



**DANE COUNTY  
DISTRICT ATTORNEY  
ISMAEL R. OZANNE**



**PRESS RELEASE  
For Immediate Release**

**Date: 5-12-15  
Time: 2:30 PM**

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**NO CRIMINAL CHARGES ISSUED IN  
TONY ROBINSON OFFICER INVOLVED SHOOTING**

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*Official transcript from the press conference held on 5-12-15 at 2:30 PM at the Dane County Sheriff's Office Public Safety Building, 115 West Doty Street, Madison, Wisconsin.*

Good afternoon. I am Ismael Ozanne, the Dane County District Attorney. I would like to thank everyone for coming today. I am here to render my decision on the officer involved shooting which took the life of 19-year-old Tony Robinson, Jr. on March 6th, 2015.

On March 6th, 2015, a young man lost his life far too soon. Now, whether we are policing, teaching or parenting, when we use violence to control, we do so at a tremendous cost to the person, to our community and ultimately to our humanity. Although Tony Robinson, Jr. was over six feet tall, he was just past the age of majority. We must remember he was still a young man. I have privately extended my condolences to Tony Robinson's mother Andrea Irwin, and I do so now again today. I am so very sorry for your loss.

I'm a lifelong resident of Dane County, a husband, a father of two intelligent, beautiful and caring daughters. I'm a person of color from a biracial marriage. I am the son of a black woman born in Anniston, Alabama who, at the age of seventeen in 1964 in Tougaloo, Mississippi, became the youngest member of the Student Nonviolent Coordinating Committee and participated in the Freedom Summer. I am the son of a black woman who still worries about my safety from the bias of privilege and violence that accompanies it. I am a man who understands the pain of unjustified profiling and I am the first district attorney of color, not only in Dane County, but in the State of Wisconsin.

I make note of this because it is through this lens that I approach and accept my leadership responsibilities. Those responsibilities involve an oath I took to uphold the constitution of the United States of America and the constitution of the State of Wisconsin. In this matter, my role and obligation is to weigh the facts and determine if Officer Kenny should be criminally charged. I am cognizant of the very real racial disparities and equity issues which exist in this county.

In the past eight weeks I have met with the following people and groups: Andrea Irwin, the mother of Tony Robinson, Jr., who wants her son to be seen as a human being and as her child who was loved and cared for; high school students who expressed an interest in justice, but are mistrusting of law enforcement and the criminal justice system. Many told me that they will not pursue careers in law enforcement, when that is precisely where their views and experiences are needed. I have also met with a neighborhood watch group and heard their frustrations. I have met with black leaders in our community, many faith-based, who are asking to be included in reform.

I meet monthly with the Dane County police chiefs and I hear their challenges with recruiting persons of color to apply for jobs. Finally, I serve on the Dane County Racial Justice Improvement Committee. These are all important voices in our community. These are all people who want the same thing: to feel safe. We must also remember law enforcement represents these same voices and these same people.

My decision will not bring Tony Robinson, Jr. back. My decision will not end the racial disparities that exist in the justice system, in our justice system. My decision is not based on emotion. Rather, this decision is based on the facts as they have been investigated and reported to me. This decision is guided by the rule of law and the oath I took to uphold the constitution.

There is one preliminary determination I am required to make: that is whether Wisconsin Statute 175.47 concerning the review of deaths involving officers has been complied with. The law requires that each law enforcement agency have a written policy regarding investigations of officer involved deaths that involve officers employed by the agency. The policy must require an investigation be conducted by at least two investigators: one who is the lead investigator and neither whom is employed by the law enforcement agency that employs the officer involved in the death.

In Dane County, there has been a written policy in place for officer involved incidents. That includes deaths prior to the passage of Section 175.47. In this case, the City of Madison requested the Division of Criminal Investigation (DCI) from the Department of Justice to lead the investigation. The City of Madison has used DCI in this capacity for all officer-involved shootings which have occurred since the implementation of Dane County's written policy and the passage of the new law. In this case, I conclude there has been compliance with Wisconsin Statute Section 175.47.

Now as to Tony Robinson, Jr. and my decision today. In making this decision, I hold myself to the reasonable doubt standard. In other words, what can be proven beyond a reasonable doubt. To begin, I reviewed the following evidence:

- The scene on the evening of March 6<sup>th</sup>;
- Observation of the initial law enforcement response on March 6<sup>th</sup>;
- Police reports, including:
  - DCI's;
  - The Wisconsin State Patrol;
  - The City of Madison Police Department;
  - Medical Examiner's reports and autopsy;
  - Wisconsin Crime Lab reports;
- Citizen interviews;
- Paramedic, EMT and firefighter interviews;
- Officer interviews including Officer Kenny's interview;
- Surveillance footage from the Spirit Gas Station;
- Police squad car video officer recordings;
- Examination of radio communication and 911 calls;
- Photographs;
- Video of the scene itself;
- 814 pages of reports and documentation released by the City of Madison Police Department due to open records requests;
- A 911 call released by the Dane County Dispatch Center due to an open records request;
- Follow-up interview with one of the residents of 1125 Williamson Street, apartment #2, conducted by the District Attorney's Office.

At the conclusion of this review, the question to be answered is whether criminal charges are warranted in the death of Tony Robinson, Jr. I begin with the known undisputed facts. There were three 911 calls within five minutes prior to Officer Kenny's arrival on the scene.

The first call came in at 6:28 PM from a friend of Tony Robinson, Jr. who is a resident of 1125 Williamson Street, #2. It was reported Tony was tweaking, chasing everybody and is really outrageous right now. The caller and his girlfriend are scared. Tony is a light-skinned African American. He is not wearing a shirt, but has a jacket on that is tan in color. It is not believed Tony is armed. Tony has jumped in front of a car, but doesn't appear to be hurt. Tony is chasing the caller as they drive off. Tony had punched another friend prior to this call, but everyone has left, as things are really bad. Tony is going crazy. He took shrooms or some type of drugs. The caller said he couldn't talk to Tony, he couldn't get through to him. Tony is acting insane right now and it is scaring the caller.

The second call came in at 6:31 PM. It was reported that a man was attacking pedestrians and had punched the caller in the face. The attacker was light skinned, not wearing a shirt at this time, which description fit that of Tony Robinson, Jr. The incident occurred near 1125 Williamson Street, across from the gas station.

The third call came in at 6:32 PM. It was reported the caller was at the gas station when Tony Robinson, Jr. was screaming across the street. He said Tony was acting kind of crazy and then came up to him and tried to choke him, but he was able to get Tony off of him. Tony was also seen trying to assault two people on the sidewalk. Tony had his shirt off and was roaming around blocking traffic. Tony was then seen trying to break into 1125 Williamson Street, apartment #2. Each of the callers were interviewed and confirmed the information they had reported in their 911 calls.

Dispatch conveyed the general information from the calls to Officer Kenny that there was three possible victims, Tony Robinson was a male, black, light skinned, jumping in front of cars, no weapons and seems to have entered 1125 Williamson Street, upstairs apartment. This was conveyed and acknowledged by Officer Kenny through radio transmission. Information was also sent to Officer Kenny's mobile data computer. That information was that the caller was not aware of any weapons. They're assuming Tony Robinson took shrooms or some other drug today. Tony had punched another of their friends. Tony is 19 years old and lives in McFarland. He was chasing the caller's car. Tony Robinson, Jr. is outside yelling and jumping in front of cars, said he is tweaking, male, black, light skinned in tan jacket.

The first caller also gave a statement with more detail regarding contact and observations of Tony Robinson, Jr. in his apartment prior to the 911 call at 6:28 PM. He witnessed Tony damage a wall in one of the bedrooms and blinds in the kitchen. He observed Tony speaking to Tony's father or others who were not present. Tony's behavior was aggressive, violent and he feared for his safety and that of others as well and for the safety of Tony Robinson, Jr. He also indicated that he locked the apartment door as everyone moved outside, and that he and his brother were the only people with keys to the upstairs apartment.

Follow-up with this resident revealed that the damage to the wall in the bedrooms was much greater than what had been witnessed prior to him leaving the apartment the first time and locking the door. The exterior door to apartment #2 door frame was not damaged prior to the first 911 call, but crime lab photos revealed damage to the door frame was present and the deadbolt was still engaged on March 6th. There was also damage to the right side of the stairwell near the eighth step up. There was twelve steps total, and this damage was not present when the resident had left apartment #2, locking the door behind him.

Interviews with those present in the downstairs apartment indicated that they also heard a disturbance which sounded like a fight occurring in the upstairs apartment approximately thirty or forty minutes prior to the shooting. Neighbors in the downstairs apartment later heard what they believed to be the door to apartment #2 being forced open and a person going upstairs. Approximately five minutes prior to the shooting, they also heard what they considered to be another fight, and that just before the shots were fired, there was a sound of someone coming down the stairs. Now, the interviews of other independent citizen witnesses confirmed Robinson was

seen running into a moving car, jumping in front of another moving car in traffic. Robinson was witnessed jumping on the customer at the gas station, as well as observed punching the pedestrian on the sidewalk.

Now, according to reports from Tony's friends, later confirmed by toxicology reports, we know Tony Robinson had used controlled substances to include psilocybin mushrooms or "shrooms," THC or marijuana, and Xanax. Next a review of Officer Kenny's squad video and another officer's audio recording revealed the following evidence. Officer Kenny is observed walking up the driveway, checking around the back corner of 1125 Williamson Street prior to approaching the entrance of apartment #2. He is observed speaking into his radio, then reaching for his firearm before entering apartment #2. From the video, it does not appear as if Officer Kenny had to open the door.

Officer Kenny is inside the residence for approximately 20 seconds before he reappears, exiting the residence in a backwards motion appearing to almost lose his balance. At this time, he is seen firing one shot while outside the residence. Tony Robinson's feet appear almost instantly in the doorway after Officer Kenny is seen exiting the residence.

The audio recording from a responding officer captured the sound of seven shots fired in approximately three seconds: three shots, followed by three shots, followed by one shot. There were seven shots fired. All seven shots hit Tony Robinson, Jr. at close range. This was confirmed on autopsy. All bullets hit Robinson from front to back. There were seven casings which were recovered from the scene, and I believe it is reasonable to conclude all shots had to have been fired near the bottom of the stairs. All shots were fired within three seconds time span and all shots hit Tony Robinson from front to back.

Now, Officer Kenny's statement indicates when he exited his squad, he could hear sounds of a disturbance. Sounds of the disturbance seemed to be coming from the upstairs apartment. He went around the corner of the house to verify where the sounds were coming from. The sounds were coming from the upstairs apartment. He heard incoherent yelling and screaming. When he got closer to the stairwell, he could hear yelling and what sounded like a fist hitting something and items being thrown or breaking. He heard someone say "What are you going to do now, expletive." He indicated he believed Tony Robinson was the person he was looking for and was upstairs, possibly assaulting someone else.

He radioed dispatch that he was going in and upstairs. As he went in, he drew his firearm. He indicated he could hear thumping, smacking sounds and yelling, which was incoherent. As he got to within a few steps of the top of the stairs, he yelled "Madison Police." There was then silence and someone yelled, "Well, the police are here." He said Tony Robinson immediately turned the corner and struck him with a closed fist on the left side of his head knocking him back and into the wall on his right. He struck the wall with the right side of his body and the right side of his head.

This is consistent with the discovery of fresh damage to the drywall on the right side of the stair, near the eighth step.

He stated that Tony Robinson continued to aggress towards him, swinging at him. He indicated he was rocked back and was losing balance on the stairs. He indicated he was afraid he would be struck again and lose consciousness, or hit his head falling backwards on the stairs and that his firearm would be taken and used to shoot him and possibly the other person in the apartment. He indicated he shot two strings of fire. The first was three rounds; the second was two or three rounds. He did not know how he got to the bottom of the stairs. He retreated five or six steps away from the door and yelled "Don't move."

At this time he did not see anything in Tony Robinson, Jr.'s hands or his waistband. Tony Robinson, Jr. was still conscious. He radioed "Shots fired" and requested an ambulance. He directed another officer upstairs, believing someone was still upstairs. He began rendering aid to Tony Robinson until paramedics were able to take over.

I conclude that this tragic and unfortunate death was the result of a lawful use of deadly police force, and that no charges should be brought against Officer Kenny in the death of Tony Robinson, Jr.

I am concerned that recent violence around our nation is giving some in our communities a justification for fear, hatred and violence. I am reminded that true and lasting change does not come from violence, but from exercising our voices and our votes. The Reverend Dr. Martin Luther King, Jr. said violence brings only temporary change. Violence, by creating many more social problems than it solves, never brings permanent peace.

Thank you.

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