



District Attorney Nola Tedesco Foulston announces that the investigation and review of a law-enforcement involved incident occurring on April 8, 2005 have been completed.

The incident giving rise to the investigation and review occurred in the areas of 2432 S. Seneca, 2433 S. Walnut and 2439 S. Walnut in Wichita, Kansas. This incident involved officers of the Wichita Police Department, the Sedgwick County Sheriff's Office and an individual identified as Bruce A. Brooks, Jr., age 18, who died during the incident.

As required by protocol established by the Office of the District Attorney and under its authorization, a joint investigatory team consisting of the Kansas Bureau of Investigation and Wichita Police Department revealed the following facts:

Factual Summary

Taco Bell, 2432 S. Seneca

On April 8, 2005 at approximately 10:40 p.m. a black male carrying a black semi-automatic handgun, wearing a white sweater and face covering walked into the Taco Bell at 2432 S. Seneca, Wichita, Sedgwick County, Kansas. He ordered two customers at the counter to "get on the floor" or he would "kill someone". The two complied. The black male then went behind the counter and ordered an employee to give him the money. The employee opened the cash register and the black male then demanded

money from the safe. The employee opened the safe while the black male stood over her with a gun. The robber demanded that he be given only the bills and to put them in a Taco Bell food sack. The employee placed two bank bags in the sack as well as the ones and fives from the register and gave them to the robber. Other employees observed what was happening and called 911 at approximately 10:45 p.m. and reported they were being robbed.

The black male then went back to the two customers and demanded they give him their wallets and keys and they complied. The black male left the Taco Bell and briefly got into the customer's Ford Mustang parked outside.

The Police Response

At approximately 10:47 p.m., an officer with the Wichita Police Department responding to the 911 dispatch call arrived in the area of the Taco Bell and observed a black male wearing a white sweater open the door of a mustang parked in the Taco Bell lot. The black male was in the vehicle briefly and then began running away and jumped a privacy fence. Other officers arriving in the area at about the same time began to chase the black male through a residential area.

Officer A of the Wichita Police Department caught up to the black male and observed that his hands were in his pockets. Officer A demanded the black male show his hands but he did not comply and the pursuit continued. The black male stumbled and fell at which time Officer A approached him and pulled out her baton and struck the black male on his shoulder. The black male then pulled his hand out of his pocket, holding a black semi-automatic handgun. Officer A immediately dropped the baton, retrieved her duty weapon and began to back up. The black male stood up and pointed the gun at Officer A, who then fired shots at the black male while she was falling backward to the ground. The black male took off running again.

Officer B of the Wichita Police Department was in the area and heard the commands of Officer A and the fired shots. He observed the black male running and approached him from behind and ordered him to stop. The black male again fell and Officer B approached him with his gun drawn

ordering the black male to “lay on the ground”. Instead, the black male stood up with the gun in his hand.

Officer C of the Wichita Police Department arrived and saw the black male standing up holding the gun in his right hand. He yelled for the black male to drop the gun. Officer C observed the black male raise the gun and point it at Officer B who was standing within 10 to 15 feet of the black male.

Officer D of the Sedgwick County Sheriff’s Office responded to the call, heard the disturbance and Officer A commanding the black male to put the gun down approximately 7 or 8 times. He also observed Officer B and Officer C pointing their guns at the black male and giving him commands to put down his gun. Officer D saw the black male raise his arm while holding the gun.

At this time, Officer A caught up with the chase and observed the black male raising his gun at Officer B. When the black male raised his gun, all four officers simultaneously observing the same threat fired their guns at the black male.

A Sergeant with the Sedgwick County Sheriff’s Office was arriving and heard the second set of shots fired as he approached and saw a black male lying on the ground with a handgun in his right hand. The gun was moved away from the reach of the black male and emergency medical services were engaged. The black male, later identified as Bruce Brooks Jr., was transported by Sedgwick County Emergency Medical Services to Via Christi (St. Francis) where he later died

Crime Scene Investigation

Crime Scene Investigators from the Wichita Police Department arrived at the scene to photograph, diagram and preserve evidence. They located the customer’s wallet, two bank bags, a Taco Bell sack, and a maroon do-rag on the ground in the area of the chase. The firearms of each of the four officers were collected as well as a Jennings 9mm semi-automatic handgun from Bruce Brooks, Jr. The scenes of the shootings at 2433 and 2439 S.

Walnut were processed and bullets and bullet casings were recovered for later comparison.

Autopsy Results

An autopsy was performed on the body of Bruce Brooks Jr. on April 9, 2005. The autopsy revealed he had been shot multiple times. Brooks sustained injury to his upper back, right upper chest, right upper arm, buttocks, left and right thighs, and right and left ankles. The injuries to his upper chest were fatal.

The 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. An 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 conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force.

In Kansas an arrest is made by an actual restraint of a person and the law allows all necessary and reasonable force to be used to affect an arrest.

The use of deadly force by Officers A, B, C and D against Bruce Brooks, Jr. did not constitute an unlawful use of force. It is clear that Brooks was trying to elude a lawful arrest and, in the process, endangered the lives of law enforcement officers and civilians with a semi-automatic handgun. He first displayed the gun to the customers and employees of the Taco Bell in order to accomplish the felony crime of Aggravated Robbery. He later used the handgun to threaten the officers and prevent an arrest. This made it necessary for law enforcement to protect their own lives and to bring his

unlawful and lethal evasions to an end. The firing of shots at Bruce Brooks, Jr. was a reasonable use of force in defense of a person and defense of others

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

The actions of Bruce Brooks, Jr. contributed to his own death as a consequence of his threat using a deadly weapon to both Officer A and Officer B and his attempt to evade the police.

*District Attorney Nola Tedesco Foulston
18th Judicial District of Kansas*