



Patricia J. Hanson, District Attorney

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July 12, 2025

Chief Alex Ramirez
730 Center Street
Racine, WI 53403

RE: OID involving Marlon M. Anderson, RAPD Case Number: 25-018014

Dear Chief Ramirez:

The following is my analysis pursuant to Wisconsin Statute sec. 175.47(5) of the facts, evidence, and circumstances, surrounding the officer involved death of Marlon M. Anderson on May 4, 2025.

STATEMENT OF FACTS

On May 4, 2025, at approximately 11:12 PM, Racine Police Department Officers Bryce Spaulding and Benjamin Eiden responded to the 900 block of 17th Street, in the City of Racine, State of Wisconsin, to locate a suspect in a Substantial Battery/Domestic Violence case that occurred at 12:38 PM that same day. The home in the 900 block of 17th Street was the home of the victim of Domestic Violence. The victim in the Domestic Violence case made police aware that the suspect was known to carry a firearm. Officers located the suspect, Marlon M. Anderson, outside the victim's home. Mr. Anderson fled in his vehicle from officers and crashed his car into a parked car. Mr. Anderson got out of his vehicle, armed with a handgun, and Officer Eiden fired his weapon killing Mr. Anderson.

The events leading to Mr. Anderson's death started when Officer Spaulding parked his squad approximately 1-1/2 blocks away from the victim's home, facing westbound to conduct surveillance for Mr. Anderson. Approximately three (3) minutes later, Officer Spaulding observed a vehicle, pulling up directly in front of the victim's home on 17th Street and park. Officer Spaulding knew from the earlier incident that Mr. Anderson was known to drive a black Mercedes with Oregon plates. Officer Spaulding then observed

Mr. Anderson exit the Mercedes and walk to the front door of the victim's home. Mr. Anderson appeared to open the outer storm door of the residence and walk inside for approximately twenty (20) seconds. Officer Spaulding then observed the subject walk back outside and loiter in front of the house. The subject appeared to be pacing and looking through the windows of the residence. Officer Spaulding could not positively identify the subject at that time due to the distance. Believing the subject was Mr. Anderson and not wanting to approach alone, Officer Spaulding called RAPD Officer Benjamin Eiden to back him up by phone. Officer Spaulding stated he did not want to approach the subject alone, especially with the mention of a gun.

A short time later, Officer Eiden arrived in the area to the west of the victim's home. After Officer Eiden arrived to the area, Officer Eiden communicated with Spaulding that he would move up to the vehicle when Spaulding moved. Officer Spaulding drove towards Mr. Anderson from the east while Officer Eiden approached from the west. Once Officer Spaulding was approximately twenty (20) yards away, he turned his squad-flood light towards Mr. Anderson. At that time, Officer Spaulding confirmed the subject to be Mr. Anderson from the Department of Transportation (DOT) photo of Mr. Anderson that he had produced on his squad computer earlier.

When Officer Eiden observed Spaulding travel westbound on 17th and Officer Eiden also began to approach Mr. Anderson's vehicle. Officer Eiden traveled eastbound on 17th street and parked his squad about 5-10 feet behind Mr. Anderson's black Mercedes. As Officer Eiden approached the vehicle, his emergency lights were activated. Officer Eiden did not see Mr. Anderson and by the time he was positioned behind Mr. Anderson's vehicle, Officer Spaulding was out of his squad and had the vehicle at gunpoint. Officer Spaulding was yelling commands to Mr. Anderson. Officer Spaulding yelled to Officer Eiden that he saw Mr. Anderson get into the vehicle. Officer Eiden also pulled out his firearm and pointed it at the vehicle. Officer Spaulding said over the radio that they were in contact with the wanted subject. Both officers could hear that the engine of the Mercedes was running and heard the vehicle shift into gear. The Mercedes then fled eastbound on 17th Street past Officer Spaulding and his squad car.

Officer Eiden returned to his vehicle and attempted to pursue the Mercedes, because he knew that Mr. Anderson was wanted for a felony offense. Officer Eiden saw

the vehicle travel northbound onto Franklin Street. Before pursuit began, Officer Eiden observed that Mr. Anderson's vehicle was just north of 17th Street on Franklin Street and had hit a parked vehicle on the east side of the road and pushed it onto the sidewalk. Mr. Anderson's vehicle appeared to be disabled and was in the middle of the street facing north. Officer Eiden positioned his squad behind Mr. Anderson's vehicle and turned his siren off, exiting his squad to address Mr. Anderson.

Officer Eiden had his firearm drawn and pointed at the driver's side of the Mercedes. The driver's door opened, and Mr. Anderson got out, racking the slide of his handgun to prepare the gun to fire. As Mr. Anderson did this, he was facing Officer Eiden and his squad car. Officer Eiden began to fire upon Mr. Anderson striking him and ultimately killing him. Officer Eiden was one car length away from Mr. Anderson or approximately 15 feet.

Officer Spaulding called out shots fired on his radio. Officer Eiden and Spaulding both approached Mr. Anderson and attempted to provide medical care to him. Police officers did CPR until rescue squads arrived. Mr. Anderson was pronounced dead on scene.

DIGITAL EVIDENCE

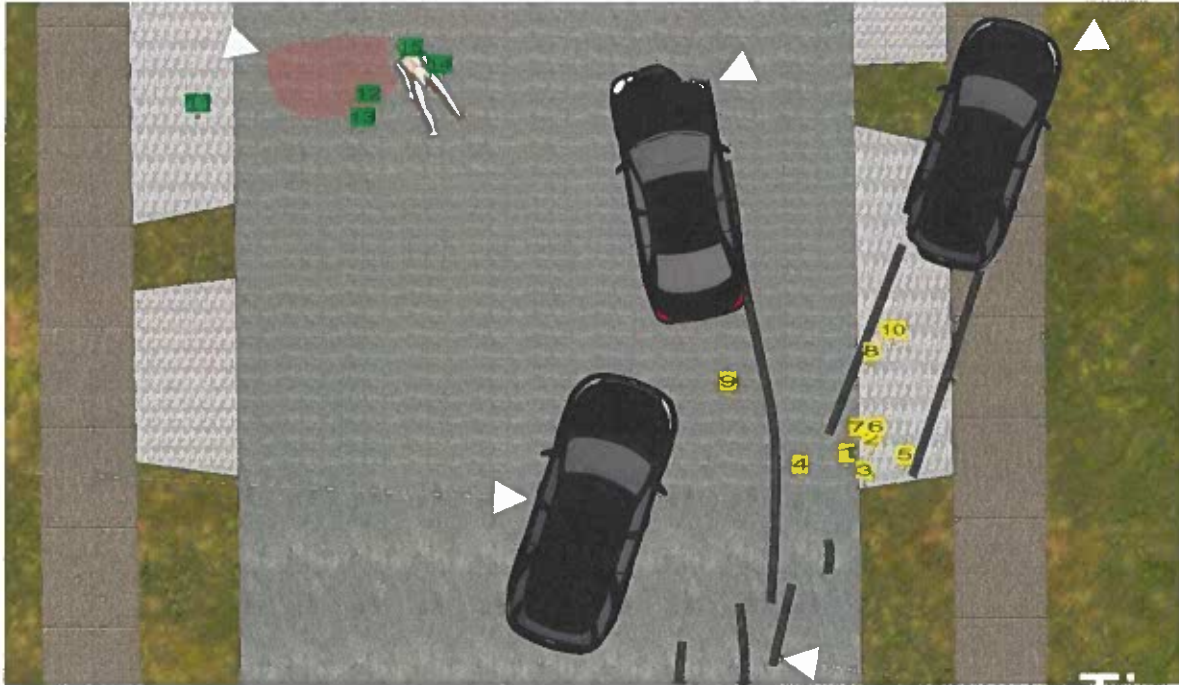
The basis of the above statement of facts came from Officer Spaulding and Officer Eiden's Squad Cameras and their Body Worn Camera. The following are still shots showing Mr. Anderson with the weapon in his hand. The videos can be seen at <https://www.wisdoj.gov/Pages/AboutUs/officer-involved-critical-incidents.aspx>.

PHYSICAL EVIDENCE

STILL PHOTOS FROM VIDEO OF MR. ANDERSON'S WEAPON



SCENE DIAGRAM FROM TRU MAPPING STATION



Items 1-10: Casings from Officer Eiden's weapon

Item 11: Mr. Anderson's weapon, without magazine and no round in the chamber

Items 12: Magazine, lubricant gel

Items 13: Cigarettes and plastic ID case

Items 14: Cigarette lighter and vape pen

Item 15: Damaged projectile found under Mr. Anderson

DAMAGE TO VEHICLES FROM CRASH



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



DAMAGE TO WINDSHIELD INSIDE TO OUTSIDE PROJECTION



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



PARTIAL AIRBAG DEPLOYMENT



FILE NAME: CL25-01612-1_LG_2P440352



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



PRE CRASH DATA FROM MERCEDES

Pre-Crash Data -5 to 0 sec (Record 1, Most Recent)

Time (sec)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal (%)	Service Brake Activation
-5.0	0 [0]	54	Off
-4.5	0 [0]	67	Off
-4.0	2 [4]	56	Off
-3.5	9 [15]	95	Off
-3.0	15 [24]	100	Off
-2.5	19 [31]	100	Off
-2.0	22 [36]	100	Off
-1.5	30 [48]	99	Off
-1.0	32 [51]	0	Off
-0.5	30 [49]	100	Off
0.0	36 [58]	0	Off

WEAPON AS LOCATED ON THE SCENE



FILE NAME: CL25-01612-1_18_20A0109



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



MAGAZINE LOCATED IN MR. ANDERSON'S POCKET



FILE NAME: CL25-01612-1_18_20A0109



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



HOLSTER FOUND ON MR. ANDERSON'S WAISTBAND



AMMUNITION FOR MR. ANDERSON'S WEAPON IN PASSENGER FOOTWELL



FILE NAME: CL25-01612-2_V9_316A0113



Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



**TWO FIRED CASINGS IN PASSENGER FOOTWELL FROM MR. ANDERSON'S
WEAPON**



Wisconsin State Crime Laboratory - Case # **CL25-01612
Crime Scene Response Unit**



**LIVE ROUND NEAR GAS PEDAL IN MR. ANDERSON'S CAR MATCHING
AMMUNITION AND CASINGS**



FILE NAME: CL25-01612-2_IPA_317A0173



Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



**CASING IN REAR SEAT OF MR. ANDERSON'S CAR MATCHING AMMUNITION
FOUND IN HIS CAR**



FILE NAME: CL25-01612-3_JPA_31740264



Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



PROJECTILE PATH #1 THROUGH DRIVER'S DOOR FROM OFFICER'S WEAPON
(NOT IN TIME ORDER)



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit



Wisconsin State Crime Laboratory - Case # **CL25-01612**
Crime Scene Response Unit

**PROJECTILE PATH #2 FROM OFFICER'S WEAPON
(NOT IN TIME ORDER)**



FILE NAME: CL25-01612-2_WA_317A0200



Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



**PROJECTILE PATH #3 AND PROJECTILE FROM OFFICER'S WEAPON
(NOT IN TIME ORDER)**



Wisconsin State Crime Laboratory - Case # CL25-01412
Crime Scene Response Unit

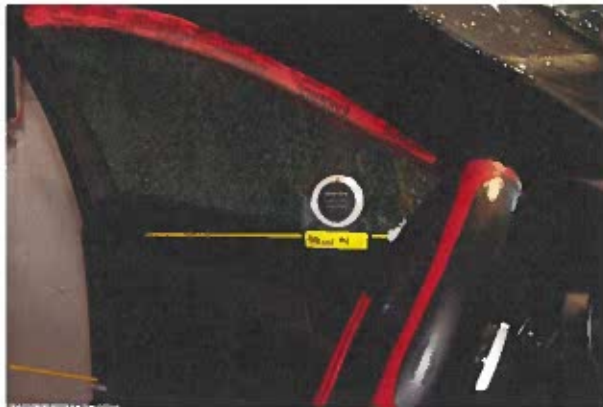


Wisconsin State Crime Laboratory - Case # CL25-01412
Crime Scene Response Unit



Wisconsin State Crime Laboratory - Case # CL25-01412
Crime Scene Response Unit

**PROJECTILE #4 DAMAGE THROUGH WINDOW INTO REARVIEW MIRROR
(NOT IN TIME ORDER)**



Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



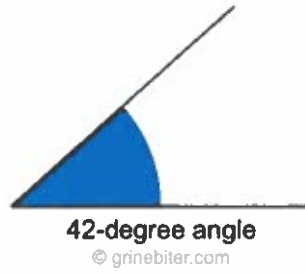
Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



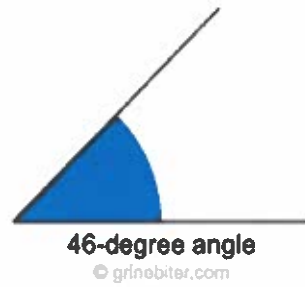
Wisconsin State Crime Laboratory - Case # CL25-01612
Crime Scene Response Unit



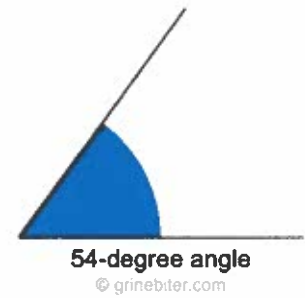
PROJECTILE #1



PROJECTILE #4



PROJECTILE #3



AUTOPSY

As of this writing, a final autopsy has not been received. Below are preliminary findings. It is clear that the cause of death for Mr. Anderson was the wounds he received during this incident with Officer Eiden. Should the final autopsy reports lead to a different conclusion, the District Attorney reserves the right to review this decision and make necessary changes.

Note: Gunshot injuries are numbered for convenience only and is not meant to imply importance or the order in which they occurred.

I. Gunshot Wound to Head (GSW #1), indeterminate range

- A. Entrance wound to right posterior head*
- B. No exit wound*
- C. Bullet recovered from left lateral frontal-temporal region of head*
- D. Trajectory of wound path (with body in anatomic position): Right to left, back to front and upwards*
- E. Fractures to skull*
- F. Subdural and subarachnoid hemorrhage*
- G. Lacerations to brainstem, cerebellum and left temporal lobe*

II. Gunshot Wound to Chest (GSW #2), indeterminate range

- A. Entrance wound to Right Flank*
- B. Exit wound to Anterior Right Chest*
- C. No Bullet recovered*
- D. Trajectory of wound path (with body in anatomic position): Slightly right to left, back to front and upwards*
- E. Fracturing to right ribs 5 and 8*
- F. Perforation to right lung*
- G. Residual right hemothorax*

III. Gunshot Wound to Back (GSW #3), indeterminate range

- A. Entrance wound to left medial back*
- B. No exit wound*
- C. Bullet fragments recovered from L2 vertebral body*
- D. Trajectory of wound path (with body in anatomic position): Slightly left to right, and back to front*
- E. Fracturing to L2 vertebra*
- F. Transection of conus medullaris and upper cauda equina of spinal cord*
- G. Subdural and epidural hemorrhage to spinal canal*

IV. Gunshot Wound to left thigh (GSW #4), indeterminate range

- A. Entrance wound to lateral left thigh*

- B. Exit wound to posterior left thigh*
 - C. No Bullet or Bullet fragments recovered*
 - D. Trajectory of wound path (with body in anatomic position): Slightly left to right, front to back and slightly downwards*
 - E. Soft tissue trauma only*
- V. Gunshot Wound to right thigh (GSW #5), indeterminate range*
 - A. Entrance wound to anteromedial right upper thigh*
 - B. Exit wound to posteromedial right upper thigh*
 - C. No Bullet or Bullet fragments recovered*
 - D. Trajectory of wound path (with body in anatomic position): front to back, slightly right to left, and slightly upwards*
 - E. Soft tissue trauma only*
- VI. Small abrasions to dorsal right wrist and right pinky finger and to vertex of head*
- VII. Small contusion to ventral left forearm*
- VIII. Coronary Artery Disease, multifocal, multivessel*
 - A. Left anterior descending coronary artery: 60% proximal and 75% mid stenoses*
 - B. Diagonal coronary artery: 80% proximal stenosis*
 - C. Right coronary artery: 60% proximal stenosis*
- IX. Left ventricular hypertrophy, heart*
- X. Emphysema, lungs*
- XI. Toxicology Pending*

OFFICER EQUIPMENT REVIEW

Immediately following Mr. Anderson's death, Officer Eiden and Officer Spaulding were taken to the Racine Police Department, and a review of their equipment was done, and photographs were taken. Officer Spaulding's equipment showed that he had not fired any rounds during this encounter with Mr. Anderson. These findings were consistent with Officer Spaulding's statement. Officer Eiden's equipment showed he fired 10 rounds from his duty handgun, a Glock 9mm. These findings were consistent with the number of 9mm casings found at the scene. *(See diagram above)*

OFFICER STATEMENTS

Officer Spaulding attended Carroll University from the Fall of 2019 to 2022. Officer Spaulding attended the law enforcement training academy at Gateway Technical College in Kenosha, WI from August of 2022 to December of 2022, during which time he received

720 hours of training. Officer Spaulding was hired by the RAPD on August 1, 2022, as a patrol officer. He had no prior law enforcement or military experience prior to working for the RAPD. Officer Spaulding has been a member of the SWAT team since December of 2024, as an operator / breacher.

Officer Spaulding recalled that during his shift, he was contacted by Sergeant Bodnar. Sgt. Bodnar advised him of a subject by the name of Marlon Mr. Anderson who was wanted on felony charges related to a domestic felony battery, which occurred early in the night. Sgt. Bodnar advised him that there was mention of a gun in Mr. Anderson's possession and that he was driving a black in color Mercedes with Oregon license plates.

Officer Spaulding looked up the offense on his squad computer, retrieved the Oregon license plate number for Mr. Anderson's Mercedes, and ran it for any hits on the Racine street cameras. Officer Spaulding did receive a hit for the plate on a camera at the intersection of Douglas and 3-Mile Road but did not locate the Mercedes there. Officer Spaulding then decided to head towards the 900 block of 17th St, which was listed in the offense reports, in the event Mr. Anderson was heading there.

Officer Spaulding parked his squad approximately 1-1/2 blocks away from that location facing westbound to conduct surveillance for Mr. Anderson. Approximately three (3) minutes later, Officer Spaulding observed a vehicle he believed to be a Mercedes, pulling up directly in front of the victim's home and park. Officer Spaulding then observed a subject exit the Mercedes and walk to the front door of the victim's home. The subject appeared to open the outer storm door of the residence and walk inside for approximately twenty (20) seconds. Officer Spaulding then observed the subject walk back outside and loiter in front of the house. The subject appeared to be pacing and looking through the windows of the residence. Officer Spaulding stated he was too far away to see exactly what the subject was doing at that time and that he could not positively identify the subject at that time due to the distance.

Believing the subject was Mr. Anderson and not wanting to approach alone, Officer Spaulding called Officer Eiden on the phone to back him up. Officer Spaulding stated he did not want to approach the subject alone, especially with the mention of a gun. A short time later, Officer Eiden arrived in the area to the west of the victim's home. After Officer Eiden arrived to the area, Officer Spaulding drove towards 907 17th Street from the east

while Officer Eiden approached from the west. Once he was approximately twenty (20) yards away, Officer Spaulding turned his squad flood light towards the subject in the front yard. At that time, Officer Spaulding confirmed the subject to be Mr. Anderson.

After confirming the subject was Mr. Anderson, Officer Spaulding exited his squad, drew his gun and gave commands to Mr. Anderson. Once he gave commands, Office Spaulding observed Mr. Anderson start moving erratically, reaching with both hands towards his waistband and digging in his pockets. Mr. Anderson then opened the passenger door of the Mercedes and hopped into the vehicle. Officer Spaulding observed Mr. Anderson jump over the console into the driver's seat, at which time he could hear Mr. Anderson start the car. Officer Spaulding heard the car shift, so he retreated to the front of his squad to get out of the way. Mr. Anderson then drove eastbound, flying by the driver's side of Officer Spaulding's squad, which was parked in the middle of the road at an angle. Officer Spaulding observed Officer Eiden start to follow Mr. Anderson's Mercedes. Officer Spaulding stated he entered his squad but had to make a Y-turn to turn around and follow Mr. Anderson. While he was in the process of making the Y-turn, Officer Spaulding observed Mr. Anderson's Mercedes turning northbound on Franklin Street with Officer Eiden following.

Officer Spaulding then heard a loud bang, which sounded like a car crash, but could not observe Mr. Anderson's vehicle any longer. Once Officer Spaulding was turning onto Franklin St, he observed Officer Eiden's squad and heard gunshots. Officer Spaulding could not recall how many gunshots he heard but knew it was more than one. At that time, Officer Spaulding could not observe who was firing a weapon because Officer Eiden's squad was in the way.

As Officer Spaulding pulled up towards the driver's side of Officer Eiden's squad, he observed Mr. Anderson's Mercedes crashed into a vehicle parked on the east side of Franklin Street. Officer Eiden's squad was parked at an offset behind and to the left of the Mercedes and Officer Eiden was standing outside of his squad behind the opened driver's door. Officer Spaulding further observed Mr. Anderson lying face down on the road to the left of his Mercedes. Officer Spaulding observed a handgun lying on a driveway apron on the west side of the street. Officer Spaulding estimated the gun to be approximately four (4) to five (5) yards to the left of Mr. Anderson. Officer Spaulding pulled up and parked

his squad towards the driver's side of Officer Eiden's squad. Prior to exiting his squad, Officer Spaulding called out shots fired over the squad radio.

Officer Eiden currently has approximately 140 credits towards a bachelor's degree in nursing. Officer Eiden attended the University of Portland, Mt. Hood Community College, University of Wisconsin-Parkside and Bryant & Stratton College. Officer Eiden attended Gateway Technical College Police Academy from January 2022 to May 2022. The academy was 720 hours. Officer Eiden was hired by the Racine Police Department as a Patrol Officer and was sponsored through the police academy. Officer Eiden started as a Patrol Officer in May 2022. Officer Eiden became a member of the SWAT Team in September of 2023 and is an Operator on the team. Officer Eiden is a former member of the United States Marine Corps and served from 2008-2012.

Officer Eiden stated at some point during his shift on May 4, 2025, he communicated with RAPD Sergeant Bodnar, and he and Officer Spaulding were given information about a subject by the name of Marlon M. Anderson who currently had a warrant recommendation for felony Substantial Battery for an incident with his girlfriend, which occurred in the last day or two. Officer Eiden stated they were also given the license plate number of Mr. Anderson's vehicle and requested to keep an eye-out for the individual.

Officer Spaulding called Officer Eiden at about 11:00PM and told him that Mr. Anderson's vehicle was spotted on their cameras at 3 Mile and Douglas Avenue, entering the city. Officer Spaulding told Officer Eiden that he was going to attempt to intercept the vehicle as it traveled through the city. Officer Spaulding relayed to him that he did not locate the vehicle and would be going to the victim's home. Officer Spaulding called Officer Eiden and said he had eyes on the suspect vehicle, which was parked in front of the victim's home. Officer Eiden responded to the area and approached from Racine Street, eastbound on 17th Street. Officer Eiden observed a black Mercedes, which he knew to be Mr. Anderson's vehicle on the south side of 17th street in the 900 block, and it was parked. A couple blocks to the east of Mr. Anderson's vehicle on 17th street, Officer Eiden saw Officer Spaulding parked.

Officer Eiden stated he communicated with Spaulding that he would move up to the vehicle when Spaulding moved. Officer Eiden observed Spaulding travel westbound

on 17th and Officer Eiden also began to approach Mr. Anderson's vehicle. Officer Eiden traveled eastbound on 17th street and parked his squad about 5-10 feet behind Mr. Anderson's black Mercedes. Officer Eiden stated as he approached the vehicle, he did have his emergency lights activated. Officer Eiden stated he did not see Mr. Anderson and by the time he was positioned behind Mr. Anderson's vehicle, Officer Spaulding had the vehicle at gunpoint, and he heard Officer Spaulding yelling commands.

Officer Eiden stated Officer Spaulding told him that he saw Mr. Anderson get into the vehicle. Officer Eiden exited his squad and pulled out his firearm and pointed it at the vehicle. He stated Officer Spaulding said over the radio that they were in contact with a wanted subject. Officer Eiden stated he could hear that the engine of the Mercedes was running, and he heard the vehicle shift into gear. The vehicle then fled eastbound on 17th Street past Officer Spaulding and Officer Spaulding's squad car. Officer Eiden stated he returned to his vehicle and attempted to pursue the vehicle due to his knowledge that Mr. Anderson was wanted for a felony offense. Officer Eiden stated he had his emergency lights activated, and his siren was on. Officer Eiden stated the vehicle traveled northbound immediately onto Franklin Street. Before the pursuit began, Mr. Anderson was involved in an accident. Officer Eiden stated he observed that Mr. Anderson's vehicle was just north of 17th Street on Franklin Street and had hit a vehicle on the east side of the road and pushed it onto the sidewalk. Officer Eiden stated Mr. Anderson's vehicle appeared to be disabled and was in the middle of the street and it faced north.

Officer Eiden stated he positioned his squad behind Mr. Anderson's vehicle and turned his siren off, he stated he exited his vehicle to address the driver. He stated he had his firearm drawn and directed at the vehicle. Officer Eiden stated he immediately observed the driver door open and observed a black male, who he identified as Mr. Anderson, transition a pistol from either his right hand to his left hand or his left hand to his right hand. Officer Eiden stated the firearm was silver or reflective in color pistol, he stated it was not matte black. He stated he noticed this as his squad lights reflected off the gun. Officer Eiden stated as Mr. Anderson did this, he was facing Officer Eiden and his squad car. He stated he then observed Mr. Anderson's elbow flare or move in an upward direction that Officer Eiden recognized as a movement to raise a firearm. Officer Eiden stated at that time in fear for his safety and the safety of others, he began to fire

his weapon at Mr. Anderson. Officer Eiden stated as he did this, he was positioned in between his driver side squad door and the a-pillar of the squad.

Officer Eiden stated as he fired, Mr. Anderson turned his body to the north. Officer Eiden believed the reason for this could have been to flee or to possibly locate a more tactical position, with the gun still in his hand. Officer Eiden stated he was not sure how many steps Mr. Anderson took but then observed his body fall to the ground. He stated that at that time Officer Eiden stopped firing his weapon. He stated Mr. Anderson fell to the ground and landed face down. Officer Eiden stated he believed he fired his weapon 10 times. Officer Eiden stated he stepped away from his position when Mr. Anderson stopped moving and Officer Spaulding pulled up next to him. Officer Eiden observed 5-7 feet to the left of Mr. Anderson the firearm Mr. Anderson had been holding was laying on a driveway or sidewalk, he stated he knew it was on concrete and not on grass.

Officer Eiden stated when he observed Mr. Anderson was no longer in possession of the firearm; he and Officer Spaulding approached him to place him in custody and render aid. Officer Spaulding began CPR. He believed Officer Spaulding provided 4-5 cycles of CPR and Officer Eiden then took over CPR. Officer Eiden checked for a pulse on Mr. Anderson's wrist and there was no pulse. Officer Eiden later checked Mr. Anderson's jugular and there was no pulse, he also stated he did not observe any movements, and Mr. Anderson did not make any noises. Officer Eiden observed a wound and blood to Mr. Anderson's lower back, he also saw blood on Mr. Anderson's face but did not know the source of the blood.

Officer Spaulding radioed "Shots fired!" and Officer Eiden reminded him to relay that officers were okay. Officer Eiden told one of the first officers on scene to maintain watch over the firearm and to not move it. After Officer Eiden provided several cycles of CPR to Mr. Anderson, another Officer took over for him.

LEGAL STANDARDS AND POLICE POLICY AND PROCEDURE

Wisconsin Statute sec. 175.47(5) is the statute that provides for the method by which review of deaths involving officers are reviewed.

Sec. 175.47(5): (a) The investigators conducting the investigation under sub. (3) (a) shall, in an expeditious manner, provide a complete report

to the district attorney of the county in which the officer-involved death occurred.

(b) If the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under sub. (3) (a) shall release the report, except that the investigators shall, before releasing the report, delete any information that would not be subject to disclosure pursuant to a request under s. 19.35 (1) (a).

In this case, the pertinent issue is whether the officer in this case, based on the facts and evidence in the investigation, committed a crime in causing the death of Mr. Anderson, and whether a defense to any criminal liability exists.

There is no doubt that Mr. Anderson's death was caused by Officer Eiden. The shooting and the circumstances that led up to it are all on video. With that question answered, the analysis must then turn to self-defense and defense of others. Wis. Stat. sec. 939.48(1) reads as follows:

939.48(1) Self-defense and defense of others.

(1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself

The Wisconsin Department of Justice annually publishes Defensive and Arrest Tactics: A Training Guide For Law Enforcement Officers. The Wisconsin Law Enforcement Standards Board approves the training manual. The most recent manual was approved on December 1, 2021. Also known as D.A.A.T. training, every officer in the State of Wisconsin undergoes this training at the academy and continuously updates this training for officers in the field. The Racine Police Department has adopted the same

policies. These policies are helpful to my decision making as to how the officers in this case responded to the situation, and a link to the training manual is provided below¹.

APPLICATION OF LEGAL STANDARDS TO FACTS AND EVIDENCE

Officer Eiden was aware that Mr. Anderson was a suspect in a violent substantial domestic battery at the time he and Officer Spaulding went to the victim's home. They were aware that the victim had reported to police that she knew Mr. Anderson to carry a firearm. Both Officers, in their search for Mr. Anderson, went to the victim's home in the 900 block of 17th Street and located him there. Their approach to Mr. Anderson was made with extra caution as the Officers knew Mr. Anderson was armed.

When confronted by Officer Spaulding, Mr. Anderson went to extreme efforts to avoid apprehension. He refused to follow commands even when confronted by Officer Spaulding with his weapon drawn. Mr. Anderson entered his car on the passenger side, crawling across the center console, losing his right shoe in the process. Mr. Anderson started his car and pulled around Officer Spaulding and his squad, turning immediately onto 17th Street north. Mr. Anderson had his foot on the accelerator depressed 100% and reached 36 miles per hour as he turned the corner. Mr. Anderson lost control of his vehicle and crashed without braking at all, causing a parked car to jump up the curb and come to rest in the front yard of a residence. Mr. Anderson's head is believed to have struck the windshield significantly, causing the windshield itself to protrude out.

The physical evidence also indicates that Mr. Anderson was familiar with and had used the weapon he was carrying before. There were casings in his vehicle that could have been from him firing inside the vehicle or carrying them back after firing the weapon. He had ammunition for the weapon, and an atypical size that is not commonly seen. He was carrying a magazine for the weapon that was partially loaded with the same ammunition that was found in the car. None of this was known to the officers but it is simply information that corroborates what the victim reported and that the officers were not wrong for using extra caution in their approach to Mr. Anderson.

¹ WI DOJ D.A.A.T. Manual - <https://wilenet.widj.gov/academy-curriculum/720-hour-law-enforcement-academy/tactical-skills/daat>

As Officer Eiden approached Mr. Anderson's car, where it came to rest after the crash, Mr. Anderson immediately pushed open the door of his and can be seen holding a gun in his right hand. Watching Officer Eiden's squad video at ¼ sped and frame by frame, one can see Mr. Anderson's left hand is working the slide on his semi-automatic handgun and it appears as though he is pulling the slide back to charge the weapon to fire. As the door to the car bounces back towards a closed position, Mr. Anderson is seen passing the weapon from his right hand to his left hand. Anderson was wearing a waist holster for his weapon on his left side, indicating that his dominant hand was his left hand. Mr. Anderson uses his shoulder and right arm to push the door back to an open position and stands up. While Mr. Anderson is rising, he raises his left arm with the weapon in his left hand, first pointing at Officer Eiden. As Mr. Anderson's arm rises, Officer Eiden begins to fire rounds at Mr. Anderson. Mr. Anderson's arm continues upward, and he points the gun at his own head while moving away from the car.

The first rounds strike Mr. Anderson's legs and the car door behind him. Mr. Anderson does not stop moving and takes one large step to his right, away from the car. Mr. Anderson's second step is a turning step, exposing his back to Officer Eiden, but still holding the gun. The injuries to Mr. Anderson's back, chest and head occur once he has turned his back to Officer Eiden. Officer Eiden continues firing while Mr. Anderson takes two leaping steps northbound on 17th Street while still holding the gun. After step four, Mr. Anderson begins to fall to the ground and his weapon flies out of his left hand that is at his side. Mr. Anderson falls to the ground, face down and Officer Eiden stops firing his weapon.

From the time the driver's door opens until Mr. Anderson falls to the ground, it is 4.879 seconds. Officer Eiden fires his weapon for 2.421 seconds of that time. Officer Eiden followed his training and fired until the threat had ended. Officer Eiden could not have known if he had struck Mr. Anderson with any of the shots he fired until he was able to approach Mr. Anderson to provide aid. Although turning away from the Officer northbound, Force Science research tells us that Mr. Anderson still had the potential to use his weapon to fire upon Officer Eiden. It was not until Mr. Anderson fell to the ground that the threat stopped. ²

<https://forcescience.docsend.com/view/3nqejqwrjvjvz9hf>

The D.A.A.T. Manual teaches officers to understand that before you can begin to counter a suspect's act, you must perceive the act, identify the need to react, and decide to react. This interval, during which your brain is receiving and processing information, is called the reactionary gap. For most people, the reactionary gap is at least $\frac{1}{2}$ to $\frac{3}{4}$ of a second—and often much longer. If you only react to the other person's action, you will never catch up. For example, if a suspect draws a weapon, and you react only by drawing your own weapon, you will probably be shot before you can get your weapon out of the holster. If you are confronted with an armed adversary within very few feet, instead of merely reacting, you must also initiate an action. Officer Eiden fired until he stopped the threat, which is what his training taught him to do.

Officer Eiden fired a total of ten rounds. Legally, the number of shots officers fire doesn't matter. Under the Fourth Amendment of the United States Constitution, officers must have had reason to believe the suspect they fired on was a threat who could've killed them or caused great bodily harm. The legal standard of review is whether the officer was reasonable in making that assessment, not whether the number of shots fired was reasonable. Officers use deadly force on a suspect they perceive to be an imminent threat of death or bodily harm to the officers or others. In training, police are told to use force until that person no longer presents a threat. The number of shots it takes to "terminate a threat" depends on the circumstances. If officers are using deadly force, they're usually trained to not pause their fire and to shoot in quick succession – taking a break to assess the suspect they're shooting at could give that suspect time to harm them or others.

Mr. Anderson's weapon was not loaded. The magazine for the gun was in his pocket. I cannot say what was happening in Mr. Anderson's mind that made him choose to display an unloaded weapon to an officer, work the slide action as though he was arming the weapon to fire, and then raise it up as though to point it at Officer Eiden and then himself. I can say, however, that no one in the position of Officer Eiden could have known that the weapon was not loaded.

Taking into consideration the facts known to Officer Eiden at the time of the shooting, the actions of Mr. Anderson with regards to his efforts to flee, and then Mr. Anderson's handling and display of a weapon, Officer Eiden was justified in believing that

his own life was in danger. He had to use deadly force in this situation, and it was reasonable for him to believe that such force was necessary to prevent imminent death or great bodily harm to himself. Given that Officer Eiden exercised his right to intentionally use force against Mr. Anderson for the purpose of preventing or terminating an unlawful interference with his person by Mr. Anderson, there is no basis for the filing of criminal charges following this incident.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia J. Hanson".

Patricia J. Hanson
Racine County District Attorney