**MEDIA FACT SHEET- OFFICER INVOLVED SHOOTING**

From: Steve Howe Date: August 13th,2021

(Olathe, KS)

Johnson County District Attorney Steve Howe announces that his office has completed a review of the May 25th, 2021 officer-involved shooting that occurred at 8025 Lenexa Drive in Lenexa, Kansas. Two Lenexa police officers discharged their firearms resulting in the death of Darren Chandler. This investigation was conducted by the Johnson County Officer Involved Shooting Investigative Team (OISIT). It is the determination of the District Attorney that both officers’ use of force was justified under Kanas law. Therefore, no criminal charges will be filed against either officer.

 Summary of Fact and Findings

 Residents hear disturbance

Shortly before 5:00 a.m. on May 25th, 2021, several residents of the Extended Stay America hotel located at 8025 Lenexa Drive in Lenexa, Kansas reported to the duty clerk that they could hear a disturbance between a man and a woman inside room 213. The duty clerk went to the room and heard a physical altercation occurring. The clerk called 911. She said there was a “very serious domestic disturbance coming from a room,” and that she had gotten “quite a few noise complaints about it.” She told 911 that she heard “him scream at her, she like screaming in pain, and I’m pretty sure I heard him smack her at least once, um it’s getting to a point where I’ve had a few customers, uh a few other guests call and complaining. I walked down there to knock on the door and that’s when I heard it. I don’t feel comfortable knocking on the door.”

**Radio instructions to police**

Lenexa officers were swiftly dispatched to Extended Stay America.

At 5:01 a.m. two of the involved officers were sent to a “physical disturbance” coming from room 213 at Extended Stay America. The officers were told that the reporting party was the front desk clerk who heard a male screaming at a female, and a female screaming in pain. They were told that the reporting party heard the male smack the female at least once. They were told that the room was rented by a named female.

One of the officers asked dispatch to have someone pick up a key to the room.

The police response

Two Lenexa officers arrived at the scene first. These officers went directly to room 213, where they heard a man and a woman arguing inside.

Officer W described the male as “aggressive” and heard the female say “please stop.” Officer W pounded on the door and announced, “POLICE DEPARTMENT COME OPEN THE DOOR NOW.” At this point, the male began asking questions of the officer, and the female fell silent. Officer W told investigators that he felt like the male was “stalling” and he was fearful for the woman’s safety because he no longer heard her. Officer W repeatedly told the man to open the door.

Officer G told investigators that the male sounded “aggressive”, and the female sounded “scared.”

Officer P was the third police officer to respond. At the direction of the other officers, he went to the lobby and obtained a keycard to room 213. He ran the keycard to room 213, and heard a female, and a male saying, “who’s there?”

A female voice (later identified as the renter) was heard on body camera footage pleading “D.C. stop” after the police pounded on the door. It was later determined that “D.C.” was the nickname of Darren Chandler, the decedent.

**The shooting incident**

At this point, Officer W was on the right side of the door and Officer G was on the left. Officer P swiped the keycard into the lock twice without success. On the third try, the indicator light turned green and the door unlocked. Officer W pushed the door open—only to discover that the ‘lock bar’ was engaged, preventing the door from opening. Officer W then kicked the door until it opened.

Gunfire erupted from inside room 213 immediately after the door was kicked open. A person later identified as Darren Chandler pointed his gun at the door and opened fire as soon as the door flew open. A careful review of the body camera video depicts gunsmoke coming from inside the room.

Officer G shot his pistol toward the room as he fell backward. He began screaming and shouting.

Officer W fell to the ground in an attempt to find cover.

Officer P grabbed Officer W and dragged him to a better position. Mr. Chandler then emerged from room 213, gun in hand. Officer P immediately shot at Mr. Chandler, who was struck by the gunfire, dropped the weapon and fell to the ground.

Fifty-five seconds after Officer W pounded on the door and announced a police presence, this incident was over.

All three officers wore body cameras. All three cameras captured this incident.

Crime Scene and lab analysis

Three firearms were discharged during this incident:

*Lab Item 1:* Glock 17 Gen4 9mm caliber semiautomatic pistol (Off. P);

*Lab Item 2:* Glock 17 Gen4 9mm caliber semiautomatic pistol (Off. G);

*Lab Item 12:* Hi-Point 45 Auto caliber semiautomatic pistol (Darren Chandler).

Thirteen fired cartridge cases were recovered:

Seven 9mm Luger WIN cartridge cases were fired in Off. P’s pistol;

Four 9mm Luger WIN cartridge cases were fired in Officer G’s pistol;

Two 45 Auto FEDERAL cartridge cases were fired in Darren Chandler’s pistol.

One live, 9mm WIN bullet was found in the mud.

Autopsy

Darren Chandler died on the scene at Extended Stay America.

His body was autopsied on May 26, 2021.

He suffered gunshot wounds to the neck, abdomen, forearm, and two to the left leg. Darren Chandler died of these gunshot wounds.

Toxicological testing of Mr. Chandler’s blood and urine were performed. The results were as follows:

His blood was positive for methamphetamine and morphine.

His urine was positive for methamphetamine and its metabolite; PCP; heroin; morphine; codeine; fentanyl and norfentanyl; and benzoylecgonine, a cocaine metabolite.

Legal Analysis

*Applicable law*

*K.S.A. 21-5222,* *Defense of a Person* states, in part:

a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such use of force is necessary to defend such person or a third person against such other's imminent use of unlawful force.

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

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

*K.S.A. 21-5227* authorizes law enforcement officers to use force when “making a lawful arrest.” They need not retreat or desist from making the arrest in the face of resistance by the arrestee. Officers may use deadly force if they reasonably believe that such force is necessary to prevent death or great bodily harm to themselves or others.

*K.S.A. 21-5229* states that a person is not authorized to use force to resist an arrest which such person knows is being made by a law enforcement officer even if they believe the arrest is unlawful.

*Graham v. Connor,* 109 S. Ct. 1865 (1989), demands a “totality of the circumstances” approach to an officer’s use of force. It also defines what “reasonableness” should mean:

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

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

Officers could enter the apartment based on exigency

Extended Stay America room 213 was clearly being used as a residence on May 25. Both the renter and Mr. Chandler had an expectation of privacy in that residence.

Officers were permitted to enter room 213 with consent, with a warrant, or based upon exigent circumstances.

They did not have a warrant. They were not invited in.

Based on the totality of the circumstances, they had exigent circumstances. They believed that a woman was being harmed inside room 213 based on what they were told by named witnesses and based on what they heard as they stood outside the door.

There was an obvious domestic violence incident occurring inside room 213. The officers could hear what was going on from their position on a public sidewalk.

The officers *loudly* announced their presence and ordered the occupants of room 213 to open the door.

The occupants refused. One officer believed the male occupant was stalling for time. Another officer believed that something bad was happening to the female because she had become quiet very quickly. The officers all felt an urgency to help what they believed was a woman in peril.

There were exigent circumstances which allowed the officers to perfect a warrantless entry of room 213.

The officers obtained a key card and were able to partially open the door. However, the occupants of the room had used the ‘lock bar’ which prevented the door from opening all the way. Officer W, operating under exigency, kicked open the door.

They had not only an exigency, but a duty to come to the aid of what appeared to be—and what actually was—a woman in distress.

It was determined that in fact Mr. Chandler injured the female renter during this incident, and she later showed officers injuries consistent with being strangled. She told police that he choked her.

They knocked and announced and made the decision to force entry. This was a decision well-grounded in the facts and the law. Clear exigent circumstances existed, and they were authorized to enter the apartment.

Use of deadly force was justified

The body-worn camera footage of Officers W, Officer G and P captured what happened that morning.

As noted, the officers kicked open the door to room 213.

Body camera footage shows that Darren Chandler, inside the room wearing only boxer shorts and socks, had leveled his Hi-Point .45 caliber pistol at the doorway. He appeared to be waiting on the officers. As soon as the door opened, he fired two shots at the officers.

This occurred almost the instant that the door was opened.

The female renter heard police knock on the door and announce themselves as officers. She told police that Mr. Chandler grabbed his gun after the police knocked on the door.

She saw Mr. Chandler shoot directly at an officer once the door was open. The officers returned fire and hit Mr. Chandler. She told officers that this was a “justifiable shooting.”

Two officers fell to the ground.

Officer G returned fire. This was a use of deadly force. His rounds hit the side of the building. He believed that his gun jammed, so he stopped to clear his weapon and did not re-engage Mr. Chandler.

He told OISIT investigators that as soon as the door was opened, he saw a muzzle flash and heard a boom and “knew we are in a gun battle.” He moved, and shot, and slipped in the mud. At one point, he believed he had been shot. He told investigators that he believed he was dead.

He believed he was in a life-or-death situation.

Officer P is the officer that swiped the key card. When Officer W kicked in the door, gunfire erupted. Both Officer W and Officer G went to the ground. Officer P heard Officer G screaming. He believed that Officer G was dead and Officer W was shot. He grabbed Officer W by the vest and dragged him to cover while pointing his gun at the doorway:

“At that point in time I was scared for my life. I was scared that he was going to come out and shoot all of us if he had the chance.”

He saw Mr. Chandler “jump” out of the room with a gun in his hand. “If I don’t act now, he’s going to kill us.” Officer P shot to “eliminate the threat.”

Video confirmed that Mr. Chandler came out of the room with his gun in his hand.

Kansas law requires a two-step analysis in any deadly-force self-defense claim. The claimant must have an *actual (subjective)* belief that using deadly force was necessary to prevent imminent death or great bodily harm to the claimant or someone else. That belief must be *reasonable (objective). See State v. McCullough,* 293 Kan. 970, 270 P.3d 1142 (2015).

Both shooting officers had a subjective belief that they needed to use deadly force to defend against Darren Chandler’s use of deadly force against them.

Objectively, the facts support this belief. They were in a situation that almost instantly went from a knock on the door to a gunfight. This is exactly the scenario covered by the *Graham v. Connor* standard: officers in a tense situation who must make a decision in a split-second. In this case, Darren Chandler initiated a gunfight with officers who were lawfully entering his apartment. Under all the appropriate legal statutes and cases as cited above, it was reasonable for them to use deadly force against Darren Chandler.

Conclusion

Lenexa police officers G and P lawfully used deadly force to defend themselves against a patently imminent and actual threat of death or great bodily harm.