



# Waukesha County Sheriff's Department

Supplemental Narratives for Incident W20084185

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## SUPPLEMENTAL NARRATIVE:

**Supplement number:** 56

**Name:** LOBERG TJW

**Date:** 12:42:19 01/19/21

Waukesha County Sheriff's Office case number W20084185 Summary Report for In Custody Death of Joseph A. Behling [REDACTED]

This report will serve as the summary of the in custody death investigation of Milwaukee County Criminal Justice Facility (CJF) Inmate Joseph Behling, which occurred on 11-27-20 at 17:52hrs. at Ascension Columbia St. Mary's Hospital, located at 2323 N. Lake Drive in the City of Milwaukee.

Behling had been assigned to Housing Unit 6C, cell 4, at CJF. He was found unresponsive in his cell on 11-24-20 at about 1434hrs. Staff entered his cell, finding Behling with his bed sheet tied around his neck as ligature, and the other end attached to a towel hook in that cell. They ultimately determined that he was in a pulseless non-breathing status at that point, and CJF and the Milwaukee Fire Department (MFD) staff attempted resuscitating efforts. CPR and an AED were used to provide patient care, in addition to other medical attention. MFD conveyed Behling to Columbia St. Mary's Hospital in the City of Milwaukee, in a [REDACTED]. He was treated at that facility, until life support was removed from him on 11-27-20 at about 17:52hrs. The Milwaukee County Medical Examiner performed an autopsy on Behling on Monday 11-30-20. The Waukesha County Sheriff's Department (WKS0) was contacted and was requested to respond as the lead investigative agency per Milwaukee County Sheriff's Office (MCSO) policy.

WKS0 responded with Lieutenant Loftus (Supervisor in Charge) and the following additional staff: Lieutenant Nicholas Ollinger, Lead Investigator Detective Tim Loberg, Co-Lead Investigator Detective Daniel Coats, Detective Bahr, Detective Rarick, Detective Toole, Detective Fredericks, Detective O'Toole, Detective Knipfer and Detective Kohl. Investigators present from the Milwaukee County District Attorney's Office: Investigator Sarah Blomme and Investigator David Dallard Investigator present from the Milwaukee County Sheriff's Office: Detective Donald Desotell Assigned Milwaukee County Deputy Medical Examiner: Deputy Medical Examiner P. Douglas Kelley

### Briefing upon arrival:

Upon arrival at CJF, all listed investigators were briefed by Assistant Jail Commander Captain William Duckert. Duckert advised that Behling had been in the custody of the MCSO since 11-19-20, conveyed into CJF by the Department of Veteran Affairs Police Department (VAPD) that same day. He advised that on

11-24-20, Correctional Officers (CO) Lehn and Glidewell were performing checks of Housing Unit 6C. While doing so, they twice made contact with Inmate Behling, whom had been housed in cell 4. Behling was found to be covering the window of his cell with a towel, and Correctional Officers were ordering him to remove that item, since they could not see inside of the cell. During both contacts, the Officers made verbal contact with Behling, who did refuse to remove the window covering. The third time that they gave him the order to remove the covering, Behling did not acknowledge them, therefore they entered his cell. Upon entering, they located him with ligature around his neck, and began life saving efforts. 911 was initiated, and MFD immediately responded to provide patient care. Finally, we were advised that Behling was currently at Ascension Columbia St. Mary's Hospital in a [REDACTED], not expected to survive, and was being guarded while at the hospital.

Surveillance Video:

The following information of evidentiary value was located while reviewing surveillance video:

14:12:55 - Correctional Officer Lehn completes a check and upon noticing the window covering knocks on the door. Correctional Officer Lehn knocks on the door a total of three times, remaining at the cell door until 14:13:31 before continuing her check.

14:22:26-14:23:36 - Correctional Officer Glidewell responds to cell 4 and knocks on the door. Correctional Officer Glidewell bends down and appears to be speaking with Behling. As Correctional Officer Glidewell walks back to the Officer Station it appears as if he transmits on the radio, which is attached to his right shoulder area. Correctional Officer Glidewell subsequently makes contact with Correctional Officer Lehn.

14:23:12-14:23:27 - Correctional Officer Glidewell returns to cell 4 with a piece of paper in his hand. He appears to try and peer over the towel covering the cell window, and then returns to the Officer Station and speaks with Correctional Officer Lehn.

During the above stated event, an inmate from cell 25 can be seen talking on the phone. Correctional Officers Lehn and Glidewell escort that inmate back to his cell at 1434hrs. Correctional Officer Glidewell completes a check of the second story as CO Lehn returns to the Officer Station.

14:35:00 - Correctional Officer Lehn returns to cell 4 and knocks on the door, when she walks away, she can be seen accessing her two-way radio on her right shoulder.

14:37 - An additional Correctional Officer arrives to the pod and Correctional Officer Lehn can be seen walking back towards cell 4 with restraints. New Correctional Officer is carrying an orange bag and each go to cell 4.

14:38:37 - Two additional Correctional Officers arrive and respond to the door of cell 4.

14:39:09 - Appears as if two Lieutenants arrive to the POD.

14:39:14 - A Correctional Officer can be seen peering above the sheet.

14:39:18 - Correctional Officers begin opening the cell door.

14:39:19 - The cell door is opened and numerous Correctional Officers enter the cell.

14:39:54 - Medical staff arrives at the cell.

14:40:00 - An additional Correctional Officer brings orange medical bag to cell. Once the Correctional Staff enters the cell, the view inside cell is obstructed by staff; however, at numerous points in the video you can see staff performing CPR on Behling.

14:41:32 - Additional medical staff and a second orange medical bag arrive on scene.

14:49:22 - A third orange medical bag is brought in to the POD.

14:49:40 - Members of the Milwaukee Fire Department arrives in the POD.

14:49:50 - Behling is removed from the cell and CPR is continued by correctional staff.

14:50:37 - Lifesaving efforts are taken over by the Milwaukee Fire Department.

14:57:24 - Milwaukee Fire Department stretcher enters the POD.

14:59:11 - Behling is placed on the stretcher.

15:00:20 - Behling is removed from the POD by members of the Milwaukee Fire Department.

Crime Scenes - Pod 6C, cell four and Columbia St. Mary's Hospital:  
Prior to WKSO arrival, the MCSO had secured Pod 6, cell 4 as a crime scene. Detective Bahr did later process that cell, which stayed secured until Detective Loberg released it back to MCSO later the same evening as the incident. After the briefing by Captain Duckert, Detectives Fredericks and Kohl assisted in making contact with witness inmates within Pod 6C. Special precautions were taken to limit Detective access to that Pod, as we were advised that the entire Pod was a Covid-19 positive Housing Unit. Detective Rarick was tasked with responding to Columbia St. Mary's Hospital, to process and photograph Behling. Additionally, she did interview Correctional Officers Garcia and Payne, who were assigned to the hospital guard of Behling. All units at CJF did assist with interviewing involved MCSO staff.

Pod 6C, cell 4 overview:

Detective Bahr was assigned to process and photograph Behling's cell. She did video record the interior of the Housing Unit, and extensively photographed the interior of cell 4. Detective Bahr reported locating a white braided bed sheet on the floor near the bunk, a towel, and other items that did not obviously appear to be of evidentiary value. She did complete a report regarding the processing of Behling's cell, which has been included.

Interviews Performed:

Correctional Officer Cornog, Correctional Officer Brumfield, Correctional Officer Jensen, Correctional Officer Webb, Correctional Officer Fernandez-Rosa, Correctional Officer Reddick, Correctional Officer Lehn, Correctional Officer Glidewell, Correctional Officer Eugenis, Correctional Officer Garcia,

Correctional Officer Gipson, Correctional Officer Travis, Correctional Officer Dixon, Corrections Lieutenant Jones, Corrections Lieutenant Awad, Corrections Lieutenant Joshua, Corrections Lieutenant Avery, RN Supervisor Rocha, RN Supervisor Markwardt, Nursing Supervisor Wysocki, and Inmate Batista-Cabrera. All of the interviews performed have been attached to this report for reference, and those of evidentiary value are listed herein.

Summary of interview with Correctional Officer Cornog:

On 11-24-20, WKSO Detective Knipfer performed an interview with MCSO Correctional Officer Cornog. Cornog stated that at about 1430hrs. he overheard a radio call for an unresponsive inmate in Pod 6C, and responded to that location with his partner, CO Payne. CO Cornog responded to the Housing Unit, and was directed to cell 4, where he noticed that there was a "cloth of some sort" covering the cell window from the inside. Cornog advised that he shook the cell door in an attempt to dislodge the item with negative results. Once the cell door was opened, he advised that he observed Inmate Behling in a crouched position with a ripped portion of a towel wrapped around his neck, with the other side affixed to a towel hook within the cell. Cornog reported that he and other correctional officers began CPR and also applied an AED to inmate Behling, continuing patient care until MFD arrived on scene. He stated that he had no prior contacts with Behling, and therefore had no further information of evidentiary value to provide.

Summary of interview with Correctional Officer Brumfield:

On 11-24-20, WKSO Detective Knipfer performed an interview with MCSO Correctional Officer Brumfield. During the interview, Brumfield stated that at approximately 1430 hrs. the same date, he heard a radio call for an unresponsive inmate in pod 6C. He advised that he responded with his camera to photograph the scene. Upon arrival, Brumfield reported that the inmate was already being treated by medical staff, and his responsibility was to take photographs of the scene. He noted that there was a towel on the ground and a small amount of blood on the floor inside of the cell in question. He advised that he has never had contact with the inmate, and therefore did not have any other information of evidentiary value to provide.

Summary of interview with Correctional Officer Lehn:

On 11-24-20, Detectives Loberg and Coats performed an interview with Correctional Officer Lehn. During the interview, Lehn indicated that she was assigned to the housing unit where Behling's cell was located. Lehn said that at about 14:12hrs. the same day, after receiving a briefing from the first shift within that Pod, began an initial inspection of the Pod. She stated that during this inspection, she observed that inmate Behling was using a towel to cover his cell window, which prevented anyone from seeing inside of it. At that time, she did order him to remove the towel; however, he did not comply with that order. Then, at approximately 1422 hrs. CO Lehn asked CO Glidewell to go to Behling's cell to see if the towel was removed yet. She recalled that it was not, therefore CO Glidewell, for the second time, ordered Behling to remove it. According to her, Behling again did not comply. It should be noted that during both contacts, CO Lehn stated that Behling did verbally acknowledge their order; therefore, they did not suspect that he was in any type of distress. Lastly, she stated that at approximately 1432 hrs., she and CO Glidewell made a final visual of Behling's cell, noting that the towel was still not removed from the window. After attempting to order him a third time to remove that item, she did not receive a response from Behling. She radioed that Behling was unresponsive in

his cell, and staff responded ultimately locating Behling hanging in his cell.

Summary of interview with Correctional Officer Glidewell:

On 11-24-20, Detectives Loberg and Coats performed an interview with Correctional Officer Glidewell. During the interview, Glidewell indicated that he was assigned to the housing unit where Behling's cell was located. Glidewell stated that at the beginning of his shift, his partner CO Lehn began an initial inspection of their pod. He recalled that during that check, he observed from his position that inmate Behling had a towel covering the window of his cell. He saw Lehn approach the cell, knock on the door, and order Behling to remove that item from the window. He said that Lehn told him that Behling verbally acknowledged that order. He thought that about 10 minutes after this contact, Lehn told him that Behling's cell window was still covered. He stated that he went to the cell, knock on the door, and asked Behling if he was okay. After receiving verbal acknowledgment that he was okay, he again ordered Behling to remove the towel from the window, which he again refused to do. Glidewell said that after securing an inmate into a nearby cell, CO Lehn returned to Behling's cell for the third time, again ordering him to remove the towel. He remembered that Behling was not responsive at this time; therefore, CO Lehn immediately called for assistance. He said that after staff responded to that location, they ultimately located Behling hanging in his cell.

Summary of interview with Lieutenant Joshua:

On 11-25-20, Detectives Loberg and Coats did perform an interview with Correctional Lieutenant Joshua. During that interview, Lieutenant Joshua spoke of her interactions with Behling at approximately 1030 hrs. on 11-24-20. She stated that at that time, she did contact Behling to perform a disciplinary hearing with him, regarding a mutual combat that he had at the facility earlier in the week. She did note that during her interaction with him, she did observe a "scratch" about one of his eyes, although could not recall which eye. She stated that her interaction with him was pleasant, and that he did not wish to discuss the prior incident with her. Overall, she did describe that Behling did not appear to be under any type of distress.

Summary of interview with RN Supervisor Markwardt:

On 11-24-20, WKSO Detective Toole performed an interview with Registered Nurse Supervisor Markwardt. During the interview, she told Detective Toole that earlier in the day she responded to a call over the radio for an inmate that had covered the window of his cell. She stated that while en route to that location, she heard that CPR had been initiated, and staff were calling for assistance with a 911 knife. Markwardt that upon arrival, inmate Behling was on his back, and correctional staff were performing CPR on him. As she began to assess his condition, Markwardt said that Behling "appeared to be dead", and she began giving rescue breaths through an air bag. She advised that an AED was already connected to Behling; however, that device did not call for a shock during the entire cycle of Behling's CPR. Markwardt stated they performed CPR until MFD arrived on scene and transported Behling. Markwardt recalled that the last time she was in contact with Behling was on Sunday 11-22-20, after a physical altercation that he had with another inmate. She stated that Behling suffered a small cut above his eye, however refused any medical assistance. Markwardt recalled later seeing Behling in the day room of the Pod, behaving seemingly normal. While treating him, Markwardt said that she never received any indication of Behling being suicidal, and that during his recent intake, he indicated to staff that he has not been suicidal. She did not have any other

information of evidentiary value to provide.

#### EMS Involvement and Transport:

Documentation was received from the MFD as to their involvement in this matter, which has been attached to this report for reference. Those reports reflect that on 11-24-20 at 14:41:20, MFD was dispatched to CJF for "info from the Sheriff/hanging inmate". MFD arrived on scene at 14:46:54, and closed the CAD event at 15:47:23, after conveying Behling to Columbia St. Mary's Hospital. Autopsy and cause of death:

On 11-30-20, Detective Coats did attend the autopsy of Behling, performed at about 0830hrs by Deputy Chief Medical Examiner Doug Kelley. There were no suspicious injuries or circumstances discovered during that autopsy. On 01-14-21, the Milwaukee County Medical Examiner's Office did provide a final copy of their report, which has been included for reference. That report indicates that Behling [REDACTED]

#### Incident/Death notification:

On the evening of this incident, Detective Loberg did make phone contact with Behling's father Norman via phone. During the call, Norman was provided with basic details of the incident, stating that he did not wish to meet in person regarding the investigation. Per his request, Detectives Loberg and Coats did meet with him in person the following day. During that meeting, investigators were advised that hospital staff had already been in contact with Norman's daughter, who was also listed as Behling's emergency contact thru that facility. Therefore, Norman had already been in regular contact with that facility, and continued to be until life-support was removed from Behling.

#### Additional Evidence Obtained/Reviewed:

Department of Veteran Affairs Police Department incident report, CJF arrest-detention report, Department of Veterans Affairs medical records, CO radio traffic, cell intercom call recordings, Milwaukee County Emergency Management AED download, Ascension Columbia St. Mary's Hospital medical records, inmate visitation log, inmate phone call record, inmate communication and grievance records, 911 call audio, 6C inmate assignment list, 6C door reports, 6C activity report, CO schedules, 6C housing unit activity report, CO Brumfield's scene photos, Behling's personal journal, Behling's cell phone extractions, Behling hospital photos, City of Adams PD incident report, Behling CJF medical records, Behling disciplinary action/mutual combat documents and emails, CJF incident report, MFD run report, Behling personal property inventory, and Milwaukee County Medical Examiner's report.

#### Facts and summary of the investigation:

On Tuesday 11-24-20, the Milwaukee County Sheriff's Office contacted the Waukesha County Sheriff's Office requesting assistance in investigating the medical emergency of inmate Joseph A. Behling [REDACTED]. While housed in unit 6C, cell 4, Behling used a towel to cover the interior window of his cell, preventing staff from being able to see inside. Corrections staff made contact with him on two separate occasions, each time receiving a verbal response from Behling, demanding that he remove the towel from that window. Behling did not comply with either of those orders. The third time that they ordered him to remove the towel; they did not receive a response from Behling. Correctional Officers were eventually able to gain a partial visual of the inside of his

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cell, observing that Behling was asphyxiating himself with a bed sheet, fashioned by Behling into a neck ligature. Officers made entry into the cell, confirming that Behling had self-harmed himself by means of a hanging. They observed one end of the sheet tied around his neck, while the other end was secured to a towel hook within the cell. Officers were able to untie the knot in the sheet and administered first aid to Behling, which included CPR and the attachment of an AED. MFD responded to the scene to assist with continued care, and Behling, while still PNB, was conveyed to Ascension Columbia St. Mary's Hospital [REDACTED]. On Friday 11-27-20 at about 1752hrs, staff at the hospital did remove life support apparatus from Behling, and he succumbed to his self-inflicted injuries. The Milwaukee County Medical Examiner did perform an autopsy on Behling, later determining that [REDACTED].

[REDACTED] The investigation has not revealed any obvious sign(s) of criminal wrongdoing related to the death of Behling, nor has it revealed any obvious violation(s) of Wisconsin State Statute. However, this agency is requesting that the Milwaukee County District Attorney's Office review this entire investigation, and provide a legal opinion into those findings, to ensure that this opinion is true and accurate.

Respectfully submitted,

Detective Timothy J. Loberg #8646  
Detective Daniel R. Coats #8748  
Waukesha County Sheriff's Office

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