



City of Oshkosh Police Department

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FOR IMMEDIATE RELEASE OSHKOSH POLICE DEPARTMENT

Date: 07/13/2023
Time: 10:00 AM
Contact: Officer Kate Mann
Public Affairs/ Crime Prevention Officer
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Subject: UPDATE to Officer Involved Shooting

(Oshkosh, WI) July 13, 2023: The Winnebago County District Attorney's Office has determined that the Officer's use of force was justified during the Officer involved shooting that took place on June 29, 2023.

Information that was known to Officers at the time of the call was that on June 29, 2023, at approximately 6:18 AM, Officers from the Oshkosh Police Department received information that there was an intoxicated male walking around carrying a loaded rifle.

Officers were able to locate this male who was carrying a rifle in his hands, in the area of a City of Oshkosh boat launch on Mill St. The interaction took place at this location which is surrounded by a business (with employees in it), a nursing home, and numerous residences. Officers began talking with the subject in an attempt to de-escalate the situation and to try to get the male to put down the rifle which he refused to do. Officers attempted to use less lethal rounds but the subject continued to hold the rifle in his hands. The male then began to raise the rifle and point it at Officers. At this time an Officer fired his duty issued rifle, striking the subject one time.

The Oshkosh Police Department made a request to the Winnebago County Sheriff's Office to conduct an independent investigation. The Winnebago County Sheriff's Office conducted a thorough and complete investigation by identifying all relevant evidence to determine the facts of the case. Once they completed their investigation, they submitted their report to the Winnebago County District Attorney's Office who reviewed the investigation and evidence involved.

After review, the Winnebago County District Attorney Eric Sparr found that the suspect presented a significant risk to the life and safety of the Officer at

the time of the shooting and that the evidence was clear that the suspect was armed with a loaded rifle and began moving closer to Officers in a way that would reasonably cause them concern that the suspect intended to shoot them or others. This act reasonably put the Officer in fear of imminent death or great bodily harm and his use of force was justified.

District Attorney Eric Sparr advised that the Officers showed commendable restraint by making extensive efforts to communicate with the suspect, and even after that proved fruitless, utilized less lethal rounds. District Attorney Eric Sparr stated that the suspect's actions left the Officer with practically no realistic choice but for the Officer to fire his weapon at the suspect to neutralize the threat to themselves and others. District Attorney Eric Sparr said that Officers handled this situation in a manner consistent with law enforcement training, and with what citizens would expect, after being put in a very difficult situation by an individual.

On July 5, 2023, the District Attorney's Office charged the suspect with First Degree Recklessly Endangering Safety. The suspect is identified as Benson Thao (a 34 year old male). Any further information related to charges, should be referred to the Winnebago County District Attorney's Office.

Due to victim rights obligations, the name of the Officer involved is not being released at this time.