



Office of the
Des Moines County Attorney

100 Valley Street • Burlington, Iowa 52601
Office (319) 753-8209 • Fax (319) 753-8219
E Mail: dmca@dmcounty.com

On October 1, 2017, Burlington police Officers Chris Chiprez and Joshua Riffel were involved in an incident that resulted in the death of Marquis Jones. On that same day the Iowa Division of Criminal Investigation was requested to conduct an investigation. On Monday October 2, 2017, Des Moines County Attorney Amy Beavers requested the Iowa Attorney General's Office - Area Prosecutions division review the investigation to make a determination as to whether or not the actions of the officers were legally justified and whether criminal charges were appropriate. Special Assistant Attorney General Scott D. Brown reviewed the investigation and has provided a detailed letter with his findings. The letter authored by Mr. Brown is attached to this release. Any questions can be directed to the Iowa Attorney General's Office at 515-281-6699 or SAC Richard Rahn of the Iowa Division of Criminal Investigation at 563-370-5109.

THOMAS J. MILLER
ATTORNEY GENERAL

Scott D. Brown
Special Assistant Attorney General



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Area Prosecutions Division

1305 E. WALNUT ST.
DES MOINES, IA 50319
Div.: 515-281-3648 • Fax: 515-281-8894
Scott.Brown@iowa.gov
www.iowaattorneygeneral.gov

October 12, 2017

Amy Beavers
Des Moines County Attorney
100 Valley Street
Burlington, IA,

RE: Officer Involved Shooting Death – Marquis Jones

Dear Ms. Beavers:

Due to a potential conflict of interest, you requested the Iowa Attorney General's Office investigate the use of deadly force on Marquis Jones by Burlington Officer Chris Chiprez of the Burlington Police Department. Burlington police officer Joshua Riffel was partnered with Chiprez during the incident. The incident occurred following a traffic stop on October 1, 2017, near the intersection of South 8th Street and Vine in Burlington. The sole purpose of this review is to determine if the shooting of Jones and his subsequent death are legally justified.

Our decision in this matter was made after reviewing the following information.

1. Relevant background information on Marquis Jones including his criminal history and any previous encounters with law enforcement.
2. Information relating to the reasons law enforcement contacted Jones on October 1, 2017.
3. Information detailing the actions and decisions of law enforcement during the entire encounter with Jones.
4. The Burlington Police Department requested the Iowa Division of Criminal Investigation conduct an investigation into the circumstances of Marquis Jones's death. A thorough investigation of the death of Marquis Jones was completed. All of the relevant information collected by the DCI during their investigation has been reviewed prior to making any decision in this case. This review includes body and car camera videos.

At the time of his death, Marquis Jones was 27 years of age. Jones was originally from Burlington, Iowa, having attended high school in Burlington. Jones had a significant criminal history having been previously convicted of multiple felonies. On October 1, 2017, Jones had three active warrants for his arrest. At the time of the

vehicle stop neither Chiprez nor Riffel were aware of Jones's criminal history nor were they aware of the active warrants. However, the existence of the warrants and the fact Jones was a prohibited possessor of firearms would provide an explanation as to why Jones chose to flee the area of the traffic stop.

On Sunday, October 1, 2017, shortly after 1:50 p.m. Burlington Officers Chris Chiprez and Joshua Riffel were patrolling in Burlington near the intersection of South Central and Elm. On this date Chiprez was acting as the field training officer for Riffel who was on his 21st day of duty as a Burlington police officer. Both officers were in full uniform and were occupants in a fully marked Burlington police cruiser with top lights. Riffel was the driver and Chiprez occupied the front passenger seat. The weather was clear and sunny.

Officers Chiprez and Riffel were patrolling southbound on South Central. As they approached the intersection of South Central and Elm both officers heard loud music coming from southwest of their location. The officers stopped at the 4 way stop at South Central and Maple and observed a single male in a vehicle with the windows down traveling east on Maple. This vehicle was the source of the loud music. As the officers approached the intersection the driver turned the music volume down. The driver of the vehicle was later determined to be Marquis Jones. Jones turned south onto South Central from Maple, drove one block and then turned east on Vine. The officers followed Jones also turning east onto Vine. At this time the officers had not activated any lights or made any attempt to stop Jones. As the officers followed Jones down Vine the decision was made to stop the vehicle for the loud music violation heard by the officers. A traffic stop was initiated on the vehicle near the intersection of Vine and South 9th Street. Jones stopped at the stop sign at the intersection of South 9th Street and Vine and continued east on Vine. Jones pulled over near the intersection of South 8th Street and Vine. When Officers Chiprez and Riffel stopped their patrol car behind Jones they started to exit their vehicle. Jones without warning opened the driver's door of his vehicle and ran north on South 8th Street towards Maple. On the patrol video it is clear that Jones made no attempt to engage the officers. It is also clear that as he flees Jones has a black bag in his left hand. Chiprez chased Jones on foot while Riffel remained in the patrol vehicle and proceeded east on Vine in an attempt to cut off Jones's escape.

Riffel drove the patrol vehicle east through the intersection of Vine and South 8th Street and then turned north onto South 7th Street. Riffel then drove to the intersection of Maple and South 7th Street where he stopped. As Riffel approached the intersection of Maple and South 7th Street he observed Jones jump from a retaining wall located to the west of Riffel's position and proceed into the street. Jones is not in the view of the patrol vehicle dash camera. Riffel exited the patrol vehicle and gave a short chase on foot. Jones fell twice as Riffel chased him. Riffel can be heard telling Jones to get on the ground. Riffel caught Jones and engaged him in the street by tackling him. As he did so Riffel observed a gun in Jones's right hand. Riffel immediately grabbed the arm of Jones's gun hand with his left hand and a short struggle ensued. During the struggle Riffel, who is left handed, had his left hand on Jones's right arm attempting to control

the gun. Riffel observed Jones attempt to point the gun toward Riffel's body. Since Riffel's service weapon was on his left hip he had no access to it since his left hand was on Jones's arm. Riffel continued to struggle with Jones attempting to disarm him. When it became apparent that Jones could not be controlled Riffel made the tactical decision to create space between him and Jones. When Riffel gained separation he informed Chiprez that Jones was armed by stating "Gun, Gun, he's got a gun Chip". Riffel's warning can be heard on both Riffel and Chiprez's body camera audio. There is no video of the struggle with Jones as Riffel had not activated his body camera and the struggle occurred out of view of the patrol vehicle. Riffel activates his body camera just before he warns Chiprez that Jones is armed. The patrol vehicle's recording device captured video of two young males on bicycles just north of Maple. The two young males on the bicycles were briefly questioned at the scene and one of the males reported that the man the police were chasing had a gun. A man who was present in the old Salter School observed part of the interaction between Jones and Chiprez. He reported to police that he observed a gun in the hand of Jones

While Riffel is engaging Jones, Chiprez continues on foot north on South 8th Street and turns east on Maple. As Chiprez is chasing Jones he loses sight of him. Despite losing sight of Jones, Chiprez continued east on Maple. It is clear from body camera footage that while on Maple Chiprez had not drawn his service pistol. As Riffel was disengaging with Jones, Chiprez approached South 7th Street from Maple turning to the southeast around the old Salter school. As he did so Chiprez observed Jones retrieve the black bag from the street. Chiprez reports that the gun was clearly visible to him in the right hand of Jones. After Jones is observed with the gun and bag he ran east up a short steep embankment on the east side of South 7th Street. Chiprez continued to observe the gun in Jones hand. Both Chiprez and Riffel can be heard giving Jones a command to drop the gun by telling him to "drop it". Jones did not do so. Just after telling Jones to drop the gun Chiprez fired seven shots in a span of approximately 4 – 5 seconds towards Jones from a position in the street on South 7th. Based on the video taken by both Chiprez and Riffel it is difficult to know whether any one of the seven shots strikes Jones. Jones is not fully in the video that was being taken from Chiprez's body camera during a time when several of the shots were fired. Riffel's body camera perspective is at a distance and is partially obstructed by a vehicle parked in the street and trees. As the shots were being fired Jones continued to flee to the east across a yard and between houses. Both houses appear to be occupied. It cannot be observed on either video whether or not Jones drops the gun. After the shots are fired the officers lose sight of Jones as he flees across the backyard of 619 Maple Street a house on the corner of Maple and South 7th street.

A camera mounted on a structure in the alleyway between South 7th and South 6th Street with a northerly vantage point captured Jones running from the yard of the house on Maple and South 7th street and jumping onto the hard surface of the alleyway. Jones falls to the ground, remains for a brief time and then regains his feet, goes through a gate and into the fenced in backyard of 403 South 6th Street. As Jones regained his feet and approached the gate Chiprez can be observed approaching the alley area from Maple.

As Jones falls in the alleyway Chiprez arrives in the area of the alley. He observed Jones on the ground in the alley and observed Jones enter the fenced in yard through a wooden gate. Between the times that Chiprez observed Jones flee from South 7th Street to the east and when he again observed Jones in the alleyway he had no information that Jones dropped the gun he was carrying earlier. It is reasonable under the circumstances for Chiprez to believe that Jones remained armed.

As Chiprez stood near the sidewalk and just on the alleyway he observed Jones in the yard through a chain link fence. Riffel followed Chiprez and took a position to his left and rear. Jones is in the shadow of trees, shrubbery and a small detached garage. Although Jones is certainly in the yard neither of the videos from the officers show a view of Jones in the yard. This is mainly due to the shadows in the area Jones is located and the technical limitations of the body cameras. Based on audio from the body cameras it is clear that the officers can see Jones and makes a command for Jones to stop. Chiprez reports that he initially observed Jones laying in the yard on his back. Chiprez reports that Jones started to rise and he ordered Jones to stop. As Jones started to rise he made a motion with his hands at chest level. Chiprez reports that in his mind Jones was still armed and as he viewed Jones's hand movements he made the decision to fire an additional shot. As Chiprez approaches the yard he continued to give Jones commands to lie on the ground. Giving this command suggests that Jones remained on his feet at least for a brief time after the shot was fired. The body camera also picks up Jones stating "You shot me". Chiprez and Riffel entered the backyard through the gate and Jones can be observed on the ground on his back. Blood is visible as having soaked through the sweatshirt and clothing of Jones. Officers immediately provided assistance to Jones and an ambulance was called.

Soon after the shooting officers located a small black bag, a hat and a .45 caliber Glock pistol in the yard behind 619 Maple Street. This is the same yard that Jones fled though just after Chiprez first engaged him. The gun is not visible in the yard until a person is within a few feet from where it was located. Located in the black bag was a quantity of marijuana and a small scale. It is evident from the discussion of the officers while in the backyard near Jones that neither Chiprez nor Riffel knew that the gun had been dropped in the yard of 619 Maple Street by Jones.

There are two females near the area of the vehicle stop driving a silver vehicle who were associated with Jones. Apparently these two females were going to meet with Jones however, before that occurred Jones was stopped. They apparently followed Riffel towards South 7th Street after Jones fled his vehicle. There is no evidence that they observed the struggle between Riffel and Jones or that they visually observed any of the shots that were fired. The silver vehicle they were driving is not observed in either of the body camera videos from Chiprez or Riffel when Jones was fleeing which suggests that they drove up South 7th Street after Jones fled east. When Chiprez returns to South 7th Street to look for the Jones firearm the silver vehicle that had earlier contained the two females is clearly visible and parked in the street. The audio from the body camera videos also indicate that the two females and any other bystanders did not get to Jones's

final location until after the shots were fired. It should be noted that one of the females took video cell phone footage of the aftermath of the shooting. The video has been reviewed and it does not add any additional information that was not gained from the officer's body cameras.

An autopsy of Jones was conducted by Dr. Marcus Nashelsky of the Iowa State Medical Examiner's Office. Dr. Nashelsky was able to determine the cause of Marquis Jones's death was a gunshot wound to the chest and abdominal cavity. It was determined at autopsy that a single bullet struck Jones entering at an angle punching through his sternum and damaging portions of his heart and liver. The bullet passed completely through Jones body from right to left and downward. Please be cautioned in placing any significant weight on the trajectory of the bullet. The trajectory of the bullet as it entered and traveled through Jones's body can be affected by even the slightest movement. Drawing definitive conclusions on which bullet struck Jones based on trajectory is very tenuous based on the evidence, video and statements of those involved. A copper jacket to a bullet was located near the base of the garage near Jones's final location. As of the date of this letter the jacket has been submitted to the DCI crime lab but no testing results are known. Toxicology testing on Jones was not completed at the time of this letter, although any toxicological results are irrelevant to this determination.

The results of the autopsy determined there was only one bullet that struck Jones. Any reports of multiple shots striking Jones are false. The only officer to fire his weapon was Chiprez. Any reports that Riffel fired his weapon are false. The firearms from Chiprez and Riffel were seized just after the shooting. After an examination of the firearms by investigators it was determined that Chiprez fired a total of 8 shots. Riffel did not fire his weapon. All live rounds of ammunition carried by both officers have been recovered. Eight shell casings from the fired rounds have been recovered from the scene. Any reports of shots fired at Jones from a long distance are false. Any reports that Jones was shot in the back are false. There is no credible evidence that Jones had his hands in the air or made any attempt to surrender. Jones presented an immediate and clear danger to the officers attempting to lawfully arrest him and to any person who lived nearby or happened to be on the street or in the vicinity of Jones.

In order to be justified, the force used by the officer who fired the shots must have been reasonable. Reasonable force is that force which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another and 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. Reasonableness of police use of force cannot be evaluated from the perspective of a civilian nor can it be evaluated with the more clear vision afforded by 20/20 hindsight

under Graham. The Court further stated that the fact that law enforcement officers often are required to react quickly in tense, uncertain, and rapidly evolving situations needs to be taken into account in determining reasonableness. Since Graham, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

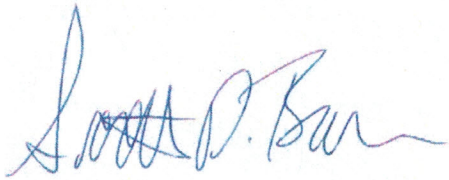
Based on a complete review of the case with the Iowa Division of Criminal Investigation and a full review of the facts and circumstances surrounding the death of Marquis Jones and the actions of Officer Chiprez in firing his weapon, it is determined that Officer Chiprez was legally justified under the laws of the State of Iowa in using deadly force on Marquis Jones. The actions of Chiprez were objectively reasonable under the circumstances. Officer Chiprez was confronted with a direct and deadly threat posed by Jones toward himself, fellow officer Riffel and potential by-standers.

In the instant an officer has to make a decision to shoot, he must process the situation and circumstances before him in his own mind independent of other officers. The decision must be made quickly at the time the threat is perceived. There is no time to consult other officers concerning a decision to shoot or not shoot. In this particular incident, Officer Chiprez was objectively reasonable in firing his weapon to neutralize the threat posed by Jones. Jones was armed and presented a deadly threat whether he was fleeing the area or was directly confronting officers. In the instant an armed subject makes a decision to shoot the reaction of the officer in defending himself or others will be later than the action taken by the armed subject. In the mind of Chiprez this threat was reasonably present through and including the moment the last shot was fired. Chiprez had no reason to believe that Jones had divested himself of the firearm until he neutralized Jones and made a direct investigation concerning his possession of a firearm. Under the circumstances given Jones's behavior, his refusal to comply with the commands of officers, his choice to draw a firearm while he was engaged with Riffel, his choice to continue to arm himself once disengaged with Riffel and his choice to flee left Officer Chiprez with the choice of firing at Jones in order to end the deadly threat or waiting to see if Jones would fire at him or hurt an innocent bystander.

Any death at the hands of law enforcement is tragic and regrettable. No police officer ever wishes to fire their weapon at another human being. Unfortunately police officers are, at times, placed in untenable positions by persons they encounter. Marquis Jones left Officer Chiprez no other alternative than to shoot under the circumstances. The death of Marquis Jones is determined to be a justifiable homicide under the laws of the State of Iowa. The Iowa Attorney General's Office considers the officer involved investigation closed. No criminal charges are justified or warranted against Officer Chiprez or Officer Riffel.

If our office can be of further assistance or if you have any questions or concerns about the findings expressed in this letter please do not hesitate to call me at (515) 281-3648.

Sincerely,



SCOTT D. BROWN
Special Assistant Attorney General
Division Director – Area Prosecutions Division
IA Attorney General's Office

Copy to:

S/A Jagat Sandhu
Iowa Division of Criminal Investigation
5400 16th Avenue SW
Cedar Rapids, IA 52404

SAC Richard Rahn
Iowa Division of Criminal Investigation
22364 20th Avenue
Stockton, IA 52769

Chief of Police Doug Beard
Burlington Police Department
424 North 3rd Street
Burlington, IA 52601

SDB