



**LOUISVILLE METRO POLICE DEPARTMENT
PROFESSIONAL STANDARDS UNIT
INVESTIGATOR FINDINGS**

PSU-017
Revised 10/17

**TO: LIEUTENANT JEFFREY ARTMAN
COMMANDER, PROFESSIONAL STANDARDS UNIT**

**FROM: SERGEANT COREY ROBINSON
INVESTIGATOR, PROFESSIONAL STANDARDS UNIT**

DATE: FEBRUARY 6, 2019

**RE: PRELIMINARY FINDINGS AND CONCLUSIONS
CASE NUMBER 18-110**

**ACCUSED: OFFICER MATTHEW ADEN #7274
OFFICER DEVIN DAWES #7331
OFFICER CHRISTOPHER BRUCE #6318**

COMPLAINANT: CHIEF STEVE CONRAD

PRELIMINARY FINDINGS

Officer Matthew Aden

- LMPD SOP 9.1.3 De-Escalation-----Exonerated
- LMPD SOP 9.1.13 Use of Force-Use of Deadly Force-----Exonerated

Officer Devin Dawes

- LMPD SOP 9.1.3 De-Escalation-----Exonerated
- LMPD SOP 9.1.13 Use of Force-Use of Deadly Force-----Exonerated

Officer Christopher Bruce

- LMPD SOP 4.31.5 Wearable Video System/Body-Worn Camera-----Sustained

CASE SUMMARY

On April 8, 2018, Louisville Metro Police Department Officer John Moore and Officer Chris Bruce were dispatched to the area of Textile Avenue and Ash Avenue, on three persons doing drugs in a field. The caller stated he thought the subjects were staying in a vacant house on Textile Avenue and thought the subjects were known to the police. The caller listed the following names to the call taker: [REDACTED] and a third subject named [REDACTED]. Officer Moore and Officer Bruce observed [REDACTED] walking towards them. Officer

Moore asked [REDACTED] if he had permission to be on the property. [REDACTED] became extremely agitated and stated, "If ya'll gonna shoot me, do it! You know who I am!" [REDACTED] continued yelling at both officers and demanding they both shoot him. When Officer Moore asked his name, [REDACTED] told him he was God. Officer Moore then asked [REDACTED] if he had any weapons on him. [REDACTED] walked in closer to Officer Moore and told him, "You ain't taking me to jail!" [REDACTED] then took off running across the field.

[REDACTED] soon realized the officers did not give chase and stopped running. Now standing across the field from the officers he began yelling for the officers to shoot him again and he began sticking his hands into his jacket pocket. He then began saying he was going to shoot himself and shoot the officers, as he continued reaching into his pockets. Officer Moore gave [REDACTED] several verbal commands to remove his hands from his pockets and to also come back so they could speak. [REDACTED] continued to flee from the officers and would not allow them to gain any ground on him. Officer Moore requested the dispatcher secure the radio traffic and also requested the Air Unit as he and Officer Bruce continued to trail Mr. [REDACTED] in the distance. At this point Sergeant Chris Drumright and Officer Devin Dawes were in the area and were driving around in search of [REDACTED]

Officers eventually spotted [REDACTED] headed towards Crawford Avenue, still on foot. Officer Dawes located [REDACTED]. Officer Dawes exited his police vehicle and gave [REDACTED] commands to stop and get on the ground. Officer Dawes then said, "he's got a knife or screwdriver in his hand." He then gave additional commands for [REDACTED] to stop and drop the screwdriver, while holding [REDACTED] at gunpoint. Sergeant Drumright exited his own police vehicle to assist Officer Dawes and [REDACTED] took off running once again. Both Officer Dawes and Sergeant Drumright gave chase.

Officer Dawes soon located [REDACTED] in the driveway of [REDACTED]. [REDACTED] stood in the driveway, squared up to Officer Dawes, with a screwdriver in his right hand in an overhead, offensive position. [REDACTED] arm was placed in the first position of a stabbing motion. Officer Dawes gave multiple commands for [REDACTED] to drop the screwdriver while he held him at gunpoint. [REDACTED] stated, "do it. You're gonna have to do it". Sergeant Drumright deployed his Conducted Electrical Weapon (CEW). It had no effect on [REDACTED]. Officer Bruce, Officer Moore, Officer Harris and Officer Matthew Aden all arrived within moments of each other to assist. Officer Bruce and Officer Moore deployed their CEWs as well, with no effect on [REDACTED]. [REDACTED] yelled, "Ain't working, is it!?" Officer Aden elected to hold [REDACTED] at gunpoint. The officers continued to try and reason with [REDACTED]. Officers continued giving verbal commands to drop the screwdriver. Officer Aden told [REDACTED] "Just drop it! We're not trying to hurt you! Just drop it! Drop it! Drop it!" [REDACTED] aggressively charged at Officer Aden with the screwdriver raised in a position to stab Officer Aden with the screwdriver. Officer Dawes fired two shots at [REDACTED] and

Officer Aden fired 4-6 shots at [REDACTED] was struck and fell to the ground with the screwdriver still in his hand. [REDACTED] died from his wounds.

FACTS OF THE CASE:

- Sergeant Drumright deployed from Cartridge Bay 1 and Cartridge Bay 2 of his CEW, none of which completed a circuit.
- Officer Moore deployed from Cartridge Bay 1 and Cartridge Bay 2 of his CEW, none of which completed a circuit.
- Officer Chris Bruce deployed from Cartridge Bay 1 and Cartridge Bay 2 of his CEW; and reenergized Cartridge Bay 2 a second time, none of which completed a circuit.
- Only Officer Aden and Dawes fired their weapons.
- Officer Devin Dawes had previously encountered [REDACTED] Approximately one year prior at the Burger King located at 6902 Dixie Highway, Officer Dawes was the first on scene to a suicide attempt in which [REDACTED] stabbed himself in the belly. Officer Dawes helped control the bleeding until EMS took him.
- [REDACTED] sustained six gunshot wounds to the body of indeterminate range.

CONCLUSIONS

Per LMPD SOP on De-Escalation pertaining to interaction with subjects, officers should use advisements, warnings, verbal persuasion and other tactics as alternatives to higher levels of force. When Officer Dawes first encountered [REDACTED] he was operating under the assumption [REDACTED] was armed and dangerous based on the officers who had contact with home moments prior to his arrival. Officer Dawes addressed [REDACTED] at gunpoint, but with caution, and gave clear concise advisements for him to stop and get on the ground. Officer Dawes gave verbal advisements for [REDACTED] to drop his weapon and alerted the other officers [REDACTED] had a weapon in his hand. [REDACTED] took off running again and Officer Dawes pursued him on foot but at a controlled steady pace until [REDACTED] stopped and staged a standoff with the officers. Officer Dawes continued pleading with [REDACTED] to drop his weapon and allowed other officers to use their tasers to control him, as alternatives to higher levels of force. Officer Aden joined with Officer Dawes and pleaded with [REDACTED] to drop his weapon. He also tried to verbally persuade [REDACTED] he was not trying to hurt him. Officer Aden and Officer Dawes attempted to deescalate the situation from the moment they both encountered [REDACTED]

I recommend allegations of a violation of LMPD SOP 9.1.3 De-Escalation concerning Officer Matthew Aden be **EXONERATED**.

I recommend allegations of a violation of LMPD SOP 9.1.3 De-Escalation concerning Officer Devin Dawes be **EXONERATED**.

LMPD SOP 9.1.13 states, *“Deadly force is authorized in defense of oneself or another when the officer reasonably believes, based on the facts and circumstances, that the person against whom the force is used poses an immediate threat of death or serious injury to the officer or to another person.”* When [REDACTED] charged at Officer Aden, the officer felt in fear of his own life.

Officer Matthew Aden: “At that point he looks at me, looks back at someone else on the line, and comes at, at me in an aggressive manner, and uh, puts me in the feeling that I’m in danger for my life, fear for my life.” (Aden, p.5)

[REDACTED] actions caused Officer Dawes to fear for Officer Aden’s life as well.

Officer Devin Dawes: “I believe he was gonna hurt Officer Aden. I believe he was gonna try to stab him. He had it out, down, and just charged at him, full blast, and he was very close.” (Dawes, p.18)

The same policy also states officers are authorized to discharge their firearms *“in defense of human life, including the officer’s life, or in defense of any person in immediate danger of serious physical injury...”*. Officer Aden discharged his firearm in defense of his own life. Officer Dawes discharged his firearm in defense of his partner’s life.

LMPD SOP 9.1.13 further states, *“Officers discharging a firearm should remain cognizant of the following: The direction in which the firearm is to be discharged.”* Officer Aden was cognizant of the direction in which his firearm was to be discharged. Officer Dawes was also cognizant of the direction in which his firearm was to be discharged.

Officer Aden: “I saw that there were three or four of us, so I tried to get it to where I wouldn’t flag anybody, ‘cause I was gonna go lethal because I saw that there were multiple Tasers out, and I believe one lethal already.” (Aden, p.5)

Officer Dawes: “Uh, I rember tellin’ Sarge to step back ‘cause Sarge kinda gets in front o’ me when I’ve got my weapon pulled out, and I’m tellin’ him, you know, step back, step back.” (Dawes, p.6)

I recommend that allegations of a violation of LMPD SOP 9.1.13 Use of Force-Use of Deadly Force concerning Officer Matthew Aden be **EXONERATED**.

I recommend that allegations of a violation of LMPD SOP 9.1.13 Use of Force-Use of Deadly Force concerning Officer Devin Dawes be **EXONERATED**.

LMPD SOP 4.31.5 Wearable Video System/Body-Worn Camera states, *“Officers will activate their WVS in recording mode when they acknowledge a call for service. Officers will also immediately activate their WVS in recording mode prior to engaging in any other law enforcement activities or encounters.”* Officer Bruce did not activate his WVS at any point during the call for service. Also, Officer Bruce did not complete a Failure to Activate Wearable Video System form (LMPD #17-0002). “Uh, there was not a recordin’. I believed at the time that it was activated, but at the end of the night it was determined that it wasn’t. So for whatever reason, I failed to hit the button evidently to turn it on.” (Bruce 128-130). I recommend that allegations of a violation of LMPD SOP 4.31.5 Wearable Video System/Body-Worn Camera concerning Officer Christopher Bruce be **SUSTAINED**.

PREVIOUS DISCIPLINE TO BE CONSIDERED:

Officer Matthew Aden has no previous discipline to be considered.

Officer Devin Dawes has no previous discipline to be considered.

Officer Chris Bruce: 18-336	Chargeable Accident	Mandatory Driver’s Training & Written Reprimand
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