

Memorandum



DATE: October 16, 2009

TO: Members of the Public Safety Committee

SUBJECT: I. A. D. Cases to be Presented to the Public Safety Committee on October 20, 2009

NEW CASE PRESENTATION:

Control #09-352

Council District: 5
Involved Officers: (2) Black Male
Suspect: (1) Black Male

On September 21, 2009, at approximately 9:40 p.m., fifteen members of the FBI Violent Crime Task Force, dressed in raid jackets that identified them as law enforcement officers, attempted to execute a Felony Aggravated Warrant at 2120 52nd Street, #217. In an effort to arrest the suspect, six Task Force Officers along with Dallas P.D. Detectives #1 and #2 and a Department of Public Safety Sergeant went to the front of the apartment located on the second floor to make entry. After arriving at the apartment door, the officers knocked on the door and gave loud verbal commands for the suspect to open the door. After a few minutes, the Department of Public Safety Sergeant struck the door with a slammer to gain entry into the dark apartment. Once the front door was breached, the six man entry team made their way to a bedroom in the rear of the apartment. The door to the bedroom was shut which prompted the Department of Public Safety Sergeant to use the slammer to force the door open. As the door opened, several gunshot blasts were fired from inside the darkened bedroom by the suspect. The Department of Public Safety Sergeant was struck once in the lower stomach and DPD Detective #1 was struck in the shoulder area. At this point several officers of the entry team which consisted of officers from the FBI, Dallas and Garland Police Departments returned fire as they made a tactical exit from the apartment. A perimeter was then set up around the immediate area and SWAT was summoned to the location. Upon the arrival of SWAT, the apartment was cleared and SWAT doctors determined that the suspect was deceased from multiple gunshot wounds. A pistol grip shotgun and revolver were recovered from the bedroom where the suspect had barricaded himself during the incident.

The Department of Public Safety Sergeant was transported to Baylor Hospital in serious condition and DPD Detective #1 was transported to Methodist Central Hospital in stable condition.

STATUS: Under Investigation

Control #09-356

Council District: 1
Involved Officers: (1) Asian Male
(2) White Males
Suspect: (1) Hispanic Male

On September 27, 2009, at approximately 9:30 p.m., Officer #1 in full uniform volunteered to assist Officers #2 and #3 in answering an "Active Shooter" call at 2745 Ivandell Road. Upon arrival at the location, Officer #1 met with Officers #2 and #3. The officers were advised by the police dispatcher that there were individuals behind the location being loud and shooting guns. After receiving this information, Officer #2, who is a sergeant, and Officers #1 and #3 proceeded to the rear of the location. Officers #1 and #3 were armed with rifles. Once in the backyard, the officers observed five individuals at which time two of the individuals ran into a detached garage. The suspect was sitting on a trampoline with a beer in his right hand and his back to the officers. The officers gave repeated commands in both English and Spanish to the suspect and the other two individuals to show their hands and to get on the ground. As Officer #3 walked past the suspect to confront another individual, Officer #1 observed the suspect sit his beer down and quickly move his left arm out in the direction of Officer #2. The suspect was holding a black object that appeared to be a gun and was pointing it in the direction of Officer #3. Because the suspect had previously disregarded the officers command to show his hands and get on the ground, Officer #1 believed that the suspect was about to shoot Officer #3. Officer #1 then fired multiple rounds from his rifle striking the suspect in the upper torso. The suspect was pronounced deceased at the scene. The medical examiner found a cell phone in the suspect's hand. No injuries were sustained by the officers.

During the course of the initial investigation, it was determined that another individual that was present at the location had been firing a .40 caliber handgun before the officers arrived. The weapon was recovered from the residence. The individual who fired the weapon has been charged with Discharging Firearms in Municipalities, Misdemeanor A.

STATUS: Under Investigation

Control #09-357

Council District: 8
Involved Officers: (1) White Male
Suspect: (1) White Male

On September 26, 2009, at approximately 10:00 a.m, the officer was working one-man as Element B-335 and dressed in a Class B uniform and driving a marked police vehicle. The officer volunteered for half of a two-man call regarding a suspicious person at 2078 Edd Road. The officer arrived at the location before his cover was assigned by the police dispatcher. Upon his arrival, the officer made contact with the citizen who had requested the assistance of the police. The citizen pointed out two individuals walking northbound in the 2000 block of Edd Road who appeared suspicious. One of the suspects was riding a

bicycle and the other was walking. The officer drove his vehicle a short distance to speak with the individuals. After making contact with the suspects, the officer obtained information from both suspects and conducted subject checks. The subject check revealed that Suspect #1 had an outstanding drug warrant. The officer at this point instructed Suspect #2, who was on the bicycle, to leave the location and instructed Suspect #1 to wait in front of the police vehicle. At this time both suspects made eye contact with each other and Suspect #1 fled on foot southbound from the location into a wooded area. The officer pursued Suspect #1 a short distance into the woods. When the officer caught up with Suspect #1 a struggle ensued which resulted in the officer on the ground and Suspect #1 sitting on top of the officer. Suspect #1 then attempted to take the officer's weapon but was unable to remove it from the holster. Suspect #1 then reached around the officer's gun belt and removed the officer's OC canister from its pouch. Suspect #1 pointed the OC canister towards the officer inches from his face and stated, "You fucked up now." Believing that Suspect #1 was about to spray him with the OC spray and fearing that his weapon would be taken which would cause him serious bodily injury or death, the officer fired one round from his service weapon striking Suspect #1 once in the chest. Suspect #1 was transported to Baylor Hospital by Dallas Fire Rescue where he was pronounced deceased. The officer sustained several scratches to his face and bruising to his neck but was not seriously injured.

STATUS: Under Investigation.

PREVIOUS CASE PRESENTATION:

Control #09-115

Council District: 8
Involved Officers: (1) Hispanic Male
(2) White Males
Suspect: (1) Black Male

On March 17, 2009, at approximately 9:30 p.m., officers in full uniform were dispatched on a Robbery in Progress at 733 Cliffview. Upon arrival at the location, the officers were advised by the dispatcher that the suspect, who was armed with a gun, was robbing the occupants inside Mobile Home #71. As the officers approached the mobile home, Officers #1 and #2 positioned themselves in a vacant lot across the street which allowed them to observe the front door of the home. Officer #3 positioned himself at the rear of the location. After covering off the location, the officers heard several shots coming from inside the home. Shortly after hearing the shots, Officers #1 and #2 observed the suspect exit the front door. As the suspect exited the front door, he observed Officers #1 and #2 at which time he fired several shots at the officers before fleeing to the rear of the home. Officers #1 and #2 did not have an opportunity to return fire before losing sight of the suspect. The suspect continued firing his weapon at Officers #1 and #2 as he fled to the rear of the home in the direction of Officer #3. Although Officer #3 was not in a position to see what was going on in front of the location, he could hear the shots being fired, so he sought cover behind a portable shed. Shortly after moving to cover, Officer #3 felt the suspect brush against his left shoulder as he ran past him. The suspect ran approximately

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ten feet past Officer #3, stopped and fired multiple shots at the officer. Fearing for his life, Officer #3 fired four rounds from his service weapon striking the suspect who fell to the ground.

The suspect was struck once in the abdomen and was transported to Baylor Hospital where he was listed in critical condition. No injuries were sustained by the officers.

After placing the suspect under arrest, officers searched the mobile home where they discovered two deceased individuals. The suspect has been charged with two counts of Capital Murder and three counts of Aggravated Assault on a Public Servant.

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

STATUS: Complete

Case #CN09-115 was presented at the April 20, 2009 Public Safety Committee Meeting.



Ryan S. Evans
First Assistant City Manager