



DANE COUNTY DISTRICT ATTORNEY ISMAEL R. OZANNE



PRESS RELEASE
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NO CRIMINAL LIABILITY FOR MPD OFFICERS INVOLVED IN SHOOTING INCIDENT ON 11-28-2021

After briefings by investigators, an inspection of the scene shortly after the incident, a review of summary reports, diagrams, and other evidence, the Dane County District Attorney's Office concluded Monday, March 7, 2022, that there is no potential criminal court liability for the City of Madison Officers (MPD) involved in the shooting incident in the City of Madison on November 28, 2021.

On Sunday, November 28, 2021, at approximately 1:30 pm, Dane County Dispatch sent two Madison Police Units to 4658 Secret Garden Dr. with alert tones transmitting "Subject with a gun." The caller reported she received a text message from her daughter indicating her daughter's boyfriend had a gun and was threatening to kill himself. The caller indicated her daughter's boyfriend had tried to convince her daughter to kill herself with him. Dispatch sent MPD Officers to the address on Friday, November 26, 2021, due to a person with a gun who was suicidal. Officers had been given consent on November 26th to search William Salas' room for the alleged gun, but no gun was located. William's parents had acknowledged William's girlfriend had been at the home on the morning of November 26th but didn't believe William had a gun.

On November 28th after being dispatched MPD officers staged near the residence. Contact had been made with William's parents who were returning to the residence. Officer Thompson had spoken with William's parents on November 26th. On the 28th when they arrived home Officer Thompson approached their vehicle and spoke with them briefly. Officer Thompson indicated William's parents had given consent for officers to enter the residence and provided a key. While Officer Thompson was speaking with William's parents she heard the sound of a door open. Officer Thompson looked toward the front door of the residence and saw William Salas walk out onto the front porch. William was in a white T-shirt and pants and did not have a gun in his hands. Officer Thompson approached William on the porch and tried to place herself between William and the front door and did not observe a gun on William at that time. Officer Thompson stated to William "we need to talk" to which William responded "we're not doing this." Officer Thompson believed William's girlfriend was still in the residence and didn't want William to get back inside. William ran to the front door as Officer Thompson tried to use her left shoulder to pin William against the door as she used her right hand to activate her radio and call for other officers. William was able to open the front door, enter the residence and slam the door behind him. Officer Thompson saw William's girlfriend just inside the door before it closed. Officer Thompson

used the key to open the door and observed William running into the kitchen which was straight ahead from the front door.

Officer Thompson followed William and observed William go down the stairs toward the basement. As Officer Thompson began moving down the stairs she drew her handgun because she had lost sight of William as he ran downstairs. Officer Thompson did not see where William went. At the bottom of the stairs, Officer Thompson went to her right to an open door but quickly realized William was not in that room. Officer Thompson observed the backs of other MPD officers in the room to the left of the stairs, which was a furnace/utility type room. As Officer Thompson entered the room she heard "pop, pop" occurring immediately after each other. As Officer Thompson entered the room she saw William falling to the ground and a gun was next to him with blood coming from his head area.

Officer Frias saw Officer Thompson go down the stairs and immediately knew it was unsafe for her to go into the basement without backup. He went down the stairs and drew his Taser when he observed Officer Kimberley at the base of the stairs with his handgun drawn. Officers Kimberley and Lavin followed Officer Frias through the unoccupied area toward a smaller room. When they entered the room Officer Frias saw William was standing holding a black and silver handgun under his chin. Officer Kimberley was pointing his gun at William yelling "drop the gun." Officer Frias pointed his Taser toward William and fired. Almost immediately Officer Frias heard a single gunshot and William fell back to the floor. Officers Thompson and Officer Kimberley started life saving measures on William.

Officer Kimberley indicated when he entered the room in the basement behind Officer Frias he observed William pop out from a corner to his left. William was moving quickly away from officers and had a black and silver handgun in his right hand. Officer Kimberley yelled "gun." William continued to move and Officer Kimberley saw William turn toward other officers and bring the gun up as he turned. Officer Kimberley believed the other officers were in imminent danger and fired his handgun. Officer Kimberley saw William fire his gun then collapse to the ground. Officer Thompson and Officer Kimberley began life-saving measures.

An initial review of William at the scene with the Medical Examiner's Office present showed only one of the Taser prongs had made contact with him and the second had lodged in a bookshelf. This did not allow the Taser to have a closed circuit and would not have delivered the anticipated immobilization. The only gunshot wound to William was consistent with being self-inflicted. There was evidence of a projectile entering storage bins and other materials in the room but no evidence this projectile ever came into contact with William's person.

"A person armed with a firearm poses grave danger to themselves and others. If that individual is not responding to commands to drop the firearm they pose a clear threat of great bodily harm and/or death to officers," said Dane County District Attorney Ismael Ozanne. "Responding to that threat with deadly force is permitted under the law. Here law enforcement attempted to utilize a less than lethal option which was unsuccessful, all be it seconds prior to the uses of deadly force. It is also clear the officer's use of force did not cause William's injury."

Relevant evidence includes statements of officers at the scene, scene diagrams and evidence collection, which are consistent with each other.

Under Wisconsin law, which applies equally to members of law enforcement and to those who are not, any person may use deadly force to respond to a genuine fear of deadly force to that person or any other person. In this case, the MPD Officer was compelled to use deadly force when confronted by a person armed with a handgun moving toward other officers and not responding to commands to drop the handgun, although the officer's use of force did not cause the injury which caused the death.

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The role of the District Attorney's Office in a case of this type is limited to a review of the facts to determine whether further investigation is merited and, after all available evidence is obtained, whether criminal charges could be merited for any individual who has survived the incident. Police executives and supervisors have the exclusive responsibility of establishing appropriate training and protocols for use in response to crisis events, and of selecting from among the tactical options available to police in responding to particular events.

Now with the passage of Wis. Stat. 175.47 (Act 348) there is also a question of compliance with said Statute. This critical incident involved MPD Officers who were responding to a suicidal person armed with a handgun.

Once contact was made William retreated into the residence out of sight of officers who had information he had access to a firearm and had been making statements of self-harm on at least two recent occasions. William armed himself and was not responding to law enforcement's commands to drop the gun. Less than lethal force was attempted but unsuccessful and the deadly force did not impact William, whose injuries were self-inflicted. This investigation was conducted by the Wisconsin Department of Justice Division of Criminal Investigation (DCI) and is in compliance with the statute. In the case of a death caused by an officer, the statute requires that at least two investigators from outside agencies or agencies not involved in the critical incident/Officer Involved Shooting (OIS) lead the investigation:

(3)(a) Each policy under sub. (2) must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

This incident does not involve a death caused by an officer but as a critical incident involving a firearm MPD requested DCI conduct the investigation in compliance with said statute.

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