

OFFICER INVOLVED SHOOTING OF JACOB BLAKE



Digital Presentation of the Factual and Legal
Conclusions

Kenosha County District Attorney's Office

INVESTIGATIVE AND CHARGING PROCESS UNDER WISCONSIN LAW

Wisconsin Statutes section 175.47

1. Investigation by an independent agency
 - a) On August 23, 2020, immediately after this officer involved shooting, agents from the Wisconsin Department of Justice--Division of Criminal Investigation (DCI) were called in as the independent investigative agency
 - b) DCI specializes in investigations of this nature and they were assisted in this investigation by the FBI

2. The independent agency shall, in an expeditious manner, provide a complete report to the district attorney in the county where the incident occurred
 - a) DCI photographed and collected evidence at the scene, conducted inspections and interviews of each of the involved officers, conducted dozens of additional interviews, obtained cell phone video evidence, hundreds of pages of medical records, 911 and dispatch recordings and records, and reviewed more than 40 hours of squad video
 - b) The investigation included nearly 200 reports totaling over 1,500 pages
 - c) DCI's investigative report was turned over to use of force expert Noble Wray on October 8, 2020 and then ultimately to the Kenosha County District Attorney's Office
3. The District Attorney then determines if there is a basis to prosecute any of the involved law enforcement officers
4. If the District Attorney does not issue charges, then the investigative agency shall release their report to the public

STEPS TAKEN TO ENSURE AN INDEPENDENT CHARGING DECISION

1. Immediately called for a parallel civil rights investigation by the US Attorney's Office
2. Requested a neutral Use of Force Expert be chosen by the Wisconsin Attorney General
 - a) The expert, Noble Wray, had no previous connection to the Kenosha District Attorney's Office
 - b) Noble Wray was explicitly asked to conduct his own analysis and reach his own conclusions
3. Deliberately did not consult with the Kenosha Police Department, Jacob Blake, the involved officers, their families, or their attorneys before a decision was made

THE LAW: SELF-DEFENSE AND DEFENSE OF OTHERS

939.48 Self-defense and defense of others

1. A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. **The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.**
2. A person is privileged to defend a 3rd person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the 3rd person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the 3rd person.

THE LAW: REASONABLE BELIEFS

Wisconsin Law defines “reasonable beliefs” as follows

1. A belief may be reasonable even though mistaken
2. The standard is what a person of ordinary intelligence and prudence would have believed in the defendant’s position under the circumstances that existed at the time of the alleged offense
3. The reasonableness of the defendant’s beliefs must be determined from the standpoint of the defendant at the time of the defendant’s acts and not from the viewpoint of the jury now

THE LAW: REASONABLE BELIEFS

The US Supreme Court has found

1. In judging the reasonableness of a particular use of force, the focus must be from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight
2. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation

Graham v. Connor, 490 U.S. 386 (1989)

THE LAW: STATE'S BURDEN OF PROOF

In a criminal case, once “some evidence” of the privilege of self-defense is present, the burden is on the State to prove beyond a reasonable doubt that the defendant's conduct was not privileged

In essence, unless the State is able to prove **beyond a reasonable doubt** that the officer's use of potentially deadly force was unreasonable, the jury would be instructed to find an officer not guilty

ETHICAL CONSIDERATIONS

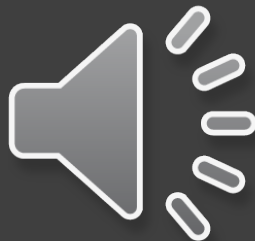
In determining whether or not to issue criminal charges, prosecutors are bound by their ethical duties

1. Wisconsin Supreme Court Rules 20:3.8(a)
 - a) A prosecutor in a criminal case or a proceeding that could result in deprivation of liberty shall not prosecute a charge that the prosecutor knows is not supported by probable cause.
2. American Bar Association Standards for Criminal Justice
 - a) A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, **that admissible evidence will be sufficient to support conviction beyond a reasonable doubt**, and that the decision to charge is in the interests of justice.
3. *Thompson v. State*, 61 Wis.2d 325 (Wis. 1973)
 1. It is an abuse of discretion to charge when **the evidence is clearly insufficient to support a conviction**.

EVIDENCE: WHY DID POLICE RESPOND TO THE SCENE?

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. Laquisha Booker reported that Jacob Blake would not return the keys to her and she was afraid that he was going to take her vehicle and crash it as he has done before.

911 CALL



and on top of that he's not supposed to be here...today is his son's birthday so I allowed him to
LB: Hold on let me get the license plate number...he's kissing the rest of his kids.....ahhh it's I-V-J
LB: Shut the fuck up bitch

THE EVIDENCE: WHAT DID RESPONDING OFFICERS KNOW PRIOR TO ARRIVAL?

1. Officers Sheskey, Meronek, and Arenas were dispatched to the scene for a “family trouble” call involving a domestic disturbance over car keys
2. Dispatch advised responding officers that Jacob Blake had a felony arrest warrant for domestic violence offenses and sexual assault

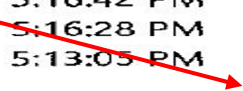
DISPATCH RECORDING



D: Headquarters to 618 and 707 just for 43 we have a alert at this address for a 99 (Warrant) for
S: 618 copy A: 707

MOBILE DATA COMPUTER (IN SQUAD)

Dispatch Messages



5:16:51 PM ch 1 closed
5:16:42 PM shots fired
5:16:28 PM possible shots
5:13:05 PM Jacob has a 10-99 through Kenosha for trespass/DV, DC/
DV, and DC/DV felony 3rd degree sexual assault
5:12:59 PM compl says he is leavingnw and hungup
5:12:52 PM ivj935 is the plate
5:12:07 PM Jacob is now trying to leave.
5:11:28 PM jacob is the compls childs father
5:11:12 PM compl says there is a jacob blake her that isnt suppose to
be here and he took the compls keys and is refusing to
give them back

Call Persons

Name	Date of Birth	Contact
Booker,Laquisha		(262)
BLAKE,JACOB	4/30/1991	

THE EVIDENCE: WHAT DID RESPONDING OFFICERS LEARN UPON ARRIVAL?

1. Officer Sheskey sees Jacob Blake putting a child in the disputed gray SUV
2. Officer Sheskey hears Laquisha Booker yell, "It's him! It's him! He has my keys! It's my car! It's registered to me!" Officer Sheskey stated that he heard Jacob Blake say, "I'm taking the kid and I am taking the car."
3. Officer Meronek hears Laquisha Booker yell, "He has my keys. He has my kids. My kids are in the car, and he won't give me my keys back." After Jacob Blake closes the car door, Officer Meronek hears Laquisha Booker say loudly, "It's too hot for my kids. Get my kids out of the vehicle."
4. Witness MLS hears Laquisha Booker yell, "Here he is. Here he is. He's trying to take my kids and take my car!"

THE DOMESTIC VIOLENCE CONTEXT

1. Laquisha Booker's 911 call
 - a) He has kids with her
 - b) "He has crashed several of my vehicles"
 - c) "He has heard false information – left in my car"
 - d) "Jacob all types of crazy"
 - e) "He is about to hurry off – probably about to go crash it"
2. Dispatch Information Relayed to Officers by Radio and by Computer
 - a) Family Trouble
 - b) Jacob Blake not supposed to be there
 - c) Took her keys and won't give them back
 - d) Caller hung up – uncooperative
 - e) "99" (warrant)
3. Sheskey looked up warrant
 - a) Includes felony sexual assault and domestic violence

PRIOR CONTACTS SUPPORT DOMESTIC VIOLENCE CONTEXT

1. Prior reports of domestic disturbances

- a) 12-11110 (5/19/12) Zion Police Department
 - 1. Dispute involved vehicle/keys
- b) 16-16993 (6/18/16) Mount Pleasant Police Department
 - 1. Dispute involved vehicle/keys
- c) 20-11997 (3/6/20) Kenosha Police Department
- d) 20-17013 (4/6/20) Kenosha Police Department
 - 1. Dispute involved vehicle/keys
- e) 20-21283 (5/3/20) Kenosha Police Department
 - 1. Warrant case
 - 2. Dispute involved vehicle/keys

PRIOR CONTACTS SUPPORT DOMESTIC VIOLENCE CONTEXT

1. The warrant case

- a) Involves both violence and stolen keys/vehicle
- b) Attempt to get Laquisha to recant
- c) Text From Jacob Blake to Laquisha Booker Found on Jacob Blake's phone


Sent	From To +12629775426 Laquisha Booker Direction: Outgoing	Time 7/14/2020 5:10:29 PM(UTC+0) Delivered: 7/14/2020 5:10:28 PM(UTC+0)	Sent	Source: Android Messages	Just tell him you don't remember what you said and you would like to drop the charges Source file: Universal_Android Access.zip/data/data/com.google.android.apps.mess aging/databases/bugle_db : 0x3C3F3F (Table: messages, parts, participants, Size: 5902336 bytes)
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WHY THE DOMESTIC VIOLENCE CONTEXT MATTERS

1. Officers must be prepared to enter a scene that is unpredictable and combustible with the participants sometimes displaying explosive anger even in police presence
2. Officers must constantly account for controlling behavior by perpetrators towards victims
3. Domestic violence situations present particular danger to children even when those children are not the direct targets of the violence

THE ARREST WARRANT

Officer Sheskey knows he must arrest Jacob Blake on his warrant

	KENOSHA POLICE DEPARTMENT			
	POLICY AND PROCEDURE			
	1.8 Arrest			
Effective Date:	3/1/1978	Revision Date:	1/6/2010	
Action:	O-87 Selected excerpts taken from Wisconsin Law Enforcement Officer Criminal Law Handbook		Number of pages:	7

B. Serving an Arrest Warrant

An arrest warrant will be directed to all law enforcement officers. It may be served anywhere in the state, but must be served by an officer with arrest power in the locality where it is served. Do not attempt to serve a warrant outside of your geographical jurisdiction.

There is no statutory provision as to time of service, but the court has said the "command" to make the arrest is not to be at the officer's leisure. "Without delay," "promptly" and "within a reasonable time" are various indications as to permissible time for service. Although it is not to be served promptly and within reasonable time, the arrest warrant does expire after a specific time period, and is valid until executed or withdrawn. The gravity of the offense, potential for escape and for doing further damage should be considered. If a person named in a valid warrant is contacted intentionally or by coincidence there is no discretion regarding service of the warrant.

STATE OF WISCONSIN	CIRCUIT COURT	KENOSHA COUNTY
STATE OF Wisconsin Plaintiff,	WARRANT	
vs.	DA Case #: 2020KN002047	
JACOB S. BLAKE 2805 40th Street, # D Kenosha, WI 53140 DOB: 04/30/1991 Sex/Race: M/B Eye Color: Black Hair Color: Black Height: 5 ft 11 in Weight: 160 lbs Alias:	Agency Case #: KPD 2020-00021283	
Defendant.	For Official Use	

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

A complaint, a copy of which is attached, having been made before me accusing the defendant of committing the crime(s) of:

THE CRIME(S) OF:	DATE OF VIOLATION:	CONTRARY TO WIS. STATUTE(S):
Criminal Trespass;	05/03/2020	943.14(2); 968.075(1)(a)
Domestic Abuse		
Third Degree Sexual	05/03/2020	940.225(3)(a); 968.075(1)(a)
Assault; Domestic Abuse		
Disorderly Conduct;	05/03/2020	947.01(1); 968.075(1)(a)
Domestic Abuse		

RESISTING ARREST

Jacob Blake resists:

1. Disobeys commands from officers
2. Resists officers' physical efforts to arrest
3. Defeats officers use of non-deadly force in the form of tasers
 - a) Rips out the taser probes and wires of Officer Sheskey's taser and Officer Arenas's taser
 - b) Does not comply when Officer Sheskey attempts to drive stun him with the taser
4. Arms himself with a knife
5. Refuses to drop the knife

CIVILIAN VIDEO (TWITTER/ ENHANCED)





WEAPON



ENHANCED VIDEO IMAGE

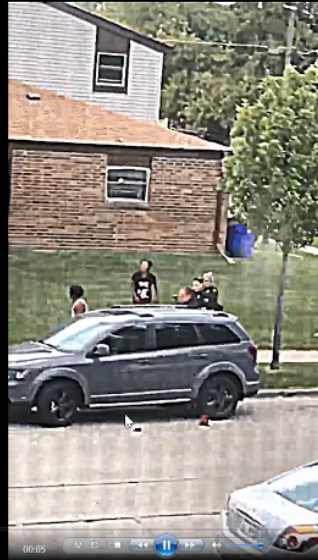


PHOTO OF KNIFE IN SUV



OUTLINE OF KNIFE
IMPOSED OVER VIDEO
IMAGE (DCI)

ENHANCED AUDIO: "DROP THE KNIFE!"



THE EVIDENCE: IMMEDIATELY BEFORE THE SHOOTING

1. Despite all previous efforts to arrest using non-lethal force, Officer Sheskey was confronted with the following facts in the context of a domestic disturbance:
 - a) An armed man with a felony warrant who has just forcefully resisted arrest appeared to be about to flee in a disputed vehicle with at least one child in the back
 - b) Officer Sheskey decided he must physically re-engage, a decision that use of force expert Noble Wray found objectively reasonable
 - c) Jacob Blake stated that he switched the knife from his left hand to his right hand so he could open the car door with his left hand
 - d) Officer Sheskey grabbed Jacob Blake's shirt



THE EVIDENCE: BODY MOVEMENT

Both Officer(s) Sheskey and Arenas reported seeing Jacob Blake twist his body, moving his right hand with the knife towards Officer Sheskey



THE EVIDENCE: WITNESS D.C.

A witness, D.C., stated that just before he heard the shots he observed Jacob Blake trying to get in the car. D.C. stated that he saw Jacob Blake *twist his torso towards the officer from right to left, then heard the shots. D.C. described Jacob Blake's motion as sudden and rapid.*

THE EVIDENCE: WITNESS A.H.

A witness, A.H., stated that she saw Jacob Blake walking very fast around the street side of the car. He opened the car door. A police officer was behind him. The police officer pulled at Jacob Blake's shirt. Jacob Blake turned slightly and then the police officer started shooting.

A.H. EYEWITNESS VIEW



VIDEO AND EYEWITNESSES

1. Crucial Facts

- a) Domestic Disturbance
- b) Felony Arrest Warrant
- c) Armed with a knife
- d) No permission to operate car
- e) At least one child in car
- f) Actively defeated multiple attempts to subdue with taser

Not a single cooperative eyewitness was aware of all of these facts and many of the eyewitnesses were aware of none of them.

THE EVIDENCE: THE SHOOTING

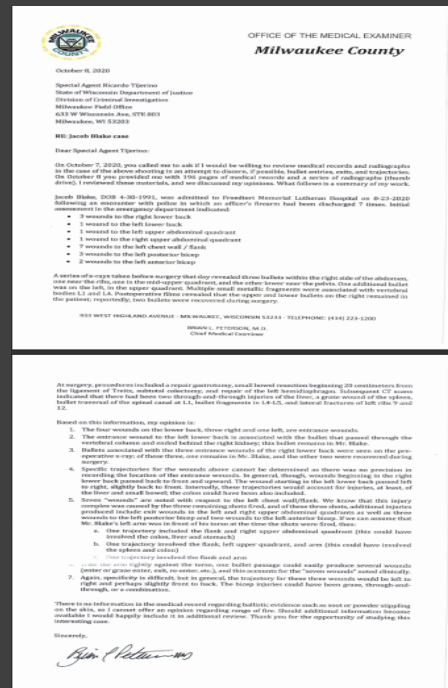
1. Officer Arenas stated that he observed Jacob Blake with the knife in his hand at chest level. The blade was pointed up and he was twisting with his body partially angling towards Officer Sheskey.
2. At that moment, Officer Arenas feared that Jacob Blake was attempting stab Officer Sheskey. Officer Arenas stated, that based on Jacob Blake's motion he would have also fired if he had a clear shot.
3. Officer Sheskey stated that as Jacob Blake was reaching into the car, he turned his torso from right to left towards Officer Sheskey and Officer Sheskey saw that the knife was now in Jacob Blake's right hand, under Jacob Blake's chest and coming towards Officer Sheskey, under Jacob Blake's left arm.
4. Jacob Blake's left shoulder came up slightly and his right shoulder dipped underneath and the knife was moving towards Officer Sheskey. Officer Sheskey stated, "he feared Blake was going to stab him with the knife, but knew he could not retreat because he knew the child could be harmed, taken hostage, or abducted by Blake."
5. Officer Sheskey stated that for the first time Jacob Blake showed intent to harm by driving the knife towards Officer Sheskey's torso. Officer Sheskey stated that for all of the above reasons he shot Jacob Blake.

THE EVIDENCE: THE SHOOTING

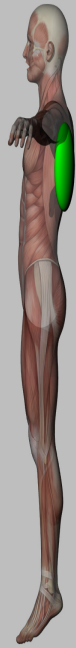
1. Officer Sheskey shot Jacob Blake 7 times
 - a) Four entrance wounds to Jacob Blake's back
 - b) Three entrance wounds to Jacob Blake's left side
2. Officer Sheskey stated that he fired shots until Jacob Blake dropped the knife
 - a) Noble Wray report: "[C]onsistent with WI DOJ DAAT training guide and instruction, officers are trained to continue shooting until they 'stop the threat.'"

THE EVIDENCE: ENTRANCE WOUND LOCATIONS

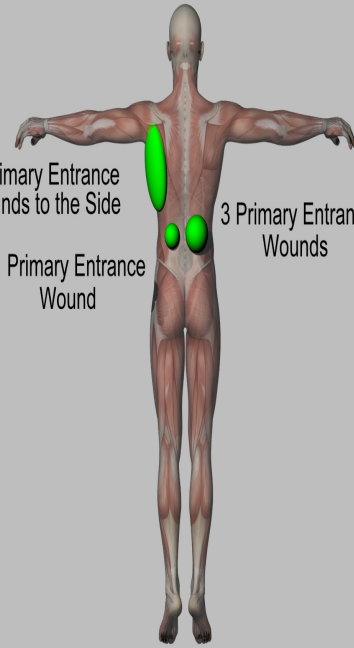
- Milwaukee County Chief Medical Examiner, Dr. Brian Peterson, examined Jacob Blake's medical records.
- Based on the records, Dr. Peterson indicated that there were three gunshot entrance wounds to Jacob Blake's lower right back, one gunshot entrance wound to Jacob Blake's lower left back, and three gunshot entrance wounds to Jacob Blake's left flank (side).



THE EVIDENCE: ENTRANCE WOUND LOCATIONS



3 Primary Entrance
Wounds to the Side



3 Primary Entrance
Wounds to the Side

1 Primary Entrance
Wound

3 Primary Entrance
Wounds

THE EVIDENCE: JACOB BLAKE AS A WITNESS

1. Jacob Blake admits getting into an argument with Laquisha Booker
2. Jacob Blake admits that he knew Laquisha Booker called the police because he wouldn't give her the keys back to the rental car
3. Jacob Blake admits he was armed with a knife
4. Jacob Blake admits to physically struggling with police
5. Jacob Blake admits to twice ripping out the taser probes/wires
6. Jacob Blake admits to attempting to get in the driver's seat of the SUV

THE EVIDENCE: JACOB BLAKE AS A WITNESS

Did he know there was a warrant for his arrest?

This is important because it is his motive to resist

Jacob Blake falsely told DCI investigators he did not know there was an arrest warrant for him in the system

JACOB BLAKE'S KNOWLEDGE OF THE WARRANT

Text from Jacob Blake to Laquisha Booker found on Jacob Blake's phone

Sent	From To +12629775426 Laquisha Booker	Time 7/14/2020 10:00:50 PM(UTC+0) Delivered: 7/14/2020 10:00:49 PM(UTC+0)	Sent	Source: Android Messages	if I'm willing to take them to the park and I got a whole arrest warrant you can't tell me that you can't get up and take them to a park.... I rather take the chance. Source file: Universal_Android Access.zip/data/data/com.google.android.apps.mess aging/databases/bugle_db : 0x3C3665 (Table: messages, parts, participants, Size: 5902336 bytes)
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JACOB BLAKE'S KNOWLEDGE OF THE WARRANT

Internet searches found on Jacob Blake's phone showing him looking up his warrant case in online court records

2020CF000736 Case Details in Kenosha County	https://wcca.wicourts.gov/caseDetail.html?caseNo=2020CF000736&countyNo=3&index=0	8/7/2020 11:58:54 PM(UTC+0)				Artifact Family: Source Repository Path:	Source: Chrome Account: Source file: Universal_Andr oid Access.zip/data /data/com.andr oid.chrome/app _chrome/Defaul t/History : 0x33B7C (Table: visits, urls, Size: 524288 bytes)
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2020CF000736 Case Details in Kenosha County	https://wcca.wicourts.gov/caseDetail.html?caseNo=2020CF000736&countyNo=3&index=0	8/9/2020 5:34:01 PM(UTC+0)				Artifact Family: Source Repository Path:	Source: Chrome Account: Source file: Universal_Andr oid Access.zip/data /data/com.andr oid.chrome/app _chrome/Defaul t/History : 0x338F3 (Table: visits, urls, Size: 524288 bytes)
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THE EVIDENCE: JACOB BLAKE AS A WITNESS

What were Jacob Blake's intentions with the knife?

When DCI agents asked Jacob Blake if he had his knife with him, Jacob Blake said the following, "Why would I pull a knife on a cop? What am I? A knife thrower? I ain't going to pull no knife on no damn cop." Jacob Blake continued, "That's just stupid. I just didn't want to...I just grabbed it, man, honestly." The agents asked Jacob Blake why he grabbed it (the knife). Jacob Blake stated that he didn't want to leave his knife behind.

THE EVIDENCE: JACOB BLAKE AS A WITNESS

1. Incident with Cook County Sheriff's Department August 5, 2010
 - a) Jacob Blake refused to follow police commands
 - b) Officers tried to arrest Jacob Blake and he resisted
 - c) Jacob Blake reached with his left hand into his waistband and produces a knife with the blade open
 - d) Jacob Blake slashed the knife at the officer's chest
 - e) Officers jumped back yelling "KNIFE"
 - f) Officers drew weapons
 - g) Jacob Blake, with the knife in his right hand, slashed towards officers
 - h) Jacob Blake advanced at officers, knife in hand, yelling, "Come on and shoot me then."
 - i) Jacob Blake refused repeated commands to drop the knife
 - j) Jacob Blake was tased multiple times while continuing to be combative and resistive

THE EVIDENCE: LAQUISHA BOOKER AS A WITNESS?

1. Completely unavailable to investigators after brief interview on August 23rd
2. DCI's repeated attempts to obtain a statement from Laquisha Booker have all been unsuccessful
3. Messages to Laquisha Booker from the Walworth County DA's Office were unreturned and efforts to serve Laquisha Booker as a witness for trial in file 20CF736 failed

USE OF FORCE EXPERT NOBLE WRAY: QUALIFICATIONS

1. 37 years of experience in the law enforcement field
2. 10 years as Police Chief in Madison, WI
3. Longstanding proponent of police reform at the state and national level
4. Involved in the investigation of 15-20 officer involved shootings
5. Served as head of Police Practices and Accountability 2016 as a presidential appointee in the Obama Administration, Implementation of Collaborative Reform in several cities including Milwaukee, San Francisco, Memphis, etc., 2010, Office of Community-Oriented Policing, Advisor to Police Executive Research on implementing an integrated approach to communicating tactics and use of force (ICAT) 2016.

USE OF FORCE EXPERT NOBLE WRAY: CONCLUSIONS

1. Overwhelming evidence that Jacob Blake was armed with a knife during this incident
 - a) Jacob Blake admitted to investigators to being in possession of a knife during this incident. Jacob Blake stated that at one point during the struggle, he dropped the knife and then picked it back up. Jacob Blake also acknowledged having the knife at the time he was trying to enter the driver's side door of the SUV.
 - b) All three responding officers saw Jacob Blake in possession of the knife at various times during the incident.
 - c) There are several photos taken at the scene and location where the vehicle was processed for forensic evidence. The photos showed the knife with the blade open on the floorboard in front of the driver's seat.
 - d) Cell phone video shows Jacob Blake in possession of a knife in his left hand when walking around the front of the SUV.
 - e) On the cell phone video, officers are giving verbal commands for Jacob Blake to "drop the knife!"
 - f) A number of witnesses heard officers shouting "drop the knife" to Jacob Blake.
2. Variation in eyewitness accounts of police shootings are expected based on a variety of factors including reactions to stress, attentional bias, vantage point, unknown facts, and many other factors

3. Officers acted reasonably at the decision points in this case

- a) The initial choice to try to arrest Jacob Blake
- b) Drawing their firearms after physical measures including tasing did not subdue Jacob Blake and instead he armed himself with a knife
- c) The choice to again engage with Jacob Blake by grabbing his shirt at the car despite knowing he was armed with a knife
- d) The decision to fire shots at Jacob Blake when Officer Sheskey and Officer Arenas both saw the knife being thrust at Officer Sheskey

4. Officer Sheskey's decision to fire 7 shots was within a reasonable range of standard police training and conduct

5. Each decision to use force in this case was a reasonable response based on the circumstances and facts available to the officers and was proportional to the threat they perceived

LEGAL CONCLUSIONS OF THE KENOSHA DISTRICT ATTORNEY'S OFFICE

1. Based on the facts, the State could not prove, **beyond a reasonable doubt**, that Officer Sheskey's belief that there was an actual or imminent unlawful interference with either himself or another was unreasonable or that Officer Sheskey's belief that the force he used was necessary to prevent imminent death or great bodily harm either to himself or another was unreasonable.
2. As a result, the State could not prove, beyond a reasonable doubt, that Officer Sheskey was not acting lawfully in self-defense or defense of others and so criminal charges cannot be ethically pursued.

ACCESS TO REPORTS

Kenosha County:

<http://www.kenoshacounty.org>

Wisconsin Department of Justice (DCI):

<https://www.doj.state.wi.us/office-open-government/departments-justices-responses-public-records-requests>

DECISION OVERVIEW

1. **Crucial Facts Established by Neutral DCI Investigators:**
 - a) The three involved police officers responded to a 911 domestic disturbance call made by Laquisha Booker. Laquisha Booker called because Jacob Blake had the keys to her rental vehicle (the gray Dodge SUV) and she feared he would take that vehicle without her permission and crash it.
 - b) There were multiple children in the vehicle and the police knew that there was at least one child in the vehicle.
 - c) The police officers were aware of Jacob Blake's arrest warrant for domestic violence offenses and a felony sexual assault. Jacob Blake was also aware of the warrant based on text messages and internet search history from his phone.
 - d) Kenosha Police Department policy mandates that officers have no discretion, they must arrest when there is a warrant.
 - e) Jacob Blake was armed with an open bladed knife in his hand. Jacob Blake admitted he had a knife in his hand.
 - f) Jacob Blake physically resisted arrest and defeated multiple attempts by the officers to subdue him with their tasers.
 - g) Officer Sheskey and Officer Arenas both stated that Jacob Blake twisted towards Officer Sheskey with the knife in his right hand and they feared that Jacob Blake was about to stab Officer Sheskey in the moment before Officer Sheskey shot Jacob Blake.
 - h) Two citizen witnesses observed Jacob Blake twist/turn his body the moment before he was shot.
 - i) Officer Sheskey then shot Jacob Blake. There were four entrance wounds to his back and three to his left side.
 - j) At any trial, Jacob Blake's credibility would be subject to attack based on his prior act of resisting police with a knife in Cook County, IL and based on his false statement to DCI investigators that he was not aware he had a warrant.
2. **Independent Use of Force Expert Noble Wray concluded that, based upon his review of the DCI investigation, "the use of force by Officer Sheskey during his encounter with Jacob Blake on August 23, 2020 was justified."**
3. **The U.S. Supreme Court has held that "the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor*, 490 U.S. 386 (1989).**
4. Based on the facts and under the law, the State could not prove **beyond a reasonable doubt** that Officer Sheskey was not acting lawfully in self-defense or defense of others.