



**OFFICE OF THE COMMONWEALTH'S ATTORNEY**  
for the  
**COUNTY OF ALBEMARLE**

**JAMES M. HINGELEY**  
Commonwealth's Attorney

PHONE: (434) 972-4072 FAX: (434) 972-4093

**RICHARD F. FARLEY**  
CAREER PROSECUTOR

**ALICIA M. MILLIGAN**  
CHIEF DEPUTY COMMONWEALTH'S ATTORNEY  
**TYLER L. SANDE**  
DEPUTY COMMONWEALTH'S ATTORNEY

August 23, 2024

**SUSAN BAUMGARTNER**  
**SAMANTHA B. MARKLEY**

**J. LEWIS COMBS**

**SHANNON P. NEAL**

**RAY S. SZWABOWSKI**

**LAWTON TUFTS**

**HOLLY R. VRADENBURGH**

**ARMIN ZIJERDI**

**Toni G. Tuthill**  
Paralegal/Office Manager

**REPORT OF**  
**USE OF FORCE INVESTIGATION**  
**INCIDENT OF APRIL 10, 2024**

**Assistant Commonwealth's**  
**Attorneys**

**Summary**

On April 10, 2024, Kevin David Taylor II was shot and killed by a Waynesboro law enforcement officer who had pursued Taylor from Waynesboro into Albemarle County on I-64 eastbound. Taylor was a suspect in a shots fired/malicious wounding call in Waynesboro, and he eventually came to a stop on the shoulder of I-64 in Albemarle County when his vehicle wrecked. The Waynesboro police got out of their vehicles with guns drawn when Taylor's vehicle stopped. Taylor stood outside his vehicle by the door on the driver's side and faced the police. For the next 60 minutes, as police tried to get Taylor to surrender, Taylor repeatedly asked police to shoot him and tried to goad them into doing that. Virginia State Police and Albemarle County Police arrived on the scene a short while later, and a trained negotiator phoned Taylor's mother in the hope that Taylor would speak to her and surrender. During the standoff Taylor stated he had a gun that he could use to shoot police if they would not shoot him. The standoff ended when police fired a less-than-lethal foam baton at Taylor, Taylor dove into his car, and a Waynesboro law enforcement officer fired seven rounds into Taylor's car, killing him. After conducting a full review, the Commonwealth's Attorney has determined that law enforcement's use of deadly force against Taylor was justified.

**Narrative**

At approximately 5:00 p.m. on April 10, 2024, Waynesboro police officers arrived at Parkway Village Apartments in Waynesboro and located a man with a gunshot wound to his upper thigh. Although the gunshot victim was uncooperative, other witnesses stated that the victim was shot during a physical confrontation with "Gino." The witnesses also reported that "Gino" had picked up a cartridge casing ejected from his pistol and fled the scene in a vehicle determined to belong to Taylor.<sup>1</sup> A Waynesboro detective, R.B., was responding to the shooting when a car matching the description of the shooter's vehicle sped past him in the opposite direction and ran a red light. The detective activated his

<sup>1</sup> Witnesses to the Waynesboro shooting would also later identify Taylor's DMV photo as "Gino."

lights and siren, made a U-turn, and tried to stop Taylor's car, but Taylor fled onto Route 250 and then onto I-64 while two additional Waynesboro Police vehicles joined the pursuit. Speeding and passing traffic on both shoulders of I-64 eastbound to elude police, Taylor crashed into the center guardrail while driving on the left shoulder. At approximately the 101 mile marker Taylor's car suffered disabling damage and ultimately crossed over to the right shoulder and came to a stop at the 102.2-mile marker about two miles inside Albemarle County.

The three Waynesboro police stopped their vehicles to block oncoming traffic. R.B. had his police badge hanging around his neck, and the other two officers were in uniform with their badges and the word "POLICE" on their vests. All three commanded Taylor to show his hands and surrender, and Taylor's responses included, "I wanna die. Shoot me," and, "If you don't shoot me, I'm going to shoot you." He also stated more than twenty times "I'm dying today" or "I wanna die" in some form. Taylor disregarded police commands and repeatedly reached into the vehicle, or placed his hands in and near his pockets and waistband. The police repeatedly told him they did not want to shoot him. In response to Taylor's stating that he wanted to call his mother to say goodbye, one of the officers unsuccessfully tried to call her. R.B. had positioned himself near the rear passenger side of Taylor's car with his gun drawn, and he would remain there for the next hour. He and Taylor spoke to each other, with Taylor instructing R.B. to "aim high," and with R.B. telling Taylor that they did not want to shoot. Taylor warned R.B. that Taylor had a gun "right here." R.B.'s position gave him a sightline into Taylor's car, through the back window, that allowed him to monitor Taylor's hands during the times that Taylor shifted parts of his body into the vehicle. Due to his proximity to Taylor, R.B. was isolated from the police presence gathering behind him.

A trained Albemarle County negotiator, D.L., took over communications with Taylor approximately twenty minutes into the standoff. Taylor continued to tell the police – as he did at least twenty-two times during the standoff – to "shoot me." He stayed at his car door, sometimes inside and sometimes outside. Taylor put his hands in his pockets and pulled them out, pointing at the officers in a gun gesture. He lunged towards the assembled police yelling, "Shoot me." When D.L. told him such gestures and movements would lead to his being shot, Taylor responded, "That's what I'm trying to do." D.L. asked how they could resolve the situation peacefully, and Taylor replied, "Fire off every shot you've got, peacefully." After Taylor stated his intention to die and said he wanted to tell his mother he loved her, D.L. successfully reached Taylor's mother on the phone. D.L. approached Taylor in the hopes of having Taylor speak directly to his mother.

After the negotiator approached Taylor, Taylor's demeanor began to shift. A K-9 on scene began to make noise, and Taylor complained about the dog's presence. He yelled to his mother that he loved her and was sorry. D.L. retreated but continued to engage with Taylor, as other officers prepared to deploy less-than-lethal foam batons and the K-9. As D.L. stepped forward to return closer to Taylor, three things happened almost simultaneously: an officer deployed a less-than-lethal round, Taylor retreated into the vehicle and began to move across the front seats, and R.B. fired seven times. Taylor was struck once in the back and once in the back of the head, with an additional graze wound to his back. Police recovered a .40 caliber handgun from the front passenger seat of Taylor's vehicle and a .45 caliber handgun from the space between the driver's seat and center console. Body camera footage from one of the three initially-involved Waynesboro officers shows that 59 minutes and 40 seconds elapsed from the time that officer stopped at Taylor's disabled vehicle and Taylor was shot.

## Conclusion

The evidence reviewed by the Commonwealth's Attorney includes scene photographs, police reports, police vehicle and body-worn camera footage from Waynesboro and Albemarle police, statements of law enforcement personnel, laboratory analysis of R.B.'s weapon, photographs of Taylor's vehicle and examination of physical evidence recovered from the vehicle, sound analysis identifying the timing of the less-than-lethal and lethal shots, Taylor's autopsy, and the use of force policies of the Albemarle and Waynesboro Police Departments.

The Commonwealth's Attorney reviews all incidents involving law enforcement's use of deadly force within Albemarle County to determine whether the use of deadly force was justified under applicable law or whether the events causing a death were criminal acts. Any administrative investigation into whether policies were followed or civil liability exists is not within the purview of the Commonwealth's Attorney. Given the evidence provided in this investigation, the Commonwealth's Attorney finds that there is no criminal liability because R.B.'s actions were justified to defend himself and others from an armed and dangerous individual who was threatening law enforcement officers with the use of deadly force. While Taylor's death under these circumstances is tragic and regrettable, it must be noted that law enforcement spent nearly an hour attempting to de-escalate the situation and safely apprehend Taylor, while Taylor tried again and again to create a situation in which the officers had no choice but to shoot him to protect themselves and others.<sup>2</sup>



---

James Hingeley  
Commonwealth's Attorney



---

Susan Baumgartner  
Assistant Commonwealth's Attorney

---

<sup>2</sup> The Commonwealth is grateful to Special Agent A. Justin Wouters of the Virginia State Police Bureau of Criminal Investigation for his comprehensive investigation of this matter.