



State of North Carolina
General Court of Justice
Tenth Prosecutorial District

N. LORRIN FREEMAN
DISTRICT ATTORNEY

P.O. BOX 31
RALEIGH, N.C. 27602-0031

TELEPHONE:
(919) 792-5000

Investigative Summary of the Officer involved Shooting Fatality of Mr. Keith D. Collins

On January 30, 2020, District Attorney Lorrin Freeman requested assistance from the North Carolina State Bureau of Investigation concerning the officer involved shooting death of Keith D. Collins by Raleigh Police Officer W.B. Tapscott. The Raleigh Police Department issued a concurrent request. The focus of this investigation was to determine whether Officer Tapscott violated state criminal law in using deadly force against Mr. Collins. While this incident resulted in the tragic loss of Mr. Collin's life, this investigation has determined that the use of this force by Officer Tapscott was lawful and therefore criminal charges will not be pursued. The following summarizes the findings of this investigation.

911 call and Communications

On January 30, 2020 at 2:59 PM, a call was placed by a citizen to 911 reporting an individual with a gun outside the Big Lots store at 6540 Glenwood Avenue. The caller described the gun as a large black handgun.

At 3:03 PM communications dispatched two officers to the Big Lots and provided the information received from the 911 caller. One of the officers, W. B. Tapscott, was about a mile from the store. Both officers were operating marked Raleigh Police cars and were wearing the standard long-sleeved patrol officer's uniform. Soon after the call was dispatched, additional patrol units advised that they were checking-in.

Approximately two minutes and twenty seconds after the call was dispatched, Tapscott advised communications that he observed an individual matching the description by the 911 caller on Pleasant Valley Road near the intersection of Riese Drive. Pleasant Valley Road borders the shopping center that contains the Big Lots. This individual, later identified as Mr. Keith Collins, was observed by Tapscott roughly a quarter of a mile from the store.

Approximately twenty-four seconds later there is broken radio traffic. Thirteen seconds later Tapscott transmits "shots fired" and gun fire is heard in the background.

From the time that Tapscott encounters the subject on Pleasant Valley until after the shots are fired, Tapscott is the only officer present.

Body cam and Dash Cam Video

Available law enforcement dashcam and bodycam video was reviewed during the investigation. Officer Tapscott's body cam video was submitted to the North Carolina State Crime Lab for analysis. In slowing down the body cam video, it is possible to see Mr. Collins turn and point what appears to be a gun in Officer Tapscott's direction prior to Officer Tapscott firing at Mr. Collins. This video also shows Mr. Collins raising back up after he is on the ground and again pointing an object in the direction of Officer Tapscott who fires several more times.

The police vehicle dash camera captures Tapscott driving up Pleasant Valley Road and driving past Mr. Collins on the righthand sidewalk. Tapscott makes a U-turn and comes back towards Collins. The vehicle makes a second U-turn to face Collins. The dash camera captures Mr. Collins continuing to walk down the sidewalk and then out of view. Tapscott is seen walking in front of his vehicle up to the curb.

Tapscott's body camera captures him exiting the vehicle and walking in front of his car. Mr. Collins is seen gesturing with his hands in a manner that would indicate that he does not want to talk to Tapscott. As Mr. Collins gets towards the rear of the vehicle, he takes off running across Pleasant Valley with Tapscott in pursuit. Tapscott appears to be about six feet behind Collins. Mr. Collins' empty hands are clearly seen as he runs across the road. However, as he approached the other side of Pleasant Valley his hands moved to his front waist area and are no longer in sight. At this point the audio comes on and Tapscott is heard repeatedly telling Mr. Collins to show his hands. As Collins reached the gravel church parking lot, he turned counter-clockwise towards Tapscott and pointed an object at Tapscott. Tapscott fires four rounds at Mr. Collins who falls backwards. Tapscott begins backing up. Mr. Collins is then seen sitting up and raising his arms again towards Tapscott who then fires three rounds at Collins. Tapscott then takes up a position behind a telephone pole. Through the brush near the pole the subject can be seen still moving. Tapscott fires four more rounds before his gun goes empty. Tapscott repeatedly alternates between telling Mr. Collins to "show his hands", "get on the ground" and "drop the gun".

Tapscott remains next to the pole until additional officers arrive. When these officers arrive, they approach Mr. Collins who is laying on his stomach. The camera reflects a black pistol at Mr. Collins' feet. Emergency Medical Services are called and respond to render aid to Mr. Collins.

Officer and Witness Interviews

In Tapscott's interview with the State Bureau of Investigation, he states that he was at the intersection of Millbrook Road and Leesville Road writing a report when he responded to the call. He turned left onto Pleasant Valley from Millbrook and climbed the hill towards the shopping center. As he drove up Pleasant Valley, he drove past Mr. Collins who was walking down the sidewalk on his right. He said that he was not expecting to see Mr. Collins walking

down the road, so he double checked the description on his MCT. He made a U-turn when he realized that the description matched the individual walking down the sidewalk. He then drove past Mr. Collins again and looked at him before making another U-turn and pulling to the curb line just ahead of the direction that Mr. Collins was walking.

Tapscott said that he got out of his vehicle and tried to get Collins to speak with him. Mr. Collins walked past and put his hands up acknowledging the officer but kept walking. At that point Tapscott told him to stop. Mr. Collins did not comply and moved his hands to the front of his body. Tapscott could not see what Mr. Collins' hands were doing since he had walked past him. As Mr. Collins got to the rear of the patrol vehicle, he took off running across Pleasant Valley Road. Tapscott pursued him to the other side of the road where there is a gravel parking lot for a church.

Tapscott said that Collins slowed down. Tapscott said that he also slowed down and did not close the gap. Once in the parking lot, Collins turned towards Tapscott with what Officer Tapscott believed to be a black pistol in his hand. Tapscott, while giving commands to drop the gun, fired multiple shots. Mr. Collins went down. Tapscott retreated to a light pole and continued to give commands. Mr. Collins again began to raise the weapon so Tapscott fired another series of shots before his gun ran empty and the slide locked to the rear. Tapscott said that he then reloaded another magazine but did not fire any more rounds. He waited until additional officers arrived before they approached Mr. Collins. Upon approaching Mr. Collins, Officer Tapscott observed a what appeared to be a black pistol on the ground near Collins.

Tapscott was carrying his departmentally issued Smith and Wesson M&P 45 pistol. This pistol holds a magazine of ten rounds. There is also a round that is chambered. Therefore, a fully loaded gun carries eleven rounds.

Three witnesses in the area reported hearing shots but stated that they did not see the interaction between Officer Tapscott and Mr. Collins. Canvassing of the area did not result in any other witnesses who indicated that they had seen or heard anything.

Crime Scene evidence

CCBI was able to recover eight shell casings and an empty ten round magazine at the scene. The SBI took possession of Tapscott's Smith & Wesson M&P 45 pistol. The pistol contained one magazine with nine live rounds. An additional live round was also recovered from the gun. This would have been the round that was chambered. Eleven rounds were fired by Tapscott. Three spent shell casings were not recovered.

CCBI also recovered a black Daisy air pistol from the area where Collins was shot. (Photo attached.)

Autopsy

The autopsy revealed that Mr. Collins suffered a total of six gunshot wounds. In interviews, the pathologist noted two superficial wounds to the right leg and one superficial wound to the left ankle. Another wound was located in the back of the left thigh with the bullet lodged in his left femur. Another wound was identified in the left lower abdomen where the bullet traveled through the large intestine before exiting. Another wound was located in the upper midline lower chest area where the bullet traveled through the liver and right lung and lodged in the right back area.

Analysis and Conclusion

The purpose of the State Bureau of Investigation's investigation in cases of officer involved use of force is to determine whether a criminal law was violated by the officer's actions. As with any case in which a death occurs, the State carries the burden of proving beyond a reasonable doubt that the individual who caused the death did not act in self-defense. The standard applied in determining whether someone had a reasonable belief that he or she was in danger of imminent risk of death or serious physical injury is the same regardless of whether the individual is a sworn law enforcement officer or not.

North Carolina General Statute 15A-401 provides that an officer may use deadly force to defend himself from what he reasonably believes to be the imminent use of deadly physical force. As the North Carolina Supreme Court has observed, the calculus of reasonableness must allow for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving.

Based on all the evidence available, it is the conclusion of the District Attorney that Officer Tapscott reasonably believed that his life was endangered when he shot Mr. Collins and that therefore the use of force was lawful.