



NEWS RELEASE

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May 2, 2017

FOR IMMEDIATE RELEASE

SPRINGFIELD POLICE OFFICER
FOUND JUSTIFIED IN JANUARY SHOOTING INCIDENT

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announced today that the prosecutor's office had concluded its review of the Springfield Police Department's investigation of the use of deadly force on January 1, 2017, by Springfield Police Officer Daniel Carlson and found that the shooting was a legally justified use of deadly force in self-defense. A copy of the letter to Springfield Police Chief Paul Williams detailing the prosecutor's findings is attached hereto.

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Chief Paul Williams
Springfield Police Department
321 E. Chestnut Expressway
Springfield, Missouri 65802

RE: Justified use of deadly force on January 1, 2017, by Officer Daniel Carlson,
SPD #17-00024

Dear Chief Williams,

The shooting of James Lewis by Springfield Police Officer Daniel Carlson during the course of a moving stand-off that ended near East Lynn Street and North National Avenue on January 1, 2017, was a justifiable use of deadly force by a law enforcement officer. Officer Carlson's use of deadly force was justified because he reasonably believed that such force was necessary to protect himself from what he reasonably believed to be the imminent threat of death or serious physical injury presented when Mr. Lewis pointed a handgun in the Officer's direction.

This conclusion was reached after a thorough investigation by the Springfield Police Department's Criminal Investigation Division and a review of that investigation including an examination of the facts in light of applicable Missouri law. This letter sets forth the legal standard and the material facts upon which I based my conclusion. The sole responsibility of the Prosecuting Attorney in this case is to determine whether the officer committed a criminal act by using deadly force or whether the officer justifiably used deadly force and, therefore, did not commit a criminal violation under the laws of this State.

Any circumstance in which a law enforcement officer uses his or her firearm is appropriately the subject of close scrutiny. At the same time, we all recognize that the use of deadly force by a law enforcement officer invites second-guessing of difficult decisions that must be made in a split-second during the most trying of circumstances. The facts of each case must be kept firmly in mind as we judge the reasonableness of an officer's actions. An officer's conduct in these situations cannot be fairly evaluated by hindsight speculations.

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THE LAW

With regard to the situation presented in this case, Missouri Revised Statutes, Section 563.031, provides that:

A person may use physical force upon another person when and to the extent he or she reasonably believes such force is necessary to defend himself or herself . . . from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person.

That statute further provides, in relevant part, that a person may only use deadly force in such circumstances if:

He or she reasonably believes that such deadly force is necessary to protect himself or herself . . . against death [or] serious physical injury . . .

FACTS

- At approximately 3:20 a.m. on January 1, 2017, James Lewis called 911 and stated that he was going to find and kill his wife and that he had a gun. As a result of that 911 call, dispatch put out the following information to responding officers,

CLR HAS A < LOADED GUN> AND THAT HE IS TRYING TO FIND AND KILL HIS WIFE CLR KEEPS SAYING "SHE LIED TO ME, SHE LEFT ME AND HAS BEEN TRYING TO HURT ME FOR THE PAST 10 YEARS" CLR WILL NOT TELL WHERE THEY LIVES. KEEPS SAYING "I DONT KNOW WHERE SHE IS BUT I WILL FIND HER AND I WILL KILL HER" JAMES IS A M/B IN A GREEN SUIT KEEPS SAYING HE HAS A "GOOD GUN THAT WILL DO WHAT HE NEEDS IT TO DO THATS ALL WE NEED TO KNOW" WIFE IS _____, CLR DISCONNECTED UNABLE TO REACH ON CALL BACK _____ IS HIS WIFE ONE M ON BICYCLE

- Multiple officers responded to Silver Springs Park and located Mr. Lewis, who matched the dispatched description, riding a bicycle in the parking lot located east of the basketball courts (#1 on the attached aerial photograph). As officers arrived Mr. Lewis began riding his bicycle in circles in the parking lot.
- The officers attempted to talk to Mr. Lewis calling him by name and asking him to stop and talk to them. Mr. Lewis responded by telling the officers "stay away from me."
- At one point as Lieutenant Fred Beck began to approach Mr. Lewis, Mr. Lewis stopped his bicycle and was reaching inside the basket on the rear of the bicycle but shielding his actions from the officers with his body. The officers told Mr. Lewis to show them his hands but he refused to comply and repeatedly told them to stay away from him.

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- When Lieutenant Beck began calling for an officer to retrieve less lethal bean bag rounds, Mr. Lewis got back onto the bicycle and rode across the foot bridge (#2 on the attached aerial photograph) in the middle of the park placing Jordan Creek between him and the officers.
- Mr. Lewis then began riding circles around a pavilion in the park (#3 on the attached aerial photograph) as the officers tried to get in position to box him in.
- Officer Daniel Carlson pulled his patrol vehicle on to the grass on the south side of the park and began following Mr. Lewis, keeping a short distance from him.
- While following Mr. Lewis, Officer Carlson observed Mr. Lewis turn his head and look at the patrol vehicle as he rode northeast through the grass. While riding to the east of a small brick retaining wall, Mr. Lewis reached with his left hand into his left coat pocket and pulled an item out. Mr. Lewis immediately pulled his left hand in close to his stomach and Officer Carlson was unable to see the item.
- Mr. Lewis continued pedaling the bike away from Officer Carlson's patrol vehicle with his right hand on the handlebars and his left hand hidden close to his body. Mr. Lewis then rode the bike back across the bridge in the center portion of the park (#2 on the attached aerial photograph). Officer Carlson stopped and exited his patrol vehicle because it would not fit on the bridge. When Officer Carlson exited the patrol vehicle he said, "Police, Stop!" Mr. Lewis looked at Officer Carlson but did not stop and continued through the grass onto a baseball field and then in a northeast direction across the park toward the intersection of Division Street and National Avenue.
- While other officers were on foot following Mr. Lewis as he rode his bicycle, Corporal Hill, the initial officer that contacted Mr. Lewis, got back in his patrol vehicle and drove east towards National and then north on National and could see Mr. Lewis still riding north through the park. Corporal Hill parked his vehicle in a small parking lot just north of the walking trail and Jordan Creek and on the west side of National (#4 on the attached aerial photograph). Corporal Hill put his spot light on Mr. Lewis, who then turned his bicycle and began riding in Corporal Hill's direction. Corporal Hill could see Officer Carlson on foot following Mr. Lewis, but some distance behind him.
- Because of the 911 call comments and because Mr. Lewis matched the description of the caller and was being non-compliant, Corporal Hill did not want to allow Mr. Lewis to pass by him and out of the park. Corporal Hill positioned himself on the walking trail from an access on the west side of National (Near #4 on the attached aerial photograph).
- As Mr. Lewis rode toward Corporal Hill, Corporal Hill removed his Taser electroshock less lethal weapon from the holster, turned it on and began yelling "James, stop and show me your hands" several times. Mr. Lewis was about twenty-five yards from Corporal Hill when he began yelling to him. Mr. Lewis did not stop and only responded, "stay away from me."
- Mr. Lewis continued riding toward Corporal Hill as he was yelling the same command and "Police, stop." From his position to the south of Mr. Lewis, Officer Carlson heard Corporal Hill giving numerous loud and clear verbal commands for Mr. Lewis to stop and show his hands.
- Mr. Lewis was about fifteen feet from Corporal Hill and still moving toward him when Corporal Hill discharged his Taser at Mr. Lewis' upper body. Officer Carlson heard two

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shots and observed Corporal Hill discharge his Taser. Simultaneously, Officer Carlson heard a louder shot and believed Mr. Lewis shot at Corporal Hill. The Taser deployment appeared initially successful because Mr. Lewis fell off of his bicycle onto the walking trail next to the guard rail between the walking trail and the creek. After he fell, Mr. Lewis was on his stomach with his left hand beneath his upper body. Corporal Hill yelled several times "put your arms out to your side" but Mr. Lewis did not comply. When the Taser stopped after it's programmed cycle, Mr. Lewis rolled his body toward his right side and Corporal Hill could see a black colored revolver laying on the concrete beneath Mr. Lewis' upper body with his left hand near the revolver. Corporal Hill continued yelling for Mr. Lewis to put his arms out to his side but he did not comply. Mr. Lewis moved his left arm in the direction of the revolver so Corporal Hill deployed the Taser again, but Mr. Lewis continued to move his upper body and arms. Corporal Hill could still see the revolver and began to step towards the revolver to try and sweep it away from Mr. Lewis with his foot. Officer Carlson had continued to follow Mr. Lewis on foot and was nearing Corporal Hill's location. As Corporal Hill stepped toward Mr. Lewis, Mr. Lewis moved his left arm to the revolver and Corporal Hill pulled the trigger on the Taser once more. Mr. Lewis then pulled the revolver towards him and rolled over into the creek. Corporal Hill yelled to Officer Carlson that Mr. Lewis had a gun as he saw Mr. Lewis picking the gun up and running east in the creek toward where the creek ran under National Avenue.

- Officer Carlson was sprinting toward Corporal Hill and Mr. Lewis when Mr. Lewis fell to the ground and rolled south from the sidewalk path and fell into the creek bed. Mr. Lewis immediately got up and began running through the creek eastbound under the tunnel and Officer Carlson observed a long revolver pistol in his right hand. Officer Carlson yelled "Gun!" several times for other officers to hear and ran to Corporal Hill.
- Officer Carlson and Corporal Hill began to search toward the tunnel. Officer Carlson heard Mr. Lewis' footsteps as he ran through the water in the creek on the opposite side of the divided tunnel under the National Avenue bridge. The footstep sounds stopped and were replaced with the sound of rustling of grass. Officer Carlson thought Mr. Lewis was possibly running around the top of the bridge to either flee or get behind and ambush Corporal Hill and him.
- Officer Carlson turned around and ran back up to the top of the northwest side of the bridge on National Avenue (near #4 on the attached aerial photograph) to search for Mr. Lewis. While searching with his flashlight and duty weapon, Officer Carlson observed tall grass on the sides of the concrete foundation of the National Avenue bridge. Officer Carlson moved toward the tall grass to continue the search and was on the east side of National Avenue on the side walk (approaching #5 on the attached aerial photograph) when he located Mr. Lewis approximately 4 feet away, laying on the ground on his back with his head toward Officer Carlson in the tall grass approximately one foot away from the concrete foundation of the bridge. Mr. Lewis was laying with his right arm to his right side and left arm to his stomach still holding the revolver in his left hand.
- Mr. Lewis quickly jerked his body and moved into a kneeling position and Officer Carlson began giving him additional verbal commands to drop the weapon. While kneeling, Mr. Lewis lifted the revolver and pointed it directly at Officer Carlson. Officer Carlson quickly fired one round from his duty weapon that missed Mr. Lewis. Mr. Lewis then quickly

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moved the revolver and deliberately pointed it to the ground holding the revolver approximately one foot away from his body.

- Mr. Lewis slowly stood up and looked at Officer Carlson out of the corner of his eyes still holding the revolver in his left hand. Officer Carlson continued commanding Mr. Lewis to drop the weapon. Mr. Lewis did not make any statements and did not drop the weapon. Instead, he began walking toward Officer Carlson's location on the sidewalk.
- Officer Carlson slowly backed up approximately five feet north on the sidewalk still giving Mr. Lewis commands to drop the weapon. There was no protective cover available to Officer Carlson and he continued to order Mr. Lewis to drop the gun. Mr. Lewis stopped walking once he reached the sidewalk directly south of and approximately ten feet from Officer Carlson.
- In the meantime, Officer Matthew Thomas (armed with a shotgun loaded with less lethal bean bag rounds), Officer Joshua Brown (armed with a patrol rifle) and Officer Brandon Gonzales (armed with a patrol rifle) had joined Corporal Hill underneath the National Avenue bridge over Jordan Valley Creek. As they moved tactically to the east from under the bridge, they were able to look up to the southwest and see Mr. Lewis' upper body as he was moving toward Officer Carlson. Officer Thomas had heard Officer Carlson's initial shot and called out shots fired on the radio. Officer Thomas then fired three bean bag rounds at Mr. Lewis. The first one struck Mr. Lewis in the chest briefly spinning him about 180 degrees to his left, but Mr. Lewis turned back north in Officer Carlson's direction. The second bean bag round had a similar effect, but Mr. Lewis again turned back toward Officer Carlson while raising his left hand with the pistol above his waistline. Officer Thomas quickly fired a third beanbag round and Officers Brown and Gonzales each fired one round from their patrol rifles that missed Mr. Lewis.
- Officer Carlson observed one of the bean bag rounds strike Mr. Lewis in the chest but it was not effective. When Mr. Lewis raised the revolver in his left hand with his arm bent, and pointed it at Officer Carlson, Officer Carlson fired two rounds at Mr. Lewis' chest, that missed. Mr. Lewis still had the weapon in his left hand with his arm bent, raised and pointed at Officer Carlson when Officer Carlson fired another round at Mr. Lewis' head and Mr. Lewis fell to the ground. Officers immediately secured Mr. Lewis, began rendering aid to Mr. Lewis and called for emergency medical units that had staged in the area.
- Just prior to the shooting, a pick-up truck with two civilian witnesses, MH and TK approached the bridge on National Avenue over Jordan Valley Creek from the south. MH was driving north on National Avenue and pulled over and stopped near Lynn Street just south of the bridge (near #6 on the attached aerial photograph) when he heard sirens and saw lights on police vehicles approaching from the other direction. MH saw Mr. Lewis emerge from the creek side and move toward the sidewalk. MH saw Mr. Lewis spin around and throw out an arm which MH perceived as Mr. Lewis pulling a gun. Upon hearing gunshots, MH ducked down behind his dash. TK was the passenger in the truck and saw Mr. Lewis waving his arms and said it looked like he might have had something in his hand. TK saw Mr. Lewis walking toward a police officer still moving his arm and then demonstrated how Mr. Lewis raised his arm toward the police officer prior to shots being fired. TK then ducked down in the floorboard of the truck.
- A H&R .22 caliber revolver was recovered from Mr. Lewis. The revolver was loaded with seven spent .22 caliber shell casings and two live .22 caliber rounds of ammunition.

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- Mr. Lewis died of a single gunshot wound to the head. The projectile recovered during the autopsy was consistent with the 9mm ammunition from Office Carlson's duty weapon.

The above factual findings are corroborated by the 911 call, the various police officer and civilian witness accounts, the dash camera video from Officer Brasser's patrol vehicle that partially captured the incident from a distance to the north, the physical evidence, forensic examinations, and radio traffic.

As stated above, the use of deadly force by Officer Daniel Carlson was legally justified. There will be no further action by this office with regard to the conduct of the officers in this case and I am returning the investigative reports to you with this letter.

A handwritten signature in dark ink, reading "Dan Patterson". The signature is fluid and cursive, with the first name "Dan" being more prominent and the last name "Patterson" following in a similar style.

Dan Patterson
Prosecuting Attorney

