

**Report on the
Officer Involved Shooting
of
Glenn Perry**

Prepared by
Barron County District Attorney
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REPORT ON THE OFFICER INVOLVED SHOOTING OF GLENN PERRY

Introduction

This document contains the factual and legal conclusions of the Barron County District Attorney's Office concerning the use of deadly force by Officer Emily Breidenbach, with the Chetek Police Department, and Officer Hunter Scheel, with the Cameron Police Department, on April 8, 2023. Officer Breidenbach was 32 years old when she lost her life in the line of duty that day. Officer Scheel was 23 years old when he lost his life in the line of duty that same day. Both officers returned fire after the shooter, who was later identified as Glenn Perry, exited his vehicle armed with an AR-15 rifle and began shooting at them. In the exchange of gunfire that followed, Perry, who was 50 years old and lived most of his life in the Chetek/New Auburn area, was struck in the right leg by one of the rounds fired by Officer Breidenbach and Officer Scheel. Perry later died from the gunshot wound to his leg.

Much has been said and reported about how brave and courageous Officer Breidenbach and Officer Scheel were when confronted by Perry, who was intent on killing them. I would add that Officer Breidenbach and Officer Scheel are heroes. A hero is defined as a person who shows great courage. Officer Breidenbach and Officer Scheel exhibited unimaginable courage on the afternoon of April 8, 2023. Their bravery, courage and sacrifice saved countless lives that day, encompassing other responding law enforcement officers, first responders, and the many innocent men, women and children who were in vehicles traveling on County Highway SS, just south of the U.S. Hwy. 8 West intersection in Cameron, Barron County, Wisconsin, when the shooting occurred.

Perry acted alone and is solely responsible for the deaths of Officer Breidenbach and Officer Scheel. His actions were premeditated. They are the epitome of evil. Perry had for years expressed animosity towards law enforcement and the government in general. At the same time, he interacted with law enforcement officers numerous times over the years on other matters without incident.

Perry lawfully purchased the AR-15 he used to murder Officer Breidenbach and Officer Scheel, along with a 9mm handgun he had on his person at the time of the shooting. Perry also lawfully purchased many other guns that he kept at his home and in his vehicle. Perry had no previous gun violations. There is no record of Perry having any DNR violations or citations.

The actions of Officer Breidenbach and Officer Scheel were valiant and necessary to protect the lives of countless others. Officer Breidenbach and Officer Scheel acted lawfully in self-defense and defense of others, and were privileged in using deadly force. Perry's actions will forever change the way we see our community, but the anger and hatred that we, as a community, will surely feel should be concentrated on Perry, and him alone.

Preceding Events

Perry was hospitalized in 2010 and 2011 for mental health evaluation and treatment. For a period of time in 2011, when Perry was the subject of a mental health commitment order, he was prohibited from possessing firearms. Perry was compliant with medication and his mental health stabilized. The mental health commitment was allowed to expire and the prohibition on Perry's right to own and possess firearms ended. Perry was not the subject of any subsequent mental health commitments, though persons who were close to him began to see a decline in his mental health during and after his divorce. Perry did not continue to take medication that was prescribed to him for his mental health after his mental health commitment expired in 2011.

Perry was criminally charged in two domestic cases involving his ex-wife on March 2, 2020 and May 22, 2020, prior to and shortly after divorce proceedings were initiated by his ex-wife on May 1, 2020. Perry, who had no criminal record, pled no contest to two domestic disorderly conduct ordinances on October 9, 2020, in return for the dismissal of the criminal charges against him. Perry paid a forfeiture and costs totaling \$735.00. Perry was not the subject of any subsequent criminal referrals after he entered his plea to the two domestic disorderly conduct ordinances on October 9, 2020.

Perry and his ex-wife were divorced on September 27, 2021. The Judgment of Divorce included an order that Perry pay child support. Perry exercised placement with his children at his home pursuant to the family court order.

On April 23, 2022, a deputy with the Barron County Sheriff's Department met with Perry at the Chetek Police Department after Perry contacted law enforcement to report a large sum of cash that was stolen from him. The Barron County Sheriff's Department undertook an investigation and eventually recovered a significant amount of the cash that Perry reported was stolen, along with two firearms. The cash and guns were returned to Perry on May 16, 2022.

After months of non-payment of child support, the court scheduled an Order to Show Cause hearing on March 30, 2023, to determine why Perry was delinquent in his child support payments. The court authorized a civil bench warrant for Perry's arrest when he did not appear at the Order to Show Cause hearing on March 30, 2023.

Barron County Sheriff's Department Captain Jason Hagen spoke to Perry's father on the morning of April 7, 2023. After speaking with Perry's father, Captain Hagen sent an alert email that same day cautioning law enforcement of Perry's declining mental status, that Perry carried a handgun at all times, and to use extreme caution if contact was made with Perry. Captain Hagen advised that Perry's parents were attempting to put together a third-party mental health commitment.

April 8, 2023

On the afternoon of April 8, 2023, Officer Breidenbach was on routine patrol in the City of Chetek when she observed a vehicle being driven by Perry. In 2022, Officer Breidenbach had stopped Perry for a traffic violation. Officer Breidenbach confirmed that Perry had an active warrant for his arrest. Aware of Captain Hagen's alert email, Officer Breidenbach did not immediately conduct

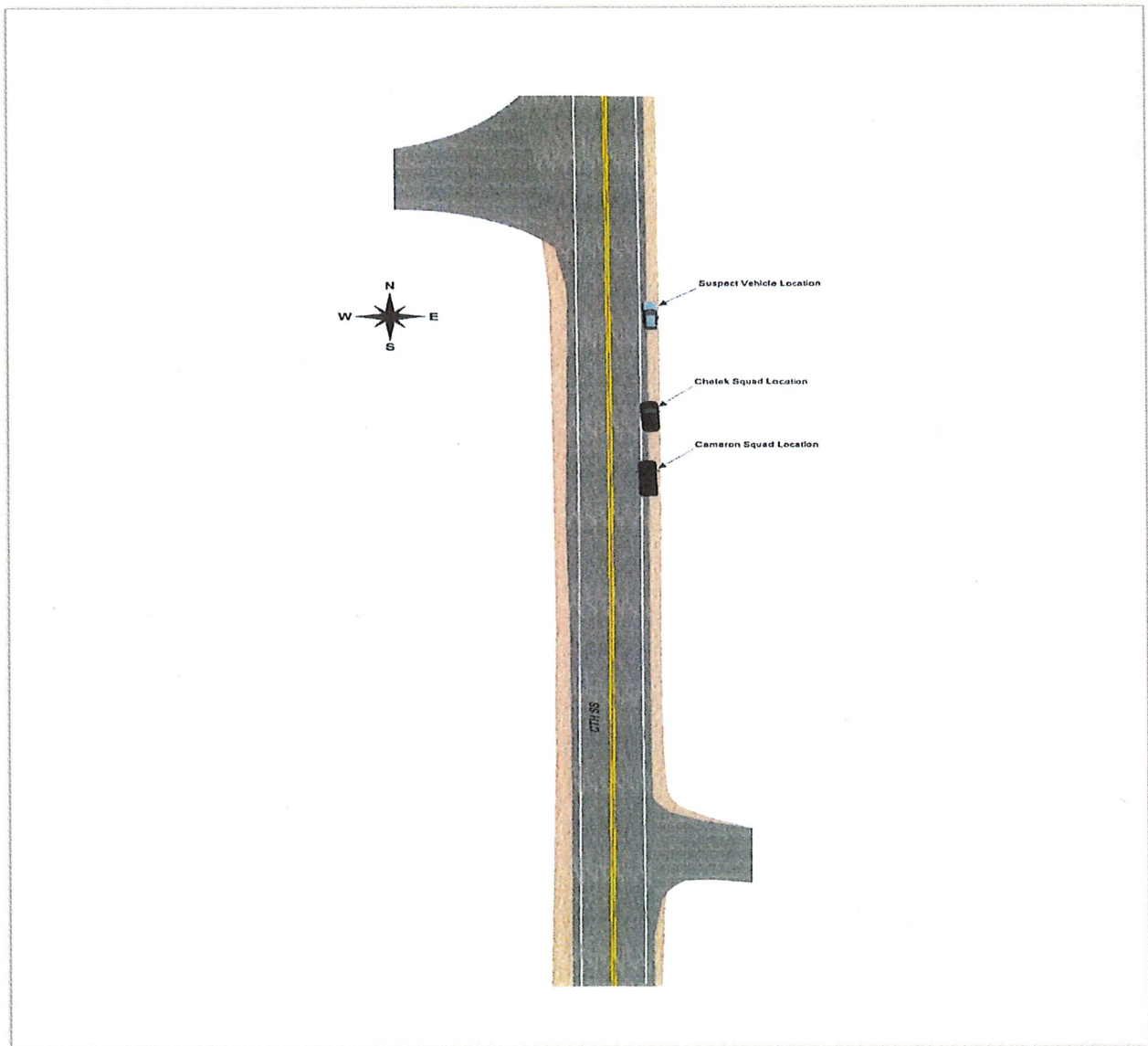
a traffic stop on Perry's vehicle, but followed Perry's vehicle as it traveled northbound on County Highway SS, out of Chetek. Officer Breidenbach requested backup and spoke with Officer Scheel, who was on duty in Cameron. Officer Breidenbach advised on the police radio that she, along with the Cameron Police Department officer, were going to stop Perry's vehicle when it got into the Village of Cameron.

Officer Breidenbach activated the emergency lights on her patrol vehicle when she rounded the curve where the grain silos are located on the west side of CTH SS. Perry pulled over to the shoulder of the road on the east shoulder of County Highway SS, approximately .2 miles south of the intersection with U.S. Hwy. 8 West. Officer Breidenbach pulled over to the shoulder behind Perry's vehicle at approximately 3:38 PM.

Officer Scheel, driving southbound on CTH SS, drove by Perry's vehicle and Officer Breidenbach's patrol vehicle, both of which were stopped on the east shoulder of the road. Officer Scheel pulled partially into the Quality Propane/Fuels driveway, activated the emergency lights on his patrol vehicle, backed his patrol vehicle onto CTH SS in order to turn around, and pulled behind Officer Breidenbach's patrol vehicle. Shown below is a Google map of the scene location. On the following page is a diagram showing the location of the three vehicles.



(Figure 1-1000 County Rd SS, Cameron, Barron County, Wisconsin - Courtesy of Google Maps)



Officer Breidenbach conducted a high risk traffic stop on Perry's vehicle after Officer Scheel arrived on scene. Officer Breidenbach opened the driver's side door of her patrol vehicle and moved from where she had been seated in the patrol vehicle to a position behind the now open driver's side door. Officer Breidenbach positioned herself in the open space between the door and vehicle frame. A motorist who was driving by Officer Breidenbach's patrol vehicle described hearing Officer Breidenbach yelling commands toward Perry's vehicle, likely with her gun drawn and directing Perry to show his hands.

Perry opened the driver's side door of his vehicle armed with an AR-15 rifle, aimed it at Officer Breidenbach and immediately opened fire. Officer Breidenbach radioed, "he has a gun." Officer Breidenbach fired two shots at Perry, before he fatally shot her.

Officer Scheel, who had exited his patrol vehicle, was walking up to the rear passenger side of Officer Breidenbach's patrol vehicle when Perry fatally shot Officer Breidenbach. Officer Scheel radioed, "shots fired." Officer Scheel took cover on the passenger side and then rear of his patrol vehicle, all the while exchanging gun fire with Perry as Perry advanced toward Officer Scheel.

Officer Scheel held his ground returning fire with his duty issued handgun until Perry reached the rear of Officer Breidenbach's patrol vehicle. Officer Scheel maneuvered to the passenger side of his patrol vehicle when Perry advanced toward him on the driver's side. Officer Scheel was shot multiple times and fell to the ground approximately 15 feet away from the passenger side of his patrol vehicle. Perry walked up to Officer Scheel, who was no longer able to defend himself, and shot him twice at close range, killing Officer Scheel.

Investigators with the Division of Criminal Investigation (DCI) determined that Perry fired at least 10 rounds from the AR-15. Initial responding officers removed a live round from the rifle's chamber. There were an additional 12 live rounds in the magazine that was attached to the rifle, for a total of 13 live rounds. The AR-15 that Perry used to murder Officer Breidenbach and Officer Scheel is shown below.



Perry was also carrying a loaded 9mm handgun on his person in a shoulder holster. Initial responding officers removed a live round from the chamber of the handgun. There were an additional 9 live rounds in the ten round magazine that was inserted in the handgun. The 9mm handgun that Perry was carrying on his person is shown below.



Investigators determined that Officer Breidenbach fired 2 rounds from her duty issued handgun before she was killed. Officer Scheel fired 9 rounds from his duty issued handgun before he was killed.

In the exchange of gunfire, one of the rounds that Officer Breidenbach and Officer Scheel fired from their duty issued handguns struck Perry in the right leg. The gunshot to Perry's leg was not immediately fatal. Perry had walked back to his vehicle and was leaning against the front hood of his vehicle when the first deputy arrived on scene after the shooting. The deputy, immediately recognizing the danger to herself and anyone else who was at the scene, positioned her patrol vehicle behind Officer Scheel's patrol vehicle where a line of traffic traveling northbound on County Highway SS had begun to form. The deputy directed traffic away from the scene.

Perry walked from the front of his vehicle to the rear of his vehicle where he fell to the ground. He attempted to get up, but was unable to do so. Additional responding officers observed significant blood loss when they approached Perry. The AR-15 rifle and 9mm handgun were on

the ground next to Perry. Perry died as a result of a through and through bullet wound to his right leg that perforated his femoral artery.

Perry murdered Officer Breidenbach and Officer Scheel in the span of approximately 45 seconds. He then walked back and remained standing by his vehicle for approximately an additional one minute and 35 seconds, before he fell to the ground. A steady stream of motorists, unaware of the danger they were in, drove by the scene of the shooting while Perry remained armed and dangerous. The danger to passing motorists and responding officers had Perry not been fatally shot was grave. It is a near certainty that Perry, had he remained able, would have fired at other responding officers putting at risk of death or great bodily harm not only the on-duty and off-duty officers who responded, but also first responders and anyone else who happened to be in a vehicle driving past or near the scene of the shooting, all of whom were at risk of being directly shot by Perry or caught in the crossfire. Worse yet would have been the risk to the public had Perry been able to drive away to a different location.

Legal Analysis

A person is privileged to intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. Wis. Stat. § 939.48(1). A person may use force which is intended or likely to cause death or great bodily harm only if the person reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. Id. A person is privileged to defend another person under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself. Wis. Stat. § 939.48(4).

Police officers acting in their professional capacity retain the same privilege to act in self-defense or defense of others, including the use of force which is intended or likely to cause death or great bodily harm when a police officer reasonably believes the use of deadly force is necessary to prevent imminent death or great bodily harm to himself or herself, or others. The reasonableness of a police officer's decision to use deadly force is to be considered from the standpoint of an ordinary and prudent person in the officer's position, having the knowledge and training that the officer possessed and acting under the circumstances that existed at the time.

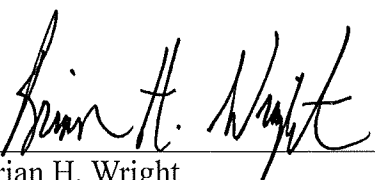
Officer Breidenbach confirmed that Perry had a valid warrant for his arrest and carried out her duties to take him into custody on the warrant. Officer Breidenbach was privileged to use deadly force to protect herself and others. Officer Breidenbach defended herself by returning fire with her duty issued 9mm handgun in the seconds after she observed Perry aiming and firing an AR-15 rifle at her, before she was killed. Officer Scheel was also privileged to use deadly force to protect himself and others. Officer Scheel, under unrelenting fire from an AR-15 rifle, defended himself by returning fire again and again with his duty issued .40 caliber handgun, before he was killed. The heroism of Officer Breidenbach and Officer Scheel saved countless lives and will never be forgotten.

Conclusion

There are no mitigating factors to Perry's actions. Perry made the conscious, deliberate and premeditated decision to murder two police officers. Perry remained heavily armed, and was intent on killing any law enforcement officer who attempted to take him into custody.

The deaths of Officer Breidenbach and Officer Scheel are a stark reminder of how police officers put their lives on the line each and every day to protect us. The sworn duty of police officers to serve and protect should be revered whenever we remember the bravery, courage and sacrifice of Officer Breidenbach and Officer Scheel.

Under the circumstances that existed on the afternoon of April 8, 2023, Officer Emily Breidenbach and Officer Hunter Scheel were privileged to use deadly force against Perry. The officer involved shooting of Glenn Perry resulting in his death was justified.



Brian H. Wright
Barron County District Attorney