



COUNTY OF KENOSHA DISTRICT ATTORNEY

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District Attorney

Report on the Officer Involved Shooting of Jacob Blake

Synopsis

This document contains the factual and legal conclusions of the Kenosha County District Attorney's Office concerning the shooting of Jacob Blake by Officer Rusten Sheskey of the Kenosha Police Department on August 23, 2020.

My conclusions do not change the fact that the events of August 23, 2020 were a tragedy—for Jacob Blake, for the people who love him, for his children who were witness, for the City of Kenosha, and for all the people most directly affected whose lives will forever be divided into two acts, before August 23, 2020 and after.

The Investigation and the Role of the District Attorney

Immediately after Jacob Blake was shot on August 23, 2020, the Kenosha Police Department contacted the Kenosha Sheriff's Department to help secure the scene and the Wisconsin Department of Justice – Division of Criminal Investigation (DCI) to investigate. The Kenosha Police Department turned over complete control of the investigation to DCI. Over 30 DCI agents were involved in the investigation and those DCI agents spent over 1,000 hours gathering and documenting the facts in this case. DCI was assisted in their investigation by the Wisconsin State Patrol and the Federal Bureau of Investigation (FBI).

Almost immediately after the shooting, a large crowd gathered and remained at the scene creating challenges for investigators. However, DCI was able to photograph and collect all relevant physical evidence from the scene. DCI conducted uniform inspections and gathered evidence from the involved officers, conducted dozens of interviews with the assistance of the FBI, obtained cell phone video evidence, obtained records including hundreds of pages of medical records and other relevant documents. DCI received and reviewed 911 recordings, dispatch recordings, and more than 40 hours of squad video from the squads of responding officers. In addition to the electronic evidence, DCI generated nearly 200 reports totaling approximately 1,500 pages. All of the materials and electronic evidence gathered by DCI will be made available to the public with extremely limited redaction to protect the personal information of witnesses.

As the Kenosha County District Attorney, it is my task, consistent with Wisconsin Statutes section 175.47(5), to determine, based on all the evidence, whether any of the officers involved in this shooting should be charged with any crimes. It is not my role nor do I have the expertise to critique police training and procedures generally or to determine whether there is a basis for a civil lawsuit and recovery of damages. My only role is to determine if criminal charges are legally appropriate. To make this determination, I have thoroughly

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.

DCI's investigation of this incident did involve a review of many hours of squad video as dozens of officers from the Kenosha Police Department and Kenosha Sheriff's Department responded to this officer involved shooting and remained at the scene attempting to control and secure it for hours. However, because these responding officers all arrived after the fact, all of these video and audio recordings that do exist shed no light on the incident itself.

Video and audio recordings can be imperfect. Video may be unsteady and of low quality. It is limited by the angle from which it is taken and may start and stop so that it does not capture the whole incident. Audio may be garbled, muffled, or indecipherable based on the distance of the recording device from the sounds or the chaos of the situation. Even police body cameras may be of limited usefulness in some scenarios, especially struggles at close quarters or in darkness where little may be seen other than a shaking, darkened screen. And, of course, technology can fail. In this particular investigation, two later-arriving officers had been having trouble with their squad videos and microphones and so video and audio from these two separate responding officers did not record properly. In spite of all the above-mentioned limitations, the failure to equip officers who work in the 3rd largest police department in the State of Wisconsin¹ with body cameras does a disservice to Kenosha Police Officers and to the Kenosha community. As illustrated by the events of August 23rd, the significance of this failure is immense. Were it not for the two people who captured cell phone video of this officer involved shooting, there would have been literally no relevant video or audio recordings of this event. In 2020, we should not have to rely on the happenstance of citizens recording on their cell phones in order to have some video/audio record of an incident of this significance. I hope in the future there will be no officer involved incidents subject to review for possible criminal charges where the evidence is limited and made less certain by the lack of body cameras.

Statement and Cell Phone Video of Witness RW

Fortunately, we do have the cell phone video taken by witness RW. RW resided at the apartment building across the street from the scene of the shooting in a second floor apartment. The window through which RW recorded this incident was situated just slightly to the south of where the gray Dodge Journey SUV was parked so RW had to position his cell phone facing west and slightly to the north to capture this incident. RW also did not record the whole incident or all of what he saw.

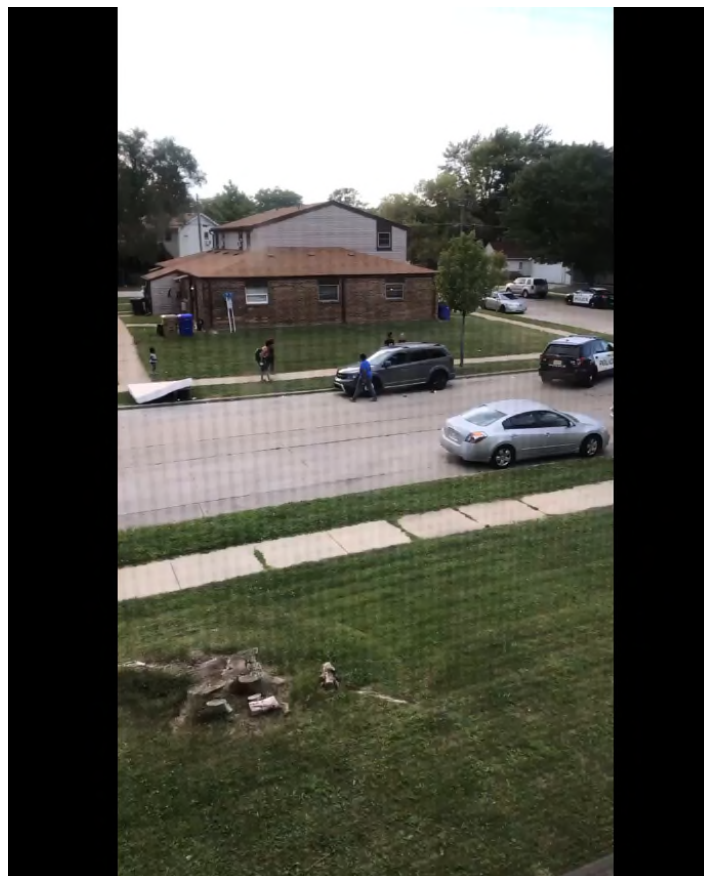
On the evening of August 23, 2020, RW told an investigator from DCI that at around 4:00 to 4:30 pm, he heard the women who stayed across the street in the corner house (2805 40th St.) yelling. RW stated that the women were arguing for about 45 minutes until he saw a man (later identified as Jacob Blake) pull up in the gray Dodge SUV. RW stated that Jacob Blake walked up to a child who RW believed was his son. RW heard Jacob Blake tell his son to get in the truck and he was not going to tell him again. RW believed the boy was about 5 or 6 years old. RW observed the boy running towards the SUV, but did not know if the boy

¹ The Wisconsin Policy Forum, *Police Spending Rises, Staffing Levels Fall* (In 2018, the Kenosha Police Department had the third highest number of sworn officers for police departments in Wisconsin's top ten largest cities.).

entered the SUV or not. RW observed Jacob Blake walk past some of the women without saying anything to them and into the corner house through the back door. RW stated that at that time he went to the bathroom and he was in there for about two minutes.

RW stated that he went back to the window and at that time he observed that there were now two male police officers and one female police officer outside. RW stated that the two male officers were on either side of Jacob Blake who was now outside. RW stated that one officer, who was on Jacob Blake's left side, had Jacob Blake in a headlock, punching Jacob Blake in the ribs. RW stated that the second male officer who was on Jacob Blake's right side also had Jacob Blake in a headlock while trying to control Jacob Blake's arm. RW stated the officers were wrestling with Jacob Blake by the driver's side of the SUV near the hood and were moving along the driver's side towards the rear of the vehicle. RW stated that the female officer, who was standing in front of them, tased Jacob Blake as the other officers were still holding him. RW stated that the female officer tased Jacob Blake in the back, but he didn't go down. RW stated that the two officers continued wrestling with Jacob Blake towards the trunk area of the vehicle. RW stated that when the three of them got to the curb side of the vehicle, they fell to the ground out of RW's view. RW stated that when he first saw the officers wrestling with Jacob Blake, he (RW) went and grabbed his phone off his bed and instantly started recording the encounter.

Turning to RW's cell phone video, this screenshot shows the first moment captured by RW's cell phone video and the point of view from which the video was taken:



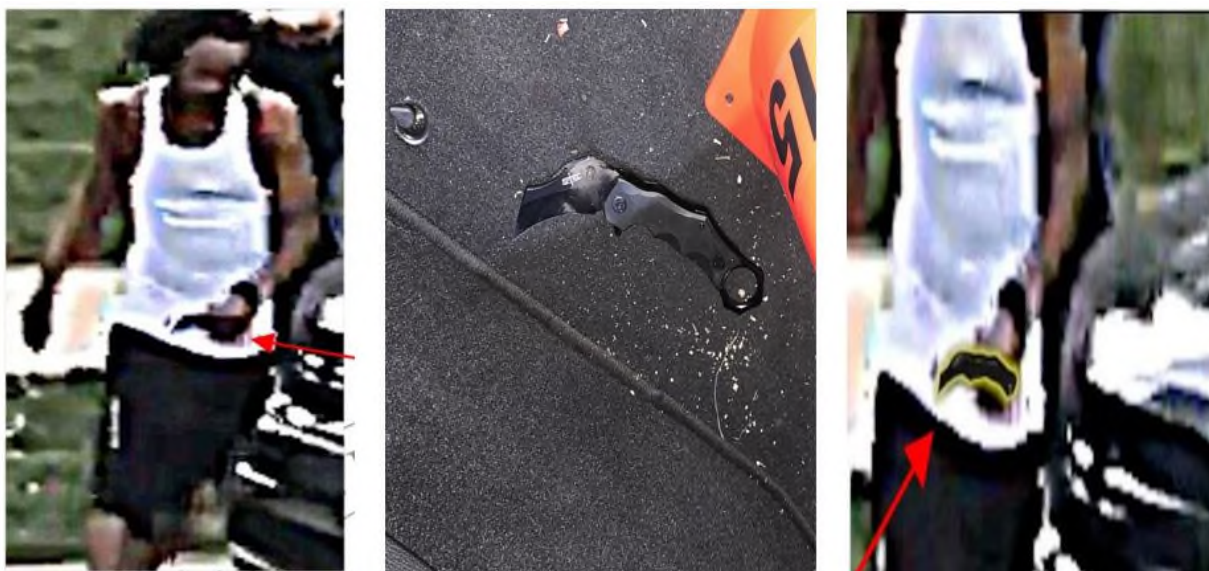
In the center of the frame is the gray Dodge Journey SUV parked on the west curb of 28th Ave. facing south. The residence to the west of the SUV is 2805 40th St. RW's cell phone video faces the driver's side of the SUV. Around on the passenger side of the SUV, two women can be seen initially at the beginning of the video standing near each other. The person who is standing farther south was later identified as Laquisha Booker. She is the mother of three of Jacob Blake's children. Laquisha Booker is wearing a black shirt and multi-colored pants. The other woman who can be seen on the passenger side of the SUV is Officer Meronek.

As the video begins, Officer Arenas can soon be seen as he stands upright near the passenger-side rear tire of the SUV. Officer Meronek and Officer Arenas appear to step back slightly. At this point, Officer Sheskey can be seen standing upright near the passenger-side rear tire of the SUV and Jacob Blake can also be seen standing upright. He is near the passenger-side front door of the SUV. Laquisha Booker is standing away from the SUV near the sidewalk.

The video shows Jacob Blake walk around the front of the SUV from the passenger side. All three officers appear to have their firearms drawn as they follow Jacob Blake with Officer Sheskey in front of Officer Arenas. Both Officers have their firearms pointed in Jacob Blake's direction. Jacob Blake walks directly around the front of the SUV and at this moment, the video shows Jacob Blake holding a curved blade knife in his left hand. Below is a screenshot from RW's video:



A Digital Records Specialist from DCI performed an enhancement of RW's cell phone video to sharpen the image. In the below set of three images, the image on the left is a screenshot from the enhanced video. The image in the middle is a photograph of the knife DCI agents recovered from driver's side floorboard of the SUV after the shooting. The image on the right is the comparison done by the Digital Records Specialist of the knife that was found on the floorboard of the SUV with the object in Jacob Blake's left hand.



In RW's video, Jacob Blake continues to walk around the front of the SUV. Officer Sheskey is directly behind Jacob Blake with his gun drawn and pointed at Jacob Blake. Jacob Blake then walks near the front driver's side tire of the SUV towards the driver's door. At this point, it appears that Jacob Blake's hands come together which would have given him the opportunity to transfer the knife from his left hand to his right hand. Jacob Blake reaches towards the driver's door handle with his left hand. As Jacob Blake approaches and reaches towards the driver's door handle, Officer Sheskey reaches out with his left hand and lunges towards Jacob Blake. Officer Sheskey is holding his firearm in his right hand.

During the period of time in the video when Jacob Blake is walking around the front of the SUV and approaching the driver's side door, a male voice can be heard yelling, "Drop the knife!" at least two times.

The video then shows that just as Jacob Blake grabs the driver's door handle and opens the door, Officer Sheskey grabs Jacob Blake's tank top near the left shoulder. Officer Sheskey then moves to his right, around the open door, while grabbing and pulling at Jacob Blake's tank top. Jacob Blake then leans with his upper body into the SUV. His right arm is briefly visible through the driver's side window of the SUV, but he lowers his arm and bends at the waist, lowering his head and shoulders so that his right arm and his chest area are obscured by the driver's door of the SUV and also by Officer Arenas who is now standing right by the open driver's side door looking through the driver's side window. At this point seven shots can be heard and the video shows Officer Sheskey firing these shots at Jacob Blake. Officer

Sheskey is within just feet of Jacob Blake when he fires these shots and in close enough proximity that he is still holding onto Jacob Blake's tank top which is now stretched out over Jacob Blake's left shoulder. After Officer Sheskey fires the shots, Jacob Blake ends up seated in the driver's seat of the SUV. Officer Sheskey continues to hold onto Jacob Blake's tank top and point his firearm towards Jacob Blake, while Officer Arenas moves from the driver's door area to a position behind Officer Sheskey. At this point, Laquisha Booker comes into view near the driver's door of the SUV. She appears distraught and is jumping up and down. Officer Arenas can then be seen approaching Laquisha Booker with his gun in his right hand still pointed at Jacob Blake. Officer Arenas uses his left forearm to move Laquisha Booker back away from the SUV. RW's cell phone video then ends.

In addition to this well-known video, RW provided DCI with additional videos he recorded on his cell phone that evening. Three short videos that RW took immediately after the shooting show the involved officers rendering aid to Jacob Blake before the arrival of rescue personnel.

Cell Phone Video of Witness MJ

Another witness, 13 year-old MJ, also captured cell phone video of this incident. MJ's cell phone video has been shared on social media and by news outlets. MJ was standing on the lawn area on the west side of 28th Ave. so that in her video she captured some of the events occurring on the passenger side of the SUV which cannot be seen on RW's video. This is a screenshot from the very beginning of MJ's video showing the point of view from which her video was taken:



Near the center of the frame is the gray Dodge SUV. Behind the SUV at an angle is the KPD squad SUV of Officer Meronek and Officer Sheskey. Like RW's video, this video only partially captures the incident though MJ's video appears to begin moments before RW's. As MJ's video begins, Laquisha Booker can be seen standing to the rear of the gray Dodge SUV. The video briefly moves away from the SUV so it is off screen, but then returns at which point Officer Meronek comes into view standing near and to the left of Laquisha Booker at the rear of the SUV.

Due to the quality and unsteady nature of the video, and the distance between MJ and the events taking place, it is difficult to make out figures, but the video appears to show Jacob Blake emerge from the rear of the SUV and into view. He appears to be on his hands and knees.

The same Digital Records Specialist from DCI also performed an enhancement of MJ's cell phone video to stabilize and sharpen the video. This enhanced version of the video more clearly shows the moment when Jacob Blake emerges from the rear of the SUV and into view. In the enhanced video it appears that, as Jacob Blake is coming into view, he is on top of and struggling with another person. Though in the video the identity of this other person cannot be clearly seen, based on the positioning of the involved individuals as the video progresses, this person who Jacob Blake is on top of and struggling with is likely Officer Sheskey.

As MJ's video continues, an Officer who appears to be Officer Arenas is standing, bent over, directly behind Jacob Blake. It appears that this Officer has his hands on Jacob Blake, but the view becomes briefly blocked. The video then shows Jacob Blake near the rear passenger-side tire of the SUV. The Officer still appears to be bent over with his hands on Jacob Blake and Jacob Blake appears to lift at least one of his hands (his right hand) off the ground and raise his torso although he appears to still be on his knees.

As the video continues it appears that Jacob Blake returns to a position on his hands and knees as the Officer is still hands-on behind him. At this point, it becomes very difficult to see what is happening between Jacob Blake and the officers as they remain up against the passenger side of the SUV because the video is shaking and MJ's view is obstructed by multiple witnesses who are near the SUV. As the video continues, a figure who appears to be Officer Sheskey comes into view and is now the officer nearest Jacob Blake. His sudden appearance is consistent with him having been on the ground with Jacob Blake during the struggle as the enhanced version of the video indicates.

At this point, the view on MJ's cellphone video continues to be obstructed until Jacob Blake can be seen in a standing position and walking along the passenger side of the SUV to the front of the SUV. Jacob Blake can then be seen walking around the front of the SUV followed by Officer Sheskey and then Officer Arenas both of whom have their guns drawn and pointed at Jacob Blake. At this time, Officer Meronek is circling around the rear of the SUV with her gun drawn. As Jacob Blake nears the driver's door, Officer Sheskey can be seen reaching towards Jacob Blake. Officer Arenas is further back having taken a wider path around the

front of the SUV. The door of the SUV can be seen opening and three gunshots can be heard before MJ stops the video.

MJ's video also captures audio of this event. A lot of screaming can be heard as well as a few shouted phrases, but no relevant audio such as officer commands or statements from Jacob Blake can be clearly discerned.

Unanswered Questions

While the video evidence in this case is critical, the recordings from this incident still left many unanswered questions including: What happened at the scene that led up to this incident? Why were police there? What knowledge did the police have about the incident they were responding to? What occurred on scene after the police arrived, but before any video was captured? What did the involved officers, Jacob Blake, and the citizen witnesses see and hear? What were their perceptions about what was occurring? And what occurred on scene that was not captured on video/audio?

Through their investigation, DCI sought to answer these questions and the answers to these questions are essential to the legal analysis of whether any of the involved officers committed a crime.

Events Occurring Before Police Arrival

Multiple citizen witnesses were able to provide DCI information about what had occurred at 2805 40th St. before police arrived. Witness MQS told DCI that on the afternoon of August 23, 2020, she and her mother (MLS) and her sister (MJ) had been visiting a relative, TH. TH lived in the apartment building at 4018 28th Ave. with her children. MQS stated that around 4:00 pm she saw Jacob Blake arrive at the corner house (2805 40th St.) and start getting a small grill ready for a cookout. MQS stated that Laquisha Booker, who lives at the house, was outside with her sister and about five to six young children. According to what DCI was able to determine, Laquisha Booker was not currently in a relationship with Jacob Blake at the time of this incident, but they have three children together.

MQS stated that there was a disagreement between her relative, TH, and Laquisha Booker and they were yelling back and forth outside. MQS stated that Jacob Blake overheard something that hurt his feelings and wanted to leave. MQS stated that Laquisha Booker did not want Jacob Blake to go, but Jacob Blake got his kids and put them in the car anyway. MQS stated that she was trying to tell TH to stop arguing with Laquisha Booker and that it wasn't worth it. MQS believed that Laquisha Booker didn't like the fact that Jacob Blake was leaving with the kids. MQS stated that Laquisha Booker had an angry look on her face and was running back and forth into the house while continuing to argue with TH. MQS stated that Laquisha Booker did not want Jacob Blake to leave with her rental vehicle. MQS stated that after the arguing continued for about 20 to 30 minutes, she saw Laquisha Booker on the phone with the police and then saw police arrive.

MLS gave a statement that was substantially similar to that given by her daughter. Many witnesses who DCI interviewed stated that their attention was first drawn to the incident by a loud argument occurring between two women.

Through their investigation, DCI was able to determine that the vehicle in question, the gray Dodge SUV, was a rental vehicle that had been rented by Laquisha Booker.

911 and Dispatch

At 5:10 pm on August 23rd, dispatch did receive a 911 call from Laquisha Booker. In the call, Laquisha Booker and the dispatcher had the following exchange:

Complainant I'm willing to take that risk...

Dispatcher 911. What is your emergency?

Complainant Yes. I need an officer to 2805 40th Street Unit D

Dispatcher 2-8-0-5 4-0 Street Letter D as in David?

Complainant Yep. Letter D as in David. Jacob Blake is here and he has the keys to a rental that I purchased that I need to take back and he's not trying to release it and on top of that, he's not supposed to be here. Today is his son's birthday, so I allowed him to spend a couple hours with him, but he's not giving me the keys to this rental. And that's all I'm asking for. I never would have called you guys. I promise you, I try to keep from calling you guys. He's crashed numerous of my vehicles in the past and I literally just bought one like yesterday. And so, just because he heard some false information, he's not willing to give me the keys to this car that doesn't even belong to me. Me and my sisters just saw him skirt off in it and turn around and come back, so I need you guys to come...and I need these keys.

Dispatcher Okay. What is your name?

Complainant My name is Laquisha Booker. (In the background she says, "Go ahead and tell the girls that. Go ahead and tell them that.")

Dispatcher And what is the phone number you're calling from?

Complainant [Provides phone number]

Dispatcher [Repeats phone number]

Complainant (In the background she says, "Don't not put your shoes on. The police are on their way here. Yes it is. Do not put your shoes on Izrael. Go back to playing your game. You didn't even want to go outside.")

Dispatcher Is Jacob there right now?

Complainant Yes and he is trying to kiss his kids, so he can hurry up and leave. He was here talking all types of crazy and now he's walking off now. Now he's getting ready to leave. Well, let me get the license plate.

Dispatcher Okay. And is he White, Black, Hispanic?

Complainant Hold on. Let me get the license plate number. He's kissing the rest of his kids. It's IVJ-935.

Dispatcher I as in Ida, Z as in Zebra, J as in John 935?

Complainant No, IV. No IVJ-935. Good luck.

Dispatcher V like V as in Victor?

Complainant Yep. V as in Victor.

Dispatcher Okay.

Complainant And he's probably about to go crash it. He's is pulling off right now. IVJ - 935.

Dispatcher What state is it out of?

Complainant (In the background she says, "Shut the fuck up bitch!")

End of Call

Officer Meronek and Officer Sheskey responded to the call and Officer Arenas responded as backup. Via radio, dispatch gave these officers Laquisha Booker's address and informed the responding officers that this was a "family trouble" call, that Laquisha Booker (identified as "the complainant") said Jacob Blake is not supposed to be there, that he took her keys, and that he was refusing to give them back. Dispatch informed the responding officers that Jacob Blake had "a 99" meaning a warrant. Dispatch then informed the officers that he (Jacob Blake) was trying to leave and they were trying to get a vehicle description. Dispatch then indicated that the complainant said that he (Jacob Blake) left and then she hung up.

Via computer, dispatch provided the following information to the responding officers:

05:11:12 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

05:11:28 jacob is the compls childs father

05:12:07 Jacob is now trying to leave.

05:12:52 ivj935 is the plate

05:12:59 compl says he is leavingnw and hungup

05:13:05 Jacob has a 10-99 through Kenosha for trespass/DV, DC/DV, and DC/DV felony 3rd degree sexual assault

This information from dispatch shows the involved officers knew they were responding to a family trouble complaint, where a male identified as Jacob Blake, was attempting to leave in the complainant's car and perhaps had already left. The officers were also made aware that Jacob Blake had a felony warrant out of Kenosha County that involved domestic violence offenses and a felony sexual assault.

Events Occurring After Police Arrival

DCI's investigation uncovered over a dozen citizen witnesses who saw at least part of the police interaction with Jacob Blake culminating in Officer Sheskey shooting Jacob Blake at the driver's side door of the gray Dodge SUV. As the investigative file will be made public, it is not the purpose of this document to simply repeat what each eye witness told investigators. Rather, this report will present brief summaries of the statements of the four main participants in this incident (the three Kenosha Police Officers and Jacob Blake) and consider those statements in light of the accounts of other witnesses, the video evidence, the physical evidence, the examination of the scene conducted by investigators, and all other relevant materials obtained by DCI during the course of their extensive investigation.

In conducting this evaluation, it is important to bear in mind that, as with all investigations involving multiple witnesses, the accounts are not all consistent. In his report evaluating the police use of force in this case, Noble Wray writes at length about the reasons why, in his experience, witnesses and the persons directly involved in an incident of this nature often have varying accounts. Those reasons include how the mind responds to stress, the witness's vantage point and opportunity to see and hear the event, whether the witness was influenced by bias including implicit bias or bias arising from that individual's personal involvement in the event or a relationship with an involved individual. In determining what actually happened after the police arrived on scene, I have taken into consideration these limitations of witness accounts and given most weight to statements by witnesses and the participants that are corroborated by other evidence.

Summary of Officer Rusten Sheskey's Statement (See Attachment 1 for Full Statement)

On August 26, 2020, DCI agents interviewed Officer Sheskey at the DCI Milwaukee Field Office. Present during the interview was a Kenosha Professional Police Association Union Representative and two attorneys for Officer Sheskey.

Officer Sheskey stated that while on duty on August 23, 2020 sometime after 5:00 pm, he and Officer Meronek were dispatched as the primary unit to a "family trouble" involving a subject named Jacob Blake. While they were en route to the assignment he heard dispatch advising that the male involved had a felony warrant for 3rd Degree Sexual Assault, Trespassing/Domestic Violence (DV) related and Disorderly Conduct (DC)/DV related. Officer Sheskey stated he also recalled dispatch advising something about a child or children being involved in the incident and something about the male being in possession of the keys of the caller and he was refusing to give them back and then leaving the area. Dispatch advised that the caller was being uncooperative.

Officer Sheskey stated that after receiving all of that information from dispatch he knew that Jacob Blake would ultimately have to be arrested for the felony warrant. Officer Sheskey was able to get a physical description of Jacob Blake. As he and Officer Meronek travelled south on 28th Avenue, approaching 40th Street, Officer Sheskey saw a man fitting Jacob Blake's description carrying a child of 3-4 years of age and walking towards a silver car parked on the west side of the street. Officer Sheskey also observed a female walking behind the subject believed to be Jacob Blake. Officer Meronek pulled the squad over on the west side of the street, and, as they were getting out of the squad, Officer Sheskey observed Officer Arenas walking from the west towards them.

Officer Sheskey stated that he walked directly towards the male and, as he approached him, he could hear the female screaming, "It's him! It's him! He has my keys! It's my car! It's registered to me!" Officer Sheskey heard the male say, "I'm taking the kid and I am taking the car." Officer Sheskey said to the male, "Let's talk about this." Officer Sheskey saw the male put the young child he had been carrying in the back seat of the vehicle and then turn to face him. Officer Sheskey did not know whose child it was. Officer Sheskey stated that he was confident that the male standing in front of him was Jacob Blake. Officer Sheskey grabbed Jacob Blake's arm to place him under arrest and he told Jacob Blake that he had a warrant.

Officer Sheskey then described in detail the physical struggle between officers and Jacob Blake as they tried to arrest Jacob Blake (see full statement for all details). Officer Sheskey described Jacob Blake's physical resistance and his failure to follow commands. Officer Sheskey described how Jacob Blake reached for his waistline area with his left hand which made Officer Sheskey believe that Jacob Blake was reaching for a weapon, though Officer Sheskey did not see a weapon at that time.

As the struggle continued, Officer Sheskey described how he discharged his taser at Jacob Blake and how he saw Jacob Blake break the taser wires with his right hand which is something Officer Sheskey stated he had never seen anyone do before. Officer Sheskey

then described how he tried to drive stun Jacob Blake by putting the metal ends of the taser on Jacob Blake's neck/back area but that also did not work as Jacob Blake slipped away and the physical struggle continued. Officer Sheskey described how he attempted to decentralize Jacob Blake to bring him to the ground, but Jacob Blake spread his feet and lowered his center of gravity and both Officer Sheskey and Jacob Blake ended up falling to the ground.

Officer Sheskey stated that he yelled at Jacob Blake throughout the incident numerous verbal commands as well as, "Stop resisting!" Officer Sheskey stated that he heard someone yelling at that time, "He has a knife! Knife! Knife!" After he heard that, Officer Sheskey stated that he drew his gun, but up to that point he still had not seen the knife. Officer Sheskey stated he started to give verbal commands to Jacob Blake to drop the knife, but Jacob Blake did not comply. Officer Sheskey stated that Jacob Blake was now walking towards the front of the SUV. Officer Sheskey continued to yell for Jacob Blake to drop the knife; however, Jacob Blake continued to ignore the commands. As Jacob Blake turned left in front of the vehicle, Officer Sheskey first saw the black knife in Jacob Blake's left hand.

Officer Sheskey stated that when Jacob Blake got to the left front corner of the SUV, he turned a hard left and started going towards the driver's side door. Officer Sheskey stated that he started thinking to himself, "I don't know what he is going to do. Is he going to hurt the kid? Is he going to take off in the vehicle? Will we have to pursue the vehicle with a child inside of the car? Is he going to hold the child hostage? Are his actions going to put others at risk?" Officer Sheskey was aware of at least one child being inside of the vehicle at that time, and he did not know if it was Jacob Blake's child. Officer Sheskey stated that at that moment he decided that he could not let Jacob Blake get back into the vehicle. Officer Sheskey stated that he thought that it was dangerous for the public and the child in the vehicle to let Jacob Blake leave when he was armed with a knife.

Officer Sheskey stated that he closed the distance between himself and Jacob Blake as he got to the front door of the SUV. Officer Sheskey could not remember if the SUV door was open or if Jacob Blake had to open it, but as Jacob Blake attempted to get in the SUV, Officer Sheskey grabbed Jacob Blake's shirt and pulled him in an attempt to prevent him from getting into the vehicle. Officer Sheskey stated that Jacob Blake started to lean into the vehicle as Officer Sheskey was pulling Jacob Blake's shirt. As Jacob Blake was reaching into the car, Jacob Blake 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. 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 the knife was approximately two feet away from him. 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 feared Jacob Blake was going to stab him with the knife but knew that he could not retreat because the child was in the car and could be harmed, taken hostage, or abducted by Jacob Blake. Officer Sheskey stated that for these reasons, he discharged his firearm towards Jacob Blake.

Officer Sheskey believed that he fired six shots. Officer Sheskey stated that he did not stop firing until he saw Jacob Blake drop the knife. Jacob Blake came to a sitting position as

Officer Sheskey was firing, and Jacob Blake's hands were in front of his chest still holding the knife. As Jacob Blake dropped the knife to the floorboard, Officer Sheskey stopped firing. Officer Sheskey stated that he was shooting down and forwards because he didn't want to put the child seated in the back of the vehicle or any civilians in danger. Officer Sheskey stated that immediately after he saw Jacob Blake drop the knife he holstered his weapon and checked Jacob Blake for more weapons, finding none. Officer Sheskey then provided first aid to Jacob Blake.

Summary of Officer Brittany Meronek's Statement (See Attachment 2 for Full Statement)

On August 25, 2020, DCI agents interviewed Officer Brittany Meronek at the DCI Milwaukee Field Office. Present during the interview was a Kenosha Professional Police Association Union Representative and two attorneys for Officer Meronek.

Officer Meronek stated that during her shift on August 23rd, she and Officer Sheskey as well as Officer Arenas were dispatched to a family trouble call. The caller said a male subject at the residence was not supposed to be there, had the caller's car keys and would not give them back. They responded without lights and sirens to the call at 40th Street and 28th Avenue. Officer Sheskey read the call notes to her. Dispatch stated they were on the line with the caller who said the male was trying to leave. The caller provided a license plate on a vehicle with an unknown state, and then the caller became uncooperative and hung up on the dispatcher.

Officer Meronek stated that she parked the patrol car at a diagonal on 28th Avenue at the corner of 40th Street on the west side of the street facing north. As soon as Officer Meronek opened her squad car door, she was met by a female (later identified as Laquisha Booker) who ran up to her and the two spoke at the rear of the squad. Laquisha Booker was frantic and loud. She pointed at a male subject (later identified as Jacob Blake) who had walked from the area of the adjacent building and towards an SUV parked behind the squad. Laquisha Booker yelled, "He has my keys. He has my kids. My kids are in the car, and he won't give me my keys back." Officer Meronek and Laquisha Booker observed Jacob Blake close the back passenger side door of the SUV and Laquisha Booker stated loudly, "It's too hot for my kids. Get my kids out of the vehicle."

Officer Meronek stated that while she was talking to Laquisha Booker, Officer Sheskey had walked towards Jacob Blake. Officer Meronek observed that Officer Sheskey was attempting to detain Jacob Blake and Jacob Blake was actively resisting. Jacob Blake pulled his arms away from Officer Sheskey as Officer Sheskey attempted to gain control of them. Officer Sheskey yelled loudly, "Stop resisting." Officer Arenas had arrived and was with Officer Sheskey. Officer Meronek ran to the SUV to assist them. Officer Meronek then described in detail the physical struggle between officers and Jacob Blake (see full statement for all details).

Officer Meronek stated that, during the struggle, Jacob Blake's left arm was in his front waistband or groin area and she feared that Jacob Blake was attempting to retrieve a

weapon from his front waistband area, but she was unable to physically control his left arm. Officer Meronek described how Jacob Blake refused to comply with verbal commands and how either Officer Arenas or Officer Sheskey fired their taser at Jacob Blake, but Jacob Blake showed no effect from the taser. Officer Meronek stated that she used her police radio to call dispatch and request more squads. Officer Meronek described how the physical struggle continued, how Jacob Blake continued to ignore verbal commands and continued to resist the officers' attempts to physically restrain him. Officer Meronek described how either Officer Sheskey or Officer Arenas tased Jacob Blake again. Officer Meronek stated that Jacob Blake hunched over after the taser probes struck him, but, again, the taser seemed to have little or no effect on him.

Officer Meronek stated that while Jacob Blake was hunched over and the taser was still delivering the five second cycle, she approached him to try to gain control of him by pinning him against the vehicle. As Officer Meronek engaged Jacob Blake, she observed that Jacob Blake had a knife. Officer Meronek said that she yelled out to alert the other officers, "Knife! Knife! He has a knife!" Officer Meronek stated that the blade on the knife was extended out. Officer Meronek stated that the three officers all stepped back towards the sidewalk along 28th Avenue to distance themselves from Jacob Blake as they drew their firearms. The officers then all began yelling the commands, "Drop the knife and show us your hands." Jacob Blake did not comply with or acknowledge the commands.

Officer Meronek stated that Jacob Blake moved to the front of the SUV, then turned and walked across the front toward the driver side. Officer Sheskey and Officer Arenas both followed behind Jacob Blake around the front of the SUV as Officer Meronek moved around the back of the SUV. Officer Meronek stated that Jacob Blake reached the driver's door of the SUV, and tried to enter the vehicle while officers yelled, "Show me your hands." At that time, Officer Meronek heard what she believed was four gun shots from the area of the driver's door of the SUV. Officer Meronek did not see which officer fired his weapon but recalled seeing Officer Sheskey in the open doorway of the vehicle, behind Jacob Blake who was standing outside the vehicle with his upper body leaning into the vehicle. Officer Meronek said she got on the police radio and called out to responding squads, "Step it up. Shots fired. Shots fired." Officer Meronek stated that after the shooting, officers laid Jacob Blake flat on the ground on his back and began providing him medical aid.

Summary of Officer Vincent Arenas's Statement (See Attachment 3 for Full Statement)

On August 25, 2020, DCI agents interviewed Officer Vincent Arenas at the DCI Milwaukee Field Office. Present during the interview was a Kenosha Professional Police Association Union Representative and two attorneys for Officer Arenas.

Officer Arenas stated that on August 23, 2020, he was on duty working second shift when he was dispatched to a "family trouble" call around 5:00 pm. While driving to the address, Officer Arenas recalled dispatch advising that the male associated with the address of the call had a felony warrant. Dispatch stated something about children possibly being involved and that the male was not giving the caller her keys back. Dispatch stated that the male subject had left and the caller was uncooperative. After arriving on scene, Officer Arenas observed

Officer Sheskey and Officer Meronek speaking with individuals near a gray/silver SUV parked on 28th Avenue.

Officer Arenas stated that as he was walking towards Officer Sheskey, he observed the male that Officer Sheskey was talking to (later identified as Jacob Blake) attempting to walk away from officers. Officer Arenas said that he walked to the front passenger side of the SUV in Jacob Blake's path of travel when Officer Sheskey went hands on and grabbed Jacob Blake to stop him. Officer Arenas then described in detail the struggle between the officers and Jacob Blake (see full statement for all details). Officer Arenas stated that all three officers stepped in and tried to control Jacob Blake. At that time, Officer Arenas heard Officer Meronek say, "He's got a knife." Officer Arenas said that he then observed the knife in what he believed was Jacob Blake's left hand near his groin area. Officer Arenas indicated that the blade of the knife was open.

Officer Arenas stated that the officers created distance, stepping back, and gave numerous orders similar to, "Drop the knife." Officer Arenas stated that at that time one of the other officers fired their taser. He believed it was Officer Sheskey who had done this. Jacob Blake tensed up but did not fall to the ground and did not drop the knife. Officer Arenas stated that he and Officer Sheskey attempted to control Jacob Blake, but he was actively resisting, violently pulling and twisting to get away from the officers. Officer Arenas stated that all of the officers continued to give verbal commands including, "Drop the knife," and "Stop resisting."

Officer Arenas stated that he fired his taser with the probes making contact with Jacob Blake's upper torso, but it did not appear that the taser had any effect on Jacob Blake. Officer Sheskey and Jacob Blake ended up both going to the ground with Jacob Blake still actively resisting the officers. Officer Arenas pulled the trigger to his taser giving a second five second cycle. The taser again appeared to have no effect on Jacob Blake. Jacob Blake got up from the ground and began moving towards the front of the vehicle. The officers continued to give verbal commands saying, "Drop the knife." Officer Arenas stated that he drew his firearm.

Officer Arenas stated that Officer Sheskey was behind Jacob Blake, moving around the front of the SUV with his gun out. Officer Sheskey tried to grab Jacob Blake as he opened the driver's door of the SUV. As Officer Arenas reached the outside of the opened driver's door, with Officer Sheskey holding Jacob Blake's shirt in the opened door, Officer Arenas said that he observed Jacob Blake with the knife in his hand at chest level. The blade was pointed up and Jacob Blake was twisting with his body partially angling towards Officer Sheskey. Officer Arenas said at that moment he feared that Jacob Blake was about to stab Officer Sheskey. Officer Arenas stated that he knew he had to stop him, but he did not have a clear shot due to the positioning of the door and Officer Sheskey. Officer Arenas said that he felt helpless, and feared that Jacob Blake would stab Officer Sheskey and there was no way for Officer Arenas to stop him. Officer Arenas stated that if he had had a clear shot when Jacob Blake raised his arm to chest level in the vehicle, he would have fired if Officer Sheskey was not in the doorway.

Officer Arenas heard multiple gun shots. Officer Arenas stated that he believed that he called out "shots fired" over the police radio after the shooting. Officer Arenas observed a knife on the floorboard area of the driver's seat after the shots were fired. Officer Arenas stated that the officers switched to providing medical aid to Jacob Blake.

Summary of Jacob Blake's August 24, 2020 Statement (See Attachment 4 for Full Statement)

On August 24, 2020 at approximately 4:00 pm, two DCI special agents interviewed Jacob Blake at Froedtert Hospital in Milwaukee. It should be noted that this interview occurred less than 24 hours after the shooting. Jacob Blake was severely wounded, still in need of intensive medical treatment, and on pain medication.

During this interview, Jacob Blake stated that he had been staying with his girlfriend (Laquisha Booker) at her house for approximately five days when they got into some type of argument. Laquisha Booker was angry with him because he did not seem more upset when he found out that she had been sleeping with the neighbor's husband. Jacob Blake stated that he didn't really care what she was doing because he was leaving Wisconsin and moving to North Carolina to join his brother in a business he started. Jacob Blake had been cooking some hot dogs for everyone when all of this started and he took Laquisha Booker's car keys and left to get some cigarettes from the store. When he came back a few minutes later, he resumed grilling but Laquisha Booker was still upset with him so he decided that he was going to leave because he did not want to deal with her. Jacob Blake stated that the only reason why he spent time there was because his kids were there and he was celebrating his child's birthday.

Jacob Blake stated that Laquisha Booker called the police on him and was telling the police all about the sexual assault stuff. Jacob Blake stated that she made up the whole thing (the sexual assault) and he wanted to deal with that stuff before he moved to North Carolina. Jacob Blake stated that Laquisha Booker had just bought a vehicle and the rental car (the gray Dodge Journey SUV) was supposed to go back the following day. Jacob Blake said that he had been using the SUV to go back and forth to work. Jacob Blake stated that he works armed security at a club in Illinois. Jacob Blake had Laquisha Booker's keys and put his kids in the back of the SUV. Jacob Blake started to walk towards the car so he could get out of the area but the police then showed up before he could leave.

Jacob Blake stated that he had a knife in his possession and he dropped it on the ground near the vehicle but he believes that the police did not see him dropping the knife. The officers approached him and put their hands on him, and he just wanted to leave the area with his kids. The officers tased him at least two times while he was trying to leave, but he just tore out the wires and recalls that at some point he was tackled to the ground. He got up and picked up his knife again. He wanted to put his knife away in the car because he said the knife was a gift given to him and it meant a lot to him and he did not want to lose it. He described his knife as a "Bear Claw."

After this point, DCI agents terminated the interview.

Summary of Jacob Blake's August 25, 2020 Statement (See Attachment 5 for Full Statement)

On August 25, 2020 at approximately 2:00 pm, the DCI agents returned to Froedtert Hospital in Milwaukee to interview Jacob Blake. Before interviewing Jacob Blake, the agents asked Jacob Blake's doctor if he had been given anything like anesthesia that would prevent him from talking to the agents. The doctor indicated that they had not given Jacob Blake any anesthesia, but he was on pain medication which made him fall asleep intermittently; however, this would not impair his cognitive abilities.

During this interview, Jacob Blake stated that he and Laquisha Booker had argued. Jacob Blake stated that he had decorated the whole inside of the house for his son's birthday and that is one of the reasons why he didn't want to go outside (and argue with Laquisha Booker who was outside). The agents asked Jacob Blake if Laquisha Booker called the police and Jacob Blake indicated that she did. The agents asked Jacob Blake why she called the police and Jacob Blake stated, "She called the police because I wouldn't give her the keys back to the rental car."

The DCI agents asked Jacob Blake what happened when the police showed up. Jacob Blake said that the police tried to grab him by the arm. Jacob Blake stated that he grabbed the top of the car to try to hold himself up if the police tried to bring him down. Jacob Blake stated that the police tased him right away. Jacob Blake stated that when the police tased him he ripped it out. Jacob Blake stated that the police told him not to do that (rip it out) and they hit him again (with the taser) and he ripped those out and he tried to walk off.

Jacob Blake stated that he walked in front of his car (the SUV). The agents asked Jacob Blake if he was carrying a knife. Jacob Blake stated, "Yeah, I had my knife." The agents asked Jacob Blake if he had the knife in his hand or in his pocket. Jacob Blake stated, "It wasn't even open." The agents asked Jacob Blake if he didn't think the knife was open and Jacob Blake said that he didn't think it was. The agents asked Jacob Blake if he had the knife with him and Jacob Blake stated, "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. Jacob Blake then said, "That instantly gives them a defense. 'We shot him because he had a knife.' But I always got my knife." The agents asked Jacob Blake if it was a habit that he always carried a knife with him. Jacob Blake stated that he did and that he carried a knife for possums and raccoons. The agents asked Jacob Blake if he had the knife with him the whole time. Jacob Blake stated that "it was on the floor...damn near under the car." Jacob Blake explained that when the police first grabbed him by the arm he took the knife out of his pocket and dropped it. Jacob Blake stated, "I can't get in trouble for the knife, but I took it out to get this shit away from me because it might get ugly. I see they already on bull shit. They were trying to fuck me up and I was kind of like fuck that. I crawled to it and I grabbed it." The agents asked Jacob Blake when he picked up the knife again and Jacob Blake stated, "When he wrestled me around the car." Jacob Blake stated, "When I went around the

car the first time they were going to shoot me so I was trying to figure out what I was going to do. I am a little dude."

The agents asked Jacob Blake why he wanted to go to the car. Jacob Blake replied that he wanted to go to the car "because his kids were in there." The agents asked Jacob Blake why the kids were in the car and Jacob Blake stated "because their Mom was about to fight the neighbor." The agents asked Jacob Blake if all three of the kids were in the car and Jacob Blake stated that his two oldest kids were in the car. The agents asked Jacob Blake where the knife was by the time Jacob Blake got to the front door of the car. Jacob Blake stated, "It was getting thrown." Jacob Blake stated that he was not going to throw the knife at the police, just throw it in the car. Jacob Blake stated that he thought one of the police officers tased him before he got in the car because the first gunshot was not loud. Jacob Blake stated, "I know gun shots. I have been shot and I have been tased as well so this is not my first time."

Towards the end of the interview, the agents asked Jacob Blake if he had any other questions or if there was something that the agents should know. Jacob Blake stated, "They didn't have to shoot me like that. I was just trying to leave and he had options to shoot my tires and even punch me, tase me again, hit me with the night stick. I work armed security and I have gotten into it with cats that are bigger than me and my first thing is, I grab my taser first and then my baton." The agents asked Jacob Blake why he didn't just say something to the officers like, "Hey, I am going to give up." Jacob Blake stated, "Because he instantly grabbed my hand and he was trying to put me in handcuffs and I am just like not in front of my kids, not on my kid's birthday." The agents asked Jacob Blake if he said that to the officers and Jacob Blake stated, "No, I'm thinking that. I didn't say it." The agents asked Jacob Blake if he told the police that those were his kids and Jacob Blake said yes and that he told them when the police first got there, "I told them these are my kids and she is about to start fighting over there. I'm trying to put my kids in the car." The interview then ended.

Summary of Jacob Blake's September 21, 2020 Statement (See Attachment 6 for Full Statement)

On September 21, 2020, DCI agents interviewed Jacob Blake in the presence of his attorneys and their investigator. Before the interview began, Jacob Blake was able to review the DCI reports containing his prior statements with his attorneys. Jacob Blake's attorney indicated there were a few things that they wanted to clarify regarding the prior statements. Jacob Blake's attorney asked Jacob Blake if he was aware that the police had their guns drawn on him while he was walking in front of the car. Jacob Blake replied that he did not know that the police were behind him. Jacob Blake's attorney asked Jacob Blake if he had any idea that there was an arrest warrant out for him. Jacob Blake stated that he knew that Laquisha Booker had made a complaint, but she later said that she did not, so he moved back in. Jacob Blake further stated that he did not know that there was an arrest warrant for him in the system.

Jacob Blake's attorney asked Jacob Blake if Laquisha Booker had rented the car for him. Jacob Blake replied that the car was for him as his car was in the shop and Laquisha Booker

had a different car. Jacob Blake stated that he had been using the car to go shopping for his son's birthday party and to buy gifts and decorations for the party. Jacob Blake further stated that Laquisha Booker had just purchased a new car. Jacob Blake's attorney asked Jacob Blake if he just wanted to leave when he loaded the kids in the car. Jacob Blake replied affirmatively. Jacob Blake's attorney asked Jacob Blake if he wanted to leave before the police arrived. Jacob Blake replied that he wanted to leave and get in the car so the police would not beat on him. Jacob Blake's attorney asked Jacob Blake if he was trying to leave the area. Jacob Blake stated that he was not going to get into a high speed chase with the police because his kids were in the car and the police did not need to "kick his ass."

Jacob Blake's attorney stated that one of the reports said that Jacob Blake had taken his knife and dropped it and he asked Jacob Blake to clarify that. Jacob Blake stated that the knife fell out of his pocket. Jacob Blake's attorney asked Jacob Blake where he was carrying the knife. Jacob Blake stated that he was carrying the knife in his left pocket and he always carried the knife in his left pocket. Jacob Blake stated that he did not realize that the knife was out of his pocket until he saw it on the ground. Jacob Blake's attorney asked Jacob Blake what he intended to do with the knife. Jacob Blake stated that he just wanted to pick up the knife and get rid of it so no one would look at him like he was going to use it and the police would shoot him.

Jacob Blake's attorney asked Jacob Blake why he was trying to get to the car. Jacob Blake stated that his intention was to drop the knife in the car. Jacob Blake stated that he had no intention to use the knife. Jacob Blake also stated that he did not brandish the knife. He did not swing the knife. He did not point the knife at anyone, and he did not have any intention to hurt anyone. DCI agents showed Jacob Blake a picture of the knife that had been recovered from the floorboard of the SUV and Jacob Blake verified that that was his knife. DCI agents asked Jacob Blake if he was carrying the knife when he was walking in front of the SUV, and Jacob Blake said that he was carrying it in his left hand and he tried putting it in his left pocket twice, but was not successful. DCI agents asked if Jacob Blake could recall if the blade was open when he was trying to put the knife away in his pocket. Jacob Blake stated that he doesn't remember if the knife was open, but believes that it was closed.

Jacob Blake then once again described the events that had occurred that day. Jacob Blake stated that when the officer first approached him he was putting his oldest son in the car and he was not paying attention to police. Jacob Blake stated that the officer did not say anything to him and he did not know it was a police officer because the person did not identify himself as a police officer. Throughout this statement Jacob Blake repeatedly said that the police did not say anything to him. Jacob Blake stated the next thing he knew someone grabbed his arm. Jacob Blake stated he did not know what was going on. Jacob Blake stated he recalled being dragged down to the ground by multiple officers. DCI agents asked Jacob Blake if he understood that an officer was trying to arrest him. Jacob Blake stated that he did not understand what was going on because the person never said anything to him. Jacob Blake stated that he realized the man was a police officer when the officer pushed Jacob Blake against the SUV, but, again, the officer did not say anything to him. Jacob Blake stated that all he could think of was his kids. Jacob Blake stated that he recalls also thinking, "It's my

child's birthday. This can't be happening. They are probably watching." Jacob Blake stated that he felt very disappointed in the police because of what they were doing.

Jacob Blake then described his physical struggle with officers (see full statement for all details). Jacob Blake stated that the officers were punching him, grabbing him by the hair, and trying to slam him to the ground. Jacob Blake stated that he recalled thinking to himself, "Here it goes. Here comes the Bull Shit!" DCI agents asked Jacob Blake what he meant by the "Bull Shit." Jacob Blake explained that by that comment he meant that the "beating would begin." DCI agents asked Jacob Blake if he meant that the officers would start beating him physically. Jacob Blake replied affirmatively.

Jacob Blake stated that he was tased and he tore the prongs out. Jacob Blake stated that he was tased in the chest area twice, back to back. Jacob Blake stated that he tore out the taser because he just wanted to get out of there and all he was thinking about was his kids. Jacob Blake stated that at that time he realized that they [the police] were trying to hurt him. DCI agents asked Jacob Blake if it ever occurred to him to just stop and talk to the officers that were trying to stop him. Jacob Blake stated that they never made it seem like they were policing, since all they did was beat him and then tase him. Jacob Blake stated that he did not understand why they tased him or why any of this was happening.

Jacob Blake described the physical struggle that continued with officers after he got tased. Jacob Blake described how he and one of the officers both landed on the ground. Jacob Blake stated they were basically giving each other a bear hug. DCI agents asked Jacob Blake if he ever reached into his waistband. Jacob Blake stated he did not. DCI agents asked Jacob Blake what he did after they both went to the ground. Jacob Blake stated that he got up and started to walk away and he saw his knife on the ground so he picked it up and decided that he wanted to put it back in his car. DCI agents asked Jacob Blake if he ever heard anyone shout, "He has a knife!" or "Drop the Knife!" Jacob Blake stated that he never heard anyone shout that.

Jacob Blake stated that he started to walk around the car. Jacob Blake stated that he only intended to put the knife back in the car. Jacob Blake stated wanted to get the knife out of there and that he did not want the knife to be part of anything that the police could say was the reason why they could shoot him. DCI agents asked Jacob Blake to explain what he meant by that. Jacob Blake stated that he meant that the police would say they are justified in shooting him for having the knife. Jacob Blake stated that he recalls thinking to himself, "Get in the truck or they are going to kill you."

Jacob Blake stated that as he was walking around the front of the SUV, he was carrying the knife in his left hand and he tried putting it away in his left pocket twice but for some reason he was not able to do so. DCI agents asked Jacob Blake if the knife was open or closed at that time. Jacob Blake stated that he could not recall if the knife was open or closed. Jacob Blake stated that he continued walking around the vehicle and tried to enter the car through the front driver's side door. DCI agents asked Jacob Blake if he could tell if there were any officers following him. Jacob Blake stated that he had no idea where the officers were as the only thing on his mind was his kids, putting away the knife, and getting out of there. Jacob

Blake stated that he switched the knife to his right hand so he could open the door of the car with his left hand and then tried to get in the car. DCI agents asked Jacob Blake what he was thinking as he entered the vehicle. Jacob Blake stated that he wanted to put the knife in the car and lock the door to keep the police out.

Jacob Blake stated that he opened the car door and he tried reaching in so he could put the knife in the center console, but he felt his shirt being pulled. Jacob Blake stated that the knife was in his right hand. DCI agents asked Jacob Blake if he did anything with the knife. Jacob Blake stated that he did not point the knife at anyone; he did not swing the knife at anyone; he did not make any forward motion towards anyone with the knife; and he did not raise the knife towards anyone. Jacob Blake stated that he did not hold the knife in a way which could be interpreted as being pointed towards anyone, especially the officer. DCI agents asked Jacob Blake if he could recall if the knife was open or closed while he was attempting to get in the car. Jacob Blake stated that he could not recall if the knife was open or closed.

Jacob Blake stated that the next thing he remembers is hearing shots being fired. Jacob Blake stated that he understood that he had been shot because he had been shot before. Jacob Blake stated that he believed that he was trying to get rid of the knife when he got shot and didn't remember if he dropped it after the officer pulled his shirt or after he got shot. Jacob Blake stated that the knife was on the floor of the vehicle. The interview then concluded.

Factual Analysis

The Domestic Violence Context

Before examining the witness statements and other evidence in this case, I must begin with the evidence that is missing. In spite of the best efforts of DCI investigators, they were unable to sit down with and interview Laquisha Booker and her sister, TB, (who was also an eyewitness) in detail. DCI was only able to speak with TB in the ER at Froedtert South in Kenosha on August 23, 2020 at around 11:00 pm. TB had been brought to the hospital after suffering a panic attack. She provided DCI some information about the incident as well as some background information; however, she told the DCI agent she was too tired to continue and ended the interview before the DCI agent was finished questioning her.

As for Laquisha Booker, a DCI agent was able to make contact with her within a couple hours of the shooting, outside of her residence at 2805 40th St. The agent described the scene during this time period as loud and hostile at times. The agent stated that he was able to speak to Laquisha Booker in a series of brief interviews as he and Laquisha Booker were continually interrupted. Laquisha Booker was able to provide a brief account of the incident and what led up to it, but she eventually told the DCI agent that she had to attend to her children and she was unable to make any further statements at that time.

Laquisha Booker is a very significant witness in this case. The video evidence shows that Laquisha Booker had a close view of the physical struggle that was occurring around the SUV. She was involved in the events preceding the arrival of the police, and she was, in fact,

the person who had called the police. In the days following this incident, DCI had some contact with Laquisha Booker, but she put off their efforts to schedule an interview and eventually agents were unable to contact her at all.

In the months following August 23, 2020, not only has DCI been unable to reach Laquisha Booker, but Walworth County District Attorney Zeke Wiedenfeld had also been unable to locate her. DA Wiedenfeld had been assigned to prosecute as a special prosecutor Kenosha County Circuit Court File Number 20CF736. In that case, Laquisha Booker had reported to officers of the Kenosha Police Department that on May 3, 2020, Jacob Blake had broken into her residence at 2805 40th St. Laquisha Booker told police that Jacob Blake had sexually assaulted her and then stolen her car keys and her vehicle and her debit card.

In that case, Jacob Blake was charged with Criminal Trespass, Domestic Abuse; Third Degree Sexual Assault, Domestic Abuse; and Disorderly Conduct, Domestic Abuse. The charges were filed on July 6, 2020 and a warrant was issued for Jacob Blake's arrest. This is the warrant for which police were attempting to arrest Jacob Blake on August 23rd. The trial in that case was scheduled for November 9, 2020. As the victim, Laquisha Booker was an essential witness at trial; however, leading up to trial DA Wiedenfeld could not locate her and, as a result, the case was resolved on November 6, 2020 when Jacob Blake entered a plea to reduced charges.

The absence of Laquisha Booker as a witness is very concerning; yet, it is in keeping with the domestic violence context of this case. Laquisha Booker has called the police due to domestic disputes with Jacob Blake numerous times over the last eight years. Laquisha Booker has reported to police that Jacob Blake has hit her, choked her, and, most recently, on May 3, 2020, that he sexually assaulted her. Four of these calls to the police have involved in some way disputes over vehicles or keys to vehicles. According to a police report from the Zion Police Department, in 2012, Laquisha Booker called the police to report that Jacob Blake had domestically assaulted her. As the police responded, Jacob Blake wrestled Laquisha Booker's keys away from her, sped off in her car fleeing from police, and then crashed her car.

In spite of this history, Laquisha Booker and Jacob Blake still share three children together, and, based on an examination of the evidence from Jacob Blake's cell phone, it appears that he and Laquisha Booker were still in communication after the May 3rd domestic violence and sexual assault allegations. As Laquisha Booker stated to the 911 dispatcher, she had allowed Jacob Blake to be at her residence on August 23rd as they were celebrating their son's birthday.

Evaluation of Evidence at Any Trial

Though I lack a detailed statement from Laquisha Booker, the other evidence can still be evaluated, and I do so in light of the nearly 30 years of experience I have as a trial lawyer. To decide whether criminal charges are appropriate in any case, I cannot look at the evidence in the light most favorable to the prosecution. I have to consider how the evidence

will be presented and attacked at the criminal trial of any of the involved officers. With that in mind, the evidence strongly supports the following series of events:

1. Upon responding to this family trouble call, Officer Sheskey was attempting to arrest Jacob Blake on a felony warrant after approaching Jacob Blake by the SUV as Jacob Blake was placing a child in the back of the SUV.
 - The radio and computer dispatch records show that the responding officers were told that Jacob Blake had a felony warrant and that it was for domestic violence offenses and a sexual assault. Officer Sheskey stated that when he became aware of that warrant he knew he had to arrest Jacob Blake. This is consistent with Kenosha Police Department policy where officers have no discretion on whether to arrest someone with a warrant.
 - Upon arrival, Officer Sheskey stated that he saw a male fitting Jacob Blake's description putting a child in the SUV. Officer Sheskey stated that he heard 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."
 - Officer Meronek stated that she heard 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."
 - Witness MLS heard Laquisha Booker yell to police, "Here he is. Here he is. He's trying to take my kids and take my car!" Witness MLS stated that she saw Jacob Blake putting his kids in the car.
 - Jacob Blake stated that when the police officer first approached him he was putting his son in the car.
2. There was a physical struggle between Jacob Blake and the responding officers. During this physical struggle Officer Arenas and Officer Sheskey attempted to tase Jacob Blake multiple times. Jacob Blake defeated those efforts by pulling out the taser wires/prongs.
 - The two cell phone videos from this investigation do not capture the whole event as each of the people recording did not start doing so immediately upon police arrival. When RW's cell phone video does begin, the view of the involved officers and Jacob Blake is obstructed as they are on the passenger side of the SUV at that time. The view from MJ's cell phone video does show the passenger side, but the video is unsteady and frequently obstructed.
 - Even without video evidence, the fact that the responding officers physically struggled with Jacob Blake is established by the statements of all three officers, multiple eye witnesses, and Jacob Blake himself.
 - The fact that the responding officers used their tasers during the struggle is established by the statements of Officer Sheskey and Officer Arenas who both described using their tasers, by the statements of multiple eyewitnesses,² and by the statements of Jacob Blake who told investigators that the responding officers tased him and that he twice ripped out the taser wires. This corroborates Officer Sheskey's statement that Jacob Blake broke the taser

² Though a number of the eyewitnesses (including RW) incorrectly stated that the female officer tased Jacob Blake which is not supported by the statements of officers or the physical evidence.

- wires which is something Officer Sheskey had not seen anyone do before.
 - The evidence collected on scene also shows there was a physical struggle involving the use of tasers as DCI investigators recovered three taser prongs and a taser cartridge on the ground east of the driver's side door of the SUV. Investigators recovered Jacob Blake's hat and Officer Sheskey's hat which were found on the ground near the rear of the SUV. There were two taser blast doors which were found on the ground near Jacob Blake's hat and another taser blast door found on the ground near Officer Sheskey's hat. There was also money scattered on the ground in this area to the rear of the SUV. A fourth taser blast door was found on the passenger side of the SUV in the grassy area between the street and the sidewalk.
3. During this struggle, Jacob Blake armed himself with a knife. The knife was open and in his left hand as he walked around the front of the SUV.
- Not a single eyewitness told DCI investigators that they saw Jacob Blake with a knife, but Jacob Blake has consistently acknowledged having a knife during this incident. In his August 25th statement, Jacob Blake told investigators that when the police first grabbed him by the arm he took the knife out of his pocket and dropped it. Jacob Blake said that when he was on the ground he crawled for the knife and grabbed it. Jacob Blake did state that he believed the knife was unopened. In his September 21st statement, Jacob Blake still admitted having the knife, but stated that he did not take it out of his pocket and drop it, but rather it fell out of his pocket. Again in this statement, he said that he picked up the knife before walking around the front of the SUV.
 - After the shooting, DCI investigators recovered a knife from the driver's side floorboard of the SUV. When the knife was recovered the blade was out (the knife was open). When shown a photo of this knife, Jacob Blake verified it was his knife.
 - RW's cell phone video shows Jacob Blake with the open knife in his left hand as he is walking around the front of the SUV. The size, shape, and color of this knife match the open knife that was recovered from the driver's side floorboard of the SUV.
 - All three of the involved police officers saw Jacob Blake with a knife in his hand at various points during this incident. Their commands to Jacob Blake to "Drop the knife!" can be heard on RW's cell phone video.
4. Jacob Blake evaded officer's attempts to arrest him, walked around the front of the SUV, and was attempting to enter the driver's seat of the SUV when Officer Sheskey grabbed his shirt and then shot him seven times.
- MJ's cell phone video shows Jacob Blake on the ground during the physical struggle with officers. The view on the video is then obstructed, but Jacob Blake can then be seen standing and walking around the front of the SUV. Jacob Blake is no longer physically struggling with the officers; rather, Officer Sheskey and Officer Arenas are several steps behind him, following him with their guns drawn.
 - RW's cell phone video, though from a different point of view, similarly shows

Jacob Blake emerge from the passenger side of the SUV. At that point, the officers distance themselves from Jacob Blake and Jacob Blake walks around the front of the SUV followed by the officers. This video shows Jacob Blake walk directly to the driver's door of the SUV and open it.

- RW's cell phone video shows Officer Sheskey lunging towards Jacob Blake as Jacob Blake is opening the driver's door. Officer Sheskey grabs Jacob Blake's shirt and, while behind Jacob Blake and still holding onto his shirt, Officer Sheskey shoots Jacob Blake seven times.
- Seven gunshots can be clearly heard on RW's cell phone video. DCI investigators also recovered seven casings on scene. When examining Officer Sheskey's firearm, DCI investigators found it was still loaded with 10 bullets. Officer Sheskey indicated that his firearm had contained 17 bullets when he began his shift that day further corroborating that there were seven shots fired.
- Finally, this series of actions is corroborated by the statements of the involved officers, multiple witnesses, and Jacob Blake.

Evaluation of Evidence at Any Trial: Jacob Blake's Knowledge of the Arrest Warrant

While the above series of events is well-established by the evidence, much more difficult to prove is what the involved individuals knew, what they perceived, and their states of mind. For instance, there is no question that Jacob Blake physically resisted officers, but, in his September 21st statement, Jacob Blake stated that when Officer Sheskey approached him and grabbed his arm, he did not understand what was going on. Jacob Blake stated that the officers were punching him, grabbing him by the hair, and trying to slam him to the ground. Jacob Blake stated that they never made it seem like they were policing and all they did was beat him and then tase him. According to Jacob Blake's account, he was not trying to resist arrest, but was trying to protect himself and stop officers from beating him. Jacob Blake also indicated that he was attempting to get into the SUV as a place of safety from the police who were beating him, not to flee. In contrast, according to the accounts of the involved officers, Jacob Blake was aggressively and successfully resisting arrest. He had even overcome multiple attempts to subdue him with tasers, and they feared that he would flee in the SUV.

How will this discrepancy in the evidence be resolved at trial? In considering this question, Jacob Blake's knowledge about whether there was a warrant for his arrest becomes significant. The responding police officers knew there was an arrest warrant, but did Jacob Blake? This matters because if Jacob Blake knew there was an arrest warrant, then his claims of not understanding what was going on or what the police were doing are far less believable. If Jacob Blake knew there was an arrest warrant, he had a motive to resist the police and to flee the scene.

Jacob Blake specifically told DCI investigators in his September 21st interview that he did not know there was an arrest warrant for him in the system. Officer Sheskey stated that when he walked up to Jacob Blake and grabbed his arm, that he told Jacob Blake that he had a warrant; however, Jacob Blake claims that Officer Sheskey said nothing to him. There is no audio recording to resolve this factual dispute. What we do have is evidence recovered from a search of Jacob Blake's cell phone:

- On July 14, 2020, Jacob Blake sent Laquisha Booker the following text, “Just tell him you don’t remember what you said and you would like to drop the charges.”
- Several hours later, Jacob Blake sent Laquisha Booker another text, “[I]f 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.”
- Jacob Blake’s internet history on his cell phone shows that on August 7, 2020 and again on August 9, 2020, he looked up his pending warrant case in online court records.

Contrary to what Jacob Blake told DCI investigators, the evidence from his phone shows that he knew there were pending charges and a warrant for his arrest as early as July 14th and he would have seen that that warrant was still in place as late as August 9th. At any trial, this evidence would be used to disprove Jacob Blake’s claim that he did not know about his arrest warrant which in turn would call into question his account of the physical confrontation with the police as well as his stated reason for attempting to get into the driver’s seat of the SUV.

Evaluation of Evidence at Any Trial: Jacob Blake’s Intentions with the Knife

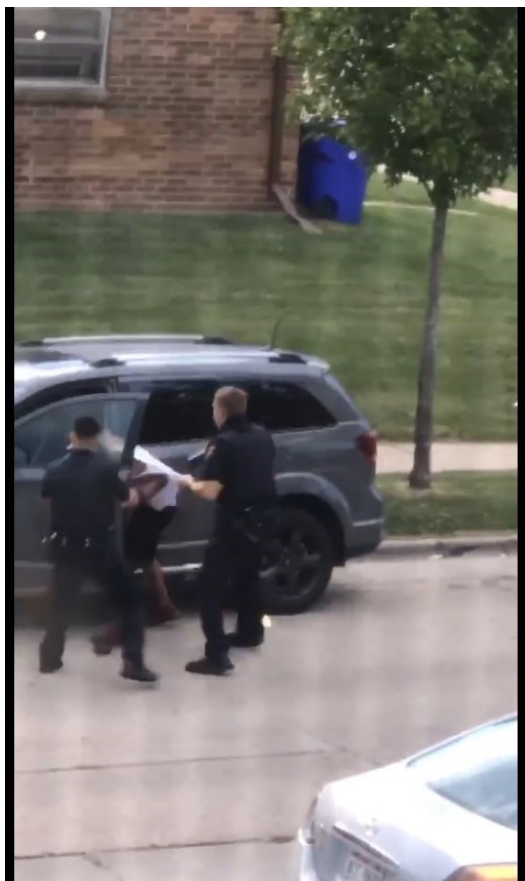
A similar analysis must be done regarding Jacob Blake’s intentions with the knife. There is no question that during his struggle with the police Jacob Blake armed himself with a knife, but what were his intentions in doing so? In his August 25th interview, Jacob Blake stated the following about his knife: “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.” Jacob Blake stated that he wasn’t going to throw the knife at the police, just throw it in the car. In his September 21st interview, Jacob Blake stated that the knife fell out of his pocket. He stated that he picked it up, but only to put it back in the car. He emphasized that he never swung the knife or raised it towards anyone, and he was only intending to put it away in the car.

In contrast, in the moment before the shooting when Officer Sheskey was holding on to Jacob Blake’s shirt and Jacob Blake was leaning into the car, Officer Sheskey stated that he saw Jacob Blake turn his torso from right to left towards him. Officer Sheskey stated that he saw that the knife was in Jacob Blake’s right hand, that it was under Jacob Blake’s chest and coming towards Officer Sheskey under Jacob Blake’s left arm. Officer Sheskey stated that 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 that for the first time Jacob Blake showed intent to harm by driving the knife towards Officer Sheskey's torso. Officer Sheskey stated that he feared Jacob Blake was going to stab him with the knife but knew that he could not retreat because the child was in the car and could be harmed, taken hostage, or abducted. Officer Sheskey stated that for all of those reasons, he discharged his firearm towards Jacob Blake.

Officer Arenas stated that he too saw Jacob Blake turn his body. Officer Arenas said that he observed Jacob Blake with the knife in his hand at chest level. Officer Arenas stated that the blade was pointed up and Jacob Blake was twisting with his body partially angling towards

Officer Sheskey. Officer Arenas said at that moment he feared that Jacob Blake was about to stab Officer Sheskey.

The officers' statements are neither proven nor disproven by RW's cell phone video. The screenshot below shows the moment before Officer Sheskey fired:

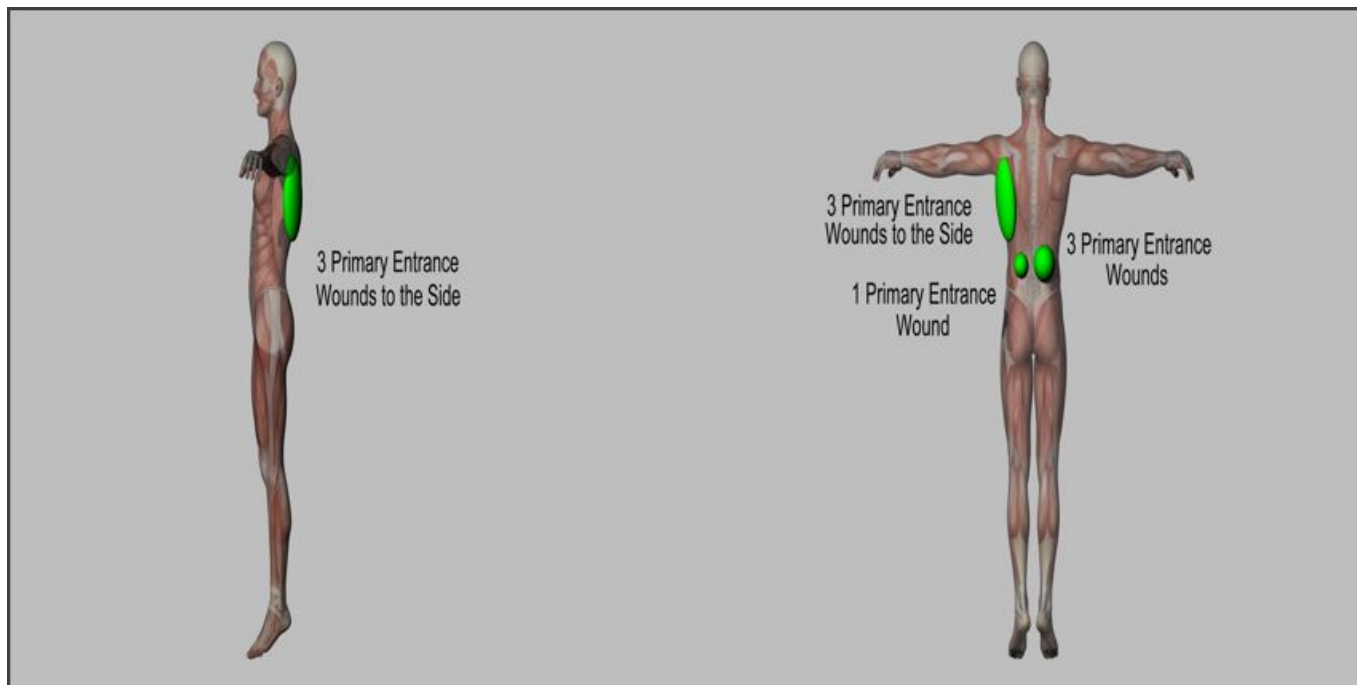


Jacob Blake is leaning forward so his head cannot be seen. His right hand also cannot be seen due to the door, and any view through the window is blocked by Officer Arenas. Clearly both officers were positioned to see Jacob Blake twist his torso and move the knife towards Officer Sheskey, if that did indeed occur, but the car door and the positioning of Officer Arenas prevent the video from capturing any such movement.

There are two eye witnesses who told investigators that they saw Jacob Blake turn his torso in the moment before he was shot. Witness, DC, spoke to agents from DCI. DC was on his front porch to the south and across the street (28th Ave.) from where the SUV was parked. DC stated that just before he heard the shots he observed Jacob Blake trying to get in the car. DC stated that he saw Jacob Blake twist his torso towards the officer from right to left, then heard the shots. DC described Jacob Blake's motion as sudden and rapid. Witness, AH, spoke to agents from the FBI. AH was in front of her residence to the north and across the street (28th Ave.) from where the SUV was parked. AH 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. Unlike RW's vantage point as he was recording with his cell phone, both DC and AH were viewing the incident from an angle rather than virtually straight-on.

Officer Sheskey's and Officer Arenas's assertion that Jacob Blake twisted his body, thereby moving his right hand which was holding the knife towards Officer Sheskey, also finds support in the physical evidence. DCI obtained hundreds of pages of Jacob Blake's medical records as well as medical imaging. DCI investigators also questioned Jacob Blake's surgeon to gain a greater understanding of the injuries Jacob Blake suffered. However, as the surgeon explained, his job is to treat patient injuries. He is not trained in forensics, and so he could not tell investigators which of Jacob Blake's wounds were entrance wounds from gunshots and which were exit wounds from gunshots. To gain a greater understanding of the medical evidence, DCI agents consulted with Dr. Brian Peterson who is Milwaukee County's Chief Medical Examiner. Dr. Peterson agreed to review Jacob Blake's medical records. A series of illustrations were created, in consultation with and reflecting the opinions of Dr. Peterson, showing the approximate locations of the gunshot entrance wounds to Jacob Blake. There are three gunshot entrance wounds to Jacob Blake's lower right back. There is another gunshot entrance wound to Jacob Blake's lower left back. The other three gunshot entrance wounds are to Jacob Blake's left flank (side):



That there are three entrance wounds to Jacob Blake's left side is consistent with Officer Sheskey's and Officer Arenas's statement that Jacob Blake twisted his body, moving his right hand with the knife towards Officer Sheskey. A movement of this sort would have exposed Jacob Blake's left side to Officer Sheskey when Officer Sheskey made the decision to shoot.

This physical evidence is not definitive, and we have no way of knowing in what order Jacob Blake suffered these seven entrance wounds; however, the fact that Jacob Blake was not shot seven times in the back, that three of the shots were to his left side, does provide some support for Officer Sheskey's and Officer Arenas's accounts.

At a criminal trial, then, there would be conflicting testimony regarding Jacob Blake's intentions with the knife. Jacob Blake's claim of innocent intent, his claim that he was only trying to put the knife away in the car, his claim that he did not swing the knife or raise it towards anyone, his adamant claim that he would not pull a knife on a police officer, would be challenged. Jacob Blake's claims would be challenged based on the conflicting statements of the officers and other witnesses and based on the physical evidence. Jacob Blake's claims would also, almost certainly, be challenged based on allegations of his prior conduct because, in 2010, Jacob Blake was alleged to have attacked a police officer with a knife while resisting police.

According to a report from the Cook County Sheriff's Police Department, on August 5, 2010 at 12:40 am in Des Plaines, IL, Jacob Blake was in a vehicle that had been stopped by the Cook County Sheriff's Police Department. There were three occupants in the vehicle including Jacob Blake. During the traffic stop, Jacob Blake and the other passenger exited the vehicle and approached the officer who had conducted the traffic stop, Officer Murphy. Officer Murphy ordered Jacob Blake and the other passenger to get back inside the vehicle, but they refused. Officer Murphy drew his weapon and Jacob Blake and the passenger retreated back inside the vehicle as backup arrived. After the backup officer arrived, Jacob Blake again exited the vehicle. Both officers attempted to secure Jacob Blake and a struggle ensued. Jacob Blake became combative and attempted to resist. As one of the officers struggled to maintain control of Jacob Blake's right hand, Jacob Blake reached near his waistline with his left hand and produced a buck knife with a three inch blade with the blade open. Jacob Blake then slashed at the officer with the knife across the chest without making contact as the officer jumped back shouting, "knife, knife, knife," to alert Officer Murphy. Both officers moved back and unholstered their firearms. Jacob Blake began to wave the knife around in a slashing motion with the knife in his right hand. Jacob Blake advanced towards the officers while shouting, "Come on and shoot me then." More officers arrived and one of the arriving officers gave Jacob Blake verbal commands to drop the knife. Jacob Blake refused to drop the knife and was subsequently tased. Even after being tased, Jacob Blake actively resisted as officers attempted to place him in custody. Jacob Blake was tased again and the officers were able to take him into custody.

Jacob Blake's motive to resist police and his motive to flee the scene as well as his intentions with the knife would be critical factual issues at the criminal trial of any of the officers involved in this case. It is hard to be certain what Jacob Blake's true intention with the knife was on August 23, 2020, but it is a virtual certainty that at a criminal trial in this case, Jacob Blake, as a witness, would be confronted with the allegations of his prior actions with a knife towards law enforcement officers on August 5, 2010. Just as it is a virtual certainty that at any criminal trial Jacob Blake, as a witness, would be confronted with his false statement to DCI investigators claiming he was unaware of the arrest warrant. Because that would be the reality of a criminal trial in this case, I must include it in my factual analysis of the case and in

my consideration of whether criminal charges are legally appropriate. Based upon the above evidence, any defense attorney would certainly argue that Jacob Blake's credibility was suspect and that the most likely inference from the facts is that Jacob Blake intended to harm Officer Sheskey with the knife.

Legal Analysis

The Law of Self-Defense and Defense of Others

There is no question that Officer Sheskey intentionally shot Jacob Blake. The question is whether, based on the evidence, Officer Sheskey's actions were privileged under the law by the right of self-defense and defense of others. See Wis. Stats. § 939.48(1) and (4). Any criminal charge against Officer Sheskey would be countered with these affirmative defenses, and the State would then be required to convince a jury **beyond a reasonable doubt** that Officer Sheskey did not act lawfully either in self-defense or defense of others.

The law of self-defense as it would be given to a jury in this case is set forth in Wisconsin Criminal Jury Instruction 805. According to that instruction:

The law of self-defense allows the defendant to threaten or intentionally use force against another only if:

- the defendant believed that there was an actual or imminent unlawful interference with the defendant's person; and
- the defendant believed that the amount of force the defendant used or threatened to use was necessary to prevent or terminate the interference; and
- the defendant's beliefs were reasonable.

The defendant may intentionally use force which is intended or likely to cause death or great bodily harm only if the defendant reasonably believed that the force used was necessary to prevent imminent death or great bodily harm to himself.

In determining whether the defendant's beliefs were reasonable, the jury would be instructed that a belief may be reasonable even though it is mistaken and 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. 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.

When evaluating the actions of a police officer who was acting in his professional capacity, the reasonableness of the defendant's actions ought to be judged from the standpoint of an ordinary, prudent, and reasonably intelligent person in the officers' position, having the knowledge and training that the officer possessed and acting under the circumstances that existed at the time.

The United States Supreme Court in *Graham v. Conner*, 490 U.S. 386 (1989), cautioned that in judging the reasonableness of a particular use of force, the focus must be on “the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 396. The Court stated: “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.” *Id.* at 396-97.

Other courts have issued similar guidance: “[W]e must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.” *Smith v. Freland*, 954 F.2d 343, 347 (6th Cir. 1992); see also *Menuel v. City of Atlanta*, 25 F.3d 990, 997 (11th Cir. 1994) (“[T]he decision to shoot can only be made after the briefest reflection, so brief that ‘reflection’ is the wrong word...Reconsideration will nearly always reveal that something different could have been done if the officer knew the future before it occurred. This is what we mean when we say we refuse to second-guess the officer.” (internal citations omitted)).

A person is privileged to defend another person under the same conditions and by the same means as those under and by which the person is privileged to defend himself. See Wis. Stats. § 939.48(4).

In a criminal case, once “some evidence” of either of the above privileges is present (which it certainly would be if criminal charges were issued in this case), the burden is on the State to prove beyond a reasonable doubt that the defendant’s conduct was not privileged.

In other words, in order to achieve a conviction, the State would have to prove **beyond a reasonable doubt** that the defendant did not act lawfully in self-defense or defense of others.

Basis of Decision

My decision whether or not to issue criminal charges is based on my almost 30 years of experience as a prosecutor. I approach this case and apply the same standard based on the facts and the law as I would when considering criminal charges in any matter, and I am guided and informed by the ethical duties imposed by the Wisconsin Supreme Court and the American Bar Association. A prosecutor should refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause. SCR 20:3.8(a). The ABA Standards for Criminal Justice Relating to the Prosecution Function, Standard 3-4.3 provides in part that “[a] prosecutor should seek or file criminal charges only if the prosecutor reasonably believes...that admissible evidence will be sufficient to support conviction beyond a reasonable doubt.” See also *Thompson v. State*, 61 Wis. 2d 325, 330 (Wis. 1973) (“[I]t is an abuse of discretion to charge when the evidence is clearly insufficient to support a conviction.”).

I have also been assisted in my decision by the report prepared by Noble Wray. Before I reached any determination, I wanted someone with expertise in use of force decisions by law enforcement to evaluate the officers' actions in this case. I also wanted this expert to be independent, someone who would be able to evaluate this case impartially and without even the appearance of bias. As a result, I requested that the Wisconsin Attorney General's Office choose the expert. They chose Noble Wray, a person I had never met or spoken with before he agreed to weigh-in on this case. Noble Wray is eminently qualified for this role. He has worked in the law enforcement field for 37 years and was the Chief of Police for the City of Madison for 10 years. He has also been involved in police reform at the national level where questions about police use of force are paramount. As detailed below, the opinions and conclusions of Noble Wray have aided considerably my analysis of whether the involved officers, particularly Officer Sheskey, acted reasonably in self-defense under the circumstances that existed at the time of this incident.

Application of the Law to the Facts

On August 23, 2020, Officer Sheskey was on duty in full uniform having arrived on scene in a marked squad car that was parked within feet of the gray Dodge SUV where the struggle occurred and clearly within view of Jacob Blake and all other persons in the immediate area. Officer Sheskey knew he was responding to a domestic disturbance call where a woman was reporting that the father of her children, Jacob Blake, had taken her keys and was attempting to leave in her car. Officer Sheskey knew that Jacob Blake had a felony warrant. Officer Sheskey also knew that this warrant involved domestic violence related offenses and a sexual assault.

Pursuant to department policy, when a Kenosha Police Officer comes in contact with a person who has a valid warrant out for their arrest, the police officer must take that person into custody on the warrant. See Kenosha Police Department Policy and Procedure 1.8. Pursuant to Wisconsin law, it is a crime for a person to resist a lawful arrest. See Wis. Stat. § 946.41. And so, Officer Sheskey was obligated to take Jacob Blake into custody and Jacob Blake was obligated to comply. But that is not what Jacob Blake chose to do. Knowing he had a warrant, he chose to resist.

As Noble Wray points out in his report, when confronted with this resistance, Officer Sheskey, Officer Arenas, and Officer Meronek used every intervention option on the use of force continuum, meaning that they initially tried to physically control Jacob Blake without resorting to weapons by using physical counter measures against Jacob Blake's resistance. When that did not work, Officer Sheskey and Officer Arenas progressed up the use of force continuum by using their tasers in an attempt to gain physical control of Jacob Blake and take him into custody. At this point, Jacob Blake took the extreme step of twice ripping out the taser probes and wires. This was so unusual that Officer Sheskey had never seen anyone do that before and so the efforts by Officer Sheskey and Officer Arenas to control Jacob Blake by use of their tasers was ineffective. Meanwhile, Jacob Blake had armed himself with the knife that he had in his left shorts pocket. It was only at this point, after physical counter measures and attempts to tase did not work and after officers saw that Jacob Blake was

armed with a knife, that all three officers drew their firearms raising the possibility of the use of deadly force.

But even at this point, none of the officers fired a shot. Instead, as Noble Wray also noted, all three officers, after drawing their firearms, created distance from Jacob Blake. Consistent with their training they created this distance to give themselves options, the chance to attempt a dialogue with the armed person and possibly deescalate the situation. Still, Jacob Blake did not submit to their lawful efforts to arrest him or to their orders to drop the knife. With knife still in hand he walked around the front of the SUV towards the driver's door closely followed by Officer Sheskey and Officer Arenas who both had their firearms pointed towards him.

As a result of Jacob Blake's actions, Officer Sheskey was confronted with a choice. In the context of a domestic disturbance, would he allow an armed man with a felony warrant who had just forcefully resisted arrest the opportunity to flee in a vehicle he did not have permission to operate with at least one child in the back? Officer Sheskey decided he had no choice but to physically re-engage with Jacob Blake in an effort to prevent that. Noble Wray found Officer Sheskey's analysis reasonable, and I agree.

The possibility that Jacob Blake would flee in the SUV causing officers to have to pursue him and the dangers that presented to the children in the vehicle and to the public are not hypothetical. As noted above, Jacob Blake had previously fled from police in a car that he had taken from Laquisha Booker without her consent and crashed it. While the officers on scene could not have known this, they certainly would have been generally aware of the dangers of fleeing. In the months before this incident, first in April of 2020 and then in July of 2020, two police vehicular pursuits in Kenosha County ended in horrific crashes and the deaths of the fleeing drivers.

The context matters and, here, officers were dealing with a domestic disturbance and they were attempting to arrest a man who had a warrant for domestic violence offenses and sexual assault and who had resisted arrest, physically struggling with officers and defeating officers attempts to apprehend him with a taser three times. Most significantly, the officers were attempting to prevent this man from taking a car that did not belong to him with at least one child inside. It is true that the police were not aware at the time exactly how many children were in the car and whose they were, and it is true that the children in the car were actually Jacob Blake's, but, as Noble Wray stated, those unknowns make little difference because most children who are abducted are taken by a family friend or parent.

When Officer Sheskey reasonably decided that he could not allow Jacob Blake to get into the SUV and flee, that meant that Officer Sheskey would have to try to physically stop him and to do so Officer Sheskey would have to put himself in close proximity to Jacob Blake. Noble Wray described the situation saying, "P.O. Sheskey was literally holding on to Jacob Blake's shirt, and Jacob Blake had a knife in his hand, actively resisting, attempting to get into the vehicle." Noble Wray concluded that, "regardless if Jacob Blake drove the knife forward or not, a reasonable officer could view himself as being in imminent danger" in this situation.

In his statements, Jacob Blake claimed that he had no intention of harming any police officers with the knife and he was just trying to put it away. As noted above, a jury would have reason to question the truthfulness of that statement. Blake would be subject to lengthy cross examination about the past incident, described above, where he is alleged to have slashed at an officer with a knife. Officer Sheskey and the other officers had to judge Jacob Blake's intentions on what they had observed—a man who was fiercely resisting their every attempt to take him into custody, a man who had disregarded verbal commands, who had physically ripped the prongs/wires out of two tasers, and who had armed himself with a knife that he refused to relinquish. The questions any jury would ask would include...If he didn't intend to use the knife why not drop it? If he didn't intend to use the knife why was the blade open? Even Jacob Blake acknowledged in his August 25th statement to DCI investigators that the fact that he grabbed his knife "instantly gives them a defense. 'We shot him because he had a knife.'"

With these 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 his person was unreasonable. Having reached this conclusion, the only aspect of the use of force in this case left to address is whether Officer Sheskey's use of force was excessive, that is, whether it was unreasonable for Officer Sheskey to believe that the force he used was necessary to prevent imminent death or great bodily harm either to himself or others.

In his report, Noble Wray explains the concept of proportionality: "[P]roportionality requires that the officer applies the correct amount of force. The question here is, was the amount of force excessive or not enough on the part of the officers? These two extremes can create unsafe outcomes for all involved. The objective for officers is to fall within an acceptable range for the amount of force. The guidance for the acceptable range is, was the amount of force used objectively reasonable?" Noble Wray concluded that the amount of force used by Officer Sheskey was within the acceptable range.

Before reaching this conclusion, Noble Wray analyzed in detail the question of, "Why so many shots?" The shooting of Jacob Blake has drawn national attention with many members of the public asking the same thing. Once police officers decide that they need to utilize their firearms (deadly force) in a use of force situation, they are trained to continue shooting until they "stop the threat." The purpose is not to wound or kill, but these tragic results sometimes occur. Noble Wray explained in his report that, "officers are trained to continue shooting until the perceived threat is stopped. Specifically, the officer is looking for the subject to stop advancing, drop the weapon, or stop struggling. The officer must use all his senses, what he hears, sees, and physically feels, to perceive the threat has stopped and then translate what he perceives into a physical reaction to stop shooting." Noble Wray indicated that according to studies, the time it takes for an officer to perceive that a threat has stopped and to stop shooting generally ranges from 0.7 to 1.5 seconds. In that time an officer may fire 1 or 2 additional rounds. Here, Officer Sheskey fired seven rounds in just over 2.5 seconds. Officer Sheskey stated that he stopped firing when he saw Jacob Blake drop the knife. The knife was found by investigators on the driver's side floorboard of the SUV. Officer Sheskey's firearm initially contained 17 rounds so there were 10 remaining rounds when he stopped

shooting. Clearly, then, he made a volitional decision to stop shooting and didn't simply stop when he ran out of ammunition.

Many people will still adamantly believe that seven shots at such close range were excessive, but that is not the standard. The standard is whether the State can prove, **beyond a reasonable doubt**, that Officer Sheskey's belief that the force he used was necessary to prevent imminent death or great bodily harm either to himself or others was unreasonable. Officer Sheskey's decision making regarding the number of shots he fired appears consistent with the training that Noble Wray outlined. As a policy matter, persons could make vigorous efforts to change police training; however, a prosecutor could not go into a courtroom and argue that standard police training was unreasonable beyond a reasonable doubt.

The facts that are the most important to my determination are that officers were responding to a domestic disturbance. They were attempting to arrest Jacob Blake because he had a felony arrest warrant for domestic violence offenses and a sexual assault. Jacob Blake was armed with a knife and, after vigorously resisting the lawful arrest, he appeared to be attempting to flee in a vehicle that police had been told he did not have permission to operate and which had at least one child in the back. All of the decisions made by the officers on scene, particularly Officer Sheskey, were made based on these facts. Just like the millions of people who watched the cell phone video of this shooting in the hours that followed, not a single eye witness who was cooperative with DCI's investigation was aware of all of these facts and many of the eye witnesses were aware of none of them. Yet the decision whether to issue criminal charges must be based on these facts because under the law of self-defense, what matters is what the accused reasonably believed under the circumstances that existed at the time of the alleged offense and the reasonableness of the accused's beliefs must be determined from the standpoint of the accused at the time of his acts. So, Officer Sheskey's actions must be judged from the standpoint of a reasonable police officer confronted with the above circumstances.

For these reasons and based on all the facts and circumstances in this case, 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. As a result, I cannot ethically issue criminal charges against him.

Much of my legal analysis has centered on Jacob Blake's decisions. Some might view that as illegitimate and suggest that I should focus solely on Officer Sheskey's decision to shoot Jacob Blake and by not doing so I am shifting the blame for Officer Sheskey's decision onto Jacob Blake. I want to stress that in honing in on Jacob Blake's decision making, I am not attempting to shift the blame and I am certainly in no way suggesting that Jacob Blake somehow "deserved" to be shot. I focus on Jacob Blake's decisions because at each step along the way, his decisions shaped the encounter, impacting how the officers reacted and the level of force they used.

It is a dangerous job being a police officer. For decades police officers have kept themselves safe by issuing commands that were complied with. When people abide by the commands of police officers those officers can feel assured of their safety even in situations that may

otherwise be dangerous. Conversely, when people do not obey the commands of police officers, and most acutely when persons are also armed, those officers are placed in fear for their safety. Again, this fear is not hypothetical. Just over two weeks before Officer Sheskey shot Jacob Blake, a Kenosha Police Officer was shot while on duty making a routine investigatory stop in a situation that seemed in no way particularly dangerous until the man resisted the officer to prevent his arrest on a warrant. Jacob Blake's decisions to disregard the lawful commands of police officers and resist, while actively armed, matter because those decisions put the officer in reasonable fear for his safety.

Conclusion

Based on the facts and the law, I have decided not to issue criminal charges against Officer Sheskey, Officer Meronek, or Officer Arenas. This decision was by no means easy. As I conclude, I must return to the question of domestic abuse. Every day in the United States, on average, there are over 2,000 instances of domestic violence reported to the police.³ Victims of domestic violence call police to prevent the abuse, to stop the violence, to protect their children, and, sometimes, to save their lives. It is impossible to calculate how many lives have been saved because domestic violence victims have been able to grab hold of their cell phones and dial 911.

As I render this decision, I think about the thousands of domestic violence victims who will call the police today and I wonder what response they will receive. Are they calling in bystanders who will be there to witness and document the violence, but not to stop it? The officers responding to this domestic disturbance call on August 23rd could not just watch as an armed man with a felony warrant for domestic violence offenses and sexual assault appeared to be about to flee in a vehicle that the complainant said he was not allowed to drive and which contained at least one child. Independent use of force expert, Noble Wray, who is a national figure in police reform, found that Officer Sheskey's decision not to retreat but to re-engage was reasonable. Police must be willing to put themselves in harm's way, otherwise offenders who are the most quick to resort to violence would also be the least likely to be apprehended. In the domestic violence context, where police are the last line of defense, that cannot stand.


Noble Wray wrote that when he first saw this officer-involved shooting in media reports he had major concerns. However, based on the information he was able to review from DCI's investigation, he came to the conclusion that the use of force by Officer Sheskey during his encounter with Jacob Blake on August 23, 2020 was justified, in keeping with Wisconsin Law, in keeping with the Kenosha Police Department's use of force training and policy, and widely

³ Reaves, Brian A., U.S. Department of Justice – Bureau of Justice Statistics, *Special Report: Police Response to Domestic Violence, 2006-2015* (On average, there are over 1.3 million nonfatal domestic violence victimizations per year in the United States. Of those, 56% are reported to police, totaling approximately 732,839 that are reported to police on average annually; thus the average daily total of nonfatal domestic violence victimizations reported to police is over 2,000.).

accepted law enforcement use of force standards. Nevertheless, Noble Wray noted that the policing field must continue to focus on the sanctity of human life in dealing with deadly force. We should all be fully aware that, as Noble Wray stated earlier in his report, African Americans are disproportionately impacted by deadly force encounters.

I share Chief Wray's concerns and I know that this decision may be met with anger and outrage. Much of this anger will arise from the long history in our country of racial injustice, of systemic racism that has become embedded in our institutions including the criminal justice system and has influenced how communities of color are policed and prosecuted. I do not deny that reality, but I am tasked with making a decision in a particular case based on the facts in front of me, and I do not believe those facts support criminal charges under the law. To issue criminal charges under these circumstances, not because this particular case supports them, but because of public outrage, or racial injustice, or because other police officers, in other places, and at other times have engaged in brutality and violated the law with impunity is not justice. I know that my conclusions will be subject to great scrutiny, and I invite the Wisconsin Attorney General's Office, or other appropriately designated agency, to conduct an independent review of this case and my decision.

Dated this 5th day of January, 2021



Michael D. Graveley
Kenosha County District Attorney

Attachment 1

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-6420/33 Interview of KPD Officer Rusten T. Sheskey - Re: OIS

INITIAL INFORMATION

On Wednesday, August 26th, 2020 Special Agent Ricardo Tijerino and Special Agent Raymond Gibbs of the Wisconsin Department of Justice, Division of Criminal Investigation interviewed Kenosha Police Officer Rusten T. Sheskey at the DCI-Milwaukee Field Office.

INTERVIEW OF POLICE OFFICER RUSTEN T. SHESKEY

At 9:55 AM, PO Sheskey was interviewed in a private conference room at the Division of Criminal Investigation- Milwaukee Field Office, located at 633 W Wisconsin Ave, Milwaukee, Wisconsin. Also present during the interview was Kenosha Professional Police Association Union Representative Peter Deates, and Attorneys Brendan Matthews and Rebecca Meyer.

SA Tijerino advised PO Sheskey he was under no obligation to speak with the DCI Agents, and could in fact refuse to make a statement. He could also confer with his attorneys or union representative at any time during the interview, or stop the interview at any time. PO Sheskey stated that he understood and wished to voluntarily speak with SA Tijerino and SA Gibbs.

SA Tijerino advised PO Sheskey that the interview could be recorded, but PO Sheskey stated that based on advice from his Attorney he did not wish to have his interview recorded.

PO Sheskey has been employed with the Kenosha Police Department for approximately seven (7) years and prior to working for Kenosha PD was a part time Officer for the UW-Parkside Campus Police for approximately three (3) years.

PO Sheskey stated that he was assigned to [REDACTED] shift patrol, stating that he worked from [REDACTED] and was a Field Training Officer (FTO) for the Kenosha Police Department for approximately one (1) year.

PO Sheskey stated that he worked a [REDACTED] days on and [REDACTED] days off rotation and on Sunday, 08-23-2020 he was on the [REDACTED] day of his [REDACTED] day rotation.

PO Sheskey stated that he had three (3) beers the previous night before he went to sleep and slept for approximately seven (7) hours the night before the incident, sleeping from approximately 3:00 AM to 10:00 AM and felt well rested when he woke up.

PO Sheskey stated that he is a member of the following units within the KPD:

- * Evidence Tech
- * Bicycle Officer
- * Rifle Team
- * Civil Disturbance Response Team / Riot Team
- * Peer Support Team

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* Crisis Intervention Team

PO Sheskey stated that he has no military experience.

On the afternoon of 08-23-2020 PO Sheskey stated that he arrived to the Police Department a few minutes before roll call and there was nothing of relevance to report from roll call. PO Sheskey (#618) was assigned to ride with a newer Officer who was just starting the second phase of her training: Brittany Meronek. PO Sheskey stated that after roll call he and PO Meronek prepared their fully marked Kenosha Police squad #3339 and began their shift. PO Sheskey stated that PO Meronek was driving the Squad and he was riding as the passenger.

It should be noted that PO Sheskey was not acting as PO Meronek's FTO that afternoon per KPD policy.

PO Sheskey stated he was clearly dressed as a Police Officer and there was no doubt to anyone that saw him that he was a Police Officer and he was inside a clearly marked Police Squad.

PO Sheskey stated that to the best of his knowledge, he has never had any previous contact with the subject (JACOB S. BLAKE, B/M, DOB: [REDACTED])

PO Sheskey stated that he believed that he had been at the building where the complainant (LAQUISHA N. BOOKER, B/F, DOB: [REDACTED]) lived but could not recall what kind of call he was responding to at that address. PO Sheskey stated that he previously worked that Squad area for approximately two (2) years before he was assigned to another area and was just reassigned to it again approximately one (1) month ago.

PO Sheskey stated that this was the second time that he had worked directly with PO Meronek.

PO Sheskey stated that this Squad area is known for a lot of drug and gang violence and noted that there was a home invasion across the street from 2805 40th Street, Kenosha, WI, which resulted in a shooting within the last month.

PO Sheskey stated that they responded to three (3) or four (4) calls prior to responding to the call involving Mr. BLAKE. PO Sheskey stated that there was nothing out of the ordinary in any of those previous assignments.

PO Sheskey stated that sometime after 5:00 PM they were dispatched as the primary unit to a "family trouble" involving a subject named JACOB BLAKE. PO Sheskey believed PO Arenas was dispatched to the call as their backup.

PO Sheskey stated while they were en route to the assignment he heard dispatch advising that the male with the keys had a Felony Warrant for 3rd Degree Sexual Assault, Trespassing / Domestic Violence (DV) related and Disorderly Conduct (DC) / DV related.

PO Sheskey stated he also recalled dispatch advising something about a child or children being involved in the incident [REDACTED]

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[REDACTED] and then leaving the area. PO Sheskey also recalled dispatch advised that the caller was being uncooperative.

PO Sheskey stated after receiving all of that information from dispatch he knew that BLAKE would ultimately have to be arrested for the Felony Warrant. Due to the heavy gang activity in that area PO Sheskey thought BLAKE would likely try to run from Law Enforcement.

PO Sheskey stated that while en route he attempted to find a booking photo on the Squad Computer of BLAKE to help identify him quickly upon arrival to the location of the call, but was only able to get a description of BLAKE as being approximately 5'11" tall, black hair, black eyes and approximately 160 lbs in weight.

PO Sheskey stated that as they travelled south on 28th Avenue, approaching 40th Street, he saw a B/M fitting the description of BLAKE carrying a child of 3-4 years of age walking towards a silver car parked on the west side of the street. PO Sheskey further stated that he also observed a B/F walking behind the subject believed to be BLAKE, wearing colorful pants and screaming at the B/M subject.

PO Sheskey stated PO Meronek pulled over on the West side of the street, and as they were getting out of their squad he observed PO Arenas walking from the West towards them.

PO Sheskey stated he walked directly towards the B/M and as he approached him he could hear the B/F with the colorful pants (later positively identified as LAQUISHA N. BOOKER) screaming: "It's him! It's him! [REDACTED] At that time he recalled hearing the B/M (BLAKE) say: "I'm taking the kid and I am taking the car."

PO Sheskey stated he recalled saying to the B/M (BLAKE): "Let's talk about this." PO Sheskey stated BLAKE put the young child he had been carrying in the back seat of the vehicle and then turned to face him.

PO Sheskey stated he observed the B/M (BLAKE) glancing to the North and South of him while he was standing with his back to the rear passenger door of the silver car. PO Sheskey stated that based on his experience he believed that the B/M (BLAKE) was looking for a route of escape to flee from PO Sheskey.

PO Sheskey at this time was confident that the B/M standing in front of him was BLAKE.

PO Sheskey stated BLAKE was looking North and South and he thought that he was going to take off running at any moment, so he grabbed BLAKE's arm to prevent him from running and to place him under arrest and he told BLAKE that he had a Warrant.

PO Sheskey stated when he grabbed his right wrist he was able to get it behind BLAKE's back and BLAKE started saying: "DON'T DO THIS BRO! DON'T DO THIS!" and as he attempted to place a handcuff on BLAKE he felt BLAKE's body tense up. PO Sheskey stated he tried to gain control of BLAKE by pushing him against the passenger side of the vehicle in an attempt to

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stabilize him and place him in handcuffs.

PO Sheskey stated as he did this, BLAKE yanked his right arm from him and began to reach into his waistline area with his left hand, PO Sheskey then yelled: "Hands! Hands! Hands!"

PO Sheskey stated, based on his experience at KPD, when an Officer yelled HANDS! HANDS!, because he believed that BLAKE was reaching for a weapon and he wanted to alert other Officers and get help.

PO Sheskey stated BLAKE continued digging into his waistline with his left hand and based on his experience he interpreted that as BLAKE trying to reach for a weapon.

PO Sheskey stated he recalled that at that time he shouted that he needed help.

PO Sheskey stated at that moment he did not know what PO Arenas and PO Meronek were doing or where they were located as he was fully concentrating on BLAKE and the weapon that he believed BLAKE was trying to get out of his waistline.

PO Sheskey stated he has made numerous arrests in his career, and in this area, and it was common practice for subjects to dump drugs and run, not stay and struggle with Police as they try to access their waistline. Based on PO Sheskey's training and experience BLAKE's behavior was indicative of someone trying to access a weapon.

PO Sheskey stated as he was struggling with BLAKE he saw PO Arenas on his right side and PO Arenas yelled TASER, which PO Sheskey interpreted it to mean that PO Arenas was going to deploy his taser on BLAKE but PO Sheskey did not hear the taser being deployed.

PO Sheskey stated he was focused on controlling BLAKE's right hand but could not control his left hand and PO Sheskey began to lose control of his right hand and BLAKE's left hand was still reaching in his waistline. PO Sheskey felt BLAKE was much stronger than him and realized that he could not control BLAKE's hands. PO Sheskey decided to disengage at that time because physical force was ineffective to gain control of BLAKE.

PO Sheskey stated he disengaged from BLAKE, unholstered his taser and yelled TASER and as he took that action BLAKE turned his body to face him and his left hand was still digging into his waistline.

PO Sheskey stated he got about five (5) feet back and he yelled: "Hands! Taser!"

PO Sheskey stated he discharged his TASER at BLAKE and recalled seeing the prongs hit him squarely in the chest but as he pulled the trigger he could not tell if it was having any effect on him. PO Sheskey stated at this moment he believed that he saw BLAKE tense up so he believed that he had an opening to gain control so he physically re-engaged with BLAKE and was able to grab him for a moment before BLAKE started to slip away from him. He saw BLAKE break the wires with his right hand while still digging in his waistline with his left hand. PO Sheskey further stated BLAKE literally pulled the wires out but he did not know if the prongs had

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remained on his chest or not. PO Sheskey stated he had never seen anyone do that before.

PO Sheskey stated he tried dry stunning BLAKE by putting the metal ends of the TASER on his neck/back area but it did not work as BLAKE continued to slip away and ran towards the back of the car. PO Sheskey stated at this time he grabbed BLAKE as he did not want him to reach the driver's door of the car and BLAKE put him in a head lock and PO Sheskey in turn put BLAKE in a head lock. PO Sheskey stated he was holding BLAKE in a head lock on his right side and BLAKE was holding him on his left side. PO Sheskey stated that as he was wrestling with BLAKE he was concerned that BLAKE may try to reach for his duty weapon as he was exposing it by the way they were holding each other. PO Sheskey stated BLAKE had a tight grip around his neck.

PO Sheskey stated when BLAKE had him in a head lock he feared for his life because BLAKE had access to his weapon and he had the physical advantage. PO Sheskey further stated BLAKE was holding him really tight around the neck and that's when he thought his only way to get out of it was to get him on the ground but he (BLAKE) countered his moves by spreading his legs and lowering his center of gravity which caused them both to stumble toward the rear of the vehicle.

PO Sheskey stated he tried to decentralize BLAKE by placing his right foot in front of BLAKE's left foot but BLAKE spread his feet, lowering his center of gravity, so PO Sheskey could not flip him. PO Sheskey stated they stumbled to the rear part of the vehicle and PO Sheskey fell hard on his knees as he tried to soften his fall. PO Sheskey stated he did not know where or how hard BLAKE had fallen as a result of their struggle.

PO Sheskey stated prior to falling on the ground he had delivered two (2) punches to the gut area of BLAKE and it did not seem to have any affect so he started believing that BLAKE was under the influence of drugs because everything he had tried had not worked. PO Sheskey stated he was thinking to himself that he had already given BLAKE numerous verbal commands, punched and tased BLAKE and it had no noticeable effect. PO Sheskey stated BLAKE was still not saying anything.

PO Sheskey stated that it felt like he was fighting with BLAKE for at least two (2) minutes, but he knows it was probably just seconds. PO Sheskey further stated that by the time he went to the ground he was exhausted and he feared that BLAKE would reach for his gun.

PO Sheskey stated BLAKE was not saying anything during this incident and he kept yelling at BLAKE throughout the incident numerous verbal commands as well as: "Stop resisting!"

PO Sheskey stated as soon as BLAKE hit the ground he got up and started to walk away.

PO Sheskey stated he was getting up off the ground, behind the rear of the vehicle, when BLAKE was walking by the rear passenger tire of the vehicle.

PO Sheskey stated up to that point he had not seen BLAKE with a knife in his possession.

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PO Sheskey stated he did not know where PO Arenas or PO Meronek were located, as he was fully focused on BLAKE.

PO Sheskey stated he recalled someone yelling at that time: "He has a knife! Knife! Knife!!" PO Sheskey stated he had no idea who yelled that BLAKE had a knife.

PO Sheskey stated sometime during the struggle with BLAKE he recalled hearing a loud sound which he recognized as being a TASER being fired but he had no idea if someone actually fired a TASER at BLAKE or who did it.

PO Sheskey stated he drew his gun after he heard someone yell that BLAKE had a knife multiple times but up to that point he still had not seen the knife. PO Sheskey stated he started to give verbal commands to BLAKE to drop the knife but he did not comply.

PO Sheskey stated at this time he still had no idea where Officer Meronek was but he believed that Officer Arenas was to his right.

PO Sheskey stated BLAKE was now walking towards the front of the vehicle at a normal but determined pace, his arms moving from side to side and he still had not seen the knife. PO Sheskey stated he continued to yell for BLAKE to drop the knife however he continued to ignore the commands.

PO Sheskey stated as BLAKE turned left in front of the vehicle he saw a black knife in his left hand as the hand swung away from BLAKE's body.

PO Sheskey stated that at this time he thought to himself: He (BLAKE) has a weapon, a delivery system but I don't know if he (BLAKE) has intent to use the knife." At that point BLAKE had not threatened anyone with the knife which is the reason why he did not shoot at that time. PO Sheskey stated that all of those thoughts were going through his head as he continued to yell at BLAKE to "Drop the Knife!"

PO Sheskey stated that he could hear PO Arenas also yelling something at BLAKE, but he was not sure what he was saying as he was still focused on BLAKE and the knife he was carrying in his left hand.

PO Sheskey stated that when BLAKE got to the left front corner of the vehicle BLAKE turned a hard left and started going towards the drivers side door and PO Sheskey started thinking to himself: "I don't know what he is going to do...Is he going to hurt the kid?...Is he going to take off in the vehicle? Will we have to pursue the vehicle with a child inside of the car? Is he going to hold the child hostage? Are his actions going to put others at risk?" PO Sheskey stated that he was aware of at least one (1) child being inside of the vehicle at this time and he did not know if it was BLAKE's child.

PO Sheskey stated that at that moment he decided that he could not let BLAKE get back into the car because of all the factors he had just cited.

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PO Sheskey stated he closed the distance between him and BLAKE as he got to the front door of the car. He could not remember if the door was open or if BLAKE had to open it but as BLAKE attempted to get in his car PO Sheskey grabbed his shirt and pulled him in an attempt to prevent him from getting in the vehicle.

It should be noted that at approximately 10:43 AM the interview was paused so PO Sheskey could speak with his Attorney.

At approximately 10:49 AM case agents started the interview again.

As BLAKE was getting into the vehicle PO Sheskey thought to himself that it was dangerous for the public and the child in the car to let BLAKE go. PO Sheskey thought he could not let BLAKE leave armed with the knife and the child in the car.

PO Sheskey stated BLAKE opened the driver's door and started to lean into the vehicle as PO Sheskey was pulling BLAKE's shirt. PO Sheskey tried to stop him from getting behind the wheel and possibly turning on the car and driving away. PO Sheskey stated that as BLAKE was reaching into the car, BLAKE turned his torso from right to left towards PO Sheskey and PO Sheskey saw that the knife was now in BLAKE's right hand, under BLAKE's chest and coming toward PO Sheskey, under BLAKE's left arm. BLAKE's left shoulder came up slightly and his right shoulder dipped underneath and the knife was moving toward PO Sheskey. PO Sheskey stated that he could not recall where BLAKE's feet were positioned during this portion of the incident.

PO Sheskey stated the knife was approximately two (2) feet away from him and he recalled that all of his training with knives had always told him that anything under twenty one (21) feet could cause great bodily harm, or death. PO Sheskey stated he had learned from his training that the actions of an armed subject within twenty one (21) feet would always beat an Officers reaction.

PO Sheskey stated BLAKE for the first time showed intent to harm by driving the knife toward PO Sheskey's torso. PO Sheskey feared BLAKE was going to stab him with the knife but knew that he could not retreat because the child was in the car and could be harmed, taken hostage or abducted by BLAKE. For these reasons he discharged his Firearm towards BLAKE.

PO Sheskey further stated he believed that he fired six (6) shots as he did not stop firing until he saw BLAKE drop the knife. PO Sheskey stated that he was standing by the B pillar of the vehicle at the time that he discharged his weapon.

PO Sheskey stated that BLAKE came to a sitting position as PO Sheskey was firing, and BLAKE's hands were in front of his chest still holding the knife. As BLAKE dropped the knife to the floor board, PO Sheskey stopped firing. BLAKE sat in the front seat with his hands in front of his chest.

PO Sheskey stated that he was shooting down and forward because he didn't want to put the child seated in the back of the vehicle or any civilians in danger.

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PO Sheskey stated that immediately after he saw BLAKE drop the knife he holstered his weapon, checked BLAKE for more weapons, finding none, and then checked BLAKE for injuries. PO Sheskey stated that he saw multiple wounds on BLAKE's left arm. He started treating BLAKE immediately, without gloves, because he did not want to delay providing BLAKE with medical care.

PO Sheskey stated someone handed him a tourniquet [REDACTED]. PO Sheskey then checked BLAKE's torso and he saw two (2) bullet wounds on his stomach and none on his chest.

PO Sheskey stated he yelled that he needed gauze [REDACTED]

PO Sheskey further stated he then checked BLAKE's left side and saw two wounds on the center of his torso [REDACTED]

PO Sheskey stated BLAKE was conscious and kept saying: "I'm going to die" multiple times. PO Sheskey stated he kept telling BLAKE to stay calm and that he was going to be OK.

PO Sheskey stated he eventually put on gloves but was already covered in BLAKE's blood. [REDACTED]

[REDACTED] PO Sheskey recalled that Detective Brechue had arrived [REDACTED]

PO Sheskey stated he believes that it was PO Arenas who broadcasted that shots had been fired and then called for a medical unit. PO Sheskey noted that his lapel mike had fallen off during the earlier struggle with BLAKE.

PO Sheskey stated that it appeared to him that BLAKE lost consciousness a couple of times but he applied sternum rubs on two (2) occasions and was able to keep him conscious.

PO Sheskey stated that once they had dealt with the wounds on his stomach and side they turned him over to see if he had any wounds on his back and found one taser probe on the center of his upper back. PO Sheskey further stated that there appeared to be a mark on his back approximately 2-3 inches away from the first probe. PO Sheskey did not see any other wounds on BLAKE's back.

PO Sheskey stated he wanted to make sure the Case Agents knew that he tried everything before he fired his gun, including verbal instructions, physical restraint, decentralization through numerous body strikes and taser.

PO Sheskey stated BLAKE could have complied at anytime as he had plenty of opportunities to comply and he never showed any signs that he was going to comply. BLAKE dictated the location, the fight, and the pace. PO Sheskey believed he yelled "STOP RESISTING" and "DROP THE KNIFE" approximately 100 times and BLAKE never complied or even spoke to PO

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Sheskey.

PO Sheskey stated he has not watched the video circulating on social media or watched the news regarding the incident because his attorney instructed him not to.

At approximately 11:10 AM, S/A Tijerino showed PO Sheskey a picture of a Karambit knife and he positively identified it as the knife that BLAKE had during the incident.

PO Sheskey stated he has made numerous drug arrests in that area in the past but not recently as he was only reassigned to that area approximately one (1) month ago.

PO Sheskey stated he did not recall ever hearing any mention of BLAKE being in possession of a gun or having access to a gun.

PO Sheskey stated he was certified on the use of a taser while working for the UW-Parkside Police Department. PO Sheskey stated he has deployed his taser approximately ten (10) times and has observed other officers using the taser and he knows that the taser isn't always effective.

PO Sheskey stated he recalled seeing the prongs going in BLAKE's body and he initially thought that it had worked because BLAKE seemed to tense up for a moment which is when he decided to go hands on again to gain control of him.

PO Sheskey stated he doesn't recall if PO Arenas helped him during the physical struggle, but he recalled that he could hear PO Arenas was giving BLAKE verbal commands.

PO Sheskey stated BLAKE was approximately four (4) feet away from him when he first saw the knife in his hand.

PO Sheskey stated, consistent with his training, he didn't physically re-engage with BLAKE after he saw the knife because he was concerned that BLAKE would turn and slash him with the knife and he was also still exhausted from the earlier fight.

PO Sheskey stated he did not see BLAKE drop the knife or hear anything drop when he first approached BLAKE.

PO Sheskey again stated that he gave BLAKE every opportunity to comply and BLAKE chose not to do so.

PO Sheskey stated he was hoping that BLAKE would give up during the entire incident.

PO Sheskey stated that BLAKE stated when he first approached him that he was taking the car and he was taking the kid. PO Sheskey stated he did not know if that was his kid so he was concerned for the child's safety.

PO Sheskey was shown an overhead diagram of the scene with the SUV and PO Sheskey's squad depicted. PO Sheskey marked where he believed he was outside the opened door and where he believed BLAKE was during their fight. The photograph and diagram were both signed and dated

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by PO Sheskey, both were scanned and attached to this report. The original documents will be entered into DCI-Records.

S/A Tijerino submitted the picture used during this interview, showing a knife recovered inside of BLAKE's vehicle, into evidence as part of this report: 20-6420/33.1.

S/A Tijerino submitted a diagram used during this interview, to show PO Sheskey's movements during the incident, into evidence as part of this report: 20-6420/33.2.

This interview was terminated at approximately 11:41 AM.

On Thursday, September 3, 2020 at approximately 12:30 PM, S/A's Tijerino and Gibbs met with P.O. Sheskey, Attorneys Matthews and Meyer and Kenosha PD union representative Peter Deats to review this written statement. Upon review a few grammatical changes were identified and changed. No substantive changes were made.

Attachment 2

INITIAL INFORMATION

On Tuesday, August 25th, 2020, Special Agent Nathan Peskie and Special Agent Raymond Gibbs of the Wisconsin Department of Justice, Division of Criminal Investigation interviewed Kenosha Police Officer Brittany Meronek at the DCI-Milwaukee Field Office.

INTERVIEW OF POLICE OFFICER BRITTANY MERONEK

At 9:48 AM, PO Meronek was interviewed in a private conference room at the Wisconsin Department of Justice-Division of Criminal Investigation- Milwaukee Field Office, located at 633 W Wisconsin Ave, Milwaukee, Wisconsin. Also present during the interview was Kenosha Professional Police Association Union Representative Peter Deates, and Attorneys Brendan Matthews and Rebecca Meyer.

SA Gibbs advised PO Meronek she was under no obligation to speak with the DCI Agents, and could in fact refuse to make a statement. She could also confer with her attorneys or union representative at any time during the interview, or stop the interview at any time. PO Meronek stated she understood and wished to voluntarily speak with SA Gibbs and SA Peskie. SA Gibbs stated the interview could be recorded with audio or video, but PO Meronek did not wish the interview be recorded.

PO Meronek was hired by the Kenosha Police Department (KPD) in January of 2020, and completed the police academy at Gateway Technical College in May 2020. PO Meronek explained that she was a patrol officer assigned to [REDACTED] shift working [REDACTED] with a [REDACTED] work week.

On the afternoon of August 23rd, 2020, PO Meronek was working in full (KPD) uniform operating a marked KPD squad SUV, number 3339. It was her [REDACTED] and she was well rested when she reported for duty that day.

PO Meronek worked with another officer as she was in the second phase of field training. Her assigned FTO, PO Barriere was on a specialized assignment that day. PO Meronek was assigned to work with PO Sheskey that afternoon. PO Meronek explained there are five phases to the FTO program, and in phase two she was to take on most calls with assistance from the FTO. Each phase lasted twenty-four working days.

PO Meronek stated she arrived at approximately 1:30PM, and attended roll call/briefing at the beginning of the shift, where officers got their area assignments and any pertinent information for the day. After roll call, PO Meronek stated she and PO Sheskey completed a squad inspection, retrieved their gear and began their patrol shift. PO Meronek and PO Sheskey handled several calls for service, including a disorderly complaint, a medical call and assisted at a vehicle accident that afternoon. PO Meronek stated she and PO Sheskey had normal conversation about

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family stuff and had no self initiated activity before being dispatched to a "family trouble" call that resulted in the officer involved shooting.

PO Meronek recalled dispatch sending her and Sheskey, as well as PO Arenas, to a family trouble. The caller said a male subject at the residence was not supposed to be there, [REDACTED] PO Meronek had been on other family trouble complaints. She was aware of the area of the call but had not been to this specific unit before.

While they responded non-emergency (no lights, no siren) to the call at 40th Street and 28th Avenue PO Sheskey read the call notes to her. Dispatch stated they were on the line with the caller who said the male was trying to leave. The caller provided a license plate on a vehicle with an unknown state, and then the caller became uncooperative and hung up on the dispatcher.

PO Meronek parked the patrol car at a diagonal on 28th Avenue at the corner of 40th Street on the west side of the street facing north. As soon as PO Meronek opened her door of the patrol car she was met by a female that ran up to her and the two spoke at the rear of her patrol car. PO Sheskey walked toward a male that walked from the area of the adjacent building and toward an SUV parked behind their patrol car. PO Meronek said that the female was frantic and loud, pointed at the male subject and yelled [REDACTED] HE HAS MY KIDS". The female repeated that "MY KIDS ARE IN THE CAR, [REDACTED]

Based upon the female's comments, PO Meronek initially suspected the male was trying to steal the vehicle. When the female mentioned her kids being in the car Meronek became concerned for the children's safety. PO Meronek and the female observed the male subject close the back passenger side door of the SUV and the female stated loudly "IT'S TOO HOT FOR MY KIDS, GET MY KIDS OUT OF THE VEHICLE". Based upon the female's statements, where she referred to the children as HERS, and not OURS, Meronek believed the children in the car were the female's and not the male subject's.

PO Meronek observed that PO Sheskey was attempting to detain the male subject and observed the male subject actively resisting. The subject pulled his arms away from PO Sheskey as Sheskey attempted to gain control of them. Sheskey yelled loudly "STOP RESISTING". PO Meronek said the black male subject resisting PO Sheskey was wearing a white tank top and basketball shorts. PO Meronek ran to the SUV to assist PO Sheskey with the subject. PO Arenas arrived and was with PO Sheskey as Meronek ran toward them.

PO Sheskey and PO Arenas were on her right attempting to control the subjects right arm, and PO Meronek attempted to control the subjects left arm which was in the area of his front waistband or groin area. She used both of her hands to gain control of the subject's left arm and yelled "GIVE ME YOUR HAND, STOP RESISTING!" Both PO Sheskey and PO Arenas were also verbalizing something similar to "GIVE ME YOUR HAND, STOP RESISTING" multiple times.

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PO Meronek feared the subject was attempting to retrieve a weapon from his front waistband area, and did not believe that the subject had been patted down by PO Sheskey. PO Meronek momentarily gained control of the subject's left arm and moved it to an approximate 45 degree angle away from his body, but he violently yanked his arm away and she lost control of it. He immediately reached with his left hand toward the front of his waistband again. Meronek tried to regain control of his left arm to prevent him from accessing whatever he was reaching for at the front of his waist.

After the three officers struggled in vain to gain control of the subject, they stepped back toward the sidewalk and drew their Tasers and pointed them at the subject, who remained on the passenger side of the SUV. All three officers loudly gave the subject the order similar to "SHOW ME YOUR HANDS OR YOU WILL BE TASED".

PO Meronek noted that the subject was taller than her, and clearly stronger than her. She was already exhausted from the struggling with the subject in the summer afternoon heat. She was unable to control the subject's left arm even with both of her hands. The subject faced the SUV and the three officers all were several feet away from him. The subject never said a word throughout the incident which she felt was odd. All three (3) officers issued multiple orders for the subject to "SHOW US YOUR HANDS" and the subject refused to comply, and ignored the officers.

PO Arenas or PO Sheskey deployed their Taser. PO Meronek was not sure who fired the Taser but said she heard it deploy and observed the probes on the subject's back, with the subject showing no effect from the Taser. PO Meronek said that during the five (5) second Taser deployment the subject's torso was slightly turned and he was staring at the officers with a blank stare.

PO Meronek herself had been tased in the academy and she witnessed others be tased as well; she never witnessed someone show no effect to the Taser deployment. The lack of effect of the Taser caused PO Meronek's concern for their safety to increase, and she also was concerned about the female's children that were reported to be in the vehicle, although she had not observed them herself.

The subject then walked to the rear of the vehicle. PO Meronek used her police radio and called dispatch stating "730 PD- SEND MORE SQUADS". All three officers followed the subject to the rear of the SUV and attempted to gain control of the subject's hands again and place him under arrest. The subject again was actively resisting, which she described as not allowing the officers to control his arms, by moving and pulling his arms away.

As the officers continued to struggle with the subject, the female Meronek spoke with earlier approached them and PO Meronek ordered her to "BACK AWAY". The subject again was able to free himself and it became clear to PO Meronek that the officers' attempts to physically restrain

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the subject were ineffective. Meronek still could not even control the subject's left arm, and she was getting more fatigued.

The subject turned and moved away from the officers toward the rear passenger door of the SUV. Officers continued to yell at the subject to "SHOW US YOUR HANDS OR YOU WILL BE TASED", as they followed the subject and attempted to place him in handcuffs. Meronek feared the subject could gain access to and possibly harm the children she was told were in the SUV.

All three officers were still unable to control the subject and had not gained any compliance. The subject and the officers were all on the passenger side of the SUV when one of the officers screamed for the subject to stop resisting or he would be tased, at which time either PO Sheskey or PO Arenas deployed their Taser. PO Meronek said that the subject hunched over after the Taser probes struck him, but again the taser seemed to have little or no effect on him.

While the subject was hunched over and the Taser was still delivering the five (5) second cycle Meronek approached him to try to gain control of the subject by pinning him against the vehicle. PO Meronek moved toward the subject and reached for his right arm in an attempt to gain control of it. As Meronek engaged the subject she observed the subject had a knife but could not recall in which hand. PO Meronek said that she yelled out to alert the other officers "KNIFE! KNIFE! HE HAS A KNIFE!"

PO Meronek described the knife she observed in the subjects hand as an approximately four inch bladed knife with a cut out on the blade. The knife appeared to have saw like teeth on it, and Meronek was adamant that the blade was extended out on the possible folding style knife.

PO Meronek said after seeing the knife in the subject's hand she feared that based upon the subjects previous repeated attempts to access the front of his waistband while struggling with her and the other officers, he pulled the knife to kill her or another officer.

The three officers all stepped back towards the sidewalk along 28th Avenue to distance from the subject as they drew their service weapons. The officers then all began yelling the command "DROP THE KNIFE AND SHOW US YOUR HANDS" at the subject. There was no compliance or acknowledgement from the subject. PO Meronek said that because of the subject's strength, his blank stare, no verbal response, and no effect from the Taser she suspected he may have been under the influence of some sort of controlled substance.

PO Meronek drew her weapon because the subject pulled the knife out while fighting with the officers. She did not know his intentions, but knew she could no longer physically engage the subject without possibly being stabbed. She also could not disengage further or move further away from the subject because she was concerned about the safety of [REDACTED] children that were reported to be in the vehicle. PO Meronek feared that if the subject got into the vehicle he could potentially harm the children, or drive off with them. She knew she and the other two officers had to stop the threat the subject presented with his knife.

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The subject moved to the front of the SUV, then turned and walked across the front toward the driver side. PO Sheskey and PO Arenas both followed behind the subject around the front of the vehicle as PO Meronek moved around the back of the SUV. She worried the subject would get in the vehicle and endanger the children before she and the other officers could stop him.

The subject reached the driver's door of the SUV, and tried to enter the vehicle while officers yelled "SHOW ME YOUR HANDS", PO Meronek feared the subject was going to drive off and potentially hit the other officers with the vehicle. At that time PO Meronek heard what she believed was four gun shots from the area of the driver's door of the SUV. PO Meronek did not see which officer fired their weapon but recalled seeing PO Sheskey in the open doorway of the vehicle, behind the subject who was standing outside the vehicle with his upper body leaning into the vehicle.

PO Meronek said she got on the police radio and called out for responding squads to "STEP IT UP, SHOTS FIRED, SHOTS FIRED". PO Meronek said that again the female she had earlier spoke with came up to the officers and was hysterical, and was yelling "STOP!" Meronek ordered her to stay back and to "GET BACK ON THE SIDEWALK". PO Meronek said that she never observed the subject drop the knife that she had observed in his hand during the incident.

PO Sheskey yelled at the subject "YOU ARE UNDER ARREST, SHOW ME YOUR HANDS!" Officers removed the subject from the vehicle and laid him flat on the ground on his back. Once they got the subject outside the vehicle officers began providing him medical aid. PO Meronek ran to the patrol vehicle and retrieved gauze

They rolled the subject onto his side and checked his back and did not see any wounds.

PO Meronek repeatedly gave the subject "sternum rubs" which is a common procedure used by first responders to cause pain sensation and keep subjects alert and conscious. PO Meronek kept telling the subject to "stay awake." The subject kept lifting and trying to move his right arm which she told him to keep down. He also repeatedly asked for water with PO Meronek explaining to him that he needed to hold on for rescue. The subject said "3-2-1, I'm done" and closed his eyes. PO Meronek gave the subject another sternum rub, and he opened his eyes and said that it hurt.

Within a short period of time Kenosha Rescue arrived on scene and she was relieved and escorted away by another responding officer. After standing by with PO Arenas and another unknown officer for a short time arrangements were made for their transport back to the police department. PO Meronek said that officers asked if she was ok, but had no other conversation about the incident.

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SA Gibbs showed PO Meronek a photograph of the knife recovered from the floorboard area of the vehicle at the scene, PO Meronek stated that the photographed knife was the same knife she observed in the subject (Jacob Blake's) hand during the incident. SA Gibbs also had PO Meronek mark positions on a paper diagram of the vehicles at the scene. PO Meronek marked several locations of officers and both Jacob Blake and Laquisha Booker during the incident. The locations are marked and summarized on the paper. PO Meronek signed and dated the document which was scanned and attached to this report. The original document will be entered into DCI-Records.

PO Meronek said that she had never previously met or dealt with either the female [REDACTED] (Laquisha Booker) or the armed male subject (Jacob Blake). PO Meronek said that aside from being asked if she was ok, she had no conversations about what had occurred with anyone, and was advised not to speak with anyone else by her attorney.

PO Meronek stated she did not view any video of the incident prior to her interview with Gibbs and Peskie, explaining she saw that it was being played on the news and turned it off after seeing about one second of the video with the officers on the passenger side of the vehicle. With no additional information the interview with PO Meronek was completed at 11:25AM.

On Thursday, September 3, 2020 at 10:00am SA Gibbs & SA Peskie met with P.O. Meronek and Attorneys Matthews and Meyer and Kenosha PD Union representative Peter Deats to review this written statement. Upon review a few minor grammatical changes were identified and changed. No substantive changes were made.

Attachment 3

INITIAL INFORMATION

On Tuesday, August 25th, 2020, Special Agent Nathan Peskie and Special Agent Ricardo Tijerino of the Wisconsin Department of Justice, Division of Criminal Investigation interviewed Kenosha Police Officer Vincent Arenas at the DCI-Milwaukee Field Office.

INTERVIEW OF POLICE OFFICER VINCENT ARENAS

At 11:36 AM, PO Arenas was interviewed in a private conference room at the Division of Criminal Investigation- Milwaukee Field Office, located at 633 W Wisconsin Ave, Milwaukee, Wisconsin. Also present during the interview was Kenosha Professional Police Association Union Representative Peter Deates, and Attorneys Brendan Matthews and Rebecca Meyer.

SA Tijerino advised PO Arenas he was under no obligation to speak with the DCI Agents, and could in fact refuse to make a statement. He could also confer with his attorneys or union representative at any time during the interview, or stop the interview at any time. PO Arenas stated he understood and wished to voluntarily speak with SA Tijerino and SA Peskie. SA Tijerino stated the interview could be recorded with audio or video, but PO Arenas did not wish the interview be recorded.

PO Arenas had been with the Kenosha Police for about a year and a half, and prior to working for Kenosha was a Police Officer for the US Capitol Police in Washington DC for approximately one (1) year. Prior to working in law enforcement PO Arenas served five (5) years in the US Marine Corps, Arenas was assigned to the Whitehouse Military Office, Marine Security Force. Arenas is close to finishing his bachelors degree in Public Safety Administration from the University of Maryland. PO Arenas had graduated the law enforcement academy but could not recall any additional specialized training.

PO Arenas stated that he was assigned to [REDACTED] shift patrol, stating he worked [REDACTED], and was off probation. On that afternoon PO Arenas (#707) was assigned as a "rover" but was working in Area 35. It was PO Arenas's [REDACTED] day of his [REDACTED] work week, and PO Arenas said that he had nine (9) to ten (10) hours of sleep the prior evening.

PO Arenas said that he arrived to the Police Department at about 2:10PM that afternoon, and after getting ready in full Kenosha Police uniform, he attended roll call where there was nothing of relevance to report. After roll call PO Arenas prepared his fully marked Kenosha Police squad #3344 and began his shift. PO Arenas said that he handled or assisted on two (2) or three (3) calls prior to the incident stating he remembered backing up an officer on a traffic stop and assisting on a disorderly conduct call.

PO Arenas said that he was then dispatched to a "family trouble" somewhere around 5:00PM. PO Arenas said that he was dispatched to the call along with another unit, #618 who was the primary

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on the call. While driving to the address PO Arenas recalled dispatch advising that the male associated to the address of the call had a felony warrant. Dispatch stated something about children possibly being involved, [REDACTED] and stated that the male subject had left and the caller was uncooperative.

PO Arenas said that he arrived at the location first but because he was unfamiliar with the address did not know where "Unit D" was. PO Arenas said that he walked around the building and did not have contact with anyone as he turned the corner on the south side of the building before a child ran past him. At that time he observed PO Sheskey and PO Meronek speaking with individuals near a gray/silver SUV parked on 28th Avenue. PO Arenas said that he recalled hearing a female voice yelling what he recalled as "THAT'S HIM". At that point PO Arenas said that it appeared that both officers were conversing with the individuals involved in the call and there was no physical confrontation at that time. As PO Arenas was walking toward PO Sheskey he observed a male black that PO Sheskey was talking to attempting to walk away from officers. PO Arenas said that he walked to the front passenger side of the SUV in the path of travel of the male subject when PO Sheskey went hands on and grabbed the male subject to stop him.

PO Arenas said that at that time PO Meronek was off to the side left of PO Sheskey near the rear passenger side of the SUV, and as PO Sheskey went to grab the subject all three (3) officers stepped in and tried to control the subject. At that time PO Arenas said that PO Meronek said "HE'S GOT A KNIFE". PO Arenas said that he then observed the knife in what he believed was the left hand of subject near his groin area. PO Arenas described the knife as a black knife about six (6") inches long in total with a razor blade shaped blade approximately two (2) to three (3) inches long. PO Arenas said that the armed subject never said anything and officers created distance, stepping back and gave numerous orders similar to "DROP THE KNIFE". PO Arenas said that the officers were well within twenty-one (21) feet of the armed subject and knew that within twenty-one (21) feet the subject could attack and officers would not have time to react and stop the threat.

PO Arenas said that he noticed the armed subject had a blank stare on his face and at that time PO Arenas said that one of the other officers, who he believed was PO Sheskey fired their Taser. PO Arenas said that the subject tensed up but did not fall to the ground like he was accustomed to seeing with Taser deployments. PO Arenas said that the armed subject did not drop the knife and then moved towards the back of the SUV with the three (3) officers moving with him. PO Arenas stated that he knew they couldn't disengage the subject because of the possibility that there were children in the vehicle, which he was unable to confirm at that time.

PO Arenas said that at that time he knew they had to control the subject so the officers or possible children said to be in the vehicle didn't get seriously injured or killed. PO Arenas said that PO Sheskey moved in again to go hands on and attempted to control the armed subject while he was tense from the Taser deployment. At that time the subject and officers were near the back of the SUV. PO Arenas said that he and PO Sheskey tried to grab the subject and that they started wrestling with him near the rear hatch area of the SUV. PO Arenas again said he did not see the

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subject drop the knife so he believed that he was still armed with an edged weapon. PO Arenas said that the subject was actively resisting, describing that he was violently pulling and twisting to get away from the officers. PO Arenas said that all of the officers continued to give verbal commands including "DROP THE KNIFE, STOP RESISTING". At that time PO Arenas fired his Taser with the probes making contact with the upper torso of the armed subject. It did not appear to PO Arenas that the Taser had any effect on the armed subject.

PO Arenas said that PO Sheskey and the subject ended up both going to the ground with the armed subject still actively resisting/fighting with the officers. At that time PO Arenas pulled the trigger to his Taser giving a second five (5) second cycle. PO Arenas said that the Taser appeared to have no effect on the armed subject. The armed subject got up from the ground and began moving towards the front of the vehicle. PO Arenas said that the officers continued to give verbal commands of "DROP THE KNIFE" and at that time PO Arenas said that he drew his firearm as Tasers were ineffective on the still armed subject. PO Arenas said that it seemed like the armed subject was moving fast, but his recollection of the entire incident seemed like it all went very fast.

PO Arenas said that PO Sheskey was behind the armed subject moving around the front of the car with his gun out, PO Arenas said that he tried to fan out away from the vehicle as they moved stating they were both within feet of the armed subject. PO Arenas said that PO Sheskey tried to grab the subject as he opened the driver's door of the SUV. As the door opened PO Arenas believed the subject was trying to get into the vehicle to flee from law enforcement or worse. As PO Arenas reached the outside of the opened driver's door, with PO Sheskey holding the shirt of the subject in the opened door, PO Arenas said that he observed the subject with the knife in his hand at chest level, blade pointed up, and was twisting with his body partially canting towards PO Sheskey. PO Arenas became emotional and said at that moment he feared the armed subject was about to stab PO Sheskey and PO Arenas knew he had to stop him but that he did not have a clear shot due to the positioning of the door and PO Sheskey. It was at that time with PO Sheskey within two (2) feet of the armed subject in the doorway of the SUV that PO Arenas heard multiple gun shots fired. PO Arenas believed that it was PO Sheskey that had fired but was not positive. PO Arenas said that he moved around PO Sheskey looking for a clear shot to stop the armed subject but there was no clear shot. PO Arenas said that he felt helpless, and feared that the subject would stab PO Sheskey and there was no way for PO Arenas to stop him. PO Arenas clarified that had he had a clear shot, when the subject raised his arm to chest level in the vehicle he would have fired if PO Sheskey was not in the doorway. PO Arenas said he believed that he called out "shots fired" over the police radio after the shooting.

PO Arenas explained that he did observe a knife on the floorboard area of the driver's seat after the shots were fired which was consistent with it falling from where he last saw the knife in the subjects hand.. He stated that the subject came out of the vehicle, but was unsure if he fell out or if he was pulled out by PO Sheskey. At that time PO Arenas said that the officers switched to providing medical aid to the subject. The subject was laid on his back next to the vehicle, and kept saying "I'm going to die", PO Arenas said that he and PO Meronek tried to keep the subject

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calm and observed two (2) gun shot wounds to the subjects abdomen. After putting on latex gloves. [REDACTED]

[REDACTED] PO Arenas said that PO Meronek went and retrieved gauze from a squad [REDACTED]

[REDACTED] PO Arenas said that they kept telling the subject to "hang in there, stay with us, and keep breathing". The officers gave the subject several "sternum rubs" in an attempt to keep him conscious. PO Arenas said that he did get on the radio and asked for the medical unit to "step it up" because it felt as if Rescue should have arrived by then to PO Arenas.

Once additional squads arrived and Kenosha Rescue took over. PO Arenas said that he went to make sure the scene was secured when he heard people yelling about the shooting in the background. Ultimately the first responding officer, PO Jones-Denson escorted PO Arenas back to the Police Department. PO Arenas did not have contact with the subject after other responding units arrived on scene.

PO Arenas was shown a photograph which he immediately identified as the knife he had observed in the hand of the subject during the incident. He also was shown a overhead diagram of the scene with the SUV and PO Meronek's squad depicted. PO Arenas marked where he believed he was outside the opened door and where he believed PO Sheskey was during the shots being fired by PO Sheskey. The photograph and diagram were both signed and dated by PO Arenas, both were scanned and attached to this report. The original documents will be entered into DCI-Records.

PO Arenas said that he did not recall previously meeting or dealing with either [REDACTED] (Laquisha Booker) or the armed male subject (Jacob Blake). PO Arenas said that he had no conversations about what had occurred with anyone, and was advised not speak with anyone else by his attorney.

PO Arenas stated that he did not view any video of the incident prior to his interview with SA Tijerino and SA Peskie. With no additional information the interview with PO Arenas was completed at 12:37PM.

On Thursday, September 3, 2020 at 11:00am, SAs Tijerino and Peskie met with P.O. Arenas and attorneys Matthews and Meyer and Kenosha PD union representative Peter Deats to review this written statement. Upon review a few minor grammatical changes were identified and changed. No substantive changes were made.

Attachment 4

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-6420/16 Contact with JACOB STEPHON BLAKE, B/M, DOB: [REDACTED] - Re: OIS

On 08-24-2020, at approximately 4:04 PM, S/A's Tijerino and Gibbs met with JACOB STEPHON BLAKE, B/M, DOB: [REDACTED] - Re: OIS.

BLAKE was admitted at the Froedtert Hospital located at 900 North 92nd Street, Milwaukee, WI on 08-23-2020 after an Officer Involved Shooting incident in the 4000 block of 28th Avenue, Kenosha, WI.

At that time the Case Agents introduced themselves to BLAKE and informed him that the case agents were investigating the shooting that occurred on Sunday evening. BLAKE asked the case agents why they were investigating the shooting instead of the Kenosha PD. S/A Tijerino explained to BLAKE that in the State of Wisconsin whenever there is an incident between the Police and a citizen that results in great bodily harm or death an outside agency gets called in to investigate the incident. S/A Tijerino further stated that DCI was the agency that got called in to investigate this incident and the agency's job was to collect all the possible evidence and then present it to the assigned prosecutor who would then make a decision on whether any charges were warranted on the case.

S/A Tijerino advised BLAKE that the case agents wanted to hear what happened from him as they considered it to be extremely important.

BLAKE stated that he understood and stated that he had been staying with his girlfriend at her house for approximately 5 days when they got into some type of argument . BLAKE explained that his girlfriend, LAQUISHA BOOKER, was angry with him because he did not seem more upset when he found out [REDACTED].

BLAKE further stated that he didn't really care what she was doing because he was leaving Wisconsin and moving to North Carolina to join his brother in a business he started.

BLAKE stated that he had been cooking some hot dogs for everyone when all of this started and he actually took her car keys and he left to get some cigarettes from the store then when he came back a few minutes later he resumed grilling but she was still upset with him so he decided that he was going to leave because he did not want to deal with her. BLAKE stated that the only reason why he spent time there was because his kids were there and he was celebrating his child's birthday.

[REDACTED] . BLAKE stated that she made up the whole thing [REDACTED] and he wanted to deal with that stuff before he moved to North Carolina.

BLAKE stated that LAQUISHA had just bought a vehicle and the Rental car was supposed to go back the following day and he had been using it go back and forth to work. BLAKE stated that he works armed security at a club in Illinois.

Wisconsin Division of Criminal Investigation Case Report

**Case/Report Number: 20-6420/16 Contact with JACOB STEPHON BLAKE, B/M, DOB: [REDACTED] -
Re: OIS**

BLAKE stated that he [REDACTED] and put his kids in the back of the car when he started to walk towards the car so he could get out of the area but the Police then showed up before he could leave.

BLAKE stated that he had a knife in his possession and he dropped it on the ground near the vehicle but he believes that the Police Officers did not see him dropping the knife. BLAKE stated that the Officers approached him and put their hands on him and he just wanted to leave the area with his kids. BLAKE further stated that the Officers tazed him at least two (2) times while he was trying to leave but he just tore the wires and recalls that at some point he was tackled to the ground and he got up and picked up his knife again. BLAKE also stated that he wanted to put his knife away in the car because the knife was a gift given to him and it meant a lot to him and he did not want to lose it. BLAKE described his knife as a "Bear Claw."

At this time case agents advised BLAKE that they needed to stop the interview immediately as he had just made an incriminating statement. BLAKE stated that he did not understand. Case Agents explained to BLAKE that because he had made an incriminating statement the case agents needed to stop the interview immediately and prior to him continuing with a statement they needed to read him his Miranda warnings.

Over the next few minutes BLAKE appeared to be getting tired and began to doze off, eventually falling asleep.

Case Agents attempted on two (2) occasions to read BLAKE his Miranda warnings but BLAKE did not appear to be able to stay awake long enough to satisfy the Case Agents that he was capable of understanding what was being read to him at that time.

At this time S/A Tijerino advised BLAKE that the Case Agents would return the following day (Tuesday, 08-25-2020), when he was rested to speak with him again. BLAKE said good bye to the Case Agents and fell back asleep.

Attachment 5

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-6420/29 Interview of JACOB S. BLAKE - Re: OIS

On 08-25-2020 S/A's Tijerino and Gibbs conducted a follow up interview of JACOB S. BLAKE, B/M, DOB: [REDACTED] - Re: Officer Involved Shooting (OIS). The previous interview occurred on 08-24-2020.

It should be noted that the first observation of S/A Tijerino upon entering the area where BLAKE's room was located was that he was more alert than the previous day. Upon arrival in the area the Case Agents observed various medical personnel, including a doctor, talking to BLAKE and explaining to him what was going to happen next. BLAKE appeared to be alert and was asking questions to the doctor.

The Case Agents waited outside of BLAKE's room so they could speak to his doctor.

When BLAKE's doctor came out of his room the Case Agents advised him that they wanted to talk to him and asked him if the doctors had given BLAKE anything like anesthesia that would prevent him from talking to the Case Agents. The doctor replied that they had not given him any anesthesia but he was on pain medication which made him fall asleep intermittently; however, it would not impair his cognitive abilities.

At this time Case Agents entered the room and asked BLAKE if he recalled the Case Agents being there the previous day. BLAKE replied affirmatively.

S/A Tijerino asked BLAKE if he remembered talking to the agents. BLAKE replied affirmatively.

S/A Tijerino advised BLAKE that because he was in custody they needed to advise him of his Miranda rights and they also had a Victim's rights form for him.

At approximately 2:05 PM S/A Tijerino, in the presence of S/A Raymond Gibbs, read BLAKE his Miranda warnings directly from a State of Wisconsin Constitutional Rights Card. At the conclusion of the reading S/A Tijerino asked BLAKE if he understood his rights. BLAKE stated that he understood his rights. S/A Tijerino asked BLAKE if he wanted to make a statement. BLAKE stated: "No because I am still in and out of it."

S/A Tijerino explained to BLAKE that the Case Agents had wanted to go over some of the information that they had talked about the day before but they had to stop because he had been falling asleep. BLAKE stated that he had been like that all day today.

S/A Tijerino explained to BLAKE that he had made a couple of statements that they decided that they needed to talk to him about and needed to read him his rights. S/A Tijerino asked BLAKE if he wanted to go over his statement from yesterday. BLAKE replied affirmatively.

The Case Agents commented that BLAKE looked better than the previous day.

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Case/Report Number: 20-6420/29 Interview of JACOB S. BLAKE - Re: OIS

S/A Tijerino asked BLAKE again if he was sure that he wanted to go over his statement from yesterday. BLAKE replied: "Yes."

S/A Tijerino then stated that he (BLAKE) had said he was hanging out at his girlfriend's place, celebrating his sons' birthday and he had been there for five (5) days. At that time BLAKE corrected S/A Tijerino and told him it was actually four (4) days.

S/A Tijerino continued reviewing BLAKE's previous statement and stated that he (BLAKE) had said that he had found out that his girl (LAQUISHA BOOKER) had been [REDACTED] [REDACTED] at which time they got into a bit of an argument, but he didn't care. At that time BLAKE stated that "he cared but he didn't take it there." S/A Tijerino asked BLAKE how she (BOOKER) took that. BLAKE stated that she got angry.

S/A Tijerino then stated that he (BLAKE) had said that he left the area (neighborhood) once. BLAKE replied affirmatively. S/A Tijerino asked BLAKE where he went. BLAKE stated that he went to get cigarettes and came back. S/A Tijerino asked BLAKE what happened when he came back. BLAKE stated that they argued. S/A Tijerino asked BLAKE if he had gotten into another discussion. BLAKE asked "who, me and my baby mama?" S/A Tijerino replied affirmatively. BLAKE advised the Case Agents that he had decorated the whole inside of the house for his son's birthday and that is one of the reasons why he didn't want to go outside (and argue with LAQUISHA BOOKER who was outside).

S/A Tijerino asked BLAKE what happened after that. BLAKE stated that something happened.

[REDACTED] S/A Tijerino asked BLAKE what happened when the Police showed up. BLAKE stated that the Police tried to grab him by the arm. S/A Tijerino asked BLAKE what happened next. BLAKE stated "I'm going to tell you".

At this time S/A Tijerino reminded BLAKE that he could stop at anytime. BLAKE replied affirmatively and stated that he had felt a little sick (yesterday).. S/A Tijerino replied that he knew and this is why the agents had wanted to go over what he said yesterday, and when he started to talk about certain information that they needed to advise him of his rights then, but because he wasn't feeling well the agents left and gave him an opportunity to go through it later.

S/A Tijerino then asked BLAKE what happened next and if the Police showed up. BLAKE stated that "the Police showed up and they tried to grab me and I grabbed the top of the car to try to hold myself up if he tried to bring me down...they tased me right away down there and they didn't give me more than four minutes, they didn't give me more than three (3) minutes."

S/A Tijerino asked BLAKE what happened next. BLAKE stated that they tried to grab him. S/A Tijerino asked BLAKE what happened next. BLAKE stated that they tased him and he ripped it

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-6420/29 Interview of JACOB S. BLAKE - Re: OIS

out. BLAKE stated that the Officers told him not to do that (rip it out) and they hit him again (with the taser) and he ripped those out and he tried to walk off.

S/A Tijerino asked BLAKE what happened next. BLAKE stated that he walked in front of his car. S/A Tijerino asked BLAKE if he was carrying a knife. BLAKE stated: "yeah, I had my knife." S/A Tijerino asked BLAKE if he had a knife on him. BLAKE stated: "Yeah." S/A Tijerino asked BLAKE if he had it in his hand or in his pocket. BLAKE stated that "it wasn't even open." S/A Tijerino asked BLAKE if he didn't think (it was open). BLAKE stated that he "didn't think it was." S/A Tijerino asked BLAKE if he had it with him. BLAKE stated: "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." S/A Tijerino advised BLAKE that he thought he had a good sense of humor.

BLAKE stated: "that's just stupid, I just didn't want to, I just grabbed it, man, honestly." S/A Tijerino asked BLAKE why he grabbed it (knife). BLAKE stated that he "didn't want to leave my knife behind."

S/A Tijerino repeated "You didn't want to leave the knife behind." BLAKE stated: "that instantly gives them a defense, he was shot because he had a knife, but I always got my knife." S/A Tijerino asked BLAKE if it was a habit that he always carried a knife with him. BLAKE stated: "Yes."

BLAKE further stated that it was crazy because he was just telling (someone else). S/A Tijerino asked BLAKE who he was just telling that he carried a knife, the Deputy, the Doctor, the nurse. BLAKE stated that he was just telling one of his "homies" why he always carried a knife - it was because of possum.

S/A Tijerino advised BLAKE that they wanted to finish up so he asked him if he had the knife with him the whole time but he thought that it was unopened, thought it was closed, did he have it with him the whole time that the Officers were trying to taze him. S/A Tijerino asked BLAKE if there was a time that he didn't have it (the knife). BLAKE stated that "no, it was on the floor." S/A Tijerino asked BLAKE where on the floor. BLAKE stated: "damn near under my car."

S/A Tijerino asked BLAKE when it got there. BLAKE stated that "when they first grabbed me they grabbed me by the arm I took it out of my pocket and dropped it." BLAKE further stated: "I can't get in trouble for the knife but I took it out to get this shit away from me because it might get ugly."

S/A Tijerino asked BLAKE when did he pick it (knife) up again. BLAKE stated: "when he wrestled me around the car." S/A Tijerino asked BLAKE if he was able to reach down and get it again. BLAKE replied: Yeah." BLAKE further stated that "when I went around the car the first time they were going to shoot me so I was trying to figure out what I was going to do, I am a little dude." S/A Tijerino told BLAKE that he was tough guy as they tased him two times. At this time BLAKE corrected S/A Tijerino and stated that he had been tased three (3) times.

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S/A Tijerino asked BLAKE why he wanted to go to the car. BLAKE replied that he wanted to go to the car "because his kids were in there." S/A Tijerino asked BLAKE why the kids were in there. BLAKE stated "because their Mom was about to fight the neighbor."

S/A Tijerino asked if all three (3) of them were in there. BLAKE stated that his two oldest kids were in the car. S/A Tijerino asked BLAKE where was the knife by the time he got to the front door of the car. BLAKE asked (S/A Tijerino) if he meant when he was getting in the car. S/A Tijerino replied affirmatively. BLAKE stated: "it was getting thrown." S/A Tijerino asked BLAKE if he intended to throw it. BLAKE stated: "not at the cops, just going to throw it in my car."

S/A Tijerino stated that he understood that. BLAKE stated that he knew that they have cameras and it will show them. BLAKE further stated that he thought that one of them tased him before he got in the car but that triggered the one before the next one started shooting and that is how he thinks it happened. BLAKE further stated that he feels that because: "the first one wasn't loud, I know gun shots, I have been shot and I have been tased as well so this is not my first time."

[REDACTED] BLAKE stated that it was because of the first one [REDACTED] and half of his shit is down in North Carolina.

S/A Tijerino advised BLAKE that the Case Agents were very appreciative for him talking to them and being willing to go through some of the things that he said yesterday. S/A Tijerino also apologized for not being able to finish the prior day but if he might recall he (BLAKE) had started getting tired and when he started to talk about the knife they wanted to give him his rights but he was out of it at that point so it was time to stop and come back.

At that time BLAKE asked if he was going to get charged. S/A Tijerino explained to BLAKE that the job of the case agents was to collect all of the evidence and present it to the Prosecutor and they make the decision.

S/A Tijerino then presented BLAKE with the OCVS information.

S/A Tijerino asked BLAKE again if he had any questions. BLAKE asked what they were going to do with this entire situation. S/A Tijerino advised BLAKE that after the case agents got done the prosecutor had to spend some time reviewing all of this information and then he would make a decision.

S/A Tijerino gained consent from BLAKE to have OCVS people contact him regarding some possible services.

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S/A Tijerino asked BLAKE if he had any other questions or if there was something that the case agents should know. BLAKE replied affirmatively and stated: "they didn't have to shoot me like that, I was just trying to leave and he had options to shoot my tires and even punch me, tase me again, hit me with the night stick...I work armed security and I have gotten into it with cats that are bigger than me and my first thing is, I grab my taser first and then my baton." S/A Tijerino asked BLAKE, since he had brought it up, why he didn't just say something to them (Officers), like hey I am going to give up." BLAKE stated: "because he instantly grabbed my hand and he was trying to put me in handcuffs and I am just like not in front of my kids, not on my kids birthday." S/A Tijerino asked BLAKE if he said that to them. BLAKE stated: "No, I'm thinking that. I didn't say it."

S/A Gibbs asked BLAKE if he ever told them that those were his kids. BLAKE stated: "Yeah." S/A Gibbs asked BLAKE when did he tell them. BLAKE stated: "when he first got there, I told them these are my kids and she is about to start fighting over there, I'm trying to put my kids in the car." S/A Tijerino asked BLAKE if he could remember which officer he told that to. BLAKE stated that he could not recall.

S/A Tijerino asked BLAKE if there was anything else that he wanted to tell the Officers or if he had any other questions.

BLAKE stated that he had another question and S/A Tijerino joked that every time they want to leave he asks them another question. BLAKE asked the Case Agents if he needed to get an attorney. S/A Gibbs advised BLAKE that it was completely up to him.

The S/A's thanked BLAKE for his time and he raised his arm to fist pump both S/A Gibbs and S/A Tijerino. After fist pumping BLAKE the Case Agents wished BLAKE luck on his next operation and advised him that they would let the nurse know that he wanted some ice.

This interview was terminated at approximately 2:24 PM.

S/A Tijerino used a recorder during this interview and placed it in inventory as part of this report: 20-6420/29.1.

Attachment 6

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-6420/162 Proffer Interview of JACOB S. BLAKE on 09-21-2020 - Re: Kenosha OIS

On 09-17-2020, S/A Tijerino was advised by SAC David Klabunde that The Wisconsin Attorney General's Office, the Kenosha County DA's Office and the Attorney's representing JACOB S. BLAKE, B/M, DOB: [REDACTED] had agreed to conduct a proffer interview of Mr. BLAKE.

On 09-18-2020 and 09-19-2020, S/A Tijerino contacted Attorney Patrick A. Salvi II and made arrangements to meet on 09-21-2020, at a predetermined location in Chicago, IL for the purpose of conducting the aforementioned proffer interview with BLAKE.

On 09-21-2020, at approximately 1:00 PM, S/A's Ricardo Tijerino and Shannon Jones conducted a proffer interview of JACOB S. BLAKE, B/M, DOB: [REDACTED] - Re: Kenosha OIS. Present during this interview were Attorneys: Patrick A. Salvi II, Patrick Cafferty and Investigator Angela M. Kvidera. The aforementioned meeting occurred in the Westley M. Dixon Boardroom in the Shirley Ryan Ability Lab located at 355 East Erie Street, Chicago, IL.

It should be noted that prior to the start of the interview, S/A Tijerino was contacted by Deputy Attorney General Eric Wilson who informed S/A Tijerino that Attorney Salvi II had advised him that he had four (4) Affidavits that he wanted to hand over to DCI.

It should be also noted that prior to the start of the meeting, S/A Tijerino handed Attorney Salvi a USB Flash drive containing Text Messages, Pictures, and Contacts recovered from BLAKE's cell phone. The aforementioned items had been previously requested by BLAKE through Attorney Salvi.

At that time Attorney Salvi II handed S/A Tijerino four (4) affidavits regarding the incident that occurred in the City of Kenosha, WI on 08-23-2020.

S/A Tijerino began the meeting by advising BLAKE that he was under no obligation to speak and he was free to confer with his Attorney's at any time during the interview and furthermore could stop the interview at anytime for any reason. BLAKE stated that he understood.

S/A Tijerino also advised BLAKE that this interview could be recorded if he wished, but he understood based on an earlier conversation with Attorney Salvi that he did not wish to have this interview recorded. BLAKE replied affirmatively.

At this time S/A Tijerino discussed the proffer agreement and showed BLAKE a copy of the proffer agreement signed by:

Kenosha County DA Michael D. Graveley on 09-17-2020

Walworth County DA Zeke Wiedenfeld on 09-17-2020

Wisconsin Attorney General Joshua L. Kaul on 09-17-2020

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 20-6420/162 Proffer Interview of JACOB S. BLAKE on 09-21-2020 - Re:
Kenosha OIS

S/A Tijerino confirmed with BLAKE that he has had a chance to talk to his Attorneys about the proffer agreement. BLAKE replied affirmatively.

S/A Tijerino then confirmed that BLAKE was comfortable moving forward with the interview. BLAKE stated that he understood and he was ready to go.

S/A Tijerino advised BLAKE that the most important thing was for him to tell the truth. BLAKE stated that he understood.

At this time, Attorney Salvi presented a copy of the proffer letter to BLAKE at which time BLAKE signed it and handed it back to Attorney Salvi. Attorney Salvi then handed the signed proffer agreement to S/A Tijerino.

At this time, S/A Tijerino had a brief discussion with the Attorney's regarding the order of events for the rest of the proffer interview, including a suggestion on the normal procedural sequence of events and BLAKE's Attorney's rejected that suggestion as that was not what it was agreed upon by all the parties involved.

S/A Tijerino then handed the Attorney's two (2) copies of DCI report #'s: 20-6420/16, 20-6420/29 and 20-6420/65.

It should be noted that S/A Tijerino discussed the fact that no duplicates could be made of the reports and the Case Agents did not consent to any recordings taking place. Attorneys Salvi and Cafferty stated that they understood and agreed to those terms.

At approximately 1:20 PM, S/A's Tijerino and Jones exited the room and allowed the Attorney's to review the above listed DCI reports while the case agents observed from behind glass doors in an adjacent room.

At approximately 2:32 PM, S/A's Tijerino and Jones were called back to the Westley M. Dixon Boardroom by Attorney Cafferty.

Upon entry into the room Attorney Salvi handed the reports (20-6420/16, 20-6420/29 and 20-6420/65) back to S/A Tijerino and stated that they had finished reviewing the DCI reports and before BLAKE provided his statement there were a few things that they needed to clarify in regards to the reports. S/A Tijerino advised Attorney Salvi to proceed.

At that time, Attorney Salvi asked BLAKE if he was aware that the Police had their guns drawn on him while he was walking in front of the car. BLAKE replied that he did not know that the Police was behind him.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-6420/162 Proffer Interview of JACOB S. BLAKE on 09-21-2020 - Re: Kenosha OIS

Attorney Salvi asked BLAKE if he had any idea that there was an Arrest Warrant for his arrest. BLAKE stated that he knew that she had made a complaint, but she later said that she did not so he moved back in. BLAKE further stated that he did not know that there was an Arrest Warrant for his arrest in the system.

Attorney Salvi asked BLAKE if LAQUISHA (BOOKER) had rented the car for him. BLAKE stated that the car was for him as his car was in the shop and LAQUISHA had a different car. BLAKE further stated that he had been using the car to go shopping for his son's birthday party and to buy gifts and decorations for the party. BLAKE further stated that LAQUISHA had just purchased a new car.

Attorney Salvi asked BLAKE if he just wanted to leave when he loaded the kids in the car. BLAKE replied affirmatively.

Attorney Salvi asked BLAKE if he wanted to leave before the Police arrived. BLAKE replied that he wanted to leave and get in the car so the Police would not beat on him.

Attorney Salvi asked BLAKE if he was trying to leave the area. BLAKE stated that he was not going to get into a high speed chase with the cops because his kids were in the car and the Police did not need to kick his ass.

Attorney Salvi stated that one of the reports stated that BLAKE had taken his knife and dropped it and asked BLAKE to clarify that. BLAKE stated that the knife fell out of his pocket.

Attorney Salvi asked BLAKE where he was carrying the knife. BLAKE stated that he was carrying the knife in his left pocket and he always carried the knife in his left pocket. BLAKE further stated that the knife was a gift to him from a friend and it meant a lot to him. S/A Tijerino asked BLAKE if he could recall his friend's name or when his friend gave him the knife. BLAKE stated that he could not recall. BLAKE further stated that he did not realize that the knife was out of his pocket until he saw it on the ground. S/A Tijerino asked BLAKE how many times he picked the knife off the ground. BLAKE stated that he only picked it up once.

Attorney Salvi asked BLAKE what he intended to do with the knife. BLAKE stated that he just wanted to pick up the knife and get rid of it so no one would look at him like he was going to use it and the Police would shoot him.

Attorney Salvi asked BLAKE why he was trying to get to the car. BLAKE stated that his intention was to drop the knife in the car. BLAKE stated that he had no intentions to use the knife. BLAKE also stated that he did not brandish the knife, he did not swing the knife, he did not point the knife at anyone, and he did not have any intention to hurt anyone.

S/A Tijerino thanked Attorney Salvi and BLAKE for clarifying those items and now that they had brought up the knife he wanted to show him something.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-6420/162 Proffer Interview of JACOB S. BLAKE on 09-21-2020 - Re: Kenosha OIS

At approximately 2:42 PM, S/A Tijerino showed BLAKE a picture showing a Karambit black knife with a curved blade measuring approximately 7.5 inches in length. At that time S/A Tijerino asked BLAKE if that was his knife. BLAKE replied: "Yes, that's my knife."

S/A Tijerino asked BLAKE if he was carrying the knife when he was walking in front of the SUV. BLAKE stated that he was carrying it in his left hand and he tried putting it in his left pocket twice, but was not successful. S/A Tijerino asked BLAKE if he could recall if the blade was open when he was trying to put the knife away in his pocket. BLAKE stated that he doesn't remember if the knife was open, but believes that it was closed.

S/A Tijerino then showed BLAKE a picture portraying various B/F's and asked him to identify the women in the picture. BLAKE positively identified LAQUISHA (BOOKER) in the picture as the woman wearing a black shirt and multi colored pants. BLAKE then positively identified the B/F wearing a black shirt as T [REDACTED] B [REDACTED], AKA: [REDACTED]

S/A Tijerino asked BLAKE if he knew who were the other women in the picture. BLAKE stated that he did not know who the other women in the picture were.

S/A Tijerino asked BLAKE what was going on at the house. BLAKE stated that LAQUISHA (BOOKER) was arguing with her neighbor [REDACTED]. S/A Tijerino asked BLAKE if he knew the name of the other woman. BLAKE stated that he did not know her name.

S/A Tijerino asked BLAKE if he had been using drugs or consuming alcohol that day. BLAKE stated that he had not been drinking or using drugs that day.

S/A Tijerino asked BLAKE if he had any previous dealings with the Officer that shot him. BLAKE stated that he did not recall ever having dealings with that Officer in the past.

S/A Tijerino asked BLAKE if the Officers said anything to him when they first approached him. BLAKE stated that the Officer did not say anything to him. S/A Tijerino asked BLAKE what he was doing when the Officer first approached him. BLAKE stated that he was putting his oldest son in the car and he was not paying attention to the Police.

S/A Tijerino asked BLAKE if he tried to walk away from the Officers. BLAKE stated that he was not paying attention to the Officers as he was putting his oldest son in the back of the car and the next thing he knows someone grabbed his arm.

S/A Tijerino asked BLAKE if he could hear anyone else saying anything to him. BLAKE stated that there was a lot of screaming and lots of people were shouting stuff, so he doesn't know who was shouting what and he could not tell what they were saying.

Wisconsin Division of Criminal Investigation Case Report

Case/Report Number: 20-6420/162 Proffer Interview of JACOB S. BLAKE on 09-21-2020 - Re: Kenosha OIS

S/A Tijerino asked BLAKE if he understood why the Officer grabbed his arm. BLAKE stated that his thought was: "What the Fuck!" as he did not know what was going on.

S/A Tijerino asked BLAKE if he understood what the Officer was trying to do. BLAKE stated that he did not understand what was going on and he recalls being pushed into his car from behind his chest into the car and the Officer was still not saying anything.

S/A Tijerino asked BLAKE if he said anything to the Officer like: "Don't do this bro! Don't do this bro!" after he grabbed him. BLAKE stated that he never said anything to the Officer and all he recalls is being dragged down to the ground by multiple Officers.

S/A Tijerino asked BLAKE if the Officer said anything to him like: "Give me your hand" or "Stop resisting!" BLAKE stated that the Officer did not say anything to him.

S/A Tijerino asked BLAKE if LAQUISHA was saying anything to him or the Police during the incident. BLAKE stated that he recalled hearing her voice, but he has no idea what she was saying or who she was saying it to.

S/A Tijerino asked BLAKE if he was considering running from the Police. BLAKE stated that he would not run from the Police because he is too slow. S/A Tijerino asked BLAKE if he ever looked for a route to flee or was he ever looking around while the Officer was speaking to him. BLAKE stated that he was looking around because he did not understand what was going on, but he never thought of running from the Police.

S/A Tijerino asked BLAKE what was going through his mind at this time. BLAKE stated that all he was thinking was about his kids and he did not want them to see him get hurt and he just wanted to get out of there.

S/A Tijerino asked BLAKE if he understood why the Officer grabbed his arm. BLAKE stated that when he first made contact with someone, the person grabbed him by his wrist and pushed his wrist down causing him pain which caused him to pull his arm back. BLAKE further stated that he did not know who was doing that to him at that time because the person did not identify himself as a Police Officer and did not say anything letting him know that he was a Police Officer. BLAKE further stated that he did not understand why the Police grabbed his arm.

At approximately 2:48 PM, the interview was momentarily stopped so a nurse could check on the well being of BLAKE.

At approximately 2:50 PM, the interview resumed.

S/A Tijerino asked BLAKE if he understood that an Officer was trying to arrest him. BLAKE stated that he did not understand what was going on because the person never said anything to him.

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S/A Tijerino asked BLAKE at what point did he realize that it was a Police officer that was trying to control his arm. BLAKE stated that he realized it when the Officer pushed him against the SUV and pushed him on his chest, but again the Officer did not say anything to him.

S/A Tijerino asked BLAKE what was going through his mind at the time that the Officer pushed him against the SUV. BLAKE stated that he could not understand what was going on because the Officer didn't say anything to him and all he wanted to do was to get out of there with his kids. BLAKE further stated that all he could think of was his kids. BLAKE further stated that he recalls also thinking: "Its' my child's birthday. This can't be happening. They are probably watching." BLAKE also stated that he felt very disappointed in the Police because of what they were doing.

S/A Tijerino asked BLAKE if the officer ever said anything to him like: "Give me your hand!" or "Stop resisting!" BLAKE stated that the Officer never said anything to him.

S/A Tijerino asked BLAKE if he ever said anything to the Officer like: "Don't do this bro! Don't do this!" BLAKE stated that he never said anything to the Officer.

S/A Tijerino asked BLAKE if he ever reached into his waistline during this portion of his encounter with the Officer. BLAKE stated that he never reached into his waistline.

S/A Tijerino asked BLAKE what happened after the Officer pushed him against the car. BLAKE stated that he was pulled to the ground by what he believes to be multiple Officers. S/A Tijerino asked BLAKE if the Officers were saying anything to him while they were pulling him to the ground. BLAKE stated that the Officers were still not saying anything to him, just punching him, grabbing him by the hair, and trying to slam him to the ground.

S/A Tijerino asked BLAKE if he realized that the Officers were trying to handcuff him. BLAKE stated that at no point did he see a set of handcuffs or believed that they were trying to handcuff him as they never said anything to him, so he did not know what was going on.

S/A Tijerino asked BLAKE if he knew how many Officers were dealing with him at this point. BLAKE stated that he did not know how many Officers were dealing with him and he does not know exactly what they were doing.

S/A Tijerino asked BLAKE if he could hear any of the Officers yelling at him or anyone else around him yelling anything. BLAKE stated that he could hear people screaming at the Police and he could recall hearing LAQUISHA (BOOKER) yelling something, but he could not tell what she was saying. BLAKE further stated that he recalled thinking to himself: "Here it goes...Here comes the Bull Shit!" S/A Tijerino asked BLAKE what he meant by the "Bull Shit." BLAKE explained that by that comment he meant that the "beating would begin." S/A Tijerino

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asked BLAKE if he meant that the Officers would start beating him physically. BLAKE replied affirmatively.

S/A Tijerino asked BLAKE if he recalled anyone shouting: "Show us your hands!" BLAKE stated that he did not hear anyone saying that.

S/A Tijerino asked BLAKE if he recalled anyone shouting: "Hands! Hands! Hands!" BLAKE stated that he did not hear anyone saying that.

S/A Tijerino asked BLAKE if he recalled anyone shouting: "Taser!" BLAKE stated that he did not hear anyone saying that.

S/A Tijerino asked BLAKE if the Officer ever backed away from him. BLAKE stated that the Officer backed away from him and then someone tased him. S/A Tijerino asked BLAKE what happened after that. BLAKE stated that he tore the prongs out.

S/A Tijerino asked BLAKE if he knew who tased him. BLAKE stated that he did not know where the taser came from or who fired it. S/A Tijerino asked BLAKE if he could recall where he was tased. BLAKE stated that he was tased in the chest area twice, back to back.

S/A Tijerino asked BLAKE why he tore the taser cables. BLAKE stated that he just wanted to get out of there and all he was thinking about was his kids.

S/A Tijerino asked BLAKE what he was thinking at that time. BLAKE stated that at that time he realized that they were trying to hurt him. S/A Tijerino asked BLAKE if it ever occurred to him to just stop and talk to the Officers that were trying to stop him. BLAKE stated that they never made it seem like they were policing, since all they did was beat him and then tased him.

S/A Tijerino asked BLAKE where he was standing at the time that he got tased. BLAKE stated that he was in the grassy area in front of his house. S/A Tijerino asked BLAKE if he recalled how many times he was tased. BLAKE stated that he was tased multiple times, but can not recall where he was when he got tased.

S/A Tijerino asked BLAKE what he did when he got tased. BLAKE stated that he took out the taser prongs by pulling them out. S/A Tijerino asked BLAKE why he did that instead of just stopping and giving himself up. BLAKE stated that it was his son's birthday, he wanted to enjoy himself, and he didn't like that being taken away from him.

S/A Tijerino asked BLAKE if he did anything else at that time. BLAKE stated that he did not do anything else as all he was thinking about was his kids and not wanting to be away from them.

At approximately 3:17 PM, Case Agents took a break at the request of Attorney Salvi and stepped out of the room.

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At approximately 3:21 PM Case Agents stepped back into the room and started the interview again.

S/A Tijerino asked BLAKE if he was aware that he was struck with a taser. BLAKE stated that he did not understand why they tased him or why any of this was happening.

S/A Tijerino asked BLAKE if he could recall what happened after he got tased. BLAKE stated that he could not remember what happened right after he got tased, but he believed that this is when the Officers started grabbing him and jumped on him.

S/A Tijerino asked BLAKE if he remembered where he was at the time that the Officers grabbed him. BLAKE stated that he believes that he was in the back of the truck and he recalled that the Officer tried to pick him up and throw him to the ground and he grabbed a part of the truck so the Officer could not pick him up, but that Officer eventually got him and they both went down to the ground.

S/A Tijerino asked BLAKE if he remembered if there were any verbal comments being shouted by the Officers at the time that he was being taken down. BLAKE stated that he did not recall the Officer shouting anything at that time.

S/A Tijerino asked BLAKE if he could recall what happened when he was taken to the ground. BLAKE stated that they both landed on their side and they were basically giving each other a bear hug.

S/A Tijerino asked BLAKE if at any point during this physical struggle, did the Officer have him in a choke hold or did he at any point hold the Officer in a choke hold. BLAKE stated that the Officer had him in a choke hold and he was punching him. BLAKE further stated that he remembered others trying to choke him and he tried to pull someone's arm off his neck. At that time, BLAKE described an arm being wrapped around his neck and his struggle to separate that arm from his neck area so he could breathe.

S/A Tijerino asked BLAKE if he was saying anything to the Officer that had him in a choke hold or did the Officer say anything to him at that time. BLAKE stated that he did not recall saying anything to the Officer but he remembers that the Officer did not say anything to him.

S/A Tijerino asked BLAKE if he remembered which arm the Officer used to choke him. BLAKE stated that he believed that the Officer was choking him with his right arm.

S/A Tijerino asked BLAKE if he ever punched the Officer. BLAKE stated that he never punched the Officer as all he was trying to do was to get to safety.

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S/A Tijerino asked BLAKE if he ever choked the Officer. BLAKE stated that he did not choke the Officer and he did not know what the Officers were doing.

S/A Tijerino asked BLAKE if the Officer(s) said anything to him while he was being choked and being taken to the ground.

S/A Tijerino asked BLAKE if he had the knife during this time period. BLAKE stated that he doesn't remember where the knife was at that point.

S/A Tijerino asked BLAKE if he ever heard anyone shout: "He has a knife!" or "Drop the Knife!" BLAKE stated that he never heard anyone shout that.

S/A Tijerino asked BLAKE if he ever reached into his waistband. BLAKE stated that he never reached into his waistband.

S/A Tijerino asked BLAKE what he did after they both went to the ground. BLAKE stated that he got up and started to walk away and he saw his knife on the ground so he picked it up and decided that he wanted to put it back in his car and started to walk around the car. BLAKE further stated that he only intended to put the knife back in the car.

S/A Tijerino asked BLAKE if he knew what the Officers were doing at that time. BLAKE stated that he did not know what the Officers were doing and did not recall if they were saying anything.

S/A Tijerino asked BLAKE what was on his mind at this time. BLAKE stated that he recalls thinking to himself: "Get in the truck or they are going to kill you."

S/A Tijerino asked BLAKE if he recalls getting tased again after he got up from the back of the SUV. BLAKE stated that he didn't remember being tased again.

S/A Tijerino asked BLAKE if he understood why he was getting tased. BLAKE stated that he honestly did not know why they were tasing him. BLAKE further stated that the Officers did not say anything to him while he was being tased.

S/A Tijerino asked BLAKE what he did when he got up and started walking towards the front of the vehicle. BLAKE stated that he got up and saw his knife on the ground so he picked it up. He then started walking towards the front of the car.

S/A Tijerino asked BLAKE how he broke free. BLAKE stated that he could not recall how he broke free and all he recalls is that he was crawling and then he got up.

S/A Tijerino asked BLAKE why did he start walking toward the front of the vehicle after he broke free from the Officers. BLAKE stated that he wanted to be safe, he wanted to get the knife

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out of there. BLAKE further stated that he did not want that knife to be part of anything that the Police could say was the reason why they could shoot him.

S/A Tijerino asked BLAKE to explain what he meant by that. BLAKE stated that he meant that the Police would say they are justified in shooting him for having the knife.

S/A Tijerino asked BLAKE where the knife was as he walked in front of the car. BLAKE stated that he was carrying his knife in his left hand and he tried putting it away in his left pocket twice but for some reason he was not able to do so.

S/A Tijerino asked BLAKE if the knife was open or closed at that time. BLAKE stated that he could not recall if the knife was open or closed.

S/A Tijerino asked BLAKE to describe what happened next. BLAKE stated that he continued walking around the vehicle and tried to enter the car through the front driver's side door.

S/A Tijerino asked BLAKE if he could tell if there were any Officers following him. BLAKE stated that he had no idea where the Officers were as the only thing on his mind was his kids, putting away the knife, and getting out of there.

S/A Tijerino asked BLAKE to describe what happened next. BLAKE stated that he switched the knife to his right hand, so he could open the door of the car with his left hand and then tried to get in the car.

S/A Tijerino asked BLAKE if he knew where the officers were as he opened the door to the car and tried to get in the car. BLAKE stated that he did not know where the Officers were as there was a lot of confusion with lots of people screaming.

S/A Tijerino asked BLAKE if he could tell who was screaming and what they were saying. BLAKE stated that he did not know who was screaming or what they were saying.

S/A Tijerino asked BLAKE if he had seen the video of the shooting on Social Media. BLAKE stated that he had seen it one (1) or three (3) times and saw that he got shot sometime after he opened the door and tried to get in the vehicle.

S/A Tijerino asked BLAKE when was the last time that he saw the video. BLAKE stated that he could not remember when he saw the videos.

S/A Tijerino asked BLAKE if he heard anything on the video. BLAKE stated that he could hear someone shouting: "Drop the knife." S/A Tijerino asked BLAKE if he could tell who was shouting that verbal command. BLAKE stated that he assumed that it was the Police that was shouting that, but he was not sure and he did not recall hearing that during the incident.

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S/A Tijerino asked BLAKE what he was thinking as he entered the vehicle. BLAKE stated that he wanted to put the knife in the car and lock the door to keep the Police out.

S/A Tijerino asked BLAKE what happened after that. BLAKE stated that he opened the door and he tried reaching in so he could put the knife in the center console, but he felt his shirt being pulled.

At this time S/A Tijerino stood up and physically showed BLAKE how his body could have moved or turned from right to left as he entered the vehicle at the same time that the Officer was forcefully pulling his (BLAKE) shirt towards him. At that time S/A Tijerino asked BLAKE if that is what happened. BLAKE replied: "Yes."

S/A Tijerino asked BLAKE where his knife was at this point. BLAKE stated that the knife was in his right hand.

S/A Tijerino asked BLAKE if he did anything with the knife. BLAKE stated that he did not point the knife at anyone, he did not swing the knife at anyone, he did not make any forward motion towards anyone with the knife, and he did not raise the knife towards anyone. BLAKE further stated that he did not hold the knife in a way which could be interpreted as being pointed towards anyone, especially the Officer.

S/A Tijerino asked BLAKE if he could recall if the knife was opened or closed while he was attempting to get in the car. BLAKE stated that he could not recall if the knife was opened or closed.

S/A Tijerino asked BLAKE if the Officer that grabbed his shirt said anything to him. BLAKE stated that he did not recall the officer saying anything to him.

S/A Tijerino asked BLAKE what he was thinking at that moment. BLAKE stated that he was thinking: "They are trying to kill me and I need to get in my car." BLAKE further stated that he remembers thinking about his kids.

S/A Tijerino asked BLAKE what happened next. BLAKE stated that the next thing he remembers is hearing shots being fired. BLAKE further stated that he still did not recall any verbal commands by any of the Officers.

S/A Tijerino asked BLAKE if he understood that he had been shot. BLAKE stated that he understood that he had been shot because he had been shot before. BLAKE further stated that he recalls being in lots of pain and thinking to himself that he was going to die in front of his kids. BLAKE also stated that he told his kids that he loved them and to never forget that.

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S/A Tijerino asked BLAKE if he was thinking about anything else at that time. BLAKE stated that he was not thinking about the knife if that was what S/A Tijerino was referring to. BLAKE also stated that the only thing he was thinking about was the kids.

S/A Tijerino asked BLAKE if he put the knife down or did he drop the knife. BLAKE stated that he believed that he was trying to get rid of the knife when he got shot and didn't remember if he dropped it after the Officer pulled his shirt or after he got shot.

S/A Tijerino asked BLAKE if he recalled where the knife ended up. BLAKE stated that the knife was on the floor of the vehicle.

S/A Tijerino asked BLAKE if he recalled what happened after he got shot. BLAKE stated that he didn't know if he was on the seat of the car or on the floor, but he recalled that the Officers were laughing and he thought that they were laughing because they had shot him. BLAKE further stated that he recalled the Officers were asking out loud: "Who shot? Who Shot? Who shot?"

S/A Tijerino asked BLAKE if the Officers rendered assistance to him. BLAKE stated he recalled someone saying to him: "Stay with me. Stay with me!" BLAKE stated that he also recalled asking for water.

This interview was terminated at approximately 3:58 PM.

S/A Tijerino explained to BLAKE and Attorneys Salvi and Cafferty that he would be writing a report and they would meet a later date and time. At that time they would have the opportunity to review the report for its accuracy. S/A Tijerino explained that if there was anything that they wanted to add, correct and/or clarify, they could do so at that time.

S/A Tijerino submitted the picture of various B/F's used in this interview into evidence as part of this report: 20-6420/162.1.

S/A Tijerino submitted the picture of a knife used in this interview into evidence as part of this report: 20-6420/162.2.

S/A Tijerino submitted the proffer letter signed by JACOB S. BLAKE, B/M, DOB: [REDACTED] on 09-21-2020 in the presence of Attorney's SALVI II and Cafferty into evidence as part of this report: 20-6420/162.3.

S/A Tijerino submitted the four (4) affidavits submitted by Attorney Salvi to S/A Tijerino on 09-21-2020 into evidence as part of this report: 20-6420/162.4.

S/A Tijerino electronically submitted a copy of the above listed picture (20-6420/162.1) as an attachment to this report.

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S/A Tijerino electronically submitted a copy of the above listed picture (20-6420/162.2) as an attachment to this report.

S/A Tijerino electronically submitted a copy of the above listed proffer letter (20-6420/162.3) as an attachment to this report.

S/A Tijerino electronically submitted a copy of the above listed affidavits as an attachment to this report.

It should be noted that S/A Tijerino asked Attorney's Salvi and Cafferty if they could assist him, if they could, in encouraging LAQUISHA BOOKER and T [REDACTED] B [REDACTED] to provide S/A Tijerino with a statement. S/A Tijerino stated that he considered the two of them as essential/critical witnesses as they were present during the entire incident and so far they have not cooperated in spite of numerous efforts.

It should also be noted that S/A Tijerino made minor grammatical corrections to this report (20-6420/162) and two (2) changes which were requested by Attorney Salvi and approved by DCI's Administration.

All other major changes, suggestions, edits, corrections or additions, points of contention or points of clarification to this report (20-6420/162) will be documented on DCI report # 20-6420/181 after Attorney Salvi has had an opportunity to review this report as agreed in the proffer and after approval by DCI Administration.