

# Memorandum



DATE: February 10, 2012

TO: Members of the Public Safety Committee

SUBJECT: Administrative (Police) Reports  
I. A. D. Cases to be Presented to the Public Safety Committee on February 13, 2012

## **NEW CASE PRESENTATION:**

None

## **PREVIOUS CASE PRESENTATION:**

**Control #2010-369**

**Council District: 1**  
**Involved Officers: (5) White Males**  
**Suspect: (1) Hispanic Male**

On November 7, 2010, at approximately 5:55 a.m., officers in full uniform responded to a call from the police dispatcher regarding a male with a gun at 2919 W. Davis Street. The Call Sheet stated, "Caller can see him from the window, has gun and I'm asking for police." Upon arriving at the location, Officer #1 spoke with the female witness who had placed the call. The witness stated that the suspect left the location westbound on W. Davis Street toward the 7-11 located at the intersection of W. Davis and Westmoreland. Officer #2 spotted a suspect matching the description walking in the middle turn lane of W. Davis Street and Barnett. Both Officers #1 and #2 observed the suspect holding an object that appeared to be a gun in his right hand. Officer #2 ordered the suspect multiple times to drop the weapon and get on the ground. The suspect refused to comply with the commands and instead took the gun and placed it into his waistband behind his back covering the weapon with his jacket. Officer #2 stated the suspect made the statement, "I have a gun and I will pull it out." At this time, a sergeant arrived at the location and tried to get the suspect to move out of the street. The suspect stopped in the 3100 block of W. Davis Street as Officer #3 arrived at the scene. As the sergeant and Officer #1 were negotiating with the suspect to try to calm him down, the suspect stated he had a gun and was going to take one of the officers out with him. The suspect then backed up toward a building on the south side of the street placing his back to a brick wall. The sergeant requested someone to report to the station to get the ballistic shields. Officer #4 responded to the location with two ballistic shields. Officer #4 along with Officer #3 deployed the shields. At this point, Dallas Fire and Rescue was requested to stand by at the 7-11 located at the intersection of W. Davis Street and Westmoreland. Officers #1 and #3 positioned themselves next to the brick wall to keep the suspect from trying to walk west bound from the location. The suspect stated he was bi-polar and schizophrenic and that he had been using cocaine and methamphetamines. The suspect again stated, "I will make y'all kill

me.” When the suspect saw that more officers were responding to the scene, he became aggravated at which time he tried to walk away. The sergeant again was able to calm the suspect down. The suspect stated several times, “I have a gun and I will use it.” The suspect also stated that it would take four or five rounds to take him down and that he could take at least one officer with him. The officers were at the location for over an hour trying to calm the suspect down. During this time, the suspect stated that he had assaulted officers in the past and told them to look it up. The suspect gave the officers his name and date of birth. Officer #2 then performed a subject check using the name and date of birth given by the suspect. The subject check confirmed that the suspect had had several encounters with the police. The suspect began moving again and officers followed from a distance as they continued to give verbal commands. The suspect then stopped again in the 3100 block of W. Davis Street and positioned himself near a white box truck and a light pole. The suspect then stated, “This is it” and began to reach behind his back. The officers yelled for the suspect to stop. The suspect paused and reached behind his back. Officers fearing for their lives fired their duty weapons several times. The suspect who had been shot multiple times went to the ground but continued to resist officers’ attempts to handcuff him. After placing the suspect in handcuffs, officers performed a pat down search of the suspect and discovered that the suspect had fashioned a cardboard cigarette package in the shape of a handgun that had been tucked in his rear waistband. The suspect was transported to Methodist Hospital where he was pronounced deceased. No officers were injured.

**UPDATE:** The Internal Affairs Division investigation revealed the officers were justified in their use of deadly force.

**STATUS:** Complete

Case #CN2010-369 was presented at the October 4, 2010, Public Safety Committee Meeting.

**Control #2011-156**

**Council District:** 13  
**Involved Officers:** (2) White Males  
**Suspect:** (1) Black Male

On May 8, 2011, at approximately 12:30 p.m., officers, in full police uniforms and driving a marked police vehicle, responded to a disturbance call at 6417 Ridgecrest Road. The comment on the Call sheet stated the suspect was threatening to shoot a resident at the location. The officers were already familiar with the location, as they had responded to previous calls there where the suspect and several residents have had an ongoing feud. The officers were also aware that the suspect was potentially dangerous and that he currently had an active Criminal Trespassing Warning for the property. When the officers arrived at the location, they observed several people on a third floor balcony and the suspect standing in the courtyard. The officers approached the suspect and conducted a pat down search for their safety. As officers were conducting the search of the suspect, bystanders were yelling so the officers made the decision to walk the suspect to their vehicle until they could determine what was going on. As they escorted the suspect through the breezeway, Officer #1 was walking behind the suspect and Officer #2 was walking beside the suspect. Both officers observed the suspect pull a baggie of what appeared to be crack cocaine from his pocket and toss it into the bushes. Officer #1 then told Officer #2 to take control of the

Page 3 of 3  
Members of Public Safety Committee  
February 10, 2012

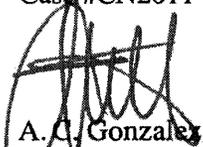
suspect. Officer #2 grabbed the suspect by the arm at which time the suspect began to fight the officer. The suspect struck Officer #2's arm several times. The struggle continued through the breezeway onto the parking lot. During the struggle, Officer #2 reached across his body to grab the taser. At this point, Officer # 2 felt the suspect pulling on his weapon that was in its holster. Officer #1 observed the suspect pulling on the Officer #2's weapon. Officer #1 approached the suspect, pushed him away and gave loud verbal commands for the suspect to get on the ground. The suspect refused to comply and lunged at Officer #1. Officer #1 fearing for his life fired two rounds from his duty weapon. Officer #1 was not aware if any of the rounds he fired struck the suspect. The suspect ran approximately fifteen yard turned and lunged at Officer #1 a second time. Officer #1 again fearing for his life fired one additional round striking the suspect.

The suspect was transported to Baylor Hospital where he was listed in serious condition. Officer #2 sustained a bruise to his right arm. Officer #1 was not injured. The suspect has been charged with Attempt to Take a Peace Officer's Weapon

**UPDATE:** The Internal Affairs Division investigation revealed the officer was justified in his use of deadly force.

**STATUS:** Complete

Case #CN2011-156 was presented at the June 6, 2011, Public Safety Committee Meeting.



A. C. Gonzalez  
First Assistant City Manager