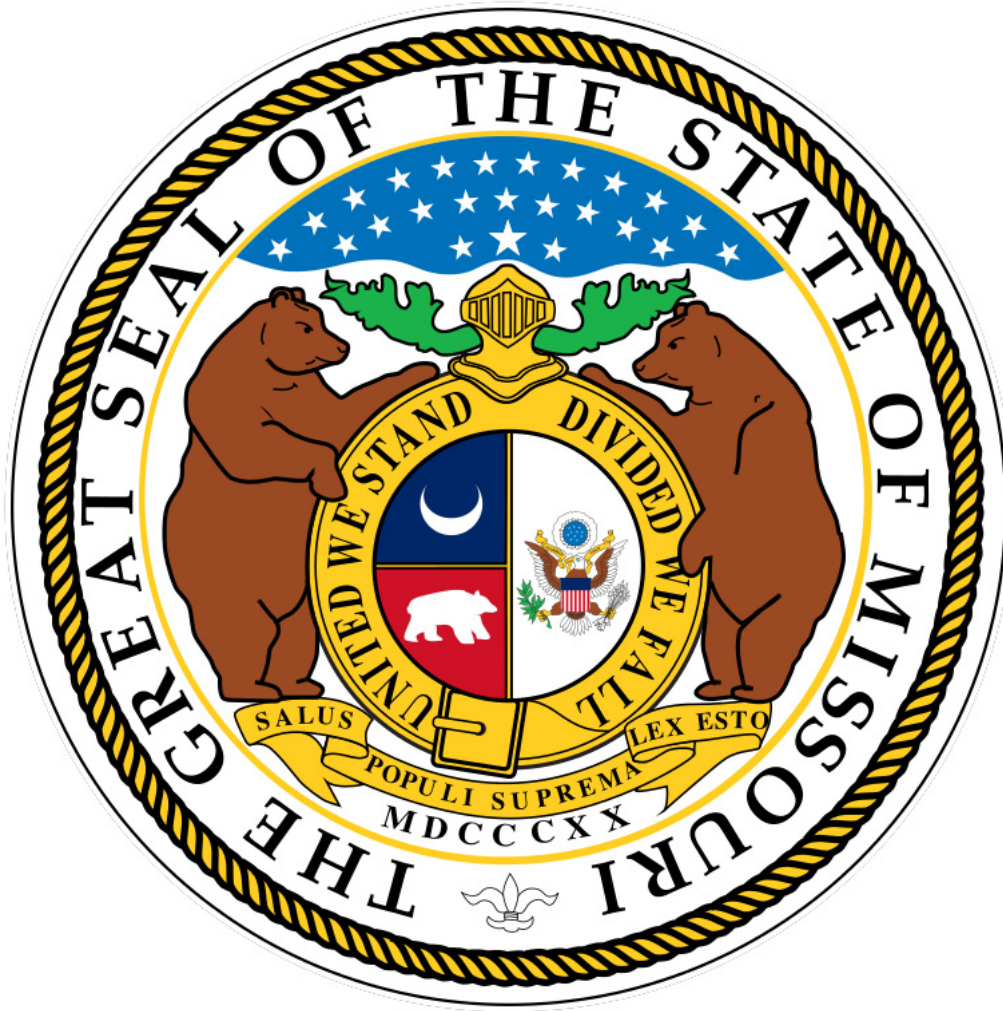


**Platte County Prosecuting Attorney's Report:
Officer-Involved Shooting of Johnathon Heath-Taylor**



March 2024

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I. INTRODUCTION

a. The Role of the Prosecuting Attorney's Office in Officer-Involved Shootings

Law enforcement officers perform the vital job of enforcing federal, state, county, and municipal, laws. The enforcement of these laws sometimes brings law enforcement officers into direct conflict with persons who may be armed and dangerous. When legally justified, law enforcement officers are permitted to use lethal force.

The use of deadly force is set forth by Chapter 563 of the Revised Statutes of Missouri. When law enforcement officers use deadly force, the public has a right to expect that a complete, thorough, and transparent investigation will be conducted and that all parties will be held legally accountable for their actions.

To ensure this expectation is met, assistant prosecuting attorneys with the Platte County Prosecuting Attorney's Office are on call 24 hours a day to respond to the scene of every officer-involved shooting in the county. When an officer-involved shooting occurs, one or more assistant prosecuting attorneys respond to the scene immediately in order to view the evidence and assist law enforcement in conducting a complete and thorough investigation. In most cases, Platte County Prosecuting Attorney Eric G. Zahnd personally responds to the scene. After the investigation is concluded, the Prosecuting Attorney's Office conducts a comprehensive and objective review of the results of the investigation to determine whether the officers involved acted lawfully in using deadly force. This process concludes with Prosecuting Attorney Zahnd personally reviewing the case, discussing it with senior assistant prosecuting attorneys, and determining whether the use of force was lawful or unlawful. Written notice of the decision is then provided to all involved law enforcement agencies, the investigative agency, and the officers involved.

The Prosecuting Attorney's Office's legal determination of whether a shooting is lawfully justified is a determination distinct from any inquiry regarding an officer's compliance with departmental policies, procedures, or law enforcement tactics and techniques. In reviewing the use of deadly force, the Prosecuting Attorney's Office is limited to determining whether an action taken was reasonable and justifiable according to the law.

This review process is in place to ensure that complete, thorough, and transparent investigations are conducted. When properly implemented, these procedures produce professional investigations that hold all responsible parties accountable. This process is meant to provide transparency and give the public an increased confidence in local law enforcement and the rule of law.

b. The Investigation of the Shooting of Johnathon Heath-Taylor

In this case, Prosecuting Attorney Eric Zahnd, First Assistant Prosecuting Attorney Mark Gibson, and Assistant Prosecuting Attorney Sydney Alizadeh, responded to the scene of the shooting shortly after it occurred late in the early morning of Thursday, August 10, 2023. The Platte County Sheriff's Office—none of whose officers were involved in the shooting—carried out the investigation.

The investigation started immediately after the shooting occurred. Interviews of all the non-law enforcement witnesses were conducted at the scene. Pursuant to the policy of the Leavenworth Police Department involving officer-involved shootings, only preliminary questions were asked of the officers involved in the shooting at the scene. Formal interviews of the officers who fired their weapons were conducted at a later date.

All police weapons were confiscated and a round count was conducted. A total of fourteen rounds were expended. A police canine was brought to the scene of the shooting in order to assist officers in the crime scene investigation.

Crime scene analysts with the Kansas City Crime Laboratory (KCPL) responded to the scene to collect evidence and process the scene. Deputies of the Platte County Sheriff's Department flew a department issued drone on three separate occasions to document the scene.

A dark blue, Chevy Silverado bearing Kansas license plate number 202 SAR, driven by Johnathon Heath-Taylor, was towed by KCPL to a Kansas City Police Department impound lot to conduct a bullet trajectory analysis. Search warrant applications for the Chevy Silverado and an Android cell phone found on the scene near Mr. Heath-Taylor's body were applied for and granted.

All law enforcement officer dash camera and body camera footage, as well as dispatch and 911 recordings, were acquired and reviewed.

An autopsy of the body of Johnathon Heath-Taylor was conducted on Monday, August 14, 2023.

Throughout the investigation, the members of the Prosecuting Attorney's Office remained engaged with Platte County Sheriff's Office detectives. All evidence was shared in a timely manner. Assistant Prosecuting Attorneys had multiple in-person conversations with lead investigators on the case as the investigation unfolded.

After the investigation was completed, First Assistant Prosecuting Attorney Mark Gibson and Assistant Prosecuting Attorney Sydney Alizadeh reviewed the entire case file, consisting of more than 365 pages of documents, and many videos and audio interviews. Included in their review was all dash camera footage, post-shooting interviews, and all associated reports.

Prosecuting Attorney Zahnd reviewed the key evidence and discussed the events with First Assistant Prosecuting Attorney Mark Gibson and Assistant Prosecuting Attorney Sydney Alizadeh before making his decision. The three prosecutors collectively have nearly 55 years of prosecution experience.

II. APPLICABLE MISSOURI LAW

While the Prosecuting Attorney's Office reviewed all potentially relevant Missouri criminal statutes, Sections 563.031 and 563.046 of the Revised Statutes of Missouri are particularly important to this case. Section 563.031 governs a person's authority to use deadly force in self-

defense. Section 563.046 governs a law enforcement officer's use of force when making an arrest. A summary of each relevant statute is outlined below. The full language of the statutes is included as an appendix to this report.

a. Use of Force in Defense of Persons (R.S.Mo § 563.031)

Section 563.031 provides that a person may use physical force upon another person if he reasonably believes such force is necessary to defend himself. It further provides a person may use deadly force when he reasonably believes that such deadly force is necessary to protect himself from death, serious physical injury, or any forcible felony.

b. Law Enforcement Officer's Use of Force in Making an Arrest (R.S.Mo § 563.046)

Section 563.046 provides that a law enforcement officer may use deadly force when effecting an arrest in certain circumstances including when: the officer believes the suspect has committed or attempted to commit a violent felony offense; the suspect is attempting to escape by using a deadly weapon or instrument; or the officer believes the suspect may otherwise endanger his life or the life of another unless arrested without delay.

III. STATEMENT OF FACTS

On August 10, 2023, at approximately 12:50 a.m., a Leavenworth Police Department (LPD) officer was dispatched to a residence to assist the fire department. Upon arrival, the officer was informed that the victim on scene stated she had been raped. The victim identified Johnathon Heath-Taylor as the suspect. Firefighters informed the officer that the suspect had walked toward the back of the residence. LPD officers searched the residence and were unable to locate the suspect. The victim provided the LPD officers with a description of Mr. Heath-Taylor and his vehicle, a 2006 dark blue Chevy Silverado. The vehicle is registered to Mr. Heath-Taylor's father. The LPD officer provided the information to listening units.

The LPD officer walked out of the residence and observed Mr. Heath-Taylor in the above-described vehicle slowly driving past the residence. The officer informed surrounding units of Mr. Heath-Taylor's direction of travel and the make and model of the vehicle. The officer also informed surrounding units that there was probable cause for the arrest of Mr. Heath-Taylor for Aggravated Domestic Battery.

LPD officers located the vehicle and attempted to stop Mr. Heath-Taylor's vehicle, but Mr. Heath-Taylor failed to yield to the emergency lights and sirens. LPD officers entered into a pursuit of Mr. Heath-Taylor. This pursuit and subsequent events were captured on LPD dash camera. LPD officers were also equipped with body-worn cameras. At approximately 1:38 a.m., the officers attempted to complete a high risk stop¹ in Leavenworth, Kansas. During the stop, officers gave Mr. Heath-Taylor verbal commands to exit the vehicle and told him that he was under arrest. The officers exited their vehicles with their weapons drawn and ordered Mr.

¹ A high risk stop is a stop which possesses a significant risk to the officer when dealing with the occupants of a motor vehicle. These situations typically involve known or suspected felons, one or more armed individuals, or any potentially dangerous person.

Heath-Taylor to place the vehicle in park and step out. Mr. Heath-Taylor did not comply with the officers' commands, fled the scene of the stop, and officers once again entered pursuit.

The pursuit entered into Missouri, crossing the bridge over the Missouri River, onto 45 Highway. LPD officers took Highway 92 and then split off on the spur. At approximately 1:46 a.m., Mr. Heath-Taylor voluntarily pulled over on Highway 92 before Stillings Road. Officers drew their department-issued weapons and gave Mr. Heath-Taylor verbal commands to put the car in park and turn off the vehicle. The officers utilized the spotlight on their patrol cars to see inside Mr. Heath-Taylor's vehicle. The officers were located outside of their vehicles, using their doors as cover. The officers could see Mr. Heath-Taylor moving around inside the vehicle. Johnathon Heath-Taylor complied with these commands.

Officers then gave the command to roll down the window. Mr. Heath-Taylor did not comply and shook his head, then exited the truck. While Mr. Heath-Taylor was exiting the truck, the officers gave verbal commands for Mr. Heath-Taylor to face away from them. Mr. Heath-Taylor did not comply with these commands. Instead, Mr. Heath-Taylor exited the truck, facing the officers, while holding a large backpack in front of his body with both hands. Again, these events were captured on LPD body-worn cameras.

The officers continued to command Mr. Heath-Taylor to face away from them, but Mr. Heath-Taylor refused, shaking his head. Mr. Heath-Taylor then began moving his right hand in and out of the backpack while holding the backpack with his left hand. LPD officers attempted to deescalate the situation by talking to Mr. Heath-Taylor for several minutes. Mr. Heath-Taylor began shaking his head and told them "You might as well just do it. Just go ahead and shoot me. Just get it over with. You are going to have to shoot me, I am not going back to jail." In response, an LPD officer stated, "Please don't do this. It is not worth it," The officer also said "Please don't make me do this," and "We are begging you not to do this. We do not want to hurt you."

Officers observed traffic approaching, which, according to the officers, could potentially place innocent civilians in danger if shots were fired. The officers continued to give Mr. Heath-Taylor verbal commands to the effect of "put down the backpack" and "turn away," but Mr. Heath-Taylor remained standing outside his truck with one hand inside the backpack.

The officers gave several more commands to put the backpack down, but Mr. Heath-Taylor did not comply. An officer announced "less lethal," and a bean bag round was fired at Mr. Heath-Taylor, hitting him near the torso. Mr. Heath-Taylor hunched over and turned toward his truck. Another bean bag round was then fired, hitting Mr. Heath-Taylor on the right side, causing him to lean further into the truck.

According to multiple LPD officers, and confirmed by the LPD body-worn cameras, Mr. Heath-Taylor then re-emerged from the truck and quickly pulled his hand from inside the backpack with what appears to be a black object in his hand, and pointed it in the direction of the officers. Multiple officers later stated they believed this motion indicated Mr. Heath-Taylor

had a gun.² At this time, multiple LPD officers fired their weapons at Mr. Heath-Taylor, striking him.

One second elapsed from the time Mr. Heath-Taylor quickly pulled his hand from his backpack and officers fired shots. The officers continued to give verbal commands to Mr. Heath-Taylor, who was slumped in a seated position. The officers moved with lethal cover to render aid. The area was cleared and aid was immediately given to Mr. Heath-Taylor. An ambulance arrived on scene and transported Mr. Heath-Taylor to North Kansas City Hospital, where he died from his injuries. He was pronounced dead on August 12, 2023.

Three LPD officers fired fourteen rounds in total: three rounds from a Remington Arms 12-gauge shotgun, using non-lethal 12-gauge Super Shock bean bag rounds; two rounds from a Glock 17 GEN 5 .9mm semi-automatic handgun; and nine rounds from a Rock River Arms M4 Rifle.

Mr. Heath-Taylor's father was interviewed by a Platte County Sheriff's Office deputy the morning of the incident. Mr. Heath-Taylor's father stated he and his wife had received some concerning text messages just prior to the incident. Mr. Heath-Taylor allowed the deputy to see the text messages sent to him by Mr. Heath-Taylor. The text messages read, "Love you papa. . . I'm a lost cause."

An autopsy of Johnathon Heath-Taylor on August 14, 2023, showed that Mr. Heath-Taylor had multiple gunshot wounds of the right lower abdomen and right hip and thigh associated with a complex bladder laceration, near transection of the right common femoral vein, and laceration to the right common femoral and profunda artery. Toxicological testing of Mr. Heath-Taylor's heart blood revealed the presence of fentanyl and norfentanyl. Given these circumstances and findings, the doctor who conducted the autopsy stated the cause of death was gunshot wounds.

² After the area was cleared and Mr. Heath-Taylor's backpack was searched, no weapon was found in the backpack or in the surrounding area. A black cellphone was found on the scene, near the backpack. It is believed that is what he was holding.

Still shots from Leavenworth Police Department in-car “dash cam”:



1. Johnathon Heath-Taylor holding black bag



2. Johnathon Heath-Taylor putting black bag into truck



3. Johnathan Heath-Taylor leaning into truck cab



4. Johnathon Heath-Taylor back out with black bag



5. Less-lethal bean bag deployment



6. Johnathon Heath-Taylor with hand outstretched with object in hand

IV. CONCLUSION

The evidence in this case shows that LPD had probable cause to believe that Johnathon Heath-Taylor committed a dangerous felony. Mr. Heath-Taylor fled from police in his vehicle, stopped and exited his vehicle on 45 Highway with other motorists nearby, placing those motorists in imminent danger as he refused to comply with officer's commands. Mr. Heath-Taylor placed pursuing law enforcement officers in immediate fear for their lives and the lives of the nearby motorists by repeatedly placing his hand in his backpack, ultimately pulling that hand from the backpack with a black object that he pointed at the officers. All of the officers involved said they told investigators they believed Mr. Heath-Taylor was pulling a weapon from his backpack and pointing it at officers.

Missouri law allows a law enforcement officer to use deadly force in defense of persons, including self-defense, if they reasonably believe it is necessary. Missouri law also provides deadly force can be used to protect oneself from death or serious physical injury. In this case,

the evidence shows that law enforcement officers acted reasonably because Johnathon Heath-Taylor made statements that indicated he would not comply with commands, Mr. Heath-Taylor acted in contravention of their command, and he ultimately pulled his hand quickly out of a backpack, holding a black object, and pointed that object at the officers as if he was pointing a weapon at them.

LPD officers attempted to deescalate by talking to Mr. Heath-Taylor for several minutes, Mr. Taylor told them “You might as well just do it. Just go ahead and shoot me. Just get it over with. You are going to have to shoot me, I am not going back to jail.” In response, officers stated, among other things, “please don’t do this. It is not worth it.” Officers also told Mr. Heath-Taylor they did not want to “do this.” Officers then initially fired “less lethal” rounds. Tragically, law enforcement officers’ attempts to deescalate the situation failed. Johnathon Heath-Taylor did not comply with repeated commands to put his hands up and surrender and instead quickly pulled an object from his backpack and pointed it at officers, as if he was pointing a weapon at them.

Based on the statement of witnesses and the surveillance video, the Prosecuting Attorney’s Office determines the following:

- Law enforcement officers were aware that there was probable cause to believe Johnathon Heath-Taylor committed a dangerous felony;
- Mr. Heath-Taylor possessed a backpack at the time of the incident, holding his hand inside the backpack like he was holding something;
- Law enforcement officers were unaware what was inside the backpack;
- Mr. Heath-Taylor disregarded repeated law enforcement commands to put down his backpack and surrender;
- Instead, Mr. Heath-Taylor told officers, “You might as well just do it. Just go ahead and shoot me. Just get it over with. You are going to have to shoot me, I am not going back to jail.”
- Mr. Heath-Taylor quickly pulled his hand from his backpack holding an object and pointed that object at officers as if he was holding a weapon;
- Mr. Heath-Taylor was shot and killed after he quickly pulled his hand out of the backpack and pointed his hand at officers while in the presence of not only the officers but also nearby motorists.
- Mr. Heath-Taylor had sent his father a text message earlier that day stating, “Love you papa. . . I’m a lost cause.”

After a thorough review of the evidence in this case, the Platte County Prosecuting Attorney's Office concludes that law enforcement officers' actions in shooting Johnathon Heath-Taylor were reasonable and justified under the circumstances. This matter is considered closed and the Prosecuting Attorney's Office will not consider action of any kind against the law enforcement officers involved.

V. APPENDIX

563.031. Use of force in defense of persons

1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person shall not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, or is occupied by an individual who has been given specific authority by the property owner to occupy the property, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat:

(1) From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining;

(2) From private property that is owned or leased by such individual; or

(3) If the person is in any other location such person has the right to be.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.

563.046. Law enforcement officer's use of force in making an arrest.

1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorize under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.

3. In effecting an arrest or in preventing an escape from custody, a law enforcement officer is justified in using deadly force only:

(1) When deadly force is authorized under other sections of this chapter; or

(2) When the officer reasonably believes that such use of deadly force is immediately necessary to effect the arrest or prevent an escape from custody and also reasonably believes that person to be arrest:

a. Has committed or attempted to commit a felony offense involving the infliction or threatened infliction of serious physical injury; or

b. Is attempting to escape by use of a deadly weapon or dangerous instrument; or

- c. May otherwise endanger life or inflict serious physical injury to the officer or others unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.