



Matt Rokus, Chief of Police
721 Oxford Avenue, Suite 1400
Eau Claire, WI 54703

MEDIA RELEASE

DATE: April 5th, 2023	CONTACT:
TIME: 9:45 a.m.	PHONE:
# PAGES: 1	EMAIL:
SUBJECT: 22PD16041- OIS Administrative Review	 @EauClairePD

Subject: Administrative Review (ECPD # 22PD16041)

On September 4, 2022 the Eau Claire Police Department was involved in a critical incident that 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 a shot was fired and 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.

Pursuant to Wisconsin State Statute and Eau Claire Police Department policy, the Wisconsin Department of Justice-Division of Criminal Investigations completed a criminal investigation. This completed investigation was presented to Eau Claire County District Attorney Peter Rindal for review.

On December 2, 2022 Eau Claire County District Attorney Peter Rindal released the opinion of his review of this Officer-Involved Critical Incident. 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.

Livingston has been formally charged with the following crimes related to his involvement in this incident:

941.30 (2) - Second Degree Recklessly Endangering Safety (2 counts)

941.20 (1) (b) Operate Firearm While Intoxicated

The Eau Claire Police Department has concluded the Administrative Review of the incident. The purpose of conducting the Administrative Review is to determine policy adherence during critical incidents. It has been determined that the decision-making and actions of Officers Sperry and Johnson were appropriate, necessary, and compliant with Eau Claire Police Department policy.

A copy of the Eau Claire Police Department Administrative Review document can be located on the Eau Claire Police Department Public Information page at the following website address:

https://www.eauclairewi.gov/government/our-divisions/police-department/public-information/-/folder-1965#docan3764_8790_4917

Eau Claire Police Department mobile video recording systems and a neighboring resident recorded this incident. The recordings are being made available to the public at this time. The video and audio footage can be reviewed at the following link:

<https://youtu.be/rTuWanEILDY>

At the risk of life and livelihood, Eau Claire Police Officers accept the responsibility to protect others. We take these obligations seriously and understand the important responsibility we have to earn the trust of the community by addressing difficult situations with professionalism, compassion and transparency.

Matt Rokus
Chief of Police
Eau Claire Police Department

Chad Hoyord
Deputy Chief

Derek Thomas
Deputy Chief

Kelly Thompson
Administration

Greg Rosno
Communications Center