



JEAN PETERS BAKER

JACKSON COUNTY PROSECUTING ATTORNEY

July 28, 2016

Chief Brad Halsey
Independence Police Department
223 N. Memorial Dr.
Independence, MO 64050

Re: Officer-involved shooting on February 4, 2016, at 6901 East 113th Terrace, Kansas City, Missouri¹

Chief Halsey:

On April 8, 2016, the Jackson County Prosecutor's Office Use of Force committee reviewed the investigation of the Feb. 4, 2016, shooting death of Mr. Scott Harless in Kansas City. Based on the investigation and our analysis, our committee concluded the evidence does not support the filing of criminal charges against Officer [REDACTED] the officer who shot Mr. Harless.

Summary of Facts²

¹ This case was jointly investigated by the Kansas City Police Department and the Independence Police Department. Citations to the Kansas City Police Department reports will be identified as CRN 16-8772 followed by the document and page number. Citation to the Independence Police Department Reports will be identified as CRN 2016-9086 followed by the document and page number. The file also includes video from Officer [REDACTED]'s dashboard camera (identified as "[REDACTED] Dashboard Video"); the audio of communications between [REDACTED] and other officers and dispatch; the video from Sergeant [REDACTED]'s dashboard camera (identified as "[REDACTED] Dashboard Video"); Aerial Surveillance Video (identified as "Aerial Video"); photographs from the scene of the shooting; a video recording of Sergeant [REDACTED]'s Statement (identified as [REDACTED] Interview); and a video recording of Officer [REDACTED]'s Statement (identified as [REDACTED] Interview).

² The legal standard governing self-defense, defense of others, and use of force in making an arrest considers what the person using force "reasonably believed" at the time of the use of force. See, e.g., *State v. Smith*, 456 S.W.3d 849, 852 (Mo. 2015); *State v. Edwards*, 60 S.W.3d 602, 612 (Mo. App. W.D. 2001). This test only considers the facts available to the person at the time of the use of force. *Edwards*, 60 S.W.3d at 612. At the time of the shooting, Officer [REDACTED] did not know Harless's name, Harless's past history, or whether Harless was in possession of controlled substance. While the post-shooting investigation identified the deceased as Harless, who had multiple prior drug-related contacts with law enforcement and a history of carrying a weapon, and found controlled substances on Harless and in Harless's vehicle, these facts were not known to Officer [REDACTED] and, therefore, did not play a role in Officer [REDACTED]'s actions at the time of the shooting. As such, the summary of events focuses on the facts known to or available to Officer [REDACTED] at the time of the shooting.



On February 4, 2016, at approximately 11:20 p.m., Independence Police Officer [REDACTED] was on patrol near the intersection of 23rd Street and Ralston in Independence.³ While at that location, Officer [REDACTED] observed a white pickup truck parked on the side of a gas station.⁴ The pickup was parked in an area not normally used for parking at the station, and the station was known for involvement with drugs and stolen cars.⁵ When the vehicle left the station, [REDACTED] followed it and had dispatch run a check on the license plate.⁶ The information provided by dispatch to the officer about the vehicle associated with those plates did not match what [REDACTED] observed about the vehicle.⁷ [REDACTED] conducted an investigatory stop believing that the vehicle might be stolen.⁸

After Officer [REDACTED] turned on his lights, the driver (later identified as Scott Harless) pulled over near the intersection of 23rd Street and Stark.⁹ While [REDACTED] was driving behind Harless and during the initial stop, [REDACTED] observed Harless reaching around inside the passenger compartment and watching the officer through the rearview window.¹⁰ [REDACTED] stated his previous law enforcement experience was that people engaged in similar behavior were often armed or attempted to flee the scene.¹¹ [REDACTED] twice asked Harless to turn off his engine, but Harless did not comply.¹² Instead, Harless drove away, causing the officer to follow Harless in his patrol vehicle.¹³

³ CRN 16-8772, [REDACTED] Statement, page 3.

⁴ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:03:50-4:05.

⁵ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:04:05-20.

⁶ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:04:20-40.

⁷ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:04:35-47.

⁸ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:04:47-52.

⁹ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 0:01:29; Independence Radio Dispatch File Numbers 00, 01, and 02; Hand Interview at 0:03:30-42, 04:52-05:04, 05:40-48. The dispatch records begin at 23:23:20. The dashboard video begins while Officer [REDACTED] is following Harless. On the dispatch records and on the dashboard video, Officer [REDACTED] runs the license plate after he has stopped Harless at 23rd Street and Stark. [REDACTED] Dashboard Video at 0:01:38-46; Independence Radio Dispatch File Number 02.

¹⁰ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:05:00-12. Given the quality of the video and the fact that the stop was at night, Harless is not clearly visible in the video during this point of the encounter. As such, the video does not confirm or refute Officer [REDACTED]'s statements about what he observed happening inside the pick-up.

¹¹ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Interview at 0:05:10-25.

¹² CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 0:02:10; [REDACTED] Interview at 0:05:34-39.

¹³ CRN 16-8772, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 0:02:14; [REDACTED] Interview at 0:05:39-40, 05:50-56.

With Officer [REDACTED] in pursuit, Mr. Harless drove east on 23rd Street to Blue Ridge.¹⁴ [REDACTED] notified dispatch of the chase.¹⁵ Harless turned on Blue Ridge, heading south.¹⁶ After the chase¹⁷ entered Kansas City, Sergeant [REDACTED] of the Kansas City Police Department joined in the pursuit near Bannister Road with Sergeant [REDACTED] driving behind the Independence officer.¹⁸ Other officers deployed stop sticks at or near 99th Street.¹⁹ Harless' vehicle hit the stop sticks, which damaged his vehicle's passenger side tires.²⁰

Mr. Harless turned on 113th Terrace.²¹ As he was turning on 113th Terrace, Harless lost control and his vehicle jumped the curb, coming to rest in the driveway between the houses at 6901 E. 113th Terrace and 6903 E. 113th Terrace.²² Officer [REDACTED] and Sergeant [REDACTED] parked

¹⁴ CRN 16-8722, [REDACTED] Statement, page 4; [REDACTED] Dashboard Video at 0:02:15-50; Independence Radio Dispatch File Numbers 4, 5, and 6 (reflecting that Harless had fled from the stop with Officer [REDACTED] in pursuit by 23:24:22 and approaching Blue Ridge by 23:24:34); [REDACTED] Interview at 0:06:04-12.

¹⁵ CRN 16-8722, [REDACTED] Statement, page 3; Independence Radio Dispatch File Numbers 4, 5, 6; [REDACTED] Interview at 0:05:56-6:04.

¹⁶ CRN 16-8722, [REDACTED] Statement, page 4; [REDACTED] Dashboard Video at 0:02:50; Independence Radio Dispatch File Number 11 (reflecting that Harless was southbound on Blue Ridge by 23:24:53); [REDACTED] Interview at 0:06:12-17.

¹⁷ During the chase, Harless ran several red lights, barely avoiding a collision with on-coming traffic at one of those lights, and drove at very high speeds. [REDACTED] Dashboard Video at 0:06:57-59; Independence Radio Dispatch File Numbers 14 (sixty-eight miles per hour), 15 (sixty-six mile per hour), 16 (sixty-two miles per hour), 19 (sixty miles per hour, driving "all over the road"), 21 (eighty miles per hour as passing stadium complex), 23 (ninety miles per hour), 26 (sixty-four miles per hour), 29 (seventy-nine miles per hour), 30 (eighty-two miles per hour), 32 (eighty-four miles per hour), 38 (ninety miles per hour near Gregory), 42 (seventy-eight miles per hour), 43 (seventy-nine miles per hour), 44 (eighty-eight miles per hour), 48 (seventy-miles per hour near 90th Street), and 52 (eighty-eight miles per hour at 97th Street).

¹⁸ CRN 16-8722, [REDACTED] Statement, page 2; [REDACTED] Dashboard Video at 0:10:40; [REDACTED] Dashboard Video at 11:32:40; [REDACTED] Interview at 0:02:00-03:06.

¹⁹ CRN 16-8722, [REDACTED] Statement, page 2; [REDACTED] Interview at 0:03:06-12; [REDACTED] Interview at 0:06:45-49.

²⁰ CRN 16-8722, [REDACTED] Statement, page 2; [REDACTED] Dashboard Video at 0:11:35-13:00; [REDACTED] Dashboard Video at 11:34:40-55; Independence Radio Dispatch File Numbers 55 (officer [REDACTED] observing damage to tires at 23:33:34), 56, and 58; [REDACTED] Interview at 0:03:26-42; [REDACTED] Interview at 0:06:49-55.

²¹ CRN 16-8722, [REDACTED] Statement, page 4; CRN 16-8722, [REDACTED] Statement, page 2; [REDACTED] Dashboard Video at 0:13:03; [REDACTED] Dashboard Video at 11:35:05; Aerial Video at 23:56:38; Independence Radio Dispatch File Number 63 (reflecting time of 23:35:06); [REDACTED] Interview at 0:06:55-59.

²² CRN 16-8722, [REDACTED] Statement, page 4; CRN 16-8722, [REDACTED] Statement, page 2; CRN 16-8722, Original Report, Page 2; CRN 16-8772, Lab Report 3, pages 2, 4-5; [REDACTED] Dashboard Video at 0:13:05-10; [REDACTED] Dashboard Video at 11:35:08-12; Aerial Video at 23:56:38-44; Independence Radio Dispatch File Number 63; [REDACTED] Interview at 0:03:51-04:04; [REDACTED] Interview at 0:07:00-08.

their vehicles near Harless' pickup.²³ [REDACTED] got out of his vehicle and started to approach Harless' vehicle with his service weapon drawn.²⁴ Harless also got out of his vehicle and was seen reaching into the pocket of his jacket.²⁵ [REDACTED] ordered Harless to get on the ground.²⁶ Harless did not follow this directive and, instead, turned and ran between the two houses.²⁷

Officer [REDACTED] and Sergeant [REDACTED] began to chase Mr. Harless on foot.²⁸ During this chase, [REDACTED] continued to order Harless to get on the ground.²⁹ Harless did not comply and then pulled a gun out of his pocket with his right hand. Both [REDACTED] and [REDACTED] saw the weapon.³⁰ [REDACTED] yelled to [REDACTED] that Harless had a gun.³¹ [REDACTED] ordered Harless to drop the gun.³² Instead of dropping the gun, Harless began to turn toward [REDACTED].³³ Seeing that Harless was turning toward the officers and bringing the gun up into a shooting position, [REDACTED] then fired, by his count, five or six shots at Harless until Harless dropped the gun and fell to the ground.³⁴ According to

²³ CRN 16-8722, [REDACTED] Statement, page 4; CRN 16-8722, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 0:13:10-12; [REDACTED] Dashboard Video at 11:35:18-20; Aerial Video at 23:56:46-50; [REDACTED] Interview at 0:04:33-46; [REDACTED] Interview at 0:07:08-31.

²⁴ [REDACTED] Dashboard Video at 0:13:10-14; Aerial Video at 23:56:47-50; [REDACTED] Interview at 0:07:35-40.

²⁵ CRN 16-8722, [REDACTED] Statement, pages 4, 7; Aerial Video at 23:56:49-51; [REDACTED] Interview at 0:04:46-52; [REDACTED] Interview at 0:07:40-49, 12:45-57.

²⁶ CRN 16-8722, [REDACTED] Statement, page 4; [REDACTED] Dashboard Video at 0:13:14-22; [REDACTED] Interview at 0:07:49-53.

²⁷ CRN 16-8722, [REDACTED] Statement, page 4; CRN 16-8722, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 11:35:15-18; Aerial Video at 23:56:52-53; Independence Radio Dispatch File Number 64; [REDACTED] Interview at 0:04:52-05:10, 0:05:27-31; [REDACTED] Interview at 0:07:52-57.

²⁸ CRN 16-8722, [REDACTED] Statement, page 4; CRN 16-8722, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 11:35:16-20; Aerial Video at 23:56:51-57:00; [REDACTED] Interview at 0:05:27-58; [REDACTED] Interview at 0:08:03-06, 10:00-10.

²⁹ [REDACTED] Dashboard Video at 0:13:14-22; [REDACTED] Dashboard Video at 11:35:16-18; [REDACTED] Interview at 0:08:05-09.

³⁰ CRN 16-8722, [REDACTED] Statement, pages 4, 8; CRN 16-8722, [REDACTED] Statement, pages 3-4; [REDACTED] Interview at 0:05:10-22, 07:10-35; [REDACTED] Interview at 0:08:08-17, 08:43-46.

³¹ CRN 16-8722, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 11:35:18-25; [REDACTED] Interview at 0:05:21-30, 07:53-59.

³² CRN 16-8722, [REDACTED] Statement, pages 4-5; [REDACTED] Dashboard Camera at 11:35:20-22; [REDACTED] Interview at 08:08:17-27, 8:50-53, 10:10-15. By the time of this statement, Harless and Sergeant [REDACTED] had moved off the dashboard camera and Officer [REDACTED] was about to move off the dashboard camera. While the aerial video shows the chase, it does not include any audio.

³³ CRN 16-8722, [REDACTED] Statement, pages 4-5; CRN 16-8722, [REDACTED] Statement, pages 4-5; [REDACTED] Interview at 0:06:08-14, 08:15-37; [REDACTED] Interview at 0:08:27-31, 14:10-43.

³⁴ CRN 16-8722, [REDACTED] Statement, pages 4-6; CRN 16-8722, [REDACTED] Statement, page 3; [REDACTED] Dashboard Video at 11:35:24; Aerial Video at 23:56:58-57:00; Independence Radio Dispatch File Number 65 (reflecting time of 23:35:27); [REDACTED] Interview at 0:06:16-24, 08:37-50, 09:36-10:16; [REDACTED] Interview at 0:08:30-41, 10:00-04, 10:30-42, 13:02-30. As noted above, the shooting took place off the two dashboard cameras. The audio track of the video recording, however, reflects the order to drop the gun occurring before the sound of any gunshots.

█████ he believed that Harless intended to shoot the gun at him or Sergeant █████³⁵ At the time of the shots, the officers were approximately ten to fifteen feet away from Harless.³⁶ The officers approached Harless and Sergeant █████ kicked Harless' gun out of reach and placed Harless into handcuffs.³⁷ █████ next turned Harless onto his side to ensure that Harless had a clear air passageway.³⁸ While █████ was checking on Harless pulse, Harless became non-responsive.³⁹ The radio traffic indicates approximately twenty-one seconds passed from the radio message that Harless had turned onto 113th Terrace to the radio message that shots had been fired.⁴⁰

Other officers arrived at the location to investigate. By the time that other officers arrived, the right side tires on the pickup were severely damaged with the remaining rubber loosely attached to the rims.⁴¹ Moving between the two residences, officers and crime scene technicians found six spent shell casings bearing a stamp of Speer 357 Sig near one of the two residences with the casings moving progressively to the southeast toward Mr. Harless's body over a distance of approximately fifteen to twenty feet.⁴² Moving southward, officers and crime scene technicians found a damaged Ruger handgun – containing a live round in the chamber – lying in the grass to the northwest of Harless' body.⁴³ In close proximity to the gun were several fragments that appeared to have come from the gun.⁴⁴ South of the gun, the officers and crime scene technicians found a damaged gun magazine with an apparent bullet hole containing live rounds.⁴⁵ The gun magazine was approximately five to seven feet southwest of Harless's body.⁴⁶

³⁵ CRN 16-8722, █████ Statement, page 7; █████ Interview at 0:09:50-59, 13:15-30.

³⁶ CRN 16-8722, █████ Statement, page 5; █████ Interview at 0:08:50-09:17; █████ interview at 0:09:15-26.

³⁷ CRN 16-8722, █████ Statement, page 3; █████ Interview at 0:06:29-43; █████ Interview at 0:10:15-24.

³⁸ CRN 16-8722, █████ Statement, page 3; █████ Interview at 0:06:43-52.

³⁹ CRN 16-8722, █████ Statement, page 3; █████ Interview at 0:06:55-59.

⁴⁰ Independence Radio Dispatch, File Numbers 63, 64, 65. On the video from the dashboard camera, it is less than ten seconds from the time that Harless exits his pickup until gunshots are heard. █████ Dashboard Video at 11:35:16-26. On the Aerial Video, it is less than ten seconds from the time that Harless is seen exiting his vehicle until flashes from gun shots are seen and Harless falls to the ground. Aerial Video at 23:56:50-57:00

⁴¹ CRN 16-8722, Supplement 2, page 11; CRN 16-8722, Lab Report 3, pages 2, 5; Photographs 7793-7796.

⁴² CRN 16-8722, Supplement 2, page 1; Photographs 7821-40.

⁴³ CRN 16-8722, Supplement 2, page 1; CRN 16-8722, page 2; CRN 2016-9086, pages 7-8, 11; Photographs 7813, 7817.

⁴⁴ CRN 16-8722, Lab Report 3, pages 2, 4-5; Photographs 7818, 7820.

⁴⁵ CRN 16-8722, Supplement 2, page 1; CRN 2016-9086, pages 7-8, 11; Photographs 7811, 7872, 7874.

⁴⁶ CRN 16-8722, Supplement 2, page 1; CRN 16-8772, Lab Report 3, pages 2, 5; Photograph 7808.

According to Officer [REDACTED], the clip for the gun that he used holds fourteen rounds.⁴⁷ An ammunition count of [REDACTED]'s weapon (a Sig Sauer) revealed that he had one live round in the chamber and seven live rounds in the magazine, all bearing a stamp of Speer 357 Sig.⁴⁸ [REDACTED] also had three spare magazines, each of which contained twelve live rounds, all bearing a stamp of Speer 357 Sig.⁴⁹ An ammunition count of Sergeant [REDACTED] weapon (a Glock 22) indicated that he had one live round in the chamber and fifteen live rounds in the magazine, all bearing a stamp of Speer .40 S&W.⁵⁰ [REDACTED] had two spare magazine, each of which contained fifteen live rounds, all bearing a stamp of Speer .40 S&W.⁵¹

A body examination of Mr. Harless at the medical examiner's office showed that he had multiple gunshot wounds, including having what appeared to be a metal fragment from a bullet lodged in his right hand.⁵²

Applicable Law

Under Missouri law, there are two statutes that govern the use of force applicable to the facts of this case. First, Section 563.031, RSMo., governs the use of force in defense of persons. Under this section, a person may "use physical force upon another person when and to the extent he or she reasonably believes such force [is] necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person." Section 563.031.1. A person may use deadly force to protect himself, herself, or another person from death, serious physical or any forcible felony. Section 563.031.2(1). A forcible felony is any felony that involves "the use or threat of physical force or violence" and includes all felony assaults.

Second, Section 563.046, RSMo., governs the use of force by police officers when effectuating an arrest. Significant to the analysis in this case, a police officer who is using physical force to effectuate an arrest under Section 563.046 is not an initial aggressor for the purposes of Section 563.031. Section 563.031.1(1)(a). Furthermore, an officer who is effectuating an arrest does not have the duty to retreat or stop his or her effort to effectuate the arrest merely because the suspect resists that arrest. Section 563.046. An officer can use deadly force in the course of making or attempting to make an arrest if deadly force is justified under another section (such as Section 563.031) or the suspect is attempting to escape by means of a deadly weapon or the suspect might otherwise endanger life or inflict serious physical injury unless promptly arrested or the suspect is believed to have committed an offenses involving the infliction of (or a threat to inflict) serious physical injury, particularly when the officer has given a warning before using deadly force. Section 563.046.3; *see also Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985)

⁴⁷ CRN 16-8722, [REDACTED] Statement, page 6; [REDACTED] Interview at 0:11:50-12:18.

⁴⁸ CRN 16-8722, Supplement 4, pages 1-2; CRN 16-8772, Lab Report 3, page 2.

⁴⁹ CRN 16-8722, Supplement 4, page 2; CRN 16-8772, Lab Report 3, page 2.

⁵⁰ CRN 16-8722, Supplement 4, page 2; CRN 16-8772, Lab Report 3, page 2.

⁵¹ CRN 16-8722, Supplement 4, page 2; CRN 16-8772, Lab Report 3, pages 2, 5.

⁵² CRN 16-8772, Supplement 7, pages 1-2; CRN 16-8772, Supplement 14, page 1, Photographs 3904-3908.

For both “use of force in defense of persons” and “use of force to effectuate the arrest,” the person claiming the defense has the “burden of injecting the defense” at any trial. Section 556.051, RSMo.; Section 563.031.5; Section 563.046.4. Once the person claiming the defense has produced evidence – either through his own evidence or through the prosecution’s evidence – supporting either defense, the burden of proving that the person claiming the defense did not act lawfully under these two statutes falls on the State. Section 556.051; Section 563.031.5; Section 563.046.4.

Analysis

In this case, the statements of both officers indicate that the suspect was armed with a deadly weapon, was fleeing from the officers at the time of the shooting, and that Officer [REDACTED] gave a warning before shooting Harless. This testimony is confirmed by the dashboard video from Sergeant [REDACTED] car on which Sergeant [REDACTED] is heard stating that Harless had a gun before [REDACTED] shot Harless. Additionally, both dashboard videos contain statements from the officers directing Harless to get on the ground before any shots are fired. Furthermore, the physical evidence included gunshot wounds (including lodged bullet fragments) to Harless’ hand and apparent gunshot damage to a gun (which contained a live round in the chamber) and a gun magazine (containing multiple live rounds) found in close proximity to Harless’ body, supporting the statements of both officers that there was a gun in Harless’ hand at the time of the shooting.

The physical evidence documented at the scene demonstrates the damage to the handgun and magazine believed to be held by Mr. Harless. The photographs of the weapons are depicted below, however, other evidence depicts wounds to Harless’ hand, indicating he was holding the weapon in his right hand when struck by Office [REDACTED]’s gunfire:



Crime scene photograph of magazine and handgun recovered from the scene marked by orange cones



Close up photos of the magazine with apparent bullet hole damage and handgun recovered from the scene.

In light of this evidence, at any trial, Officer [REDACTED] would be entitled to an instruction on use of force to defend himself and Sergeant [REDACTED]. Additionally, Officer [REDACTED] would be entitled to an instruction on the use of force to effectuate an arrest. Both instructions would, at the very least, tell the jury that Officer [REDACTED] was justified in using deadly force if he reasonably believed that Harless was attempting to kill or cause serious physical injury to either Officer [REDACTED] or Sergeant [REDACTED] and might indicate that Officer [REDACTED] was justified in using deadly force if he reasonably believed that Harless was about to commit or attempt to commit assault (either in the first or second degree⁵³) of a law enforcement officer or was about to resist arrest for a felony offense (tampering with a motor vehicle) by use of force.

At the present time, there is no apparent evidence to rebut any claim of defense of persons or use of force to effectuate an arrest. The videos and the physical evidence support the version of events given by both officers, and the statements of the two officers are consistent with each other on the essential facts of the case. Based on the current evidence, the only conclusion supported by the evidence is that a reasonable officer in Officer's [REDACTED] position would have believed that it was necessary to use deadly force. As such, there does not appear to be a reasonable probability that any charges against Officer [REDACTED] would be meritorious.

Conclusion

In light of the above evidence and principles of law, the Committee has determined that Officer [REDACTED]'s shooting of Mr. Harless on February 4, 2016, appears to be justifiable under Missouri law on the specific facts of this case. Officer [REDACTED] was placed in a situation (an armed suspect who disobeyed orders to stop and drop the weapon) necessitating the actions that he took.

⁵³ A person commits the offense of assault of a law enforcement officer in the second degree if, by criminal negligence, they cause physical injury to a law enforcement officer by means of a deadly weapon. Section 565.082.1(5). Given the facts of this case, if Harless had discharged his firearm at Officer [REDACTED], at the very least, Harless' conduct would have been an attempt to assault a law enforcement officer in the second degree under this provision.

While the death of Scott Harless is a tragedy for his family and our community, that tragedy does not warrant the filing of charges against an officer that acted within the limits contained in the law.

Sincerely,

A handwritten signature in black ink that reads "Jean Peters Baker". The signature is written in a cursive, flowing style.

Jean Peters Baker

Prosecutor for Jackson County