



## OFFICE OF THE DISTRICT ATTORNEY

Tim Gruenke, District Attorney  
Jessica Skemp, Deputy District Attorney  
Donna Walters, Victim Witness Coordinator

---

August 27, 2019

Press Release

Re: La Crosse Police Department Use of Force Incident on the evening of August 15, 2019

The District Attorney's Office has determined that the actions of City of La Crosse Police Officer Dustin Darling on the evening of August 15, 2019 were reasonable acts of self-defense. As a consequence, Officer Darling will not be charged with any criminal offenses in connection with the incident that evening.

Wisconsin law allows all persons, including police officers, to use deadly force in an act of self-defense if the person reasonably believed that he faced an unlawful interference that created a risk of death or great bodily harm to themselves or others. If, as here, the person's actions are privileged under the law of self-defense they cannot be convicted of any crime.

The body-cam video of Officer Darling, along with interviews of officers that were present, show that Mr. Kruk demonstrated an imminent and serious threat of death or great bodily harm to the officer. An investigation by the Wisconsin Division of Criminal Investigation (DCI) indicates that Officer Darling grabbed onto Mr. Kruk's left arm and Mr. Kruk immediately began to pull away and began to turn his body towards Officer Darling raising his right arm. As Mr. Kruk was raising his right arm, Officer Darling recalled seeing a silver handgun with a large barrel in Mr. Kruk's right hand. The body-cam video confirms this. Mr. Kruk continued to turn towards Officer Darling and pointed the muzzle of the handgun at Officer Darling. Officer Darling immediately disengaged with Mr. Kruk and backpedaled to create space.

Officer Darling began to shoot the suspect while backing up. As he did so, Officer Darling was shot by Mr. Kruk in his ballistic vest near the chest area. While backpedaling, Officer Darling felt the bullet strike the right side of his chest. Officer Darling believed his life was in danger and Mr. Kruk was a threat to other responding officers as well as the children inside the residence. Officer Darling was also concerned for the safety of Mr. Kruk's ex-wife as she remained outside and near Mr. Kruk's location at the time Mr. Kruk shot him. Officer Darling then positioned himself near the furthest rear corner of the neighboring house. Officers on scene then provided medical attention and Mr. Kruk survived his injuries.

The District Attorney's Office concludes that Officer Darling was reasonable in his beliefs that there was an imminent danger of death or great bodily harm to himself or others due to Mr. Kruk's actions. Although there are still results pending from the Wisconsin State Crime Lab and toxicology results from Mr. Kruk; it does not appear those analyses would contain findings that would change the analysis of the District Attorney's Office regarding the actions of the officer as it relates to his use of deadly force.

Sincerely,

Tim Gruenke  
District Attorney