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MEDIA RELEASE

DATE: October 30, 2024	CONTACT: Chief Matt Rokus
TIME: 1:00 pm	PHONE:
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SUBJECT: 24PD08677 Administrative Review	 @EauClairePD

Subject: Administrative Review (ECPD case #24PD08677)

On May 24, 2024, the Eau Claire Police Department was involved in a critical incident that occurred in the 2200 block of 2nd Street in the city of Eau Claire. During this incident, Officer Ariana Down Larson was confronted by Thomas H. Burback who was armed with a pistol. The encounter resulted in an officer-involved shooting and the arrest of Thomas Burback.

The investigation of the incident determined Officer Down Larson approached the residence to check what she believed was a domestic disturbance in progress. She encountered two children, including the granddaughter of the resident inside the home. The granddaughter said she was outside because a man, Burback, had started a fight with her grandmother. She also said he was "kinda drunk." Officer Down Larson escorted the children to safety and returned to the residence. She announced her presence by shouting, "Police Department" and shined a flashlight toward the doorway of a second-story balcony. Burback was on the balcony, and Officer Down Larson observed him pointing a revolver style handgun at her. Officer Down Larson drew her weapon and again illuminated Burback with a light. She observed him turn to re-enter the apartment, while still holding the gun. Officer Down Larson believed he was going to shoot or kill the grandmother still inside the apartment. She fired twice and struck Burback in the back. Officer Down Larson was then able to locate and help the grandmother escape from the apartment. Burback was later taken into custody and treated for injuries related to the incident.

Pursuant to Wisconsin State Statute and Eau Claire Police Department Policy, the Wisconsin Department of Justice - Division of Criminal Investigations completed a criminal investigation. The completed investigation was presented to Eau Claire County District Attorney Peter Rindal for review.

On July 31, 2024, District Attorney Rindal released the opinion of his review of this Officer-Involved Critical Incident. District Attorney Rindal wrote Officer Down Larson's actions were "justified as a reasonable act of self-defense and defense of others".

Burback has been formally charged with the following crimes related to his involvement in the incident:

941.20(1m)(b) Intentionally Point Firearm at Law Enforcement Officer, etc.
946.415(2) Failure to Comply with Officer's Attempt to take Person into Custody
941.20(1)(b) Possession of a Firearm While Intoxicated
947.01(1) Disorderly Conduct

The Eau Claire Police Department has concluded the Administrative Review of the incident. The purpose of conducting the Administrative Review is to determine policy adherence during critical incidents. It has been determined that the decision-making and actions of Officer Down Larson were appropriate, necessary, and compliant with Eau Claire Police Department policy.

A copy of the Eau Claire Police Department Administrative Review document can be located on the Eau Claire Police Department Public Information page at the following website:

<https://www.eauclairewi.gov/home/showpublisheddocument/47104>

At the risk of life and livelihood, Eau Claire Police Officers accept the responsibility to protect others. We take these obligations seriously and understand the important responsibility we have to earn the trust of the community by addressing difficult situations with professionalism, compassion and transparency.

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