



Raleigh

## MEMO

TO: Ruffin Hall, City Manager

FROM: C.L. Deck-Brown, Police Chief

DEPARTMENT: Police

DATE: May 20, 2020

SUBJECT: Preliminary Report of May 13, 2020, Officer-Involved Shooting

An officer-involved shooting occurred shortly after 7:00 p.m. on May 13, 2020 in the 100 block of Farris Court. During this encounter, both an officer and the suspect in an armed robbery were shot. The individual who was shot has been identified as 24-year-old David Tylek Atkinson. The North Carolina State Bureau of Investigation (SBI) is conducting an independent criminal investigation of the shooting and will present the completed investigation directly to Wake County District Attorney Lorrin Freeman for review. The Detective Division of the Raleigh Police Department is investigating the actions of Mr. Atkinson. Additionally, the Raleigh Police Department's Office of Professional Standards is conducting an administrative investigation into the incident. When complete, the administrative investigation will be reviewed by members of the Command Staff.

All investigations are ongoing, will be thorough, and will follow the available facts and evidence. Based upon the information currently available to the Department, a preliminary review of the incident provides the following:

At approximately 7:18 p.m., on May 13, 2020, an individual called 911 to report that the convenience store located at 2120 New Bern Avenue was being robbed and the clerk was being held at gunpoint. The suspect in this robbery was later identified as Mr. Atkinson. Several officers who were nearby responded to that location. Moments before the first officer arrived, Mr. Atkinson fled the store on foot, heading east toward Farris Court.

Senior Officer S.M. Pekich and Senior Officer M.P. Brown, who were in full uniform and riding in a marked patrol vehicle together, were nearby and responded to the call of the armed robbery. As they drove down New Bern Avenue, they were directed to Farris Court by the first officer at the scene of the robbery via police radio.

As Officers Pekich and Brown turned onto Farris Court, they were further pointed in the direction of the robbery suspect. Officer Brown saw someone who matched Mr. Atkinson's description in the parking lot. Officer Brown got out of the passenger side of the patrol vehicle and ran toward where he had last seen Mr. Atkinson. At the same time, Officer Pekich got out of the patrol vehicle and began to speak with a bystander.

Officer Brown saw Mr. Atkinson standing at the rear corner of a white SUV in the parking lot located in the 100 block of Farris Court. Mr. Atkinson drew his weapon and fired at Officer Brown, striking him in the chest. The bullet was stopped by

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Officer Brown's ballistic vest. Officer Brown, knowing Mr. Atkinson had just shot him, drew his service weapon and returned fire. Mr. Atkinson ran across the parking lot, still pointing the firearm at Officer Brown.

Officer Pekich, who was still near the patrol vehicle at the edge of the parking lot talking to the bystander, heard the exchange of gunfire. Officer Pekich recognized that the shots had come from two different weapons. He then saw Mr. Atkinson running across the parking lot while Officer Brown was pursuing him with his gun pointed at Mr. Atkinson. Officer Pekich fired at Mr. Atkinson, who continued to run from both officers.

Officer Brown fired his weapon again and Mr. Atkinson fell to the ground, dropping the handgun as well as the stolen money and merchandise he had been carrying. Officer Pekich secured Mr. Atkinson and called for an ambulance.

Officer Brown told dispatch and arriving officers that he had been shot. He then got into a nearby patrol vehicle and was driven to WakeMed, where he was treated and later released. Officers who remained at the scene provided first aid to Mr. Atkinson until an ambulance arrived. Mr. Atkinson was transported via ambulance to WakeMed, where he later succumbed to his injuries.

The marked patrol car driven by Officer Pekich was equipped with a dash camera and both Officer Pekich and Officer Brown were equipped with body worn cameras. All cameras were operational during this encounter. On May 14, 2020, the City filed a petition in Wake County Superior Court to authorize the release of the video of this incident. This PETITION was heard before the Honorable Judge Graham Shirley on May 18, 2020. After hearing from the Police Attorney, and with no objection by the District Attorney, Judge Shirley granted the City's PETITION. All video authorized to be released by Judge Shirley has been posted to the Police Department's YouTube page and will be distributed to the media along with this memorandum.

Pursuant to Departmental policy, Officers Pekich and Brown have been placed on administrative duty pending the completion of the criminal and administrative investigations.

The videos are available at the links below:

Summary video: <https://youtu.be/TEINerWPJjg>

Body Cam 1: <https://youtu.be/ezkSO1G-eVw>

Body Cam 2: <https://youtu.be/WXx5flwFmZ8>

Dash Cam: <https://youtu.be/ndJAXJaCgRo>

Panoramic: <https://youtu.be/RVXKtaZSMDk>

Playlist: <https://bit.ly/RPD51320>

Convenience store security footage playlist:

<https://www.youtube.com/playlist?list=PL0kBIN5Zbb7Lmhc5u91F5SWdNQKhOYMj6>