



DANE COUNTY DISTRICT ATTORNEY ISMAEL R. OZANNE



PRESS RELEASE
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NO CRIMINAL LIABILITY FOR CITY OF MADISON POLICE OFFICER INVOLVED IN SHOOTING INCIDENT ON 9-6-2024

After briefings by investigators, a review of summary reports, diagrams, and other evidence, the Dane County District Attorney's Office concluded on Friday, January 31, 2025, that there is no potential criminal court liability for the City of Madison Police Officer involved in the shooting incident in the City of Madison on September 6, 2024.

In this incident, on September 6, 2024, at approximately 10:30 PM, a City of Madison Police Officer dressed in full military style uniform made contact with five (5) individuals located in the parking lot behind 445 Gilman Street, in the City of Madison, which is posted as no trespassing. The individuals all indicated they had no association with 445 Gilman Street. In checking the individuals identification it was determined that Lavont Boyde had a recent armed robbery charge from July of 2024. As the identification was being completed other officers began to arrive.

Contact was again made with Mr. Boyde and he was asked if a search of his fanny pack, which was strapped across his chest, could be done. Mr. Boyde agreed and handed his fanny pack to the officer. At this time another officer was asked to complete a frisk of Mr. Boyde's person. As the officer began the frisk he felt what resembled the grip of a handgun at the center of Mr. Boyde's person at his waistband. At this time Mr. Boyde took off running toward Gilman St. with officers following him. Mr. Boyde turned right as he reached Gilman St. and continued running in the street toward State St. Two officers were behind Mr. Boyde in the street and one officer was running on the sidewalk following Mr. Boyde. Mr. Boyde then took a right into a parking lot between 433 Gilman St. and 421 Gilman St. This parking lot is known as the "gravel pit." At this time the officer who began the frisk of Mr. Boyde was running behind him on Gilman St. and saw Mr. Boyde with the gun in his right hand. This officer yelled "stop police," and "drop the gun" as Mr. Boyde continued to run.

The officer running on the sidewalk heard the other officer yell "he has a gun." He drew his duty weapon and as he saw Mr. Boyde turn into the "gravel pit" he also saw Mr. Boyde with a handgun in his right hand. He yelled "stop police," and "drop the gun." Mr. Boyde continued to run, not dropping the weapon. As Mr. Boyde was running the officer perceived him to be raising his right arm with the gun in his hand and was looking directly at the officer as he seemed to be turning toward the officer. At this time, the officer fired three rounds from his duty weapon in the direction of Mr. Boyde. Mr. Boyde was within seven (7) to ten (10) yards of the officer at this time. The officer heard something hit the ground as Mr. Boyde continued to run through the parking lot. The officer continued the foot pursuit and was able to take Mr. Boyde into custody in the 400 block of W. Johnson St.

At the entrance to the "gravel pit" a Glock 19 handgun was recovered with an extended magazine with a 24 round capacity containing 19 rounds. There were also three 9mm casings located a short distance from the handgun's location. A vehicle parked in the "gravel pit" had been hit on the passenger side mirror and the projectile had continued through the mirror and into the front passenger side window. No occupants of the vehicle were injured. A projectile also entered a window of an apartment at 420 W. Gorham St. which backs up to the "gravel pit." The projectile was found on the interior window frame. No occupants of the apartment were injured.

"A handgun is a dangerous weapon and poses a grave danger of bodily harm and/or death to an individual. A person fleeing from police who then points a firearm at police does pose a threat of great bodily harm and/or death to the officer," said Dane District Attorney Ismael Ozanne. "Responding to that threat with deadly force is permitted under the law."

Relevant evidence includes statements of officers at the scene, scene diagrams, evidence collection, which are consistent with each other.

Under Wisconsin law, which applies equally to members of law enforcement and to those who are not, any person may use deadly force to respond to a genuine fear of deadly force to that person or any other person. In this case, the officer was compelled to use deadly force when confronted by a person armed with a handgun raising it toward him and others.

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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.

Now with the passage of Wis. Stat. 175.47 there is also a question of compliance with said Statute. This critical incident involved a City of Madison Police Officer who was assisting with the apprehension of an individual when the individual produced a handgun from their person and raised it in the direction of the officer.

This investigation was conducted by the Dane County Sheriff's Department and is in compliance with the statute. In the case of a death caused by an officer, the statute 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.

This incident does not involve a death but as a critical incident involving a firearm the City of Madison Police Department requested the Dane County Sheriff's Department conduct the investigation in compliance with said statute.

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