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May 1, 2024

Special Agent Timothy Gensler
Wisconsin Department of Justice
Division of Criminal Investigation

Chief Christopher Davis
Green Bay Police Department
307 South Adams Street
Green Bay, WI 54301

RE: Officer Involved Critical Incident
Decedent, Steve Ventura

Dear Special Agent Gensler and Chief Davis:

Please accept this letter as my review and analysis of the February 23, 2024, incident involving Steve E. Ventura, who was pronounced deceased as a result of an apparent self-inflicted gunshot wound following an officer-involved critical incident with an officer of the Green Bay Police Department. Based on Wisconsin Law, and upon request of the Wisconsin Division of Criminal Investigations, my office has completed a review to determine if there was any *criminal* wrongdoing on the part of the Green Bay Police Officer.

Based upon my review of the materials provided in the criminal investigation of this matter, I find no evidence to suggest criminal conduct on the part of the involved Green Bay Police Officer, as the evidence strongly suggests that Ventura's death was the result of a self-inflicted gunshot, rather than the actions of the GBPD officer. Further, the facts and circumstances of the incident created a situation where the involved officer was privileged to utilize deadly force against Ventura. Therefore, there is no basis to issue criminal charges against the officer related to Ventura's death.

MATERIALS REVIEWED

Materials reviewed included the investigative reports from the Division of Criminal Investigation's case file, audio recordings between law enforcement officers and dispatch, scene videos and photographs, the autopsy report, as well as forensic evidence reports.

SUMMARY OF FACTS

On Friday, February 23, 2024, at 12:56 p.m., the Green Bay Police Department, through the Brown County dispatch center, received a 911 call indicating that a subject had brandished a gun at the complainant. The male complainant later gave a statement to law enforcement indicating that a man, later determined to be Steve Ventura, had exited a red vehicle, took a gun from the middle section of his sweatshirt, and pointed it at the complainant. The complainant indicated that he was scared for his life. The complainant observed Ventura turn around and get back in the red vehicle. The complainant then called 911 and advised dispatch about what happened. The complainant then followed the red vehicle and remained on the call with dispatch.

The complainant continued to follow the red vehicle while maintaining contact with Brown County dispatch and was traveling east on West Mason Street. He then observed a Green Bay Police Department patrol vehicle, which was driven by Officer Daniel Skenandore. The complainant waved to the officer and flashed his high beams in order to get the officer's attention. Officer Skenandore did observe both the complainant's vehicle and the red vehicle operated by Ventura. Officer Skenandore conducted a U-turn, crossing over the median on West Mason and began following the vehicles.

Officer Skenandore followed the two vehicles as they turned left onto Green Ridge Drive. At that point, the complainant's vehicle pulled over to the side of the road and allowed Officer Skenandore to go past him. Officer Skenandore noted that the red vehicle, driven by Ventura, continued at a slow rate of speed and came to a stop in the middle of the road on Green Ridge Drive. Ventura then exited the vehicle and began fumbling at something in the front of his waistband. Ventura then produced a black handgun and pointed it at Officer Skenandore. Officer Skenandore then ducked as low as he could and drew his own duty handgun.

Officer Skenandore indicated that he then came up from behind the steering wheel and could see Ventura still pointing the handgun in his direction. Officer Skenandore indicated that he was in fear of his life, and therefore he discharged his duty weapon through the windshield and at Ventura, in order to end what he believed to be a threat to his life. Officer Skenandore then began driving at a faster rate of speed in order to get to a safer location, while informing dispatch that shots had been fired and that he needed assistance.

Officer Skenandore drove to the intersection of Green Ridge Drive and Open Gate Trail where he made a U-turn and came to a stop. From that location, Officer Skenandore retrieved his patrol rifle and exited his vehicle. He could still see Ventura standing on the side of the street near the area where he had initially come into contact with him, and he could see an object in his hands. Officer Skenandore still perceived Ventura to be a threat to himself and to others in the area based on Ventura's actions immediately prior, and thus, he fired what he estimated to be two rifle rounds at Ventura. Officer Skenandore observed Ventura then retreat out of sight to the west of where he was originally standing. Officer Skenandore took cover behind a van, then a tree, then another vehicle, as other officers began to arrive on scene.

Shortly after other officers arrived on scene, they heard screams from a woman later determined to be Ventura's girlfriend, who lived at the residence immediately to the west of where Ventura's vehicle

was stopped in the street. As officers approached the residence, Ventura was observed on the ground in the front yard of his girlfriend's residence with an apparent gunshot wound to his head. Several officers heard Ventura's girlfriend state that Ventura had shot himself in the head. Statements to that effect were also captured by body cameras worn by the responding officers. Shortly thereafter, officers secured the scene, and medical care was provided to Ventura by responding officers and then emergency medical personnel. Ventura was later transported to St. Vincent Hospital where he was pronounced deceased not long after arrival.

Officer Skenandore indicated that he could not recall how many rounds he fired from his duty handgun, and he was unsure if Ventura had actually discharged his gun at Officer Skenandore. The complainant who had contacted dispatch told a Brown County Sheriff's Office detective that he observed Ventura shooting at the officer's squad car before he himself turned his vehicle around and left the scene as fast as possible.

Physical evidence recovered from the scene suggests that Ventura discharged his handgun at least three (3) times, as there were three spent shell casings consistent with the firearm and unspent ammunition located next to Ventura's body. Physical evidence, including fired cartridge casings collected on scene suggest that Officer Skenandore discharged a total of eighteen (18) rounds from his duty handgun, and at least seven (7) rounds from his duty rifle.

Officer Skenandore's vehicle was searched, and investigators observed damage to the windshield consistent with several rounds being discharged, by Officer Skenandore, from inside the vehicle. Investigators also observed damage in the middle of the windshield consistent with a projectile having been fired into Officer Skenandore's vehicle. Investigators, assisted by the State Crime Laboratory, also recovered an apparent bullet core material in the front passenger seat headrest of Officer Skenandore's vehicle, which was consistent with the same projectile that caused the defect in the center of Officer Skenandore's windshield.

I would further note, that Officer Skenandore's squad was equipped with a dash camera, and Officer Skenandore was wearing a body camera at the time of the incident. The recording from the dash camera is consistent with Officer Skenandore and the complainant's statements regarding the incident.

Ventura's girlfriend was later interviewed by DCI's investigators. In the course of that interview, she indicated that she had been dating Ventura since January of 2023. She stated that prior to the date of the incident, she had not seen Ventura since Wednesday February 21, 2024. On February 23, 2024, Ventura arrived at her residence and parked diagonally in the driveway. When she met Ventura at the door, she told him to leave, and he made a comment to the effect of "this is it". She did not know what to make of the comment but then observed Ventura move the car onto the roadway and saw him moving the car forward and backward in a bizarre manner, and saw him get out of the car and stand in the yard talking to himself. She speculated that Ventura "was on something".

Ventura's girlfriend observed Ventura leave the residence. After a while, she observed a gray truck driven by someone whom she believed to be a neighbor. She saw the truck had its hazard lights on and saw Ventura and the driver of the gray truck taking off in their respective vehicles and then continuing to drive around. She then saw Ventura pull up on the street in front of her residence, and heard sirens in the distance. She then went inside and shut the door and went upstairs to observe the interaction between Ventura and law enforcement.

Ventura's girlfriend stated that she observed the police vehicle pull up and park diagonally by Ventura's vehicle, and "that's when Steve shot". She estimated that Ventura fired his gun two or three times in the direction of the police officer. She then observed the police officer driving to the north.

Ventura then walked into the yard of the residence and was waving the gun around in the direction the officer had driven. She then observed Ventura put the gun to his head, fire the gun, and fall to the ground.

Ventura's girlfriend indicated that after the police were called, she went outside and started yelling, and police then approached the yard. She then saw Officer Skenandore, with whom she went to school, and she "lost it." Officer Skenandore told her that Ventura had shot at him.

Finally, I reviewed the autopsy report by the Brown County Medical Examiner's Officer which indicates that the cause of Steve Ventura's death was a gunshot wound of the head. The Medical Examiner specifically found that the gunshot wound was a "contact range" entrance wound to the left temple, indicating the shot was fired from close range, and consistent with the gun being held in Ventura's left hand, which had been observed on the squad camera footage. The Medical Examiner determined that the gunshot wound was self-inflicted, and ruled that the manner of death was suicide. I would also note that the toxicology results from Ventura's autopsy showed that he had cocaine and cocaine metabolites in his system at the time of his death.

LEGAL ANALYSIS

The purpose of my review and the legal analysis involved in this decision is limited to determining whether there are any facts or evidence that would support a conclusion that Officer Skenandore engaged in any criminal conduct which caused the death of Mr. Ventura. Based on my review of the materials provided, I find no evidence that suggests any criminal wrongdoing on the part of Officer Skenandore. Officer's use of force was not a substantial factor in Ventura's death, as the manner of death was suicide. Further, in this instance Officer Skenandore's use of force was justified and permitted by both the privilege of self-defense and defense of others outlined in §939.48(1), Wis. Stats., and the public officer privilege outlined in §939.45, Wis. Stats. Each of these privileges will be addressed separately.

I. Cause and Manner of Death

Every crime in the State of Wisconsin is comprised of certain elements, and for crimes involving homicide, each such crime requires that the State prove, beyond a reasonable doubt, that the charged party's actions "caused the death" of the deceased victim. Therefore, as a threshold question to any analysis of Officer Skenandore's conduct toward Ventura, we must first consider whether Officer Skenandore's actions caused the death of Mr. Ventura. As outlined above, while Officer Skenandore did fire his weapon at Ventura, in response to Ventura's actions, all available evidence suggests that Ventura died as a result of a self-inflicted gunshot wound to the head. As such, Ventura's death is properly ruled a suicide by the Medical Examiner, and thus, criminal charges against Office Skenandore could not possibly be warranted.

Despite the fact that all evidence suggests that Officer Skenandore's action did not cause the death of Ventura, I will nonetheless continue the analysis to determine whether the type and amount of force used by Officer Skenandore were justified based on the facts and circumstances that he faced on February 23, 2024.

II. Self Defense and Defense of Others

Under Wisconsin law, a law enforcement officer has a legal privilege to use deadly force to protect himself or others where the officer reasonably believes that there is an actual or imminent unlawful interference directed at himself or another person, and reasonably believes such force is necessary

to prevent imminent death or great bodily harm to himself or another, pursuant to Wis. Stat. §939.48(1); and Wisconsin Jury Instructions-Criminal 830.

Wis. Stats. §939.48(1) describes the privilege of self-defense:

A person is privileged to threaten or intentionally use force for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.

A person is furthermore privileged to use force to defend others under the same conditions and by the same means as they would use to defend themselves, assuming there is reasonable belief that the other person or persons would be privileged to act in self-defense. See Wis. Stat. §939.48(4).

There are essentially two components to analyze whether Officer Skenandore engaged in actions during the incident on February 23, 2024, that were legally permissible as self-defense or defense of others, both of which involve subjective and objective elements. First, the officer must have “reasonably believed that he...was facing a threat of ‘imminent death or great bodily harm.’” *State v. Jackson*, 2014 WI 4, ¶ 59, 352 Wis. 2d 249, 841 N.W.2d 791 (quoting Wis. Stat. . § 939.48(1); Wis. JI-Criminal 805). Second, officer must have “reasonably believed that the amount of force used was ‘necessary to prevent’ the threat.” *Id.* In an instance like this case where Officer Skenandore used force likely to cause death or great bodily harm, he can only use force if he reasonably believed the force “was necessary to prevent imminent death or great bodily harm” to himself or others. Wis JI-Criminal 80

The evidence in this case is clear that Officer Skenandore appropriately exercised his privilege to defend himself or others by use of deadly force. The first inquiry, whether he reasonably believed that there was an imminent threat of death or great bodily harm is clearly satisfied as Officer Skenandore himself stated he feared for his life when he observed Ventura standing in the roadway leveling his handgun directly at Officer Skenandore. Not only did Ventura point his gun at Officer Skenandore, but physical evidence, and witness statements confirm that Ventura fired his gun at Officer Skenandore, with one projectile entering the squad and getting lodged in the passenger side headrest.

Officer Skenandore likewise reasonably feared for the imminent threat of death or great bodily harm to others as he was responding to a call where a witness disclosed that Ventura had a gun and had pointed it at another person. Officer Skenandore had reason to believe there were other citizens in close proximity to Ventura as he had just passed the complainant’s vehicle, and the exchange of gunfire between himself and Ventura took place in the middle of the road in a residential neighborhood. After he discharged his handgun, Officer Skenandore retreated to a safer distance, and observed Ventura in the roadway, apparently still holding a handgun. The radio transmissions and squad/body camera footage reveal that Officer Skenandore still viewed Ventura as an active shooter after Officer Skenandore drove to a safer distance and waited for additional officers to make a tactical approach.

Based on the available physical evidence, and the statements of other witnesses, Officer Skenandore’s subjective belief Ventura posed an imminent risk of death or great bodily harm to himself or others was also objectively reasonable. There is no doubt that Ventura fired his gun toward Officer Skenandore, and therefore objectively posed an imminent risk of death or great bodily harm if he had continued to discharge his firearm.

III. Public Officer Privilege

Similarly, §§ 939.45(3) and (4) provide a legal defense for a law enforcement officer who is acting in good faith and in an apparently authorized and reasonable fulfillment of the duties of a public officer, or when the conduct is a reasonable accomplishment of a lawful arrest.

The fact that the actor's conduct is privileged, although otherwise criminal, is a defense to prosecution for any crime based on that conduct. The defense of privilege can be claimed under any of the following circumstances:

(3) When the actor's conduct is in good faith and is apparently authorized and reasonable fulfillment of any duties of a public office.

This "public officer" privilege is available when one acts in accord with his duties as a public officer. The privilege has two elements. The first is that the actor acted in "good faith," meaning that the actor believed "his conduct was an authorized and reasonable fulfillment of his duties" as a police officer. Wis. JI-Criminal 870. Second, the actor's conduct was "an apparently authorized and reasonable fulfillment of the duties of a public office." *Id.* "Apparently authorized" means that a "reasonable person would believe that the defendant had the authority to act in the manner he did" and "reasonable fulfillment" means the actor's conduct was "necessary and proportional in responding to the interests at stake." *Id.* Our Supreme Court has explained the purpose of this privilege thusly:

The statutory privilege defense was intended to protect a public officer who, but for the defense provided in sec. 939.45, would be guilty of a crime if he or she were acting as a private citizen, and whose unlawful conduct has "sufficient value to society so that it ought not subject the actor to criminal liability." The statutory privilege defense is designed to provide a justification for conduct which "must be in accord with the actor's function as a public servant, and must be necessary and proportional to the protection and furtherance of the interests at stake."

State v. Stoehr, 134 Wis. 2d 66, 85-86, 396 N.W.2d 1787 (1986) (citations omitted). The Court of Appeals also addressed this privilege in *State v. Schoenheide*, 104 Wis. 2d 114, 310 N.W.2d 650 (Ct. App. 1981). The court in *Schoenheide* concluded that the firefighter could not use this privilege as a defense in a prosecution for drunk driving as *Schoenheide* responded to a fire because firefighters are not "apparently authorized" as part of their duties to drive while intoxicated. *Id.* at 116.

I conclude that Officer Skenandore was acting in good faith in this instance. Officer Skenandore responded to this particular call, knowing that there was a report of a male who was alleged to have pointed a firearm at another. His job duties at that time required him to respond to a potentially volatile scene with the objective of investigating a potential crime, and potentially apprehending an armed and dangerous suspect. When Officer Skenandore was confronted by Ventura, who was aiming a loaded firearm at Officer Skenandore, it is clear that Officer Skenandore was apparently authorized to utilize deadly force in order to stop the threat he observed. In light of the actions Ventura had taken in pointing and discharging his weapon at Officer Skenandore, thereby using deadly force against Officer Skenandore, the use of deadly force to stop the threat Ventura posed was a necessary and proportional response in reasonable fulfillment of his duties as a law enforcement officer.

CONCLUSION

Police Officers are called upon to make difficult, split-second decisions regarding the use of force necessary to defend themselves and others and to fulfill their sworn duties as law enforcement

officers. On the afternoon of February 23, 2024, Officer Dan Skenandore responded to an incredibly volatile and dangerous scene that escalated immediately upon his arrival. As soon as Officer Skenandore pulled up behind Ventura's vehicle, he observed Ventura get out of the vehicle, point a handgun at Officer Skenandore, and ultimately discharge that handgun at Officer Skenandore. This caused Officer Skenandore to reasonably fear for his life and to discharge his firearm towards Ventura in an attempt to stop the threat that he posed. Officer Skenandore discharged his handgun several times and then drove to a safer distance where he was still able to see Ventura and continued to believe that Ventura posed an imminent risk of death to him and to others. For that reason, Officer Skenandore discharged his rifle at Ventura, again seeking to stop the threat that he posed. Ultimately, Ventura retreated onto the lawn of the residence of his girlfriend, and chose to take his own life with a self-inflicted gunshot wound.

Deadly force should no doubt be used only in those very limited instances when it is legally justified, however, the circumstances of this particular case permitted the use of deadly force. While the death of Mr. Ventura is tragic, that death was caused by Ventura himself, and not by Officer Skenandore. Further, the force that was used by Officer Skenandore was legally justified and, therefore, does not result in any criminal wrongdoing on the part of the officer involved.

Thank you for your work investigating this matter. Should you have any questions or concerns regarding my analysis or conclusions, please contact me at your earliest convenience.

*Electronically Signed By:
David L. Lasee
District Attorney*

DLL/tcr