

Officers were not wearing body cameras - Buffalo News, The (NY) - December 13, 2018 - page 11

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It began with a shoplifting call at Wegmans.

It ended about a mile away with a suicidal suspect fatally shot by a Buffalo police officer on the roof of a four-car garage, according to police.

Tuesday night's officer-involved shooting — Buffalo's third in five months — was defended Wednesday by a police department commander who said the officer had no choice but to shoot the knife-wielding suspect because he had charged at officers, even after he had been pepper-sprayed.

Wednesday evening, police identified the dead suspect as **Marcus Neal**, 47, of Buffalo. Officer Joseph Meli, 25, fired the shots, police spokesman Michael J. DeGeorge said.

"There's never any way to predict how any call for service — whether it's a traffic stop, it's a domestic, it's a barking dog call — can turn out. It's unfortunate," said Buffalo Police Capt. Jeff Rinaldo at a Wednesday afternoon news conference.

"I can tell you that no officer wants to find themselves in a life and death situation with a suspect and having to discharge their firearm, but unfortunately, a lot of times — most times — it's the suspect that determines the conclusion of these events, not the police officers who are there doing their job."

Neal died Wednesday morning at Erie County Medical Center after undergoing surgery. He was shot twice in the abdomen and once in the leg by Meli, one of the three officers who confronted him on the roof, Rinaldo said. The man had recently moved to Buffalo from out of state.

The shooting prompted questions Wednesday about whether Buffalo police should have used Tasers to subdue the suspect instead of deadly physical force. In February, the New York State Attorney General's Office recommended Buffalo police equip officers with Tasers after it investigated a Buffalo police officer's shooting of an unarmed suspect in 2017 in Black Rock.

Rinaldo said that the police department plans to begin arming some officers with Tasers as part of a citywide pilot project, starting as soon as a month from now.

But he said he believes it would not have been appropriate for officers to use a Taser in this case because the suspect was armed with a knife and was threatening the officers with deadly physical force.

"You match force with force," he said.

None of the officers involved in Tuesday night's shooting were wearing body cameras. But the department expects to begin deploying body cams to all officers across the city starting next month, Rinaldo said.

The Erie County District Attorney's Office will investigate whether Tuesday's shooting was justified, a spokeswoman said. The state Attorney General's Office, which has jurisdiction over police-involved shooting cases where the person who was shot was unarmed, has also been contacted about the matter, Rinaldo said.

A spokesperson for the attorney general indicated that office is unlikely to investigate Tuesday's shooting. The Exec. Order only applies to cases involving the death of an unarmed civilian," the spokesperson said.

On Tuesday, when security at Wegmans on Amherst Street called 911 at about 11:20 p.m. about a shoplifter, an on-duty police lieutenant was just pulling into the store's parking lot, police said.

A man who matched the description provided by store security was seen heading down Grote Street on foot. A short time later, police saw him come out of a yard in the area and start to run.

About 20 minutes after the lieutenant got to the store, an officer reported the suspect was on a roof near Sayre Street, according to an audio recording of police radio transmissions on broadcastify.com.

"He's got a knife," an officer reported moments later.

"Radio, he's cutting himself now," another officer reported, then asking a dispatcher to call for an ambulance and firefighters.

"Radio, he's running at officers with a knife," an officer reports about a minute later.

About 15 seconds later, an officer reports, "Shots fired. Shots fired."

Three officers were on the flat roof of the one-story garage behind 50 Gladstone St. with Neal, who had climbed up a pool deck attached to the garage, according to police.

The officers gave the suspect verbal commands to stop and to get on the ground, then he turned around with a knife, Rinaldo said.. He began threatening the officers with the weapon, wounding himself with the knife and making suicidal statements to the officers, Rinaldo said.

When the commands didn't work, the officers tried using pepper spray, "which had no effect," he said.

Meli fired three times. All the bullets appeared to have entered his body from the front, Rinaldo said.

"It doesn't matter what the predicate offense is, once you pull a weapon and begin to threaten the

officers, the officers had no room to attempt to retreat. They did an excellent job trying to de-escalate this,” he said.

“And unfortunately, the officers were faced with a situation where a suspect is charging at them with a knife in his hand stating that they’re going to have to shoot him.

“And it was either fire and stop the threat or possibly fall off the back of this roof with a suspect who’s armed with a knife falling on top of you. So, I think the officers did an excellent job given the circumstances and it’s an unfortunate situation.”

Tuesday night’s shooting was the third by a Buffalo police officer in about five months.

- Jeremiah D. Smith, 36, was shot July 20 following a standoff with police outside a home at McKinley Parkway and Como Avenue in South Buffalo. He survived.
- On Sept. 12, Rafael Rivera, 32, was fatally shot by an officer during a foot chase on Plymouth Avenue, after police responded to a call of a man with a gun. This month, Erie County District Attorney John J. Flynn said the officer would not face criminal charges.