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DEAN R. KAUFERT
MAYOR

M E D I A A D V I S O R Y

DATE: August 25, 2016
TO: Local Media Outlets
FROM: Mayor Dean R. Kaufert
RE: Neenah Mayor's Response to Officer Involved Shooting

Neenah, Wis. (August 25, 2016) I have spent weeks and countless hours watching videos and reviewing all the documents associated with the events on December 5th, 2015 regarding the unlawful activities of Brian Flatoff, which led to the unfortunate death of Michael Funk. I have reviewed all the tapes, interviews and statements to better understand what happened that morning and afterwards. However, it is just that, a review by me personally. This was not an investigation as inferred by our local newspaper. I am the Mayor and not in law enforcement or a legal expert. As the Statutory Head of the Police Department, I felt the obligation to ensure I had a full understanding, as best as possible, of the situation. As I stated earlier, I do not meet the standards of an expert on law enforcement procedures and/or policies, nor do I claim to be one.

One of the troubling aspects of this entire investigation was the time taken by the DOJ to present their findings. Speculation and allegations grew within the community as they waited for over five months for the report. It was important that a thorough investigation took place to be certain there was 100% accuracy in the findings for the sake of the investigation. During this time I contacted the Governor's Office and the Attorney General's Office with a suggestion of streamlining the approach so the community would receive answers earlier. This suggestion resulted in action being taken to lessen the time frame for future events.

The question of whether or not laws were broken or if this was an unlawful shooting by our officers has been answered by the Attorney General. I concur with the DOJ findings which found the officers mistakenly-but reasonably thought Michael Funk was the armed hostage taker and was an imminent threat. Based on those findings, the DOJ determined the officers were justified in using deadly force.

An independent review of police procedures by retired Appleton Police Chief James Lewis was completed in late February and found no deficiencies in the department's policies or training.

In addition, the Police Commission, which is statutorily authorized to review any potential discipline, received a complaint on Friday, August 19, 2016, filed with the Commission by two Florida investigators. The complaint was presented to the Police Commission *after* it had been presented to a local newspaper a week prior to formally being filed with the Commission. By state statute the Police Commission is responsible for hiring, firing and the discipline of sworn officers of the department. This helps to keep the elected officials and politics out of these important decisions. I have complete confidence in our commission's ability to fairly review and act on any complaint filed by an aggrieved person.

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This is not an easy issue and with litigation pending, I must be cautious in my response. I have a fiduciary responsibility to protect the taxpayers and citizens. I also must insure that citizens have the utmost confidence in our departments providing public safety.

I have had many calls and emails with opinions on both sides of this issue. Many have been extremely supportive of the actions of our police officers that day. However, some have questioned the response and actions taken that day. Most of the comments have centered on decisions made after the shooting of Michael Funk with questions frequently raised about the awarding of medals for this incident. I would have preferred that we would have waited for a future time when investigations and legal cases were completed.

I believe this community has many questions and concerns with some of the decisions made after the shooting occurred and the rationale behind them. I believe a review by department staff will influence a better department overall in the future. It will also restore public trust to those with questions on why certain events took place during and after the December 5th incident.

I want residents to know that we will continue to provide ample financial resources to train and prepare our officers for these type of situations in the future. The decisions on what training is applicable is better left to the management team of the department.

As a department our responsibility is to protect our citizens from harm and insure our community continues to be safe. A place where folks want to raise a family. I believe the majority of the community has confidence in our officer's ability to serve and protect them. Community members I have talked with have stressed that if needed they believe the dedicated professionals will respond appropriately.

Every day our officers put on their uniform, leave their home and say goodbye to spouses and children knowing a situation may present itself that they have a split second to react to. I pray they make the proper decision so they may return home at night safe and sound.

There is no denying the events on December 5th ended in the untimely and unfortunate death of Michael Funk. The investigations by DCI and independent expert Retired Appleton Police Chief James Lewis have concluded the situation was handled appropriately. While the shooting of Michael Funk directly resulted from the actions of Brian Flatoff, the City and the Police Department acknowledge those tragic circumstances led to a terrible outcome. At the same time, I have confidence that what our department and officers learned from this experience will help them perform their duties in the future.

I pledge to work towards that outcome in the future.

Dean R. Kaufert
Neenah Mayor