



**STATE OF KANSAS
Tenth Judicial District
Steve Howe, District Attorney**

FOR IMMEDIATE RELEASE

FROM: District Attorney Steve Howe

RE: Marshals Fugitive Task Force Officer Involved Shooting
March 10, 2023

DATE: September 25, 2023

MEDIA FACT SHEET- OFFICER INVOLVED SHOOTING

SYNOPSIS

Johnson County District Attorney Steve Howe announces that his office has completed a review of the March 10, 2023, officer-involved shooting that occurred at Villa Medici Apartments in Overland Park Kansas. A Wyandotte County Sheriff's deputy, acting as a member of the United States Marshals Service Fugitive Task Force, discharged his firearm resulting in the injuries to Casey Zeff. This investigation, by agreement by the United Marshals Service, was conducted by the Overland Park Police Department. It is the determination of the District Attorney that the involved officers' use of force was justified under Kansas law. Therefore, no criminal charges will be filed against this officer.

Summary of Fact and Findings

Fugitive from Justice

Casey Lawrence Zeff, age 30, was living with his father in the Villa Medici apartment complex in Overland Park. He was a paroled sex offender wanted by the Minnesota Department of Corrections for a parole violation. MDOC had issued a warrant for his arrest, and he was listed as a wanted man on their public website. The FBI in Pennsylvania also wanted the Kansas City FBI office to interview him regarding an ongoing investigation.

As such, Zeff drew the attention of the U.S. Marshals Service (USMS). In the weeks leading up to March 10, 2023, the U.S. Marshals Service's Kansas City area Fugitive Apprehension Task Force conducted surveillance to develop a plan to arrest him.

Zeff lived in Villa Medici, a gated apartment complex, with his father. In order to leave the complex by vehicle, a resident had to approach a gate which would open to allow a person to exit the complex. The USMS plan was to wait until Zeff left for work and have USMS vehicles in front of him and behind him as he approached the gate. They would "pin" him in and effect the arrest with other members of the team.

Attempted Execution of Warrant Leads to Shooting

At around 5:00 p.m. on Friday, March 10, 2023, USMS personnel were in place in and around Villa Medici. They saw Zeff leave his father's apartment and get into his Kia Soul car. As Zeff approached the gate, USMS vehicles pulled in front and behind the vehicle. Near the gate, Zeff's vehicle was pinned between the two USMS vehicles. Several other USMS vehicles pulled next to these three vehicles.

Task Force Officers (TFO) began shouting commands. They identified themselves as police and told Zeff to surrender. They all wore clothing identifying themselves as law enforcement. The officers could not see Zeff's hands. Zeff refused to exit the vehicle. Two officers decided to smash the Kia's passenger side window and toss a "tear gas" canister into the car to force Zeff to surrender.

TFO #1 and #4 approached the Kia and smashed the passenger side window, but before they could toss the canister into the car, other TFOs announced that he had a gun. When TFO #1 and #4 heard this, they backed away from the car.

Zeff began moving the Kia back and forth in an effort to push the USMS vehicles out of the way. During this process, which was met with resistance

from the USMS vehicles, the Kia became high-centered on a landscape boulder.

At this point, Zeff (still holding a handgun which he moved from his mouth to his temple) opened the passenger door of the Kia and stood up, as if to flee the car. Several things happened almost simultaneously:

- Task Force Officer #1 saw an opportunity to disable Zeff with a Taser and fired probes at Zeff.
- Zeff fell back into the Kia and avoided the Taser probes.
- Zeff pulled the trigger on his handgun, which was in his mouth. A round went through his right cheek and shattered the driver's side window of the Kia.
- Zeff pointed the gun at TFO #1 and #2. Task Force Officer #2 fired two rounds and shot Zeff in the left knee.

It was unclear to many of the officers on scene who had fired rounds and why. In the ensuing confusion Zeff was able to leave the Kia and walk all the way to his apartment, where he barricaded himself. He held his gun to his own head as he left his car and walked to the apartment. This incident took approximately twelve minutes from the car stop to the shooting. By 5:19 pm Zeff was in his apartment.

After a night of conversation with a police negotiator, Zeff killed himself with a gunshot to the head.

Video Evidence

The Johnson County Sheriff's Deputy who was TFO #3 was part of the USMS task force that attempted to arrest Casey Zeff on March 10, 2023. TFO #3 was the only officer that used a body-worn camera system. It was activated at approximately 5:04 p.m., after the 'pin' maneuver was executed. TFO #3 took a position behind a USMS vehicle that had a view of the Kia's driver's door.

TFO #3's camera captured the moment that Zeff shot himself in the car - the driver's window was in view. This was at approximately 5:12 pm. The audio captured two gunshots after that, presumably from TFO #2. Zeff's escape from the Kia to the apartment was documented by the video.

Statement of TFO officer #2

During this event, most or all the officers had limited views of Zeff. One of the closest was Task Force Officer #2, a Deputy with the Wyandotte County Sheriff's Office.

TFO #2 drove the vehicle that followed Zeff's Kia and attempted to "pin" it at the Villa Medici exit. Once the "pin" was executed, TFO #2 got out of the vehicle and took a "driver's side rear approach." Multiple officers were issuing commands. Zeff did not comply. Someone shouted "gun." TFO #2 took cover. TFO #2 heard others say that Zeff had a gun to his head.

TFO #2 saw that Zeff began driving the Kia back and forth in an attempt to push the police vehicles away from the Kia. TFO #2 got back in the USMS vehicle and "made contact again with the subject's vehicle." This is when the Kia became disabled.

After Zeff's Kia became high-centered, TFO #2 got out of the vehicle again and went back to the rear of the truck with TFO #1. At this point TFO #2 saw Zeff "sliding out of the vehicle and he's got the gun in his mouth."

At this point, Zeff's father arrived on the scene and approached his son, injecting further confusion into the situation.

TFO #2 reported that "...we got two threats that are working at the same time. We're in a deadly force encounter."

TFO #2 noted that the "[Suspect was]...sliding out with a gun in his mouth. He would kinda turn, look at his dad, turn, look at us.. with the gun.."

"At any second I felt this guy was going to turn his gun on us, that's the direction we were going because he knew he was trapped, especially when his car came to rest."

Zeff was standing outside of his Kia at this point. TFO #2 estimated he was 8 - 10 feet from the door of the Kia where Zeff was standing. Zeff then "slided" back into the car. TFO #1 tried to tase him. According to TFO #2 "Taser went off. TFO #1 kinda tased him. The guy got mostly back inside the car. Kinda see his feet hanging out. And then I heard a gunshot. I thought, dude's shooting at us." "I felt that as I'm seeing this, it's really a high-speed situation."

"I think that he realized he was gonna be shot with a taser, jumped back into the car, and his retaliation was to shoot back at us."

"I heard the gunshot, and it was just a second or two later he slides back down, kinda outta the passenger seat again and he's fumbling with a gun, like, trying to re-grip it, and he turns the gun up like this towards TFO #1 and I and that's when I fired."

"...he was trying to re-grip it or bring it back up. It was just kind of a fumbling mess at first. And he, I know he got control of it, started bringing it up. **And once he pointed it in our direction, that's when I fired my first shot.**"

"I fired two or three times, maybe, I think I got him once in the leg, because I seen him kinda jolt a little bit."

"I thought we were going to be shot. Seriously injured or killed."

After the shooting, TFO #2 retreated further behind his truck, and that is when Zeff left the Kia and made his way to the apartment.

Statement of eyewitness officer: TFO #1

TFO #1 is a Kansas Department of Corrections employee who was assigned to the USMS task force as a Task Force Officer. TFO #1 was the only other officer who saw the shooting.

After the pin maneuver was executed on Zeff's Kia, TFO #1 and TFO #4 approached the Kia's passenger side with a plan to smash a window and throw a canister of tear gas inside to compel Zeff to get out.

TFO #1 smashed the front passenger window. At that point, someone on the USMS team saw that Zeff had a gun. As soon as word "gun!" was shouted, all officers, including TFO #1 and TFO #4 took cover.

TFO #1 ended up next to TFO #2, using a USMS vehicle as cover. TFO #1 watched the Kia try to escape, and eventually get high-centered. He saw Zeff's father arrive and inject himself into the situation.

Eventually, TFO #1 had a ballistic shield which he and TFO #2 used for cover. Both officers had a close view of the passenger side of the Kia. TFO #1 saw Zeff move to the passenger side of the car and believed that Zeff was going to run. TFO #1 prepared for this by getting his Taser ready.

Zeff in fact stood up outside the car. TFO #1 put the red dot on Zeff's chest. Zeff saw him and quickly fell back into the car as TFO #1 fired the Taser. TFO #1 heard a "muffled" gunshot. He saw Zeff's hands shaking "uncontrollably" with the handgun in Zeff's lap.

Zeff established a grip on the handgun and pointed it in the direction of TFO #1 and #2. TFO #1 told investigators that **"I was afraid he could potentially shoot us."**

At this point, TFO #1 heard TFO #2 shoot twice. Zeff recoiled. TFO #1 believed that Zeff had been shot. Zeff then left the Kia and walked unobstructed to his apartment.

Autopsy Results

The autopsy of Casey Lawrence Zeff, age 30, was conducted on March 13, 2023.

Injuries of note:

A self-inflicted gunshot wound to the head that caused his death.

A non-deadly self-inflicted gunshot wound to the inside right cheek, which resulted in an exit wound also to the right cheek. (Zeff later told a police negotiator that "I shot myself and I don't even know if I meant to.")

A penetrating gunshot wound to the left knee. The bullet traveled right to left. This is one of the bullets fired by TFO#2.

Toxicology revealed amphetamine, MDMA and THC in Zeff's blood and urine.

Manner of death was suicide.

Crime Scene/Lab

The Johnson County Crime Lab had their crime scene investigators process the shooting scene. Two spent .40 S&W cartridge casings were collected near the F-150 truck. These were determined to be fired from TFO #2's service pistol.

The bullet recovered from Zeff's left knee was consistent with a .40 caliber jacketed hollow point bullet, which was the type of ammunition used by TFO #2.

Zeff's Kia Soul vehicle had a smashed driver's (left) side window with an apparent bullet hole in it, described as "internal to external directionality;" this appeared to be from the self-inflicted wound to Zeff's cheek. Apparent human tissue was found on the interior of the Kia's driver's side door. The Kia also had a bullet hole in the right rear passenger quarter panel next to the taillight.

A live 9mm SIG Luger bullet was found in the right front seat of Zeff's Kia.

A bullet fragment recovered from the right rear door of Zeff's Kia was also consistent with the type of ammunition used by TFO #2.

A live 9mm SIG Luger bullet was found near Zeff's vehicle. A spent 9mm SIG cartridge case was found near Zeff's vehicle. Zeff committed suicide with a 9mm pistol using SIG 9mm Luger ammunition.

A USMS vehicle had a bullet hole in its right front quarter panel. This vehicle was positioned to on the driver's side of Zeff's Kia, roughly parallel to it. No fired cases or bullets were recovered from this vehicle.

Analysis

Applicable law

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.**

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 had a Warrant to Arrest Casey Zeff

Casey Zeff was wanted for a parole violation out of the State of Minnesota. The USMS has nationwide jurisdiction and therefore the authority to execute an out-of-state warrant. The task force officers were deputized as special marshals. They could lawfully arrest Casey Zeff and the provisions of K.S.A. 21-5227 apply to this case. This was an attempt at a lawful arrest.

No Duty to Retreat

Multiple members of the task force attempted to get Zeff to comply with their orders to surrender. When officers are making a lawful arrest, as they were in this case, they have no duty to retreat from resistance to the arrest. Therefore, when Casey Zeff passively and actively resisted their efforts to arrest him, the task force officers were under no legal obligation to retreat from those efforts.

Use of Deadly Force was justified

This became a deadly force situation as soon as Casey Zeff injected a firearm into the scenario. If Zeff pointed his gun at TFO #2, a lawful response

would be for the officer to use deadly force to defend himself.

Both TFO #2 and TFO #1 saw the same thing: after Zeff fired a shot, Zeff was struggling to reacquire a grip on his 9mm pistol. When he did, the barrel of the gun was pointed at the officers. It was reasonable for the officers to think that Zeff was about to fire at them. The standard is: What would a reasonable police officer do, if faced with the same facts and circumstances? Would a reasonable police officer believe that deadly force was needed? The answer is "yes." Pointing a weapon at a law enforcement officer is a crime, and an officer does not have to wait until the subject shoots prior to defending himself.

TFO #2 believed his life was in danger, heard a gunshot, then saw a non-compliant armed fugitive point a gun at TFO #2 and #1.

TFO #2's belief that his life was in danger when he shot was a reasonable one, objectively supported by the facts.

Under all the appropriate legal statutes and cases as cited above, it was reasonable for TFO #2 to use deadly force against Casey Zeff.

Conclusion

Wyandotte County Sheriff's Deputy/TFO #2 lawfully used deadly force to defend himself and others against an imminent and actual threat of death or great bodily harm. Therefore, this office will not file charges against this officer for those actions.