



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: MAY 19, 2020
State Attorney




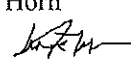
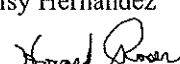
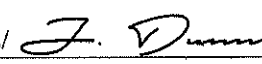
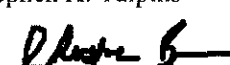
FROM: STAFFING/REVIEW TEAM RE: POLICE SHOOTING CLOSEOUT MEMO
CASE # SAO #62/19/05/02/003
INJURED: ARMOND, Alex

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: Officer Michel Auguste was dispatched to an emergency call regarding a burglary in progress. Upon arrival and contact with the caller, Officer Auguste approached the suspect (ARMOND), who was still in the back yard of the victim's residence.


Once confronted by the officer, ARMOND ran toward the officer and began punching him. Subsequently, Officer Auguste discharged his firearm and struck ARMOND. Although wounded, ARMOND fled toward the street. Officer Auguste then discharged his Conducted Electrical Weapon (i.e. taser) and struck ARMOND. With the assistance of another officer, ARMOND was then apprehended. The entire incident was recorded by Officer Auguste's body worn camera.

Considering the subject's actions, it is reasonable to believe the officer involved considered it necessary to use deadly force to prevent injury to himself and others, or to prevent the commission of a forcible felony. Also, the force was necessary to defend himself or another while making an arrest. Therefore, based on the evidence compiled in the FDLE investigation, including the body worn camera footage and pursuant to Florida Statute 776.012 and 776.05, we find that Officer Michel Auguste (06-465) was legally justified in the use of deadly force by discharging his weapon and taser.

The members of the staffing/review team for this case are:

 _____ Don L. Horn	 _____ Deisy Hernandez	 _____ Kathleen Hoague
 _____ Stephen K. Talpins	 _____ Howard Rosen	 _____ /s/ J. Scott Dunn
 _____ Christine Zahraiban		

Approved by State Attorney on this 15 day of June, 2020.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: MAY 19, 2020

FROM: STEPHEN MITCHELL
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO # 62/19/05/02/003
NMPD # 2019-15981
FDLE CASE # MI-27-0104

OFFICER INVOLVED:	OFFICER MICHEL AUGUSTE (06-465), NORTH MIAMI POLICE
INJURED:	ALEX ARMOND
INJURIES:	GUNSHOT WOUNDS TO ABDOMEN AND LEFT ELBOW
DATE & TIME:	WEDNESDAY, MAY 2, 2019, APPROXIMATELY 10:50 P.M.
LOCATION:	1020 NE 143 RD STREET NORTH MIAMI, FLORIDA
WEAPON:	SIG SAUER P320, .40 CALIBER Pistol, Serial No. 58A183329 & CONDUCTED ELECTRICAL WEAPON (Taser)-(OFC. AUGUSTE)
LEAD:	SPECIAL AGENT ALBERTO BORGOS (FDLE)
CASE #:	NMPD # 2019-15981 FDLE CASE # MI-27-0104
SAO CASE #:	SAO #62/19/05/02/003



SUMMARY

On May 2, 2019, Kenny Saintil arrived at his home, located at 1020 NE 143rd Street, to find Alex Armond (ARMOND) attempting to break into his uncle's, Marceau Livette, vehicle, which was parked in front of his home. When Saintil confronted ARMOND, ARMOND physically attacked Saintil who retreated into his home while Livette dialed 911 requesting that the police respond. ARMOND approached the front door of the house and attempted to gain entry, but Saintil and Livette held the door closed. ARMOND then went to the backyard and attempted to enter the house through a rear door. The home's video surveillance system shows ARMOND approaching the front door of the home while the occupants attempt to prevent him from entering. Officer Michel Auguste arrived on scene and spoke with Livette, who told him there was a man he did not know in his back yard trying to break in through the glass door. Furthermore, Livette told Officer Auguste that he did not know if the man was armed with a weapon. Officer Auguste proceeded and confronted ARMOND in the back yard. ARMOND ran toward and began punching Officer Auguste, who had drawn his firearm, discharging it two (2) times, striking ARMOND on the side of the chest and the left elbow.

ARMOND fled toward the street and Officer Auguste chased him on foot to 1050 NE 143rd Street, where he discharged his Conducted Electrical Weapon striking ARMOND and taking him into custody with the assistance of Officer Jean Pierre Calderon. Officer Auguste's police body worn camera recorded the entire incident.

ARMOND was transported to Aventura Hospital with gunshot wounds to the left elbow and the left side of his chest. ARMOND was arrested for Attempted Burglary of an Unoccupied Conveyance, Attempted Burglary of an Occupied Structure, Battery on a Law Enforcement Officer and Resisting an Officer with Violence (see NMPD Police Case # 201915981).

On May 4, 2019, at approximately 1:30 p.m., FDLE Special Agent Borges interviewed Armond at Aventura Hospital. During his interview, ARMOND stated that he left his house the day of the incident, without taking medication that was prescribed to him to calm him down. ARMOND stated that before the incident, he heard voices in his head saying "He's coming after you." ARMOND said that he went outside and someone was saying something to him so he went and confronted them. According to ARMOND, "the man" then went into his house and called the police. ARMOND said he did not know who these people were or why he was talking to them.

ARMOND further stated that he went to the back yard of the house and tried to knock on the back door and a police officer arrived with his gun pointing towards him. When ARMOND saw Officer Auguste with his firearm drawn, he thought the officer was going to shoot him. ARMOND then stated that he panicked, ran towards and pushed Officer Auguste who then shot him twice. ARMOND stated that he continued to run from law enforcement until he fell to the ground and was "tasered" by a police officer.

ANALYSIS AND CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of Officer Michel Auguste constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

I have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. I have also reviewed the sworn statements, crime scene results, home surveillance recordings, police body camera video, and other evidence compiled by FDLE under FDLE Case Number MI-27-0104. I find the summary to be complete, thorough and consistent with the witness statements that I have reviewed. I adopt and attach that Investigative Summary hereto and also offer a conclusion based on the results of the investigation and review.

Officer Michel Auguste approached ARMOND while investigating a 911 call regarding a home burglary in progress. The home surveillance recordings and the witnesses' statements confirm that this emergency complaint was both valid and serious. ARMOND was attempting to enter the home and some of the witnesses were still inside of the home at the time Officer Auguste arrived on scene.

ARMOND's decision to walk towards Officer Auguste and physically attack him created an imminent, life-threatening situation that Officer Auguste reacted to by firing his weapon at ARMOND. Prior to police arrival, there was evidence that ARMOND had committed the felony offense of Attempted Burglary of a Conveyance and Attempted Burglary of an Occupied Dwelling. Once he approached and physically struck Officer Auguste there was evidence that ARMOND had committed the felony offense of Battery on a Law Enforcement Officer.

Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Further, Section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he reasonably believes is necessary to defend himself or another from bodily harm while making an arrest. Based on these statutory provisions, I find the shooting by Officer Auguste to be legally justified.

Prepared by:

Stephen Mitchell

/s/ Stephen Mitchell
Assistant State Attorney