

**REPORT REGARDING THE FATAL SHOOTING OF MR. SCOT MINARD  
ON JULY 26, 2016, IN LINCOLN COUNTY, WISCONSIN**

**SUMMARY**

On July 26, 2016, Scot Minard was fatally shot by a law enforcement officer following his actions in shooting at a police officer in Antigo, Wisconsin, a subsequent high speed chase, and stand-off that occurred in Lincoln County, Wisconsin.

After consideration of all the available evidence, I have concluded that there is no basis to believe that any law enforcement officer who shot at Mr. Minard, whether or not they fired the fatal shot, committed any crime. The summary and analysis of the facts discovered during the course of the investigation, which formed the basis for this opinion, are set forth below.

**INVESTIGATION AND REVIEW**

An independent police investigation was conducted by the Wisconsin Department of Criminal Investigation (DCI) at the request of the Lincoln County Sheriff immediately after the shooting. Lincoln County District Attorney Don Dunphy requested that the Wisconsin Department of Justice assign an assistant attorney general to review the matter based on a conflict of interest. I was subsequently assigned to review the matter.

**PURPOSE**

The purpose of my review of this incident was to determine if there is evidence that would support a conclusion that the shooting of Scot Minard involved criminal conduct by any law enforcement officer.

Wisconsin Stat. § 939.45(3) and (4) provide police officers with a defense to criminal charges when the conduct “is in good faith and is an apparently authorized and reasonable fulfillment of any duties of a public officer” or when the conduct “is a reasonable accomplishment of a lawful arrest.” In addition, an officer has the right to use force in defense of themselves or others in appropriate circumstances pursuant to Wis. Stat. § 939.48.

**MATERIALS REVIEWED**

All of the interviews, records, and investigative reports prepared by DCI and multiple assisting agencies were reviewed. Also reviewed were: photographs and

diagrams of the scene; squad dash cam videos; photographs of the autopsy; the findings/conclusions of the final autopsy report; the toxicology report for the deceased; statements from all direct witnesses and many secondary witnesses; and State Crime Laboratory reports.

## **FACTUAL SUMMARY**

1. On July 26, 2016, Antigo Police Officer Joseph Husnick was on patrol in the early morning hours in the city of Antigo in Langlade County. Officer Husnick observed a red van parked in an area where bars were located. Officer Husnick knew from prior incidents that the red van was associated with drug activity.<sup>1</sup> The plates on the van were expired. Officer Husnick later saw that the van was gone. He then drove to the residence of the registered van owner and observed the red van parked there along with a white Acura SUV.
2. Upon checking the license plate of the Acura SUV, Officer Husnick was informed that the plates did not match the vehicle. The plates were actually expired and registered to a truck owned by Scot Minard with a residence in Vilas County. It was later determined that the Acura had been stolen in Vilas County sometime between July 18 and July 20, 2016.
3. Officer Husnick decided to watch the vehicle for a while and parked a couple of blocks north. At 6:15 a.m.,<sup>2</sup> Officer Husnick observed Mr. Minard get into the Acura and drive past the location of Officer Husnick. Officer Husnick then turned his marked squad around with activated lights and siren in order to pull over the Mr. Minard.
4. The driving away of Mr. Minard and subsequent events, including a subsequent chase, standoff, and shooting of Mr. Minard, were captured on Officer Husnick's squad video.
5. At 6:16 a.m. and after about two blocks, Mr. Minard pulled the vehicle over. As Officer Husnick got out of his squad Mr. Minard can be seen leaning out the driver side window with a handgun and firing two shots at Officer Husnick. Two shell casings were recovered at the scene

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<sup>1</sup> As will be discussed later in the report, Mr. Minard had a history of illegal drug use, and a toxicology report indicated that his blood contained several illegal drugs.

<sup>2</sup> The times listed in the report are approximate and based primarily on the time displayed on Officer Husnick's squad camera. There may be slight variations on times in information provided by other agencies and systems. However, the times are generally accurate and any minor variation on reported time does not alter the evaluation of the events in this matter.

that were later matched to a stolen .22 caliber handgun recovered near Mr. Minard. While the squad audio is unclear, Mr. Minard does appear to say something before shooting. Officer Husnick says that Mr. Minard stated "Don't do it fucker." What Mr. Minard may have been referring to is unclear.

6. After firing the shots at Officer Husnick, Mr. Minard drove away at a high rate of speed. Officer Husnick reported the shooting, requested assistance, and began to pursue Mr. Minard. Officer Husnick's squad camera recorded the entire pursuit. The chase proceeded on Highway 64, a two-lane highway, at a high rate of speed, often over 100 miles per hour, and sometimes exceeding 120 miles per hour. There was other traffic on the highway and Mr. Minard was passing vehicles. The high speed and passing posed a danger to other vehicles and their occupants.
7. Officers from other law enforcement agencies became involved in the chase. At 6:28 a.m. at the Pine River Bridge, a Lincoln County deputy sheriff deployed a metal stop stick across the road. This device is intended to be used in high speed chases. When deployed across a road, the device, which consists of metal quills, penetrates the tires of the vehicle to release air at a slow and controlled rate thus ultimately forcing the vehicle to slow down or stop due to an inability to move.
8. The chase continued for about another minute and Mr. Minard then turned onto Hillview Road and stopped. Hillview is a dead end road. Officers made repeated demands for Mr. Minard to show his hands and get out of the vehicle but he refused. He then resumed driving slowly for a short distance and stopped a second time. Officers again repeated their demands and Mr. Minard did not respond or comply. After a few minutes, at 6:33 a.m., he resumed driving for a short distance and stopped for a third, and final, time. At 6:34 a.m., Mr. Minard stopped and got out of the vehicle and walked around to the front of the vehicle. Officers observed him carrying a long gun and made repeated demands that he drop the gun. Mr. Minard remained at the front of the vehicle and appeared to smoke a cigarette. Numerous cigarette butts were later found near the front passenger side tire and a pack of cigarettes was found near the windshield wipers on the passenger side.
9. Between 6:34 a.m. and approximately 7:50 a.m., an hour and fifteen minutes, officers were in regular contact with Mr. Minard and asked him to drop the gun and show his hands and surrender. He refused to comply with all demands. More than once Mr. Minard reached into the vehicle from the passenger side and walked around the front of the

vehicle. Presumably this was for cigarettes and water. He carried the long gun around pointed at the ground. Although he was armed and had previously shot at an officer, no law enforcement officer attempted to shoot him even though they had opportunities to do so. This was consistent with law enforcement training as until the end of the standoff Mr. Minard did not point a firearm at officers or fire at them.

10. The squad cam was not able to pick up Mr. Minard's statements or the statements of all the officers due to distance and background noise. However, communications can be heard over the entire time period even if somewhat sporadic. Officers stated that they advised Mr. Minard that they did not want to hurt him, that so far no one had been hurt, tried to talk to him, asked him to think about his children, and encouraged and commanded him to surrender. The statements of law enforcement were directed to convincing Mr. Minard to surrender without any weapons and avoiding injury. Statements made by Mr. Minard include that he knew he was in stolen car, that he could not put his gun down as it had gone too far, and that he could not go back to prison. Mr. Minard had served time in prison. Sgt. Randy Ruleau, who was the primary person to talk with Mr. Minard, and the closest to him, stated that three different times during his communications Mr. Minard stated that law enforcement was going to have to shoot him.
11. Mr. E [REDACTED] L [REDACTED], who lived near the scene and who was outside during part of the events, heard the officers repeatedly yell "let me see your hands" and "you need to put your gun down." He described Mr. Minard as relatively calm and that officers continued to speak with Mr. Minard to get him to put his gun down. Officers asked Mr. Minard if he had children and in response to a question from Mr. Minard told him that the officers were all fathers. Later in the standoff Mr. Livingston heard Mr. Minard yell "let's get this over, just shoot me!" to which officers replied "No. We don't want to shoot you. You are a human being." Mr. Livingston later heard a series of gunshots. Finally, he stated that in his opinion it was "suicide by cop."
12. At approximately 7:37 a.m. Mr. Minard asked for water. Water was loaded into a Bearcat (an armored vehicle commonly used by law enforcement) for delivery to Mr. Minard. Armed law enforcement officers were in the vehicle. A second Bearcat was also nearby. The armored vehicle was used to provide protection to officers while the water was delivered.

13. At approximately 7:50 a.m. the Bearcat started to approach Mr. Minard's location. Squad video shows him standing up and moving forward on the passenger side of the vehicle. His long gun is initially pointed down but he then begins to raise the gun up in the direction of where officers are located. Deputy Ruleau states that as Mr. Minard started moving toward officers, he stated something to the effect of "Is this enough to make you shoot me." As Mr. Minard moved forward and raised his long gun, various shots are fired by law enforcement officers. Mr. Minard retreated back to the front of the car. Once Mr. Minard retreated to the front of the vehicle, the shooting from law enforcement stopped. He then quickly reemerged on the driver's side of the car and again appeared to be walking toward the back of the car in the direction of the officers. More shots are fired by law enforcement after Mr. Minard reemerged on the driver's side of the vehicle. Again, he had his long gun up and it appears that he fires at officers. The video shows what appears to be smoke emanating from his position and there is a sound of a different type of weapon. Law enforcement witnesses report they heard a shotgun being fired. When the long gun was later recovered from underneath Mr. Minard's body it was identified as a 12 gauge shotgun and had a partially ejected casing in the breech.
14. The Bearcat arrived on the scene and officers observed Mr. Minard lying face down on the ground with the long gun under his body. Officers approached and removed the shotgun and .22 caliber handgun from his back pocket, handcuffed Mr. Minard, and began first aid. Attempts were made to keep Mr. Minard alive without success due to the nature of his wounds.
15. The shotgun had a partially ejected shell in the breech and there were three unfired shells in the magazine. The shotgun safety was in "fire" position. The .22 caliber firearm was also in the "fire" position and had a live round in the chamber with 6 live rounds in an attached magazine. The .22 caliber hand gun was stolen in a burglary on July 3, 2016, from a residence in Adams County next to where Mr. Minard had stayed on that same date. A camera near the location of the theft had captured video of someone matching the description of Mr. Minard. The 12 gauge shotgun was originally purchased in Vilas County in 1995 and no other records were available.
16. A total of 26 rounds were determined to be fired by four law enforcement officers from several locations and distances. As will be discussed below, one round struck Mr. Minard and killed him. Many of the other shots struck the vehicle. The autopsy reflects that he may have been struck by at least one other bullet but there was no

penetration of the body (likely a bullet that had already passed through the vehicle).

17. The autopsy report indicated that one bullet struck Mr. Minard in the left arm pit area (left to right, slightly front to back and slightly downward) and traveled through both lungs and the aorta which was the cause of death. [REDACTED]
18. All of the officers involved in the case were interviewed separately by DCI. All officers who fired their weapons were current with their required training and certifications. All of the officers who were identified as having shot at Mr. Minard indicated that they believed that under all of the circumstances, they were acting in self-defense or the defense of other officers when they shot at Mr. Minard when he pointed a firearm at officers and shot at them.
19. Mr. Minard's family reported that he had drug and alcohol problems and had limited contact with him. An analysis of Mr. Minard's blood found it contained a number of substances including alcohol (BAC of .094), cocaine, hydrocodone, THC, amphetamine, methamphetamine, fentanyl and opiates. A friend of Mr. Minard stated that he was a heavy drinker and believed he was using heroin.
20. Mr. Minard had a criminal record for property and weapons offenses in multiple states and going back to the 1980s. As previously noted, he also served a three-year term in prison.
21. A friend of Mr. Minard stated that in April of 2016 he asked for a place to stay as he had nowhere to go and was distraught. Mr. Minard had no residence and had been selling all his belongings. The friend allowed him to stay in a trailer for a few weeks. In June of 2016, after a fight with his girlfriend, Mr. Minard asked the friend to kill him. He had made similar statements beginning in April of 2016.
22. The friend also arranged for Mr. Minard to stay at another friend's house on July 3, 2016. Mr. Minard left after staying one night and stated that he was planning on leaving the state. The friend also stated that the Adams County Sheriff later called about some items Mr. Minard stole in Adams County, including a gun. As noted above, the .22 caliber handgun found in Mr. Minard's possession was stolen from a residence next to where Mr. Minard had stayed in Adams County on July 3, 2016. In the week prior to July 26, 2016,

Mr. Minard stated that he was in trouble with law enforcement, that they were going to be after him, and that he was going to let the “cops shoot him.” When advised of the call from Adams County law enforcement, Mr. Minard stated that he was not going back to prison, was “done and tired,” and was going to randomly fire a gun at a law enforcement officer until law enforcement killed him. He also later sent the friend a text message saying good bye.

## **FACTUAL ANALYSIS**

The statements of the law enforcement officers involved in the incident and citizen witnesses are consistent. The physical evidence recovered from the scene is consistent with those statements. Additionally, those statements are supported by the other evidence obtained during the investigation.

Antigo Police Officer Joseph Husnick was acting lawfully when he attempted to stop Mr. Minard for a law violation. Officer Husnick, and other law enforcement officers also acted lawfully when they engaged in a chase to apprehend Mr. Minard. Officer Husnick, and other law enforcement officers at the scene of the shooting were engaged in a valid and lawful attempt to apprehend Mr. Minard. Finally, the law enforcement officers involved, including Sgt. Brian Kingsley of the Lincoln County Sheriff's Office, were acting lawfully when they used deadly force in response to the actions of Mr. Minard.

The incident began when Mr. Minard decided to shoot at a law enforcement officer and then flee the scene while driving recklessly. Once he was forced to stop he ignored repeated demands and requests that he disarm and surrender. Law enforcement officers were aware that Mr. Minard was armed with at least two firearms and had used a firearm against a law enforcement officer. Mr. Minard had demonstrated that he was willing to use a firearm against law enforcement. When Mr. Minard failed to comply with the commands of the deputies and raised his firearm in the direction of officers, he caused officers to reasonably fear imminent death or serious physical harm. Under the circumstances including timing and distance, and in light of his prior use of force against an officer, there was no opportunity to attempt any non-lethal alternatives. Any lesser means of force, such as a baton, physical force, taser, or pepper spray, would have been unreasonable in the exercise of self-defense. To do so would have placed an officer in an even more dangerous situation. Such options would have required the officers to move closer to Mr. Minard, thus increasing the level of risk. It may also have required the officers to holster their weapons, which would also place them in a situation where they would have been unable to protect themselves from an armed assault. Attempts at verbal persuasion and physical presence, two key components of controlling a situation, had failed. There is no requirement that an officer actually attempt all other use of force

options. Some situations develop so quickly that no use of alternatives is feasible without substantial risk to the officer.

The toxicology report revealed that Mr. Minard's blood alcohol content was .094 and his system also contained a mixture of many controlled substances. However, his conduct during the entire incident was controlled and intentional although his judgment and thinking were likely impaired.

There is direct evidence from multiple persons that Mr. Minard was suicidal both before and during the encounter on July 26, 2016. He has previously indicated a desire to die and talked about shooting at law enforcement in order to be shot and killed. He also expressed an intent not to return to prison and if he encountered any law enforcement officers, he wanted them to shoot and kill him. Finally, he stated that he would not surrender and that officers would have to shoot him.

## LEGAL ANALYSIS

The undisputed facts surrounding the shooting support the conclusion that the law enforcement officers who fired at Mr. Minard, including Sgt. Brian Kingsley, did so to protect themselves and other law enforcement officers who were in danger of death or great bodily injury by a person operating a dangerous weapon. Under Wisconsin law, a law enforcement officer has a legal privilege to use deadly force to protect themselves or others where the officer reasonably believes that there is an actual or imminent unlawful interference directed at themselves or another person and actually and reasonably believe that such force is necessary to prevent imminent death or great bodily harm to themselves or the other person. Wis. Stat. § 939.48(4); Wisconsin Jury Instructions-Criminal 830. Under this privilege, the reasonableness of the officer's actions is to be judged from the standpoint of an ordinary, prudent, and reasonably intelligent 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.

In this case, Mr. Minard was in possession of a firearm which he pointed in the direction of officers and had previously shown that he was willing to use deadly force against an officer. A person who has previously shot at an officer can reasonably be assumed to be more likely to do so again and presents a greater risk. He also did, in fact, fire at officers with his shotgun during the final encounter. Under the legal privilege of defense of self or others, the officers who fired at Mr. Minard had an actual and reasonable belief that the force used was necessary to prevent imminent death or great bodily harm to themselves or another person, and were therefore privileged to fire their weapons at Mr. Minard. Finally, the officers had to make their decisions in split seconds. This decision was reasonable and appropriate under the circumstances. Therefore, I conclude that the conduct of the officers who fired at Mr. Minard was lawful.



Nor was any conduct of the officers criminally reckless or negligent. Wisconsin Stat. § 939.25(1) defines criminal negligence as “ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to another.” Similarly, Wis. Stat. § 939.24(1) defines reckless as creating “an unreasonable and substantial risk of death or great bodily harm to another human being and the actor is aware of that risk.” The officers were not acting in a criminally negligent or reckless manner. They were trained and experienced law enforcement officers performing their sworn duty and in so doing had the lawful right to carry a weapon and use it in justified circumstances.

The officers had no reasonable opportunity to use other alternatives. They were faced with an armed man who was a demonstrated threat and who raised a firearm toward officers. It is a misconception and misunderstanding that officers in such situations can simply shoot to disable or disarm someone. These incidents are not movies or television. They are real-life stressful events involving real people. Even the regular firearms training by law enforcement cannot fully reflect the realities of being faced with the threat of death or serious injury when confronted with someone armed with a firearm or who shoots at you. As in every real-life situation, various factors such as distance, obstacles, stress, etc., impact how weapons are fired. As this case reflects, officers fired 26 times but only hit the defendant once. Mr. Minard was some distance away, was moving, did not fully expose himself, and changed positions behind portions of a vehicle. Officers are trained to shoot to terminate the threat to themselves or others. Being able to shoot the gun out of a person’s hand under these or virtually any real-life stressful situation is unrealistic. The officers responded as they were trained to do and did so reasonably.

Officers are also not required to wait to be fired upon or to be shot before taking action. The law, rightfully and reasonably, allows them to preempt the risk of death or serious injury in appropriate circumstances and act to protect themselves and others. Were it otherwise, there would likely be few people willing to serve in such a dangerous profession.

I also conclude that the officers acted in a calm and restrained manner. The conduct of the officers was professional and clearly intended to try and resolve the incident without injury or loss of life. They tried to engage Mr. Minard in conversation and reminded him of his family in an effort to get him to surrender. They were as calm as possible under the circumstances and exercised patience. Officers repeatedly stated that they did not want to harm Mr. Minard. It was only the decisions and conduct of Mr. Minard that escalated the matter in a way that allowed or even required the use of deadly force. The decision in ultimately shooting Mr. Minard to protect other officers were not unreasonable acts under the facts and

circumstances that existed, and hence not criminal in any way. Such actions were a reasonable fulfillment of the lawful duties of the officers under the situation that existed at the time.

## CONCLUSION

Law enforcement officers are lawfully allowed to use force, including deadly force, when they have an objectively reasonable belief that such force is reasonably necessary to protect themselves or others from the risk of serious bodily injury or death. Police officers are provided continuing training regarding the use of force. The issue is whether the officers in this case acted appropriately and consistently with legal principles governing the use of deadly force by law enforcement officers.

Mr. Minard's death is tragic. He seemed to have struggled with many problems and expressed a desire to end his life. It is unfortunate that his conduct resulted in officers having to deal with the reality, and bear the burden, of being placed in a situation where they had to use deadly force. Based on the total facts and circumstances, it is my legal conclusion that the conduct of the officers on July 26, 2016, were in the performance of their duties and there is no basis to conclude that any of their conduct was criminal.

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