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FOR IMMEDIATE RELEASE

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LEGAL OPINION OF THE DAVIS COUNTY ATTORNEY IN REGARDS TO THE OFFICER INVOLVED SHOOTING IN DAVIS COUNTY, IOWA, ON JULY 26, 2023.

On July 26, 2023, an officer involved shooting occurred in Davis County, Iowa, wherein Bloomfield Police Officer Jared Wittmaack discharged his duty weapon during an altercation with a 17-year-old male. After reviewing the investigation conducted and the evidence collected by the Iowa Division of Criminal Investigation as well as reviewing Iowa law, I have determined that the use of force by Officer Wittmaack in firing his service weapon was objectively reasonable under the circumstances in order to protect his own life and was therefore, legally justified under Iowa law. Consequently, no criminal charges against Officer Wittmaack are warranted by the evidence and this investigation is considered closed.

Below is a brief synopsis of the facts from the evidence that I have reviewed:

On July 26, 2023, Bloomfield officers responded to a call of an erratic driver after a concerned citizen called 911 at 9:25 p.m., to report they were driving behind a white mustang on US Highway 63 who was going in and out of the left (oncoming) lane of traffic.

Davis County dispatch radioed for assistance in locating the white Ford Mustang. The concerned citizen stated the vehicle was currently in the left (oncoming) lane and they were going up a hill by the Floris turnoff.

Shortly after the 911 call was placed, Bloomfield Officer Wittmaack was informed the white mustang was about to pass 180th Street at the Drakesville turnoff. Officer Wittmaack radioed that he was currently on the East Side of town and would head that way.

Officer Wittmaack positioned his fully marked squad car at a stop sign on Weaver Road across from Troy Elevator. Once the mustang passed Officer Wittmaack, the concerned citizen slowed down to allow Officer Wittmaack room to get behind the white mustang. Once Officer Wittmaack pulled behind the white mustang on US Highway 63, he observed the white mustang cross the center line.

The white mustang turned east on Arkansas Ave. at which point Officer Wittmaack engaged his lights and initiated a traffic stop.

The body worn camera and dash camera captured Officer Wittmaack's movements, actions, locations and persons engaged while in the 400 block of E. Arkansas. The body camera and dash camera appeared to be in proper working order.

Officer Wittmaack approached the mustang and identified both the driver and the passenger. At this point, Officer Wittmaack noticed the concerned citizen parked behind his marked squad car. Officer Wittmaack spoke to the concerned citizen who informed Officer Wittmaack that the driver of the mustang was in the left (oncoming) lane on several occasions and that they had been driving behind the mustang for approximately 12-15 miles.

After speaking with the concerned citizen, Officer Wittmaack returned to the white mustang. Officer Wittmaack had a brief conversation with the passenger and then allowed the passenger to exit the vehicle and leave the scene.

Officer Wittmaack asked the driver to exit the vehicle and move in front of his squad car. At this point a 17-year-old male, identified as J.M., walked up to the scene from behind Officer Wittmaack and stood to the north of Officer Wittmaack. Officer Wittmaack asked J.M. to move to the other side of him so he was not in traffic, which J.M. complied.

During the interaction with J.M., he became increasingly agitated with Officer Wittmaack and the driver, who was related to J.M. At this point, Officer Wittmaack radioed to dispatch that J.M. was on the scene and was upset. The driver attempted to calm J.M. down and moved in between Officer Wittmaack and J.M. while placing their hands on J.M.'s chest. J.M. started walking towards Officer Wittmaack in an aggressive manner while pushing the driver to the ground. After J.M. pushed the driver to the ground, he continued towards Officer Wittmaack while Officer Wittmaack retreated backwards.

J.M. advanced towards Officer Wittmaack while Officer Wittmaack deployed his taser from his left side and connected with J.M. J.M. fell to the ground and Officer Wittmaack instructed J.M. to put his hands behind his back. J.M. returned to his feet while Officer Wittmaack again instructed J.M. to put his hands behind his back. It appeared J.M. again moved towards Officer Wittmaack while Officer Wittmaack moved backwards.

At this point, Officer Wittmaack, J.M., and the driver moved outside of the dash camera view. Both Officer Wittmaack and the driver of the vehicle can be heard telling J.M. several times to stop and to get off Officer Wittmaack. Officer Wittmaack, after a verbal warning, discharged his service weapon at J.M. while J.M. was on top of him on the ground.

Immediate medical assistance was called and J.M. was transported to the hospital.

Respectfully submitted,



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pc:

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Tomi Jo Day, City of Bloomfield Administrator

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Adam DeCamp, Special Agent In Charge, Iowa Division of Criminal Investigations

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