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IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
AREA PROSECUTIONS DIVISION

September 20, 2019

Lisa Schaefer  
Des Moines County Attorney  
100 Valley Street  
Burlington, IA 52601

**RE: Officer Involved Shooting, September 11, 2019**

Dear Ms. Schaefer,

You requested the assistance of the Attorney General's Office, Area Prosecutions Division, to review the investigation into the fatal shooting of Caleb Daniel Peterson by officers in Burlington in the early morning hours of September 11, 2019. I was assigned to the case.

The investigation reveals the following facts and circumstances. At approximately 12:50 a.m., a 911 call was made reporting that gunshots had been fired in the area of N. Gunnison and Washington Streets in Burlington. Officers were dispatched to the area. At 12:53 a.m., Elizabeth Leffler called 911 and reported that her former boyfriend, Caleb Peterson, had fired several shots at or near the residence in which she was staying, 314 N. Gunnison, Burlington. She reported that Mr. Peterson had left the area in a white Chevy S10 with topper. She later explained that Mr. Peterson had been repeatedly calling and communicating her that evening and had threatened her, displayed a pistol pointed at her over a video chat or social media platform, and had threatened to kill her and to "shoot up" anyone who was with or around her. Three (3) .380 cal. bullet casings were later recovered in the area of 314 N. Gunnison.

Responding officers were advised of the vehicle description and that the likely suspect was Mr. Peterson. One of the responding Burlington Police Department ("BPD") Officers, Tyler Henning, had earlier that day (Sept. 10, 2019) taken a report from Mr. Peterson's brother that Peterson was "moving weapons." Officer Henning had seen Mr. Peterson in a white Chevy S10 with a topper that day and he communicated that information to other responding officers. Officer Henning was also aware that Mr. Peterson had a prior arrest for a weapons violation.

Law enforcement searched for the Chevy S10 which was located a short time later (12:57 a.m.) by BPD Officer Clay Beckman heading south on S. Central Avenue near the intersection of Division Street. While following the Chevy southbound, Officer Beckman ran the vehicle's license plate and was advised that it was registered to Mr. Peterson's father, Michael Peterson. After receiving the vehicle registration information,

Officer Beckman initiated a stop of the vehicle on Summer Street just south of the intersection of Angular Street. By this time, he had been joined by Des Moines County Sheriff's Office ("DMCSO") Deputy Ryan Luttenegger. Other officers, including BPD Lt. Greg Allen, Officers Henning and Nathan Crooks and DMCSO Deputy Sgt. Kevin Glendening continued to converge on the area.

Officer Beckman's vehicle was equipped with video recording equipment which captured the events following the stop. Mr. Peterson exited the driver side of the vehicle. A person later identified as his father, Michael Peterson, exited the passenger side. Mr. Peterson was loudly commanded by officers to get back in his truck. He did not do so. Mr. Peterson's father also appeared to have been loudly imploring his son to stop what he was doing. Ignoring his father and the officers, Mr. Peterson extracted a pistol from his person, assumed a firing position and pointed the weapon directly at the officers.

Both Deputy Luttenegger and Officer Beckman took cover behind their vehicles. Mr. Peterson then fled on foot into the dark, southbound on Summer Street. BPD Lt. Greg Allen arrived at the stop site at about this time. Meanwhile Officers Henning and Crooks were approaching the area from different directions to the south and west of stop area. After being advised that Mr. Peterson had fled south on Summer, both officers exited their vehicles and began to search for Mr. Peterson. Officer Henning was in the area of the alley between White and Summer Streets, and Officer Crooks was to the south on Chamberlain Street.

Multiple car and body camera recordings from the incident reflect that in these first minutes after Mr. Peterson fled the scene of the vehicle stop, he shot his .380 cal. pistol at least three times. No law enforcement gunfire occurred before or during this time period. The City of Burlington was thus in the midst of an active shooter situation.

From their separate positions, both Officers Henning and Crooks located Mr. Peterson near the south end of the alley between Summer and White Streets nearest Chamberlain Street. The audio portion of the recording from Officer Henning's vehicle recorded Officer Henning loudly commanding Mr. Peterson to drop his weapon five (5) times. These commands were not obeyed. The recording also documents that one of the above-mentioned shots fired by Mr. Peterson occurred at about the time that Officer Henning's gave his first command to Mr. Peterson to drop his weapon. Seeing Mr. Peterson pointing, and having heard shots fired, Officer Crooks fired at Mr. Peterson with his service pistol. After his fifth command, Officer Henning returned fire upon Mr. Peterson with his service rifle. These shots by Officers Crooks and Henning were nearly simultaneous. Mr. Peterson was not hit and fled easterly back toward Summer Street on or parallel to Chamberlain Street. Officer Crooks pursued Mr. Peterson and took up a position near the corner of the residence at 901 Summer.

Meanwhile, Lt. Allen and DMCSO Deputy Sgt. Glendening (who had arrived) were proceeding from the stop site southbound on Summer in their vehicles looking for Mr. Peterson. Neither officer knew where Mr. Peterson had run, but they heard the above-described gunfire. Also, as seen on Deputy Glendening's car video, Mr. Peterson's father had entered the driver side of the Chevy S10 after his son had fled on foot and

proceeded to drive it south down Summer Street, presumably also in an attempt to find and stop his son.

By the time that Officer Crooks had taken a position at 901 Summer, Deputy Sgt. Glendening had traveled down Summer Street in his vehicle past (to the south of) Officer Crooks' position. Mr. Peterson's father had also driven the Chevy S10 southbound on Summer into the same vicinity. Both Lt. Allen's and Deputy Sgt. Glendening's car cameras recorded Mr. Peterson running to the east side of Summer Street, stopping just north of the Dill Street intersection, turning and firing at least three (3) rounds at Deputy Sgt. Glendening. Later investigation showed that Deputy Sgt. Glendening's vehicle was struck by two (2) bullets. Having been fired upon by Mr. Peterson, Deputy Sgt. Glendening fired one round at Mr. Peterson from his service rifle from inside his vehicle. Seeing Mr. Peterson firing upon Deputy Sgt. Glendening from his position at 901 Summer Street, Officer Crooks again opened fire upon Mr. Peterson with his service pistol. Mr. Peterson was struck and killed by a single bullet that passed through his body and was not recovered. Deputy State Medical Examiner, Dr. Kelly Kruse, who performed the autopsy on Mr. Peterson, is unable to offer an opinion as to the caliber of projectile that killed Mr. Peterson. The .380 cal. Hi-Point semi-automatic pistol used by Mr. Peterson during the incident was recovered next to his body at the scene.

Based upon the facts and circumstances, it is our opinion that there is no basis for any charges related to this incident. On September 11, 2019, Mr. Peterson armed himself with a dangerous weapon and proceeded to threaten and seriously endanger the lives of multiple law enforcement officers, his former girlfriend and countless residents in two separate Burlington neighborhoods. He failed or refused to heed numerous commands to disarm himself, both from police and his father, instead opting to threaten officers by pointing the weapon at them, then fleeing from and firing upon officers multiple times. Mr. Peterson left responding officers with no option but to stop him by their use of deadly force.

If any additional information comes to light, please forward it to this office. If you have questions, please let us know.

Sincerely,



Andrew B. Prosser  
Assistant Iowa Attorney General  
Area Prosecutions Division

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cc: DCI SA Lestina