

LoRusso Law Firm Statement On Atlanta Police Department Officer Garrett Rolfe On Rayshard Brooks Shooting

ATLANTA, GEORGIA, UNITED STATES, June 17, 2020 /EINPresswire.com/ -- On June 12, 2020, a Wendy's employee called 911 to report a man was passed out behind the wheel of his vehicle and blocking traffic in the drive-through. Officer Brosnan responded, and made contact with the driver, Rayshard Brooks. After determining alcohol may have been a contributing factor, he requested Officer Rolfe's assistance. Officer Rolfe, a member of the High Intensity Traffic Team and the Governor funded HEAT Unit, has specialized training in DUI investigations. He has made at least 300 DUI arrests, and completed the 160-hour Drug Recognition Expert course, graduating as valedictorian. After a thorough investigation, Officer Rolfe determined Mr. Brooks was impaired and driving a vehicle in violation of Georgia law. Officer Rolfe was polite and courteous to Mr. Brooks during the entire encounter. Mr. Brooks was polite and cooperative until Officer Rolfe placed him under arrest.

Suddenly, without warning or provocation, Mr. Brooks chose to violently attack two uniformed police officers. Officers Brosnan and Rolfe used the least amount of force possible in their attempts to place Mr. Brooks into handcuffs. They attempted to leverage him to the ground while giving him loud, clear verbal commands. In response, Mr. Brooks continued actively resisting lawful efforts to arrest him. He then escalated his resistance by punching Officer Rolfe in the face committing several counts of felony obstruction of an officer. See O.C.G.A. §16-10-24. In an effort to place Mr. Brooks under arrest and stop his assault, Officer Rolfe lawfully deployed his TASER twice, but it had no effect on Mr. Brooks.

Mr. Brooks continued his assault and disarmed Officer Brosnan, stealing his city-issued TASER committing a robbery, another forcible felony under Georgia law. See O.C.G.A. §16-8-40 & O.C.G.A. §16-10-33 . Mr. Brooks, then armed, began running through a crowded parking lot. Mr. Brooks was lawfully under arrest and Officer Rolfe pursued him. Officer Rolfe had deployed his taser and held it steady in hopes the prongs would catch onto Mr. Brooks body and neutralize him. Unfortunately, that didn't occur.

Instead of merely trying to escape, Mr. Brooks reached back with his arm extended and pointed an object at Officer Rolfe. Officer Rolfe heard a sound like a gunshot and saw a flash in front of him. Fearing for his safety, and the safety of the civilians around him, Officer Rolfe dropped his taser and fired his service weapon at the only portion of Mr. Brooks that presented to him - Mr. Brooks' back. Officer Rolfe immediately stopped firing when Mr. Brooks fell to the ground since

there was no longer an imminent threat towards Officer Rolfe or others. Officer Rolfe gathered himself, and then immediately called for EMS. Officer Rolfe retrieved first-aid supplies and began rendering aid to Mr. Brooks. When Mr. Brooks' pulse stopped, Officer Rolfe immediately began CPR until EMS relieved him.

The loss of life in any instance is tragic. However, Officer Rolfe's actions were justified under O.C.G.A. §17-4-20 and O.C.G.A. §16-3-21. A peace officer may use deadly force to 1. arrest a suspected felon when he reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others, 2. to protect himself and others from a life-threatening injury, and 3. to prevent the commission of a forcible felony. Mr. Brooks violently attacked two officers and disarmed one of them. When Mr. Brooks turned and pointed an object at Officer Rolfe, any officer would have reasonably believed that he intended to disarm, disable, or seriously injure him.

The Georgia Bureau of Investigation will complete an impartial investigation. Mr. Brooks' family, the citizens of Atlanta, and Officers Rolfe and Brosnan, all desire a fair and thorough investigation including learning why Mr. Brooks suddenly turned violent. Officer Rolfe is well known to the courts and there is no compelling reason to bring any charges against them before the GBI has completed its investigation and published its findings.

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