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December 23, 2024



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**Iowa Attorney General's Review  
of Officer Involved Death**

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Incident of November 26, 2024  
Des Moines, Iowa

Des Moines Police Officers: Christian Bishop and Lanny Herzog

Subject Involved: Charles Alan Leonard III

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## **Executive Summary**

At approximately 6:05 a.m. on November 26, 2024, Charles Alan Leonard III pulled a gun on the receptionist at Elise Mason Manor at 430 Grand Avenue, Des Moines. The receptionist was able to call 911. A second citizen also called 911 to report she was in the lobby as well, and the gunman was aiming a handgun at the receptionist.

All available officers responded. Officers Christian Bishop and Lanny Herzog were able to see Leonard through a large glass window in the lobby. Once the hostages were safely out of the area, Officer Bishop illuminated Leonard with a flashlight. While looking directly at the two officers, Leonard leveled his weapon at them. Officers Bishop and Herzog fired on Leonard. Leonard died on scene from multiple gunshot wounds.

## **Detailed Factual Summary**

The Iowa Attorney General's Office concludes that the fatal shooting of Charles Alan Leonard III by Des Moines Police Officers Christian Bishop and Lanny Herzog on November 26, 2024, was legally justified.

At 6:05 a.m., Des Moines Police received a 911 call from an unidentified woman. She did not talk directly to the dispatcher, but was heard saying "please don't shoot." A second 911 call came soon after from Kelly Connor, reporting that a man she knew as Charles was in the lobby at 430 Grand Avenue with a gun pointed at the

receptionist. She was also in the lobby with them. She stayed on the phone and continued to relay to dispatch the gunman's location as he moved between the reception desk, the lobby doors, and the elevators. The man was later identified as Charles Alan Leonard III.

All available officers responded to Elise Mason Manor and set up a perimeter. Officers located two entrance doors, one on the north side and one on the west side. The north door was glass which led to a vestibule, and then a second glass door. On the northwest corner of the building, between the two entry doors, was a glass-pane wall where officers could observe the lobby. Most officers took position at the north door to the vestibule where they could see Leonard. At that time he was in his wheelchair, stationed with his back to the wall between both elevators. From his position Leonard and could see both entrances as well as the glass-pane wall between them. Officer Herzog took position at the northwest corner glass wall. Officer Bishop arrived shortly after and provided cover to Officer Herzog. It did not appear that Leonard was talking to anyone in the lobby, nor was he making any attempt to communicate with the officers. He had what appeared to be a handgun in his right hand, pointed at the ceiling as his elbow rested on the arm of his wheelchair.

From their positions, officers could also see Ms. Connor in the lobby area with Leonard, still on the phone with dispatch. On their advice, she exited the building toward the awaiting officers. Connor was also able to let officers know that the receptionist was in a safe location. She advised that given the time of day, people would soon start coming in and out of the lobby and she was concerned for their safety. Officers were concerned for additional potential hostages if residents of the building came down from the elevators and walked into the scene. From Leonard's position, he would have been able to immediately open fire on a person stepping out of the elevator.

From the northwest corner, Officers Christian Bishop and Lanny Herzog had direct eye contact with Leonard. He had what appeared to be a handgun in his right hand, pointed at the ceiling as his elbow rested on the arm of his wheelchair. He was not making any motions or attempting to communicate. Officer Bishop activated his weapon-mounted flashlight and illuminated Leonard. Leonard then lowered the handgun and pointed it directly at Officers Bishop and Herzog. Both fired their duty weapons, striking Leonard multiple times. Leonard died at the scene from multiple gunshot wounds.

## **Process and Authority**

The Iowa Division of Criminal Investigation (DCI) investigated the incident, and its investigation is complete. DCI interviewed the officers involved and reviewed the officers' body camera recordings where available. DCI interviewed the bystanders who initially called 911, as well as staff at Elise Mason Manor who knew Leonard. DCI secured surveillance footage from Elise Mason Manor. DCI reviewed evidence and reports from the Des Moines Police Department and the Polk County Medical Examiner's Office.

The Attorney General's Office has authority under Iowa Code § 13.12 to assess any officer-involved death to determine whether criminal charges are warranted. The office has had a full opportunity to review the findings of the investigation and discuss the investigation with the assigned agent. All law enforcement reports, including audio or video recordings, will be returned to DCI when this report is issued.

## **Other Pertinent Facts**

Charles Alan Leonard III was a 70-year-old white man who resided at Elise Mason Manor. He was known to have struggled for years with both mental health issues and substance abuse addiction. Witnesses indicate that in the weeks leading up to November 26, he had ceased his methadone treatment, experienced

a decline in his mental health, and had ongoing medical issues for which prescribed treatments were not working.

Staff who knew Leonard, as well as family, describe Leonard as being suicidal for many years. In a post-incident interview, the receptionist, Venus Reed, stated that when Leonard pulled the handgun at her he told her he wanted the police to kill him and said, “I don’t care anymore.”

In a post-incident interview, Kelly Connor stated that she had entered the lobby at Elise Mason Manor on November 26 and had seen Leonard with a gun pointed at the receptionist. Connor knew Leonard and tried to talk with him. Leonard told Connor he would not talk to anyone but the police, and stated, “I want the police to shoot me.”

The gun Leonard held was recovered. The weapon was determined to be a Beretta replica, air-soft pistol, UK Arms model M757B. This gun traditionally includes an orange tip to indicate it is not a firearm. Without the orange tip at the end of the barrel, the weapon appears to be a lethal firearm.

### **Applicable Law**

To be justified, the force an officer uses must be reasonable. Force is reasonable if a reasonable person, in like circumstances, would judge the force to be necessary to prevent an injury or loss.

It can include deadly force if (1) it is reasonable to believe that such force is necessary to avoid injury or risk to the person's or another person's life or safety and (2) it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code §§ 704.1, 704.2, and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under *Graham*, reasonableness of police use of force cannot be evaluated from the perspective of a civilian or the perspective afforded by 20/20 hindsight. The Court further stated that the fact that law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness. Since *Graham*, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

### **Analysis**

Officers Bishop and Herzog were legally justified in the use of deadly force against Leonard. Their decision to shoot at Leonard was reasonable under the circumstances. Officers were responding to a scene where Leonard was holding innocent people at gunpoint

in the lobby of an apartment building. When they arrived, they found him in the lobby, positioned between elevators and facing the northwest corner with a gun still in his hand, visible through both the north door and the glass wall in the northwest corner. Officers knew this was a public area where residents could come in and out at any moment. Once they confirmed that all innocent people were out of harm's way, Officer Bishop engaged Leonard by shining a flashlight at him. Leonard's response was to look directly at Officers Bishop and Herzog, lower his arm, and point his weapon straight at them. These actions left officers with no other choice than to respond with deadly force.

### **Conclusion**

The Iowa Attorney General's Office concludes that the law enforcement officers' actions in this incident were legally justified and that criminal charges are unwarranted. It considers the criminal investigation into this incident to be closed.