

OFFICER INVOLVED SHOOTING, Muskogee, Oklahoma, Jan. 17, 2015

Prepared for the debriefing of this incident, presented on January 22, 2015, at the City of Muskogee.

Officer Chansey McMillin

- Officer Chansey McMillin. With MPD since July 5, 2012. Previously a Federal Police Officer with the BIA. Combat tours in Iraq and Afghanistan. Awarded Bronze Star.



The suspect, Terrance Walker, Jr.



The Call

- MPD received a 911 call at 3:50 p.m. The caller said a girl had come into the church and reported that there was a man outside threatening to kill her. The suspect was described as a black male having brown, short dreadlocks, and that he was out front in the church parking lot. Further, the caller said the suspect told the girl he had a gun.
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Officer McMillin arrives

- ❑ Officer McMillin arrived about 2 minutes later. He found the church parking lot somewhat crowded and there were numerous parked cars and people milling about.
 - ❑ Officer McMillin got out of his car and approached the front of the church when a man (later identified as the person who called 911) pointed out where the suspect was located.
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Officer McMillin's encounter with the suspect

- ❑ Officer McMillin approached the suspect who was standing in the lot speaking with a female.
 - ❑ Officer McMillin told the suspect to take his hands out of his pocket and asked the suspect if he had anything that could hurt him.
 - ❑ The suspect complied initially, but as Officer McMillin tried to get his hands behind his back for a pat down search, the suspect tensed up.
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The suspect resists, tries to hit Officer McMillin, and flees

- Before Officer McMillin could pat the suspect down, he spun around and attempted to strike Officer McMillin with his elbow and then fist.



Suspect's attempted battery of Officer McMillin

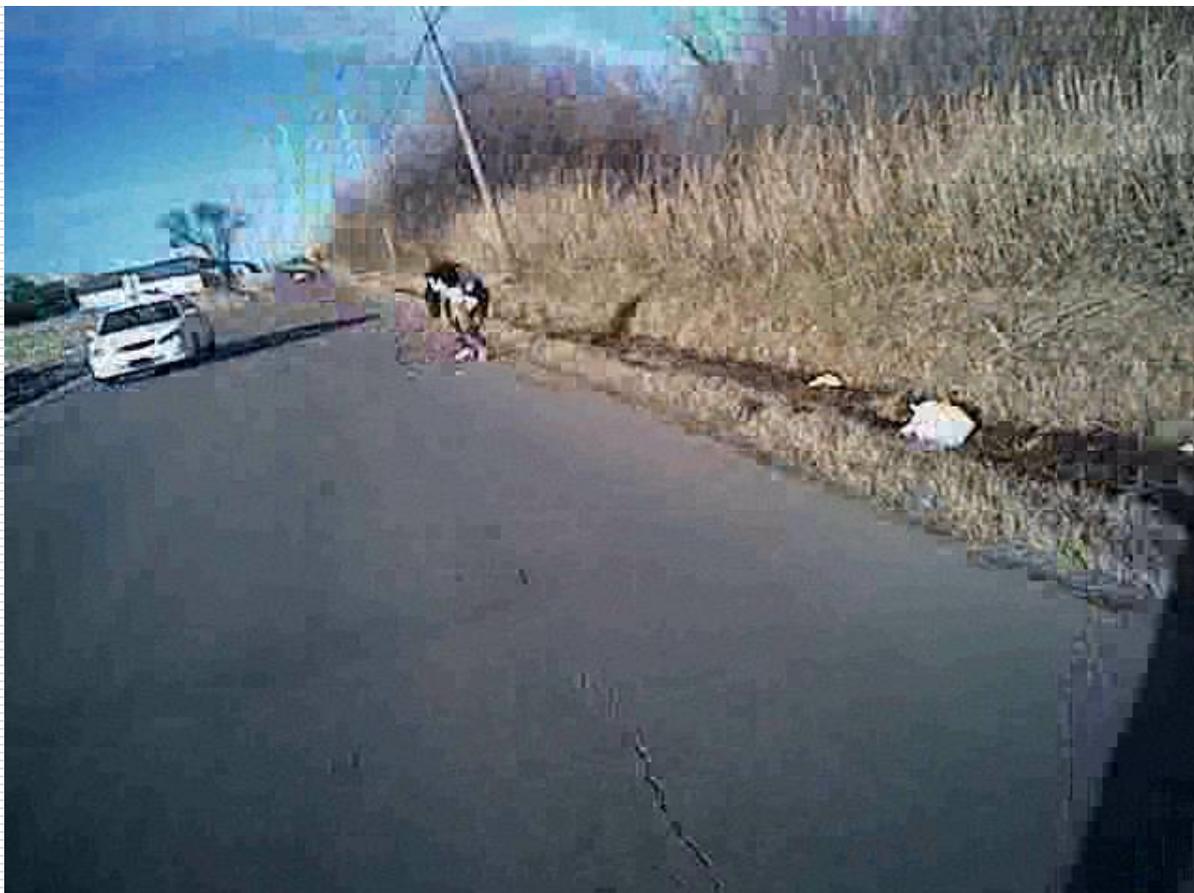
- Here is another snapshot extracted from Officer McMillin's Body camera showing the attempted battery by the suspect.



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- The suspect then began running northbound on 24th Street. Officer McMillin advised dispatch that he had 'one running northbound.'



As Officer McMillin gave pursuit, the suspect dropped a silver semi-automatic hand gun and the suspect stopped to pick it up.



Officer McMillin could see that as the suspect tried to pick up the gun, he was targeting him.



Officer McMillin then began to draw his gun from his holster on the left side of his body, causing him to turn slightly to the left.



In the meantime, the suspect dropped his gun again, and it landed slightly behind him and between his legs.



The suspect finally gained control of the gun, again looked directly at Officer McMillin and then raised the gun towards him. Officer McMillin, being in fear of his life and for the lives of all the citizens in the area, began to shoot at the suspect.





Officer McMillin fired five rounds in approximately 1.3 seconds, and the suspect then fell to the ground and rolled partially into the culvert next to the road.

From the time the suspect attempted his assault on Officer McMillin and fled, until the shooting was over, 12 seconds elapsed.

From the time Officer McMillin first saw the suspect's gun, until he fired his last shot, less than 5 seconds elapsed.

Officer McMillin was the lone Officer on the scene for the next minute and twenty seconds before the first backers arrived.

- During that time McMillin had interference from a third party who wanted to check on the suspect. Officer McMillin had to tell him, and others, repeatedly to get back. He announced that the suspect "has a gun."



Officer McMillin continued to cover the suspect as his backers arrived. An officer approached the suspect, and McMillin told him "he's got a gun." The backing officer then secured the suspect's right arm and located his gun and tossed it on the east bank of the culvert.



Officer McMillin then stepped across the culvert and retrieved the gun. It was a semi-automatic pistol which had the hammer cocked when Officer McMillin picked it up.



Officer McMillin gave the gun to another officer to secure. That officer told McMillin that the gun was loaded and had a round in the chamber.



A short time later Officer McMillin left the scene and went to the Muskogee Police Department.



Anticipated questions

- Why did Officer McMillin chase the suspect since it appears he was never placed under arrest?
 - Answer: The suspect was a suspect in a felony crime under Oklahoma law: 21 OS 1378, Planning or Threatening a Violent Act, thereby giving Officer McMillin the right to detain him. By MPD policy and under his oath of office, Officer McMillin had an affirmative duty to detain and investigate the allegations of a death threat made by the suspect to the victim. Further, the suspect had attempted to assault and batter Officer McMillin, which is also a crime under Oklahoma law, 21 OS 649.
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Anticipated questions

- ❑ What facts in this case would justify the use of deadly force?
 - ❑ Answer: Once Officer McMillin saw the gun fall on the ground and the suspect stopped to retrieve it, and then pointed it towards him, the officer was justified in using deadly force to defend himself, and the other citizens who were in the immediate area. Based on the information he had from the dispatcher about the suspect, in conjunction with the suspect's actions, the suspect posed an imminent threat of serious bodily harm or death to any officer or citizen he came into contact with.
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Anticipated questions

- Why did Officer McMillin not let the citizen who was present immediately after the shooting go and check on the suspect who was lying still on the ground?
 - Answer: Officer McMillin had no way of knowing if the suspect was either dead or alive. Police protocol at MPD is to have a wounded and armed suspect covered at gunpoint while another officer approaches and secures the suspect. Further, Officer McMillin had a duty to the well-intentioned citizen to protect him in the event the suspect was still alive and in possession of a gun. Finally, the suspect and the surrounding area had become a crime scene, and all efforts had to be made to preserve the scene for proper analysis by investigators.
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Anticipated questions

- Why did Officer McMillin fire five shots when it looks like the last two or three were after the suspect was facing completely away from Officer McMillin?
 - Answer: The suspect's rapid movements were a critical factor causing the suspect to be shot from behind. When an officer shoots at a moving suspect, his aim is at something that occurred in the past, which can make a tremendous difference in where the bullet strikes. All five of Officer McMillin's shots were fired in less than 1.3 seconds. The average reaction time in a non-stress situation for an officer to decide to fire an already unholstered gun is about $\frac{1}{4}$ of a second to $\frac{1}{2}$ a second. The same amount of time is required for your brain to send a message to tell your trigger finger to *stop firing*. This accounts for the last two or three shots Officer McMillin fired. This factor is especially critical to the analysis in this case since the shooting occurred in a tense, uncertain, and rapidly evolving manner. It is well documented in human factors studies that stress increases reaction and perception times.
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