



For Immediate Release
December 4, 2013

District Attorney Marc Bennett has completed the review of the law enforcement use of deadly force against Jared Woosypiti. The incident occurred on July 11th, 2013, at 4141 South Seneca in Wichita, Sedgwick County, Kansas.

As required by protocol, the Office of the District Attorney has reviewed the results of the investigation conducted by the Reno County Sheriff's Office in conjunction with Investigators from the District Attorney's Office. Also participating was Kansas Bureau of Investigation, Kansas State Fire Marshal's Office, Wichita Police Department and Sedgwick County Sheriff's Office. Reno County Sheriff Randy Henderson compiled the following facts:

SUMMARY OF EVENTS

On July 11, 2013, the Reno County Sheriff's Office was asked to investigate the officer involved shooting of Jared Woosypiti at 4141 S. Seneca, Wichita, Kansas. This investigation came at the request of Wichita Police Chief Norman Williams, Sedgwick County Sheriff Jeff Easter and KBI Director Kirk Thompson. These respective agencies were each involved in use of force action against suspect Woosypiti. The Reno County Sheriff's Office worked in conjunction with and at the direction of the Office of District Attorney Marc Bennett. Following are the facts of the investigation.

On July 4, 2013, suspect Jared Woosypiti was involved in a disturbance in Derby, Kansas, where he allegedly stabbed a female numerous times. An arrest warrant had been issued for Woosypiti in the near fatal assault for numerous crimes including Attempted 1st Degree Murder.

On July 5, 2013, at 9:04 p.m., Sedgwick County law enforcement officers were involved in the pursuit of a vehicle for a traffic violation. During the chase, a Sedgwick County Deputy deployed stop sticks in the roadway in an attempt to stop the fleeing vehicle. The driver of the vehicle swerved off the roadway, into the median, directly at the Deputy, nearly striking him. When the truck was later discovered abandoned, it contained what appeared to be an AK 47 Rifle. The rifle turned out to be an Airsoft gun. Items discovered in the vehicle lead officers to conclude that Jared Woosypiti was the driver of the truck.

On July 10, 2013, at 1:27 p.m., Jared Woosypiti committed an armed robbery at the K-Mart Pharmacy at 47th Street South and Broadway in Wichita, Kansas. Woosypiti, armed with a handgun, fired numerous rounds, over the heads of persons in the store while fleeing with seven bottles of narcotics.

After committing the armed robbery at the K-Mart, Woosypiti fled back to 4141 S. Seneca, Apt. 804. This was the residence of a short term female acquaintance of Woosypiti. The resident

informed law enforcement that Woosypiti had stayed at her residence on the evening of July 9, 2013. On the morning of July 10th, Woosypiti asked to borrow the female's vehicle to go visit his grandmother. She allowed him to take it. Woosypiti drove the vehicle to K-Mart and committed the armed robbery. Woosypiti told the female, when arriving back at the apartment, that the "cops" would be coming because his grandma was in trouble and he thought the cops followed him back to the apartment complex.

Shortly after the incident, witnesses from the K-Mart robbery were able to give law enforcement a description of the vehicle that Woosypiti had left the store in. The vehicle was found in the parking lot of 4141 S. Seneca. Management at the apartment complex identified the vehicle belonging to the occupants of apartment 804. Officers then set up a secure perimeter around the apartment complex and attempted contact with the occupants of apartment 804.

When officers from the Wichita Police Department arrived in the parking lot, the female told Woosypiti that he needed to go speak with them. At this time, Woosypiti admitted to her that he had robbed the K-Mart and then displayed the handgun that he possessed. The female told Woosypiti that she wanted to leave and he told her she could not. Woosypiti produced both methamphetamine and marijuana and started using the drugs. He also began barricading doors with heavy objects. The female became concerned for her welfare due to Woosypiti's change of demeanor.

After a short time, the female resident was allowed to leave from the front door of apartment 804. Law enforcement officers, close to this area, could hear heavy objects being pushed against the inside of the apartment door after she exited. The female told investigators what Woosypiti had said to her and described his actions inside the apartment.

At approximately 3:30 p.m., a WPD negotiator contacted Woosypiti on his cell phone. Woosypiti advised the negotiator that he "was going out in a blaze of glory" and said, "you're gonna see fireworks tonight." He also advised that he was not going back to jail for the rest of his life. The negotiator repeatedly informed Woosypiti that he was under arrest for Attempted 1st Degree Murder (for the stabbing on July 4th) and instructed him how to give up. Woosypiti made demands for specific nonperishable food items but refused to surrender.

The negotiator continued to inform Woosypiti that he was under arrest, that he needed to give himself up, and how to do so peacefully, throughout the day and night over a cell phone, "throw phone" or PA system. This was later confirmed by neighbors in the area.

During this same time frame, a WPD detective interviewed Woosypiti's grandmother. The grandmother had contacted the United States Marshal's office in Wichita to report that her grandson had called her and stated he was making bombs. In the interview with the detective, the grandmother advised that Woosypiti said he was building bombs, putting nails in them and may hurt someone. He advised that he was not going back to jail and was not going to be taken alive.

During the next several hours, additional law enforcement arrived along with the Wichita/Sedgwick County SWAT Team. During the time that officers were moving into position, Woosypiti approached a window on the back of apartment 804. He talked through the window to a WPD SWAT member. Woosypiti demanded food, a phone charger and wanted to talk to his

mother. He advised that he wanted to “end this” before dark. SWAT instructed Woosypiti to put his hands up and that he would be instructed how to come out. The SWAT member advised that they would then let him talk to his mother. Woosypiti was also advised that the electricity had been shut off so a phone charger would not do him any good. Woosypiti became angry and closed the window.

Shortly after 7:00 p.m. on July 10th, Wichita SWAT began inserting tear gas into apartment 804 in an attempt to get Woosypiti to surrender. After gas had been inserted, a gunshot was heard from inside apartment 804 which exited the west window of the south side of 804. This shot was fired towards the lake to the south of the apartment. After this single shot out of the apartment, 4-6 more rounds were heard fired inside. There was no return fire from law enforcement.

As the evening progressed, Woosypiti barricaded windows, solid doors and the sliding doors of apartment 804. In an attempt to get better penetration and allow law enforcement a better view inside, the Wichita Explosive Ordinance Disposal Team was called on to use an explosive breach into the south wall of apartment 804. As soon as the breach was made in the south kitchen/dining room wall, Woosypiti fired 8-10 shots through the breach hole toward law enforcement. One round was fired at the windshield of an armored vehicle that belonged to the Wichita Police Department. Sitting inside the armored vehicle, in direct line with the shot, was the WPD negotiator.

On July 11, 2013, at 5:00 a.m., the negotiator gave renewed commands over a phone that had been inserted into apartment 804.

At 5:40 a.m., Woosypiti talked to the negotiator via phone and said he would come out. He said he wanted to talk to his grandma and wanted nonperishable food delivered to him. Woosypiti said that he was tired and wanted to resolve this situation but was concerned he would be shot. The negotiator instructed Woosypiti what he needed to do to end the standoff peaceably. She advised that she could hear water running this entire time they talked. Woosypiti said that he needed clothes and wanted to eat before he came out. He then demanded that the armored vehicle be moved back because it was blinding him with its bright lights. Woosypiti complained he had glass in his feet but could be heard moving something heavy. Ultimately it became apparent he was not coming out but was simply barricading the apartment more heavily. A KBI agent with the negotiator heard Woosypiti say, “Come in and do what you’re gonna do.” More gas was inserted into apartment 804.

It was determined that additional SWAT Teams needed to be called in to assist Wichita Police Department and the KBI teams that had been on scene overnight. Harvey County SWAT, Southern Kansas SWAT, Derby SWAT, Hutchinson/Reno County SWAT and Butler County SWAT were activated.

Shortly after sunrise on July 11th, Woosypiti could be seen looking out a window of apartment 803, just west of 804. Officers determined a hole had been breached in the common wall between apartments 803 and 804. It was decided that law enforcement should take control of apartment 804 to keep Woosypiti isolated to one location.

At approximately 5:13 p.m., a Sedgwick County K-9, its handler and 2 Wichita SWAT team members entered apartment 804 from the balcony area on the south side. The officers’ intent

was to keep Woosypiti from moving from apartment to apartment and to isolate him in 803. The "throw phone" was thrown into apartment 803 through the hole Woosypiti made into it to try to establish communication with him again. Woosypiti was seen by officers outside moving towards the hole, gun in hand. He was ordered by members of Wichita SWAT, who could see him from the balcony area, to drop the gun. Woosypiti started shooting through the wall towards officers, trapping the K-9 and 3 officers in the north side of apartment 804. The trapped officers returned fire through the wall to protect themselves as bullets passed near them. SWAT officers outside the south side of apartment 804 fired suppression fire into apartment 803 while the trapped officers were being extricated out the north side, 2nd floor window. Once officers were able to get to safety out the north side, SWAT officers stopped their suppression fire. It appeared that Woosypiti moved back towards a bathroom in the interior of apartment 803.

At approximately 8:30 p.m. on July 11th, the incident commander from the KBI High Risk Warrant Team briefed Wichita Police Chief Norman Williams on the situation. Woosypiti was in a place that law enforcement could not get to without putting officers at continued risk. The commander went over all of the known incidents that Woosypiti had been involved in: the stabbing of the female on July 4th, the assault on the officer who had deployed stop sticks on July 5th, the robbery at the K-Mart with shots fired randomly, the standoff with officers where he had fired shots on 3 separate occasions at officers. Also addressed was the fact that this incident had been going on for over 30 hours with temperatures at or above 100 degrees and officers were becoming dehydrated to the extent that EMS suggested putting IV's in their arms inside the scene as they maintained their positions.

A plan was devised to place a controlled explosion under the floor of the bathroom where Woosypiti was hiding. By dropping the floor, it was believed Woosypiti would either drop to the apartment below where he could be apprehended by SWAT or he would be forced to move where officers could either negotiate or take lethal action if necessary.

As officers and Explosive Ordinance Disposal (EOD) personnel were preparing for this action, Woosypiti approached the north window of apartment 803. He advised that he wanted to give up but again wanted the armored vehicle to move back. KBI SWAT members instructed Woosypiti to "let us see your hands, put your hands up, stop moving." SWAT officers in this area advised that Woosypiti would put his hands up, then drop them, then put up one hand, then drop it. He approached the window area and kept moving, but did not follow commands by the agents. Woosypiti dropped his hands behind debris of a wall. SWAT officers feared he was reaching for a gun or an explosive device and they fired, striking Woosypiti.

Woosypiti was observed crawling back to a bathroom at the southwest corner of apartment 803. Officers could see that he was still moving toward this corner bathroom. Due to the fear of explosive devices being in the apartment, it was determined to have EOD breach two holes in the west wall of apartment 803 to get a better view inside. Two different breach holes were made in the wall but Woosypiti still could not be seen. It was then decided to place a controlled explosion under the bathroom floor. When this was done, the body of Jared Woosypiti was exposed to officers. He was pronounced dead at the scene.

Extra precautions were taken to remove Woosypiti's body due to concerns of explosives.

An autopsy was performed on July 12, 2013, at the Sedgwick County Regional Forensic Science Center where it was determined the cause of death was gunshot wounds to the torso. The explosive charges were not contributory to his death.

KANSAS LAW

In Kansas all persons including law enforcement officers are entitled to defend themselves and others against the use of unlawful force. The law provides that a person is justified in the use of force against an aggressor when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force.

"Use of Force" includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. "Use of deadly force" means the application of any physical force which is likely to cause death or great bodily harm to a person.

A law enforcement officer is justified in using force likely to cause death or great bodily harm only and to the extent that it appears to him and he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another person, or when such officer reasonably believes that such force is necessary to prevent an arrest from being defeated by resistance or escape and such officer has probable cause to believe the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.

The use of deadly force in defending a person is judged on a "case by case" basis. Only such force reasonably needed to defend against another's imminent use of unlawful force will be legally permissible.

CONCLUSION

The use of deadly force by the officers from the various agencies was lawful and justified.

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