



Raleigh

MEMO

TO: Ruffin Hall, City Manager

FROM: C.L. Deck-Brown, Police Chief

DEPARTMENT: Police

DATE: March 17, 2020

SUBJECT: Preliminary Report of March 10, 2020, Officer-Involved Shooting

An officer-involved shooting occurred shortly before 7 p.m. on March 10, 2020, near the 1000 block of North Rogers Lane. The individual who was shot has been identified as 26-year-old Javier Torres. The North Carolina State Bureau of Investigation (SBI) is conducting an independent criminal investigation of the shooting and will present the completed investigation directly to Wake County District Attorney Lorrin Freeman for review. The Detective Division of the Raleigh Police Department is investigating the actions of Mr. Torres. Additionally, the Raleigh Police Department's Office of Professional Standards is conducting an administrative investigation into the incident. When complete, the administrative investigation will be reviewed by members of the Command Staff.

All investigations are ongoing, will be thorough, and will follow the available facts and evidence. Based upon the information currently available to the Department, a preliminary review of the incident provides the following:

At approximately 6:40 p.m., an individual called 911 to report a group of eight (8) males in front of a business located at 1030 North Rogers Lane. The caller stated that one of the subjects was "flashing a gun," and described him as a Hispanic male with a white t-shirt, blue jeans, white Jordans, and tattoos on both arms. This individual was later identified as Mr. Torres. Senior Officer J. Posthumus responded to the call. When he arrived, he observed a group of individuals and Mr. Torres walking away from the group with a white pizza box. When Officer Posthumus attempted to speak with Mr. Torres, he began to run. Officer Posthumus followed him on foot while other officers in the area followed Mr. Torres in patrol vehicles.

Mr. Torres ran across Rogers Lane and down Rogers Farm Drive toward Kingsborough Estates MHC (Mobile Home Community). Officer Posthumus continued to follow him while repeatedly ordering him to drop the gun that he could see pinned under his left arm. As Mr. Torres reached the dead end of Rogers Farm Drive, he dropped the pizza box and Officer Posthumus saw his right hand reach across the front of his body. He then saw the firearm in Mr. Torres' right hand as he entered a foot path at the dead end of Rogers Farm Drive.

Senior Officer J.E. Byrd was aware of the initial call for service and responded to assist Officer Posthumus. Prior to Officer Posthumus' arrival on the scene, it was decided that Officer Byrd would respond to Duckling Way, which was at the dead

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end of Rogers Farm Drive in the event the suspect fled in that direction. As Officer Byrd was driving on Duckling Way, via police radio traffic, he heard that Officer Posthumus was in a foot pursuit and was headed his way. Officer Byrd got out of his patrol vehicle and headed toward the footpath at the end of Rogers Farm Drive. As he approached the footpath, Officer Byrd could see Officer Posthumus chasing Mr. Torres down the street. He observed that Mr. Torres initially had a white box in his hand and could hear Officer Posthumus yelling commands for Mr. Torres to drop the gun. When he heard Officer Posthumus telling Mr. Torres to drop the gun, Officer Byrd drew his weapon and continued to move toward the dead end of Rogers Farm Drive. Just before Mr. Torres entered the footpath, Officer Byrd could see that he no longer had the white box in his hand.

When Mr. Torres ran out of the footpath, he was approximately 10 - 15 feet away from Officer Byrd and running directly toward him. By this time, Mr. Torres had the handgun in his right hand. When Officer Byrd first saw the gun in Mr. Torres' right hand, it was down by his right side. Officer Byrd then saw Mr. Torres raise the gun in his direction. Officer Byrd fired one shot, which struck Mr. Torres in the abdomen, causing him to drop the gun and fall to the ground.

Officer Posthumus immediately called for EMS while he and another officer on the scene began to render first aid until an ambulance arrived. Mr. Torres was transported to the hospital where he is currently receiving treatment. The gun carried by Mr. Torres and recovered at the scene of the shooting was a 9mm semi-automatic handgun with an extended magazine and an obliterated serial number.

Officer Posthumus and Officer Byrd were both equipped with body worn cameras, which recorded the encounter. Additionally, there was dash camera and body camera footage from other officers on the scene. On March 11, 2020, the City filed a petition in Superior Court for release of the body camera video that captured the events leading up to and including the shooting. This PETITION was heard before the Honorable Judge Graham Shirley on March 11, 2020. After hearing from the Police Attorney and the District Attorney, Judge Shirley granted the City's PETITION. All video that was authorized to be released by Judge Shirley has been posted to the Police Department's YouTube page and distributed to the media.

It should be noted that a false narrative quickly began to spread on social media based on misinformation at the scene of the incident. The only officer involved shooting that occurred on March 10, 2020 is described above. The Police Department has made every effort to be as transparent as possible about this incident from the very beginning. This includes releasing all relevant radio traffic and 911 calls as well as the dash and body camera footage of the incident.

Pursuant to departmental policy, Officer Byrd has been placed on administrative duty pending the completion of the criminal and administrative investigations.