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### **FOR IMMEDIATE RELEASE**

**December 1, 2022**

District Attorney Suzanne Valdez completed her review of the use of deadly force that resulted in the death of Michael Scott Blanck. The incident occurred in the evening of October 2, 2022 at 1715 E. 21<sup>st</sup> Terrace in Lawrence, Douglas County, Kansas.

### **SCOPE OF THE REPORT**

This report details the District Attorney's findings and conclusions limited specifically to criminal liability of three Lawrence Police Department (LPD) officers who shot at Blanck on October 2, 2022.

The Office of the District Attorney has no administrative or civil authority regarding use of force investigations. Therefore, this report does not address any administrative review that LPD may conduct; it does not provide any assessment of LPD's policy considerations; nor does it address questions of possible civil actions where a lesser burden of proof would apply.

Questions as to whether the use of force in this particular case could have been avoided or de-escalated if the law enforcement officers or citizens had behaved or acted differently in the moments leading up to the fatal use-of-force incident resulting in Blanck's death may not be addressed in this criminal investigation or this report.

Thus, the sole question that the District Attorney addresses in this report is whether sufficient evidence exists to establish beyond a reasonable doubt that a violation of the criminal laws of the state of Kansas occurred in this instance.

## **SUMMARY**

In the days prior to Sunday, October 2, 2022, LPD officers were dispatched to 1715 E. 21<sup>st</sup> Terrace numerous times regarding family concern about Blanck's mental health and his unlawful presence at the residence that belonged to his father, G.B., who is elderly and has cancer. Blanck had an established criminal history. Importantly, Blanck was under bond restrictions in two pending cases that prohibited him from having contact with members of his family, including G.B.

On October 2<sup>nd</sup>, at approximately 5:34 p.m., T.A., Blanck's sister who had made many earlier calls to police over the past couple of days, called dispatch to report a criminal damage to property complaint at G.B.'s residence. It is alleged that Blanck broke a back basement window and entered the residence. This dispatch call ultimately led to the officer involved shooting incident almost two hours later that evening.

When LPD was dispatched at around 5:36 p.m., officers responded immediately to the criminal damage complaint, but there was no physical sign of Blank at the residence. As officers gathered information, they decided not to enter the residence until they had permission from G.B. Once G.B. granted permission to enter his residence, officers planned to clear the residence. Meanwhile, two Blanck family members had arrived at the residence and had made contact with Blanck, who was in the home alone. Eventually, officers made contact with Blanck who came out of the residence and onto the front lawn. Blanck pulled out a handgun, pointed it at an officer directly in front of him, and officers fired multiple rounds. Blanck was pronounced dead on the scene.

At 7:18 p.m., an LPD officer advised on his radio that multiple shots were fired and that Blanck was deceased. Lawrence Douglas County Fire Medical responded after the shooting and pronounced Blanck dead at the scene.

## **INVESTIGATION**

At LPD's immediate request, the Kansas Bureau of Investigation (KBI) agreed to conduct the investigation of this officer involved shooting. The Douglas County Sheriff's Office assisted in securing the scene where the shooting took place.

The KBI investigative file was diligently prepared and turned over to the District Attorney on

November 2, 2022. The investigative file included electronic and digital materials, as well as comprehensive written reports.

Importantly, LPD records reflect the following relevant information indicating Blanck's contact with LPD leading up to the shooting incident had begun on about September 30, 2022.

- LPD dispatch records show that on September 30<sup>th</sup>, at approximately 9:26 a.m. a welfare check was requested by G.B.'s daughter (Blanck's sister), T.A. T.A. stated that Blanck was at the residence and consuming alcohol and that she was concerned for her father. When LPD responded to the residence, G.B. stated that Blanck was not at the residence.
- Later on September 30<sup>th</sup>, at approximately 7:53 p.m., T.A. again called dispatch stating that Blanck was at G.B.'s residence, had been drinking all day and was suicidal. The reporting officer completed an investigative report and an affidavit alleging Blanck was in violation of a no contact order. It appears that Blanck may have left the residence and had gone to the hospital.
- On October 1, 2022, at approximately 9:20 a.m., a welfare check was called in by K.B., Blanck's wife, who believed that Blanck was back at G.B.'s residence, and that there were various unsecured guns in the home. LPD officers responded and prepared an investigative report and an affidavit alleging Blanck was in violation of a no contact order. Throughout the day, various members of the Blanck family called dispatch about Blanck's odd and concerning actions.
- Later on October 1<sup>st</sup>, the Blanck family requested a civil standby so that G.B. could get personal items and unsecured firearms from his home. G.B. and the family became worried that Blanck would show up at the residence when they were there.
- On the morning of October 2, 2022 at 9:15 a.m., a domestic disturbance report was called in. The Blanck family stated Blanck was in G.B.'s residence. When LPD showed up, no one came to the door. Later that morning, two anonymous tipsters complained again that Blanck was in the residence.

As previously mentioned, at approximately 5:34 p.m. that day, the events leading up to the officer involved shooting occurred. These events will be described more fully below.

The lead KBI investigator arrived at the scene of the shooting at approximately 8:30 p.m. on October 2<sup>nd</sup> and made assignments to other agents. One agent worked at obtaining necessary search warrants; another agent coordinated and executed a neighborhood canvas; other agents went to LPD with the lead investigator to begin witness interviews.

Once the LPD officers involved in the incident were relieved of their duties, they went to LPD, located at 5100 Overland Drive, Lawrence, Kansas to wait for further direction. Their firearms and body-worn cameras (BWC) were immediately secured. Round counts of ammunition were conducted. KBI agents photographed the officers and police K-9 Shadow, and they assisted with witness interviews conducted at LPD.

The Lawrence Police Officers' Association Representative Officer advised KBI that none of the officers involved in the incident would provide public safety statements, but that each of them were willing to be interviewed at a later time.

Civilian witnesses were interviewed by KBI at LPD. The summaries of statements of six witnesses are included herein.

Law enforcement officers who were at the scene and who were involved in the shooting gave voluntary statements to KBI investigators. The summaries of the statements of these five law enforcement officers are included herein.

The KBI Crime Scene Response Team (CSRT) processed the scene. Evidence was submitted to the KBI Forensic Laboratory for examination. A summary of the evidence that was collected is included herein.

An autopsy of Blanck was conducted. A summary of the autopsy is included herein.

## CIVILIAN WITNESS STATEMENTS

On October 2, 2022, KBI investigators canvassed the area around the scene and began interviewing witnesses immediately at LPD.

### **Witness 1 (Blanck's niece):**

At 10:01 p.m. on October 2, 2022 (approximately 2.5 hours after the incident), KBI agents interviewed Witness 1. Witness 1's mother, T.A., and Blanck are siblings.

Witness 1 explained that Blanck was under a no contact order with multiple members of the Blanck family including Witness 1's mother, her aunt, and her grandfather, G.B. (who is Blanck's, father).

Witness 1 stated that in the early evening of October 2, 2022, she learned from her mother, T.A., that Blanck was reportedly at her grandfather's, G.B.'s, residence, where he, Blanck had cut himself and was "bleeding out." Witness 1's mother (T.A., Blanck's sister) called police, but according to Witness 1, police would not enter the residence because G.B., the owner of the home, was not present. Witness 1 and Witness 1's brother's fiancé, Witness 2, decided to travel from Prairie Village, Kansas, where they lived, to 1715 E. 21st Terrace in Lawrence to check on the situation. According to Witness 1, she planned to take Blanck to the hospital if he was "bleeding out", but she did not have a plan for what she and Witness 2 would do if Blanck was not injured. While en route to Lawrence, Witness 1 called her cousin, Witness 3, who supposedly had been in contact with LPD about Blanck's odd behavior and potential violation of the no contact order. According to Witness 1, G.B. was supposed to be with H.R., Blanck's other sister, but no one in the family knew the whereabouts of G.B. and H.R.

As Witness 1 and 2 arrived in Lawrence, Blanck called Witness 1 at 7:05 p.m. and they spoke for about 3 minutes. At the time that Witness 1 and 2 arrived at the residence – 1715 E. 21<sup>st</sup> Terrace – there was no police presence. Witness 1 stated that she and Witness 2 waited in her vehicle parked in the driveway for several minutes. Witness 1 telephoned Blanck again, but he did not answer his phone. Eventually, Witness 1 and 2 decided to enter the open gate to the backyard of the residence. Witness 1 noticed that the window leading to the basement of the residence (in the back and south side of the residence) had been broken. Witness 1 observed a blanket laying on the window sill. Witness 1 called out Blanck's name several times, and after receiving no response, Witness 1

climbed through the broken basement window.

Witness 1 went upstairs in the residence and she observed that Blanck was inside and had allowed Witness 2 into the residence through the sliding glass door located on the east side of the house. Witness 1 observed only one small cut on one of Blanck's arms. Witness 1 stated that Blanck did not "seem completely sober", but she did not know whether he had not taken his prescribed medication. Witness 1 described Blanck to be in a good mood as he greeted her and Witness 2. Witness 1 stated that Blanck was "acting like everything was normal" when she and Blanck were discussing his arm injury. Witness 1 stated Blanck was wearing gray pants, but he did not have a shirt on. As Witness 1 and 2 were leaving the residence, Blanck opened the living room closet to retrieve a zip up jacket.

Witness 1 stated that she and Witness 2 left the residence and as she got into her vehicle, she noticed a police car on Harper Street. Witness 1 tried to call her grandfather, G.B., from her vehicle because she did not know what to do with Blanck since he "was not dying." While sitting in her running vehicle, Witness 1 saw a police officer approach at the same time Blanck was exiting the residence. Witness 1 is unsure whether Blanck exited the residence from the side sliding glass door or from the front door. Witness 1 began to exit her vehicle, and she observed more law enforcement officers approach the residence on foot. One officer directed Witness 1 to get out of the way.

Witness 1 stated that Blanck was standing in front of her in the front yard of the residence when he [Blanck] lifted his shirt and pulled a gun from his left gray pants pocket. She stated she recalled thinking there were not supposed to be guns in the residence because she had been told that the family had removed them. She also thought that if Blanck had a gun in his pants when she had talked to him earlier in the residence, she would have noticed it. Witness 1 believed that Blanck had retrieved the gun from the closet in the residence where he got his jacket.

As law enforcement approached the residence, Witness 1 didn't recall Blanck or the officers saying anything, but she acknowledged there was noise. Witness 1 stated she observed at least two other police officers in the immediate area, and that Blanck shot at the officer more directly in front of him. She stated that she heard two gunshots and saw one officer fall as though he was shot by Blanck. Witness 1 stated she saw that the officer's eyes were wide open, but she did not know whether the officer's ballistic vest had stopped the bullet that hit him.

Witness 1 immediately moved behind her vehicle and she remembered Witness 2 yelling that they “needed to go.” As Witness 1 and 2 moved away from the residence, Witness 1 heard more gunshots.

Importantly, Witness 1 did not think officers displayed weapons before Blanck pulled up his shirt and brandished his gun. She stated that she “saw him [Blanck] pull a gun and saw him shoot I think twice...” Witness 1 knew that Blanck has been incarcerated in the past. She had heard from family members that he did not want to go back to jail, and that perhaps the incident was a “suicide by cop thing.”

**Witness 2 (Fiancée of Witness 1’s brother):**

At 10:51 p.m. on October 2, 2022, immediately following the interview of Witness 1, KBI agents interviewed Witness 2, who accompanied Witness 1 from Prairie Village to Lawrence to check on the status of Blanck’s situation at 1715 E. 21<sup>st</sup> Terrace. Witness 2 lives with Witness 1 and Witness 1’s husband, and she is engaged to Witness 1’s brother. Witness 2 has been closely associated with the Blanck family for approximately eight years. She stated that Blanck was “on the wagon” for a while, but he had started drinking again and had become more violent with his family recently.

Witness 2 stated that earlier in the evening on October 2, 2022, Blanck’s sister, T.A., was at the home Witness 2 shared with Witness 1 and her husband in Prairie Village, and that T.A. was yelling at someone on the phone to go to G.B.’s residence in Lawrence to check on Blanck who apparently was bleeding heavily. T.A. was upset that law enforcement had gone to the residence, but had left, and did not check on Blanck.

Witness 2 stated that she and Witness 1 drove to Lawrence soon thereafter to check on Blanck, and that Witness 1 intended to take Blanck to the hospital for his injuries, but that the two of them were worried that some of the family would be upset at them for doing this due to the no contact order that was in place.

Witness 2 stated that during the drive to Lawrence, there were several phone conversations about the well-being of and concern for Blanck. Witness 2 stated that from those phone calls she understood that Blanck was at G.B.’s residence, and that Blanck would allow them inside once

they arrived. According to Witness 2, Blanck agreed on the telephone to go to the hospital with Witness 1 and 2.

Once Witness 1 and 2 arrived at the residence, they parked Witness 1's vehicle on the driveway and walked to the back of the residence and yelled for Blanck. When they did not see Blanck and he did not respond, Witness 1 climbed through the broken basement window, and Witness 2 heard the side sliding glass door open. Witness 2 entered the residence through the sliding glass door and observed Blanck who did not appear to be bleeding, but was a little "loopy." At some point Witness 1 came up the stairs to the main floor, and Witness 1 and 2 spoke with Blanck briefly. They convinced Blanck to leave the house with them to go to the hospital.

Witness 1 and 2 left the residence through the sliding glass door and got into Witness 1's vehicle to wait for Blanck, who stated that he needed to get a jacket because he was not wearing a shirt. Blanck was only wearing sweatpants. Witness 2 stated that while they were in the vehicle, Witness 1 alerted her to a police officer who was approaching the residence. Witness 1 told Witness 2 that she was going to inform the officer that they were going to take Blanck to the hospital.

About this time, Blanck exited the residence from the front door wearing a puffy red and yellow coat. Witness 2 stated that she was going to exit Witness 1's vehicle, and she saw four other police officers slowly approach the residence on foot. She heard the officers call Blanck by his name and instructed him to put his hands up. Witness 2 stated she saw Blanck begin to act "erratic" and he yelled "no, no, no. I'm not going with you."

Importantly, when Witness 2 looked at Blanck, she saw him draw "his weapon and he started firing" at police. Witness 2 stated she estimated that Blanck fired four times before police returned fire, and she stated that there was no time for the police to do anything other than fire their weapons because Blanck was "incredibly aggressive." Witness 2 stated that "nothing could have been done differently."

During the gunfire, Witness 2 stated she grabbed Witness 1's hand and they ran from the scene. Witness 2 stated that she heard additional commands from law enforcement, but that Blanck did not respond to them.



**Witness 3 (Mr. Blanck's niece):**

At 11:37 p.m. on October 2, 2022 immediately following the interview of Witness 2, KBI agents interviewed Witness 3.

Witness 3 was aware that Blanck had been shot, and she reported that she had been involved in matters with Blanck a few days earlier when her family had enlisted the assistance of law enforcement to help with issues related to Blanck. Witness 3 recalled a recent incident when Blanck was at G.B.'s residence – 1725 E. 21<sup>st</sup> Terrace – and he refused to let G.B. leave. When police arrived at the residence, G.B. refused to allow law enforcement permission to enter his residence. Witness 3 explained that Blanck had many guns in the home, and the G.B. feared Blanck.

Witness 3 explained yet another incident that followed in which G.B. was fearful and LPD conducted a welfare check. She stated that when police arrived, there appeared to be no sign of Blanck. After this incident, G.B. left his residence and went to stay with H.R. (G.B.'s daughter) at her home in Lawrence. Thereafter, G.B.'s family soon returned to the residence to retrieve his medication and clothing. Witness 3 stated that she and others from the family believe they collected all of the firearms from the home that were not safely secure, but now they wondered if they had left a firearm behind that Blanck had located once he entered the residence earlier that evening.

Witness 3 further explained that after they picked up G.B.'s belongings, they left the house locked and all of the windows secure. She also indicated that a neighbor shared that Blanck was staying at a nearby neighbor's residence.

Finally, Witness 3 stated that her mother H.R. had contacted her and told her that Blanck had broken into G.B.'s residence and had cut himself while doing so. H.R. believed that Blanck was "bleeding out" and needed medical attention, but H.R. and G.B. were afraid to go to the home because of Blanck's previous violent conduct towards them. According to Witness 3, there was ongoing communication with law enforcement about Blanck's actions, and eventually police visited G.B. to get his permission to enter his residence.

Witness 3 stated that during the time that she and G.B. waited for law enforcement to visit with G.B about getting permission to gain access to the residence, she learned from Witness 1 that she

was on her way to Lawrence and G.B.'s residence to check on Blanck.

**Witness 4 (neighbor who lives at 1714 E. 21<sup>st</sup> Terrace)**

Witness 4 stated that he observed LPD presence on his street over the past few days. The last time he saw Blanck in the neighborhood was two to three days ago. Witness 4 did not know Blanck by name.

At the time of the incident, Witness 4 stated he observed a law enforcement patrol car parked south of the 1715 E. 21<sup>st</sup> Terrace residence (which is directly across the street from his own residence). He also observed other officers and their patrol vehicles parked west of the residence.

At some point while he was retrieving an empty pizza box in his yard to throw away, he witnessed two females leaving the residence and enter a running vehicle that was parked in the driveway. Witness 4 then observed a white male exit the residence. Witness 4 noticed LPD officers walking towards the residence. He stated that one officer approached the residence from the Lawrence Fire Department (from the east) and other officers approached from the west.

When Witness 4 reached his own front door, he heard officers make contact with the male, and he recalled them telling him to stop. He believed the officer who was coming from the Lawrence Fire Department was giving the commands. The two females then exited the running vehicle and talked briefly with an officer who had come from the west just before the male reached into his right front pocket and pulled out a handgun.

Witness 4 stated that the male discharged his handgun at the officer who came from the Lawrence Fire Department. The officer dropped to the ground, but Witness 4 did not know if the officer was hit. The other officers returned fire at the male. He believes they fired between 15-20 rounds. He could not tell who shot first. He observed Blanck fall to the ground. Finally, Witness 4 observed the K-9 officer arrive and order his dog to drag Blanck away from the door.

**Witness 5 (neighbor who lives at 1712 E. 21<sup>st</sup> Terrace):**

Witness 5 stated that she observed approximately four uniformed police officers, in the yard at 1715 E. 21<sup>st</sup> Terrace. She heard gun fire and guessed she heard about 10 shots. "It all happened so quick," she stated. "I think the police officer got onto the ground.... I assumed he got shot."

Witness 5 did not know what police were shooting at, stating “I didn’t see the person who was dead over there. I didn’t see him.” She thought the police were yelling, but she did not remember what they were saying.

**Witness 6 (Blanck’s wife):**

KBI, along with a volunteer chaplain, traveled to Eudora, Kansas to notify Witness 6 of Blanck’s death at approximately 1:15 a.m. on October 3, 2022. Witness 6 indicated that she was not surprised to hear the news that Blanck was dead. She indicated that she tried numerous times to get him help, but all her efforts were unsuccessful. Witness 6 stated that she and Blanck were together for six years and married for three, and that Blanck had been sober for ten years until January 2022. She believes that Blanck started to drink heavily in January and that is why he was in legal trouble. Witness 6 stated that there was a current no contact order in place in a Eudora case where she was a witness, and that Blanck was very upset about this. Thus, Blanck could not stay at their home in Eudora because of the no contact order.

Witness 6 stated that G.B. was a gun collector and that he had guns all over his house, including handguns that he kept in bins in a closet. Earlier on October 2, Witness 6 had various communications with Blanck and she was concerned about his safety. At about seven minutes before shots were fired at G.B.’s residence, Blanck texted her that he loved her.

## **LAW ENFORCEMENT STATEMENTS**

The law enforcement officers involved in the incident gave voluntary statements to investigators within days after the shooting.

**LPD Officer 1:**

KBI interviewed Officer 1 on October 10, 2022. Officer 1 did not review any video of the incident prior to the interview. Officer 1 has been employed with LPD since August 2011. He started as a patrol officer, did a stint as a school resource officer for 3.5 years, and is now a sergeant on the last swing shift, which runs from 4:40 p.m. to 3:10 a.m. He has had this assignment since June 2022. Officer 1 is a member of the LPD Crisis Intervention Team (CRT) and he is a sniper for this unit. Officer 1 also has other specialized training and certifications.

Officer 1 described October 2, 2022 as a beautiful day. Dusk started to set in prior to the incident.

Officer 1 stated at about 5:15 p.m. or so, dispatch relayed a complaint regarding criminal damage to 1715 E. 21<sup>st</sup> Terrace. When Officer 1 responded to the call Officer 3 was already there as well as other officers.

Officer 1 and Officer 3 went to the back of the residence, and Officer 2 was attempting to contact the complaining party, T.A., to follow up. Officer 1 noticed that a back basement window had been kicked out. He explained that Officer 4 was inbound on the call and that Officer 4 would be helpful with information about the current situation because he knew the people involved in this ongoing matter.

Officer 1 indicated that typically with a broken window to a residence, responding officers would clear the residence with the homeowner's permission. But since they were unable to contact G.B. and they did not have his permission in this instance, Officer 1 stated that they would not enter the residence. Officer 1 was clear on this point.

Officer 1 stated that soon after he made the decision to wait to get G.B.'s permission, Officer 4 reported that he was with H.R. near Elmwood Street and that she had the key to G.B.'s residence. Again, Officer 1 stated that officers would not enter the residence without G.B.'s permission, and he sent Officer 2 to speak with G.B., who he learned was at H.R.'s home in Lawrence.

Officer 1 stated that at the time the situation was evolving, officers had no idea if Blanck was inside the residence although there were some anonymous calls earlier in the day indicating that Blanck was in the house. But he was not certain. Officer 1 stated that he received confirmation from Officer 2 that G.B. wanted officers to clear his residence and that no one had permission to be inside the residence. Officer 1 stated that he and other officers began to put together a plan about how they were going to clear the residence. While Officer 2 met with G.B., Officer 3 took his dinner break.

After Officer 3's dinner break, he returned to the location to observe the residence from the west side near the Lawrence Fire Station (on Harper Street). Officer 1 stated at this point, there were five officers at the scene and planning on how to clear G.B.s residence had begun. Officer 3 got on the radio and stated that the sliding glass door to the residence was now open, and it was not open earlier. Officer 3 then radioed again and stated that a car had just pulled into the driveway.

Officer 1 shared in his interview that he could hear concern in Officer 3's voice so the other four officers, who were located nearby to the west of the residence started to move towards the residence. Officer 1 stated that the events unfolded spontaneously and they did not anticipate that Blanck would be outside the residence in the yard.

Officer 1 stated that an officer walking in front of him called, "hey, Michael." He then saw Blanck in the front yard, and he (Officer 1) walked around the parked vehicle in the driveway to arrest Blanck on the outstanding no contact order violations that had occurred the previous couple of days. Officer 1 remembers ordering Blanck to get on the ground and to take his hands out of his pockets. Blanck then brandished a gun and "pointed [it] straight at me." The gun was "larger than life." Officer 1 stated he pulled out his weapon and fired one time. The other officers fired their guns and Blanck fell to the ground.

The officers immediately regrouped behind the parked vehicle and attempted to rouse Blanck to no avail. Officer 1 indicated that a LPD K-9 was utilized to get Blanck away from his weapon.

Soon thereafter, Officer 1 was relieved of his duties by another sergeant.

Officer 1 fired his handgun one time.

**LPD Officer 2:**

KBI interviewed Officer 2 on October 10, 2022. Officer 2 did not review any video of the incident prior to the interview. Officer 2 has been employed as an LPD patrol officer for the past 23 months. Prior to working at LPD, Officer 2 worked as an officer with the Basehor Police Department, the Tonganoxie Police Department, and the Fort Scott Police Department. Overall, Officer 2 has 18 years of law enforcement experience.

On October 2, 2022, Officer 2 was on duty. After the shift briefing at 10:40 a.m., he got on the road. He was aware there had been several calls to the 1715 E. 21<sup>st</sup> Terrace residence over the past couple of days. In the early evening of October 2<sup>nd</sup>, Officer 2 was dispatched to the residence to respond to a burglary. When he arrived, there were other officers already present, and he observed Officer 3 near the back of the residence. Officer 2 joined other officers to observe the residence for a bit. At some point, Officer 2 returned to his patrol car and took direction to call T.A., who

had made the complaint to dispatch. When he made contact with T.A., she informed him that Blanck had broken a window at the residence and that he was bleeding from cutting himself. Officer 2 asked T.A. numerous times about how she knew this information, but T.A. refused to elaborate. Officer 2 told T.A. that officers have no legal authority to enter the residence without G.B.'s permission.

Officer 2 learned that G.B. was at H.M.'s residence. He tried to contact H.M. a couple of times to speak with G.B., but he was unsuccessful at reaching her. Officer 2 stated that he conferred with Officer 1 about the situation and the two agreed that they could not enter the residence without G.B.'s permission and they decided clear the call. Officer 2 left his position and drove to the Lawrence Fire Station on Harper Street where he again communicated with T.A. He reiterated to her that officers would not enter G.B.'s residence without his permission.

Soon thereafter, Officer 1 instructed Officer 2 to go to H.M.'s residence at 3002 W. 9<sup>th</sup> Street to speak with G.B. about the situation. He did so, and G.B. stated that officers had permission to clear his house and that he had not given permission for anyone to be in his home. Officer 2 communicated this information to Officer 1 as he drove back to the scene. Officer 2 joined Officers 1 and 5 at the Elmwood Street location. As he was driving to Elmwood Street, he drove by the G.B.'s residence and noticed a white SUV parked outside in the driveway. When he arrived at the Elmwood Street location, two members of the Blanck family were talking to Officers 1 and 5.

Not much time passed when Officer 3 radioed that from his post at the fire station he had seen a light and movement in G.B.'s residence and that he needed back up. Officer 2 started to walk quickly toward the residence with Officer 1 following closely behind him. Then Officer 3 radioed again and his voice was urgent. As Officer 2 reached the residence, he saw Blanck standing in the front yard, which he did not expect because he thought that he was perhaps inside the residence. Officer 2 yelled, "hey Mike" and he believes he told Blanck he wanted to see his hands. As he kept walking towards the residence he was surprised to see two women on the driveway. He told one of the women to get out of the way and got behind the parked white SUV. At this point, Officer 2 believed Officer 1 was behind his shoulder because he could hear Officer 1 give verbal commands to Blanck to show his hands.

Officer 2 explained that Blanck was looking around and "surveilling what was going." Officer 2

thought Blanck was going to run so he tried to close the gap between them. As he was doing so, Officer 1 was giving commands to Blanck and Blanck was saying “no.” Officer 2 saw Blanck reach into his pocket and “pull out a gun.” Officer 2 stated that he remembers thinking the gun was bigger than expected as Blanck “presented it at [Officer 1].” Officer 2 stated that while he was somewhat closer to Blanck, Blanck was pointing the gun at Officer 1. He heard someone yell “gun” and so he peeled off to the right behind the white F-150 vehicle parked directly in front (and south) of the white SUV.

Officer 2 then heard multiple gun shots and he observed Officer 3 backpedaling as fast as he could, looking scared. From his vantage point, Officer 3 appeared to be in “real trouble.” Officer 2 believed that there was two-way gunfire happening between Blanck and Officer 3. In order to protect Officer 3, Officer 2 fired “one round” at Blanck.

Officer 2 heard someone yell to “get back” once Blanck fell to the ground. He was not sure who was giving these commands because his back was up against the F-150 truck. Eventually, all the officers regrouped and Officer 5 released K-9 Shadow to assist.

Officer 2 stated that the events happened so fast and it was unexpected. He believed that Blanck’s gun was in his left hand and that Blanck was in close proximity to other officers and civilians.

Officer 2 fired his handgun one time.

### **LPD Officer 3:**

KBI interviewed Officer 3 on October 10, 2022. Officer 3 did not review any video of the incident prior to the interview. Officer 2 has been employed as an LPD patrol officer for the past 23 months. Officer 3 began his law enforcement career with the Douglas County Sheriff’s Office in 2013 and transferred to LPD in November 2020. On October 2<sup>nd</sup>, he was on patrol duty for the early shift that occurs from 11:00 a.m. to 9:00 p.m. He stated that during the shift briefing that day, he was made aware of the recent domestic events involving Blanck.

In the early evening he was dispatched to 1715 E. 21<sup>st</sup> Terrace on call that there was a broken window and that there may be someone inside who needed medical attention. Officer 3 was the first officer to arrive at the residence. Once Officer 3 parked his vehicle, he walked around the

house and noticed a broken basement window at the rear of the residence. He also noticed a blanket was laying over the sill of the window to possibly prevent injury to enter the window. Officer 3 waited for more officers to arrive at the residence. He stated that Officer 2 showed up and Officer 2 began making calls to determine who had authority to be in the residence.

Soon Officer 1 arrived and he and Officer 3 went to the window. Officer 1 yelled: "Hey Michael, are you okay in there?" There was no response. Officer 1 decided to clear the call, and Officer 3 took his dinner break.

After his dinner break, Officer 3 was instructed to go back to the residence at 1715 E. 21<sup>st</sup> Terrace to assist in clearing the house. Officer 1 informed Officer 3 that contact had been made with the homeowner and that officers were asked to clear the residence. Officer 3 parked his vehicle at the fire station on Harper Street. From his vantage point on the east side of the house, he noticed a light on in the residence, that the sliding glass door was now open, and that there was a white SUV parked in the driveway that was not there earlier.

Officer 3 got out of his vehicle and started to walk towards the residence. He believed he had his handgun out. As he was walking he observed a woman standing next to the SUV and then he saw Blanck near the front of the house. He stated it was like Blanck suddenly appeared. Officer 3 called out, "Hey, yo, Mike." Blanck was wearing a red Chiefs pullover and blue/gray sweatpants. Blanck did not acknowledge Officer 3.

Thereafter, Officer 3 saw Officer 1 round the back of the white SUV and walk towards Blanck. Officer 3 believed that Officer 1 was about twenty feet from Blanck. He heard Officer 1 say, "Hey Mike, come here." Blanck turned like he was going to run, and Officer 3 took out his Taser to prepare for this. Officer 3 had his firearm in one hand and his Taser in the other hand. But then Blanck turned back around and pointed a gun at Officer 1. Officer 1 said something like "Oh shit" and flinched backward falling to the ground. Officer 3 immediately started shooting when this happened. He believed Blanck was going to kill Officer 1.

Officer 3 did not know how many rounds he fired, but he knew he emptied his magazine which held 17 rounds. Once the magazine was empty, he reloaded his gun. At some point, he dropped his Taser on the ground. Officer 3 observed Officer 2 fire his gun, but he is not sure when this



happened. Officer 5 then began yelling to take cover and he moved behind the SUV with the other officers.

Officer 3 fired his handgun eighteen times.

**LPD Officer 4:**

KBI interviewed Officer 4 on October 6, 2022. Officer 4 has been a LPD officer since the beginning of 2022. Prior to this employment, he served with the Kansas Highway Patrol for 3.5 years. Before the interview, Officer 4 reviewed a portion of the body worn camera video footage of the officer involved shooting.

Officer 4 stated that he was on duty on October 1, 2022, and he received a call to assist with a civil standby at 1715 E. 21<sup>st</sup> Terrace. The homeowner, G.B., wanted to retrieve his cancer medications and other personal belongings because he no longer felt safe at his home because of Blanck's violent behavior. Officer 4 also learned that Blanck was at a neighbor's residence located nearby at 1711 East 21st Terrace, and the neighbor allowed Blanck to sleep on his couch.

Officer 4 stated that on October 1 before he arrived with other officers at the residence, H.R., G.B.'s daughter had gone into the residence and retrieved AK-47 and AK-15 rifles and secured them in a safe because, at some point, Blanck had access to these rifles and he had waved them around the front yard of the residence.

Officer 4 observed that G.B. appeared very afraid of Blanck, and he learned that G.B. planned to stay with H.R. and her family for the time being. Officer 4 stated that another officer confirmed that Blanck was at the neighbor's house sleeping on the couch. Officer 4 then went to G.B.'s residence with H.R. to clear the residence at G.B.'s request. Officer 4 stated that they cleared the house, put his firearms in a secure safe, gathered G.B.'s personal belongings and left the residence with all doors and windows locked and secured.

On the following day, October 2<sup>nd</sup>, LPD Officer 1 contacted Officer 4 about needing assistance with a call to 1715 E. 21<sup>st</sup> Terrace. Dispatch had informed Officer 1 that T.A., G.B.'s other daughter, had called stating that a downstairs window of the residence was broken and that Blanck may be bleeding inside the residence. Officer 1 wanted relevant information from Officer 4 due to

his stand by assignment at the residence the previous evening.

Officer 4 called H.R. and they decided to meet with Officer 1 at Elmwood Street, where H.R. would provide officers with a key to G.B.'s residence. Meanwhile, G.B. was willing to speak with law enforcement about the situation, and Officer 2 responded to H.R.'s address to speak with G.B.

Officers 1, 2, and 4 tried to determine whether Blanck was violating any laws or pre-trial conditions by being in the residence. Blanck had pending felony charges including an Aggravated Assault charge involving G.B. and H.R. Officer 2 returned to the meeting place at Elmwood Street and informed the group that G.B. had given officers permission to clear his residence. In other words, Blanck did not have G.B.'s permission to be in his residence.

Officer 4 stated that Officer 3 was directed to watch the residence from the east side of the street. Officer 4 stated that Officer 1 completed a threat assessment and indicated that the LPD tactical team was not needed. Soon thereafter, Officer 3 got on the radio and indicated that he saw movement in the residence. This alert caused Officers 1, 2, 4, and 5 to approach the residence on foot from the west.

Officer 4 stated that he observed a white SUV arrive and pull in the driveway. Meanwhile Officer 3 announced that he saw the vehicle too, and he asked for back up. Officer 4 detected urgency in Officer 3's voice. Officer 4 stated that he had worked with Officer 3 before, and he knew from his voice that he needed to help Officer 3 "right now."

Officer 4 drew his handgun and made a beeline for the G.B.'s residence. He could not see Blanck in front of the residence because the vehicle parked in the driveway blocked his vision, but he saw the muzzle flash from Officer 3's handgun as it was fired. Officer 4 believes that Officer 3 was located between the edge of the residence and a tree in the front yard. Officer 4 heard many gunshots and did not know who was shooting. He saw a female run by him and he instructed her to get away from the residence.

Officer 4 then observed the direction that Officer 3 was firing from and took cover behind the parked white SUV. Officer 4 said he saw Officer 2 during the shooting, but he did not see Officer 1 until Officer 1 took cover behind the white SUV. Officer 4 estimated that up to a dozen rounds

were fired, and he was close enough to the shooting that hearing in his right ear was affected.

Officer 4 stated that Officer 3 moved towards his location and Officer 4 gave Blanck commands to show his hands, Blanck did not respond. All the officers were concerned that Blanck had a gun, and they used Officer 5's K9, Shadow, to drag Blanck away from the area where they thought the gun could be. Blanck's sweatpants came off during this event. Officer 4 stated that he and Officer 3 moved up to Blanck's body. He observed blood on the grass and Officer 3 announced that he saw the gun in the grass nearby. Officer 4 stated he stood near the handgun to ensure no one moved it or touched it. Other officers secured Blanck and attempted to provide medical aid for him.

Other officers soon arrived, and Officer 4 remained in place to protect the handgun until he was relieved from duty. He stated the hammer to the handgun was cocked.

Officer 4 did not discharge his firearm during the incident.

**LPD Officer 5:**

The KBI interviewed Officer 5 on October 6, 2022. Officer 5 reviewed his body worn camera video footage of the incident prior to the interview. Officer 5 has been employed as an LPD patrol officer for six years. He has been a K-9 officer for approximately one year.

On October 2<sup>nd</sup>, while he was on duty, Officer 5 was dispatched to 1715 E. 21<sup>st</sup> Terrace at approximately 5:48 p.m. He learned that Blanck had been previously suicidal and that he was facing serious felony charges in Douglas County District Court. He also learned that Blanck had been involved in a dispute with his father and sister which included weapons. Officer 5 conducted this important research to assess whether he could deploy his dog, if necessary. When Officer 5 arrived at the residence, he stated that other officers were already there. He observed the broken window at the rear of the residence. He stated that all the lights were off and no one appeared to be injured inside. He also learned that all the weapons in the house had been secured the day before.

Officer 5 stated that he and Officer 1 left the residence and drove to the Douglas County Fairgrounds to confer and to gather more information. Officer 5 stated that G.B. was eventually contacted and that he (G.B.) requested that they clear the residence. He learned that Blanck did not live at the residence and did not have permission to be there.

At 6:56 p.m., Officer 5 added himself back to the call and he joined Officers 1, 2 and 4 at a location on Elmwood Street near the 1715 E. 21<sup>st</sup> Terrace residence. When Officer 5 arrived, they began to make plans to enter the residence. Officer 5 believed that based on the information he had, that his dog would be helpful with the clearance of the residence. With Officer 1's leadership, the officers engaged in a threat assessment, and they did not believe that the CRT was necessary.

While the planning ensued, Officer 3 radioed that there was movement inside the residence. Officer 3 had seen lights on in the house and movement within the residence. Officer 5 stated that Officer 3 asked for help and the officers disbanded their meeting on Elmwood Street to provide Officer 3 with assistance.

Officer 5 gathered his dog and the leash and followed the other officers. He stated that he was about a house away when he heard gunshots. He observed a couple of officers in the front yard of the residence, and he ran to cover the dog. He and the dog took cover in the residence driveway behind parked vehicles. Officer 5 was able to make contact with Officer 1 and he learned that Blanck was down. Eventually all of the officers joined together behind the parked vehicles in the driveway. They could not verify where Blanck's gun was so Officer 5 utilized his dog to drag Blanck towards them and away from where a weapon could possibly be. As the dog tugged at Blanck, Blanck's pants and shoes came off of his body. Once it was determined that Blanck was no longer a threat, Officer 5 released his dog.

Officer 5 did not discharge his firearm during the incident.

#### **LPD Police K9 Shadow:**

Video evidence and officer statements clearly demonstrate that this canine provided impressive service to ensure the safety of the officers and civilians who were involved in the shooting.

#### **CRIME SCENE INVESTIGATION**

KBI investigators immediately processed the scene of the shooting, which was photographed and diagrammed. Scene investigators located, marked, photographed, and collected items of physical evidence, including the following:

- A damaged white iPhone found in the back pocket of Blanck's sweatpants;
- Eighteen fired, silver cartridge cases headstamped "Speer 9mm Luger" located in the front yard;
- A black SIG 17 round magazine found empty and located on the east side of the yard;
- One Ruger P95 SN: 31809436, one unfired cartridge case from its chamber headstamped "HRTS 9mm Luger," one magazine with seven unfired cartridge cases with the same headstamp located in grass north of front door;
- Fired bullet located on the driveway east of the white F-150 truck;
- Fired, silver cartridge case headstamped "Speer 9 mm Luger" located east of the driveway;
- Fired, silver cartridge case headstamped "Speer 9 mm Luger" located east of the yard;
- Three Sig Sauer P320 handguns each belonging to LPD Officers 1, 2 and 3.

Numerous photographs were taken of the front lawn of the residence (1715 E. 21<sup>st</sup> Terrace), the two vehicles in the driveway, Blanck's deceased body, the inside of the residence and the outside of the residence.

An ASP expandable baton lying in the street (21<sup>st</sup> Terrace) in front of the home and a handcuff key were collected and returned to LPD because they held no evidentiary value.

Investigators reviewed all video evidence from the officers' body worn cameras, which suggested that twenty shots were fired. This number is consistent with the magazine counts from the LPD officers' weapons and the empty magazine located at the scene. Firearms from the shooting officers were collected, and unfired cartridge cases that had been in the chamber of each firearm were placed back in the firearm's magazine when each firearm was made safe.

A white Infiniti JX35 belonging to Witness 1 was parked in the driveway and running.

A white Ford F-150 pickup parked in front of the Infiniti registered to G.B. This vehicle had six defects located on the driver's side exterior, which was exposed to the gunfire.

Blanck's body was located on the east side of the front yard. The body had been moved from the original incident location by LPD K-9 Shadow. Once LPD determined that Blanck posed no safety concern, his hands were cuffed behind his back. North of Blanck's location, a pair of gray

sweatpants and two black Puma brand shoes, size 9.5, were located in the grass just east of the driveway. A wallet containing Blanck's identification card and a damaged white iPhone were located in the back pocket of the sweatpants and collected as evidence.

Evidence markers were used to mark the fired cartridge cases that could be easily identified at within the front yard of the residence.

KBI applied for and was granted a search warrant for the following: the residence; the truck, the Infiniti and the body of Blanck.

An autopsy conducted on October 5, 2022 determined that Blanck died of multiple gunshot wounds.

### **FORENSIC EVIDENCE & AUTOPSY RESULTS**

On October 5, 2022, Blanck's autopsy was conducted by Frontier Forensics Midwest in Kansas City, Kansas. X-rays of Blanck's body showed five projectiles inside his body. The pathologist described the following injuries to be from the entry point to the exit/recovery point of Blanck's body:

1. Right elbow – exited right upper arm
2. Left ear – projectile recovered in right chest
3. Left upper back – projectile recovered in the right bowel
4. Right upper back – projectile recovered in the right lateral pelvis
5. Mid back – projectile recovered in right pelvis
6. Upper aspect of lower back – exited right lateral pelvis
7. Lower back in sacral area – exited right buttock
8. Left lateral upper thigh – projectile recovered in right thigh

The pathologist described most of the bullets as traveling left to right, back to front and downward. Additionally, there was trauma to Blanck's upper and lower left leg which is consistent with Blanck being dragged by Shadow during the incident.

Blanck's urine drug screen tested positive for ethanol, methamphetamine, cocaine, benzodiazepines and cannabinoid.

The KBI Forensic Laboratory determined that the firearm Blanck brandished was not fired, but that a round was chambered and the gun was ready to be fired. The firearm is registered to G.B.

### KANSAS LAW

In Kansas, all persons, including law enforcement officers, are entitled to defend themselves and others against the use of unlawful force. K.S.A. 2022 Supp. 21-5222 states:

(a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such use of force is necessary to defend such person or a third person against such other's imminent use of unlawful force.

(b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.

(c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.

The term “use of force” includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. “Use of deadly force” means the application of any physical force which is likely to cause death or great bodily harm to a person.

The Kansas Supreme Court has made clear that the analysis of a deadly-force, self-defense claim presents a “two prong test”:

“The first is subjective and requires a showing that [the user of deadly force] sincerely and honestly believed it was necessary to kill to defend herself or others. The second prong is an objective standard and requires a showing that a reasonable person in [the same] circumstances would have perceived the use of deadly force in self-defense as necessary.”  
*State v. McCullough*, 293 Kan. 970, 975 (2012).

With respect to a law enforcement officer’s use of force, in *Graham v. Connor*, 490 U.S. 386, 396

(1989), the United States Supreme Court clarified that any assessment of objective reasonableness must take into account the contextual realities faced by the officer:

“The ‘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 of hindsight. . . . The 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.”

### **A. Immunity**

In 2010, the Kansas Legislature enacted a series of statutes addressing the use of force, including the use of deadly force, in the defense of a person or property, including a person’s dwelling. See K.S.A. 2022 Supp. 21-5220 et seq. The new statutes became effective on July 1, 2011, and are commonly known as this state’s “Stand-Your-Ground” law. *State v. Barlow*, 303 Kan. 804, 804 (2016); *State v. Younger*, No. 116, 441, 2021 WL 1433246, \*4 (Feb. 16, 2018) (unpublished opinion).

K.S.A. 2022 Supp. 21-5231 Immunity from Prosecution, reads,

(a) A person who uses force which is subject to the provisions of K.S.A. 21-5226, and amendments thereto, is justified pursuant to K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer.

K.S.A. 2022 Supp. 21-5222, Defense of A Person, no duty to Retreat, reads,

(a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such use of force is necessary to defend such person or a third person against such other’s imminent use of unlawful force.

(b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.



K.S.A. 2022 Supp. 21-5230, addresses the duty to retreat,

“A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has no duty to retreat and has the right to stand such person’s ground and use any force which such person would be justified in using under . . . or K.S.A. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and amendments thereto.”

On March 10, 2017, in *State v. Hardy*, 305 Kan. 1001, 1009–1010, 390 P.3d30 (2017), the Kansas Supreme Court recognized that immunity granted by K.S.A. 21-5231 is distinct from self-defense, quoting with approval the dissent in *State v. Evans*, 51 Kan.App.2d 1043 (2015):

“Self-defense and immunity are clearly distinct concepts. If immunity were the same as self-defense, there would have been no need to adopt a specific immunity statute because K.S.A. 2014 Supp. 21–5222 would have sufficed. Perhaps most importantly, because K.S.A. 2014 Supp. 21–5231 grants immunity from arrest and prosecution rather than a mere defense to liability, it is effectively lost if a case is erroneously permitted to go to trial.

. . . A prosecutor must rebut a claim of statutory immunity before the case can go to trial.”  
*Hardy*, 305 Kan. at 1009-1010 (quoting *Evans*, 51 Kan.App.2d at 1062–64 (Arnold-Burger, J., dissenting)).

On February 21, 2021, the Kansas Court of Appeals ruled in *State v. Dukes*, 59 Kan.App.2d 367 (2021), that the district court had appropriately found Dukes was immune under K.S.A. 21-5222. Dukes was approached by a man named Berryman, who had sent him verbal threats in the past via Facebook (which Dukes testified he had not taken seriously). When Dukes saw Berryman approach, Dukes pointed a gun at Berryman. Berryman responded, "I got something for you," then ran back toward his car. The evidence was inconclusive as to whether Berryman held a weapon when he initially walked toward Dukes, but Dukes testified that he believed Berryman was going back to his car to get a gun given the statement, "I've got something for you." That is why Dukes said he shot and killed Berryman as he reached the car. Police later located a handgun on the floorboard of Berryman's car. The district court and the Court of Appeals ruled Dukes was immune from prosecution because the state's evidence could not overcome self-defense

immunity:

After a defendant in a criminal case files a motion requesting immunity under K.S.A. 2020 Supp. 21-5231, the State must come forward with evidence establishing probable cause that the defendant's use of force was not statutorily justified. This generally means the State must show probable cause that (1) the defendant did not honestly believe the use of force was necessary or (2) a reasonable person would not believe the use of force was necessary under the circumstances. *Dukes*, 59 Kan.App.3d at Syl. ¶ 2.

The *Dukes* Court also added the following conclusion from *State v. Phillips*, 312 Kan. 643 (2021):

The State may also overcome a defendant's request for immunity by demonstrating that the defendant was the initial aggressor as defined in K.S.A. 2020 Supp. 21-5226 and thus provoked the use of force. *Dukes*, 59 Kan.App.3d at 372 (citing *Phillips*, 312 Kan. at Syl. ¶ 5).

### **B. Use of Force During Arrest**

K.S.A. 2022 Supp. 21-5227, Use of Force; law enforcement officer making an arrest, states:

“(a) A law enforcement officer, or any person whom such officer has summoned or directed to assist in making a lawful arrest, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Such officer is justified in the use of any force which such officer reasonably believes to be necessary to effect the arrest and the use of any force which such officer reasonably believes to be necessary to defend the officer’s self or another from bodily harm while making the arrest. However, such officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.”

### **CONCLUSION**

On October 2, 2022, three Lawrence Police Department Officers utilized deadly force resulting in

the death of Michael Blanck.

Under K.S.A. 21-5222(b), a person may employ deadly force when the person reasonably believes that deadly force is necessary to prevent imminent risk of great bodily harm to himself or another.

Since 2011, under the Kansas "stand your ground" law, one who acts in defense of himself or to protect a third party is immune from prosecution. (See K.S.A. 21-5231.) This means that a person may not be charged or prosecuted unless the State can establish that the person who utilized deadly force was not acting reasonably under the circumstances. In *Graham v. Connor*, the United States Supreme Court made clear that assessment as to the reasonableness of an officer's decision to utilize deadly force must be made within the context in which the officer found himself – not from the perspective of “20/20 hindsight.”

This officer-involved shooting investigation established that Blanck's worrisome conduct had escalated over the few days before the incident on October 2, 2022. The investigation revealed that LPD responded to 1715 E. 21<sup>st</sup> Terrace numerous times within a three-day period to ensure the safety of G.B. and the Blanck family. Further, the investigation revealed that officers who responded to the residence in the early evening of October 2, 2022 did so with the intent to investigate a criminal damage to property complaint and to eventually clear the residence with the homeowner's permission. Once officers learned that an individual, likely Blanck, was in the residence, they immediately began to plan to safely remove that individual from the residence.

The investigation shows that events of the shooting unfolded quickly. It is clear that Officer 3, who was positioned on the east side of the residence to watch it became concerned when he saw movement within the residence. This concern became more urgent when he witnessed a vehicle pull up to the residence. Officer 3 relayed his concern to Officer 1, and officers 1, 2, 4, 5, responded immediately to provide back up from where they were stationed nearby on the west side of the residence.

The investigation reveals that none of the officers expected Blanck to appear outside of the residence in the front yard and to brandish a gun. Once Blanck was quickly identified, officers attempted to talk with him. When Blanck brandished a handgun and pointed it at Officer 1, the other officers immediately reacted and fired at Blanck to protect themselves and the civilians who

were nearby. The investigation reveals that Blanck appeared to have shot his firearm at Officer 1, who had fallen backwards to the ground. Officer 1 was directly in front of Blanck and was attempting to execute Blanck's arrest when he fell. The civilian witnesses all believed that Blanck fired his gun at Officer 1. Officer 2 discharged his firearm at Blanck because from his vantage point he believed that Blanck was shooting at Officer 3.

While the events of this incident are tragic, the investigation revealed that all of the officers involved in this shooting acted with deliberation, diligence, and urgency in executing their public safety duties.

Thus, under the totality of the circumstances, LPD Officers 1, 2, and 3 are immune from prosecution under Kansas law. Accordingly, pursuant to Kansas law and the facts of the case, I conclude that no criminal charges will be filed against any of these officers.

A handwritten signature in black ink, appearing to read "Suzanne Valdez". The signature is fluid and cursive, with a large, stylized initial "S" and a long, sweeping underline.

/s/ Suzanne Valdez  
Douglas County District Attorney



