

## **Officer won't be charged in fatal shooting - - Philadelphia Inquirer, The (PA) - October 10, 2018 - page B01**

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A Philadelphia police officer will not face charges after fatally wounding a 59-year-old Germantown homeowner in an August shootout that started when he mistook for intruders the officers who came to his house at 6 a.m. to execute a search warrant, the District Attorney's Office said Tuesday.

The office said a review of the shooting led to the conclusion that Officer Angel Vasquez had "reasonably believed he was in danger of death or serious bodily injury."

Police Commissioner Richard Ross had called the Aug. 6 death of the homeowner, **Ricardo Giddings**, "an all-out absolute tragedy."

Members of the SWAT team arrived at Giddings' house on the 4800 block of Knox Street with a search warrant and hoped to question Giddings' grandson in an unrelated shooting. Authorities said the officers knocked and announced themselves several times before entering the home, but Giddings thought they were intruders and opened fire, hitting one officer, Jaison Potts, 49, in the face.

Vasquez, Potts' partner, returned fire, hitting Giddings in the chest and a leg, wounds that proved fatal. Giddings' 67-year-old wife, Joann, was hit in the stomach by a ricocheted shotgun pellet as she tried to run out of the house. Her injuries were not life-threatening.

In a statement Tuesday, the prosecutor's office said, "We have concluded that the officer reasonably believed he was in danger of death or serious bodily injury. The officer was, therefore, legally justified in using deadly force, and, in this circumstance, no criminal charges are warranted."

SWAT officers serve around 300 warrants a year and had not fired a shot since 2015, Ross said at the time of the shooting. He called it "an absolute unfortunate circumstance all the way around."

The announcement comes as Krasner's office has pledged to apply more scrutiny to police-involved shootings.

Ben Waxman, District Attorney Larry Krasner's spokesperson, said Tuesday that the office investigates any incident in which an officer discharges a weapon.

"And in this case, the facts were very clear that they were in a very difficult situation walking into a house where they were being shot at," Waxman said of the officers.

Potts, a 20-year veteran of the police force, walked into Temple University Hospital shortly after the shooting and underwent surgery to remove the bullet from his jaw.

The grandson, whom police did not identify, was not at the house. He later turned himself in to police.

John McNesby, president of Fraternal Order of Police Lodge 5, the officers' union, said Tuesday that he wasn't surprised that the officer wasn't charged.

"They were serving a search warrant, they were fired upon, and the officer returned fire. The officer was doing his job, so I don't know what there would be charges for," he said.

"Unfortunately, sometimes policing isn't pretty. It's unfortunate someone lost their life that day, but the job was carried out. SWAT has a job to do."

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