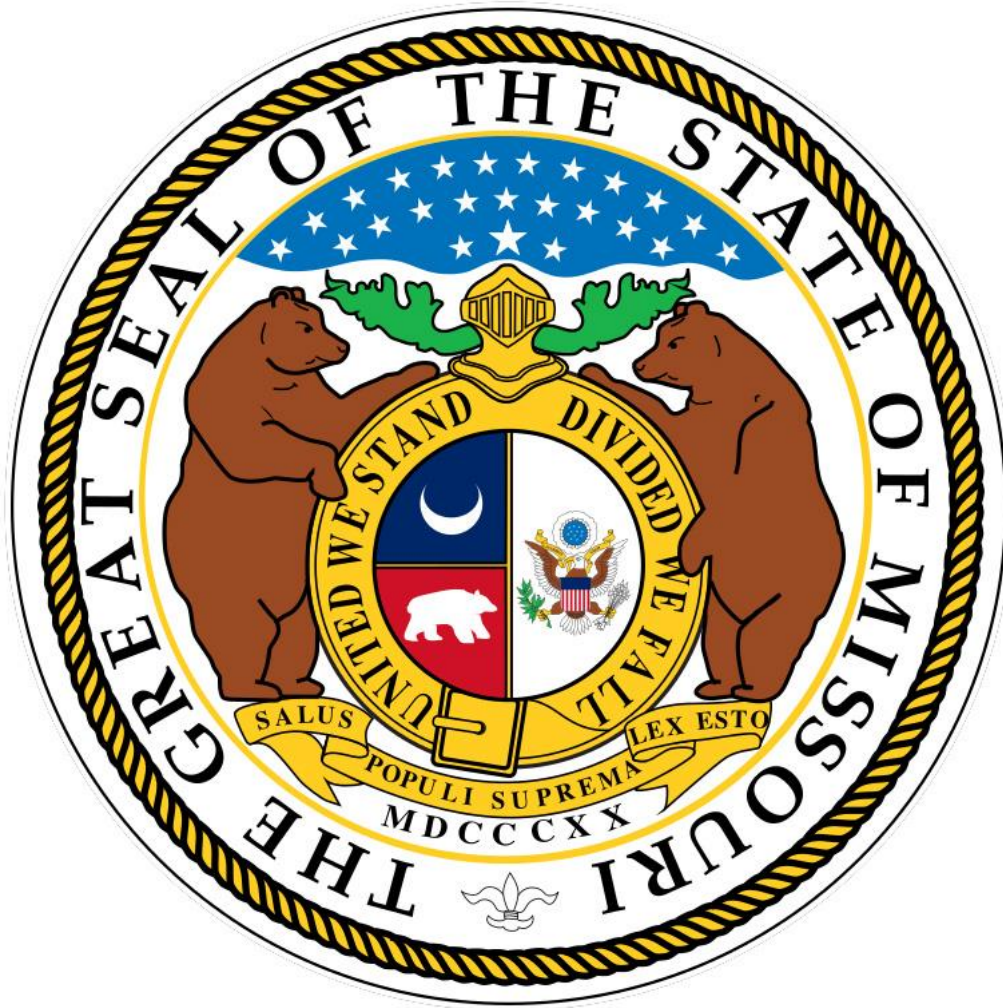


**Platte County Prosecuting Attorney's Report:
Officer-Involved Shooting of Mekiah D. Harris**



November 10, 2022

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I. INTRODUCTION

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

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 deadly 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 Platte County Prosecuting Attorney Eric G. 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 the officer's departmental policies, procedures, or applicable law enforcement tactics and techniques. In reviewing the use of deadly force, the Prosecuting Attorney's Office is limited to determining if the 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 Mekiah Harris

In this case, Prosecuting Attorney Eric Zahnd and Assistant Prosecuting Attorney Myles Perry responded to the scene of the shooting shortly after it occurred late in the evening of Tuesday, May 3, 2022. The Platte County Sheriff's Office led the investigation, as no Sheriff's deputies discharged their firearms during the incident.

The investigation started immediately after the shooting occurred. Interviews of all the law enforcement officers who did not fire their weapons were conducted at the Platte City Young Men's Christian Association (YMCA) that night and into the morning of May 4, 2022. 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 twelve rounds were expended. A police canine was brought to the scene of the shooting in order to assist officers in the crime scene investigation.

The Kansas City Crime Laboratory responded to the scene to collect evidence and developed a 360-degree interactive photographic model of the shooting scene.

A black, Chevy Suburban bearing license plates number 606 PHC, driven by Mekiah Harris, was impounded and an inventory search conducted. Search warrant applications for two cell phones that were registered to Mekiah Harris and found in the vehicle were applied for and granted.

Interviews of all neighbors within the New Bedford Falls housing development were conducted.

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 Mekiah Harris was conducted on Thursday, May 5, 2022.

Throughout the investigation, 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. Assistant Prosecuting Attorneys Myles Perry and Michael Marta reviewed the entire case file, consisting of more than 356 pages of documents, approximately 15 videos, and 10 audio interviews. Included in their review was all body and dash camera footage, footage from the armored police vehicle at the scene, police helicopter footage, post-shooting interviews, and all associated reports. The Platte County Sheriff's Office delivered the final investigative report to the Prosecuting Attorney's Office on October 21, 2022.

Prosecuting Attorney Eric G. Zahnd also reviewed key evidence and discussed the events with Assistant Prosecuting Attorneys Myles Perry and Michael Marta and First Assistant Prosecuting Attorney Mark Gibson before making his decision. The four prosecutors collectively have nearly 75 years of prosecution experience.

II. APPLICABLE MISSOURI LAW

While the Prosecuting Attorney's Office reviewed all potentially relevant Missouri criminal statutes, R.S.Mo § 563.031 and § 563.046 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)

§ 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 May 3, 2022, at approximately 9 p.m., a Kansas City Police Department (KCPD) officer identified a black, Chevy Suburban with license plate number 606 PHC parked and unoccupied in the area of the County Club Plaza in Kansas City, Missouri. The vehicle matched a "Be On the Look Out" (BOLO) for potential involvement in a homicide that occurred a week earlier in Kansas City, Kansas. The license plate number also returned several active felony warrants, including one for homicide. When the driver returned to the Chevy Suburban, the officer further noted that his appearance matched a picture of Mekiah Harris, a homicide suspect. That picture had been publicized by local law enforcement on Sunday, May 1, 2022.



After observing the driver get into the black Chevy Suburban and begin driving, the officer requested additional law enforcement units be sent to the area to assist with the arrest of a potentially armed and dangerous homicide suspect. The officer then followed the suspect's vehicle while waiting for the requested support. At the intersection of 31st Street and Broadway Boulevard, another KCPD officer attempted to deflate the tires of the suspect vehicle. At this point, the suspect's driving changed from generally obeying traffic laws and traffic patterns to fleeing. The suspect vehicle ran a red light, circumvented the tire deflation device, increased speed rapidly, and merged onto southbound Broadway Boulevard. A pursuit was then initiated by law enforcement.

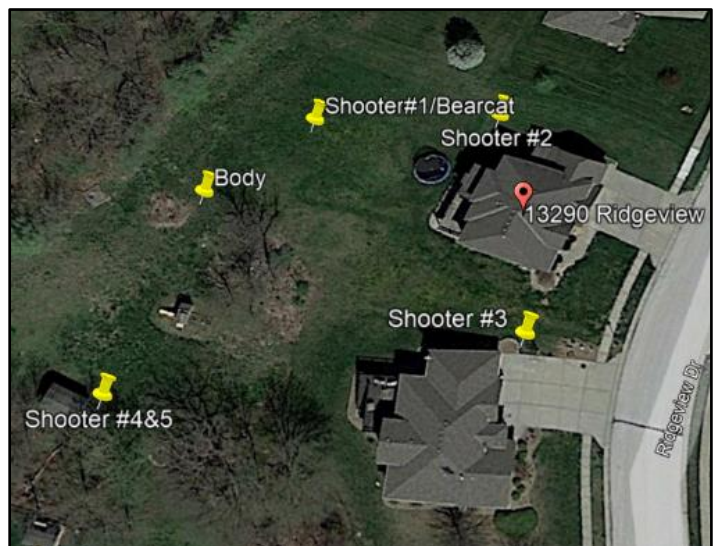
The vehicle pursuit lasted for well over thirty minutes and involved more than 25 law enforcement officers from six different agencies including KCPD, the Missouri State Highway

Patrol (MSHP), the Kansas State Highway Patrol, the Platte County Sheriff's Office, the Platte City Police Department, and the Merriam, Kansas Police Department. The vehicle pursuit began in downtown Kansas City, Missouri went into Kansas, specifically through the city of Merriam, and culminated on Southbound I-435 and NW 120th street in Platte County, Missouri. At this point, Mr. Harris was driving northbound in the southbound lanes of I-435 at speeds in excess of 100 miles per hour.

At NW 120th street, MSHP troopers deployed a tire-deflation device across Southbound I-435. After the suspect vehicle ran over the tire-deflation device, the vehicle rapidly lost speed until it came to a rest on the right shoulder of I-435 Southbound at or around mile marker 30.6. Mr. Harris got out of the vehicle on the driver's side and fled west on foot into the New Bedford Falls housing development in Platte City, Missouri. Law enforcement officers also pursued on foot. A police helicopter was overhead during the pursuit and was able to maintain visual contact on the suspect using infrared night vision capability. All the officers in pursuit believed Mekiah Harris to be armed.¹

During the foot pursuit, an armored police vehicle, or "Bearcat," manned by KCPD officers was dispatched to the New Bedford Falls housing development to provide support. Additional police units established an outer cordon along Running Horse Road. A command post was established at the local YMCA less than a mile north.

Mekiah Harris eventually stopped fleeing from law enforcement in the backyard of a residence at 13290 Ridgeview Drive within the New Bedford Falls housing development. The backyard was unfenced, partially wooded, and sloped. Pursuing officers surrounded the suspect by occupying positions approximately 30 to 50 meters away on higher ground to the northeast, east, and south. Law enforcement officers in these positions carried an assortment of department-issued handguns and AR-15's. One trained law enforcement sniper from KCPD carried a .308 precision rifle and occupied a shooting position by the garage of the house next door at 13270 Ridgeview Drive.



*Approximations based on imagery and reporting; not to scale.

¹ Mr. Harris was armed with a handgun which later investigation revealed contained no magazine and no bullet in its chamber. A loaded magazine fitting the weapon was found in Mr. Harris' vehicle. Under the circumstances of this case, law enforcement officers would not have been able to determine whether the handgun had a magazine or, even without a magazine, had a single bullet chambered.

A 48 minute-long confrontation between law enforcement officers and Mekiah Harris ensued. Throughout the confrontation, officers attempted to deescalate the situation by convincing Mekiah Harris to drop his handgun and surrender. During the confrontation, Mekiah Harris was wearing a pair of yellow shorts and mid-calf length socks, having shed the outer-layer of his clothing while fleeing. Police helicopter footage shows that he paced back and forth almost continually. The law enforcement officers surrounding Mekiah Harris also described him as pacing back and forth and communicating with them by yelling. According to several accounts, Mekiah Harris asked the officers to call his mother and to pray for him. At one point, officers described him holding a handgun up to his temple.

At approximately 10:39 p.m., the police Bearcat arrived and occupied a position approximately thirty meters northeast of Mekiah Harris. Two KCPD officers were in the Bearcat, one driving and the other in the turret. Law enforcement officers continued attempting to deescalate the situation after the Bearcat arrived. At 10:45:06 p.m., Mekiah Harris can be seen on police helicopter footage pointing his handgun in the direction of law enforcement officers. The officers did not return fire at this time. A few seconds later, at 10:45:43 p.m., Mekiah Harris can again be seen on police helicopter footage pointing his handgun at the Bearcat. At this time, multiple law enforcement officers in the surrounding positions fired their weapons at Mr. Harris, striking and ultimately killing him.



Numerous witnesses including law enforcement officers and neighborhood residents stated that Mekiah Harris was armed with a handgun and acting erratically by pacing back and forth, asking law enforcement within ear shot to pray for him, describing how he wanted to be buried, requesting that they tell his brother he was sorry, and giving them a timeline until he would start shooting. All law enforcement on scene were aware of his felony warrant for murder. Multiple law enforcement officers remember Harris asking if they were there because he “shot that guy.”

Twelve total rounds were expended by five law enforcement officers from two agencies: One officer from the Missouri State Highway Patrol fired a .223. Four officers from Kansas City Missouri Police Department fired from an assortment of firearms, including a .308, .223, and 9mm Glock-19.

The autopsy of Mekiah Harris conducted on May 9, 2022 showed that Mr. Harris was struck by two rounds. One round of an unknown caliber hit Mr. Harris in the right arm. Another fatal .223 round struck Mr. Harris in the left breast. That .223 round was recovered from Mekiah Harris’s back, between his shoulder blades, just below the skin. The doctor who conducted the autopsy stated that he would have died within 20-30 seconds of being shot in that location.

IV. CONCLUSION

The evidence in this case shows that Mekiah Harris had several warrants out of Kansas City, Kansas for violent felonies including murder, that he fled from police at a high rate of speed, endangering the lives of motorists on I-435, that he fled on foot while in possession of a deadly weapon, and that he placed pursuing law enforcement officers in immediate fear for their lives by pointing a deadly weapon in their direction.

Missouri law allows a law enforcement officer to use deadly force in defense of persons, including self-defense. 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 Mekiah Harris pointed a handgun at surrounding officers twice before he was shot and killed.

Tragically, law enforcement officers' attempts to deescalate the situation had all failed. Mekiah Harris did not comply with repeated commands to put down his weapon and surrender.

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

- Law enforcement officers were aware that Mekiah Harris had an active felony warrant for murder;
- Mr. Harris possessed a handgun at the time of his death;
- Law enforcement officers were aware Mr. Harris possessed a handgun;
- Mr. Harris disregarded repeated law enforcement commands to put down his handgun and surrender;
- Mr. Harris pointed the handgun in the direction of law enforcement on two occasions;
- Mr. Harris was shot and killed after he pointed his handgun at officers a second time.

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 Mr. Mekiah Harris 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.