



# DANE COUNTY DISTRICT ATTORNEY ISMAEL R. OZANNE



**PRESS RELEASE**  
**For Immediate Release**

**Date: 05/31/2023**

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## **NO CRIMINAL LIABILITY FOR CITY OF MADISON POLICE OFFICERS INVOLVED IN SHOOTING INCIDENT ON 2-24-2023 THAT RESULTED IN A DEATH INVESTIGATION**

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After briefings by investigators, a review of summary reports, diagrams, surveillance video, Wisconsin State Crime Lab Ballistic Findings, autopsy results, and other evidence, the Dane County District Attorney's Office concluded Wednesday, May 31, 2023, that there is no potential criminal court liability for the City of Madison Police Officers involved in the shooting incident in the City of Madison on February 24, 2023.

The City of Madison Police Department had identified Justin D. Kopmeyer (W/M, DOB: 9-1-1984) as a person of interest in an active homicide investigation. In this incident, at approximately 4 p.m., Mr. Kopmeyer was seen entering Kwik Trip at 3528 E. Washington Avenue, in the City of Madison, Dane County, Wisconsin. It was decided contact would be made with Mr. Kopmeyer once he exited the business as it was believed he was armed.

Once Mr. Kopmeyer exited Kwik Trip, officers in an unmarked police SUV moved to make contact with him in the parking lot. Mr. Kopmeyer appeared to identify the SUV as being a law enforcement vehicle and then turned and walked around the corner of the Kwik Trip. A MPD Officer exited the SUV from the passenger side and began moving toward Mr. Kopmeyer. The officer yelled "Justin, Stop Police." As the officer reached the corner of the building following Mr. Kopmeyer into Kwik Trip, a radio transmission was made advising Mr. Kopmeyer had a gun in his hand just prior to Mr. Kopmeyer entering the building. As the first officer entered Kwik Trip he saw Mr. Kopmeyer with a gun in his hand pointed down, running inside the store. He yelled for Mr. Kopmeyer to drop the gun and to stop.

Mr. Kopmeyer stopped near the entrance to a hallway near the restrooms and at this time the gun was in his right hand and pointed at his own head. The two officers took up positions and discussed the use of a Taser. The Taser was deployed but was not effective. Mr. Kopmeyer then moved down the hallway and in the process his body faced toward the second officer which caused the officer to believe he was about to point the gun in his direction. The second officer fired one round from his handgun in the direction of Mr. Kopmeyer fearing for his safety and the safety of the other officer.

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

Mr. Kopmeyer continued down the hallway, entered the women's bathroom and barricaded himself inside. Two gunshots were heard coming from the bathroom. Mr. Kopmeyer was later found in the bathroom deceased. An autopsy was conducted on February 25, 2023, at the Dane County Medical Examiner's Office. Mr. Kopmeyer was found to have one gunshot wound to the head. He also had abrasions to the head and left elbow that were not related to the cause of death with no other significant injuries.

Wisconsin State Crime Lab Ballistic findings indicated the projectile recovered from Mr. Kopmeyer at autopsy was fired from the Glock 44 .22 Long Rifle Caliber, semi-automatic pistol recovered from the women's bathroom within the Kwik Trip where Mr. Kopmeyer was located.

Relevant evidence includes statements of officers at the scene, scene diagrams, evidence collection, surveillance video, ballistic and autopsy findings 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 as the individual turned 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 (Act 348) there is also a question of compliance with said Statute. This critical incident involved City of Madison Police Officers who were attempting to apprehend a suspect in an active homicide investigation when the individual produced a handgun and when the less than lethal use of force was not effective the individual turned toward officers still armed with a handgun.

This investigation was conducted by the Wisconsin Department of Justice Division of Criminal Investigations (DCI) 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 caused by an officer but as a critical incident involving a firearm the City of Madison Police Department requested DCI to conduct the death investigation in compliance with said statute.

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