



## YORK COUNTY DISTRICT ATTORNEY

DAVID W. SUNDAY, JR.  
*District Attorney*

JENNIFER RUSSELL  
*First Assistant District Attorney*

ART SMITH  
*Chief County Detective*

KYLE G. KING  
*Chief Administrator*

FOR IMMEDIATE RELEASE  
CONTACT: Kyle King c: 717-476-6207

### **INVESTIGATION OF OFFICER-INVOLVED SHOOTING CONCLUDES; OFFICER CLEARED IN USE OF FORCE**

YORK, Pa. (July 5, 2018) – York County District Attorney Dave Sunday announced today that the investigation of the police shooting of an armed individual has concluded and has determined that the shooting was a lawful use of force. The Northern York County Regional Police Officer involved has been cleared to resume regular duty.

The investigation of the police involved shooting was conducted by the Pennsylvania State Police, as is the normal procedure for officer-involved shootings in York County. The Northern York County Regional Police Department and the Officer involved cooperated with the investigation.

The shooting took place during the early morning hours of December 28, 2017 at the 3818 Kings Lane, Dover PA. At approximately 1:46 a.m., officers were dispatched to the above address for a 911 call made by an anonymous female who stated, “we need the police” and hung up. After parking his patrol vehicle across the street, the officer approached the residence and heard people yelling in the garage. The officer observed Isaiah Green with his head inside the passenger window of a vehicle parked in the garage with its brake lights on. When Isaiah Green stood up, the officer observed him holding an AR type rifle. The officer ordered Isaiah Green to drop the gun. Isaiah Green instead raised the rifle and pointed it directly at the officer such that the officer could see the rifle’s muzzle. The officer then discharged three rounds from his service pistol, striking Isaiah Green in the chest and shoulder. The third round struck the garage wall. Additional officers from Northern York County Regional Police Department responded to the residence, administered medical attention to Isaiah Green and secured the scene. EMS personnel determined Isaiah Green was deceased at the scene.

“The evidence showed that the officer performed his duty by responding to 3818 Kings Lane following the 911 call reporting an unknown problem. Once at the residence the officer was encountered by an individual holding an AR type rifle. The evidence also indicates that the individual pointed the AR type rifle at the officer after the officer ordered the individual to drop the gun. In fact, the officer stated that the muzzle was pointed directly at him. The officer then fired his weapon at Isaiah Green, striking him in the chest and shoulder,” said Sunday. “The Pennsylvania State Police investigation determined the facts and circumstances of this case supported the use of deadly force and therefore did not warrant any criminal charge against the officer involved.”

The rules governing the use of force in self-protection and protection of others are provided for in Pennsylvania Law. Generally, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion. 18 Pa.C.S.A. § 505(a). “Deadly Force” is defined as “force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.” 18 Pa.C.S.A. §501.

In Pennsylvania, the use of deadly force by a law enforcement officer is governed by Section 508 of the Pennsylvania Crimes Code. A law enforcement officer is “justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person...” 18 Pa.C.S.A. §508(a). In addition, the use of deadly force by law enforcement officers is justified to defeat...the escape of a person who possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious injury unless arrested without delay. 18 Pa.C.S.A. §508(a)(1)(i)(ii).

The law regarding use of force for protection of other persons is found in 18 Pa.C.S.A. § 506. That section permits the use of force when the actor would be justified under § 505 in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect and he believes such intervention is necessary for the protection of the other.

There are specific provisions that relate to the use of deadly force. As stated in the Pennsylvania Crimes Code, the use of deadly force is not justifiable unless the actor believes that such force is necessary to protect himself against death or serious bodily injury, nor is it justifiable if the actor provoked the use of force against himself in the same encounter, or the actor knows that he can avoid the necessity of using such force with complete safety by retreating.

It should be noted, however, that a police officer justified in using force in the performance of his duties is not obliged to desist from efforts to perform such duty, because of resistance or threatened resistance. 18 Pa.C.S.A. § 505(b). In this context, a person employing protective force may estimate the necessity thereof under the circumstances, as he believes them to be when the force is used, without retreating.

Deadly force in law enforcement to prevent the commission of a crime is justified in cases where the actor believes there is a substantial risk that the person whom he seeks to prevent from consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons. 18 Pa.C.S.A. § 508(d)(1)(ii)(A).

In Graham v. Connor, 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used “requires careful attention to the facts and circumstances” of the particular incident “including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers, and whether he is actively resisting arrest or attempting to evade arrest by flight.” Id. at 396. Further the Court stated, “[t]he reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision hindsight.” Id. at 396. Moreover, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.” Id. at 396-397).

Indeed, a claim of justification cannot be defeated by showing that the actor used more force than was necessary so long as he reasonably believed it was immediately necessary to kill in order to protect himself against death or serious bodily harm. See Commonwealth v. Fisher, 491 Pa 231, 420 A.2d 427 (1980).

Green was pronounced dead on December 28, 2017 at approximately 2:00 a.m. An autopsy by Forensic Pathology Associates on December 29, 2017 determined that Green died as a result of gunshot wounds of torso and left shoulder.

Approved for release:

Dave Sunday