

## Gerhardstein, Dennis

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**From:** Choi, John  
**Sent:** Wednesday, August 08, 2018 10:18 AM  
**To:** Kelly, John; Dusterhoft, Richard  
**Cc:** Gerhardstein, Dennis  
**Subject:** In re death of Phumee Lee - OIS

John and Rick,

Thank you both for the work you put into reviewing the evidence that was presented to us by the BCA in the investigation into the officer-involved shooting incident that resulted in the death of Phumee Lee. I have finished reviewing your memorandum that summarizes the BCA's investigation and the video evidence that was presented to us.

While the loss of life is tragic, I agree with your recommendation that the use of deadly force by Saint Paul Police Officers Wild and Gleason was justified pursuant to law and no criminal charges are appropriate.

There is no question that responding officers, including Wild and Gleason, were aware they were responding to a dangerous situation involving a suspect who had just held a woman and children at gunpoint, threatening to kill them, and that he had fired his weapon inside the home and was likely armed. In this type of situation, officers are expected and trained to find and apprehend the suspect.

Within a very short period of time and not too far from the home where shots were fired, St. Paul officers encountered Mr. Lee. Video from a resident's private security camera shows a group of officers, including Wild and Gleason, pursuing Mr. Lee down the sidewalk (of Euclid Street). On the audio recording from Officer Wild's body-worn camera, the officers can be heard repeatedly ordering Mr. Lee to stop. The video shows Mr. Lee finally stop, turn, walk towards and face the officers, slightly raising his arms and then begin to walk towards them. He then is seen quickly reaching into his right front pants pocket and removing an object with his right hand. Some of the officers can be seen attempting to seek cover behind a tree while other officers remain unprotected on the sidewalk. Mr. Lee, with his right hand, then points the object at the officers. Officers can be heard on the audio recording yelling at Mr. Lee to "drop it" and "show us your hands."

The video clearly shows a flash emanate from the object in Mr. Lee's right hand immediately before he falls onto the street. Simultaneously, or a split second before or after, Officer Wild fired six rounds at Mr. Lee from his weapon and Officer Gleason fired ten rounds from his. Officers recovered a .38-caliber handgun 18 inches from Mr. Lee's right hand on the ground.

Please work with the BCA to coordinate the public release of the investigative file, with appropriate redactions, contemporaneous with the public release of this decision. Please also inform the attorney and family of Mr. Lee, Chief Todd Axtell and the officers involved in this shooting incident of our decision before it is released to the public. Please let Mr. Lee's family know I am willing to meet with them to further explain our decision if they wish to do so.

Thank you both for your thorough review of this investigation. Please also express my gratitude to the BCA agents who worked on this case.

