
September 22, 2023



**Iowa Attorney General's Review
of Officer Involved Death**

Incident of August 12, 2023
Pleasant Hill, Iowa
Pleasant Hill Police Officer Steven Burroughs
Subject Involved: Bradley Van Heeswyk

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AUTHORITY AND PROCESS

Pursuant to Iowa Code Section 13.12, the Iowa Attorney General's Office provides the following review of an incident that occurred on August 12, 2023, in Pleasant Hill, Iowa. The incident involved multiple law enforcement officers from Polk County who were responding to a call regarding an armed subject and active shooter in a residential neighborhood. The officer who discharged his weapon and the person deceased are identified above.

This review is done in addition to and independent of any decision made by the Polk County Attorney's Office. Iowa Code Section 13.12 provides independent authority and discretion to both the local county attorney's office and the Iowa Attorney General's office to review officer involved deaths.

The incident was investigated by the Iowa Division of Criminal Investigation. The investigation is complete, and this office has had a full opportunity to review the findings.

The officer who discharged his weapon towards Van Heeswyk was interviewed. He appeared to have a recall that was consistent with other facts determined in the investigation.

PERTINENT FACTS

On Saturday, August 12, 2023, at 12:44 PM, Polk County communications received multiple 911 calls from the neighborhood of

404 Pleasant Circle in Pleasant Hill, Iowa. The 911 callers were reporting a man with a firearm and multiple shots fired. In several of the 911 calls gunshots can be heard in the background. Police officers from the Pleasant Hill Police Department, Polk County Sheriff's Office, Altoona Police Department, and Des Moines Police Department responded to what law enforcement determined was an active shooter in a residential section of Pleasant Hill. The active shooter was later identified as Bradley Van Heeswyk.

Polk County dispatch provided responding officers a description that a nude white male was armed with an AK style rifle and was actively firing his weapon into a house from the backyard of 404 Pleasant Circle. Since it was a weekend afternoon there was a legitimate concern by approaching law enforcement officers that multiple innocent bystanders were in grave danger. The homeowners of 404 Pleasant Circle were not present at the time and had no known connection to Van Heeswyk.

Police officers arrived in the area at approximately 12:50 p.m. and reported hearing gunshots coming from the area of 404 Pleasant Circle. Officers, including Pleasant Hill Police Officer Steven Burroughs and

Altoona Police officer Chad Hulen, began to tactically approach the residence at 404 Pleasant Circle from the rear. Burroughs and Hulen were the first officers to observe Van Heeswyk in the backyard of 404 Pleasant Circle and the first to be in a position to engage him. Based on body worn camera footage, Burroughs appears to be in a position to have slightly better view of Van Heeswyk. Burroughs stated in a loud voice toward Van Heeswyk to “Drop your fucking gun.” Van Heeswyk failed to comply with the officer’s command. Shortly after giving this command, Burroughs fired one shot at Van Heeswyk. Just after taking the shot, Burroughs reported that he observed Van Heeswyk waving an AK rifle in the air attempting to climb a fence associated with 404 Pleasant Circle. Burroughs’s camera captured a figure above the fence on a raised platform that appears to be nude. Once officers approached Van Heeswyk, they confirmed that he was armed not only with a rifle but also with a 9 mm pistol.

Officer Burroughs was interviewed on August 18, 2023, by assigned case agent from the Iowa DCI. Burroughs explained in his interview that he saw Van Heeswyk with a raised AK47 and was fearful for his life, the lives of other police officers on scene, the lives of the

occupants of the residence in question, and all other lives in the immediate cul-de-sac neighborhood. There are no inconsistencies in Burroughs's interview, his body worn camera, or with other officers' or witnesses' statements collected during the investigation.

Multiple police officers handcuffed Van Heeswyk and began providing first aid. EMS was immediately requested by Burroughs. Pleasant Hill EMS/Fire arrived and transported Van Heeswyk to Mercy Medical Center in Des Moines where he was pronounced deceased.

No other human victims were located. It appears that Van Heeswyk shot and killed the homeowners' two German Shepherd dogs. There was observable extensive property damage to 404 Pleasant Circle that appeared to be caused by gunfire. There also appeared to be fire damage to both the front and back entrance of the residence caused by Van Heeswyk.

Van Heeswyk's connection to the area of Pleasant Hill where he was shot related to a prior relationship with a female who had resided at 404 Pleasant Circle approximately two years prior to August of 2023.

An autopsy was performed on Van Heeswyk. His death was determined to be caused by a single gunshot wound to the abdomen and

lower torso. The only articles of clothing worn by Van Heeswyk were a belt and two dog collars around his neck. On his belt, Van Heeswyk had a Glock .9mm handgun loaded with 10 rounds, a knife, and three rifle magazines fully loaded for a total of 89 rounds in three magazines. The rifle was loaded with 29 rounds.

APPLICABLE LAW, FINDINGS AND CONCLUSIONS

In order to be justified, the force used by Burroughs who fired the shot killing Van Heeswyk must have been reasonable. Reasonable force is that force which a reasonable person, in like circumstances, would judge necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another and it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code 704.1, 704.2 and 704.3.

In Graham v. Connor, 490 U.S. 386 (1989), the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under Graham, reasonableness of police use of force cannot be evaluated from the perspective of a civilian

nor can it be evaluated with a clearer vision afforded by 20/20 hindsight. The Court further stated that the fact law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness. Since Graham, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

In this instance, Bradley Van Heeswyk directly created the situation that ultimately led to his death. Burroughs's actions toward him were entirely reasonable under the circumstances as he and other officers were attempting to end a very deadly threat that Van Heeswyk presented not only to officers but to any residents near Pleasant Circle who would have encountered him. Prior to discharging his weapon toward Van Heeswyk, Burroughs gave a very clear command for Van Heeswyk to drop his weapon. Van Heeswyk failed to comply. Van Heeswyk can be seen attempting to scale the fence at 404 Pleasant Circle while armed just before Burroughs shot him. Van Heeswyk's actions put officers and every other person in the neighborhood of Pleasant Circle in danger. Van Heeswyk had already demonstrated a

propensity to fire the rifle since multiple shots had already been fired just before and at the time of officers' arrival to the area. Van Heeswyk failed to comply with the officers and instead continued the threat by refusing to disarm himself and end the confrontation created by him peacefully. The actions of Officer Burroughs as well as other officers on the scene were entirely legally justified.

The Iowa Attorney General's Office concurs with the decision made by the Polk County Attorney's Office that the actions were legally justified and considers this matter closed.