

Close-out Memorandum of the
Investigation Regarding
Toare D'artis Shaqur
January 14, 2024



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
January 18, 2024



INTEROFFICE MEMORANDUM





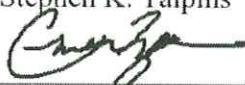
TO: KATHERINE FERNANDEZ RUNDLE DATE: January 16, 2024
State Attorney

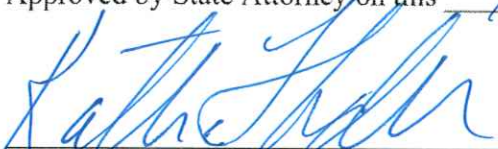
FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/23/01/24/004
Injured: Toare D'Artis Shaqur

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:

On January 24, 2023, detectives from Miami Dade Police Department (MDPD) were conducting surveillance in an apartment building complex parking lot in reference to fraudulent purchases of electronics that were being delivered to the listed apartment building. While conducting surveillance, MDPD Detectives Eugene, Douglas, Rodriquez, Alphonse, Wiggins, and Sergeant Coppet observed a delivery truck unload a large television box. Two males approached to pick up the package, Toare D'Artis Shaqur and Christian Garcia. MDPD detectives gave load commands to the individuals to stop. Garcia complied, however, Shaqur did not and proceeded to flee. Detective Eugene grabbed Shaqur's hoodie to stop him, but Shaqur pulled away and retrieved a firearm from his waistband. Detective Eugene discharged his firearm one-time striking Shaqur in the face. Shaqur was transported to Memorial Regional Hospital and treated for his non-life-threatening injury. The incident is captured on Body Worn Camera footage. After a review of the facts, evidence, and applicable law it is determined that the actions of Detective Eugene do not constitute a criminal act. Pursuant to F.S. 776.05 and 776.012, Detective Eugene was legally justified in the discharge of his weapon.

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

 Howard Rosen	<i>/s/ Deisy Hernandez</i> Deisy Hernandez	 Stephen K. Talpins
 Kathleen Hoague	 Nilo Cuervo	 Christine Zahralban
<i>/s/ Marie Jo Toussaint</i> Marie Jo Toussaint		

Approved by State Attorney on this 18 day of January, 2024.

KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: January 9, 2024

FROM: Lara H. Penn
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/23/01/24/004

Rachel Morales-Gellis
Assistant State Attorney

OFFICER INVOLVED:	Officer George Eugene, Miami Dade Police Department, 030-8113
INJURED:	Toare D'Artis Shaqur (GSW to the face)
DATE & TIME:	January 24, 2023/ approximately 4:41 p.m.
LOCATION:	21360 NW 9 th Place, Miami Gardens, Florida 33169
WEAPONS:	Glock 17/serial #BBPX789 (Detective Eugene) Glock 17/serial #BNMG394 (Shaqur)
LEAD/REPORTS:	FDLE Special Agent Maibelys Gonzalez/ Reports Received 10/19/23
CASE #:	FDLE: MI-27-0213
SAO CASE #:	#62/23/01/24/004

CASE SUMMARY

On January 24, 2023, detectives from MDPD Northside District Crime Suppression Team and MDPD Homeland Security Bureau were conducting surveillance in an apartment building complex parking lot (21360 NW 9 Place) in reference to fraudulent purchases of electronics that were being delivered to the listed apartment building. Detectives learned that previous fraudulent purchases had been delivered to that address and a delivery was scheduled that day.

While conducting surveillance, MDPD Detective Eugene, Detective Douglas, Detective Rodriquez, Sergeant Coppet, Detective Alphonse, and Detective Wiggins observed a delivery truck unload a large television box in the parking lot in front of the delivery location. Two males approached to pick up the television box (Toare D'Artis Shaqur and Christian Garcia). MDPD detectives approached and gave loud commands to stop. Garcia complied with the commands. Shaqur did not and proceeded to run and struggle with Detective Eugene. Detective Eugene grabbed Shaqur's hoodie to stop him. Shaqur pulled away and retrieved a firearm from his waistband. Detective Eugene discharged his issued firearm one (1) time striking Shaqur in the face. Shaqur was transported to Memorial Regional Hospital for his non-life-threatening injuries. He was injured in his right mandible and neck.

STATEMENTS

A. Law Enforcement Officers

Sgt. Coppet oversaw a Crime Suppression Unit squad that was involved in an investigation into a fraud case where the subject was using stolen credit card information to purchase electronics and have them delivered to 21360 NW 9 Place. Detective Rodriguez, lead investigator, received information that a delivery was scheduled that day and surveillance was coordinated. Sgt. Coppet, once notified that the delivery had arrived, drove up alone in a Toyota and observed Detective Eugene pull the hoodie off Shaqur as he fled. He observed the handgun in Shaqur's waistband. Further, he observed Shaqur pull the handgun out of his waistband and Detective Eugene discharged his firearm one time.

Detective Nelson, assigned to a Northside District CST squad, was the lead investigator in a fraud case involving stolen credit cards and the purchase of electronics. The fraudster was having

the electronics delivered to 21360 NW 9 Place, Building #12, Apartment 107. He was advised that a delivery was scheduled that day and he set up surveillance with his team. He was set up on the south side of the complex and did not have a view of the building, where the delivery was to take place, but did have a view of the parking lot. Shortly after the surveillance began, Detective Nelson observed two individuals (Shaquar and Garcia) walk up to the parking lot in front of Apartment 107. Less than five minutes later the delivery truck arrived, and the truck driver and his assistant placed a large television box on the sidewalk in front of the building.

Detective Rodriguez advised Sgt. Coppet and the approval for the takedown was given once the delivery paperwork was signed. Detective Rodriguez observed Shaquar sign the paperwork for the delivery and initiated the takedown via the radio. Detective Eugene arrived first at the location, and he saw him try to stop Shaquar from fleeing. He watched Detective Eugene pull the hoodie off Shaquar exposing the handgun in his waistband. As he ran to pursue Shaquar, he saw him pull the handgun from his waistband, as he was about to discharge the firearm. Detective Rodriguez heard Detective Eugene discharge his firearm once and observed Shaquar fall to the ground. He then ran to where Shaquar had fallen and kicked the handgun away from him. Shaquar was alert and could speak.

Detective Douglas was assigned to Northside District CST and was on the squad investigating the fraud case. Shortly after the surveillance began, she observed two males (Shaquar and Garcia) in the parking lot in front of Apartment 107. Detective Douglas was in the same car as Detective Rodriguez. She observed Shaquar sign for the delivery and the takedown was initiated. Detective Douglas ran to the where the subjects were standing and pointed her handgun at Shaquar who reached for his waistband but was unable to raise his jacket and began to run. Detective Eugene arrived and attempted to grab Shaquar, but only grabbed his hoodie off, exposing the handgun. Detective Douglas shouted "55, 55, 55" (55 is a firearm in MDPD radio code). As he attempted to run, Shaquar pulled the handgun from his waistband and began to turn around in Detective Douglas's direction. She observed Detective Eugene discharge his handgun striking Shaquar and watched him fall to the ground.

Detective Eugene, upon the advice of PBA Attorney Escobar, declined to provide a statement or proffer.

B. Civilians

Christian Garcia was interviewed on January 25, 2023, in a recorded post- Miranda statement. He stated that he and Mr. Shaqur were friends since childhood, and he was there to help Shaqur carry a TV that was being delivered. He advised it was delivered and they had only moved two feet with the tv before they were “swarmed by police officers”. He advised he knew they were police officers because they were wearing police vests and yelling for the two of them to get down on the ground and to put their hands up. He complied with police commands, but Mr. Shaqur did not listen to them. He said the police must have seen Mr. Shaqur’s gun, though he says he did not see the gun. He heard the police order Mr. Shaqur to put his hands up, he remembers hearing an officer say, “he has a gun” and then he heard a gunshot and saw Mr. Shaqur fall to the ground.

Amaury Cabrera was interviewed on January 24, 2023, in a voluntary recorded statement in Spanish at the incident location. He had worked for SEKO Worldwide Logistics for about 16 years driving a cargo box truck and was handling residential deliveries of heavy goods with his son, Armas Onate, there to assist him. At the end of their shift, they were asked to return to the incident location to complete a television delivery that was unsuccessful earlier on the same day. Mr. Cabrera saw Mr. Shaqur and Mr. Garcia when he arrived and went to the back of his truck where he was approached by Mr. Shaqur (who he thought was Gary Black) and he lowered the television box to the ground with Mr. Onate. Mr. Shaqur signed the invoice under the name Gary Black in furtherance of the fraud and then Mr. Cabrera resecured his cargo area and walked back to the front of his truck when he observed 4-5 police officers with guns get out of their cars. He knew they all were police officers because of their vests and guns. Mr. Cabrera got into his truck, he heard something happening outside the back of his truck and saw in his driver’s side rear view mirror that an officer was struggling to restrain Mr. Shaqur. Mr. Shaqur was pushing the officer, he heard one gun shot and then saw Mr. Shaqur on the ground. He could not see everything that happened and did not observe a gun on Mr. Shaqur.

Jean Claude Armas Onate was interviewed on January 24, 2023, in a voluntary recorded statement in Spanish at the incident location. He had worked for SEKO Worldwide Logistics for about 6 years assisting his father make residential deliveries of heavy goods. At the end of their shift, they were asked to return to the incident location to complete a television delivery that was unsuccessful earlier on the same day. Mr. Shaqur approached them at their truck, took the box and signed the invoice as Gary Black. Then Mr. Onate walked back to the passenger side of the truck and got inside. He then noticed several police officers wearing ballistic vests and armed with guns exit their parked cars. He saw the police officers go to the area behind the truck, but he could not see what happened and all he heard was one gun shot.

Toare D'Artis Shaqur was interviewed on January 25, 2023, at Memorial Regional Hospital. Mr. Shaqur gave a post-Miranda statement. Due to his facial injury his speech was affected. Shaqur stated he got shot because he tried to run. Shaqur did not state why he ran or who shot him. He stated he was there with a male but did not know him. He stated that he did not want to speak to law enforcement about the shooting incident. He wanted to know his charges and then invoked his right to counsel.

BODY WORM CAMERA (BWC)

Detective Douglas and Detective Rodriguez were wearing functional BWC during the incident. Detective Rodriguez's BWC shows a clearer vantage of the incident. Both Detective Eugene and Detective Douglas are telling both men to get down on the ground. Detective Eugene is seen struggling with Shaqur and Shaqur pulling away from him. Detective Eugene grabs his hoodie to stop him, and Shaqur wrestles himself out of his hoodie and continues moving/running away. Detective Eugene shouts out that Shaqur has a gun on him and tells him to drop the gun. Shaqur can be seen reaching for a firearm in his waistband and raising his arm up. Detective Eugene shoots one time.

CRIME SCENE EVIDENCE ANALYSIS

Special Agent Romero and MDPD CSI Babich processed the scene. The crime scene was in the parking lot of an apartment complex. Shaqur was shot on the east side of the street (grassy area) close to a fire hydrant. The following evidence was recovered near where Shaqur was shot:

1. One Glock pistol serial #BNMG394
2. One spent 9mm cartridge
3. One black hoodie
4. One pair of brown "Burberry" sandals
5. One large television box (86-inch LG QNED flat screen)

In addition, Detective Eugene's police issued weapon was collected: Glock pistol serial #BBPX789 with one round in the chamber and seventeen (17) round capacity magazine inserted in the pistol with sixteen cartridges. Criminalist John Mancini examined the fired casing and both firearms submitted in this case. The fired 9mm casing was identified as having been fired in the Glock pistol serial #BBPX789 issued to Detective Eugene.

DNA swabs collected from the Glock in Shaqur's possession were submitted to the laboratory for analysis. However,

. The DNA swabs from the Glock pistol and swabs from the magazine and trigger guard . Also, no fingerprint latents were able to be developed from the Glock in Shaqur's possession.

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 Detective

Eugene constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, lab reports, and other evidence compiled by FDLE under FDLE case Number MI-27-0213. We find the FDLE summary and report to be complete and thorough. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

Sec. 776.05, Fla. Stat. provides: “A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

- (1) [w]hich he or she reasonably believes to be necessary to defend him or herself or another from bodily harm while making the arrest.
- (2) When necessarily committed in retaking felons who have escaped or
- (3) [w]hen necessarily committed in arresting felons fleeing from justice and
 - (a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or
 - (b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

In addition, Florida law mandates that use of deadly force is legally justified if “[a] person... reasonably believes that using or threatening to use [deadly] force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.” The Statute mandates that “[a] person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be...”. Fla. Stat. § 776.012(2) (2023).

After a review of the facts, evidence, and applicable law the State Attorney’s Office determines that the actions of Detective Eugene do not constitute a criminal act that can be proven

beyond and to the exclusion of every reasonable doubt. Toare Shaqur was engaged in a criminal act while armed and resisted arrest. Detectives were attempting to arrest the subjects. Toare Shaqur ignored lawful commands to “get on the ground” and “drop the gun”. Detective Eugene fired one time as Shaqur raised the firearm from his waistband. Sec. 776.05, Fla. Stat. provides that an officer is justified in the use of any force which he or she reasonably believes to be necessary to defend him or herself or another from bodily harm while making the arrest; or when necessarily committed in arresting felons fleeing from justice and the officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or the officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person. The shooting was legally justified under Fla. Stat. 776.05. Officer Eugene was also legally justified in shooting in self-defense pursuant to Fla. Stat. 776.012.

For the reasons stated above, the undersigned recommend that no criminal charges be filed in this matter.

Prepared by:

/s/ Lara Penn

Lara H. Penn
Assistant State Attorney

/s/ Rachel Morales-Gellis

Rachel Morales-Gellis
Assistant State Attorney