



OFFICE OF DISTRICT ATTORNEY

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Officer Involved Shooting May 4, 2026

Eau Claire, Wis. — The Eau Claire County District Attorney's Office has determined that the actions of Eau Claire County Sheriff's Deputy Joseph Wollum on May 4, 2026, in the course of his law enforcement duties in the Town of Union, Eau Claire County, Wisconsin, were reasonable acts of self-defense and defense of others.

LEGAL STANDARD

Wisconsin law contemplates that all citizens, including police officers, may use deadly force in an act of self-defense or defense of others. With specific respect to police officers, when an officer reasonably believes other alternatives have either been exhausted or would be ineffective, the officer is allowed to use deadly force to stop behavior which causes or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person. Generally, the law of self-defense or defense of others requires all of the following:

- The officer believed that there was an actual or imminent unlawful interference with the officer or another person;
- The officer believed that the officer herself or the other person was entitled to use force in self-defense;
- The officer believed the amount of force used was necessary to prevent or terminate the interference with the officer or to protect the other person; and
- The officer's beliefs were reasonable.

The officer may intentionally use force which is intended or likely to cause death or great bodily harm if the officer reasonably believed the force used was necessary to prevent imminent death or great bodily harm to herself or another person.

FACTUAL SYNOPSIS

The Eau Claire County District Attorney's Office has received and reviewed numerous reports and recordings compiled by the Wisconsin Department of Justice – Division of Criminal Investigation, who was the lead investigative agency for this incident. According to those materials, on May 4, 2026, just before 7:25 AM, Eau Claire County Sheriff's Deputy Joseph Wollum was one of two deputies dispatched to the scene of a reported traffic collision which had occurred at the intersection of Highway 312 and Highway 12 in the Town of Union, Eau Claire County, Wisconsin. Upon arrival, deputies were advised that one of the involved drivers, a male eventually identified as Kelly M. Whalen (dob 9/9/1991), had left the scene of the collision on foot toward a nearby industrial/business area. Deputy Wollum and Deputy James Haworth, who had also been dispatched, began to look for Whalen in the area to which he had reportedly fled.

After initial consultation together, Dep. Wollum searched the vicinity on foot while Dep. Haworth searched the area in his vehicle. Dep. Haworth eventually located Whalen in a brushy area on the east side of Lyle Lane. Dep. Haworth stopped his vehicle, noting Whalen fit the description provided by witnesses of the male who had fled the scene of the traffic collision. Whalen was seated/crouched in the brushy area and looked directly at Dep. Haworth. Dep. Haworth exited his vehicle, walked around the back of it, and asked Whalen to approach him. At this time, Dep. Haworth observed Whalen's left arm was covered in blood. Initially thinking the blood was the result of an injury sustained in the traffic collision, Dep. Haworth again told Whalen to come out of the brushy area. Upon closer inspection, Dep. Haworth realized Whalen was holding a knife in his right hand, which was down near Whalen's bloody forearm. Dep. Haworth concluded that Whalen had likely cut himself, as Dep. Haworth could see multiple longitudinal cuts on Whalen's injured forearm. Dep. Haworth asked Whalen if there was a knife his hand. Whalen did not respond, nor did he move from his position, crouched in the brush. Dep. Haworth again asked what Whalen had in his hand and relayed to dispatch that the male had a knife.

Dep. Wollum approached at this time, having heard Dep. Haworth's call to dispatch that Whalen might have a knife. When Dep. Wollum arrived at the location, he observed Whalen crouched in the brushy area east of Lyle Lane. He observed that Whalen appeared to have blood on his arms and neck. Dep. Wollum could also see Whalen had an edged or pointed weapon clenched in his right hand. Whalen looked at both deputies with the knife still clenched in his hand. Dep. Haworth audibly asked Whalen, "what are you doing?" and told Whalen to "put the knife down."

At this time, Dep. Haworth began moving back around the front of his vehicle in order to place the vehicle between himself and Whalen. Based on Whalen holding the knife, Dep. Wollum drew his service weapon and pointed it in Whalen's direction. Both deputies repeatedly instructed Whalen to drop the knife. Whalen stood up and began walking toward Dep. Wollum. Dep. Wollum again ordered Whalen to drop the knife. Whalen did not drop the knife and continued walking toward Dep. Wollum, holding the knife in his right hand extended from his body with the point of the knife facing up. Whalen continued to walk toward Dep. Wollum.

Dep. Wollum gave numerous commands to Whalen, but Whalen did not respond in any way, did not drop the weapon, and continued approaching Dep. Wollum without speaking or changing his demeanor. As Whalen got closer to Dep. Wollum, his pace quickened. Dep. Wollum attempted to create distance by backing up, but there was no additional cover for Dep. Wollum. Once Whalen was ten feet or less from Dep. Wollum, Dep. Wollum fired his handgun four times, striking Whalen each time. Between Dep. Wollum and Dep. Haworth, Whalen had been ordered to put the knife down at least seven times before Dep. Wollum fired.

During a later interview, Dep. Wollum stated that he was in fear for his life as well as Dep. Haworth's life, as he believed Whalen was approaching with the intention of using the knife against them.

After being struck by Dep. Wollum's gunshots, Whalen fell the ground while Dep. Wollum continued to back up and both deputies continued issuing commands for Whalen to drop the knife. Seeing the knife (a blue-handled utility-type knife) on the roadway near Whalen's left shoulder/arm, Dep. Haworth tossed the knife away from Whalen and asked Whalen twice, "why'd you do that?" Whalen did not respond. An ambulance had already been summoned and deputies attempted life-saving measures. Emergency medical personnel arrived on scene and took over care of Whalen, noting the apparent self-inflicted knife cuts on Whalen's arm and neck, one of which was deep enough for paramedics to see Whalen's fatty tissue. Despite first aid efforts, Whalen died on scene as a result of his gunshot wounds.

As part of the investigation, Whalen's father was interviewed. Whalen's father indicated that Whalen had been clinically depressed after being arrested for serious felony charges in St. Croix County the week prior, along with other events in Whalen's personal life.

DEPUTY WOLLUM'S ACTIONS WERE REASONABLE GIVEN THE TOTALITY OF THE CIRCUMSTANCES

Based on a review of the investigation completed by the Wisconsin Department of Justice – Division of Criminal Investigation, the Eau Claire County District Attorney's Office has concluded that the use of deadly force against Kelly Whalen on May 4, 2026 was reasonable given the totality of the circumstances. The analysis leading to this decision includes, but is not limited to, the following information:

- When Dep. Wollum first approached the brushy area in which Whalen was crouched, he could hear as Dep. Haworth communicated a knife being present and could hear as Dep. Haworth began issuing commands for Whalen to put the knife down, to which Whalen did not respond. This reasonably caused Dep. Wollum to conclude Whalen was armed with a dangerous weapon and was not cooperative with law enforcement, thus posing an imminent unlawful interference to both deputies.
- When he first observed Whalen, he could see that Whalen had an edged or pointed weapon in his hand and also that Whalen had blood on his arms and neck. This reasonably caused Dep. Wollum to believe the knife Whalen had in his possession was capable of inflicting great bodily harm, or even death, to either Whalen or deputies.
- Both deputies issued multiple verbal commands to Whalen to drop the knife. In total, between the two deputies, at least seven separate commands were given to Whalen to do drop the knife, but Whalen did not do so. Whalen made no verbal response and instead wordlessly approached deputies with the knife in his outstretched hand. This reasonably caused Dep. Wollum to believe that force was necessary to prevent or terminate Whalen's advances with the knife.
- As Whalen approached him, Dep. Wollum continued to verbally command Whalen to drop the knife. Dep. Wollum also backed up in an effort to create space between himself and Whalen. These constitute reasonable efforts to avoid using deadly force. However, Whalen did not discontinue his advance, and instead quickened the pace of his approach to Dep. Wollum while still armed with the knife. This reasonably caused Dep. Wollum to conclude that lesser force would not be effective under the circumstances.
- Dep. Wollum told investigators that given Whalen's actions, he feared for his life and for Dep. Haworth's life, which was why he used deadly force. Under the circumstances that existed at the time Dep. Wollum had to make this decision, this conclusion was reasonable.
- Dep. Wollum has been a law enforcement officer for 11 years and has been employed by the Eau Claire County Sheriff's Office since 2021. In 2023, Dep. Wollum attended Crisis Intervention Team (CIT) training which was specialized training for law enforcement officers to identify and properly respond to individuals experiencing mental health crises. Dep. Wollum's significant training and experience informed his belief that deadly force was necessary, further supporting the reasonableness of the conclusion.
- Dep. Haworth also assessed Whalen as a significant risk to his bodily safety, since after he first verbally engaged with Whalen and told Whalen to put the knife down, he moved around the front of his squad car explicitly for the purpose of putting the vehicle between himself and Whalen while arming himself with his taser. This concurrent assessment of the threat posed by Whalen bolsters the reasonableness of Dep. Wollum's conclusion that Whalen posed a deadly threat, especially since Dep. Wollum did not have the option of using the vehicle for cover given Whalen's path of approach.

CONCLUSION

Under the circumstances of this case, the Eau Claire County District Attorney's Office concludes that Eau Claire County Sheriff's Deputy Joseph Wollum's use of deadly force was justified as a reasonable act of self-defense and defense of others. As such, further action by the district attorney's office is not warranted.

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*Incorporated in 1856, **Eau Claire County's** mission is "To provide quality, innovative and cost-effective services that safeguard and enhance the well-being of residents and resources." Covering 655 square miles in northwest Wisconsin, Eau Claire County government services touch those who live in the county, visitors, and others in the Chippewa River Valley. For more information, visit our website at www.eauclairecounty.gov or go to our Facebook page at www.facebook.com/EauClaireCounty.*

