



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

Chief Deputy Kent L. Lovern, Deputies Lovell Johnson, Jr., Jeffrey J. Altenburg, Karen A. Loebel,
Elisabeth Mueller, Matthew J. Torbenson, Bruce J. Landgraf

June 12, 2023

Chief Jeffrey Norman
Milwaukee Police Department
749 W. State St.
Milwaukee, WI 52333

Dear Chief Norman:

I reviewed the investigative reports prepared by the Wauwatosa Police Department pursuant to the Milwaukee Area Investigative Team protocol related to the incident that occurred on September 13th, 2022 in the 1500 block of North 33rd Street in the City of Milwaukee. City of Milwaukee Police Officers Dillman, Edwards and Scott, all assigned to the Tactical Enforcement Unit, confronted Sherman D. Solomon who was armed with a .40 caliber semi-automatic pistol with a 50 round drum magazine. Solomon discharged the firearm (possibly several times) into the air while walking in front of residences in that neighborhood (captured on personal security camera footage). When the officers—who were in a marked squad approximately a block away because they were responding to shotspotter alerts in that vicinity--approached Solomon, he attempted to flee on foot. Solomon pointed his firearm at the officers while they were still in the squad and fired at least two rounds at them. The officers returned fire both from their squad and while pursuing Solomon on foot. Mr. Solomon was struck several times. Lifesaving measures were initiated but Mr. Solomon succumbed to his injuries.

The critical information to determine whether the use of force in this case was appropriate under the circumstances comes from four sources--the officer's body cameras, the officer's statements, neighborhood security cameras and the scene investigation by the Wisconsin State Crime lab.

NEIGHBORHOOD SECURITY CAMERAS

A store video security camera from Mike's Food Store at the intersection of 33rd Street and Galena captures Mr. Solomon entering the store at video camera time stamp 08:40 pm on September 13th. The time stamp is approximately 20 minutes delayed from accurate time. Still pictures of Mr. Solomon's brief entry and exit from the store show a large bulge in his waistband on the right side of his body, covered by a long-sleeved white shirt.

A home security camera from a private residence shows Mr. Solomon and two other individuals enter the food store and exit a short time later then walk past the residence in a southbound direction. Mr. Solomon is seen to raise a pistol above his head and fire at least once and probably more as he walks by the residence. A short time later a Milwaukee Police squad pulls around the

corner from the north and approaches the three individuals. Mr. Solomon can be seen running north bound on the sidewalk past where the squad came and then cut north-east towards the store.

BODY CAMERA FOOTAGE

Officer Dillman's body camera depicts the officer in the back seat of his squad going east on Galena then south on 33rd Street before stopping and encountering a person later identified as Mr. Solomon. A still from his body camera video distinctly captures Mr. Solomon with a gun in his right hand pointed in the general direction of the squad.

OFFICER STATEMENTS

All three officers gave statements to MAIT relevant to the encounter. All three officers identified Mr. Solomon in possession of a firearm as they approached him after hearing gunshots discharged in the near vicinity. As the squad approached Solomon, Solomon ran towards the squad while two other individuals who appeared to be with Solomon ran away from the officer's squad.

Officer Dillman saw Solomon run towards the squad with a firearm and heard shots fired and perceived incoming rounds. He specifically saw Solomon shooting at him as he ran past the squad, at which time he returned fire.

Officer Edwards saw Solomon with a pistol in his right hand stop and fire directly at the officers at which time he fired at Solomon.

Officer Scott, who as the front passenger was closest to Solomon, said he specifically observed Solomon with a semi-automatic pistol with a drum magazine raise the firearm in his right hand and fire at the squad car as he was approaching Solomon on the side walk.

The officers indicate they fired in response to a deadly threat, stopped firing when the threat was no longer there, and rendered aid as soon as possible. Mr. Solomon

SCENE INVESTIGATION

The Wisconsin Crime Lab responded to the scene and collected and analyzed the evidence. The three Milwaukee Police Officers were armed with 9mm pistols, Mr. Solomon was armed with a .40 caliber pistol. Casing and bullets were recovered from the scene. The most dispositive evidence that Solomon fired his weapon at the officers is that a neighborhood resident across the street to the south of the squad car reported that they heard the impact of bullets on the residence. The crime lab recovered the bullets, analyzed them by comparing them to the firearm recovered from Solomon, and determined the bullets were fired from the weapon Solomon possessed. The attached map shows that the trajectory of the bullets is consistent with the officer's statements that Solomon was firing his weapon at them when they encountered him.

ATTACHMENTS

Four attachments are included in this synopsis. Attachment A is a still shot from the residential camera that shows Solomon walking past the residence and discharging his gun in the air. The muzzle flash is captured in the right upper quadrant of the photo. This is seconds before the squad car approaches.

Attachment B is a still shot of Officer Dillman's body camera that depicts Solomon in the upper left quadrant of the picture as he is running northbound past the squad car. He has a distinct dark item in his right hand that is consistent with a firearm.

Attachment C is the Wisconsin Crime Lab scene diagram that shows where the bullets matching Solomon's gun were recovered in relation to where the casing matching the gun were recovered. The trajectory of the rounds, while not precise, is certainly consistent with the officer's statements that Solomon was shooting at them when they used deadly force in response to his actions.

Attachment D is a picture of the .40 caliber pistol with a 50 round drum magazine attached that was recovered next to where Solomon was arrested.

MEDICAL EXAMINATION

The Medical Examiner's Office determined that Mr. Solomon's cause of death was the result of four gunshot wounds, one to the abdomen and three to the lower extremities.

CONCLUSION

Under Wisconsin law, §939.48 (1) Stats, a person is privileged to threaten or intentionally use force against another 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.

As applied to the officers in this case it is a two-part test, with subjective and objective components.

- 1) Did the officers have an actual subjective belief that deadly force was necessary to prevent imminent death or great bodily harm to themselves or others?
- 2) Were the beliefs objectively reasonable?

See *State v. Head*, 2002 WI 99, 255 Wis. 2d 194, 648 N.W.2d 413

In addition, Milwaukee Police follow the national standard that trains officers only to use force to stop a threat of death or great bodily harm. Milwaukee Police are trained using the Wisconsin Defensive Arrest and Tactics Manual, which offers guidance on assessing the threat level of a situation and the use of force.

The facts of this case clearly demonstrate that the use of force by Officer's Dillman, Edwards and Scott meets both *State v. Head* criteria. The Officers responded to Mr. Solomon's discharge in a densely populated neighborhood of a semi-automatic pistol with a 50 round magazine and he attempted use deadly force against the officers as they approached to investigate his actions. The force employed by the officers was an appropriate level of force to stop Solomon from causing death or great bodily harm to the Officers or the other citizens in the neighborhood.

Because the use of force by all three Officers was legally privileged, I am closing the criminal investigation into this incident and leave to your discretion any administrative decisions. All materials pertinent to my investigation are available for inspection.

Respectfully,

A handwritten signature in blue ink, appearing to read "John T. Chisholm". The signature is fluid and cursive, with the first name "John" and last name "Chisholm" clearly distinguishable.

John T. Chisholm
Milwaukee County District Attorney

Enclosure

09-13-2022 Tue 21:04:10 (S)

Camera 01

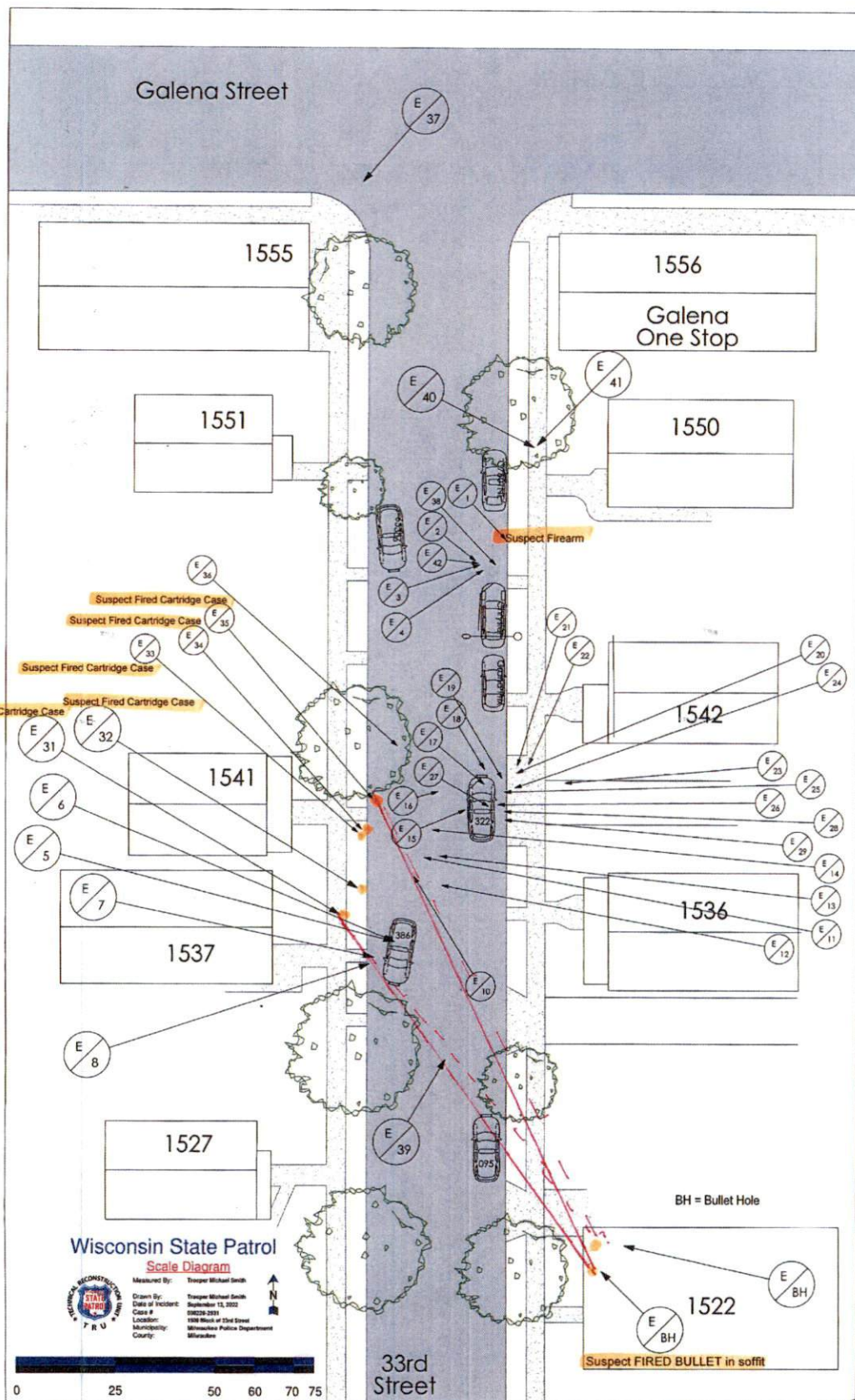
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EXHIBIT

A

2022-09-13 21:04:22 -05
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EXHIBIT
B



EXHIBIT

C

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Wisconsin State Crime Laboratory - Case # **R22-2621** Wauwatosa PD - Case # **22-21034**

Crime Scene Response Unit Photographs

Photographed by JPA on 09/14/2022 - Wisconsin State Crime Laboratory - Milwaukee

