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MEDIA RELEASE

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SUBJECT: 22PD16041 District Attorney Review	 @EauClairePD

Officer-Involved Critical Incident - UPDATE

On December 2, 2022 Eau Claire County District Attorney Peter Rindal released the opinion of his review of the Officer-Involved Critical Incident involving two Eau Claire Police Officers which occurred on September 4, 2022. In his written opinion, District Attorney Rindal stated Officers Sperry and Johnson's use of deadly force was justified.

The Officer-Involved Critical Incident occurred at a residence in the 1900 block of Declaration Drive in the City of Eau Claire. Officers responded to this location after the Eau Claire Communication Center received an emergency call of a disturbance. Officers were provided information that a male was at the residence and armed with a firearm. Further information advised the man was pointing a firearm at neighboring homes.

When Officers Sam Sperry and Tre Johnson arrived, they contacted the armed male and identified themselves as police officers. The male, later identified as Clayton Livingston, adopted a shooting stance and aimed a handgun at the officers. Officers Sperry and Johnson discharged their firearms, striking Livingston. Officers administered life-saving measures to Livingston. Livingston was transported to a hospital.

District Attorney Rindal wrote "the Eau Claire County District Attorney's Office concludes the use of deadly force by Eau Claire Police Officers Sam Sperry and Tre Johnson was justified as reasonable acts of self-defense and defense of others." The Wisconsin Department of Justice investigation determined Livingston's blood alcohol concentration was .216 g/100ml at the time of this incident.

Officers Sperry and Johnson took necessary action to protect members of our community. When doing so, they put themselves in harm's way. Officers Sperry and Johnson will return to their normal duty assignments.

Police use of deadly force must be investigated thoroughly. In addition to the investigation recently reviewed by the Eau Claire County District Attorney, regarding Officers Sperry and Johnson's use of force, the Eau Claire Police Department is in the process of conducting an Administrative Review of this incident. The purpose of this review is to determine policy compliance by responding officers. This policy evaluation will be available for community review.

The Eau Claire Police Department investigation into the original disturbance has been completed. We have referred charges for Livingston related to his intoxicated use of a firearm, to the Eau Claire County District Attorney's Office.

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