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July 21, 2022

Ms. Tracy Finch
Sheriff, Burnett County Wisconsin

Mr. Frank Taylor
Chief, St. Croix Tribal Police Department

Mr. Dustin Gabrielson
DNR Warden

MEDIA

From: James Jay Rennieke, Burnett County District Attorney

RE: Officer Involved Shooting, (July 2, 2022), Burnett County, Wisconsin

Officer(s) Involved: 1) BCSO Deputy, Mark Peterson, 2) BCSO Deputy Greg Chafer, and 3) SCTP Officer Brandon Meyer

Assisting Officers, Wardens, Dustin Gabrielson and Heath Hampton.

Investigating Agency: Barron County Sheriff's Office.

Dear Sheriff Finch, Chief Taylor, Warden Gabrielson, and Media:

The Burnett County District Attorney's Office has determined that the actions of Deputy Mark Peterson from the Burnett County Sheriff's office, on July 2, 2022, along with those of Deputy Greg Chafer and SCTP Officer Brandon Meyer, during a 911 call for help at or near Danbury Wisconsin, were reasonable and justifiable.

In particular, the act of shooting a firearm by Deputy Mark Peterson on that date, was a reasonable and legally justifiable act of self-defense and/or defense of others.

Wisconsin Law, particularly, secs. 939.48 WI Stats., allows all persons, including law enforcement and police officers, to use deadly force in an act of self-defense and/or defense of others.

The law requires all of the following:

1. The officer believed that there was an actual and imminent unlawful interference with the officer's person (or that of another); and
2. The officer believed that the amount of force the officer used or threatened to use, was necessary to prevent or terminate the interference; and
3. The officer's beliefs were reasonable.

The interference that the law is talking about is a threat of actual and imminent death or great bodily harm.

The officer may intentionally use force which is intended or likely to cause death or great bodily harm only if the officer reasonably believed that the force he/she used was necessary to prevent imminent death or great bodily harm to himself (or others).

There is no duty to retreat. In this case, had the officer actually retreated, he would have left others in the community at risk.

SUMMARY

The Burnett County District Attorney's Office received and reviewed numerous reports and recordings from the Barron County Sheriff's Office Investigators, which was the lead agency in the investigation of this officer involved shooting.

Approximately 1:00 p.m., on Saturday, July 2, 2022, there was a 911 call from a cell telephone reporting a disturbance at the Fishbowl Tavern located at 30799 Wisconsin Highway 35, near Danbury, Wisconsin. The report was that an unknown and possibly angry and intoxicated male was creating a disturbance at the tavern and was pointing a pistol at people, who were at or near the tavern.

The subject later identified as Darryl Albert Hanson, D.O.B. 08/02/1952, walked around the parking lot and near Hwy 35, shouting profanities and waving a pistol at various patrons and passing automobiles. The subject crossed Highway 35 in a generally easterly direction.

Deputy Mark Peterson was the first law enforcement officer on scene. When he arrived, he observed people ducking down behind vehicles in the tavern parking lot. He could also see a subject, later identified as Darryl Hanson, standing alongside Highway 35. He was wearing a ball cap, a t-shirt, and held a firearm in his right hand.



Hanson walked across Highway 35 and into a grassy area that paralleled Highway 77. Deputy Peterson drove his squad truck into a grassy area and had his emergency lights on at the time. Deputy Peterson was in full uniform with a badge and was driving a fully marked squad truck with insignia and flashing lights.

Deputy Peterson left the cover of the truck and verbally engaged the subject. Deputy Peterson yelled in a loud voice and ordered the subject to put the gun down. The subject refused to drop the gun and answered with profanities, while walking away from Deputy Peterson. Deputy Peterson ordered the subject to drop the gun numerous times. Each time the subject refused to drop the gun.

Deputy Peterson had his service pistol drawn and pointed in the direction of the subject. The subject held a revolver in his right hand. Early in the contact the subject told Deputy Peterson that he [Hanson] would "shoot your fucking ass" [Deputy Peterson]. Deputy Peterson ordered the subject to drop the gun and the subject refused to do so.

The subject was walking down the road (7th Place), towards various houses and cabins on both sides of the road. On a number of occasions the subject raised the gun and sometimes would stop and turn towards Deputy Peterson. On some occasions he turned in a clock-wise direction and on some occasions he turned in an anti-clockwise direction. On at least one occasion he raised the gun generally in the air and on at least one occasion he pointed the gun at what is in the general direction of a neighboring property.

Tribal Officer Meyer joined Deputy Peterson and together ordered the subject to put his gun down. The subject refused all such commands and refused to drop his gun. The subject sometimes had the gun held down by his side, and sometimes raised the weapon above his head and moved it or waived it around in various directions. Sometimes the subject would stop and yell at the officers and sometimes he would walk away from the officers.

During this incident, Deputy Greg Chafer and two DNR wardens, that is Dustin Gabrielson and Heath Hampton were also on the scene and aided with the situation.

Officer Meyer at the direction of Deputy Peterson retrieved his police squad and moved it closer for potential cover and other reasons.

DNR Warden Hampton was driving his squad behind and backing up the situation. Warden Gabrielson had exited the squad and was providing cover with a service rifle. He was walking near the squad driven by Warden Hampton.

Deputy Greg Chafer arrived on the scene as well.

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At one point the subject while waving his gun in the air told Deputy Peterson to shoot him. Deputy Peterson told the subject that he [Peterson] did not want to shoot him and to stop and to put the gun down so that they could talk. The subject refused to comply with the numerous commands to put the gun down. The subject through-out the encounter appeared to be agitated, hostile, uncooperative and refused to engage in any meaningful conversation. He swayed somewhat, and may have been under the influence of drugs or alcohol. He was unsteady in his movements.

Near the confluence between the dirt road (7th Place), and a wooded pathway to what appeared to be a house and a pole building the subject stopped and turned towards Deputy Peterson and raised the gun in the air and had it generally pointed towards a neighboring property. This area is about 200 yards approximately from the Fishbowl Tavern.

Deputy Peterson was concerned about his safety, the other officers' safety, as well as the safety of persons and families in the various homes and cabins along 7th Place road.

At or near the time the subject came to a path that leads off the (7th Place) dirt road and towards some houses, both Deputy Peterson and Officer Meyer were together and ordering the subject to drop his gun. The subject then started to walk towards the wooded pathway. This was away from 7th Place road and the officers. The subject again refused to drop the gun.

Close to this time Deputy Chafer passed the two wardens and joined Deputy Peterson and Officer Meyer.

The subject was now on the wooded pathway towards some houses and a pole building. Warden Heath was driving a squad vehicle. Warden Gabrielson was outside the squad vehicle with a long rifle.

Deputy Peterson was now off the 7th Place road. He was also on the wooded pathway with Officer Meyer on his left and Deputy Chafer on his right. They were in very close range of the subject, approximately 20 – 25 feet. These officers and the subject were on the wooded path roughly half way between 7th Place road and a pole building.

All three officers were commanding the subject to drop his gun. The subject was yelling back, primarily with obscenities. The subject refused to drop his revolver.

Deputy Peterson was slightly in front and in the middle with his firearm drawn. Officer Meyer was on the left and slightly behind Deputy Peterson with his firearm drawn. Deputy Greg Chafer was slightly behind and on the right with a taser, non-lethal devise drawn. There was some issue or difficulty with the taser.



In a very short lapse of time, Deputy Chafer went to deploy the taser, but at or shortly before, the subject turned sharply and swiftly and pointed the pistol at the officers. The subject abruptly turned in a clockwise direction towards the officers. His right arm was bent and the revolver was in the subject's right hand. The revolver was parallel to the ground and was pointing towards the officers.

In that brief period Deputy Peterson discharged three (3) shots from his service pistol at the subject.

The subject fell and dropped his revolver. The gun turned out to be a fully loaded .357 revolver. The officers moved the revolver out of reach of the subject and began to administer first aid. The officers all reported the shooting and called for emergency medical help. The wardens also joined and helped with medical services. Other law enforcement and/or medical personnel arrived. The subject was removed from the scene by ambulance. The subject was airlifted to a hospital and underwent surgery and medical treatment.

The revolver that was held by the subject was a Taurus Revolver with five (5) live rounds of .357 bullets. This is both a single as well as double action weapon. It has a five round capacity so was full loaded. There is no external safety mechanism on the revolver. This is simply a point and shoot type of weapon. The .357 magnum cartridge is particularly powerful and potentially deadly.

The actions of the officers under the totality of these circumstances, were reasonable and legally justified. Any other actions would not have been reasonable, and would have placed both the officers as well as the community at high and extreme risk of imminent death or great bodily harm.

In this case, lethal force was required to stop the actual and imminent threat of great bodily harm or death to the officers and/or the public.

CONCLUSION

The Burnett County District Attorney's Office concludes that Deputy Mark Peterson acted in a reasonable and lawful manner in defense of himself and others, and any further action against said deputy by the district attorney's office is not warranted.

This office, in fact, wishes to commend the officer for both bravery and steadfast devotion to service to the community.

The Burnett County District Attorney's Office wishes to also recognize the help rendered by all of the officers from Deputy Peterson, Deputy Chafer, Officer Meyer, and Wardens Gabrielson and Hampton.

We wish to thank the Barron County Sheriff's Department for the investigation of this matter.

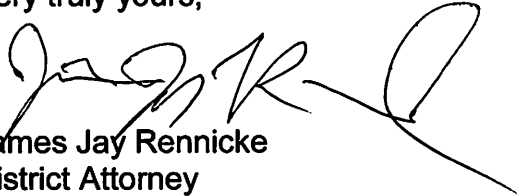
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Our office will continue to monitor the situation for potential charges relative to the subject at a future date.

Respectfully submitted.

Dated: July 21, 2022

Very truly yours,



James Jay Rennie
District Attorney

JJR/jk

cc: Victim Witness Coordinator;
Sheriff Tracy Finch
Chief Frank Taylor
Warden Dustin Gabrielson
Media

