



OFFICE OF DISTRICT ATTORNEY

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PRESS RELEASE – OFFICER INVOLVED SHOOTING APRIL 8, 2017

On April 8, 2017, an officer-involved shooting took place in the City of Eau Claire. The incident involved City of Eau Claire Police Officer James Konkol. Officer Konkol responded to the Westwinds Apartment complex located at 2214 Peters Drive in the City of Eau Claire after receiving a dispatch report of a man yelling in the hallway and attempting to get into one of the apartments at the apartment complex. Upon arrival, Officer Konkol recognized a possible suspect given the description provided by dispatch, specifically that of a white male wearing a set of green headphones. Officer Konkol observed that the individual, later identified as Gregory Kever, was holding a weapon – specifically a large knife with a blade of approximately twelve inches. Officer Konkol communicated with other law enforcement personnel responding to the scene and specifically requested a responding officer to ready a less lethal weapon for possible use under the circumstances. Officers Konkol, Putzy, Olson and Deputy Sommers were the first law enforcement officers to respond to the dispatch report. When Gregory Kever approached the officers with the knife, officers gave repeated commands to Kever to drop the weapon. In response to these clear verbal commands, Kever did not drop the weapon. Rather, Kever continued to approach officers while holding the knife in a threatening manner. In response to the actions of Kever, law enforcement attempted multiple forms of less lethal contact to stop the threat. This included Officer Putzy firing four less lethal rounds at Kever and Officer Olson deploying a taser at Kever. In response to these less lethal actions, Gregory Kever continued to advance on law enforcement while holding the knife in a threatening manner. In response to Kever's continued approach toward law enforcement, and specifically toward Officer Putzy after deployment of the less lethal options, Officer Konkol fired two shots at Kever. Kever immediately fell to the ground as a result of the shots fired by Officer Konkol. Law enforcement personnel immediately began life-saving measures on Kever, including but not limited to chest compressions and dialogue with responding EMS staff. After EMS staff responded and took over life-saving measures, it was determined in a matter of minutes that said measures were not successful. Life-saving measures were ceased by EMS staff after consultation with medical staff at Mayo Clinic. Gregory Kever was pronounced dead at the scene.

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As a result of the incident on April 8, 2017, and pursuant to the laws of the State of Wisconsin, a comprehensive investigation was undertaken by an outside law enforcement agency – the City of La Crosse Police Department. The lead investigator was Captain Shawn Kudron. The investigation included hundreds of pages of narrative reports, hundreds of photographs, videos, interviews, telephone downloads, crime lab reports, a total station and scene diagram by the Wisconsin State Patrol, an autopsy of Gregory Keever, as well as other miscellaneous information.

Gregory Keever Status April 8, 2017

On April 8, 2017, Gregory Keever was residing at the Westwinds Apartment complex. He had resided in apartment complex for approximately two weeks at that point in time. As part of the investigation, law enforcement interviewed Gregory Keever's mother, Dawn Brannan. Brannan advised that Keever was working at Menards in Eau Claire. Prior to working at Menards in Eau Claire, Keever had worked for Menards in both International Falls, Minnesota and Gillette, Wyoming.

As part of the investigation, law enforcement interviewed Gregory Keever's sister, Danielle Berridge. Berridge advised that she had a close relationship with Keever. Berridge said Keever was excited to move to and start work in Eau Claire at Menards. Berridge said Keever described the job as his "dream job." Berridge advised that she spoke to Keever almost daily once he was living in Eau Claire.

911 Call Information

A resident of the Westwinds Apartments, A.M., called 911 at 10:50 a.m. on April 8, 2017. Some of the initial information relayed to dispatch by A.M. includes the following: "Yeah, someone's in the hallway, yelling about, why am I still alive, why am I still here, why am I the only one alive. And he was trying to get into our apartment. Like, it's like he's trapped in the hallway. I don't know if he's having a psychotic break or what's going on." A.M. reiterated to dispatch that the subject was yelling "why am I still alive." A.M. tells dispatch that she was too scared to open the door. A.M. described the subject to dispatch as a white male wearing green headphones. Later in the call, A.M. tells dispatch that she believes the subject might be leaving and that "it sounds like he is outside yelling." A.M. informs dispatch that she believes the subject is in the parking lot and that she can still hear "lots of yelling." The call with dispatch ended at 10:59 a.m.

Officer James Konkell Squad Video Review

Several squad car videos, including that of Officer Konkell's squad car, were reviewed as part of the investigation. Officer Konkell's squad car video shows his arrival on scene at the Westwinds

Apartment complex in the south parking lot. As the vehicle stops for a moment, a white male, later identified as Gregory Kever, becomes visible walking into the camera's view from the west. A large knife is visible in Kever's right hand. Kever is observed walking at a hurried pace and walks in a semi-circle back to the west and out of the camera's view. A short time later, Kever enters the camera's view again from the west walking with a hurried pace still with the knife in his right hand. Kever walks near the middle of the parking lot and turns back around walking out of the camera's view. Kever is off camera for approximately ten seconds and then is observed again walking to the middle of the parking lot with the knife in his right hand. Kever then walks in a large circle and his left hand can be observed in a fist as he is seen walking in an aggressive style pace.

After completing the large circle, Kever walks to the passenger side of a smaller silver vehicle parked in the middle row of the parking lot. As Kever walks in a large circle a loud scream is heard from him, but no words can be understood. Kever appears to attempt to open the passenger-side vehicle door, then quickly walks around the rear of the car to the driver's-side of the vehicle. Kever pauses near the rear driver's-side door briefly before going back to the front driver's-side door. Kever bends over slightly looking into the vehicle. At this time, Officer Konkel's squad car moves forward approximately 30-40 feet and stops just before the grass that separates the driveway from the parking area. At the same time, Officer Putzy's squad car is observed entering the north end of the parking lot. Officer Putzy stops near the middle of the parking lot along for a brief moment before backing up to the north. Kever, still with the knife in his hand, can again be heard screaming, but the words used are not clear.

As Officer Putzy is backing up to the north, Kever is observed walking directly at him from the front driver's-side of the vehicle. Kever can be heard yelling multiple things as he is walking. The audio is difficult to understand but some of the phrases appear to be "oh yeah" and "fuck you." Kever also yells something to the effect of "what am I doing here?" Around this time, Officer Konkel provides a radio transmission for other responding officers, cautioning those officers that Kever is carrying a 12-14 inch knife. Shortly after this, Officer Putzy is observed driving forward through the west end of the parking lot. The camera angle of Officer Konkel's squad does not capture any actions at this point. A white truck parked in the parking lot blocks with view of the camera. However, audio from the squad car video continues to capture the series of events. A male voice, believed to be Kever's, is heard saying, "what the fuck is this?" Immediately after this, Officer Konkel states in a loud voice, "put down the knife." Kever is heard yelling again, "what the fuck is this" and "why." In addition to these statements, Kever also makes a growling type of noise. Kever then continues to yell but the words used are not discernible from the video. Kever is then observed walking south near the pine tree island that separates Gordy's parking lot from the Westwinds Apartments parking lot. As he is walking, Kever is yelling "what is this."

At this time, Officer Konkel is communicating with Officer Putzy as to the whether he has less lethal loaded. After confirmation, another voice is heard telling Kever to “drop the knife.” More commands are given to Kever to drop the knife. Kever is heard stating something to the effect “hey dude, we’re fighting again.” The next portion of the video has multiple voices talking at the same time. The phrase “drop the knife” or “drop it” can be heard approximately twelve times. The verbal commands are all in a stern voice and said very loud. Officer Konkel can be heard giving the command four times. Following these requests, audio of what sounds like the firing of less lethal rounds are heard. Following these sounds are the sounds of two much louder gun shots. After a short silence, a voice provides a radio transmission of “shots fired, one down.” The squad car audio then details medical assistance provided by law enforcement. As an example, Officer Olson is heard telling other officers he is going to start CPR. After Sergeant Slaggie arrives, Officer Konkel is heard talking to Sergeant Slaggie. Officer Konkel confirms that he is the shooter and provides a brief summary to Sergeant Slaggie about what happened.

Officer James Konkel Interviews

As part of the investigation, Captain Kudron and Detective Sergeant Blokhuis had contact with Officer Konkel on April 8, 2017. A walk-through of the scene was conducted with Officer Konkel. Officer Konkel advised he was working as a patrol officer on April 8, 2017. Officer Konkel said he responded to 2214 Peters Drive in response to a report of a person yelling loudly and acting strangely at that location. Officer Konkel said as he pulled into the south parking lot, he observed a male walking around in the parking lot with a green set of headphones on. Officer Konkel said he immediately recognized that the suspect, had a knife in his hand. Officer Konkel said he advised dispatch of the knife and also asked other officers who were responding to the scene to load less lethal and use caution. Officer Konkel then parked his vehicle in the roadway entrance of the parking lot to keep others from coming into the parking lot.

Officer Konkel said as he exited his vehicle, Officer Putzy was also responding to the scene, coming to the parking lot from the north. Officer Konkel advised when the suspect observed Officer Putzy in his squad car, the suspect went to Officer Putzy’s squad and attempted to open up the driver-side front and rear doors. The suspect was unable to open the doors and Officer Putzy accelerated away from the suspect. As the suspect was again coming towards Officer Putzy’s vehicle, Officer Putzy pulled forward in a quick motion, going through three-quarters of the parking lot on the southwest side of the parking lot. Officer Putzy then exited his squad car. The suspect then began walking towards them along a pine tree area to the west of their location. Officer Konkel advised he went over to Officer Putzy and covered the suspect while Officer Putzy loaded less lethal. Officer Konkel said he was armed with an AR-15 .223 long gun. Officer Konkel advised he continued to watch the suspect, who still had a green pair of headphones on. The suspect also still had the knife and was walking towards them through the trees.

Officer Konkel said that Officer Putzy showed him the shotgun that he had loaded with less lethal. Officer Konkel advised at this same time, Officer Olson arrived from the west. Officer Konkel advised Officer Olson to draw his taser while Officer Konkel covered the suspect. Officer Konkel said the suspect started walking towards them, at which time they started yelling for him to drop the knife. Officer Konkel advised the suspect was approximately seven to twelve yards away from them. Officer Konkel advised that Officer Putzy deployed two beanbag rounds and that it appeared these were ineffective on the suspect. The suspect continued to hang onto the knife and started to move towards them and the squad car. Officer Konkel advised that Officer Olson deployed his taser and the suspect did not appear to be effected at all by the taser. Officer Konkel advised that Officer Putzy deployed two more beanbag rounds into the suspect, which caused the suspect to go down to one knee.

Officer Konkel advised the suspect got up off his knees, was still holding onto the knife, lifted the knife in an aggressive manner, and started to move quickly at Officer Putzy. Officer Konkel advised in viewing this, he deployed two lethal rounds from his .223 long gun at the suspect. Officer Konkel advised the suspect went down to the ground and did not move. Officer Konkel advised that the weapon was secured from the suspect and that Officer Olson performed CPR on the suspect until EMS arrived. Officer Konkel advised that other officers then came onto the scene and that he was relieved of his duties.

Officer Konkel was again interviewed on April 12, 2017. Officer Konkel said that he has been a police officer with the Eau Claire Police Department for approximately twenty years. Officer Konkel advised that he is currently on the Eau Claire Police Department Tactical Response Team and has been on the team for fifteen years. He is also a firearms instructor and has been since 2007. Officer Konkel is assigned to the patrol division and was working the west district on April 8, 2017, as he has done for the past three years. Officer Konkel is assigned to the day shift patrol, from 6:30 a.m. to 5:00 p.m. Officer Konkel advised he worked a normal shift on Friday, April 7, 2017, then slept a normal night's sleep. Officer Konkel said he woke up at approximately 5:00 a.m. on April 8, 2017 to get ready for work.

Officer Konkel said that on April 8, 2017, he took, responded and cleared two calls prior to the call at the Westwinds Apartments. Officer Konkel said the communications center dispatched him as the primary unit to a "check persons" call at the Westwinds Apartments and that Officer Putzy was dispatched as the secondary unit. The description of the suspect included details that the individual was a white male wearing green headphones. Dispatch advised the suspect was yelling and banging on apartment doors and made statements such as "why am I still alive." When Officer Konkel arrived on scene, he believed he observed the suspect. The suspect was 50-60 feet away from the apartment building walking to the middle of the parking lot. The suspect was a white male wearing green headphones, similar to the information received from dispatch.

Officer Konkel said in observing the suspect for a short time, the suspect was acting in a strange manner. Officer Konkel described the suspect as making rapid body movements, head bobbing in a jerking motion, yelling, and appearing to be talking to someone who was not there. Officer Konkel said the suspect was clinching his fist with his left hand and appeared to be mad or angry. The suspect continued to yell and Officer Konkel activated his squad video around this time. Officer Konkel continued to watch the suspect and observed him walking back and forth, spinning around several times. When the suspect made a spinning motion, Officer Konkel immediately observed a large knife in the suspect's right hand. The knife was a large knife and appeared to be fourteen to fifteen inches long in total length. Officer Konkel advised dispatch of the knife and requested an officer to ready a less lethal shotgun.

Officer Konkel continued to watch and monitor the suspect while releasing his AR rifle from the rifle rack. In his continued observation of the suspect, the suspect would take the knife and raise it in an upward manner, from his waist to his shoulder area and wave it around in front of him like he was having a knife fight with someone else in the parking lot. The suspect also made stabbing motions as if to be stabbing someone. Officer Konkel kept his distance from the suspect due to him being the only officer on scene at that time. At one point, the suspect walked towards a smaller silver car, walked up to the driver's side of the vehicle, and quickly and aggressively opened the door and slammed the door shut in a very angry manner. After closing the door, the suspect would walk away from the vehicle, yelling, and appeared to be angry. The suspect would walk approximately six car stalls away, spin around quickly and walk back to the silver car. This happened about two times. Each time, the suspect never put the knife down and always held onto it with his right hand in an upward aggressive manner.

Officer Konkel did not think anyone was in the silver vehicle, but he exited his squad car and moved his position to try to obtain a better view of the interior of the vehicle to make sure no one was inside it. Officer Konkel had concerns for anyone in the silver vehicle because of the actions of the suspect. The suspect continued to yell at the vehicle and was very upset, angry, and aggressive. Officer Konkel was unable to observe anyone else in the vehicle. Given the suspects actions, Officer Konkel was also concerned about other persons who could potentially be in that parking area but did not observe anyone else at that time. Officer Konkel kept his distance until other officers arrived on scene.

Officer Konkel observed Officer Putzy come into the south parking lot from the north parking lot. Officer Konkel used his radio to advise Officer Putzy of the suspect's location in the middle of the south parking lot and that the suspect still had a knife. At the same time, the suspect observed Officer Putzy's squad car and began to walk quickly and aggressively towards Officer Putzy's squad car. The suspect moved aggressively towards Officer Putzy's squad car with the knife held in an upward position near his waistline. The suspect was yelling at Officer Putzy but Officer Konkel could not make out what the suspect was saying. As soon as the suspect got near Officer Putzy's squad car, the suspect lifted the knife up above his waistline, near his

shoulders, continued to yell at Officer Putzy and aggressively tried to open the front driver-side door handle of the squad car. The suspect pulled on the door handle two or three times but was unsuccessful. While doing so, the suspect continued to hold the knife up. The suspect continued yelling and went to the rear driver-side door. The suspect grabbed that door handle aggressively and tried to lift that door handle three to four times. The suspect did not get the door open. Officer Putzy accelerated his squad forward, coming to a stop near the southwest corner of the south parking lot.

At this time, Officer Konkel observed the suspect walk between a grass and pine tree island that separated the Westwinds Apartments parking lot from the Gordy's parking lot. The suspect started to walk west along the Gordy's grocery store. Officer Konkel paralleled the suspect, continuing to cover him from the south end of the parking lot. Officer Konkel was concerned about the suspect's proximity to the front of Gordy's knowing that the store was open and busy at that time of the day. Officer Konkel yelled loudly at the suspect to "drop the knife." Officer Konkel observed Officer Olson and Deputy Sommers arrive with their emergency lights and siren. Officer Konkel said the suspect observed them and turned around and walked east back to the grass and pine tree island.

Officer Konkel then took a position near the front of Officer Putzy's squad car, attempting to cover the suspect while the suspect made his way south through the pine trees. At the same time, Officer Putzy came to the front of the squad car and showed Officer Konkel his shotgun was clear of lethal/live rounds. Officer Putzy then opened the action of the shotgun and showed Officer Konkel it was loaded with less lethal beanbag rounds. Officer Putzy then went to the rear driver-side of the squad while Officer Konkel stayed in the front passenger-side of the squad car. Officer Konkel also observed Officer Olson running towards him. Officer Konkel said he and Officer Putzy yelled at the suspect to stop and drop the knife and that this was done a number of times. The suspect refused to drop the knife and continued to approach them. Officer Konkel advised the suspect came from between the pine trees, still had the green headphones on and was holding the knife in an aggressive upward manner. The suspect also continued to yell at them. The suspect was clenching his left hand in a fist, appeared upset and mad, and was closing the distance on them.

At this time, Officer Konkel yelled to Officer Putzy to deploy less lethal several times. Officer Konkel heard Officer Putzy yell at the suspect to drop the knife. The suspect did not drop the knife and Officer Putzy did deploy less lethal beanbag rounds. These appeared to have little to no effect on the suspect, as the suspect did not drop the knife and continued to yell at them. Officer Konkel heard and observed Officer Olson deploy his taser into the suspect. Officer Konkel heard the taser cycling and believed the taser made a good hit on the suspect. However, the taser appeared to have no effect on the suspect, as the suspect did not "lock up" like most people do when they have a taser used on them.

After Officer Putzy deployed a fourth beanbag round into the suspect, Officer Konkel saw the suspect rise and turn towards Officer Putzy. The suspect raised the knife up from his waistline to his shoulder area, pointing the knife at Officer Putzy. The suspect yelled out loud and started to quickly walk/run towards Officer Putzy. The suspect appeared to be 20-25 feet from officer Putzy. All officers continued to yell and order the suspect to stop and drop the knife. Officer Putzy attempted to disengage from the suspect, but the suspect continued to go after Officer Putzy. Officer Konkel feared for Officer Putzy's safety and life, knowing Officer Putzy did not have any cover or concealment to get away from the suspect. At this time, Officer Konkel deployed two rounds from his rifle at the suspect. Upon delivering the two rounds, Officer Konkel observed the suspect immediately go down and not move any further. Officer Konkel continued to cover the suspect while other officers moved to get the knife away from the suspect.

Officer Konkel advised that Officer Olson brought a medical bag and started doing chest compressions on the suspect. Officer Vang arrived and assisted. EMS and first responders arrived and provided medical attention to the suspect. Officer Konkel then observed Sergeant Slaggie arrive on scene. Officer Konkel advised Sergeant Slaggie that he had fired his squad rifle. Officer Konkel provided Sergeant Slaggie with a quick briefing of the incident. Sergeant Slaggie assigned Officer Anderson to stay with Officer Konkel. Officer Anderson took Officer Konkel back to the Eau Claire Police Department to await further instruction.

Officer Kevin Putzy Interviews

Officer Kevin Putzy was interviewed on April 8, 2017 and again on April 12, 2017 as part of the investigation. Officer Putzy advised he was on patrol on the morning of April 8, 2017 and responded to Peters Drive. While responding, Officer Konkel advised him on the radio that there was a person in the parking lot wearing green headphones, acting strangely, and carrying a large knife. Officer Konkel also requested he would like a responding officer to load with less lethal beanbag rounds. Officer Putzy said he came onto location on Peters Drive from the north and through the north parking lot. As he approached the south parking lot of the complex, he observed the suspect holding the knife. Officer Putzy said as he drove into the main south parking lot, he observed the suspect run at him with a knife. Officer Putzy put his vehicle in reverse in an attempt to get away from the suspect. Just prior to backing away from the suspect, the suspect attempted to open his driver's-side door and then his driver's-side rear door. Officer Putzy advises all of his doors were locked and he accelerated away from the suspect. Officer Putzy said the suspect followed him while traveling backwards, so he then drove forward past the suspect to the southwest far corner of the parking lot. Officer Putzy stopped his squad car and exited with his less lethal shotgun.

Prior to exiting his squad car, Officer Putzy unloaded the shotgun and grabbed his less lethal beanbag rounds. Officer Putzy said he showed Officer Konkel the empty shotgun and then loaded the less lethal rounds. While loading the weapon, Officer Putzy observed the suspect walking through a tree line between the pines. Officer Putzy said the suspect was walking towards them between the trees. Officer Putzy advised when the suspect was approximately fifteen feet away from them and started coming towards them, they all began yelling for the suspect to drop the knife. Officer Putzy determined it was time to deploy less lethal rounds and deployed two beanbag rounds into the suspect's center mass. Officer Putzy advised it appeared the beanbag rounds had no effect. Officer Putzy advised that while he was deploying the beanbag rounds, he observed Officer Olson coming onto the scene and observed him draw his taser. Officer Putzy said Officer Olson deployed the taser into the suspect and that it appeared to have no effect on the suspect. Officer Putzy said he deployed another beanbag round in continuation with a fourth one, which appeared to put the suspect onto one knee.

Officer Putzy said the suspect continued to hold the knife, got up, and started coming at him. Officer Putzy advised when the suspect stood up, the suspect raised the knife up and came at him in a quick aggressive motion. Officer Putzy advised he felt an imminent threat of great bodily harm due to the actions of the suspect coming at him with the knife. Officer Putzy stated he started to back away from the suspect who was approximately twelve feet away from him at this time. Officer Putzy advised that Officer Konkel deployed two lethal rounds from his .223 AR long gun. Officer Putzy said the suspect stopped in motion and went immediately down to the ground. Officer Putzy advised they secured the knife, rolled the suspect over, and Officer Olson attempted to do CPR on the suspect while EMS was coming on scene.

Officer Jacob Olson Interviews

Officer Jacob Olson was interviewed on April 8, 2017 and again on April 12, 2017 as part of the investigation. Officer Olson advised on April 8, 2017, he was at the police station when he heard the call come out of a man with a knife acting strangely. Officer Olson said he responded to the parking lot of 2214 Peters Drive in emergency mode. Officer Olson said directly behind him was a squad from the Eau Claire County Sheriff's Department and that he knew it was Deputy Sommers. Officer Olson said that when he arrived on scene, he started to run towards a squad and saw Officer Putzy covering the suspect on the driver's-side rear of the squad. He also observed Officer Konkel covering the suspect at the front passenger-side of the squad car with his AR long gun. Officer Olson said he covered the suspect with his taser. Officer Olson said the suspect was wearing a green set of headphones and holding a large knife. All officers were telling the suspect to drop the knife. The suspect did not comply and started to walk towards them. Officer Olson said he observed Officer Putzy deploy two beanbag rounds into the suspect, which appeared to not have any effect. Officer Olson said he then deployed the taser into the suspect. This also appeared to have no effect on the suspect, as the suspect continued to move towards them.

Officer Olson advised that Officer Putzy deployed two more beanbag rounds and on the deployment of these rounds, the suspect went down to one knee. Officer Olson advised he observed the suspect get up to his feet, turn towards Officer Putzy, raise the knife in his hand and make a quick, active, assertive movement towards Officer Putzy. Officer Olson believed the suspect intended to cause Officer Putzy death or great bodily harm. Officer Olson advised that as soon as this happened, he heard Officer Konkel deploy rounds from his .223 long gun at the suspect. Officer Olson observed the suspect fall down to the ground and was not moving. Officer Olson advised that the officers secured the knife, rolled the suspect over, and started CPR on him. Officer Olson advised that he did chest compressions until EMS arrived.

Deputy Melissa Sommers Interviews

Deputy Melissa Sommers was interviewed on April 8, 2017 and again on April 12, 2017 as part of the investigation. Deputy Sommers advised that on April 8, 2017, she was at the Eau Claire County Sheriff's Department and heard a call come out on the south side in reference to a man with a knife. Deputy Sommers advised she saw Officer Olson leaving from the Eau Claire Police Department parking lot and that she followed him to the dispatch location. As she exited her squad car at the location, Officer Olson advised her to load her less lethal shotgun with beanbags and come over to the scene.

Deputy Sommers said she obtained her less lethal long gun and started to go over towards the area where the Eau Claire officers were. Deputy Sommers said that she saw Officer Olson deploy a taser, followed by two beanbag rounds from Officer Putzy. Deputy Sommers said the suspect went to a knee, but quickly got up to his feet, raised the knife up and started making an aggressive, assertive movement towards Officer Putzy. Deputy Sommers stated she observed Officer Konkel use his .223 long gun and stopped the threat of the suspect. Deputy Sommers believed the suspect was fifteen feet or less away from Officer Putzy when Officer Konkel shot the suspect. Deputy Sommers said the suspect fell directly to the ground and did not move. Deputy Sommers advised, knowing the suspect had been hit, she quickly ran back to her squad car to obtain EMS and medical bags. Deputy Sommers advised when she came back to the scene, they secured the weapon and immediately started CPR on the suspect. CPR was continued until EMS arrived.

Citizen Witness Interviews

A.M. was interviewed as part of the investigation. A.M. is the individual who placed the call to 911 from the Westwinds Apartments. Following the 911 call, A.M. advised that she was in a position to observe the police dealing with the individual (Kever). A.M. said that it was at this time that she took her phone and began to record the incident. A.M. said she heard the officers

attempting to talk to the individual, however the individual looked like he was still walking in circles. A.M. said she then saw the individual walking toward one of the police officers. A.M. said she saw the individual lunge at one of the police officers and that is when she observed the officer shoot the individual. A.M. further stated that she had observed the individual walk toward the cop and then she heard a pop, and it looked like the individual had fallen down. It was when the individual got up that she described the individual as lunging at the officer.

A.M. clarified that she didn't know if "lunge" is the right word, but that she saw the individual run or move quickly toward the police officer. A.M. stated it looked to her as if the individual got very close to the cop. A.M. said she heard two pops and saw a flash and the individual dropped. A.M. said that officers then tried to resuscitate the individual. A.M. advised that from what she saw, the police officer did everything he could have done. A.M. did not think anything could have changed. A.M. provided her phone to law enforcement so that the video she took could be retrieved.

J.B. was interviewed as part of the investigation. J.B. resides at the Westwinds Apartments and witnessed the officer involved shooting incident. J.B. advised that she lives on the second floor and that on April 8, 2017, she heard yelling. J.B. said she ignored the yelling at first but the yelling continued and that the individual was yelling loudly and this drew her attention. J.B. said she looked outside and saw an individual wearing green headphones and that he had a knife in his hand. J.B. described the knife as a large kitchen knife. J.B. said the subject was pacing back and forth in the parking lot. J.B. said the individual was yelling "why am I even here" and "what is this even" and "I'm a good guy." J.B. said the individual was making these statements over and over. J.B. said the individual sounded very angry and seemed very upset about something. J.B. said she was about to call the police and then she noticed the police had arrived.

J.B. said the individual seemed to be interested in a small silver vehicle and seemed to be looking into the vehicle. J.B. went on to describe the individual's actions with the knife. J.B. said that when the individual started to make stabbing motions, she knew for sure that the individual was holding a knife. J.B. said that she had never seen anyone act like this in her life. J.B. said the individual seemed very mad and was making what J.B. described as frustrating groans. J.B. said she observed the officers interactions with the individual. J.B. said she heard the officers telling the individual to put the knife down but that the individual refused. J.B. eventually observed the individual running at the police officer.

C.L. was interviewed as part of the investigation. C.L. said he was inside his apartment on April 8, 2017 when he heard what he described as yelling or growling in the parking lot. C.L. said the sounds he heard were like a growl and sounded aggressive. C.L. said when he heard the yelling for the third time, he looked outside and then heard what he described as "pop, pop, pop." C.L. said he saw a police officer to the front and a police officer to the back of the vehicle.

C.L. said he also saw a female officer who was wearing brown clothing. C.L. said this officer went to a vehicle and retrieved a red bag. C.L. said this officer also moved what he thought was a shotgun and also moved what he believed was a knife. C.L. clarified that he did not look outside until after he heard the shots.

J.G. was interviewed as part of the investigation. J.G. said that on April 8, 2017, he was sitting at his desk, inside his apartment, working on his laptop, when he heard someone shouting outside. J.G. said the individual continued shouting the same statement over and over again. J.G. said he got up to look outside to see what the individual was upset about. J.G. said he observed the individual wearing a green headset and carrying something shiny. J.G. said he returned to his desk, but continued to hear the individual yelling. J.G. described the individual as stalking around the parking lot for ten to fifteen minutes and then the police arrived.

J.G. said he observed squad cars in the apartment parking lot as well as on the road behind the Gordy's store. J.G. said he heard officers shout "put down the knife." J.G. said the individual did not acknowledge the officers and continued walking in circles. J.G. said the individual continued shouting "who am I talking to?" and "I can't believe I'm even still here." J.G. said he observed the individual walking by trees and at one point walking behind a tree. J.G. said the individual began walking toward where the police vehicles were parked. J.G. observed an officer to the rear of the police vehicle. J.G. said the officers were continuing to shout "drop the knife" but the individual was not responding to the officers. J.G. said he observed the individual get hit in the stomach with what he believed were rubber bullets.

P.G. was interviewed as part of the investigation. P.G. said that on April 8, 2017 she was sitting on her couch inside her apartment when she heard someone yelling near the sidewalk ramp of the apartment complex. P.G. said she observed a person that she described was ranting and raving and pacing in the parking lot. P.G. described the person as being really agitated. P.G. said the individual kept saying something similar to who and why. P.G. described the individual as growling like a wild person. P.G. said she observed a squad car arrive and the individual began walking in the direction of the squad car. P.G. stated the individual continued to walk around and that she observed something shiny in his hand. P.G. said additional squad cars arrived and the individual continued ranting and raving and began walking toward where the other squad cars were. P.G. described the individual as totally wild. P.G. heard what she described as popping and indicated this was at the end of the incident.

Search of Gregory Kever Apartment and Vehicle

As part of the investigation, in addition to items located on Gregory Kever's person at the time of the shooting, Kever's apartment and vehicle were searched pursuant to a search warrant. While searching the first floor common hallway at 2214 Peters Drive, a cloth lunch box was located. Among the items located in the lunch box were five pieces of rainbow colored soft

candy in a tinfoil wrapper. An analysis by the State Crime Laboratory of one of the candy pieces identified the presence of Lysergic Acid Diethylamide (LSD).

Cell Phone Download

As part of the investigation, Gregory Kever's cell phone was downloaded. A review of the download shows that Kever exchanged multiple text messages and phone calls with Kasey Robar on April 7 and 8, 2017. The last text message sent by Gregory Kever was at 10:29 a.m. The content of the text message was "Acid sucks lol."

Paramedic / EMS Interviews

Daniel Lien of the Eau Claire Fire Department was interviewed as part of the investigation. Lien advised that on April 8, 2017, he responded to the scene of 2214 Peters Drive. Upon arrival, he observed an Eau Claire Police Officer doing chest compressions on a patient. The patient was lying in the parking lot. Upon exiting his vehicle, Lien said Paramedic Miller advised him to start taking over chest compressions and CPR maneuvers on the patient. Lien advised that while he was doing chest compressions, Paramedic Miller and Paramedic Linstedt were performing medical procedures on the patient. Lien advised that a short time later they stopped performing CPR measures, per the direction of the doctor at Mayo hospital. Lien advised they were on scene for approximately 15-20 minutes.

Paramedic Michael Linstedt was interviewed as part of the investigation. Linstedt advised that on April 8, 2017, he responded to the scene of 2214 Peters Drive. Linstedt advised that when he arrived on scene, he observed a member of the Eau Claire Police Department doing chest compressions and CPR on the patient. Linstedt said he went over to the patient and the police officer, at which time first responders and EMS personnel took over the life saving techniques. Linstedt said Paramedic Miller told him to connect the electrodes and determine whether or not the patient had any signs of life. Linstedt advised the patient was lifeless and he observed what appeared to be a gunshot to the patient's left eyebrow. Linstedt advised he called the Mayo doctor on staff. Linstedt provided information to the doctor and the doctor advised to stop doing life saving measures.

Paramedic Michael Miller was interviewed as part of the investigation. Miller advised that when he responded to the scene at 2214 Peters Drive, he observed an officer doing chest compressions on a subject lying in the parking lot. Miller said that when he got near the patient, he did notice that there was a large knife near the patient on the hood of a squad car. Miller also noticed the patient had two possible gunshot wounds to the head and neck area. Miller advised that upon hooking up heart monitors to the patient, he noticed that the patient appeared to be lifeless. Miller said contact was made with a doctor at Mayo hospital to determine whether or not they should continue on with life saving measures. While waiting to speak with doctors,

Miller noticed a single taser wire leading to the patient and observed the wire leading from the patient to the taser. The taser was lying on the ground near the patient. Miller also advised seeing four beanbag shell casings near the feet area of the patient. Miller advised that after contact was made with the doctor at Mayo, they were advised to cease lifesaving measures.

Gregory Kever Autopsy Report

As part of the investigation, an autopsy on Gregory Kever was performed on April 9, 2017 by Dr. Michael Stier, a forensic pathologist and the University of Wisconsin hospital in Madison. The autopsy contains a section entitled "Interpretive Statement." The section reads: "[t]his individual died during an engagement with law enforcement. He perished after sustaining a multiplicity of non-lethal injury, followed by firearm deployment. The autopsy findings support this demise as a victim precipitated homicide." Among the findings in the autopsy with respect to firearm injury include: "perforating high velocity gunshot wound to face" and "perforating high velocity gunshot wound to neck." The autopsy also found injury consistent with "non-lethal beanbag cartridge discharge" as well as taser deployment. Additional testing was also done by the Wisconsin State Crime Laboratory as part of the investigation. The results of these tests showed Kever tested positive for LSD, Cannabinoids and Caffeine. No ethanol was detected in Kever's blood at the time of death.

Interview of Kasey Robar

As part of the investigation, law enforcement interviewed Kasey Robar on May 3, 2017. Robar advised that he was the best friend of Gregory Kever and that he had met Kever in seventh grade in International Falls. Robar said Kever moved to New Mexico in tenth grade. Robar said he later reconnected with Kever when Kever came back to International Falls and was working at Menards. Robar said he and Kever hung out a lot. Eventually, Kever was offered a job at a Menards store in Gillette, Wyoming. After Kever moved to Wyoming, Robar said they continued to talk daily either by phone or text message. Robar said he and Kever were like brothers and would talk all the time. Robar said they would play an online game called "World of Warcraft" and that Kever was obsessed with the game. When they would play the game online nightly, they would speak with each other on a communication system called Ventrilo or Skype. Robar said Kever's day usually consisted of going to work, coming home, playing World of Warcraft, and going to sleep.

Robar was asked of any knowledge of Kever's drug use. Robar said he knows that Kever used marijuana usually daily. When asked about hallucinogenic drugs, Robar said that Kever usually preferred to use LSD, acid, or hallucinogenic mushrooms. Robar provided additional history as to Kever's drug use, going back to high school. Robar also advised as of lately, Kever was using LSD and acid on a regular basis. Robar advised that he had never seen Kever become aggressive while using drugs.

Robar also told law enforcement that he had contact with Keever on the morning of April 8, 2017. Robar said he received a text message around 10:30 a.m. from Keever that stated “acid sucks.” Robar said he immediately texted Keever back “What?” but did not receive a response. After not getting a response, Robar said he immediately called Keever on the phone and asked what was going on. Robar said that Keever told him on the phone that no one likes him and everyone thinks he is a piece of shit. Robar said he was at work at the time and told Keever that he is not a piece of shit, that people like him. Robar told Keever he would call him back shortly and that Keever should “chill.” Robar said he attempted to contact Keever a little later that morning but did not receive an answer from Keever. Robar advised that after he spoke with Keever on the phone, he felt that Keever was somewhat depressed and was not in his right state of mind. Robar said that Keever did not make sense on the phone and didn’t know why Keever would think that no one liked him. In recounting the conversation, Robar became upset and blamed himself for not continuing to talk to Keever. Robar opined that what happened to Keever didn’t make sense.

Use of Force Justification

After a review of the investigation performed by the City of La Crosse Police Department, I have concluded that City of Eau Claire Police Officer James Konkel was justified in the use of lethal force on April 8, 2017 during the incident that resulted in the death of Gregory Keever. The circumstances that then existed make clear that the use of lethal force was justified. The analysis of this decision includes, but is not limited to, the following information:

1. Gregory Keever displayed concerning and aggressive behavior at the Westwinds Apartments on April 8, 2017, including but not limited to yelling and trying to get into the apartment of another resident. This behavior was concerning enough for the resident to call 911 and report the behavior. Another resident was also prepared to call the police but then observed police were already on scene.
2. Multiple other citizen residents reported similar conduct on behalf of Gregory Keever on April 8, 2017, including yelling and aggressive behavior.
3. The investigation revealed that Keever had a consistent history of drug use and that at the time of his death, he tested positive for LSD and Cannabinoids. In addition to the test results, Keever’s last text message around mid-morning on April 8, 2017 referenced drug use.
4. Keever’s best friend, Kasey Robar, confirmed he spoke with Keever on the morning of April 8 and that Keever seemed somewhat depressed. Keever also told Robar that no one liked him. After speaking with Keever that morning, Robar would report to law enforcement as part of the investigation that Keever did not seem to be in his right state of mind.

5. When Officer Konkel responded to the scene, he proceeded with caution and waited for back up before approaching Kever. Officer Konkel also advised other responding law enforcement to proceed with caution as Kever was armed with large knife.
6. When law enforcement responded to the apartment complex parking lot, Kever was armed with a large knife with a blade of approximately 12 inches. This weapon was clearly capable of inflicting serious bodily harm or death. In addition, Kever was repeatedly observed brandishing the weapon in an aggressive manner, including making stabbing motions, while yelling a number of comments, including but not limited to a reference to fighting.
7. When law enforcement was approached by Kever, they provided no fewer than a dozen commands for Kever to drop the knife. The commands are clear and audible in the squad car video of Officer Konkel.
8. In response to the repeated commands to drop the knife, Kever ignored the commands and failed to drop the knife. In addition to ignoring the commands, Kever continued to move closer to law enforcement while raising and holding the knife in an aggressive fashion.
9. In response to Kever's continued advancement on law enforcement, multiple less lethal options were deployed by law enforcement in an attempt to stop Kever. These included the firing of four less lethal beanbag rounds by Officer Putzy and the successful deployment of a taser by Officer Olson.
10. In response to the less lethal options, Kever continued to advance on law enforcement with the knife, and specifically at Officer Putzy in an aggressive manner. Given this observation, Officer Konkel fired two lethal rounds from his rifle at Kever.
11. At the time Officer Konkel fired his rifle, Officer Konkel feared for the life of Officer Putzy. Under the circumstances that then existed, including the less lethal options clearly being ineffective in stopping Kever, this fear was entirely reasonable.
12. The interviews of responding law enforcement personnel provided a consistent recounting of the sequence of events, most notably the exhausting of multiple less lethal options followed the by use of lethal force.
13. In addition to law enforcement accounts, other sources of information, including but not limited to citizen accounts and squad car video provide a consistent detailing of events that resulted in the death of Gregory Kever by justified lethal force.

I would like to thank Captain Shawn Kudron and the City of La Crosse Police Department for performing a comprehensive investigation into the incident that took place on April 8, 2017. The collection of materials submitted as part of the final investigation report provides a clear and transparent accounting of the events of April 8, 2017. The result of the investigation clearly supports that City of Eau Claire Police Officer James Konkel was justified in the use of lethal force under the circumstances as presented on April 8, 2017.

Thank you for your time and consideration of this information.

Gary King
District Attorney
Eau Claire County