



**DANE COUNTY
DISTRICT ATTORNEY
ISMAEL R. OZANNE**



May 10, 2024

**NO CRIMINAL LIABILITY FOR MONONA POLICE
OFFICER INVOLVED IN PURSUIT OF VEHICLE WHICH
CRASHED ON 1-1-2024**

The Dane County District Attorney's Office concluded on Friday, May 10, 2024, that there is no potential criminal court liability for the City of Monona Police Officer who attempted to stop a vehicle which fled at a high rate of speed and ultimately collided with a tree killing all occupants of the vehicle on January 1, 2024, just past the intersection of Femrite Drive and CTH AB. The District Attorney had received briefings from investigators, inspected the scene, and reviewed investigative reports, diagrams, photographs, and other video evidence.

In this incident, on January 1, 2024, at approximately 9pm, the officer was at the intersection of St. Teresa Terrace and Monona Dr., and as he turned onto Monona Dr. he observed a SUV traveling on Monona Dr. turn abruptly from the far left lane to the right lane at Monona Drive and Nichols Rd. before turning right on Nichols Rd. The officer believed the vehicle may be trying to avoid him. As the officer turned onto Nichols Rd. to attempt to run a data check the SUV turned into a parking lot. The officer followed the SUV into the parking lot. The SUV didn't park but instead turned around and accelerated past the officer and back onto Nichols Rd. The officer turned his squad around and activated his lights and siren in an attempt to stop the SUV.

The SUV accelerated on Nichols Rd. across Monona Dr. on to Pflaum Rd. toward Stoughton Rd. The SUV reached speeds in excess of 80mph on Pflaum Rd. before it went through a red light at the intersection of Pflaum Rd. and Stoughton Rd. The SUV turned onto Agriculture Dr. and then went westbound on Femrite Dr. There was a fully marked Madison Police Department squad parked on Femrite Dr. The SUV turned around in the middle of Femrite Dr. and continued eastbound in the westbound lanes of Femrite Dr. As the SUV continued eastbound on Femrite Dr. the Monona squad was believed to be approximately 100 to 150 yards behind the SUV.

At the intersection of the Femrite Dr. and CTH AB, a Dane County Sheriff's squad was positioned to deploy a spike strip. As the SUV came to the intersection the Deputy attempted to pull the spike strip into the path of the SUV but was unsuccessful and the SUV did not come into contact with the spikes. The SUV went through the four way stop intersection of Femrite Dr. and CTH AB continuing on Femrite Dr. The SUV's brake lights were seen activated in the squad video just before the SUV collided with a tree and a fireball was seen.

All three occupants of the SUV were pronounced deceased at the scene of the collision. None of the occupants appeared to be wearing seat belts at the time of the SUV impacting

the tree. A later search of the vehicle produced two firearms; one of which was listed as stolen. There was also marijuana found in the vehicle. Toxicology of the driver of the SUV indicated the presence of Delta-9/THC and its metabolites, Methamphetamine, and Promethazine.

“In this death investigation law enforcement’s attention was drawn to a vehicle due to erratic movements. Law enforcement’s attempt to get close enough to the vehicle to run a data check created a situation in which the driver decided to flee at a high rate of speed. Law enforcement’s attempt to catch up to said vehicle did not cause the crash as law enforcement never came into actual contact with the vehicle in question. There is also no evidence that law enforcement’s attempt to use a spike strip had any impact on the vehicle’s condition such as deflating the tires,” said Dane County District Attorney Ismael Ozanne.

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The role of the District Attorney’s Office in a case of this type is limited to a review of the facts to determine whether further investigation is merited and, after all available evidence is obtained, whether criminal charges could be merited for any individual who has survived the incident. Police executives and supervisors have the exclusive responsibility of establishing appropriate training and protocols for use in response to crisis events, and of selecting from among the tactical options available to police in responding to particular events.

This investigation was conducted by Division of Criminal Investigation (DCI). In the case of a death caused by an officer, Wis. Stat. § 175.47 requires that at least two investigators from outside agencies or agencies not involved in the critical incident/Officer Involved Shooting (OIS) lead the investigation:

(3)(a) Each policy under sub. (2) must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

The City of Monona Police Department requested DCI conduct the investigation as this was a critical incident involving a law enforcement officer where three deaths occurred.

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