City of Phoenix

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To: Jeri L. Williams
Police Chief

Date: August 25, 2020

From: Shane Disotell, Commander
Professional Standards Bureau

Subject: **SHOOTING INVESTIGATION – SH19-0020**

Internal Investigators: Lieutenant Ryan Junas (Investigative Review)
Sergeant Mathew Hanson (Primary Investigator)
Sergeant Brandon Warner (Secondary Investigator)

SUMMARY:

On November 11, 2019, at 7:37 p.m., Officers Brittany Smith-Petersen #10529 and Annie Batway #9656 responded to an emergency call for service (CFS) 19001967281, in the Home Depot parking lot at 4848 North 43rd Avenue for an attempted armed robbery. The complainant, Mr. Ramon Felix Morales, called 911 and indicated the suspect, Mr. Krish Singh, attempted to rob him at knifepoint. Officers Smith-Petersen and Batway arrived on scene and located Mr. Singh as he walked south through the Carl's Jr. parking lot at 4311 West Camelback Road. Officer Smith-Petersen contacted Mr. Singh and observed him holding a knife to his neck. Officer Smith-Petersen gave Mr. Singh verbal commands to drop the knife. Mr. Singh refused to drop the knife and walked toward Officer Smith-Petersen with the knife still to his neck. Mr. Singh was approximately 18 feet away from Officer Smith-Petersen when she fired one round at Mr. Singh from her department-issued Glock 17, 9mm, duty weapon, and stopped the threat. Mr. Singh was struck in the pelvis, fell to the ground, and dropped the knife. Mr. Singh was transported to St. Joseph's Hospital, at 350 West Thomas Road, where he was treated and survived his injuries. There were no injuries to officers or bystanders.

Location:	4311 West Camelback Road
Date:	November 11, 2019
Time:	7:47 p.m.
Employee/s Involved:	Officer Brittany Smith-Petersen #10529 Maryvale Estrella Mountain Precinct / 82G Squad
Employee/s Injuries:	NONE
Citizen Involved:	Mr. Krish S. Singh Male, Age 27

Citizen Injuries: Single gunshot wound to the pelvis

DETAILS OF INVESTIGATION:

On November 11, 2019, Professional Standards Bureau (PSB) investigators and criminal investigators were called to the scene of an officer involved shooting at 4311 West Camelback Road, where they completed separate investigations. During interviews with the involved employees and officers, PSB investigators learned the following:

On November 11, 2019, at 7:37 p.m., Officers Smith-Petersen and Batway responded to an emergency call for service (CFS) 19001967281, in the Home Depot parking lot at 4848 North 43rd Avenue.[1] Details on the call indicated Mr. Singh attempted to rob Mr. Felix Morales at knifepoint near the Home Depot parking lot. Mr. Felix Morales indicated he was chased at knifepoint and would wait at the bus stop near the Carl's Jr. at 4311 West Camelback Road.

Officers Smith-Petersen and Batway arrived on scene as separate patrol units and observed Mr. Singh walk south through the Carl's Jr. parking lot. Officer Smith-Petersen drove her patrol vehicle into the Home Depot parking lot and blocked Mr. Singh's path. Officer Smith-Petersen told Mr. Singh to show her his hands as she exited her patrol vehicle. As she did this, she observed Mr. Singh remove a knife from his pants pocket with his left hand and put the knife against his own throat. Officer Smith-Petersen removed her duty weapon from its holster and pointed it at Mr. Singh while she gave commands to Mr. Singh to drop the knife.

Officer Smith-Petersen told PSB investigators she moved to the rear of her patrol vehicle near the passenger side of the trunk to create a barrier between herself and Mr. Singh. Officer Batway arrived and positioned her vehicle directly north of Mr. Singh. Officer Batway exited her vehicle, drew her duty weapon, and walked toward Officer Smith-Petersen. Officer Smith-Petersen gave Mr. Singh verbal commands to drop the knife and advised him she would shoot him if he moved any closer to her.

According to the body-worn cameras (BWC), Officers Smith-Petersen and Batway negotiated with Mr. Singh for approximately two minutes while he stood in the parking lot holding the knife to his throat.[2] Mr. Singh refused to obey commands and took several steps towards Officer Smith-Petersen.[3] Mr. Singh moved into a position where the police vehicle was no longer a

barrier between him and Officer Smith-Petersen. Mr. Singh was approximately 18 feet away from Officer Smith-Petersen.[4] Fearing for her safety and the safety of Officer Batway, Officer Smith-Petersen fired one round at Mr. Singh from her duty weapon. The round struck Mr. Singh in his pelvis and he dropped the knife as he fell to the ground. Officer Smith-Petersen approached Mr. Singh and kicked the knife away from his reach. Additional units responded to the scene and took Mr. Singh into custody and provided medical treatment until paramedics arrived. A search of Mr. Singh's wallet revealed he was in possession of methamphetamine. Mr. Singh was transported to St. Joseph's Hospital where he was treated for his gunshot wound. Mr. Singh survived his injury.

On November 11, 2019, criminal investigators interviewed Mr. Felix Morales. Mr. Felix Morales spoke Spanish and was interviewed by a certified Spanish speaker. Mr. Felix Morales told criminal investigators he was approached by Mr. Singh at the bus stop on the west side of North 43rd Avenue. According to Mr. Felix Morales, Mr. Singh sat next to him and pulled out a knife. Mr. Singh put the blade of the knife to his own throat and drug it across his neck. Mr. Felix Morales understood this to symbolize someone's throat being cut. Mr. Felix Morales told criminal investigators he was afraid and thought Mr. Singh wanted to rob him.

Mr. Felix Morales stood up from the bench and ran away from Mr. Singh until police officers arrived. Mr. Felix Morales saw Officers Smith-Petersen and Batway contact Mr. Singh in the parking lot. Mr. Felix Morales indicated he heard the police officers give Mr. Singh verbal commands, and Mr. Singh yelled back at them. Mr. Felix Morales said Mr. Singh walked towards Officer Smith-Petersen with the knife in his hand. Mr. Felix Morales said Officer Smith-Petersen fired one round at Mr. Singh before he fell to the ground and dropped the knife. Mr. Felix Morales described Mr. Singh's behavior as aggressive and out of control, and he believed Mr. Singh was trying to harm someone.[5]

On November 12, 2019, criminal investigators contacted Mr. Singh's mother, Ms. Sunita Singh, by telephone. Ms. Singh advised criminal investigators Mr. Singh previously received treatment for [redacted], [redacted] and had been known to abuse drugs in the past.[6]

On December 2, 2019, criminal investigators interviewed Mr. Singh at St. Joseph's Hospital. Mr. Singh told criminal investigators he remembered the incident on November 11, 2019, and admitted he experienced [redacted] prior to his contact with police. Mr. Singh told criminal investigators he wanted to end his life using the knife.[7] Mr. Singh denied the allegation related to the armed robbery because he told criminal investigators he asked Mr. Felix Morales

to end his life when he contacted him at the bus stop. Mr. Singh declined to provide any further comments related to the investigation or the methamphetamine found in his possession.

During the scene investigation, criminal investigators located Mr. Singh's knife and determined Officer Smith-Petersen was eighteen feet from Mr. Singh when she fired her duty weapon.[8] One 9mm expended shell casing was recovered in the location where Officer Smith-Petersen said she was standing at the time of the shooting.[9]

Detective Jon Teusink #8381 performed a weapons inspection on Officer Smith-Petersen's duty weapon and three magazines. Detective Teusink determined one round was missing from Officer Smith-Petersen's Glock 17, 9MM ([redacted]) duty handgun, and all bullets were accounted for in the two magazines worn on her duty belt.[10]

PSB investigators reviewed Officers Smith-Petersen and Batway's BWC footage. The video and audio were consistent with the information provided by Officer Smith-Petersen, Officer Batway, Mr. Felix Morales, and Mr. Singh.

PSB Interview with Officer Batway:

On November 26, 2019, PSB investigators interviewed Officer Batway. Officer Batway said she responded to the emergency radio call as a solo unit with Officer Smith-Petersen. Officer Batway said the call details indicated an attempted armed robbery occurred at North 43rd Avenue and West Camelback Road. Officer Batway said she was provided details that Mr. Singh attempted to rob Mr. Felix Morales, and Mr. Felix Morales was chased through the parking lot. When Officer Batway arrived, she said she immediately located Mr. Singh in the parking lot of the Carl's Jr. and illuminated him with her patrol Tahoe spotlight.

Officer Batway said she saw Officer Smith-Petersen arrive and immediately draw her duty weapon. Officer Batway recognized Mr. Singh as the subject on the call. Officer Batway said Mr. Singh removed a knife from his pants pocket and placed it to his own throat. Officer Batway heard Officer Smith-Petersen give Mr. Singh commands to drop the knife. Officer Batway said she moved towards Officer Smith-Petersen and positioned herself in an "L-configuration" with Officer Smith-Petersen and Mr. Singh.

Officer Batway said Mr. Singh asked the officers to shoot him. Officer Batway said Mr. Singh refused to obey commands to drop his knife. Officer Batway said, "he's not listening to any of the commands that my partner's telling him to drop the knife, drop the knife, don't come any closer."[11] Officer Batway said, "he keeps taking steps closer, and then he would stop, and then steps, and then stop... uhm, the whole time he's just yelling at us to kill him."[12]

Officer Batway said Officer Smith-Petersen continued to give Mr. Singh commands to drop the knife and they both attempted to negotiate with him. Officer Batway said, "at this point he still… has the knife to his neck, he's never dropped the knife, he's never listened to any of the commands that we've given to him over and over again."[13]

Officer Batway said Mr. Singh continued to walk towards the front of Officer Smith-Petersen's patrol vehicle. Officer Batway said Mr. Singh walked two to three additional steps past the front of Officer Smith-Petersen's patrol vehicle toward Officer Smith-Petersen, and then she heard Officer Smith-Petersen fire one round. Officer Batway said, "that's when I heard the shot go off, and um, he immediately went down to the ground and when he hit the ground the knife fell out of his hand."[14] Officer Batway said she advised radio dispatch of the police officer involved shooting. Officer Batway said she observed Officer Smith-Petersen walk towards Mr. Singh and kick the knife away from him.

Officer Batway told PSB investigators she was certain Mr. Singh could clearly hear Officer Smith-Petersen's commands to drop the knife throughout their contact. Officer Batway said she was in fear for her life and felt Mr. Singh had the ability to stab her.[15] PSB investigators asked Officer Batway if she considered a less-lethal use of force option. Officer Batway stated the incident happened so fast and she was concerned for her safety, as well as the safety of Officer Smith-Petersen. Officer Batway said she did have a stun bag in her patrol vehicle but was not afforded enough time to safely retrieve the tool.

PSB Interview with Officer Smith-Petersen:

On November 18, 2019, PSB investigators interviewed Officer Smith-Petersen. Officer Smith-Petersen said she responded to the CFS as a solo unit with Officer Batway. Officer Smith-Petersen said dispatch provided information prior to her arrival, which indicated Mr. Singh was armed with a knife and chased Mr. Felix Morales through the parking lot at the Carl's Jr. located at 4311 West Camelback Road.

Officer Smith-Petersen said she observed Mr. Singh walk through the parking lot south towards the Home Depot on the south side of the Carl's Jr. Officer Smith-Petersen said she illuminated Mr. Singh with the spotlight on her patrol vehicle to get his attention. Officer Smith-Petersen said she rolled down her window and immediately gave Mr. Singh verbal commands to show his hands as she exited her patrol vehicle. Officer Smith-Petersen said Mr. Singh pulled a knife out of his pocket with his left hand and placed it directly at his own throat.

Officer Smith-Petersen said Mr. Singh advanced towards her. Officer Smith-Petersen said, "I would call it charging at me, he wasn't running but he was definitely aggressively walking in my direction."[16] Officer Smith-Petersen said, "I did tell him immediately to stop right where he was, don't come any closer or I was gonna shoot him."[17] Officer Smith-Petersen said Mr. Singh told her he did not care, and he wanted to die. Officer Smith-Petersen said she told Mr. Singh to drop the knife again. Officer Smith-Petersen said, "At that point, eeeh-ya-know, I tell him to drop the knife, drop the fuck'n knife."[18]

Officer Smith-Petersen said she backed up to a position near the rear of her patrol vehicle. Officer Smith-Petersen intentionally tried to put the patrol vehicle in-between her and Mr. Singh to give her a barrier. Officer Smith-Petersen said she continued to communicate with Mr. Singh and was able to slow the situation down because she was able to use her patrol vehicle as a barrier. Officer Smith-Petersen said she continued to communicate with Mr. Singh and said, "I told him, ya-know, if you come any closer I'm going to kill you."[19] Officer Smith-Petersen said she heard Officer Batway ask for additional units and advised over the radio Mr. Singh was armed with a knife and being held at gunpoint.

Officer Smith-Petersen said she continued to tell Mr. Singh to drop the knife. Officer Smith-Petersen said Mr. Singh responded by hitting himself in his head and telling her to shoot him. Officer Smith-Petersen said Mr. Singh took another step closer and she became concerned for Officer Batway's safety. Officer Smith-Petersen said, "I remember feeling very uneasy and unsafe for her, uh, because she had no barrier, I had my vehicle so that gave me a slight sense of comfort in the sense that I could-I could talk to him a little more because I had my car as my reference point on the distance he was gaining, Officer Batway had no barrier."[20] Officer Smith-Petersen said Mr. Singh continued to move forward and encroach upon her barrier, which she referred to as the front of her patrol vehicle. Officer Smith-Petersen said she told Officer Batway if Mr. Singh moved any closer, they were going to have to shoot him.

Officer Smith-Petersen said Mr. Singh took a few steps closer, and she felt she had no other choice but to end the threat. Officer Smith-Petersen said, "Once he had stepped out of the line of my vehicle and passed my um push bar, I-I pulled the trigger, so one shot, instantly, ah-he dropped the knife and-ah-and uh he fell to the ground."[21] Officer Smith-Petersen said she heard Officer Batway declare the officer involved shooting over the radio. Officer Smith-Petersen said she then approached Mr. Singh and kicked the knife away from him. Officer Smith-Petersen said, "I remember feeling, once I pulled the trigger and he fell to the ground and dropped the

knife… ah, instant relief that-the, that we were no longer, that we were safe… that he wasn't in control anymore of the situation."[22]

PSB investigators asked Officer Smith-Petersen if she was aware of how long her contact was with Mr. Singh before she decided to shoot. Officer Smith-Petersen said, "When I watched my body-cam footage, I realized how quickly everything happened and I think from the time I stepped out of my vehicle until the time I pulled my trigger was only about two minutes… so, and it felt like twice if not three times that… in the moment."[23] PSB investigators asked Officer Smith-Petersen if she considered a less-lethal option. Officer Smith-Petersen said the incident happened too quickly, and she was concerned with Mr. Singh's proximity to her and Officer Batway to transition to a less-lethal option in the absence of a proper barrier.

Officer Smith-Petersen said she increased the distance between her and Mr. Singh by moving towards the rear of her patrol vehicle to give Mr. Singh the opportunity to comply. Officer Smith-Petersen said Mr. Singh showed his intent and wanted her and Officer Batway to kill him. Officer Smith-Petersen said she felt Mr. Singh was willing to escalate the situation to get her and Officer Batway to use deadly force against him.

- On January 31, 2020, a toxicology screen was completed by the Phoenix Police Department's Laboratory Services Bureau, using vials of blood collected by medical personnel at St. Joseph's Hospital. The results confirmed the presence of marijuana and methamphetamine in Mr. Singh's blood at the time of the incident.[24]
- Criminal investigators submitted their investigation to the Maricopa County Attorney's Office, and, on June 12, 2020, via a letter addressed to Police Chief Jeri L. Williams, the Maricopa County Attorney's Office advised it was the opinion of their Shooting Review Board that Officer Smith-Petersen had not committed any acts warranting criminal prosecution.[25]

CLOSING:

This Professional Standards Bureau investigation is complete and will be forwarded to the involved employee for review. A copy will also be forwarded to the affected bureau/precinct commander/administrator for informational purposes. If desired, an Investigative Review Process (IRP) meeting will be held with PSB Commander Disotell. Upon finalization, this

investigation will be forwarded to the Use of Force Board for review. The investigation will be retained in the Professional Standards Bureau in accordance with record retention policies and/or laws.

Endnotes:

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[1] Call For Sercive (CFS) report, 19001967281
[2] Officer Smith-Petersen and Officer Batway's body worn camera video
[3] Officer Smith-Petersen's body worn camera, 04:00-04:15
[4] Crime Scene Diagram/s, IR 201900001967281, authored by Crime Scene Specialist Kristy Blankenship #A5332
[5] Incident Report 201900001967281-041, authored by Detective Jeffrey Johnson #6998, pp. 2-3 of 4
[6] Incident Report 201900001967281-009, authored by Detective Anthony Winter #7952, pp. 2 of 2
[7] Incident Report 201900001967281-038, authored by Detective Anthony Winter #7952 pp. 1-2 of 2
[8] Crime Scene Diagram/s, IR 201900001967281, authored by Crime Scene Specialist Kristy Blankenship #A5332
[9] Incident Report 201900001967281-008, authored by Detevtive Michael Walsh #7049, pp. 2 of 3
[10] Incident Report 201900001967281-005, authored by Detective Jon Teusink #8128, pp. 1-2 of 2
[11] Audio recording of PSB interview with Officer Batway, Begin: 03:40
[12] Audio recording of PSB interview with Officer Batway, Begin: 03:49
[13] Audio recording of PSB interview with Officer Batway, Begin: 04:33
[14] Audio recording of PSB interview with Officer Batway, Begin: 05:25
[15] Audio recording of PSB interview with Officer Batway, Begin: 08:50
[16] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 21:28
[17] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 21:38
[18] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 21:55
[19] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 22:38
[20] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 23:38
[21] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 25:45
[22] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 27:00
[23] Audio recording of PSB Interview with Officer Smith-Petersen, Begin: 28:49
[24] Laboratory Services Bureau Toxicology Report, Incident Report 201900001967281
[25] Maricopa County Attorney's Office Critical Incident Clearance Letter