
August 17, 2023



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

Incident of July 8, 2023
Council Bluffs, Iowa
Council Bluffs Police Lieutenant Chad Geer and Omaha Police
Lieutenant Martin Stiles
Subject Involved: Matthew Briggs

BRENNA BIRD
Attorney General of Iowa

SCOTT D. BROWN
Special Assistant Attorney General – Section Chief
Statewide Prosecutions Section
1305 E. Walnut Street
Des Moines, Iowa 50319
(515) 281-5164

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 July 8, 2023, in Council Bluffs, Iowa. The incident involved multiple law enforcement officers from the Council Bluffs Police Department and the Omaha Police Department who were responding to a call regarding an armed subject in a stolen vehicle. At the conclusion of that incident Matthew Briggs was shot and killed. The officers who discharged their weapons towards Briggs are identified above.

This review is done in addition to and independent of any decision made by the Pottawattamie 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 Pottawattamie County Attorney has reviewed this case as well. He provided a very detailed summary of the events of July 8, 2023, that led to the death of Mathew Briggs. All of those facts are consistent with this office's review with the Iowa Division of Criminal Investigation agent who conducted the investigation into the shooting. The following

facts as reported by the Pottawattamie County Attorney are incorporated into this report.

The officers who discharged their weapons towards Matthew Briggs were interviewed without a prior opportunity to watch video of the incident. Each of them appeared to have a recall that was consistent with each other and consistent with other facts determined in the investigation.

PERTINENT FACTS

A murder involving both a handgun and a shotgun occurred in Omaha, likely during the early morning hours of July 8th, 2023, and Matthew Briggs was identified as the suspect. Briggs's vehicle was located abandoned in Mandan Park in Omaha and a search of that location and the surrounding area by the Omaha Police Department did not locate him there. As the search was wrapping up, a carjacking of a blue Toyota Camry occurred in Bellevue, Nebraska, approximately a mile south of Mandan Park. The suspect was a bald, white male who was allegedly armed with both a handgun and a shotgun. This person was ultimately determined to be Matthew Briggs.

After the carjacking, a lengthy pursuit occurred with assistance from a helicopter from the Omaha Police Department. The pursuit of Briggs went from Nebraska into Iowa into both Mills and Pottawattamie counties. It lasted approximately 20 minutes before the vehicle Briggs was driving was disabled by law enforcement. He was engaged by law

enforcement and was shot and killed when he threatened the lives of the officers engaging him – Council Bluffs Police Lieutenant Chad Geer and Omaha Police Lieutenant Martin Stiles

Council Bluffs Police Lieutenant Chad Geer is a 27-year veteran with the department and has 32 years of law enforcement experience overall. Geer attended and passed the standard certification course at the Iowa Law Enforcement Academy. He was promoted to Sergeant in 2011, and then to Lieutenant in December of 2017. He has been the Day Shift Commander for the past year and also serves as the Emergency Services Team (EST) Commander (commonly referred to as “SWAT”). He has been a member of the EST since 1998.

On the morning of July 8, 2023, Geer went on duty at 6:30 a.m. He was working a double shift with the first shift lasting from 6:30 a.m. to 2:30 p.m., and the second shift lasting from 2:30 p.m. to 10:30 p.m. July 8, 2023, was a busy one for the police department as there had been two fatality accidents on Interstate 80. Because of the manpower requirements for responding to those accidents, calls for service were backed up and Lieutenant Geer had been out personally responding to calls which is unusual for a Shift Commander. He was back at the station in the afternoon when he heard radio traffic from Nebraska. There was a pursuit of a blue car driven by a homicide suspect who had also just committed a carjacking in Bellevue. He knew the vehicle was heading across the river from Omaha on Veterans Memorial Highway, so he

pulled up the traffic cameras on his computer and observed Omaha Police vehicles in pursuit of the blue car.

At this point, Officer Mark Archibald was the only CBPD Officer involved in the pursuit. Omaha Police were leading the pursuit and did not yet want to relinquish control to Council Bluffs. Geer followed the events on the radio and, once he heard that the pursuit was heading north back towards Council Bluffs on Wabash Avenue, he left the station himself. He ultimately joined in the pursuit as Council Bluffs was taking over primary responsibility and Officer Archibald quickly passed him to become the first car in the pursuit. Geer would remain in the secondary position until the pursuit ultimately terminated at Valley View Drive and College Road.

Traffic was very heavy for Council Bluffs on a Saturday afternoon due to I-80 being shut down while the fatality accident investigations were completed. As the pursuit headed across McPherson Avenue on Valley View Drive, Geer radioed Officer Archibald to try to “push” the car to end the pursuit. The “push” is a common term for what is officially known as a P.I.T. (Pursuit Intervention Technique) maneuver. A P.I.T. maneuver is accomplished when an officer places the front quarter of a cruiser against the rear quarter of a vehicle being pursued which then causes the pursuing vehicle to “spin out” and therefore ends the pursuit.

Officer Archibald was able to perform a P.I.T. maneuver just as the vehicles were turning right from Valley View Drive onto College Road.

The blue Camry spun around to face the opposite direction and then Lieutenant Geer “t-boned” the car in its passenger side as it tried to move forward once more. This pinned the Camry up against a traffic sign.

Geer’s vehicle was a fairly new cruiser with push buttons instead of a traditional gearshift. As he got the cruiser into park and began to open his door, Geer looked up into the eyes of Matthew Briggs who was pointing the barrel of a shotgun directly at him. Geer unholstered his handgun and fired toward Briggs through the passenger window of the Camry. During this rapid incident, Briggs could be seen trying to “rack the shotgun” to attempt to load another round.

As Geer fired into the passenger window, it shattered. Geer’s prior experience training with shooting through glass led him to believe that a 9 mm round would not shatter a window as it did. For that reason, along with witnessing Briggs racking the pump of the shotgun, Geer believed that Briggs had already fired at him and was preparing to do so again. Geer also stated that Briggs was having difficulty getting a round into place.

Geer did not have specific recall of how many times he fired, other than that he fired until his weapon was empty, and he had to reload once his slide locked back. Geer’s service weapon is a Sig Sauer 9mm with a 17-round clip. After reloading, Geer held his position for a moment and then headed back to the rear of his cruiser to try to retrieve a shield so that officers could safely approach the vehicle and try to remove Briggs

from the Camry. Geer indicated that he could see Briggs when he began firing, but that he did not see an Omaha officer at any point during the incident until it was over. He was not aware of any Omaha officers' involvement until the incident was over. Geer did not believe that Briggs fired at him before he began firing himself, but he noted that Briggs had his right hand at the trigger area and his left hand on the forearm of the shotgun. Geer was also worried because in his peripheral vision he could see Officer Archibald running toward his position and he did not want Briggs to fire while Archibald was in the area. Geer found it unusual that he noticed Archibald as his training has generally indicated that an officer would experience "tunnel vision" during a critical incident such as this. Geer also reported that he did not remember hearing anything during the incident as his ears basically "shut down." Once the shooting was over, Briggs was still seated in the driver seat of the Camry and was not moving. Geer was "shook up" after the shooting and he let the other officers handle the remainder of the incident.

Lieutenant Geer does not wear a bodycam and there is no policy for lieutenants to do so in Council Bluffs. There is also no cruiser camera in the lieutenant's cruiser, as command staff do not generally personally respond to calls for service. Geer participated in the interview without either counsel or any representation from a police union representative. He also had no opportunity to review any video from the incident or listen to any radio traffic.

Omaha Police Lieutenant Martin Stiles is a 23-year veteran with the department. He is the commander of the Omaha Police Department's fugitive task force, firearms unit, gang intelligence unit, and FBI task force. He was interviewed in the presence of counsel and had not had an opportunity to view any video from the scene prior to the interview commencing.

Around noon on Saturday, July 8th, Lieutenant Stiles was tasked with locating a homicide suspect in Omaha. It was later learned that this suspect was Matthew Briggs. This was not a regularly scheduled workday for Stiles; however, he went into the office at approximately 1:30 p.m. He obtained Briggs's picture, criminal history, and other pertinent information. During the early afternoon, a call came in that Briggs's vehicle was located in Mandan Park in Omaha. Stiles went to the park and established an incident command position while Omaha officers searched the park and surrounding area for Briggs. The search lasted nearly two hours. At one point, Stiles was the only individual at the Incident Command position. For that reason, he went to the rear of his unmarked cruiser and retrieved his rifle from the lockbox located there.

At the conclusion of the park search, he placed the rifle inside the passenger compartment of his cruiser essentially between the console and the passenger seat. At this time, a call came in from dispatch in Omaha that there was a report of a carjacking in Bellevue roughly a mile south of the park. The description of the carjacker matched the

description of Briggs who officers were searching for due to suspected involvement in the earlier homicide. The homicide in Omaha involved the use of both a handgun and a shotgun, which was unusual, so Lieutenant Stiles had a fair degree of confidence that the carjacking suspect and the homicide suspect was Briggs.

Shortly after the dispatch traffic regarding the carjacking in Bellevue, Stiles heard radio traffic that the car had been located by the Omaha Police Department helicopter unit. He started to head south on 13th Street and came upon the pursuit which was headed north. Stiles was located on 13th Street at approximately Harrison Street. Marked units from the Bellevue Police Department were in pursuit and he pulled in behind them as they headed north toward Omaha. Once they got to Omaha, the Bellevue units backed off and he passed those units as they continued north on 13th Street.

At this point, Stiles was in the secondary pursuit position as another unmarked car from a different agency was in the primary position. Stiles was able to see the driver of the blue Camry as it went by his initial position on 13th Street and he recognized the driver as Matthew Briggs, the Omaha homicide suspect for whom he had been searching. Stiles radioed dispatch that he had identified the homicide suspect as Briggs who was the driver police were pursuing. The vehicles turned right off of 13th Street on to Veterans Memorial Highway which then led across the bridge into Council Bluffs. At some point, due to issues

navigating through traffic, Stiles became the primary vehicle in the pursuit.

The pursuit proceeded through the south end of Council Bluffs on Veterans Memorial Highway and then the blue Camry entered the I-29 South on-ramp. After five miles on the interstate and crossing over into Mills County, the Camry exited the interstate at Exit 42 and headed east on Bunge Avenue, and then headed north on Wabash Avenue. This route would then lead back into Council Bluffs. A marked Iowa unit took over the lead of the pursuit and Stiles moved to a secondary position once more. Stop sticks were deployed on Wabash Avenue and Briggs swerved and managed to avoid them. The Iowa vehicle hit the stop sticks and Stiles found himself as the primary pursuit vehicle yet again.

As the pursuit entered Council Bluffs, Stiles had two marked Council Bluffs Police Department cruisers behind him. Both vehicles passed him. Stiles was now third in line in the pursuit behind the two Council Bluffs police cruisers. Stiles observed the first of the Council Bluffs cruisers make contact with Briggs's vehicle which spun the Camry around. The second officer's cruiser then t-boned the passenger side of Briggs's vehicle.

Stiles pulled his cruiser up on the sidewalk, to the passenger side of the second Council Bluffs cruiser, and stopped farther back to avoid putting himself potentially into a line of fire from the Camry. Stiles did not recall if he exited his vehicle with his rifle in hand, or if he reached

back in to get the rifle. He remembered the suspect looking directly at him and Stiles yelled something about showing hands. The suspect started to reach across, and was facing toward the passenger side of the car. Stiles recalled thinking, "If I have to shoot, I have to shoot low." His reasoning was that the first Council Bluffs officer was in an unknown location from what he could see, and there were oncoming cars farther up College Road.

Stiles saw the butt of a shotgun come up and level out and that is when he opened fire with his rifle. He believes that Briggs brought the shotgun up with his right hand with his left hand on the foregrip where a person would typically hold a shotgun. Lieutenant Stiles indicated that the shotgun was initially pointed at him, and then was moved farther over to point more toward the Council Bluffs officer who had his cruiser up against the passenger side of the blue Camry. The Council Bluffs officer that Stiles observed Briggs pointing his firearm at was Council Bluffs Officer Geer.

Stiles heard handgun shots from his left, so he knew at least one of the Council Bluffs police officers was firing as well. Stiles believes that he fired an initial semiautomatic burst of 3-5 rounds toward Briggs. He noticed that his shots were not breaking through the windshield of the Camry, so he immediately fired another burst of 3-5 rounds. Stiles saw Briggs's arms drop and also saw his body pivot back toward the front of

the Camry instead of toward the passenger side of the vehicle. He now believed the threat to have been resolved so no further shots were fired.

Lieutenant Stiles activated his radio mic to indicate, “Shots fired.” At that point he started to move around the back of the Council Bluffs cruiser and he saw the first Council Bluffs officer (Geer) at the door of that cruiser as well. At this point, multiple other officers began to arrive, including an Iowa State Trooper. The discussion then turned to how officers were going to safely get the suspect out of the car.

APPLICABLE LAW

In order to be justified, the force used by the officers who fired the shots at Matthew Briggs 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.

ANALYSIS

In this instance Matthew Briggs directly created the situation that ultimately led to his death. Law enforcement's interaction with him was entirely reasonable under the circumstances as they were attempting to end the deadly threat that Briggs presented not only to officers but to any citizen who would have encountered him.

The actions of the officers involved in the confrontation with Briggs, including Officers Geer and Stiles who fired their weapons, were entirely legally justified. Prior to discharging any weapon toward Briggs, all officers, including Greer and Stiles, were faced with a deadly threat solely created by Briggs. The pursuit of Briggs was done with full knowledge that Briggs was armed with multiple firearms, was a suspect in a very recent homicide, and was driving a stolen vehicle erratically in heavy traffic. The deadly threat that Briggs presented to officers and innocent citizens was multifaceted and cannot be overstated.

Numerous attempts were made by officers to end the situation peacefully. Briggs knew that he was being pursued by officers and was provided multiple opportunities to end the threat he presented. Even

after being in a position where he clearly could not escape, Briggs pointed a gun directly at Council Bluffs Officer Geer which would have been in view of Officer Stiles from the Omaha Police Department. Even under these circumstance Briggs failed to comply with the officers and instead continued the threat by refusing to disarm himself, attempted to point a firearm at an officer, and refused to end the confrontation created by him peacefully. Legal justification is clear under these facts.

CONCLUSION

The Iowa Attorney General's Office concurs with the decision made by the Pottawattamie County Attorney's Office and considers this matter closed. No criminal charges are warranted.