Non-Fatal Use of Force Review
Abdinjib Ibraham

Valley Independent Investigative Team
Kent Police Department, Incident #2023-2053

King County Prosecuting Attorney
Public Integrity Team

Published: May 1, 2024

Table of Contents

I. Introduction 4

1. Purpose of the Memorandum 4

2. Status of the Independent Investigation 4

3. Scope of the Memorandum 4

II. Overview 5

III. Evidence reviewed 5

IV. Investigation Summary 6

1. Independent Investigation Team Call Out 6

2. Map, 3D Scan & Timeline 6

3. Interviews 8

4. Processing of Involved Sheriff's Personnel 18

5. Washington State Patrol Crime Laboratory Ballistics Report 19

6. Video Evidence 20

7. Scene Photographs 26

8. Underlying Crime 29

9. Medical Records 30

V. FACTUAL ANALYSIS 31

VI. Legal Standard and Applicable Law 33

1. Defense of Self or Others 34

2. Lawful Force by Public Officer 34

3. Use of Deadly Force by Peace Officer 34

VII. Analysis and Conclusion 35

1. Involved Officer 2 & Involved Officer 3 35

2. Involved Officer 1 37

VIII. CONCLUSION 38

LEESA MANION (she/her)
PROSECUTING ATTORNEY

King County

Office of the Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000

DECLINE MEMORANDUM

USE OF FORCE NON-FATALITY

ABDINJIB IBRAHAM

WARNING – This memorandum contains images and descriptions of violence that may be offensive and disturbing to some readers. The images and descriptions are included to provide the reader with the most accurate information regarding the topic of this memorandum.

I. INTRODUCTION

1. Purpose of the Memorandum

The King County Prosecuting Attorney's Office (KCPAO) is mandated by law to analyze certain incidents regarding police use of force and to determine if the action was justified or if there was a criminal action such that criminal charges should be filed.[1] Because the investigation and analysis are mandatory if specific criteria are met, the KCPAO's review of an incident does not implicitly signal that the use of force was either justified or that criminal charges are appropriate. Instead, the KCPAO is required to assist independent investigations involving police use of deadly force to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.[2]

Pursuant to the Law Enforcement Training and Community Safety Act, an independent investigation must be completed when the use of deadly force by a peace officers results in the death, substantial bodily harm, or great bodily harm.[3] The independent investigation is conducted in the same manner as a criminal investigation.[4]

2. Status of the Independent Investigation

After a thorough review of the independent investigation and applicable laws, the Special Operations Unit Public Integrity Team (the Team) has determined the investigation into this matter is complete.

3. Scope of the Memorandum

The KCPAO's determination if the police action was justified or if there was a criminal action such that criminal charges should be filed is based entirely on the investigation materials

---

[1] Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard and satisfied other applicable laws and policies. RCW 10.114.011. Similarly, if the Office of Independent Investigation is the lead investigation agency, the prosecutorial entity must review the investigation. RCW 43.102.020. 2021 c 318 § 101.

[2] Id. See also WAC 139-12-010.

[3] RCW 10.114.011. See also WAC 139-12-010.

[4] Id.

provided to the KCPAO, relevant criminal laws, rules of evidence governing criminal proceedings, the applicable burden of proof, and the KCPAO's Filing and Disposition Standards. This determination is not intended to address matters outside the scope of this memorandum including, but not limited to, administrative action by the involved agency or any other civil action. The Team expresses no opinion regarding the propriety or likely outcome of any such actions.

II. OVERVIEW

On February 14, 2023, King County Sherriff Office (KCSO) personnel responded to multiple 911 calls reporting that a male dressed in an olive-green jacket and maroon pants was wandering into traffic and falling down near 1st Ave S and SW 160th St in Burien. When Involved Officer 1 arrived on scene and attempted to make contact, the subject told him that he possessed a gun and threatened to shoot Involved Officer 1. In his patrol car, Involved Officer 1 followed the subject north on 1st Ave S. The subject ignored his commands. The subject walked away on foot. Involved Officer 1 unsuccessfully deployed a taser at the subject. Numerous deputies then arrived. The subject again advised that he was armed and threatened to shoot the deputies. A slow foot pursuit continued up 1st Ave S for roughly ½ mile stopping at SW 152nd St. The subject then turned around and with his hand concealed in his jacket ran towards the driver side door of the patrol car that was following him. The subject ran approximately 45 feet towards the deputies and was still approaching when two deputies, Involved Officer 3 and Involved Officer 2, fired at the subject when he was 8 to 9 feet away. In total, deputies fired seven shots at the subject who was hit in the waist and hand. The subject was searched and a gun was not recovered. Investigators later learned the subject had a history of mental illness and a violent criminal record. The subject was transported to Harborview Medical Center where he was treated and survived his injuries. He is awaiting trial on multiple cases, including the underlying charge of felony harassment from this incident.

III. EVIDENCE REVIEWED

In drafting this memorandum, KCPAO reviewed the police reports, forensic evidence, videos, photographs, police and civilian interviews, and medical records.

IV. INVESTIGATION SUMMARY[5]

1. Independent Investigation Team Call Out

The Valley Independent Investigations Team (VIIT) was activated because deputies from KCSO, a member of VIIT, were involved in a shooting.

After VIIT arrived on scene they determined that the officer-involved shooting (OIS) occurred at 1st Ave S and 152nd St SW and that Involved Officer 1 deployed his taser earlier at 1st Ave S between 155th SW and 154th St SW. The incident occurred during daytime, the lighting was good, the weather was cold, the ground was wet, and patches of snow remained from a recent snowstorm.

Detectives from Kent Police Department were assigned as the lead investigators. Tukwila PD processed the two scenes including making a 3D rendering of the OIS scene and taking aerial photographs. Auburn PD canvassed the area for video footage. Des Moines PD and Renton PD processed the three involved deputies who fired their weapons or taser. Federal Way PD and Port of Seattle PD processed the witness deputies.

2. Map, 3D Scan & Timeline

a. Timeline: (based on Dispatch Recordings, CAD, and 911 calls)

10:22	1st civilian 911 caller reports man walking in the middle of traffic at 1st Ave S / 160th Ave S.
10:32:29	Involved Officer 1 locates subject. Subject says he has a gun and is "going to deal with this." He also threatens to shoot Involved Officer 1.
10:33	Subject is ignoring Involved Officer 1's commands. Subject continues on foot northbound with his hands dug into his pockets.
10:33	Involved Officer 1 given go ahead to tase subject.
10:33:53	Involved Officer 1 informed dispatch of his ineffective taser deployment.

[5] The Investigation Summary is based upon the investigation and evidence outlined in Section III. When necessary, the Team will identify the source of the information. It is common for witnesses, including law enforcement officers, to provide multiple statements about the events witnessed. Similarly, it is common for multiple witnesses to provide information about the same event. If a witness provides multiple statements and the statement contains material and substantial differences that could affect the investigation or analysis, the Team will identify information that is materially and substantially different. However, if the information has a *de minimis* effect on the investigation or analysis, the differences may not be identified. Similarly, although some events may be observed by more than one witness, the Team may not summarize each witnesses' statement unless it has a material and substantial effect on the investigation and analysis.

10:34 Involved Officer 1 is asked over dispatch whether the subject has committed a crime. Though he had yet to see a firearm, Involved Officer 1 again tells dispatch that the subject threatened to shoot him and reached into his pocket.

10:34:55 Subject continues northbound on 1st Ave S, now at SW 154th St.

10:35 Backup deputy, Witness Officer 1, radios, "Can't see what he's holding."

10:35:51 In response to dispatch asking, "Can we get someone at 152?" Witness Officer 1 says she's at 152 and subject walking towards her.

10:36:14 Witness Officer 1 reports over dispatch, "He has his hand in his pants, but can't tell if he's holding something."

10:36:18 Witness Officer 1 says subject is running.

10:36:23 Witness Officer 3 says the subject just "ran at us again" and is headed northbound.

10:37:03 Involved Officer 1 asked if anyone has less lethal. Two deputies immediately respond affirmatively.

10:37:19 Unknown deputy announces, "Shots fired."

10:37:51 Unknown deputy announces, "Subject is down."

b. Maps

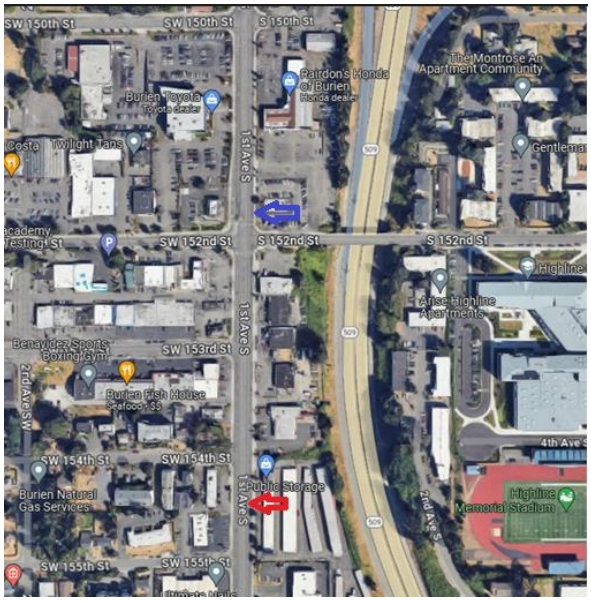

Figure 1: Involved Officer 1 was first deputy to make contact with the subject. This occurred at 1st Ave S at SW 160th St, which is off the map to the south. He and backing deputies followed the subject approx. ½ miles to the intersection of SW 152nd St and 1st Ave S where the OIS occurred. The red arrow is where Involved Officer 1 unsuccessfully used his taser. The blue arrow is the location of the OIS. Video of the OIS was captured from the Honda and Toyota dealerships both shown in blue at the top of the map.

Figure 2: A southbound view of the scene on 1st Ave. S. At the top of the photograph is 152nd St SW. Of the police vehicles in the street below the cross walk, Involved Officer 1's vehicle is the patrol car in the upper left. Involved Officer 2's vehicle is the grey SUV to the right of Involved Officer 1's patrol car and the medical supplies. The patrol car on the bottom left is Witness Officer 1's vehicle. And the patrol car on the bottom right is Witness Officer 5's vehicle. The location of the medical supplies is where the subject was both shot and treated.

c. 3D Scan

Investigating Officer 1 of Tukwila PD performed a 3D scan of the scene. Based on his measurements, the subject covered approximately 45 feet when he ran from the eastern sidewalk near the light blue sedan (circled in aerial photo above) and reached the B-pillar on the driver side of Involved Officer 1's patrol car. Measurements derived from the scan show that the subject was approximately 8-9 feet from Involved Officer 1's back bumper where the deputies were taking cover.

3. Interviews

a. Subject

Kent PD Investigators attempted to interview Mr. Ibraham at Harborview Medical Center. Investigating Officer 2 asked Mr. Ibraham how he was doing and said they had come to talk with him. Mr. Ibraham held up his right middle finger towards Investigating Officer 2 revealing his injured hand and missing fingers from the shooting. Mr. Ibraham then raised his

left hand in the air, configured it as if he was holding a pistol, then made the repetitive motion of pulling the trigger of the pistol while saying, "I'll be out soon. Don't worry I'm left-handed."

b. Sheriff's Office Witnesses:

i. Involved Officers

a) Involved Officer 2

He did not provide a statement to VIIT or KCPAO about the incident.

b) Involved Officer 3

He did not provide a statement to VIIT or KCPAO about the incident.

c) Involved Officer 1

He did not provide a statement to VIIT about the incident. However, in April 2024, Involved Officer 1 agreed to waive his *Garrity* rights and provided KCPAO with his previously drafted compelled statement. Below is a summary of the pertinent parts of his statement.

The subject was walking northbound 1st Ave S near 156th Ave S, when Involved Officer 1 arrived on scene. The subject then yelled something unintelligible at Involved Officer 1 and displayed his middle finger towards Involved Officer 1. The subject then quickly walked towards Involved Officer 1's patrol car with both hands inside of his jacket. Over the loudspeaker Involved Officer 1 ordered the subject to stop, which the subject did. Involved Officer 1 then asked the subject over the speaker if he was ok or needed help. The subject told him, "You need to get the fuck out of here. I have a gun and I will handle this. I will kill you." The subject looked down to where his hands were tucked inside of his jacket as he said that. Involved Officer 1 wrote that he believed the subject was armed and feared the subject would start shooting. Involved Officer 1 then made the tactical decision to drive north, pass the subject, then make a U-turn so he could face the subject. Involved Officer 1 aired the subject's threats over dispatch and requested backup. Because of the criminal threats, Involved Officer 1 informed his partner, Witness Officer 2, who was in another patrol car, that they needed to take the subject into custody.

Involved Officer 1 exited his car and ordered the subject to show both of his hands and to get on the ground. He did not. His left hand was still tucked in his jacket with his right hand keeping the jacket closed like he was concealing a gun. The subject then began walking northbound on 1st Ave S again. Involved Officer 1 then fired his taser at the subject's back, which was thwarted by the subject's thick jacket. Involved Officer 1 then reentered his car and over the loudspeaker instructed the subject again to stop and show both of his hands; he also instructed civilians to remain inside. The subject continued northbound towards the intersection where back-up was congregated in their patrol cars.

Involved Officer 1 drove northbound towards the other patrol cars and instructed his partners, who were walking northbound on foot, to use his vehicle for cover. After his partners began trailing his car on foot, the subject continued to ignore commands to stop made over the loudspeaker. Involved Officer 1 asked dispatch for other forms of less lethal weapons since the taser was ineffective.

Involved Officer 1 wrote that he hoped to keep the subject contained at the intersection due to many open businesses and a nearby school. Involved Officer 1 stopped his patrol car just north of the intersection at 1st Ave S and 152nd St SW when the subject turned towards Involved Officer 1. The subject looked at Involved Officer 1 while Involved Officer 1 was in the driver's seat; the subject still had his hands tucked inside of his coat. He made a motion with his covered left hand towards Involved Officer 1 that appeared to Involved Officer 1 as if he was pointing the firearm from inside his jacket toward Involved Officer 1. The subject then immediately began to run towards the front of Involved Officer 1's patrol vehicle. Involved Officer 1 wrote that he was in fear for his life and the lives of his partners in that moment. Involved Officer 1 could see deputies in front or north of him, so he did not shoot the subject for fear of striking the other deputies. Involved Officer 1 decided to exit his patrol car while yelling for the subject to stop. Involved Officer 1 was running towards the back of his patrol car for cover when he heard a gunshot. Involved Officer 1 believed he had been shot by the subject. He then heard multiple additional gunshots. Involved Officer 1 pointed his firearm towards where he had last seen the subject and observed him lying on the ground. He asked his partners to check him for wounds, then asked everyone to check their partners for wounds. None of them were wounded. He and his partners then detained the subject and cared for the subject’s gunshot wounds.

ii. Witness Officers

a) Witness Officer 3

Witness Officer 3 responded to the scene after he heard Involved Officer 1 radio that he was threatened by the subject. When he arrived and saw Involved Officer 1's patrol car following a man on foot walking northbound on 1st Ave S. Witness Officer 3 parked his patrol car approximately 25 feet away. The subject had his hands inside his jacket. Witness Officer 3 drew his weapon, held it at the low and ready position, and got behind Involved Officer 1's car. Deputies gave several loud commands ordering the subject to stop and take his hands out of his jacket, which he failed to do. Upon noticing that Involved Officer 3 was armed with an assault rifle, Witness Officer 3 transitioned from his handgun to a taser. He said that the subject continued to disregard commands to stop and take his hands out of his jacket. Other deputies responded and joined he and Involved Officer 3 walking on foot behind Involved Officer 1's squad car. Witness Officer 3 wrote that the subject then told deputies he had a gun and would shoot them. The subject then continued on foot northbound with his hands still in his jacket. Witness Officer 3 believed him to be armed and dangerous and a threat to the police officers and civilians. The subject then ran at Involved Officer 1's squad car. Witness Officer 3 retreated from the driver's side of the patrol car to its back bumper to take cover.

He wrote that when the subject ran towards them he looked angry and his hands were still concealed. The subject was able to get 10-15 feet away from Involved Officer 1's driver side door when Witness Officer 3 heard shots. He said that he did not see who fired their weapon. Witness Officer 3 grabbed the subject's sweatshirt and looked for a weapon. The subject was wounded in his hand and pelvic area. Witness Officer 3 treated the subject's injuries by placing gauze in the pelvic wound until medical aid arrived.

b) Witness Officer 4

Witness Officer 4 arrived when the subject was at SW 152nd St. He parked his patrol car two blocks south with the goal to stop traffic from continuing northbound. He turned on his overhead lights, exited his patrol vehicle, and deployed his department issued patrol rifle. Due to being approximately 50-75 yards south from the other deputies who were walking northbound toward the subject, he thought deploying his rifle would be the best option. He continued

walking northbound past the S 154th St & 1st Ave S intersection and took cover at the rear of Involved Officer 1's vehicle with the other officers. At this time, Witness Officer 4 was at the left rear of Involved Officer 1's vehicle as it was slowly driving northbound. He held his rifle at a low ready position and observed the male to the east side of the road approximately 25-35 feet north of his location. He was unable to get a visual on the subject's hands as they were tucked inside his clothing and hidden from view. As Witness Officer 4 observed the male continue northbound on foot, he saw the male quickly turn and begin running in the middle of the street and towards the police officers. He quickly scanned the male in an attempt to see what the subject had in his hands but could not see because they were tucked into his clothing. He wrote that at this point, he was in fear for his life as he had information this male had said he had a gun and was going to kill Involved Officer 1. Due to being unable to see his hands and the male running toward officers quickly, closing the distance between them, he believed the male was an immediate threat to he and his partners. Witness Officer 4 began lifting his rifle from the low ready position to fire at the male to stop the perceived threat to the deputies' lives. Everything was happening very fast, he wrote. He heard what appeared to be gunshots and saw the subject go down to the ground. Witness Officer 4 lowered his rifle and began looking around for his partners. He did not know who had fired or if any deputies had been shot. He saw Involved Officer 1 to his right. While police officers continued addressing the male subject, he then began sweeping the upper and lower body of Involved Officer 1 for gunshot wounds and found none.

c) Witness Officer 2

Witness Officer 2 is Involved Officer 1's partner. They responded to the call in separate patrol cars. Once Witness Officer 2 caught up to Involved Officer 1, Involved Officer 1 told him the subject said he had a gun and threatened to shoot Involved Officer 1. They both followed the subject northbound while giving commands, which the subject did not follow. Witness Officer 2 wrote in his report that the subject was non-compliant and kept both of his hands concealed near his waistband during the entire interaction. Like Witness Officer 1's report, below, he did not discuss the OIS other than noting that one occurred and that first aid was provided.

d) Witness Officer 5

Witness Officer 5 and Witness Officer 6 were in the same patrol car. Witness Officer 5 was driving when he heard Involved Officer 1 radio about being threatened and deploying a

taser. Witness Officer 5 and Witness Officer 6 arrived to the north of the subject at S 152nd St and 1st Ave S, the intersection where the OIS ultimately took place. He saw another patrol car (Witness Officer 1's car) in that intersection also facing southbound. He parked next to that patrol car to block traffic. The subject continued northbound towards them, so the two patrol cars reversed to create distance and avoid confrontation. Witness Officer 5 could see that the subject's hands were concealed in an unzipped jacket. Given the nature of the radio traffic coupled with the subject's behavior he thought the subject might shoot someone. Witness Officer 5 moved his car to the southbound lanes on 1st Ave S to stop southbound traffic. He then saw the subject run towards deputies who were positioned behind a squad car (Involved Officer 1's car) and then Witness Officer 5 heard shots fired. He saw feathers fly from the subject's jacket. He later assisted in searching the subject for weapons, but did not find any. He helped give medical aid including cutting off the subject's clothes and searching for wounds. He helped treat the subject's wounds with gauze until medical aid arrived and helped place the male on the medics' backboard when aid arrived.

e) Witness Officer 1

Witness Officer 1 was downrange from Involved Officer 3's gunfire. Her short report did not discuss the shooting other than noting that one occurred and that first aid was provided to the subject for the gunshot wounds he sustained.

f) Witness Officer 7

Witness Officer 7 arrived on scene right after the OIS. He assisted in developing a plan to approach the subject who was moving around on the ground but not listening to commands to put his hands up. As deputies got closer, the subject eventually put his hands in the air and Involved Officer 1 was able to place him in handcuffs. After the handcuffs were applied, deputies began administering medical aid. Witness Officer 7 was handed a pair of trauma sheers and began cutting off all of the subject's clothing. A gunshot wound was located in the subject's right pelvis area, which was bleeding. They packed the wound with gauze and applied pressure. After all of the subject's clothes had been cut off, Involved Officer 1, who had packed the wound, advised that he needed to be relieved. Witness Officer 7 then took over holding pressure on the wound until the fire department arrived and took over providing medical aid to the male.

g) Witness Officer 8

Witness Officer 8 also arrived right after the OIS occurred. When he arrived, the subject was on the ground in the street with multiple officers providing him assistance. Witness Officer 8 saw Involved Officer 3 holding his department issued rifle while standing on the sidewalk on the east side of 1st Ave S across from the subject on the ground. Witness Officer 8 asked Involved Officer 3 if he fired his weapon and he stated that he had. Witness Officer 8 asked Involved Officer 3 if he was injured and he stated that he was not. Witness Officer 8 escorted Involved Officer 3 away from the scene going towards the north. At about 10:40 AM, Witness Officer 8 secured Involved Officer 3's rifle in the back seat of another deputy's SeaTac Police vehicle and remained with Involved Officer 3.

h) Witness Officer 9

Witness Officer 9 also arrived shortly after the OIS. A short time later, Involved Officer 1 walked Witness Officer 9 to the location where Involved Officer 1 deployed his Taser on the subject. They located taser wires and a single probe in the outside lane of southbound 1st Ave S, mid-block between S 154 St and S 155 St. (Note, Investigating Officer 3 of Tukwila PD later measured the distance between this location and the subsequent OIS. That distance was 935 feet.)

c. Civilian Witnesses:

i. Civilian Witness 1

Civilian Witness 1 was the first 911 caller to report the subject's unusual behavior. He told the 911 operator the subject was walking in the middle of the street with his pants down stopping cars and digging through a bag. He reported that the subject appeared to be of Indian descent and wearing an olive green jacket and maroon pants.

He later told investigators in a subsequent interview that he was driving on 160th St approaching 1st Ave trying to merge into the left turn lane to turn onto 1st Ave. He saw a black male walking in the middle of traffic exhibiting what he clearly thought to be mental health or drug induced symptoms. The subject was holding a yellow plastic bag and wore a stern look on his face. The subject then crossed through the middle of traffic to get to the right lane. The subject was focusing intently on his own bag. Civilian Witness 1 called police out of concern. He

did not see the man threaten anyone and said that he was glad that he did not honk because he believes that he could have triggered a violent response from the man.

ii. Civilian Witness 2

Civilian Witness 2 was one of the 911 callers. Civilian Witness 2 was driving eastbound on 160th at Sylvester Rd SW when she saw a man walking in the middle of the road eastbound, ambling with nothing in his hands (St. Anne Hospital, where the subject had recently been discharged, is on Sylvester Rd SW). Another driver honked at him, but he continued to walk in the middle of the road. His behavior struck her as off, but not suspicious.

iii. Civilian Witness 3

Civilian Witness 3 was in a car stopped at a red light at 152nd St and 1st Ave S traveling eastbound. There were two cars in front of her. She saw police stop traffic. She then saw the subject running and hiding something in his coat. She also saw a police car (Involved Officer 1's car) with other deputies walking behind him. She said that she saw the subject fire the first shot at the deputies and then they fired back at him twice. When he was shot, he fell on the ground and feathers flew from his jacket. The officers immediately gave him first aid. She recorded the incident on her cellphone, which she provided to investigators.

d. Honda Dealership Employees:

i. Civilian Witness 4:

Civilian Witness 4 stated that he was working near the business' front counter which has a southbound view of 1st Ave S and SW 152nd St. He described the subject as wearing a hood, with his hands in his pockets, walking on the east sidewalk of 1st Ave S while a marked patrol unit was behind the male driving northbound. Civilian Witness 4 described seeing three or four deputies behind the patrol unit walking on foot. He stated that when the subject reached the blue Mazda, a vehicle parked on the south end of the car lot, "He just started running around to the driver's side of that car (patrol unit) and when he got to the other side" the officers shot. Civilian Witness 4 added that one of them tripped over the businesses landscaping as the deputies were back peddling.

ii. Civilian Witness 5

Civilian Witness 5 was inside the dealership looking southbound onto 1st Ave S. He stated that he observed the subject walking northbound on 1st Ave S and said the subject was busy moving his hands around and being argumentative. Civilian Witness 5 said this caused him to pull out his phone and start recording. He further stated he saw four officers behind the male. He then warned his coworkers that they were holding large guns and the employees should move away from the window. Civilian Witness 5's footage does not capture the OIS other than the sounds of gunfire. He described the subject as a black male and wearing a hooded jacket. He said the subject varied between having his hands inside and outside of his coat. The subject was walking towards their dealership which is northeast of 152nd St. The subject then went into the street, took two fast steps towards the officers and then the officers shot him five to six times. Civilian Witness 5 thought three shots hit the subject and down feathers flew out of his jacket. In his opinion, the subject was distressed and clearly did not have a gun. The subject was 10-15 feet away from the police when they fired at him. In regard to the level of force the officers used, he stated, "That's not how I would have handled the situation." He gave investigators a copy of the recording.

iii. Civilian Witness 6

Civilian Witness 6 is also a Burien Honda employee. He saw the subject walking away from deputies as they followed from a distance. The subject then stopped with his hands near his waist and then made an aggressive quick motion towards deputies.

iv. Civilian Witness 7:

Civilian Witness 7 works at the Toyota Dealership at 15025 1st Ave S, which is across the street from the Honda Dealership. He did not personally observe the event but showed detectives the dealership's footage of the encounter, which is the best video footage of the OIS. When asked if he or anyone else heard what the male said to police, he stated that to his knowledge no one did. When asked if anyone had videos on their personal phones, he said that the only video he knew of was the dealership's surveillance video. He agreed to send the video to the police.

v. Civilian Witness 8

Civilian Witness 8 works at Firestone Complete Auto Care at 15324 1st Ave S which is a few businesses southeast of the OIS. Their video footage did not aid the investigation. He stated that he was standing in front of the business when he saw police following the subject. Civilian Witness 8 described how the subject's' right arm was tucked inside his coat, near his waist band. Civilian Witness 8 stated that the subject was "clearly holding something," and "I assume a gun" because "he didn't want people to see it." Civilian Witness 8 stated that as the subject was walking away from the police he did not follow any of their commands. Civilian Witness 8 did not provide what specific commands he heard from the police. Civilian Witness 8 stated that he lost sight of the subject and the police as they continued to walk northbound out of sight.

vi. Civilian Witness 9

Civilian Witness 9 is the manager of Rent a Center located at 105 S 152nd St, which is on the southeast side of the intersection at 1st Ave S and SW 152nd St. She told investigators that a customer told her she had seen six patrol vehicles travel south on 1st Ave with their emergency lights on. The customer went outside of the store to see what was going on and Civilian Witness 9 followed. Civilian Witness 9 described seeing a male with his hood up, with one of his hands inside the waistline of his jacket implying, "I've got something in here." Based on the police presence, and the way the male was holding his hand, Civilian Witness 9 believed that the male had a "weapon on him." Based on the situation, and the fact that the officers also had their weapons drawn, Civilian Witness 9 had all of her people go to the very back east portion of the store to protect their safety. As the male crossed the intersection and continued walking on the east sidewalk she stated that, "All of a sudden we see him lunge off the sidewalk towards the officers, and that is when we heard the shots." By lunge she said that she meant springing to run. Civilian Witness 9 could not describe any additional actions or movement of the male's hands prior to the shooting. Civilian Witness 9 explained the store's cameras are only live feed so they do not record.

vii. Civilian Witness 10

Investigators contacted Civilian Witness 10 after observing a comment she made on a local online message board about observing the subject. In her interview, she stated that she was driving westbound on 160th St and the subject was walking eastbound. He looked nervous because he was holding something in his hand near his waist which he covered up with his clothing. She thought it could be a gun. His demeanor was as if he intended to challenge someone or wanted to be hit by a car. She later heard about the incident on the news.

viii. Civilian Witness 11

Civilian Witness 11 contacted the police after she heard about the incident on the local news. She decided to call because she observed part of the incident and thought the deputies acted appropriately. She said that she was driving a black and white 2010 Toyota Rav 4. She initially noticed the subject as she drove behind him traveling northbound on 1st Ave S and attempted to pass him. In his right hand she saw him holding a yellow-green envelope, which she said he pointed towards her. In his other hand what appeared to be a gun. He started waiving it at her driver's window from approximately four inches away, which caused her to drive away as fast as she could. She said whatever he was holding, a calm reasonable person would have also thought it was a gun. She said that she has a broad knowledge of guns and their appearance as she owns multiple handguns. Subsequently, through her rear-view mirror she saw the subject continue the same behavior with other cars. She drove away from the area prior to the OIS.

4. <u>Processing of Involved Sheriff's Personnel</u>

a. Involved Officer 2:

Renton PD Investigating Officers 4 and 5 processed Involved Officer 2. Involved Officer 2 was assigned to the KCSO civil warrant team, so instead of wearing a police uniform he wore street clothing. He drove an unmarked grey Ford Explorer. However, he was clearly identifiable as a law enforcement officer by his black vest, the front of which bore his name and the back of which states "sheriff" in large lettering.

Involved Officer 2's service firearm is a Sig Sauer P320 9mm handgun. The gun was equipped with a Delta Point Pro sight and a TLR-1s Streamlight. The magazines he carried had a

17-round capacity. Law enforcement officers usually carry a fully loaded magazine plus an additional chambered round. His firearm had one chambered round and 15 rounds in the magazine. Thus, it appears that he was missing 2 rounds. He also had a total of 5 additional magazines, which were all fully loaded.

b. Involved Officer 3:

Involved Officer 3 was processed by Des Moines PD Investigating Officers 6 and 7. The deputy's firearm was a S&W M&P 9mm handgun, which was not fired. He was also assigned a Colt M4 Carbine rifle. He voluntarily told detectives that he loads his 30-round magazine with only 28 rounds of .223 Rem Speer bullets.[6] His magazine contained 22 unspent rounds plus 1 in the breach. As a result, it appears that he fired 5 rounds.

c. Involved Officer 1:

Investigating Officer 8 from Renton PD processed Involved Officer 1. Earlier investigators located a taser on the dashboard of Involved Officer 1's patrol car. The deputy had blood on his left knee. He said it was the subject's blood likely from providing medical care after the shooting. Kent PD Investigating Officer 9 swabbed blood from Involved Officer 1's uniform for DNA testing. Involved Officer 1's taser log shows that at 10:33:55 AM[7] he deployed his taser for 5 seconds after arming it 4 seconds prior. One spent taser cartridge was recovered on 1st Ave S between SW 154th St and SW 155th St.

5. Washington State Patrol Crime Laboratory Ballistics Report

Forensic Scientist 1 at the crime lab test fired both Involved Officer 2's Sig Sauer pistol and Involved Officer 3's Colt Defense rifle. Both were operable. The cartridge cases from the test firing were microscopically compared to the cartage cases recovered at the scene. The test fired cartridge cases from Involved Officer 2's gun matched the two 9mm cartridge cases recovered on scene in his vehicle. The test fired cartridge cases from Involved Officer 3's Colt Defense rifle matched the five 223 REM caliber cases recovered on scene in the street.

---

[6] This is common because the stiffness of the magazine spring affects the ability of the gun to reload effectively when it is loaded with 30 rounds.

[7] The time notes on the Taser log and KCSO's CAD are slightly different, likely because they record time using separate clocks.

6. Video Evidence

a. Police Video

At the time of this incident, the Sheriff's office did not equip its deputies or patrol cars with video, so there is no police video of the OIS.

b. Civilian Video Footage

i. T-Auto Shop

This business is on 1st Ave S, two businesses southeast of the OIS. Its footage captures the events immediately prior to the shooting, but not the shooting. In the footage the subject is wearing a dark jacket with the hood pulled over his head with his hands in the front part of the jacket. As he is walking he looks back at several police officers who are following him on foot. The officers on foot are situated behind a patrol vehicle that is slowly moving northbound about 30 yards behind the subject. It sounds as if there are P.A. announcements coming from the patrol vehicle, but what is being said cannot be made out. The subject looks back over his shoulder as he is walking. The subject, the patrol vehicle, and three patrol officers on foot, all continue north out of view. The surveillance footage of the subject was videotaped with Investigating Officer 10's BWV camera but the actual video was mistakenly not recovered.

Figure 3: View from 1st Ave S just south of SW 152nd St. Pictured is Involved Officer 1's patrol car headed northbound with two deputies following on foot behind him. The Subject is pictured on the bottom right also walking northbound toward SW 152nd St.

ii. Cellphone Footage from Civilian Witness 3

a) IMG_5848.MOV

Figure 4: Screenshot from footage immediately prior to the OIS. This 9 second video is taken from SW 152nd St looking east on to 1st Ave S. The subject (left) was walking across the street, then turned around toward the Involved Officer 1's patrol car (right) and postured in an intimidating manner before crossing the intersection.

b) IMG_5849.MOV

Figure 5: Screenshot from footage immediately prior to the OIS after the pursuit crosses SW 152nd St. The subject is off the screen to the left. Involved Officer 1 is driving his patrol car slowly with the door slightly ajar for the entirety of the short 9 second clip with KCSO deputies following behind his car.

iii. Rairdon's Honda of Burien Employee

Employee Civilian Witness 5 took this video from inside the dealership. It does not capture the shooting, but captures important aspects preceding the shooting, such as the subject's appearance and the identity of the deputies involved.

Figure 6: Subject in hooded coat is walking northbound on 1st Ave S crossing SW 152nd St. Behind and to the left of the tree is Witness Officer 2 exiting the driver side of his sheriff's car. To the right of the tree is Involved Officer 1's car. At that car's back left bumper barely visible is Involved Officer 3. Just right of Involved Officer 1's car, from left to right, are Witness Officer 3, Involved Officer 1 and Witness Officer 4.

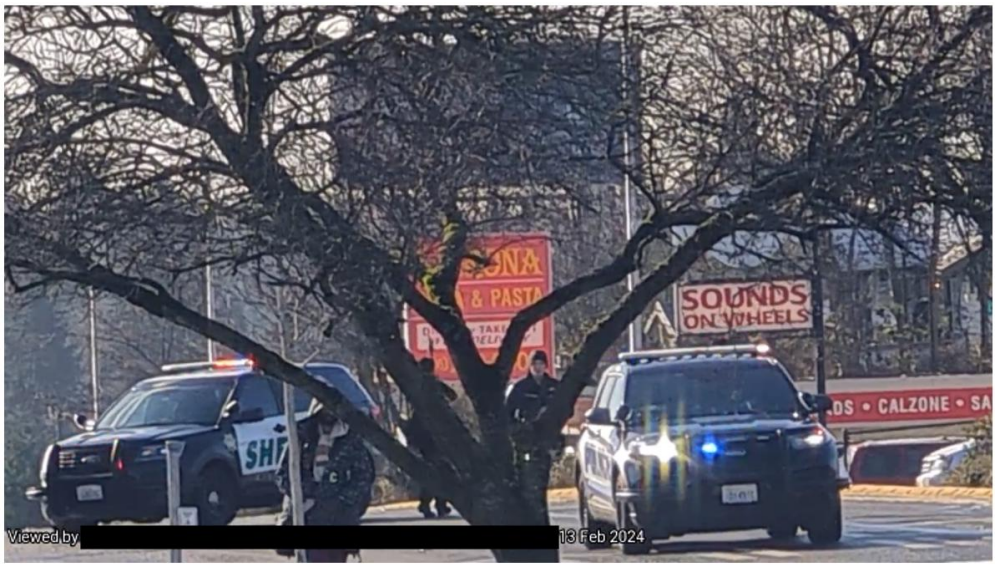

Figure 7: Involved Officer 1 has just reentered his car and started driving forward slowly as the subject crosses SW 152nd St. with his right hand still tucked into his jacket and his left hand over his right. From left to right are the subject, Witness Officer 2 and Involved Officer 3. Witness Officer 4 and Witness Officer 3 are not visible in this shot because they have moved behind Involved Officer 1's back bumper following Involved Officer 1 northbound.

iv. Toyota Dealership

The footage from this location provides the only uninterrupted view of the exchange between the police and the subject. It lacks sound so any announcements that were made to the subject over the public address system cannot be heard. The dealership and camera are on the northwest side of the intersection at 1st Ave S and SW 152nd St. Investigating Officer 11 from Seattle PD's Force Investigation Team assisted in enhancing the video footage. The yellow boxes on the upper left and lower right are zoomed in footage of the subject and Involved Officer 1's patrol car, respectively.

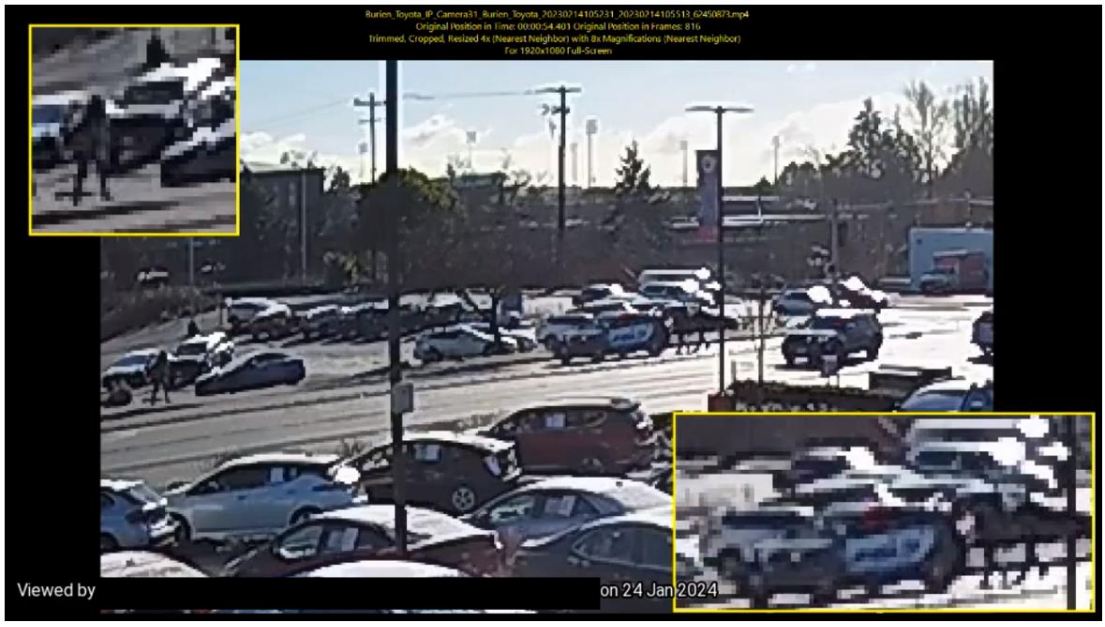

Figure 8: Preceding this moment, the subject walked from right to left on the far sidewalk before he turns around here to face Involved Officer 1's marked patrol car which was following him at a slow rate of speed. Involved Officer 1 drove the car and deputies Witness Officer 4, Witness Officer 3, and Involved Officer 3 walked behind the car for protection and cover. Deputy Involved Officer 2 is in the unmarked grey SUV located in the opposite lane of traffic just right of Involved Officer 1 in the photo.

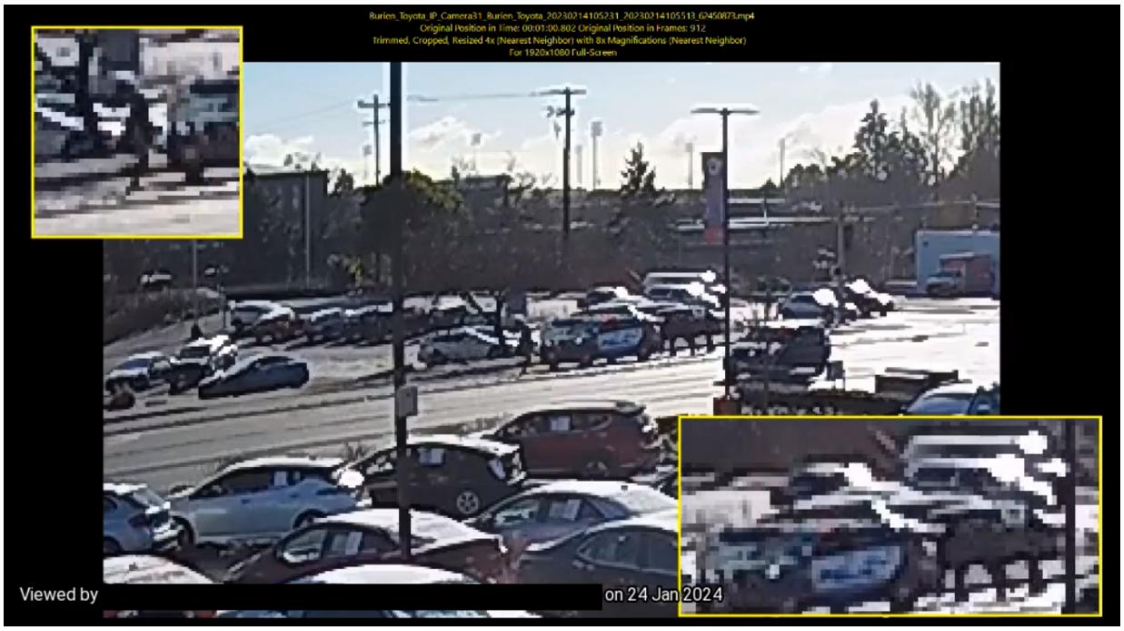

Figure 9: The subject then turns and runs at Involved Officer 1's patrol car. Involved Officer 1 quickly exits the car and runs behind his back bumper where the other deputies are located. It takes the subject approximately four to five seconds to reach the B-pillar on the car's driver side. Next to Involved Officer 1's car is Involved Officer 2 in the driver's seat of his SUV. He opens his door to exit.

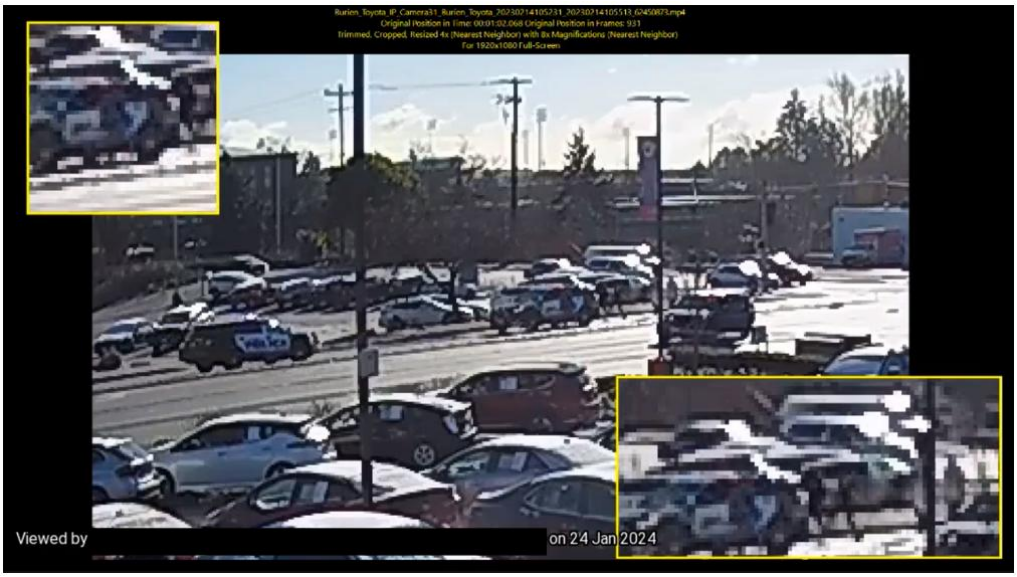

Figure 10: When the subject reaches the car's B-pillar on the driver side, deputies Involved Officer 1 and Witness Officer 3 run towards the curb from behind the back bumper for cover. Involved Officer 3, who is left-handed, and who was initially the closest deputy to the east curb, engages the subject by moving both backward and towards the center of the street, firing multiple rifle rounds at the subject. Involved Officer 2 fires two rounds at the subject through the passenger side window of his unmarked car on the right. The subject is hit by multiple bullets and falls to the ground at the B-pillar.

v. Instagram – @seattle.looks.like.shxt

Des Moines PD Investigating Officer 7 discovered this video posted on Instagram by "Seattle.Looks.LikeShxt." It was taken on a cellphone camera by an unknown owner and captures the shooting. The vantage point is from behind and to the southeast of Involved Officer 1's car. Much of the footage is blocked by the parked cars. The video captures the subject running in the direction of the KCSO deputies with his hands in his jacket. The video also captures the sound of what appears to be seven (7) gunshots.

Figure 11: The screenshot on the left shows Witness Officer 4, Witness Officer 3, and Involved Officer 3. The Toyota dealership is the building pictured in the background. The screenshot on the right shows the subject running towards the deputies (from right to left). It also shows the subject's position near the front bumper of Involved Officer 1's car when the first sound of gunshots is captured on the footage. The subject's hands were concealed in his jacket while he ran.

vi. Firestone Complete Auto Care

This business is located at 15324 1st Ave S. The footage from this location did not prove to be helpful.

7. Scene Photographs

Tukwila PD detectives took photographs of the scene. Taser wires and probes were recovered on 1st Ave S between SW 155th St and SW 154th St. At the scene just north of SW 152nd St, two (2) 9mm casings were recovered from insider Involved Officer 2's car and five (5) rifle casings were recovered on the street behind Involved Officer 1's car.

Figure 12: The white spray pain marks where Involved Officer 1's taser wires and prongs were recovered on 1st Ave. S between SW 155th St and SW 154th St.

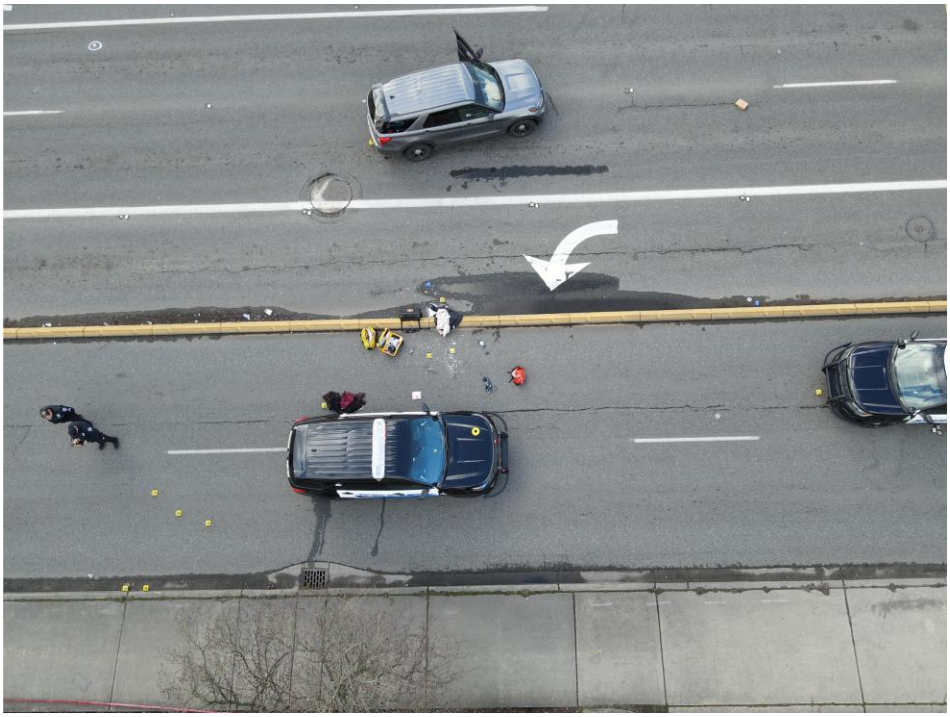

Figure 13: Overhead photo of scene taken by drone. The grey SUV is Involved Officer 2's vehicle. The car directly below it is Involved Officer 1's vehicle. First aid materials are located between the two cars. The 5 yellow evidence placards on the bottom left are rifle round casings from Involved Officer 3's rifle.

Figure 14: Photo of the bullet holes in Involved Officer 2's front passenger window.

Figure 15: One of the two spent casings recovered from Deputy Involved Officer 2's car.

Figure 16: Deputies giving the subject medical aid as they wait for the fire department to arrive on scene to assist. At the far-left corner in blue jeans is Involved Officer 2.

8. Underlying Crime

Mr. Ibraham was charged in cause no. 23-1-02354-1 KNT with one count of Felony Harassment as a result of his conduct during this incident. He is currently awaiting trial in that case. Twenty-five days prior to this incident he was released from prison after serving a 12 ½ year sentence for First Degree Robbery. At the time of the OIS he was in warrant status for "escaping" community custody.

He is also currently awaiting trial in cause no. 23-1-01825-3 KNT for allegedly committing an armed carjacking and armed robbery on February 10, 2023 and February 11, 2023, respectively. According to the probable cause statement, both a real and replica firearm

were recovered in the stolen vehicle after Mr. Ibraham crashed and abandoned it just a few days prior to the OIS.

9. Medical Records

When deputies provided medical aid to Mr. Ibraham after they shot him, he was wearing a hospital bracelet on his wrist. It was later recovered by investigators on witness-officer Witness Officer 1's dashboard. Investigating Officer 12 reached out to St. Anne's Hospital located at 16251 Sylvester Rd SW in Burien, as this was the closest hospital to where Involved Officer 1 initially contacted Mr. Ibraham. Investigating Officer 12 learned Ibraham had been admitted as a patient and was discharged approximately 30 minutes prior to the first 911 call. Due to patient confidentiality laws, the nature of the visit was not disclosed and a search warrant application for those medical records was denied.

However, investigators obtained the subject's medical records from Harborview Medical Center, where he was treated for his gunshot wounds. The records show that a full trauma code was called prior to arrival. When he was admitted to the emergency department, he presented with gunshot wounds to his right lower quadrant, right hip, and right hand. He was intubated in the field for agitation and decreased mental status. He later underwent surgery to amputate his right ring and right pinkie fingers. His injuries noted upon discharge were small and large bowel injuries, retroperitoneal hematoma, right iliac wing fracture, traumatic amputation of right ring and small finger, liver laceration, and a right iliac artery injury.

His competency to stand trial was raised in his open cases. In August of 2023, a psychologist at DSHS diagnosed him with "schizophrenia, likely actively psychotic" and "substance use disorder (likely multiple including alcohol, PCP, and cannabis)."[8] His previous diagnoses include unspecified personality disorder with narcissistic, borderline, and antisocial traits, unspecified bipolar disorder, and unspecified schizophrenia disorder. The competency reports noted that he was compliant with his prescribed medication and his symptoms were in control.

[8] He has received treatment and since been found competent to stand trial in that case.

V. FACTUAL ANALYSIS

Less than one month prior to this encounter with police, Mr. Ibraham was released from state prison after serving a long sentence for committing armed robbery. Only a few days prior to this incident he carjacked one person and robbed a different person, both at gunpoint. Both a real and replica firearm were later recovered from the stolen car that he had abandoned. He also has a history of erratic behavior due to mental health conditions. Approximately 30 minutes prior to the beginning of the incident, Mr. Ibraham was discharged from St. Anne Hospital, 1/3 mile from where he was first seen acting in a bizarre fashion.

His interaction with police prior to being shot spanned ½ mile and lasted 5 ½ minutes. KCSO Involved Officer 1 responded to the area of 1st Ave S and S 160th St in Burien, just west of State Route 509, after multiple drivers called 911 to report the subject's unusual behavior. Civilian Civilian Witness 1 called 911 to report that a male, dressed in an olive-green jacket and maroon pants was wandering into traffic and falling down. Involved Officer 1 then made contact with the subject, later determined to be Abdinjib Ibraham. According to Involved Officer 1 on the dispatch recording, the subject told Involved Officer 1 that he was in possession of a gun and threatened to shoot Involved Officer 1, though a gun was not visible to the deputy. Involved Officer 1 then reported to dispatch that the subject was ignoring his commands. The subject continued walking northbound on 1st Ave S with his hands inside his unzipped jacket. Based on the location of the taser wires and prong recovered, it appears that on 1st Ave S between SW 155th St and SW 154th St, Involved Officer 1 attempted to tase the potentially armed subject to subdue him because the subject refused to be arrested and posed a threat to he and civilians if not apprehended. The taser had no effect on the subject who continued walking northbound on 1st Ave S.

Backup then arrived to assist Involved Officer 1. According to Involved Officer 1 and Witness Officer 3, deputies gave several loud commands ordering the subject to stop and take his hands out of his jacket, which he failed to follow. Other deputies joined Witness Officer 3 behind Involved Officer 1's car. Witness Officer 3 later wrote that the subject told deputies again that he was armed and threatened to shoot the deputies. The circumstances led Witness Officer 3 to also conclude the subject was armed and dangerous. Deputies continued to follow the subject northbound on 1st Ave S to the intersection of SW 152nd St where the subject was walking on the eastern sidewalk.

Four patrol cars were at the intersection of 1st Ave S and SW 152nd St. The subject was north of the intersection on the eastern sidewalk. Two patrol cars were in front of him to the north and two were behind him to the south, including Involved Officer 1's patrol car. All four were facing the subject. Involved Officer 1 was driving his patrol car at an extremely slow pace with his driver's door open and with three deputies, Witness Officer 4, Witness Officer 3, and Involved Officer 3, walking behind his car using it as cover. According to Witness Officer 3, the subject ignored several commands to stop. Not knowing the subject would run at them, he requested less lethal options from dispatch. At this point in time, two deputies on foot behind Involved Officer 1's patrol car were carrying rifles, Deputies Involved Officer 3 and Witness Officer 2, who had just parked his car south of the intersection at SW 152nd St. Witness Officer 3 noticed this and made the tactical decision to holster his handgun in lieu of a taser in case the developing and unpredictable situation called for less lethal force.

At approximately the same time, Involved Officer 2 who was not on patrol but assigned to the Civil/Warrant Unit responded to the scene in his unmarked SUV and drove northbound on 1st Ave S through the intersection at SW 152nd St, stopping just west and to the left Involved Officer 1 whose car had now crossed SW 152nd St.

Figure 17: A southbound view of the scene on 1st Ave. S & SW 152nd St. Involved Officer 1's car is on the top left. Involved Officer 2's is on the top right.

During the foot pursuit the police were careful to keep their distance from the subject in an attempt to deescalate the situation. The subject then stopped walking near the bright blue sedan on the eastern sidewalk (pictured directly above) and turned southbound towards Involved

Officer 1's car. Involved Officer 1 stated that the subject turned around and appeared to point a gun towards Involved Officer 1 through his jacket. The subject then began running towards the driver side door of Involved Officer 1's car with his hands still concealed in his jacket. Involved Officer 1 wrote that this caused him to be in fear for his life and the lives of his partners. Based on video footage, Involved Officer 1 was clearly in fear of the subject as he alights from the driver's seat and rapidly ran for cover behind his back bumper. In less than six seconds the subject ran approximately 45 feet from the sidewalk to the middle pillar on the driver side door of Involved Officer 1's car before Involved Officer 2 fired two (2) rounds at the subject through the passenger side window of his car. Based on the subject's injuries, it does not appear that either of Involved Officer 2's shots struck the subject. Almost simultaneous to Involved Officer 2 firing his weapon, Involved Officer 3 moved from the right back bumper of Involved Officer 1's car to the left back bumper and fired five (5) rifle rounds at the subject striking the subject in the waistline and right hand. The subject was approximately 8 to 9 feet from the back bumper of Involved Officer 1's car when Involved Officer 2 and Involved Officer 3 fired their guns. Based on civilian videos taken from mobile phones, the subject's hand was concealed in his jacket when the two deputies shot at him. The subject then fell to the ground whereupon the deputies ceased firing their weapons. Deputies then searched the subject and provided him lifesaving care until medical aid arrived. He was transported to Harborview Medical Center where he was given medical care. No firearm was found on the subject. The subject survived the encounter but needed surgery to amputate his finger. During Kent PD's interview of the subject at Harborview Medical Center, the subject raised his non-injured left hand mimicking shooting a pistol and said, "I'll be out soon! Don't worry I'm left-handed!"

VI. LEGAL STANDARD AND APPLICABLE LAW

The State must prove each element of a criminal charge by competent evidence beyond a reasonable doubt.[9] The KCPAO will file charges if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defenses that could be raised under the evidence, would justify conviction by a reasonable and objective factfinder.[10]

[9] RCW 9A.04.100; WPIC 4.01.

[10] KCPAO Filing and Disposition Standards.

In addition, the State must disprove the existence of a defense that negates an element of the crime.[11] Prosecution should not be declined because of an affirmative defense unless the affirmative defense is of such nature that, if established, would result in a complete defense for the accused and there is no substantial evidence to refute the affirmative defense.[12] Therefore, the State may be required to disprove one or more of the following defenses:

1. Defense of Self or Others[13]

The use of force upon or toward the person of another is lawful when used by someone lawfully aiding a person who he reasonably believes is about to be injured in preventing or attempting to prevent an offense against the person, and when the force is not more than is *necessary*.[14]

A person is entitled to act on appearance in defending themself even if afterword the person was mistaken in their belief about the extent of the danger.[15]

2. Lawful Force by Public Officer[16]

Similarly, the use of force upon or toward the person of another is lawful when *necessarily* used by a public officer in the performance of a legal duty of the officer.[17]

3. Use of Deadly Force by Peace Officer[18]

When meeting the good faith standard, a peace officer is justified in using of deadly force against another to overcome the person's actual resistance to an officer's order or in the discharge of their legal duty. Good faith is an objective standard. The pertinent question is whether a reasonable officer, similarly situated, considering all the facts and circumstances and

---

[11] WPIC 14.00.

[12] Id.

[13] RCW 9A.16.020(3); WPIC 17.02.

[14] WPIC 17.02 – Lawful Force - Defense of Self, Others, Property (emphasis added).

[15] State v. Miller (1926) 141 Wash. 104, 105-106.

[16] RCW 9A.16.020(1).

[17] WPIC 17.01 Lawful Force—Public Officer.

[18] RCW 9A.16.040; WPIC 16.01.

the information known to the officer at the time, would believe that using deadly force was necessary to prevent death or serious physical harm to the officer or another individual.[19]

All three defenses in this section refer to the term "necessary," which means that, under the circumstances as they reasonably appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.[20]

VII. ANALYSIS AND CONCLUSION

1. Involved Officer 2 & Involved Officer 3

Given the evidence presented in this investigation Involved Officer 2 and Involved Officer 3 acted in good faith and were justified in using deadly force against Mr. Ibraham given the threat Mr. Ibraham reasonably appeared to pose to them and other deputies. Therefore, no criminal charges will be filed against Involved Officer 2 or Involved Officer 3.

a. Self Defense/Defense of Others

The question is whether each reasonably believed that they or someone else was about to be injured and whether they used no more force than necessary to prevent that harm from occurring.

Although Mr. Ibraham did not possess a gun, a reasonable person would believe that he did. As noted above, people are entitled to act on appearance in defending themselves.[21] The subject told deputies that he did and acted as if he possessed a gun and intended to use it against the deputies. His conduct did not give deputies reason to doubt his claims. In fact, his conduct only further enforced law enforcement's belief that he possessed a firearm. First, he told Involved Officer 1 and later Witness Officer 3 that he possessed a gun and threatened to shoot them. Involved Officer 1 broadcasted over the air that the subject threatened him in this way, and although Involved Officer 2 and Involved Officer 3 did not provide statements to investigators, it can reasonably be assumed each heard this broadcast and knew of the potential danger the subject posed. And the threat the subject made to Witness Officer 3, though not broadcasted to

---

[19] RCW 9A.16.040 (b).

[20] WPIC 16.05 Necessary—Definition.

[21] Miller, *supra*, at pp.105-106.

other deputies, should have been heard by Involved Officer 3 because he was walking beside Witness Officer 3 at the time. Second, the subject acted like he had a gun. The subject held his arm inside his unzipped jacket near his waistline as if he was hiding a weapon. Radio traffic from Involved Officer 1, and later Witness Officer 1, establish that the subject concealed his hand near his waist for most of the ½ mile pursuit. Civilian footage from an employee at the nearby Honda dealership corroborates this. It shows the subject with his hand concealed in his coat as he crossed SW 152nd St just before turning and charging at the deputies and being shot. Footage of the OIS from an Instagram post, although providing an obstructed view of the OIS, and Burien Toyota's surveillance footage, although of poor quality, are consistent with this conclusion. Third, the subject clearly intended for others to believe he possessed a gun. Not only did he conceal his hand in the waistline of his coat like he was carrying a weapon, but he mimicked shooting a gun when investigators later attempted to interview him about the incident.

Not only would a reasonable deputy have believed the subject was armed, but her or she would also have believed that the subject was about to injure them or someone else close by. The subject's behavior was erratic. One 911 caller stated that the subject had a stern look on his face and that based on the subject's conduct he was glad he did not honk at the subject because it could have triggered a violent response. The subject ran towards deputies on two separate occasions during this short foot pursuit. First, video footage from the T-Auto Shop shows the subject, in an attempt to intimidate the deputies, pretending to charge towards them just prior to crossing SW 152nd St. On the second occasion, when deputies fired at him, he ran 45 feet towards the deputies while pretending to conceal a weapon in his jacket, getting within 8 to 9 feet of the deputies before Involved Officer 2 and then Involved Officer 3 shot at him. As concluded above, a reasonable person would have believed the subject was hiding a gun in his waistline as he charged the deputies. Given his two prior threats to kill the deputies and his claim to be in possession of a gun, Witness Officer 3 wrote that he was afraid for his life. When the subject ran towards the deputies, video footage of Involved Officer 1 running as fast as he could out of driver's seat demonstrates how seriously the deputies took Mr. Ibraham's threats to shoot them. Being inside the car was a form of protection for Involved Officer 1 if the subject had any other weapon other than a gun. It appears he only abandoned it based on a belief that the subject truly possessed a gun and might shoot him.

Additionally, Involved Officer 3 and Involved Officer 2 used a necessary amount of force. First, no alternative to force appeared to exist given the sudden and immediate deadly

threat the subject appeared to pose when he charged the patrol car. Second, the amount of force Involved Officer 2 and Involved Officer 3 used was reasonable to effect their lawful purpose which was to arrest the subject and to defend themselves. Involved Officer 2 and Involved Officer 3 fired at the subject to stop him from potentially shooting or stabbing deputies Involved Officer 1, Witness Officer 3, and Witness Officer 2 who were positioned behind Involved Officer 1's patrol car. Less lethal options, like a taser or less lethal impact munition weapons were not an option given the sudden and immediate threat the subject posed when he chose to charge Involved Officer 1's patrol car. Further, Involved Officer 2 and Involved Officer 3 immediately stopped firing once the subject fell to the ground near the driver side door whereupon deputies provided medical aid to the subject's gunshot wound.

b. Lawful Force

As written in the prior section's discussion of necessary force, the amount of force the deputies used was necessary to arrest the subject and defend themselves given the threat the subject appeared to pose.

c. Deadly Force Used in Good Faith

In this instance, the involved deputies used force to overcome the subject's actual resistance to being arrested by police.[22] The subject was ordered to stop multiple times. Not only did not comply but he actively attempted to resist and prevent that from happening by rushing the deputies who were positioned behind Involved Officer 1's squad car. For the reasons stated above, the subject's conduct during this police encounter would have made a similarly situated officer believe that using deadly force was necessary to prevent death or serious physical harm to the officer or another individual.[23] As a result, no charges are warranted against Involved Officer 2 or Involved Officer 3.

2. <u>Involved Officer 1</u>

The use of force upon or toward the person of another is lawful when *necessarily* used by a public officer in the performance of a legal duty of the officer.[24] The question is whether it was

---

[22] RCW 9A.16.040(1)(b).

[23] RCW 9A.16.040(4).

[24] RCW 9A.16.020(1), WPIC 17.01 Lawful Force—Public Officer.

necessary for Involved Officer 1 to tase the subject. We find that it was. After the subject threatened to shoot Involved Officer 1 and reasonably appeared to be concealing a firearm in his jacket, Involved Officer 1 had legal duty to arrest the subject for felony harassment. First, because the subject did not comply with multiple orders to stop and was unwilling to be taken into custody, there were no reasonable alternative to using force against the subject if Involved Officer 1 was going to take the subject into custody. Second, because the subject claimed to be carrying a firearm and expressed an intent to use it against Involved Officer 1, the amount of force used by Involved Officer 1 was reasonable in his attempt to effect a lawful duty, arresting the subject. As such, Involved Officer 1's use of a taser was legally justified and no charges are warranted.

VIII. CONCLUSION

Criminal charges against Involved Officer 2, Involved Officer 3, and Involved Officer 1 are not supported by the evidence. Involved Officer 2 and Involved Officer 3 acted in good faith and in self defense/defense of others. Similarly, Involved Officer 1 used lawful force. Therefore, KCPAO declines to file charges against each of the three deputies.