



For Immediate Release
April 21, 2020

District Attorney Marc Bennett has completed the review of the use of deadly force that resulted in the death of Geoffrey Morris. The incident occurred on January 10, 2019 at 905 N. Main, in Wichita, Sedgwick County, Kansas.

SCOPE OF REPORT

This report details the findings and conclusions limited specifically to criminal liability of the Wichita Police Department Officer 1, who fatally shot Mr. Morris at 905 N. Main on January 10, 2019.

The Office of the District Attorney has no administrative or civil authority regarding use of force investigations. Therefore, this report does not address any administrative review that may be conducted by the Wichita Police Department, provide any assessment of policy considerations, or address questions of possible civil actions where a lesser burden of proof would apply.

Questions as to whether the use of force in any particular case could have been avoided or de-escalated if the law enforcement officer(s) or citizen(s) had behaved differently in the moments leading up to the fatal use-of- force may not be properly addressed in a criminal investigation.

The sole question addressed by the District Attorney is whether sufficient evidence exists to establish beyond a reasonable doubt that a violation of the criminal laws of the state of Kansas occurred in this instance.

SUMMARY

Sedgwick County District Court records show that Mr. Morris had been sentenced to the Kansas Department of Corrections in 2011 for conviction in Sedgwick County criminal cases, 2010 CR 1544 and 2010 CR 941; and again in 2014 for convictions in 2012 CR 2718 and 2013 CR 2977. On Monday, January 10, 2019, he had active warrants for parole violations. Additionally, on November 14, 2018 warrants were issued for Mr. Morris for failure to appear in Sedgwick County District Court in two pending cases: 2018 CR 3165 and 2017 CR 1636.

In their effort to serve the arrest warrants on Mr. Morris, Officers determined that Mr. Morris's girlfriend was scheduled to meet with her own probation officer on January 10, 2019 at 905 N. Main, Wichita, Kansas the office for Sedgwick County Community Corrections. The officers knew Mr. Morris's criminal history, knew he had carried a gun in the past and had expressed his unwillingness to return to prison. Based on this information, officers determined to approach Mr. Morris when he was alone.

On January 10, 2019, around 1300 hours Mr. Morris parked his vehicle in the parking lot of the probation department and his girlfriend walked in. Two Wichita Police Department officers parked south and west of the stall Mr. Morris had parked in and approached the parked vehicle on foot with guns drawn. They ordered Mr. Morris out of the car. A third officer, employed by state parole but assigned to a task force with the U.S. Marshal's Service, parked immediately behind Mr. Morris's car to block his escape to the north.

Mr. Morris refused to comply and first placed his vehicle into reverse, striking the vehicle driven by Officer 2. He then placed the vehicle into drive and accelerated south and east as Officer 1 stood directly east, next to the driver's door of the car. When Mr. Morris accelerated, Officer 1 thought Officer 2 had been struck and further feared he would also be struck. In response, Officer 1 fired his handgun, striking Mr. Morris three times, once in the head, once in the right shoulder and a "graze" wound to the left shoulder.

Mr. Morris was subsequently removed from his vehicle after it travelled south and east across Main Street. After two days of medical treatment in a local hospital, Mr. Morris was pronounced dead on January 12, 2019.

INVESTIGATION

The 2 Wichita Police Department officers and 1 agent with the Kansas Department of Corrections that were involved in the incident were removed from the area. The handgun issued to Officer 1 and Officer 3 were each secured. The three law enforcement officers gave voluntary, recorded statements to investigators with the Wichita Police Department, the Kansas Bureau of Investigations and the Kansas Highway Patrol.

Civilian witnesses were interviewed by Detectives with the Wichita Police Department and an investigator from the Kansas Highway Patrol. The statements of seven eyewitnesses are included herein.

Crime Scene Investigators from the Wichita Police Department processed the scene. Evidence was submitted to the Sedgwick County Forensic Science Center for examination.

CIVILIAN WITNESS STATEMENTS

Investigators interviewed several witnesses on scene and later at the Wichita Police Department.

Witness 1 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed.

Witness 1 told the detective that she arrived at 905 N. Main at approximately 1300 hours on January 10, 2019 so her boyfriend could meet with his probation officer.

Witness 1 stated that that after her boyfriend entered the building, she remained behind, sitting alone in her gold Chevy Malibu with the windows partially down looking at Facebook on her phone. She said there were cars parked on either side of her.

Not long after parking, Witness 1 said a car pulled up and parked “weird” in front of her

which caught her attention. She said a female police officer in uniform got out of that unmarked car. She believed that the female officer was the only one in that car. Witness 1 said that this female officer was running up to the front of a red car with her gun drawn and yelling several times: *“Get out of the car. Get on the fucking ground.”* Witness 1 said she then saw two more police officers with their guns drawn run up to the same red car that was parked one space from her.

Witness 1 said the red car then backed up and hit another parked car, which she believed was another police car. She said that the red car then drove forward, after backing into the other vehicle, and drove south over a parking block and that’s when the officers began firing their guns.

Witness 1 said she heard ten to fifteen shots fired, but did not see who was firing. Witness 1 said she saw the female officer running toward Main Street where the red car drove into a wall, after the shots were fired. Witness 1 said that one officer ran up to the red car and broke out a driver’s side window on the car. Witness 1 said she then got out of her own car and ran into 905 N. Main.

Witness 2 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed. Witness 2 was employed in 905 N. Main when this incident occurred.

Witness 2 said he was talking to a client in the lobby of 905 N. Main when the client called his attention to the parking lot. Witness 2 said he looked out and saw a car, which he could not describe, driving forward in a parking space and driving over the parking block. Witness 2 said he saw a male police officer wearing a black uniform and ball cap on the driver’s side of the vehicle that was driving forward. He estimated that the officer was approximately five feet away from the moving car. Witness 2 said that when the vehicle drove over the parking block, the officer started firing his gun. Witness 2 said he could see glass shattering on the driver’s side of the moving vehicle. He said there was a blond female officer in a black uniform there also, but he did not know if she fired. Witness 2 said he saw her running after the vehicle, with her gun drawn, as it drove toward Main

Street. Witness 2 estimated he heard ten to shots fired, but he couldn't say who fired all of the shots.

Witness 3 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed.

Witness 3 was sitting in a White Saturn Vue, in the rear seat on the driver's side, parked at 905 S. Main next to the red car involved in this incident

Witness 3 said that on January 10, 2019, she was sitting in the backseat on the driver's side of the white Saturn Vue that was parked facing south in a parking stall in the lot of 905 N. Main. She said that parked in the stall directly to the right (west) of the vehicle she was sitting in, was a red car. Witness 3 said that she observed a male police officer wearing a vest, which she described as a SWAT uniform, approaching the driver's side of the red car, from the front of the red vehicle. The male officer had his handgun out telling the driver of the red car, "*Get your hands up.*" She said the male officer was pointing his gun at the driver of the red car using both hands.

Witness 3 said the driver of the red car then put the vehicle in reverse and accelerated backwards hitting the SUV that was parked directly behind the red car. She said that the SUV went up on two wheels from the impact of the red vehicle, then came back down. Witness 3 said that she could not see the driver of this red car due to the tinted windows on the red car.

Witness 3 said that the red car then accelerated forward (south), after hitting the SUV. Witness 3 stated that when the red vehicle started going forward she saw an officer "jump," and the officers began shooting. Witness 3 stated she then put her head down.

Witness 3 believed that more than one officer fired, but she could not be sure. Witness 3 said multiple shots were fired, but she could not offer an estimate of the number of times. She went on to say that when she raised her head up, she saw the red car had hit a wall east of her location, and police officers were all around it.

Witness 4 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed.

Witness 4 was sitting in the driver's seat of the white Saturn Vue in the parking lot of 905 N. Main (The same vehicle Witness 3 and Witness 5 were in.)

Witness 4 said on January 10, 2019, he had taken his son to the probation office at 905 N. Main, and he was waiting for him in the car. Witness 4 said a red car pulled into the parking lot and parked next to the vehicle he was in. The red car parked on the passenger side (west) of his white Saturn.

Witness 4 said that someone, he believes it was a female, got out of the passenger side of the red car and went inside 905 N. Main. Witness 4 said that he glanced over and looked at the driver and saw a male with a beard wearing a hat. He did not look long enough to determine a race of the individual. He said the next thing he knew he saw three police officers approaching with their guns drawn saying: "*Show me your hands*" multiple times.

Witness 4 described the officers as one male and one female both dressed in black Wichita Police Department uniforms. He said these two officers approached the red vehicle from the front (South) with their guns drawn. Witness 4 said a third officer approached the red car from the rear (North), but he could not describe this officer. He only knew that this third person was an officer because after the incident, that person got into the SUV that had been rammed by the red car and drove over to the location where the red car came to rest.

Witness 4 said that when the officers approached, with their guns drawn he initially thought the police were talking to him, so he raised his hands in the air. He said that as he had his hands up, the red car next to him started up then went in reverse and slammed into an SUV that was behind the red car to the North. Witness 4 said the male officer was standing in the space between the passenger's side of Witness 4's white Saturn and the driver's side of the red car.

Witness 4 told the detective that after the red car hit the SUV that was parked to the north, the red car then went forward (south). He said it looked like one of the officers tried to break out the driver's side window as the vehicle started to go forward.

Witness 4 said that as the red car accelerated forward, the two officers who had approached from the front began shooting. Witness 4 said that the red vehicle drove in front of his (Witness 4's) vehicle between a handicap sign and another parked vehicle, which he believed was a blue Camry. He said that both the female officer, who was on the passenger side of the red car, and the male officer, who was at the front driver's side of the red car, fired at the red car. Witness 4 said that the male officer was right outside of his passenger side door, where his wife (Witness 5) was sitting when the officer fired. He described that it was close enough that some of the glass that shattered from the red car landed on his car.

Witness 4 went on to say that the red car proceeded across the parking lot and struck a pillar and then crossed Main Street and hit a wall. He observed the officers, who had approached the red vehicle from the front, run after the red car. He said he saw the officers remove the driver of the red car, after that he saw other officers and an ambulance arrive.

Witness 5 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed.

Witness 5 is the wife of Witness 4 and was sitting in the White Saturn Vue on the passenger side in the front seat.

Witness 5 said that on January 10, 2019, she was with Witness 4 (her husband) and Witness 3. They had driven to 905 N. Main to take her son to meet with his probation officer. She said her husband parked their white Saturn, and her son walked inside. While parked there, she said there was initially an empty parking spot next to their vehicle on the passenger (west) side. This empty parking stall was between their vehicle and a gold Le Sabre.

Witness 5 told the detective that while sitting in the car, she was talking to Witness 3 and 4. She said the next thing she saw was Witness 3 and 4 with their hands in the air. She said Witness 4 told her to get her hands up, which she did. Witness 5 said she then heard, *“Open your door. Put your hands up. Get out of the car.”*

Witness 5 said she then looked and saw a red car parked to the west on the passenger side of the car she was in, with a male wearing a hat in the driver's seat. Witness 5 said that she had not previously noticed this red car pull in.

Witness 5 said when heard the verbal commands, she saw the red car go in reverse, and she heard a “smash.” Witness 5 stated there was a police officer just outside of the door she was sitting at, which would be the front passenger side door of the white Saturn. She said the officer was between the passenger side of the white Saturn and the driver's door of the red car. Witness 5 said the officer was “banging” on the window of the red car with his gun. She said that two more officers were on the passenger side of the red car. She said one of those officers was a female.

Witness 5 said she heard several shots fired. She stated that she saw the officer fire three times into the driver's side window of the red car, which she saw him hit all three times. She said that as the shooting was happening, she was ducking down with her hands still raised. Witness 5 said that after the shooting, the red car went across the street, and she saw the officers remove the male and place him in an “arrest position.”

Witness 6 was interviewed by a detective with the Wichita Police Department. The interview was recorded and transcribed.

Witness 6 is Mr. Morris's girlfriend's probation officer and is employed at 905 N. Main.

Witness 6 stated that she had been previously contacted by Officer 2, with the U.S. Marshal Service, prior to January 10, 2019 and informed that Geoffrey Morris had two outstanding felony arrest warrants for him. Witness 6 learned that Mr. Morris's girlfriend was one of her probationers. Officer 2 told Witness 6 that he wanted to know the next time

Mr. Morris's girlfriend was scheduled to report for a probation appointment. Witness 6 had told Officer 2 that she was scheduled to come in at 1300 hours on January 10, 2019. Witness 6 stated that she was told the plan was to watch the girlfriend/ probationer when she left the appointment and follow her, in hopes of locating Mr. Morris. Witness 6 did say that she told Officer 2 that when the girlfriend comes to the office, a boyfriend waits for her in the car, but she wasn't sure who the boyfriend was.

Witness 6 stated that on January 10, 2019, she received an email from Officer 2 at approximately 1245 hours saying that they were "in place" at 905 N. Main. Witness 6 advised there are video cameras inside 905 N. Main and in the parking lot. She went on to say that her office is in the basement of 905 N. Main, but she can watch all of the cameras from her computer. She cannot hear any audio from the cameras, but the cameras do record.

Witness 6 said that while watching the cameras, she observed a red car pull into 905 N. Main and park between two cars. She stated that she saw a female get out of the passenger door of the red car, and she immediately recognized her as her client and the female that the officers were wanting to follow. Witness 6 stated that the woman entered the building and signed in on the computer; a notice then popped up on her computer indicating that her client was there.

Witness 6 stated that after the woman entered the probation office, she observed on her computer two (2) vehicles pull in and block the red car. She stated that there was a SUV that pulled in and blocked the red car from the back (north) and a two or four door car that parked in front (south) of the red car. She said she believed the two cars to be law enforcement vehicles.

Witness 6 said two uniformed officers got out of the car that pulled in front of the red car, and she believed that two officers got out of the SUV that blocked the red car from the rear. She said she could see that one of the officers, who approached from the front, had a gun drawn. She said she could not hear if anything was said, due to the lack of audio from the cameras, and because she was in the basement. Witness 6 said the officers barely

got out of their cars and the red vehicle went into reverse and hit the SUV. Witness 6 described that when the red car hit the SUV, the driver of the red car then put the car in drive and “floored it.”

Witness 6 said the red car went forward after striking the SUV. The vehicle then drove over a cement parking block and the car angled toward Main Street to get around the law enforcement car that was blocking it from the front. Witness 6 stated that the officers were still near their vehicles when the red car started moving forward. Witness 6 stated there was a police officer between the red car and a parked car.

Witness 6 said that the way the cameras were situated part of the scene was cut off due to the camera angle, and she could only see the back of the vehicle. Witness 6 was asked if she observed any of the officers shoot at the red car. She stated she only saw one officer fire because she could see a flash. She could not say if it was a male or female officer who fired given the limited camera view.

Witness 7 was interviewed by a trooper with the Kansas Highway patrol. Witness 7 is an intensive supervision probation officer (ISO) employed at 905 N. Main

Witness 7 said that on January 10, 2019, he had just finished up with a client and was standing in the lobby of 905 N. Main. Witness 7 said he observed a black SUV with lights on in the windshield pull up behind a red car that was in the lot. He then saw officers with their guns drawn moving “tactically” toward the red car. He said there were two uniformed officers on the driver’s side of the red vehicle and a uniformed officer on the passenger side of the red car towards the rear. Witness 7 could only describe the officers as being in dark uniforms; one possibly wearing a hat and one with a hooded sweatshirt.

Witness 7 said he could see that the officers were yelling orders, but he could not hear them. He then said the driver of the red car, “panicked” and threw the car in reverse and backed up and hit the SUV. Witness 7 said the SUV was struck hard enough to move it. Witness 7 stated that one officer attempted to break a window with an object he believed to be a “night stick.” Witness 7 said the red car hit the SUV with enough force to move it to

give the driver enough room to then drive his car forward over the two parking blocks in front of him and through the open space next to the car that was parked directly in front of him.

Witness 7 said it was when the red car was driving over the parking blocks that he heard the officers start firing. Witness 7 stated that he believed the two officers who fired were on the driver's side of the red car. He believed the officers fired eight to ten shots, possibly more than that. The vehicle then went out of his view.

Witness 7 was asked if the officers were standing still. He stated "No." Witness 7 made the statement: *"That guy coulda, coulda hit one of 'em easily."* He said the officers had to jump out of the way of the red car.

Witness 7 said his attention was focused on the two officer who were in front of him, which were on the driver's side of the red car; he said he did not focus on the officer on the passenger side. Witness 7 told the trooper that he didn't pay attention if the officers were male or female.

Mr. Morris's girlfriend was subsequently interviewed by a local television station, KWCH. She told the reporter that Mr. Morris knew he was wanted and had been on the run for some time. She said, *"he knew he was on borrowed time . . . he didn't have any intentions on hurting anybody but if anybody tried to stop him, like he wasn't going to let 'em stop him."*

LAW ENFORCEMENT OFFICER STATEMENTS

The three law enforcement officers involved in the shooting incident gave recorded voluntary statements afterwards:

Officer 1, an officer with the Wichita Police Department, was interviewed by a detective with the Wichita Police Department and a Special Agent with the Kansas Bureau of Investigations.

At the time of this incident, Officer 1 was a 13-year veteran of the Wichita Police Department and currently assigned to the Violent Crimes Unit of the Investigations Division. Prior to that assignment, he served as a SCAT and Patrol Officer. At the time of this incident, Officer 1 was wearing a black Wichita Police Gang Unit T-Shirt, black pants, a black ball cap with "WPD" on the front in white letters, a black outer ballistic tactical vest with a silver Wichita Police cloth badge displayed on the front along with "POLICE" in white lettering and also his name and rank in white lettering. On the back of the vest is: "POLICE" in white lettering. Officer 1 was wearing a body camera.

Officer 1 said he had been in contact with a Special Agent with the Kansas Department of Corrections (Officer 2) who was assigned to a task force with the United States Marshal's Service. Officer 1 was aware that there was an active felony arrest warrant for Geoffrey Morris, and he had been communicating with Officer 2 about locating Mr. Morris and apprehending him. Officer 1 knew that besides the active felony warrant for Mr. Morris, there had also been two prior Wichita Police cases made where Geoffrey Morris had been listed as a suspect for pointing a firearm at two different people.

Officer 1 knew that Mr. Morris was in a domestic relationship with a specific female. Officer 1 believed he knew the address where this female was living. Officer 1 went on to say that he had arranged with Officer 2 to conduct surveillance at the Sedgwick County Department of Corrections, located at 905 N. Main because it was known that the female associating with Mr. Morris had an appointment at that address on January 10, 2019. The plan was to follow her when she left that location to see if she could lead them to Mr. Morris. On that date, Officer 1 indicated that he was driving an unmarked undercover vehicle, even though he was wearing an authorized Wichita Police uniform. Officer 1 was accompanied by Officer 3 in the same car.

Officer 1 stated that he and officer 3 went to a residence on Mossman Street where Mr. Morris's domestic partner was believed to be residing in order to watch that location to try locate Mr. Morris. Officer 1 told Officer 2, who was watching 905 N. Main, what they were doing.

Officer 1 said that as he sat off the residence, he observed a red Ford Focus back into the driveway of the house next to the address where Mr. Morris's domestic partner was staying. Officer 3 told Officer 1 that she observed someone walk to the red Ford Focus. Officer 1 stated that at approximately 1255 hours, he observed the red Ford Focus leave, and he communicated to Officer 2 that he was following the vehicle. Officer 1 said he followed the vehicle and observed a male driving the car. Officer 1 was eventually able to see that the male who was driving was Geoffrey Morris. He recognized him from a mugshot he had of Mr. Morris. Officer 1 also saw that Mr. Morris's domestic partner was a passenger in the same vehicle.

Officer 1 said the red Ford Focus parked between two vehicles in the lot of 905 N. Main. Officer 1 told Officer 2 to pull in and block the red car from the rear in order to prevent an escape, and he would block the car from the front. Once Mr. Morris's girlfriend entered 905 N. Main, Mr. Morris was then alone in the driver's seat of the red Ford Focus.

Officer 1 said he did not want to pull his vehicle directly in front of Mr. Morris's vehicle out of concern due to Mr. Morris's violent history, and prior incidents fleeing from police. Officer 1 was concerned Mr. Morris may try and flee after seeing the officer, and Officer 1 was concerned that he could be pinned between the two cars in the event Mr. Morris tried to flee in the red vehicle.

Officer 1 said that Officer 2 pulled in behind the red Ford Focus Mr. Morris was seated in, with his emergency lights on. Officer 1 said, at that same time he (Officer 1) pulled up in front of the red vehicle, and he and Officer 3 exited their vehicle approaching Mr. Morris on foot. Officer 1 crossed in front of Officer 3 and approached the red vehicle from the front driver's side. Officer 1 said he then lost sight of Officer 3. Officer 1 said he could see Mr. Morris sitting in the driver's seat of the red Ford staring down at his phone. Officer 1 said he had his handgun drawn as he approached the red car, and told Mr. Morris: "Show me your hands" twice and believes that he told him that he was under arrest. Officer 1 stated that when he said this, Mr. Morris looked up and they made eye contact with one another.

Mr. Morris then put the vehicle in reverse and “punched it” striking Officer 2’s vehicle. Officer 1 said the red Ford then drove forward in his direction. Officer 1 said he believed that he was about to be run over by the car Mr. Morris was driving and be pinned between the red Ford and another vehicle parked there. Officer 1 said that based on his fear of being run over, and the fact that Geoffrey Morris had just rammed the vehicle of Officer 2, he fired three shots from his duty handgun into the car Mr. Morris was driving as it drove by him. Officer 1 said that as the red Ford fled, he saw one side of the vehicle “rise up” in the air and he believed Officer 3 had just been run over and he expected to see Officer 3’s body come out from under the vehicle. As a result, Officer 1 then fired one more shot at the vehicle Mr. Morris was driving. Officer 1 said he fired this last shot believing that Officer 3 was trapped under the vehicle.

Officer 1 said he later determined that the reason one side of the red Ford Focus went into the air was because the vehicle struck a curb/parking block, not Officer 3. Officer 1 said the red Ford then rolled into a wall.

Officer 1 approached the red Ford Focus and saw that the driver’s side window had been shot out. He then broke out the rest of the window, cutting his hand, and observed Mr. Morris lying across the seat of the vehicle. Officer 1 said he removed Mr. Morris, who was unresponsive, from the car and laid him face down on the ground and was handcuffing him when Officer 3 stated that Mr. Morris had a gun. Officer 1 observed a black handgun in a shoulder holster worn by Geoffrey Morris. Officer 1 reported that he radioed in that shots had been fired at 905 N. Main, and he pronounced Mr. Morris “Code Blue” which means no pulse or respiration was detected.

Officer 2, a Special Agent with the Kansas Department of Corrections, was interviewed by a detective with the Wichita Police Department and a Special Agent with the Kansas Bureau of Investigations.

At the time of this incident Officer 2 was a Special Agent with the Kansas Department of Corrections assigned to “Enforcement Apprehension Investigations.” He was also a part of a task force for the United States Marshal’s Service. He stated that his primary duty was to

execute arrest warrants for parole violators. He said he had been in that position since 2011. Prior to that, he stated that he was police officer for the City of Derby from 2003 - 2008. At the time of this incident, Officer 2 was wearing a black sweatshirt, tan pants and a green tactical vest with a cloth U.S. Marshal badge and the word "POLICE" on the front of the vest and "U.S. Marshal" "Police" and "FUGITIVE TASK FORCE" on the back of the vest. Officer 2 was not wearing a body camera.

Officer 2 said he had been contacted by Officer 1 and informed that Geoffrey Morris was wanted for felony warrants for Robbery. Officer 2 stated that he was familiar with Mr. Morris and his domestic partner. He knew Mr. Morris had been arrested before by KDOC and has been armed with firearms when arrested. Officer 2 indicated that he had not personally arrested Mr. Morris before, but he had arrested Morris's domestic partner in the past.

Officer 2 said that when he was contacted by Officer 1 on January 10, 2019, he looked up the domestic partner of Mr. Morris and saw that she had an appointment at Community Corrections at 1300 hours that day at 905 N. Main. Officer 2 said their plan was to conduct a "loose" surveillance on the domestic partner in hopes of locating Geoffrey Morris.

Officer 2 said Officer 1 contacted him and told him he was going to check a residence on Mossman Street where Mr. Morris's domestic partner was possibly staying. Officer 1 then spoke to him over the radio and told him that he was following a red Ford Focus, provided the tag number, and informed him that he was going to follow the vehicle to see who was in it. Officer 2 indicated that he was sitting in the area of 905 N. Main, and Officer 1 radioed him that Geoffrey Morris was driving the vehicle.

Officer 2 said he and Officer 1 decided they would try to box the vehicle in if it parked in the lot at 905 N. Main. He said they made the decision not to try and conduct a car stop of the vehicle on the road because Mr. Morris had run from the police using vehicles in the past.

Officer 2 said the red Ford Focus parked between two cars in the parking lot of 905 N. Main and there was a vehicle parked in front of it. Officer pulled the Dodge Durango he was driving within three to five feet north of the vehicle Geoffrey Morris was in, with his emergency lights on. Officer 2 said that Mr. Morris's domestic partner had already exited the red Ford and gone inside 905 N. Main. Officer 2 said he then exited his Durango on foot. Officer 2 said Officer 1 and Officer 3 were already approaching the red Ford Focus and Officer 1 was identifying them as police and giving verbal commands. Officer 2 could not remember exactly what was said.

Officer 2 observed the red car pull forward a little bit, and then he saw the vehicle's backup lights come on and heard the engine accelerate. The red Ford then went backward ramming the Dodge Durango. Officer 2 said he was standing off to the side of the driver's side of the red Ford, and he struck the driver's door window with the butt of his handgun out of instinct. Officer 2 said he remembered hearing the other officers saying "Stop the car" and "Get out." He said the driver of the red vehicle moved forward, angling the red Ford toward Officer 1. Officer 2 said it was then that he heard Officer 1 scream and shots being fired. Officer 2 stated his first thought was that Officer 1 had been injured, "I thought he got hit at first." Officer 2 said the vehicle went over the parking block and then east toward Main Street, after crashing into other vehicles. Officer 2 said he thought there was going to be a car chase, so he ran back to his Dodge Durango and proceeded toward Main Street.

Officer 2 said Officer 1 & 3 had already reached the red Ford on foot by the time he got to where the red Ford had stopped. Officer 2 said Officer 1 removed Mr. Morris from the red Ford and placed him on the ground. Officer 2 indicated that when Mr. Morris was rolled over, he could see that his (Mr. Morris's) eyes were open and his breathing was irregular. Officer 2 stated that it was radioed in that Mr. Morris was "Code Red." Officer 2 put on gloves and felt that Mr. Morris had a wound to the head and possibly a gunshot wound to the chest. Officer 2 said he applied pressure to the wound to the head until being relieved by the fire department. Officer 2 said that prior to putting on his rubber gloves, Officer 3 handed him a black and silver handgun. Officer 2 did not fire any shots.

Officer 3, an Officer with the Wichita Police Department, was interviewed by a detective with the Wichita Police Department and a Senior Special Agent with the Kansas Bureau of Investigations.

At the time of this incident, Officer 3 had been employed by the Wichita Police department for five years and was assigned to the Gang Unit in the Investigations Division. At the time of this incident, Officer 3 was wearing a black hooded Sweatshirt, black pants, and a black ballistic tactical vest with a silver Wichita Police department badge on the front of it and a duty belt. Officer 3 was wearing a body camera.

Officer 3 told the detectives that on January 10, 2019, she was working with Officer 1. She said the two of them had been in contact with Officer 2 trying to locate Geoffrey Morris who had active felony warrants out for his arrest. Officer 3 said she was familiar with Geoffrey Morris because she had done a rotation in Investigations and had been involved with doing a follow-up investigation on two cases where Mr. Morris had allegedly pointed a firearm at a two different people on two different occasions.

Officer 3 had learned, through Officer 1, that Mr. Morris's domestic partner was possibly staying at a residence on Mossman Street and that this domestic partner had an appointment with Community Corrections at 905 N. Main on January 10, 2019. That day, Officer 3 said she rode with Officer 1, who was driving an unmarked undercover vehicle. Officer 3 and Officer 1 sat off an address on Mossman Street to try to gather intelligence as to where Geoffrey Morris might be. Officer 3 said she could see a red Ford Focus parked in the driveway of the duplex on Mossman Street.

Officer 3 said that while watching this residence, she observed a female with blond hair come out of the residence and get into the passenger seat of the red Ford. She also observed a second person get into the driver side of that same vehicle, but she could not tell whether it was a male or female because her view was obstructed. When the red vehicle drove off, Officer 1 and 3, who were in the same police vehicle, followed it. While following the vehicle, Officer 3 stated that she recognized that it was Geoffrey Morris driving the car.

Officer 3 said that Officer 2 was notified that Mr. Morris was driving the vehicle that they were following. Officer 3 indicated that she discussed with Officer 1 and 2 that they should box the vehicle in when it parks. Officer 3 stated that she told Officer 1 that they all needed to draw their guns on Geoffrey Morris, when they get out of their vehicles to arrest him, because she was in fear that Mr. Morris may try and kill an officer to get away.

Officer 3 described that when Mr. Morris parked in the lot of 905 N. Main, Officer 2 pulled in behind the red Ford to block its escape from the rear. Officer 3 stated that Officer 1 pulled the vehicle that they were in in front of the red Ford to block the vehicle. Officer 3 stated that she could see that Mr. Morris's domestic partner was no longer in the red car. Officer 3 described that she exited the passenger side of her vehicle and pointed her handgun at Geoffrey Morris and at the same time yelling: "Geoffrey get out of the car. Police. Get out of the car." Officer 3 stated that Mr. Morris looked up at them and, in her words, "panics." Officer 3 described that she went to the passenger side of the red Ford and struck the passenger side window of the vehicle with her hand while giving him commands to get out of the car. She described that Mr. Morris then put the red Ford in reverse and ran into Officer 2's vehicle. She then said that Mr. Morris then drove forward. Officer 3 indicated that she was going to shoot at Mr. Morris because she was in fear that he was going to run over one of them or pin her against a car, but she could see that Officer 1 was on the driver's side of the red Ford with a parked vehicle behind him, and she didn't want to fire in his direction. Officer 3 stated that Mr. Morris turned the car in Officer 1's direction. Officer 3 indicated that as the vehicle passed her and Officer 1, striking parked cars, she was in fear that Mr. Morris was going to hit Officer 1, herself or a pedestrian. Officer 3 stated that she then fired several shots, unknown how many, at Mr. Morris and continued to fire her weapon until the vehicle struck a wall and came to a stop. Officer 3 stated she heard Officer 1 fire at least one shot. Officer 3 said that she believed that Mr. Morris had struck and injured Officer 1 with that red vehicle.

Officer 3 described that she and Officer 1 then ran to the red Ford to find Mr. Morris slumped over in the car. Officer 3 described that Officer 1 then removed Mr. Morris from the vehicle and laid him on the ground, and she could see that he was breathing. When Officer 1 did this, Officer 3 said that she then observed a handgun in a nylon holster

around Mr. Morris's neck. Officer 3 stated that she got on the radio and said shots had been fired and requested EMS.

CRIME SCENE INVESTIGATION

Wichita Police Department Crime Scene Investigators processed the scene of the shooting which was photographed and diagrammed. Scene Investigators located, photographed, and collected items of physical evidence including seven cartridge casings fired by Officer 1 and twelve cartridge casings fired by Officer 3. Officer 2 did not fire a weapon.



Aerial of 905 N. Main following shooting.



Still photo taken from surveillance camera at 905 N. Main



Handgun removed from Mr. Morris's shoulder holster & placed on trunk of his car by law enforcement officer.

FORENSIC EVIDENCE & AUTOPSY RESULTS

The firearm evidence collected from the scene of the shooting including nineteen .9 mm cartridge casings, department-issued handguns, and two bullet/projectiles from the autopsy of Geoffrey Morris, all of which were subsequently examined by the Kansas Bureau of Investigation.

According to the report from the Sedgwick County Regional Forensic Science Center, dated June 21, 2019, all the *comparable* cartridge casings collected at the scene were identified as “having been fired in” the handguns issued to Officer 1 and officer 3. The weapons each met the definition of a firearm and were functional.

An autopsy was performed on the body of Geoffrey Morris on January 14, 2019, at the Sedgwick County Regional Forensic Science Center. The final autopsy report, dated April 12, 2019 determined that Mr. Morris died as a result of “a gunshot wound of the head.” According to the autopsy, Mr. Morris sustained one gunshot wound to the head, one to the right shoulder and a “graze” wound to the left shoulder. One “copper-jacketed projectile” was recovered from Mr. Morris’s head and a second “copper-jacketed projectile” was recovered from the “lateral aspect of the right side of the chest.” Toxicology determined he had 1.3 ng/L THC in his blood.

The two bullet fragments collected from the body of Mr. Morris were identified as having been fired from the handgun of Officer 1.

KANSAS LAW

In Kansas all persons, including law enforcement officers, are entitled to defend themselves and others against the use of unlawful force. K.S.A. 21-5220 states:

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such

other's imminent use of unlawful force.

(b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.

(c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.

The term “use of force” includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. “Use of deadly force” means the application of any physical force which is likely to cause death or great bodily harm to a person.

The Kansas Supreme Court has made clear that the analysis of a self-defense claim presents a “two prong test”:

“The first is subjective and requires a showing that McCullough sincerely and honestly believed it was necessary to kill to defend herself or others. The second prong is an objective standard and requires a showing that a reasonable person in [the same] circumstances would have perceived the use of deadly force in self-defense as necessary.” *State v. McCullough*, 293 Kan. 970 (2012).

With respect to a law enforcement officer’s use of force, in *Graham v. Connor*, 490 U.S. 386, 396 (1989), the United States Supreme Court clarified that any assessment of objective reasonableness must take into account the contextual realities faced by the officer:

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

“The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

A. Immunity

In 2010, the Kansas Legislature enacted a series of statutes addressing the use of force,

including the use of deadly force, in the defense of a person or property, including a person's dwelling. See K.S.A. (2018 Supp.) 21-5220 et seq. The new statutes became effective on July 1, 2011, and are commonly known as this state's "stand your ground law." *State v. Barlow*, 303 Kan. 804 (2016); *State v. Younger*, unpublished opinion, No. 116, 441 (Feb. 16, 2018).

K.S.A. 21-5231 (2018 Supp.) **Immunity from Prosecution**, reads,

- (a) A person who uses force which is subject to the provisions of K.S.A. 21-5226, and amendments thereto, is justified pursuant to K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer.

K.S.A. (2018 Supp.) 21-5222, **Defense of A Person, . . . no duty to Retreat**, reads,

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such other's imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of force is necessary to prevent imminent death or great bodily harm to such person or a third person.

K.S.A. (2016⁸ Supp.) 21-5224, **Use of Force; presumptions**, reads,

- (a) . . . a person is presumed to have a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to such person or another person if:
 - (1) The person against whom the force is used, at the time the force is used:
 - (A) Is unlawfully or forcefully entering or has unlawfully entered and is present within, the dwelling, place or work or occupied vehicle of the person using the force; or
 - (B) has removed or is attempting to remove another person against such person's will from the dwelling, place of work or occupied vehicle of the person using the force; and
 - (2) The person using the force knows or has reason to believe that any of the conditions set forth in paragraph (1) is occurring or has occurred.

No such presumption of reasonableness exists if the person utilizing force does so against a law enforcement officer per K.S.A. 21-5224(b)(4):

(b) The presumption set forth in subsection (a) does not apply if, at the time the force is used:

. . . (4) the person against whom the force is used is a law enforcement officer who has entered or is attempting to enter a dwelling, place of work or occupied vehicle in the lawful performance of such officer's lawful duties, and the person using force knows or reasonably should know that the person who has entered or is attempting to enter is a law enforcement officer.

K.S.A. 21-5230, addresses the **duty to retreat**,

“A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has *no duty to retreat* and has the right to stand such person's ground and use any force which such person would be justified in using under article 32 of chapter 21 of the *Kansas Statutes Annotated*, . . . K.S.A. 2018 Supp. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and amendments thereto.”

On March 10, 2017, in *State v. Hardy*, 305 Kan. 1001, 390 P.3d30 (2017), the Kansas Supreme Court recognized that immunity granted by K.S.A. 21-5231 is distinct from self-defense, citing with approval the dissent in *State v. Evans*, 51 Kan.App.2d 1043 (2015):

Self-defense and immunity are clearly distinct concepts. If immunity were the same as self-defense, there would have been no need to adopt a specific immunity statute because K.S.A. 2014 Supp. 21-5222 would have sufficed. Perhaps most importantly, because K.S.A. 2014 Supp. 21-5231 grants immunity from arrest and prosecution rather than a mere defense to liability, it is effectively lost if a case is erroneously permitted to go to trial. [citation omitted] . . . [a] prosecutor must rebut a claim of statutory immunity before the case can go to trial. *Hardy*, 305 Kan. at 1009-1010.

B. Use of Force During Arrest

K.S.A. 21-5227, Use of Force; law enforcement officer making an arrest, States:

“A law enforcement officer, or any person whom such law enforcement officer has summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Such officer is justified in the use of any force which such officer reasonably believes to be necessary to effect the arrest and the use of any force which such officer reasonably believes to be necessary to defend the officer's self or another from bodily harm while making the arrest. However, such officer is

justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.”

CONCLUSION

On January 10, 2019, Officer 1 exercised deadly force resulting in the death of Geoffrey Morris.

Under K.S.A. 21-5222(b), a person may employ deadly force when the person reasonably believes that deadly force is necessary to prevent imminent risk of great bodily harm to another.

Since 2011, under the Kansas stand your ground law, one who acts in defense of himself or to protect a third party is immune from prosecution. See K.S.A. 21-5231. Meaning, a person may not be charged, prosecuted (or subsequently sued) unless the state can establish that they were not acting reasonably under the circumstances. In *Graham v. Connor*, the United States Supreme Court made clear that assessment as to the reasonableness of an officer’s decision to utilize deadly force must be made within the context in which the officer found himself – not from the perspective of “20/20 hindsight.”

The investigation established that Geoffrey Morris refused the verbal commands of Officer 1 and Officer 3 as they approached his car. Instead, he put the parked car into gear, accelerated backward striking the vehicle driven by Officer 2, then accelerated forward south and east. The actions of Mr. Morris constituted what Officer 1 and Officer 3 each believed to be a threat of force, likely to cause great bodily harm or death to both officers. As such, Officer 1 reasonably believed Mr. Morris posed an imminent lethal threat both to himself and Officer 3, and fired his weapon in response, causing the death of Mr. Morris. Under these circumstances, the officers are immune from prosecution under Kansas law.

Under Kansas law and the facts of the case, I conclude that no criminal charges will be filed against the officers.

A handwritten signature in black ink, appearing to read "Marc Bennett". The signature is fluid and cursive, with a long horizontal stroke at the end.

District Attorney Marc Bennett
*18th Judicial District of
Kansas*