

CHATTANOOGA POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
REPORT OF INVESTIGATION

CASE NUMBER: 2009-28	TYPE OF REPORT: Investigative Report
SUBMITTED BY (Tile & Name) Sgt. Jason Irvin	SUBMITTED DATE 08/21/2009

(Involved Officer- Lauren M. Bacha #971/63071)	(Allegation- Administrative Investigation)
(Involved Officer- Deborah Dennison #1051/60692)	(Allegation- Administrative Investigation)
(Involved Officer- Zachary J. Moody #334/ 62323)	(Allegation- Administrative Investigation)
(Involved Officer- George Romero #1080/63084)	(Allegation- Administrative Investigation)
(Involved Officer- William Leonard Salyers III #1044/62719)	(Allegation- Administrative Investigation)
(Involved Officer- Bryan S. Wood #616/61921)	(Allegation- Administrative Investigation)

Complaint

July 18, 2009, approximately 0415 hrs, Michael Walden of Aardvark Sweeper Service called 911 regarding three black males standing in the turning lane of Rossville Blvd in front of Walter A. Woods (4509 Rossville Blvd). Walden reported that one of the black males had a gun and was wearing a black shirt and blue jeans; the other black males were wearing a white shirt and blue jeans, dark pants. Walden further advised that the other two black males were attempting to take the gun away from the armed subject. A second 911 call was made regarding the same incident.

Officers William Salyers #1044, Fox-9, Bryan Wood #616, Fox 8, and Debra Dennison #1051, Fox 8A were dispatched to a disorder with a gun in front of Walter A. Woods 4509 Rossville Blvd.

July 18, 2009, 0420 hrs, Officer Bryan Wood #616 got out with three black males on the parking lot of the McDonald's restaurant located at 4502 Rossville Blvd; and advised at 0421 hrs, that one party had a gun (Alonzo Heyward B-M). Officer Wood further advised that the subject had a shotgun to his throat and radioed for responding officers to clear people from the scene indicating there were several persons out with him. Officer Wood radioed that they were behind the O'Reilly's Auto Parts (4400 Rossville Blvd) walking north (7th Avenue).

July 18, 2009, 0423 hrs, Fox 67 Sgt. Anthony Easter had additional units respond and requested any on duty HNT and SWAT officers to respond.

Officers Lauren Bacha #971, Fox 5, George Romero #1080, Fox 7, and Zachary Moody #334, Fox 6 joined Wood, Salyers, and Dennison on 7th Avenue.

From the officers interviews, while they were walking on 7th Avenue Alonzo Heyward threatened numerous times that he was going to kill himself with his rifle pointed at his throat; finger on the trigger or he would pull the weapon slight away from himself but not directly at the officers and told the officers they were going to have to kill him.

Alonzo Heyward walked to his residence located at 4316 7th Avenue and stepped up on the front porch and attempted to walk toward the front door; Officer Wood saw a brief opportunity for taser deployment and yelled out for someone to get a taser; Officer Debra Dennison transitioned to her taser and fired (deploying the cartridge barbs) at Alonzo Heyward; which either failed to make contact with both barbs or had little or no effect on him. Heyward turned towards the officers and pointed his rifle directly at the officers and they all fired a volley of rounds at Heyward, which did not immediately incapacitate him as he was still holding and pointing the rifle at the officers. Four officers emptied one magazine each and performed tactical reloads as Heyward still posed a lethal threat and all six officers fired a second volley of rounds that dropped Heyward face down on the porch. At 0425 hrs, radio traffic of “Shots fired and requested EMS” was aired.

At 0429 hrs, from radio traffic, Officer Bryan Wood advised that he could not get the gun away from the suspect (under the suspect) and at 0431 hrs, advised the gun was secured for EMS and Fire. EMS confirmed the suspect dead on the scene at 0436 hrs; major crimes, IAD, and administrative notifications were made and a crime scene secured and established.

Report of Investigation

Interview: Lauren M. Bacha #971/63071

Date and Time: 07/18/2009 at 0830 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Inv. James Tate/Inv. Jamie Holloway/TBI Agent Washington

*****Refer to transcribed statement in Case File*****

Interview: Bryan S. Wood #616/61921

Date and Time: 07/18/2009 at 0830 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Sgt. Bill Phillips/Inv. Justin Kilgore

***** Refer to transcribed statement in Case File*****

Interview: William Leonard Salyers III #1044/62719

Date and Time: 07/18/2009 at 0900 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Inv. James Tate/Inv. Jamie Holloway/TBI Agent Washington

*****Refer to transcribed statement in Case File*****

Interview: Deborah Dennison #1051/60692

Date and Time: 07/18/2009 at 1000 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Inv. James Tate/Inv. Jamie Holloway/TBI Agent Washington

*****Refer to transcribed statement in Case File*****

Interview: Zachary J. Moody #334/ 62323

Date and Time: 07/18/2009 at 1000 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Inv. Justin Kilgore

*****Refer to transcribed statement in Case File*****

Interview: George Romero #1080/63084

Date and Time: 07/18/2009 at 0930 hours

Location: Major Crimes Offices/3410 Amnicola Highway

Interviewer: Inv. Justin Kilgore

*****Refer to transcribed statement in Case File*****

On 07/18/2009, at approximately 0830 hours, Captain Mike Mathis, Investigator Amy Jones and myself arrived at the PSC to observe Major Crimes Investigators interview all (6) Officers involved in the shooting. All the statements gathered from the involved Officers were consistent with each other. Nothing gathered from observing these interviews in Lt. Tim Carroll's office (Major Crimes Supervisor) gave any indication of Policy or procedural violations by the involved Officers.

SUMMARY

The facts gathered in this investigation indicate no policy or conformance to law violation on the part of any of the (6) Officers involved in the fatal shooting of Alonzo Heyward. The facts gathered show all (6) Officers

involved in the deadly force incident followed Chattanooga Police Department policy ADM-5- (Use of Force) and OPS-13 (Weapon Regulations) in regards to their actions on 07/18/2009. ADM-5- (Use of Force) charts an Officers proper response to a suspect's actions as follows:

<u>Individual's Actions</u>	<u>Officer's Responses</u>
Psychological Intimidation	Officer Presence
Verbal Non-Compliance	Verbal Direction *
Passive Resistance	Soft Empty Hand Control *
Active Resistance	Hard Empty Hand Control *
Active Resistance	Intermediate Weapons * (includes Canine)
Aggravated Active Resistance	Deadly Force (* OC/Electronic weapon)

The Officers involved in this incident followed policy in their attempts to get Alonzo Heyward to drop his weapon and surrender during their encounter with him. Witness statements, audio evidence and video evidence show Alonzo Heyward was unwilling to cooperate with the Police once they arrived to assess the situation. The facts show Mr. Heyward was suicidal over personal issues and was armed with a high powered rifle (.44 magnum rifle) which was pointed under his jaw during his initial encounter with the Police. Officers tried to contain Mr. Heyward but he chose to go back to his residence and attempted to enter his house to remove himself from Police commands. Officers followed ADM-5- (Use of Force) at this moment when Officer Deborah Dennison deployed her Taser on Alonzo Heyward in an attempt to incapacitate him momentarily to stop him entering the house and possibly make him drop his weapon.

The Taser deployed by Officer Dennison seemed to have little effect and at that moment Alonzo Heyward made the decision to turn toward the Officers and lower his weapon in their direction. This of course led to the use of deadly force by all (6) Officers firing their weapons on Alonzo Heyward. Audio evidence collected from radio traffic during the incident clearly indicates Officer Bryan Woods telling Alonzo Heyward quote, No, No No, No!!!!," multiple times as he decided to lower his weapon toward the Officers.

Statements taken from all involved Officers also shows Alonzo Heyward did not immediate fall and once he did fall to the floor of his front porch, he regained himself and again attempted to go for his rifle. Officers once again fired on Mr. Heyward and appeared to eliminate his ability to use his weapon. Statement and radio traffic show the Officers attempt to get medical treatment for Alonzo Heyward. Statements show Mr. Heyward was still breathing when Officers checked on his condition and was apparently lying on the .44 magnum rifle he was

armed with during this incident. Officers removed the rifle and secured it since Alonzo Heyward was still breathing and had access to the weapon. All Officers involved in the shooting of Alonzo Heyward were adhering to Chattanooga Police Department Policy OPS-13 (Weapons Regulations) in the firearm they were carrying at the time of the shooting. Statements gathered from the involved Officers indicate that Officer Dennison fired (8) rounds, Officer Bacha fired (6) rounds, Officer Moody fired (6) rounds, Officer Romero fired (15) rounds, Officer Woods fired (11) rounds and Officer Salyers fired (10) rounds during this incident.

Sections of ADM-5- (Use of Force) are outlined below to demonstrate that all (6) Officers involved in this incident acted well within the policy of the Chattanooga Police Department as it pertains to the use of deadly force.

ADM-5- (Use of Force)/Use of Deadly Force

5. As used above, "Aggravated Active Resistance" is defined as an action, which an officer reasonably believes, constitutes an imminent threat of serious bodily harm or death against the officer or another person. The use of deadly force is dealt with more fully in Section G below.

2. Usage Criteria

a. The use of deadly force is authorized when an officer reasonably believes that its use is necessary in order to stop an imminent threat of serious bodily harm or death against the officer or another person. [1.3.2]

b. An officer's decision to use deadly force will be judged only on what information and observations were known to the officer at the point when deadly force was used.

c. Use of firearms is prohibited in the following circumstances:

d. An officer, after giving verbal notice to the suspect of his or her identity as a police officer, may use or threaten to use force that is reasonably necessary to accomplish the arrest of an individual suspected of a criminal act who resists or flees from the arrest; an officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of such officer's identity as such and given a warning that deadly force may be used unless resistance or flight ceases, and:

(1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or

(2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended. (See Tennessee Code Annotated § 39-11-620.)

e. Officers shall not unnecessarily place themselves in a position of exposure to the immediate

threat of death or physical bodily injury when there are reasonable alternative actions, including but not limited to, the following:

(1) Finding suitable cover;

(2) Containing the threat and securing the scene; and/or

(3) Waiting for available back-up officers necessary to deal with the situation without the necessity of the use of deadly force if possible.

f. Immediately after any injury in the presence of an officer, including any injury resulting from the use of deadly force, the officer shall assess the resulting trauma or injury, render any necessary first aid and summon emergency medical assistance if necessary