



MEDIA FACT SHEET- OFFICER INVOLVED SHOOTING

From: Steve Howe
(Olathe, KS)

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District Attorney Steve Howe announces that his office has completed a review of the July 6, 2018 shooting which led to the death of Charles T. Webb in Overland Park, Kansas. It is the determination of the District Attorney that the Overland Park police officer's use of force was justified under Kansas law. Therefore, no criminal action will be taken against that officer.

SUMMARY OF FACTS AND FINDINGS

On Friday, July 6, 2018, Overland Park Police Officers were dispatched to 79th and Grant on a shots fired call. The officers arrived at the Grand 79 apartments at approximately 12:22 a.m. The officers were given a description of the individual shooting a weapon and where told it was some type of rifle. As the officers approached the area on foot they spotted an individual matching the description given by dispatch.

As they got closer, they realized that he was armed with what they recognized as an AK-47 style rifle, with a curved or "banana" magazine.

As the officers got closer to the individual, he began to shoot at them. Multiple rounds were shot at the officers. As officer took cover they could hear the bullets striking vehicles near them. Officer returned fire which resulted in the death of Charles T. Webb.

Police were lawfully responding to a call for assistance. Once they saw Webb with a rifle, they could stop him for questioning. This event rapidly evolved into an obvious arrest situation. Once Webb started shooting at police, they developed probable cause for a felony arrest.

The resolution of this incident is governed by K.S.A. 21-5227, **Use of Force; Law Enforcement Officer Making Arrest.:**

A law enforcement officer, or any person whom such officer has summoned or directed to assist in making a lawful arrest, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Such officer is justified in the use of any force which such officer reasonably believes to be necessary to effect the arrest and the use of any force which such officer reasonably believes to be necessary to defend the officer's self or another from bodily harm while making the arrest. However, such officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.

Under the totality of the circumstances, it was reasonable for both officers to conclude that it was necessary to shoot Charles Webb in order to stop an imminent threat to the lives of everyone in the path of Webb's bullets, including the residents of the complex, citizens driving by the complex and the officers themselves. This use of deadly force was consistent with the actions of reasonable police officers.

Therefore, it is my conclusion that the use of deadly force by these two officers was justified as defense of self or others under Kansas Law.
