



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

FOR IMMEDIATE RELEASE

FROM: District Attorney Steve Howe
RE: Overland Park Officer Involved Shooting October 3, 2023
DATE: January 22, 2024

SYNOPSIS

On October 3, 2023 an Overland Park Police K9 officer was called to assist in an arrest of suspect involved in previous violent assault. The officer located the individual and tried to arrest him. That individual, later identified as John Doran, pointed a firearm at the officer who then fired one round at him. The officer missed, and the bullet only damaged a building. The suspect was later arrested after a standoff.

911 call summons police to north Overland Park

On Tuesday morning, October 3, 2023, at around 2:11 a.m., H. H. called 911 from the QuikTrip located on Shawnee Mission Parkway in Overland Park. She told dispatchers that John Doran had “pistol whipped” her, and then held her against her will inside her nearby apartment. When he fell asleep, she was able to escape to QT and call 911.

Police arrived at QT. They observed that H.H. had injuries consistent with being struck in the head by a pistol.

She told police that Doran had recently moved into her apartment at her mother's request. On this date, H.H. and Doran were arguing because Doran had left the apartment and taken the house key with him.

During the argument, Doran pulled out a “**revolver with a red bandana on it**” and hit her on the nose, cheek, and the back of her head. At gunpoint, Doran forced her to remain in the apartment. At some point he fell asleep, and she fled to QT.

This all occurred inside the victim's apartment: 6110 Marty Lane in Overland Park. Upon learning these facts, various officers of the Overland Park Police Department surrounded the building and tried to make contact with Mr. Doran. Officer A had been called out to assist. Officer A is a K9 officer and had the canine with him. He was told to set up surveillance on the north side of the building.

These buildings are “L” shaped. They are connected externally but one cannot go from building to building internally. H.H.'s apartment is in building 6110. The adjacent building is 6108.

Suspect movement leads to shooting

At around 4:30 a.m. Doran attempted to leave apartment building 6110 via an exit on the south side of the building. Police, who had yet to have any contact with him, shouted commands and he fled back inside the building.

Just a few minutes later, Doran left the building from the north side and began walking toward the entrance of an adjoining building.

Officer A was observing the north side of the building with his dog when he saw Doran leave 6110 and walk toward 6108. Officer A was hiding in some bushes behind a short chain link fence. Officer A lifted the K9 over the fence and then climbed over himself and began running toward Doran. Doran had reached 6108 but ran back to 6110 when Officer A began shouting commands.

When Doran went inside the vestibule of 6110, he turned toward Officer A and pointed a pistol at the officer. Officer A, who was coming up to the front door saw this and immediately fired a shot, which went through the glass window on the door but did not strike Doran. Officer A and the K9 retreated to safety.

After a lengthy standoff with SWAT, Doran surrendered.

Crime Scene/Lab

Crime Scene Investigators recovered a red bandana on the concrete just outside the door used by Doran. There was also a 9mm shell casing just off the step. This shell casing is the same brand used by Officer A.

In the basement of building 6110, Crime Scene Investigators found a .38 caliber revolver. It was loaded and had apparent blood on it. H.H. had described the weapon used to strike her as a revolver.

Statement of involved officer

The Overland Park Police Department initiated its own internal investigation of Officer A's use of deadly force. Many officers heard the shot, but none of them witnessed the shooting.

Overland Park officer A

Officer A was interviewed by Overland Park detectives on October 5, 2023.

Officer A had been asleep at home on October 3 and received a page for a K9 call out to a "barricaded subject." Officer A responded to the apartment complex and checked in with a police captain. After assessing the situation, Officer A and his K9 took a position on the north side of the apartment,

They were in a position with "pretty good visual cover from within some trees and then there was about a 3-foot chain link fence there." "Where we were, it was dark. We were, basically, in the back yard of a house." Officer B was positioned with Officer A and advised that the victim in the underlying case had been held against her will, "forced to shower at gunpoint, she had been pistol whipped a few times..." Officer B showed Officer A a photo of Doran.

Officer A heard on the radio that Doran tried to leave through the south side of the apartment building but had retreated inside. The officers that saw Doran gave a description of him over the radio, which Officer A heard.

Although it was nighttime, the apartment was surrounded by a "very well-lit parking lot." Officer A stated, "we saw the door open, and a black male, John, was seen at the door." This person matched the description of the suspect put out on the radio. Officer A saw John Doran walk from 6110 toward 6108.

Officer A "...got my K9. I threw him over the fence. I jumped over the fence." Officer A then "gave commands for him to stop. Doran immediately ran towards 6110, so I sent the dog on what we call the override command or go bite that guy command for layman's terms. As the dog was chasing him, he fled into 6110."

Officer A ran toward 6110, gun in hand. Doran made it inside the doorway. "But at some point, I could see damn near all of his body through the glass of the window." Doran was "on the bottom of the floor, maybe one step up, but he was pretty close to the door so I don't think he could have been on the stairs at all."

"...as I'm looking at the door, he's tucked into the right of it. ... I looked up and he was holding a metal object that I could clearly see, like a round end on it that my very initial thought, I identified as a barrel of a gun. So, I fired a round as I was moving to cover."

"...I saw his hands drop or he definitely moved his hands away from the door towards his body."

"...his arms were up pointed out, like you would be if you were holding a firearm pointed at somebody..."

Officer A felt "pretty scared...when I saw that barrel there was no question in my mind that, like, he's got a gun pointed at me right now and I need to reciprocate that force."

"So, I discharged my firearm..." "...when I shot through the glass, the entire glass kind of spiderwebbed. ... I didn't know if I had shot him, if he was, you know, dead in there..."

Officer A then returned to a position of cover.

Officer A's body camera review

This incident was recorded on a body camera. Much of the beginning of the video is darkness as Officer A waited and watched. There is no audio (although Officer A's commands and single shot are recorded on other officers' body cameras.)

The action is poorly depicted. Officer A is moving fast, and glimpses of Doran can be seen. A review of the body camera footage did not reveal a frame where Doran was clearly seen brandishing a firearm. Obviously, the position of the camera on the officer's body played a role in this along with lighting and movement of the officer.

Officer B was nearby and saw Doran run back inside and heard the round fired by Officer A but could not see Doran's actions once inside.

Applicable law

PC to arrest established by fellow officer rule

K.S.A. 22-2401, Arrest by law enforcement officer states, in part:

A law enforcement officer may arrest a person under any of the following circumstances:

(c) The officer has probable cause to believe that the person is committing or has committed:

(1) A felony;

Officer A was attempting to arrest John Doran for a variety of felony charges when the shooting took place.

Officer A had no first-hand knowledge of Doran's alleged crimes, but he could (and did) rely on the information provided to him by fellow officers in order to establish the probable cause necessary to arrest Doran. This is the *fellow officer rule*. See *United States v. Williams*, 627 F.3d 247, 252 (7th Cir.2010). *State v. Miller*, 49 Kan. App. 2d 491, 496–97, 308 P.3d 24, 29 (2013).

Use of force justified by K.S.A. 21-5227

Because Officer A had probable cause to arrest Doran and was in the act of attempting to arrest Doran, the use of force in this incident is governed by *K.S.A. 21-5227*.

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.”

“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.”

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).

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?

Subjective belief prong

Officer A clearly believed that deadly force was necessary. He ordered Doran to stop, but Doran did not stop. Officer A attempted to use his canine officer, but Doran did not stop. Officer A saw Doran point a gun at him, and Officer A was “scared” and believed he needed to return fire.

Objective facts prong

These are the facts:

- John Doran possessed a revolver wrapped in a red bandana which he used to pistol whip his victim.
- John Doran chose to ignore Officer A’s repeated use of non-deadly force and fled from the officer.
- CSI recovered a red bandana at the very place where Doran allegedly retrieved a pistol from his person.
- CSI recovered a revolver from the basement of the apartment.
- There is no indication in any of the reports that Officer A was aware of the fact that the gun was associated with a red bandana.

The objective facts support Officer A’s subjective belief that deadly force was needed in this situation.

Conclusion

The circumstantial evidence supports the statements of Officer A. The evidence suggests that Doran took the gun out of his pocket as he fled back to apartment building 6110, and in the process the bandana fell out. He then pointed the gun at Officer A. At some point he attempted to hide the gun in the basement of the apartment.

Overland Park Police Officer A was justified in his use of deadly force on October 3, 2023, by *K.S.A. 21-5227*. As a result of these findings, he will not face any charges for his actions that day.

Because there is a pending criminal case against Mr. Doran, we will not be conducting a press conference or answering questions related to these findings.