

SHOTS FIRED AS CAR SPED UP - Tampa Bay Times (FL) - December 31, 2018 - page 1

December 31, 2018 | Tampa Bay Times (FL) | TONY MARRERO | Page 1

As dozens of bystanders milled about in a crowded restaurant parking lot, three Lakeland police officers drew their guns and opened fire on a stolen Chevrolet Camaro as the driver ignored their commands and tried to pull away.

At least one round struck and killed the driver, 17-year-old **Michael Jerome Taylor** of Winter Haven, sparking protests by critics who say the officers used excessive force.

The incident early Wednesday highlights the wide of range of policies followed by law enforcement agencies nationwide on shooting at moving vehicles.

Investigations of the Lakeland shooting are underway, but police Chief Larry Giddens praised his officers and said an early assessment indicates they followed department policy.

Had they been working for agencies with more restrictive policies, their actions might draw disciplinary action, instead.

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For decades, law enforcement experts and reformers have said police should avoid shooting at moving vehicles.

"It's not like television. You're not going to stop the vehicle," said Ron Martinelli, a former police officer who now works as a forensic criminologist specializing in officer-involved shootings. "If you wound or kill the driver, you've got nobody in control of the vehicle."

In its Guiding Principles on the Use of Force, the Police Executive Research Forum, a research and policy organization known as PERF, says law enforcement agencies should prohibit shooting at moving vehicles "unless deadly physical force is being used against an officer or another person by means other than the moving vehicle itself."

The New York Police Department adopted that policy back in 1972, and departments in Boston, Chicago,

Cincinnati, Philadelphia and Washington, D.C., have since done the same.

But many agencies continue to give officers "much wider discretion to shoot at moving vehicles," the PERF report notes.

The differences extend to the Tampa Bay area.

One of the most restrictive policies locally was adopted by the St. Petersburg Police Department. Since 1999 or earlier, St. Petersburg has prohibited its officers from firing at moving cars unless “the occupant of a moving vehicle poses an immediate threat with a firearm, or fires upon an officer or another, and all other reasonable means to avoid the danger have failed.”

A string of incidents in which officers fired at people in cars — including the fatal shooting of 18-year-old TyRon Lewis in 1996 that helped spark violence in the city — prompted then-Chief Goliath Davis III to make the change.

The Tampa Police Department gives officers more leeway, forbidding them from firing at vehicles unless someone is firing a gun from the vehicle “or where the subject is using the vehicle in an offensive manner to strike persons or other vehicles and not simply using the vehicle to evade capture.”

The policy of the Hillsborough County Sheriff’s Office says deputies should not shoot at a moving or occupied vehicle “unless all other reasonable means of avoiding the risk of danger have been attempted and have failed, or there is insufficient time to attempt such alternative without endangering the safety of the deputy or others.”

The Pinellas County Sheriff’s Office policy says members of its force should not fire at vehicles “unless the member reasonably believes it is necessary to do so in order to protect themselves or others from imminent death or great bodily harm.” The policy of the Lakeland Police Department is identical.

This wording encompasses the standard under state and federal laws for deciding whether law enforcement officers are legally justified in using lethal force, including firing at a moving car, criminologist Martinelli said. Still, an officer’s action could be deemed legal but result in disciplinary action, as it did in 2013 when St. Petersburg police fired one officer and suspended two more for firing on a stolen car that drove away from them.

Giddens, the Lakeland chief, has said protecting themselves and the public is what his officers were doing when they opened fire in the crowded parking lot of the Salem’s gyro and sub shop.

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Officers were called to Salem’s on Memorial Boulevard about 2:20 a.m. because a large crowd had congregated there after leaving a nearby club, according to a Lakeland police news release.

At about 2:48 a.m., officers spotted a Camaro they suspected was stolen, approached the car and ordered the driver to get out, according to the police account.

In a 42-second segment of video, captured by a surveillance camera, Officer Markais Neal approaches the Camaro from the front with his gun drawn and the driver rapidly accelerates. Neal, 28, quickly backs up to get out of the car’s path and begins firing as it passes. The Camaro strikes one car, then two more. Neal continues to fire from behind the Camaro as it pulls away.

At the same time, two other officers behind the Camaro, Joseph Novis and Raj Patel, fire a number of rounds toward the back of the fleeing car. Several cars that appear to be occupied are visible beyond the Camaro.

When the Camaro stops a short distance away, a woman gets out of the passenger seat. The Camaro rolls slowly forward then accelerates again, crashing into a parked car and pushing it into an adjacent wall.

Officers pulled Taylor from the car and rendered first aid until paramedics arrived. He was pronounced dead at a hospital.

On the driver's-side floorboard, investigators found a loaded firearm that had been reported stolen.

At the scene, Chief Giddens said the officers fired to protect themselves and the public.

"With over 200 people, there are a lot of people that were placed in jeopardy this morning, in harm's way," Giddens said.

A department news release said the driver "attempted to run over an officer who had to jump in between two parked vehicles to avoid being hit" and put officers and the public in "immediate life-threatening danger," so officers "were forced to open fire."

Officers did not know who was in the car at the time of the shootings or that a gun was present, police spokesman Gary Gross said.

Records show Taylor has been arrested seven times since 2013 on charges including petty theft, fleeing from police, armed carjacking and violating probation.

The department and the State Attorney's Office are conducting investigations. A separate internal investigation "will review policies and procedures as well as best standards involving officer shootings," Gross said.

The three officers were placed on routine paid administrative leave. Novis, 25, and Patel, 23, have been with the department for 18 months, Neal for one year.

Once Neal was able to jump out of the way, any imminent threat to him had passed, Martinelli said. Investigators will have to determine if the threat to others justified firing as the vehicle moved away from the officers, Martinelli said.

The shooting also points up a cardinal gun-safety rule, he said: Know what's beyond your target.

"Research shows officers can only hit the target 12 to 14 percent of the time at distances of two to 10 feet," Martinelli said. "These guys are throwing rounds down range at this vehicle and the question you would ask yourself as an investigator is who's behind that vehicle."

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