



**DANE COUNTY
DISTRICT ATTORNEY
ISMAEL R. OZANNE**



PRESS RELEASE

Date: 8-12-2024

**NO CRIMINAL LIABILITY FOR MOUNT HOREB POLICE
OFFICERS IN THE OFFICER INVOLVED SHOOTING
INCIDENT IN THE VILLAGE OF MOUNT HOREB ON
5-1-2024**

The Dane County District Attorney's Office concluded on Monday, August 12, 2024, that there is no potential criminal court liability for Village of Mount Horeb police officers involved in the shooting incident in the Village of Mount Horeb on May 1, 2024.

The District Attorney received briefings from investigators, inspected the shooting scene, reviewed investigative reports, diagrams, photographs and other video evidence.

In this incident on May 1, 2024, just after 11 a.m., a 911 caller indicated they saw a person walking past their home wearing a backpack and carrying a gun.

Dispatch informed Mount Horeb officers that a person with a gun was seen by the tennis courts near the tree line, which is east of the middle school. A Mount Horeb police officer was in his squad driving through the parking lot behind the high school heading towards E. Garfield St. in the direction of the middle school. As the officer approached E. Garfield St. he saw a large number of students sprinting from a door at the middle school toward the baseball field. These students were not smiling or goofing around, but instead appeared to be in fear and running for their lives.

As the officer exited the parking lot turning right onto E. Garfield St. he observed an individual, with what appeared to be a rifle, pulling on a door of the middle school. The officer indicated the subject was wearing an oversized green jacket and tattered pants. The subject appeared to be an adolescent but the officer couldn't tell at this time if the subject was male or female. The subject had what appeared to be a black rifle with a synthetic stock, black barrel. The officer feared the subject would get into the middle school and harm students inside.

The officer stopped his squad facing eastbound on E. Garfield St. and exited with his rifle. At this time the officer was approximately 40 to 50 yards from the subject and was standing on the driver's side of the squad. The officer immediately began to yell commands to the subject to drop the rifle and to move away from the school. The subject did not comply with the demands to drop the rifle and instead turned to pull on the door of the school again.

The subject then began to walk toward the officer. The officer moved toward the back of the squad. At this time the subject had the rifle across his body. As the subject continued toward the officer he pointed the rifle toward the officer. The officer continued to give commands to the subject to not point the rifle at him and to put the rifle down. As the subject got closer, the officer could tell he was a male.

The subject pointed the rifle at the officer's face. The officer continued to move around the squad for cover as the subject continued to move toward the officer. The officer fired one to two shots at the subject from about 20 yards away. The subject moved and the officer tried to keep the squad between them. The subject continued to not follow commands.

The officer saw two squads with lights activated to the west on E. Garfield St. The officer believed shots were fired by other officers or the subject. The officer heard shots fired and then the subject flinched, appearing to have been hit in the back or on the side. The subject then fell. The subject got up and moved around the squad and pointed the rifle at the officer. Shots were fired and the subject fell again near the curb on the north side of E. Garfield St.

While the subject was on his back he had the rifle across him and appeared to attempt to bring the rifle up when the officer heard additional shots, and fired his rifle at the subject on the ground.

Officers approached the subject, removed the rifle from his body, and handcuffs were placed on the subject. The rifle had "Ruger" written on the stock. It was later determined the subject's rifle was a Ruger air rifle. The subject was identified as a juvenile with the initials DSCH, DOB: 12-22-09.

"Firearms are dangerous weapons and pose a grave danger of bodily harm and/or death to an individual. Under these circumstances the air rifle DSCH possessed appeared to be a real firearm and the action of pointing it directly at law enforcement while advancing toward law enforcement was perceived to be a direct threat to the life of an officer," said Dane District Attorney Ismael Ozanne. "Responding to that threat with deadly force is permitted under the law."

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 Mount Horeb police officers were compelled to use deadly force when confronted by what they believed was evidence of a person with a firearm pointing the gun directly at an officer while advancing toward the officer's position and not responding to commands to drop the firearm.

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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.

This investigation was conducted by the Division of Criminal Investigation (DCI). In the case of a death caused by an officer, Wis. Stat. § 175.47 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.

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