any culpability on the part of law enforcement in the drowning death of Mr. Freeman Jr.”

Relevant evidence includes statements of officers, scene diagrams, autopsy findings, squad and bodycam video, video of home security systems, evidence collection, and law enforcement squad GPS data which are consistent with each other.

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The role of the District Attorney’s Office in a case of this type is limited to a review of the facts to determine whether further investigation is merited and, after all available evidence is obtained, whether criminal charges could be merited for any individual who has survived the incident. Police executives and supervisors have the exclusive responsibility of establishing appropriate training and protocols for use in response to crisis events, and of selecting from among the tactical options available to police in responding to particular events.

Now with the passage of Wis. Stat. 175.47, there is also a question of compliance with said Statute. This critical incident involved a number of City of Monona Police Officers who were responding to a call from a Monona Officer indicating a vehicle was driving at a high rate of speed. The suspect vehicle is captured on squad video as it passes squads up to just before crashing. This investigation was conducted by the Wisconsin Department of Justice’s Division of Criminal Investigation (DCI) and is in compliance with the statute. In the case of a death caused by an officer, the statute requires that at least two investigators from outside agencies or agencies not involved in the critical incident/Officer Involved Shooting (OIS) lead the investigation:

(3)(a) Each policy under sub. (2) must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

In this case the cause of death is drowning and there is no evidence officers ever came into contact such that their actions could have been a cause of Mr. Freeman Jr.’s death but the City of Monona Police Department still requested and received assistance with this investigation from the Wisconsin Department of Justice.

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