

Commonwealth's Attorney

Colin D. Stolle

Chief Deputies

Susan G. Hooks

Scott M. Lang

COMMONWEALTH OF VIRGINIA



**OFFICE OF THE COMMONWEALTH'S ATTORNEY
CITY OF VIRGINIA BEACH**

2425 Nimmo Parkway
Virginia Beach, VA 23456-9050

(757) 385-4401

FAX (757) 385-1288

TDD: 711

www.vbgov.com/oca

Direct Dial: (757) 385-8978

May 14, 2021

Deputies

Wendy Alexander

Tabitha B. Anderson

Sara R. Chandler

Patrick J. Connolly

David W. Laird

Paul J. Powers

Chief Paul Neudigate
Virginia Beach Police Department
2509 Princess Anne Road
Virginia Beach, VA 23456

Re: Officer Involved Shooting of Dwayne Antonio Craddock

Dear Chief Neudigate:

I have completed my review and investigation of the officer involved shooting that occurred on May 31, 2019 in the City of Virginia Beach that resulted in the death of Dwayne Antonio Craddock and enclosed is my final report. In short, it is clear that the officers returned fire after being fired upon by Dwayne Antonio Craddock. Based upon the law and the substantial evidence in this matter, it is my opinion that the officers were within their legal authority and were justified in the use of deadly force in the situation as it presented itself. Therefore, no charges will be prosecuted by this office against the officers for the death of Dwayne Antonio Craddock.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colin D. Stolle".

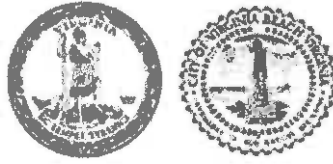
Colin D. Stolle
Commonwealth's Attorney

/kmh

Enclosure

Cc: Patrick A. Duhaney- Virginia Beach City Manager

Report of the Commonwealth's Attorney



City of Virginia Beach

In Regards to the Officer-Involved Shooting that Resulted in the Death of Dewayne Antonio Craddock

The Office of the Commonwealth's Attorney for the City of Virginia Beach has completed its own independent investigation, as well as a review of the Virginia Beach Police Department's investigation, into the use of deadly force by members of the Virginia Beach Police Department in the killing of Dewayne Antonio Craddock.

It is important to clarify that the Office of the Commonwealth's Attorney is responsible for the review, investigation and prosecution of matters that are criminal in nature. This office does not have the authority, in its review, to determine any potential civil liability of any officer involved or police agency. That means that this office does not determine the appropriateness of any police policy, procedure, or tactic. Instead, the purpose of this review is solely to determine if a criminal act, as defined in the Code of Virginia, was committed when the officers shot and killed Craddock.

The investigation into this matter consisted of extensive reports containing numerous interviews, diagrams, photos, audio recordings, video recordings, body worn camera review, and other pertinent information prepared by Investigator S. Coerse of the Office of the Commonwealth's Attorney and Captain P. Harris of the Virginia Beach Police Department, as well as the forensic reports prepared by the Federal Bureau of Investigation. Additionally, this office reviewed the Death Investigation conducted by the Office of the Chief Medical Examiner related to Craddock. After reviewing all of the information in these investigations it is clear that Sergeant M. Laino, Sergeant P. Koeppe, Officer B. Meis and Officer C. Watkins were acting in defense of the employees still in the building, themselves and the other officers present at the scene, when they discharged their firearms. Based upon the law and the substantial evidence in this matter, it is my opinion that these four officers were within their legal authority and were justified in the use of deadly force in the situation as it presented itself. Therefore, no criminal charges will be brought against Sergeant M. Laino, Sergeant P. Koeppe, Officer B. Meis and Officer C. Watkins for the death of Dewayne Antonio Craddock.

Summary of the Facts

As stated previously, this report deals specifically with the Officer Involved Shooting aspect of the tragic events that transpired on May 31, 2019. Therefore, this “Summary of the Facts” will focus specifically on the events that resulted in an exchange of gunfire between four Virginia Beach Police Officers and Craddock on that day. To review a detailed summary of all of the devastating events that transpired in Building 2 on this day you may refer to the City of Virginia Beach document, “May 31, 2019 Final Investigation Summary Report”:

<https://www.vbgov.com/government/departments/communications-office/Documents/20210324-PDFinalReport.pdf>

On May 31, 2019, at 16:07 hours, Virginia Beach Emergency Communications received a 911 call stating a male was bleeding in front of Building 2 from a possible gunshot wound. Over the next few minutes Emergency Communications continued to receive calls for an active shooter in Building 2 of the Virginia Beach Municipal Center. Numerous police units began responding to the horrific events that would claim the lives of twelve innocent victims and injure five more.

Sergeant M. Laino and Sergeant P. Koepp responded from the Detective Bureau. K-9 Officers B. Meis and C. Watkins responded in their marked K-9 vehicles. Laino, Koepp, Meis, and Watkins met up with each other on the first floor of Building 2. Prior to entering the building, and again after entering, they heard gunfire. They observed a deceased female on the first floor with a gunshot wound to her head.

Meis was armed with a carbine rifle and took the lead. He was followed by Watkins, Koepp and Laino who were armed with their department-issued 9mm handguns. The officers went up a stairwell to the 2nd floor. As they began to search the 2nd floor, Koepp and Watkins cleared the women's restroom on the main hall while Meis and Laino secured the hallway. After the restroom was cleared, Meis observed Craddock through the window of a door in the hallway. Craddock raised his arm, pointing a gun toward Meis through the window. Meis stepped back and fired his carbine rifle into the door at the suspect until the weapon malfunctioned. Meis stepped to the side to clear the malfunction and Watkins stepped to the door. Watkins yelled to watch the back stairs, thinking the suspect was working his way behind them.

A short time later, the suspect had circled behind them and started shooting at them from behind a closed door with a window, next to the stairwell they had just come up. Meis, Watkins, Laino, and Koepp had no cover in the hallway and could not see Craddock, but they could clearly see where his rounds were coming through the door and drywall at them. The officers returned fire concentrating their shots into the small area from which Craddock's rounds were being fired. Meis, Watkins, Laino, and Koepp all believed their lives were in immediate jeopardy as they were taking heavy fire.

One of the rounds fired by Craddock hit Koepp in the stomach. Koepp's ballistic vest mitigated the injury, but the gunshot wound still resulted in Koepp's skin being broken and bleeding. Laino assisted Koepp in getting out of the building and receiving initial medical treatment. Meis and Watkins moved to a position of cover adjacent to the elevator. Meis continued to exchange fire with Craddock while Watkins secured the other areas to ensure Craddock did not circle behind them a second time. Meis and Craddock exchanged 2-3 more volleys of gunfire.

SWAT officers arrived on the 2nd floor and forced open the door behind which Craddock was taking cover. The officers tried to take Craddock into custody, but he continued to physically resist. Once he was in custody, a SWAT medic rendered aid. Craddock was removed from the building, ultimately being transported by EMS personnel to Virginia Beach General Hospital where he was pronounced dead shortly after his arrival.

Craddock's entire encounter with Laino, Koepp, Meis, and Watkins took place in the 2nd floor of Building 2. The second floor consists of a main hallway in which multiple secondary hallways intersect. The secondary hallways contain a maze of cubicles and offices. Craddock had a significant tactical advantage based on his knowledge of the floor plan. It should be noted Craddock could have avoided his initial engagement with Meis using the secondary hallways but elected to approach Meis from behind. Additionally, Craddock elected to circle behind Laino, Koepp, Meis, and Watkins after the first engagement and reengage them instead of surrendering.

An autopsy by the Medical Examiner reported that the cause of death for Craddock was multiple gunshot wounds. A postmortem toxicology report determined that Craddock had no drugs detected in his system.

Analysis

The controlling legal authority relating to officer-involved shootings states that the determination must be whether the officers' actions were "objectively reasonable in light of the facts and circumstances confronting them." Tennessee vs. Garner, 471 U.S. 1 (1985); Elliott vs. Leavitt, 105 F3d 174 (4th Cir. 1996). Four years after Garner, the United States Supreme Court said, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation." Graham vs. Connor, 490 U.S. 386 (1989). "Before employing deadly force, police must have sound reason to believe that the suspect poses a serious threat to their safety or the safety of others." Lee v. City of Richmond, VA, 100 F. Supp. 3d 528, 541-542 (E.D. Va. 2015)

On May 31, 2019, Sergeant M. Laino, Sergeant P. Koepp, Officer B. Meis and Officer C. Watkins responded to a mass shooting that was still in progress. They heard gunfire prior to

entering the building and again once they entered. Not only did they see firsthand several victims of the attack but heard from multiple survivors exiting the building that the shooter was still there. They made their way to the second floor in an attempt to locate survivors and to stop Craddock from victimizing anyone else. When they confronted Craddock at a doorway window, Craddock lifted his gun towards Officer Meis. Officer Meis then fired at Craddock until his weapon malfunctioned. At this point, Craddock could have stopped his attack and surrendered. Instead, he circled around the office space behind the closed doors to come up behind the four officers and continue his attack. All four officers returned fire at this point and Sergeant Koepp was shot by Craddock in this exchange. Craddock received multiple gunshot wounds in the exchange that was his cause of death as detailed in the report by the Office of the Chief Medical Examiner.

Based upon the law and the substantial evidence in this matter, it is my opinion that the actions of Sergeant M. Laino, Sergeant P. Koepp, Officer B. Meis and Officer C. Watkins with the Virginia Beach Police Department, were reasonable, justified, and legal under the circumstances presented to them on the day of May 31, 2019. Their actions were initiated to protect the employees still in the building, themselves and the other officers present at the scene from serious bodily injury or death. Additionally, I believe that these officers potentially saved the lives of numerous individuals by finding, confronting and eventually stopping Craddock, who had already injured and taken the lives of so many innocent victims. Therefore, no criminal charges will be brought against Sergeant M. Laino, Sergeant P. Koepp, Officer B. Meis and Officer C. Watkins for the death of Dewayne Antonio Craddock.

Colin D. Stolle
Commonwealth's Attorney
City of Virginia Beach