

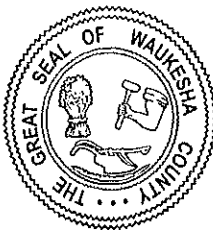
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June 10, 2020

REPORT ON THE OFFICER INVOLVED DEATH OF RANDY S. ASHLAND

I have now completed my review of the investigation into this incident occurring on April 15th, 2020, in the parking lot of Waukesha Memorial Hospital located at 725 American Way, in the City of Waukesha. During this incident Officer Ryan Solberg and Sgt. Ian Dekarske, both of the City of Waukesha Police Department, used deadly force against the deceased, identified as Randy S. Ashland. I conclude that such force was warranted and necessary to prevent imminent death or great bodily harm to themselves and other officers.

This incident was investigated by the Milwaukee Area Investigative Team (MAIT). Investigators spoke with J████ F████, who is the individual that alerted Waukesha Memorial Hospital Staff that Randy Ashland was in the parking lot of the Hospital with a gun. F████ is a Pastor at ██████████ Church and had known Ashland since July, 2018. F████ indicated that Ashland had recently been in Waukesha Memorial Hospital for mixing medications and Alcohol. Around 10 PM on April 14th, 2020, Falahee received a text message from Ashland about suicide. Ashland did not say how he wanted to commit suicide, but Ashland was "saying his goodbyes." Around midnight on April 15th, 2020 F████ drove over to Ashland's house. When he arrived there, he called Ashland and they spoke for 22 minutes on the phone. Ashland told F████ to go away and that he was going to kill himself. F████ was able to convince Ashland to come out of the house. Ashland came out of the house holding a large silver revolver to his head.

F████ was able to convince Ashland to get into his vehicle and drive to Waukesha Memorial Hospital. During the drive, Ashland held the gun to his own head the entire time and F████ could see that the hammer on the revolver was pulled back. Once at Waukesha Memorial Hospital, Ashland refused to go into the hospital without his gun. F████ went inside the hospital to alert staff as to the situation that was unfolding in the parking lot and the police were notified.

The investigation further revealed that on April 14-15, 2020, Sgt. Ian Dekarske and Officer Ryan Solberg were both working a 12 hour shift from 6:00 PM – 6:00 AM. Around 1:31 AM, officers heard police dispatch send squads to Waukesha Memorial Hospital for a report of a subject with a gun to his head. Sgt. Dekarske responded to the scene and upon arrival, he observed a subject, later identified as Ashland, in the hospital parking lot lying next to a vehicle. Ashland was on his back with a large silver revolver to the side of his head with his finger on the trigger. Sgt. Dekarske grabbed his rifle and took up a position between Ashland and the hospital entrance in order to observe Ashland as well as obtain cover.

Sgt. Dekarske was joined by Officer Ryan Solberg. Officer Solberg observed Ashland at gunpoint. Officer Solberg began a dialogue with the Ashland while other officers commanded him to "drop the gun". Officer Solberg attempted to negotiate with Ashland to surrender in order for the situation to resolve without injuries. For a short time, Ashland put the gun down and put his hands partially up and then back down on two occasions. Officer Solberg commanded Ashland to roll away from the gun.

Sgt. Dekarske then began to feel uneasy because Ashland stopped listening to commands given by the officers. Instead of rolling away from the gun, Ashland picked the gun up with his finger on the trigger and took aim at Sgt. Dekarske and two other officers near him Sgt. Dekarske reported that he believed there was no other viable option to stop the threat to himself, the other officers, and the public. Sgt. Dekarske fired his rifle until Ashland was no longer pointing the gun at them. Officer Solberg, fearing for his life and the lives of other officers, fired his rifle two times and then reassessed the threat. It was determined that Ashland was no longer a threat. Officers approached Ashland and took him into custody. The officers placed Ashland onto a hospital stretcher and took him in the hospital for treatment. Ashland later succumbed to his injuries at the hospital. It was determined that at the time of the use of deadly force, Ashland was in possession of a Taurus Model "The Judge" 45/410 revolver. An ATF firearms trace showed that the gun was purchased by Ashland on February 6, 2012.

Both Officer Solberg and Sgt. Dekarske were interviewed following the incident. Both reported that they feared Ashland was going to shoot them as well as other officers. Officer Solberg stated, "I thought he was going to kill us by shooting us. He had the gun pointed at us and was refusing to listen to commands." Sgt. Dekarske reported that he "absolutely" feared for his life and the lives of the other officers based on Ashland pointing the gun at them and refusing to listen to the commands. All other officers that were involved in this incident were interviewed. It should be noted, that their statements were consistent with the description of events given by Officer Solberg and Sgt. Dekarske.

A search warrant was obtained for Ashland's residence and the investigation revealed the Ashland had written multiple suicide notes prior to being taken to the hospital. Multiple letters were written to his children and one letter was written to his faith community.

Use of deadly force by a law enforcement officer is analyzed in the same manner as the use of deadly force by any person. Under Wisconsin law, a law enforcement officer has a legal privilege to use deadly force to protect themselves or others where the officer reasonably believed that there is an actual or imminent unlawful interference directed at themselves or another person and the officer actually and reasonably believes that such force is necessary to prevent imminent death or great bodily harm to themselves or the other person. Wis. Stat. §939.48(4); Wisconsin Jury Instructions-Criminal 830. Under this privilege, the reasonableness of the officer's actions is to be judged from the standpoint of an ordinary, prudent, and reasonably intelligent person in the officer's position, having the knowledge and training that the officer possessed, and acting under the circumstances that existed at the time.

Under the circumstances stated above, I conclude that any reasonable person in the position of Officer Solberg and Sgt. Dekarske would have determined that there was an imminent danger of death or great bodily harm to themselves and the other officers. This is based on Ashland's repeated refusal to drop the gun and Ashland eventually pointing the firearm, with the hammer pulled back and his finger on the trigger, in the direction of multiple officers on scene. A reasonable person would have concluded, as did Officer Solberg and Sgt. Dekarske, that they were about to be shot. Use of deadly force was objectively warranted under these circumstances.



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Officer Ryan Solberg – Waukesha Police Department
Captain Michael Schulz – Wauwatosa Police Department
Mr. Jay Ashland