

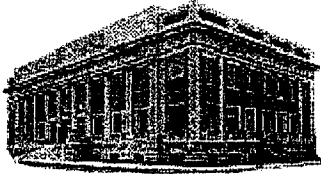
Equal Justice for All

Lewis County
Prosecuting Attorney's Office

PRESS RELEASE

TO: PRESS
FROM: JONATHAN L. MEYER, PROSECUTING ATTORNEY
DATE: JUNE 30, 2011
RE: OFFICER INVOLVED SHOOTING ON JUNE 20, 2011

Attached to this release is the investigative findings by the Lewis County Prosecuting Attorney's Office.



Lewis County Prosecuting Attorney's Office

Equal Justice for All

June 29, 2011

Detective Dave Haller
2000 Lakeridge Dr. SW
Olympia, WA 98502-6045

Detective Haller:

On the morning of June 20, 2011 I received notification that Deputy McKnight, of the Lewis County Sheriff's Office, had been involved in an officer involved shooting and, as a result of that shooting, Steven Peterson was dead. Upon arrival at my office, I, along with my Chief Criminal Deputy Prosecutor, J. Bradley Meagher, and Deputy Prosecutor Will Halstead, were briefed by the Lewis County Sheriff's office.

This briefing detailed that the investigation of the incident had been handed over to the Regional Sheriffs' Critical Incident Investigation Team. My understanding is that this unit is a multi-agency team made up of law enforcement from surrounding counties, to the exclusion of the county where the officer being investigated is employed. The purpose of the unit is to ensure that an outside agency would objectively review and investigate the incident. During the briefing, your name was revealed as the lead investigator on the case. Detective Sergeant Dusty Breen of the Lewis County Sheriff's Office was the designated liaison between your investigative unit and Lewis County.

In preparation of my review of this case, I attended a portion of the autopsy, attended the briefing given by you in my office, reviewed your report, the reports of others, witness statements, video¹, photographs, audio recordings, spoke with prosecutors in this, as well as other, offices, spoke with present and past law enforcement, and reviewed applicable statutory authority as well as relevant case law.

In doing so, I have determined that Deputy McKnight's use of deadly force during this incident was justified. This opinion has been reviewed by my Chief Criminal Deputy, J. Bradley Meagher, Deputy Prosecuting Attorney Will Halstead, as well as Thurston County Prosecutor Jon Tunheim. All concur in this conclusion.

What follows is a factual summary outlining facts known to Deputy McKnight at the time of the shooting, evidence discovered since the shooting, as well as relevant information, a legal analysis outlining the relevant authority and, finally, a conclusion that outlines, in detail my decision to not pursue criminal charges in this matter.

¹ It should be noted that, contrary to the belief of some, Deputy McKnight's vehicle was not equipped with any type of video recording device.

There are other items that were discovered after the shooting that may very well be relevant to the reason for Steven Peterson's actions, but are not relevant to the actions taken by Deputy McKnight. Those include the death of Mr. Peterson's wife, the removal of his child by CPS, apparent suicide attempts, a note left to his son, and interactions with others, including the reporting parties, prior to the beginning of this incident. This document is not meant to form any opinion as to the reason for Mr. Peterson's action on the morning of June 20, 2011. Rather, it is a review of Deputy McKnight's actions on that morning.

FACTUAL SUMMARY

At approximately 1:57 a.m. on June 20, 2011, Lewis County 911 received a report of a burglary in progress.² Two different voices relay information to the 911 operator. The first, a male identified as Jared Brockman³, tells 911 that "...we got a guy trying to break into our house here."⁴ The Mr. Brockman identifies the person attempting to gain entry as Steven Peterson.⁵ The Mr. Brockman indicates that Steven Peterson was attempting to "...kick the door down."⁶ Steven Peterson used to live at that address with Anita Mecca, the female caller, and was told to leave and not come back.⁷

Mr. Brockman armed himself with a baseball bat.⁸ Ms. Mecca indicated that Mr. Peterson was hitting the male caller's truck and then ran to the house.⁹ Then Mr. Peterson began stabbing the front door with the knife going through the front door in an apparent attempt to stab the male caller.¹⁰ The 911 call ended once an officer arrived on the scene.¹¹ During the course of the 911 call, information was being relayed to law enforcement. Upon receiving the report, law enforcement began to respond and set up containment in the area.¹² Deputy McKnight was responding from Onalaska.¹³ Also in the area and responding to the call were Sgt. Smith and Deputy Anderson.¹⁴ Deputy McKnight was sent to the area of 3rd and Vine in Napavine to assist in the containment until the K-9 unit could respond.¹⁵

² See Report of Detective Haller, page 4 of 15.

³ See 911 Transcription, page 2 of 29.

⁴ See 911 Transcription, page 1 of 29.

⁵ See 911 Transcription, page 1 of 29.

⁶ See 911 Transcription, page 1 of 29.

⁷ See 911 Transcription, page 1 of 29.

⁸ See 911 Transcription, page 1 of 29.

⁹ See 911 Transcription, page 1-2 of 29.

¹⁰ See 911 Transcription, page 3 of 29.

¹¹ See 911 Transcription, page 4 of 29.

¹² It should be noted that radio traffic between law enforcement officers as well as conversations with dispatch and law enforcement, go out on a common channel and, therefore, can be heard throughout the county.

¹³ See taped statement of Mathew McKnight, page 2.

¹⁴ See taped statement of Mathew McKnight, page 3.

¹⁵ See taped statement of Mathew McKnight, page 3. See, also, 911 Transcription, page 6 of 29.

Officer Noel Shields of the Napavine Police Department¹⁶ was the first to arrive on the scene.¹⁷ The information that Deputy McKnight had prior to arrival was that there was a burglary in progress in which Steven Peterson was kicking the front door, was hitting a vehicle parked outside and that he possible was armed with a large knife, stabbing through the front door.¹⁸ Officer Shields observed foot tracks through the grass around the house of the reporting party.¹⁹ Officer Shields observed "pretty obvious" stab marks to the vehicle located at the residence, as well as to the door of the residence.²⁰

Officer Shields informed other responding units that Steven Pederson was armed "...with a large knife."²¹ While working containment, Deputy McKnight saw something in his review mirror a couple of blocks away.²² Deputy McKnight was unable to confirm what he saw when looking outside of his fully marked vehicle.²³ Deputy McKnight continued with his containment duties when he, again, saw something.²⁴ However, this time, he was able to identify that it was a person near 2nd and Vine in Napavine.²⁵ Deputy McKnight turned around²⁶ and pulled his fully marked vehicle to the intersection of 2nd and Vine.²⁷ As Deputy McKnight pulled up, he used his spot light to illuminate the area as well as the person.²⁸ Deputy McKnight stopped his vehicle on one side of the intersection and the subject, later identified as Steven Peterson, was on the other side.²⁹ Deputy McKnight kept his distance because the Deputy McKnight was told that the person was armed with a knife and Deputy McKnight could not see his hands.³⁰ Deputy McKnight stepped from his fully marked vehicle in full uniform to make contact with Steven Peterson.³¹ Steven Peterson was standing in the middle of the street, and appeared to match the description of the armed suspect of the burglary.³²

Deputy McKnight identified himself after stepping out of his vehicle.³³ Deputy McKnight took a position just outside of his patrol vehicle in the "v" created by the open car door and the car.³⁴ Deputy McKnight told Steven Peterson that he needed

¹⁶ Napavine had one (1) officer on duty at the time of this incident. See taped statement of Mathew McKnight, page 2.

¹⁷ See taped statement of Noel Shields, page 1.

¹⁸ See taped statement of Noel Shields, page 1. See, also, 911 Transcript, page 5 of 29.

¹⁹ See taped statement of Noel Shields, page 1.

²⁰ See taped statement of Noel Shields, page 1.

²¹ See 911 Transcription, page 6 of 29. See, also, taped statement of Noel Shields, page 1.

²² See taped statement of Mathew McKnight, page 3.

²³ See taped statement of Mathew McKnight, page 2-3.

²⁴ See taped statement of Mathew McKnight, page 3.

²⁵ See taped statement of Mathew McKnight, page 3. See also 911 Transcription, page 7 of 29.

²⁶ See taped statement of Mathew McKnight, page 4.

²⁷ See taped statement of Mathew McKnight, page 2-3.

²⁸ See taped statement of Mathew McKnight, page 4-5.

²⁹ See taped statement of Mathew McKnight, page 3.

³⁰ See taped statement of Mathew McKnight, page 5.

³¹ See taped statement of Mathew McKnight, page 2-3 and 6. See, also, 911 Transcription, page 7 of 29.

³² See taped statement of Mathew McKnight, page 5.

³³ See taped statement of Mathew McKnight, page 6.

³⁴ See taped statement of Mathew McKnight, page 7.

to see his hands.³⁵ Steven Peterson paced back and forth in the intersection, ignoring the commands of Deputy McKnight.³⁶ Seeing this, Deputy McKnight drew his weapon.³⁷ Steven Peterson, at one point, continued to pace back and forth, stopped and then took a step towards Deputy McKnight.³⁸ Deputy McKnight continued to give Steven Peterson verbal commands and tried to assure Steven Peterson that he just needed to talk.³⁹ Steven Peterson then took a step back and continued to pace.⁴⁰

After being given a verbal command, Steven Peterson told Deputy McKnight "It ain't gonna happen buddy."⁴¹ After hearing that, Deputy McKnight saw Steven Peterson's body posture change, saw him flex, saw his shoulders come forward and he began to advance on Deputy McKnight.⁴² Deputy McKnight could still not see Steven Peterson's hands.⁴³ Deputy McKnight feared for his safety, feared that he was going to be stabbed and killed and, as a result, fired his weapon.⁴⁴ Steven Peterson went down and made no further movements towards Deputy McKnight.⁴⁵

While speaking with the reporting parties, Officer Shields heard gunshots.⁴⁶ At the sound of shots being fired, Officer Shields began running towards the sound of the shots, following the tracks in the grass.⁴⁷ Upon arrival, Officer Shields identified the deceased as Steven Peterson whom he knew as a result of contact with the deceased while Officer Shields was employed by the city.⁴⁸ Prior to Officer Shields' arrival on the scene, Deputy Anderson and Sgt. Smith arrived.⁴⁹ Sgt. Smith is a trained EMT and quickly turned his attention to Mr. Peterson who took two short breaths and then stopped breathing.⁵⁰

Evidence revealed that four (4) shots were fired by Deputy McKnight. Deputy McKnight's weapon was loaded with 16 rounds of ammunition (one in the chamber and 15 in the clip).⁵¹ Upon inspection, after the shooting, one (1) round was found in the chamber, with 11 rounds remaining in the clip.⁵² Four shell casing were found at the scene.⁵³ The location of the casings confirmed Deputy McKnight's location at

³⁵ See taped statement of Mathew McKnight, page 6-7.

³⁶ See taped statement of Mathew McKnight, page 6-7.

³⁷ See taped statement of Mathew McKnight, page 7.

³⁸ See taped statement of Mathew McKnight, page 7.

³⁹ See taped statement of Mathew McKnight, page 7.

⁴⁰ See taped statement of Mathew McKnight, page 7.

⁴¹ See Report of Detective Haller, page 13 of 15.

⁴² See taped statement of Mathew McKnight, page 7.

⁴³ See taped statement of Mathew McKnight, page 7.

⁴⁴ See taped statement of Mathew McKnight, page 7-8.

⁴⁵ See taped statement of Mathew McKnight, page 8-9.

⁴⁶ See taped statement of Noel Shields, page 2.

⁴⁷ See taped statement of Noel Shields, page 2-3. See, also, 911 Transcription, page 7 of 29.

⁴⁸ See taped statement of Noel Shields, page 2.

⁴⁹ See Report of Detective Haller, page 2 of 15.

⁵⁰ See Report of Detective Haller, page 2 of 15.

⁵¹ See Report of Detective Haller, page 3 of 15.

⁵² See Report of Detective Haller, page 5 of 15.

⁵³ See Report of Detective Haller, page 3 of 15.

the time he fired his weapon was as he reported and was witnessed by a nearby homeowner.⁵⁴

Several others heard and/or witnessed the shooting that were not connected with either Mr. Peterson or Deputy McKnight.

Andrea Ryan awoke at approximately 2:00 a.m. to use the restroom.⁵⁵ She observed a car parked outside her residence with someone standing near the vehicle, but did not realize that the vehicle was a law enforcement vehicle or that there was a law enforcement officer there.⁵⁶ Ms. Ryan then saw the muzzle flash and reported hearing three (3) shots.⁵⁷ At that time, she saw that it was a law enforcement officer as he stepped away from the vehicle.⁵⁸ Ms. Ryan indicated that the deputy appeared to almost "pass out" and she then saw a body in the street.⁵⁹ Ms. Ryan did not hear any words spoken.⁶⁰ This was likely the result of her dog making noises.⁶¹

Carly Pinkerton was awake in her bedroom at approximately 2:00 a.m. when she heard yelling coming from outside of her home.⁶² Carly⁶³ heard someone yelling "...stop, let me see your hands, stop let me see your hands."⁶⁴ She heard this command repeated four or five times.⁶⁵ She then heard four (4) gunshots.⁶⁶

Laurie Pinkerton was asleep, but heard the gunfire.⁶⁷

James and Deborah Dills indicated that they were asleep when they awoke to the sound of gunfire.⁶⁸ It was estimated that there were at least three (3) shots heard.⁶⁹

⁵⁴ See Report of Detective Haller, page 4 of 15. See, also, Report of Sgt. Steve Shumate, page 3.

⁵⁵ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁵⁶ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁵⁷ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁵⁸ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁵⁹ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁶⁰ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁶¹ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Andrea Ryan.

⁶² See Report of Detective Haller, page 8 of 15. See, also, Report of Deputy Ferguson, page 3. See, also taped statement of Carly Pinkerton.

⁶³ Due to the commonality of last names with another witness, Carly Pinkerton's first name is being used. No disrespect is intended.

⁶⁴ See Report of Detective Haller, page 8 of 15. See, also, Report of Deputy Ferguson, page 3. See, also taped statement of Carly Pinkerton.

⁶⁵ See Report of Detective Haller, page 8 of 15. See, also, Report of Deputy Ferguson, page 3. See, also taped statement of Carly Pinkerton.

⁶⁶ See Report of Detective Haller, page 8 of 15. See, also, Report of Deputy Ferguson, page 3. See, also taped statement of Carly Pinkerton.

⁶⁷ See Report of Deputy Ferguson, page 3.

Victor Madaris, Jr. indicated that at approximately 2:00 a.m. he was outside heard someone yell "Get down" and "get on the ground" then heard gun shots.⁷⁰ Victor⁷¹ heard several gun shots, three (3) or four (4), coming from the Vine Street area.⁷²

Jake Madaris was also outside, sitting inside of his pickup truck, at approximately 2:00 a.m.⁷³ Jake⁷⁴ heard four (4) gunshots and, as a result, called 911.⁷⁵ He did not hear anything else.⁷⁶

William Smith indicated that he was startled awake around 2:00 a.m. and heard four (4) gunshots.⁷⁷

Brian Dennis awoke just after 2:00 a.m. to the sound of three (3) gunshots.⁷⁸

Dawn Harris of the Lewis County Coroner's Office responded to the scene.⁷⁹ Ms. Harris learned that law enforcement was concerned that a weapon might be located inside the jacket of Mr. Peterson, whose left hand was in his jacket pocket.⁸⁰ Mr. Peterson's hand was removed from his pocket and a bullet fell from the pocket onto the ground.⁸¹ No weapon was found.⁸² However, Steven Peterson was seen with a knife shortly before this incident. He contacted Richard Burlingame at approximately 1:00 a.m. on June 20, 2011, less than one (1) hour before the 911 call.⁸³ Mr. Burlingame saw Mr. Peterson with a large knife at that time.

On June 21, 2011, an autopsy was performed at the Lewis County Coroner's office. The wounds are outlined in the Report of Detective Haller, page 11 of 15. Due to the graphic nature of the wounds, they will not be discussed in detail. It appears that Mr.

⁶⁸ See Report of Detective Haller, page 9 of 15. See, also, Report of Deputy Ferguson, page 2. See, also taped statement of James and Deborah Dills.

⁶⁹ See Report of Detective Haller, page 9 of 15. See, also, Report of Deputy Ferguson, page 2. See, also taped statement of James and Deborah Dills.

⁷⁰ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Victor Madaris, Jr.

⁷¹ Due to the commonality of last names with another witness, Victor Madaris' first name is being used. No disrespect is intended.

⁷² See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Victor Madaris, Jr.

⁷³ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Jake Madaris.

⁷⁴ Due to the commonality of last names with another witness, Jake Madaris' first name is being used. No disrespect is intended.

⁷⁵ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Jake Madaris.

⁷⁶ See Report of Detective Haller, page 7 of 15. See, also, Report of Detective Simper, page 2 of 4. See, also taped statement of Jake Madaris.

⁷⁷ See Report of Detective Simper, page 3 of 4.

⁷⁸ See Report of Detective Simper, page 3 of 4.

⁷⁹ See Report of Dawn Harris.

⁸⁰ See Report of Dawn Harris.

⁸¹ See Report of Dawn Harris.

⁸² See Report of Dawn Harris.

⁸³ See Report of Detective Haller, page 14 of 15. See, also, taped statement of Richard Burlingame, page 2.

Peterson was struck by three (3) bullets; one (1) in each arm and one in the head that actually caused the death of Mr. Peterson.⁸⁴ As of the date of this letter, an autopsy report has not been received nor has the toxicology results. However, neither report will impact the finality of this letter. It is clear which shot was fatal and the issue of toxicology results does not impact the analysis being conducted here.

LEGAL ANALYSIS

The controlling statute in Washington on this issue is RCW 9A.16.040. Under that statute, police officers are authorized to use deadly force when it is reasonable and necessary to arrest and/or apprehend a person who is committing, or has committed, a felony. When making the decision to use deadly force, an officer must have probable cause to believe that the person "...poses a threat of serious physical harm to the officer...."⁸⁵ "A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section."⁸⁶ When applying the facts of this case to the applicable law, it is clear that Deputy McKnight was legally justified when he used deadly force against Steven Peterson on June 20, 2011.

At the time that Deputy McKnight contacted Steven Peterson, Deputy McKnight had information that Steven Peterson was armed with a large knife, had used that knife in a violent fashion and was fleeing a crime scene. Upon contact, Deputy McKnight gave Steven Peterson verbal commands that were not followed and Steven Peterson was acting in an aggressive/non-compliant fashion. At that time, Deputy McKnight drew his duty weapon. Deputy McKnight continued to give Steven Peterson verbal commands that were heard by multiple witnesses.

As a side note, Steven Peterson's body was found only 19 feet away from Deputy McKnight's vehicle. Deputy McKnight, approximately 10 days prior to this event, received departmental training. That training included instruction on the proximity of a threat to an officer. Based upon that training, along with training that Deputy McKnight has received during the course of his employment, it appears that drawing his weapon was the proper decision. A choice to employ a non-lethal weapon (i.e. Taser or OC spray) would have left Deputy McKnight with insufficient time to react if such a non-lethal approach did not have the desired result.

Those commands were ignored. After continually refusing verbal commands, Steven Peterson said "It ain't gonna happen buddy." At that point, there was a marked change in body posture, with a concealed hand, and an advance towards Deputy McKnight. At that point, Deputy McKnight was left with no choice, but to employ the use of deadly force.

⁸⁴ See Report of Detective Haller, page 11 of 15.

⁸⁵ RCW 9A.16.040(2).

⁸⁶ RCW 9A.16.040(3).

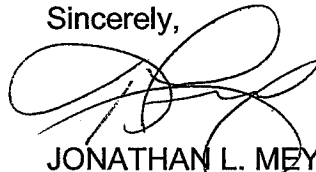
The reason for Steven Peterson's actions that night, although important to family and friends of Steven Peterson, is not relevant to, nor does it change, the analysis here. As stated earlier, the imperative analysis deals with what was known to Deputy McKnight at the time and the fact that those beliefs are shown to be true by evidence known at the time and discovered subsequent to this incident.

Certainly, this case is a tragedy for everyone involved. While every law enforcement officer is trained how to react in a situation such as was present here, I am sure that it is his/her desire that such training will never be needed. In addition, the tragedies endured by Steven Peterson and his family in the week/months leading up to this event will have a long lasting impact. However, such circumstances cannot impact the legal analysis that must occur.

In conclusion, I want to thank you and the members of your investigative team in your thorough and detailed investigation. The reports were extensive, detailed and well organized. The briefing provided a proper summation of the facts of this matter and gave me the opportunity to ask necessary questions that allowed me to conduct this analysis. In addition, I want to express a sincere debt of gratitude to you, your team and to Deputy McKnight for the hard and dangerous work that you all do on a daily basis. Through your work and the commitment shown by everyone involved in this process, the citizens of Lewis County can feel confident in the process used in this matter.

Finally, I am authorizing the return of items taken from Deputy McKnight including, but not limited, to his service weapon, his utility belt, and its contents, as well as his uniform. If you have any additional question, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Meyer', with a large, stylized flourish extending from the end of the signature.

JONATHAN L. MEYER
Lewis County Prosecuting Attorney

cc: Steve Mansfield, Lewis County Sheriff
Deputy Mathew McKnight, Lewis County Sheriff's Office