

reviewed the evidence gathered by DCI. I have also relied on a report prepared by Former Madison Police Chief Noble Wray. Noble Wray has been involved in police reform at the national level having served as head of Police Practices and Accountability as a presidential appointee in the Obama Administration. Noble Wray was chosen by the Wisconsin Attorney General's Office after I requested they select a qualified, independent individual to review the use of force in this incident and provide an expert opinion. I want to stress that I had no role in Noble Wray's selection nor did I have any influence over his conclusions. Noble Wray's report will also be made available to the public as part of the DCI file.

The Available Evidence Considered in the Context of Domestic Violence

On August 23, 2020, the officers in this incident were responding to a family trouble call which they knew was between a woman and the father of her children. This may seem like a footnote, but it is actually urgently important. Unlike many other types of calls, when police are responding to domestic violence calls they must be ready to enter a scene that is unpredictable and combustible. Police responding to domestic disturbances must be prepared to encounter not just violent behavior, but also potentially controlling behavior by perpetrators towards victims. Police must also consider the particular danger that domestic violence situations present to children, even when those children are not the direct targets of the violence.

When Officer Sheskey, Officer Meronek, and Officer Arenas responded to this call on August 23, 2020, they knew they were responding to a domestic disturbance and they knew the man who was the subject of the call, Jacob Blake, had a warrant for his arrest from a prior incident where he was charged with domestic violence offenses and a sexual assault. Every decision the officers made during this incident, in response to this call, must be interpreted in light of those facts.

Factual and Legal Conclusions

Based on all of the material gathered in this investigation by DCI, the evidence establishes the following facts:

- On Sunday, August 23, 2020, at approximately 5:10 pm, Laquisha Booker, the mother of Jacob Blake's children, called the police reporting that Jacob Blake had taken the keys to her rental vehicle which he would not return to her. Laquisha Booker stated that she was afraid that Jacob Blake was going to take her vehicle and crash it as, she stated, he had done before.
- As a result of this call, Officer Sheskey, Officer Meronek, and Officer Arenas were dispatched to Laquisha Booker's residence located at 2805 40th St. in the City of Kenosha.
- Responding officers were told that this was a "family trouble" call involving a dispute over car keys between Jacob Blake and the mother of his children.
- Jacob Blake had a felony warrant for his arrest.
- The involved officers knew Jacob Blake had a felony warrant for his arrest and knew that the warrant involved domestic violence charges and a sexual assault charge.

- Officer Sheskey obtained a description of Jacob Blake and knew he would have to arrest Jacob Blake on the warrant if he encountered him.
- When officers arrived, Laquisha Booker flagged them down and shouted statements identifying Jacob Blake as the other person involved and indicating that he was trying to take her car, stating, "My kids are in the car."
- Officer Sheskey saw Jacob Blake and saw him putting a child in the back of the vehicle in question, a gray Dodge SUV.
- Officer Sheskey immediately attempted to arrest Jacob Blake based on his active warrant and was quickly assisted by Officer Arenas and Officer Meronek.
- Jacob Blake knew there was a warrant out for his arrest.
- Jacob Blake did not comply with the verbal commands of officers as they attempted to arrest him.
- When the officers attempted to physically restrain Jacob Blake, he resisted, physically struggling with officers.
- Officers brought Jacob Blake to the ground, but he was able to get off the ground and to get away from the officers trying to arrest him.
- During this struggle, Officer Sheskey and Officer Arenas both attempted to subdue Jacob Blake by deploying their tasers.
- Both times that Jacob Blake was struck with the tasers, he ripped out the taser wires/prongs making the tasers ineffective against him.
- Officer Sheskey also attempted to drive stun Jacob Blake with his taser by applying the taser to Jacob Blake's neck/back area, but that too was ineffective.
- As he resisted arrest, Jacob Blake was armed with a knife.
- By the time he was walking in front of the SUV, the knife was opened and the blade was exposed.
- Jacob Blake did not comply with police commands to drop the knife.
- Jacob Blake tried to enter the driver's door of the SUV.
- The SUV had been rented by Laquisha Booker in her name and Laquisha Booker had indicated to police that Jacob Blake did not have permission to drive the vehicle.
- There were children in the SUV who Laquisha Booker had yelled were her children.
- Jacob Blake had the opened knife in his right hand and was attempting to escape from Officer Sheskey's grasp and enter the driver's side of the SUV.
- Both Officer Sheskey and Officer Arenas stated that in the moment before Officer Sheskey opened fire, Jacob Blake twisted his body, moving his right hand with the knife towards Officer Sheskey.
- Two citizen witnesses saw Jacob Blake's body turn in a manner that appears consistent with what the officers described.
- Officer Sheskey shot Jacob Blake seven times in total. There were four entrance wounds to Jacob Blake's back and three entrance wounds to his left side (flank).
- Officer Sheskey stated that he fired shots until Jacob Blake dropped the knife. Noble Wray explained this is consistent with law enforcement training where officers are instructed to continue shooting until they stop the threat.

With these facts established, I do not believe the State could prove beyond a reasonable doubt that Officer Sheskey was not acting lawfully in self-defense or defense of others which

is the legal standard the State would have to meet to obtain a criminal conviction in this case. I also do not believe that there are any viable criminal charges against Officer Meronek or Officer Arenas neither of whom fired a shot in this case.

I describe in great detail below how I have reached these legal and factual conclusions. I have also presented and explained my findings at a press conference using a digital presentation. This too will be made available to the public.

Factual Overview

The Video Evidence

This officer involved shooting occurred shortly after 5:15 pm on Sunday, August 23, 2020 on 28th Ave. which is the road to the east of the residence located at 2805 40th St. in the City of Kenosha, Wisconsin. Any recitation of the facts must begin with the video evidence, in particular, the cell phone video taken by witness RW that in the minutes, hours, and days following this incident was spread and seen by millions on social media and in the news. Though this cell phone video is extremely important evidence, it did not capture the entirety of the interaction between the involved officers and Jacob Blake.

There were three Kenosha Police Department Officers on scene as the incident unfolded. Officers Rusten Sheskey and Brittany Meronek arrived in a fully marked Kenosha Police Department squad SUV and were the primary officers. Officer Vincent Arenas arrived in a fully marked Kenosha Police Department squad car. All three officers were in full Kenosha Police Department uniform. The importance of cell phone video in this case is magnified by the fact that Kenosha Police Officers are not equipped with body cameras. Kenosha Police squad cars are and have for some time been equipped with squad video. Furthermore, audio can be captured by microphones inside the squad and by microphones which can be affixed to the uniforms of Kenosha Police Department Officers and synced with the squad video. When the red and blue emergency lights are activated on a Kenosha Police Department squad, the squad video and microphone audio automatically starts recording. However, in responding to this scene neither Officers Meronek and Sheskey in their squad nor Officer Arenas in his squad activated their emergency lights. Kenosha Police Officers can also manually turn on their squad video and microphones, but that did not occur in this case.

One of the limitations of squad video, in contrast with body cameras, is that it only captures incidents that unfold directly in front of the squad. Here, both squads were facing away from where the incident occurred and so, even if the squad video in either squad had been recording, it would not have captured the incident. The same cannot be said of microphone audio had that been recording. As mentioned above, Kenosha Police Officers are equipped with microphones that they can attach to their uniforms. Had those microphones been recording we might have a complete record of what was said during this encounter including commands issued by the involved officers. As it stands, we are left with the audio that was captured from a distance in the two cell phone videos and with witness accounts of what was said and what was heard.