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REPORT ON USE OF FORCE INVESTIGATION
OFFICER-INVOLVED SHOOTING OF AUGUST 29, 2022 IN ALBEMARLE COUNTY

On August 29, 2022, Andrew Todd Ainsworth was shot and killed by members of a fugitive task force.¹ The task force was apprehending Ainsworth on a federal probation violation warrant when the shooting occurred. After locating Ainsworth in Albemarle County, police followed him and stopped his vehicle as it was heading up the Route 29/250 North Bypass on-ramp from Fontaine Avenue. While ignoring the officers' commands to show his hands and exit his truck, Ainsworth pulled a gun out of a book bag and pointed it at the officers. The police then shot Ainsworth and he died of multiple gunshot wounds. Ainsworth also fired one shot. The Virginia State Police conducted an investigation and submitted a report and underlying documentation to the Commonwealth's Attorney. After conducting a full review, the Commonwealth's Attorney has determined that law enforcement's use of deadly force against Ainsworth was justified.

¹ The United States Marshal's Task Force was composed of a supervisory Deputy U.S. Marshal and six dually sworn law enforcement officers from three Central Virginia law enforcement agencies. Additional local law enforcement personnel assisted in apprehending Ainsworth.

Andrew Todd Ainsworth was wanted on a federal probation violation issued in 2016 in connection with a bank robbery conviction. The United States Marshal's task force received a confidential tip that Ainsworth frequented a residence in Albemarle County and was driving a dark pickup truck, possibly a Toyota. A Deputy U.S. Marshal coordinating the task force drafted an operations plan to monitor the residence and conduct a traffic stop on Ainsworth if he was identified traveling to or from the residence. On August 29, 2022, nine law enforcement officers, in six separate vehicles including a marked Albemarle County Police vehicle, took up surveillance positions in the neighborhood where the residence was located.

At approximately 9:30 p.m., the task force saw a dark-colored Toyota pickup truck enter the neighborhood and park in the driveway of the residence, but the task force was initially unable to make a positive identification of Ainsworth. The task force members followed the truck when it left the driveway. While the truck was on Emmet Street near the John Paul Jones Arena, a law enforcement officer, P.S., identified Ainsworth as the sole occupant of the truck. When the truck stopped at a red light at the intersection of Emmet Street and Ivy Road, police attempted to stop Ainsworth by boxing in his truck with their vehicles. They activated their lights and sirens, and two members of the task force – law enforcement officers P.G. and N.R. – approached Ainsworth with their guns drawn. P.G. and N.R. were wearing ballistic vests identifying themselves as law enforcement officers. Ainsworth ignored their instructions to exit his truck. He drove onto the sidewalk, around P.G.'s vehicle, and toward N.R. Ainsworth's actions endangered N.R., and N.R. had to move out of the way to avoid being struck.

Not wanting to endanger pedestrians and motorists by attempting to stop Ainsworth in a heavily populated area, the task force maintained their pursuit, but turned off their emergency lights and sirens while following Ainsworth as he drove south on Emmet Street. Ainsworth

eventually turned on to Jefferson Park Avenue and then Fontaine Avenue. As Ainsworth drove on Fontaine Avenue toward the on-ramp to Route 29/250 bypass, the task force reactivated their lights and sirens to stop him. Ainsworth did not comply with police commands to stop. Instead, he turned onto the on-ramp and accelerated. Law enforcement officer M.M. executed a PIT² maneuver, causing Ainsworth's truck to spin 180 degrees and stop on the right shoulder of the on-ramp, facing south and with the driver's side next to a rock wall. The task force vehicles stopped, surrounding Ainsworth's truck and illuminating its interior with their headlights.

The task force members exited their vehicles with guns drawn. All were wearing ballistic vests identifying them as police, and they also verbally identified themselves as police. Various of the eight assembled law enforcement officers shouted repeatedly at Ainsworth to show his hands and exit the vehicle. Instead, he shook his head no and rummaged through a book bag, pulling out items until he pulled out a revolver and pointed it at the officers who were confronting him. At that point P.S., N.R., and another law enforcement officer, S.D., fired at Ainsworth. Ainsworth also fired one round. When Ainsworth's gun dropped, the shooting stopped, police radioed for EMS, and officers approached Ainsworth to render aid. Ainsworth had no pulse and was pronounced dead on the scene. The medical examiner determined that the cause of death was multiple gunshot wounds. In addition to the Ruger .357 Magnum revolver recovered from Ainsworth's hand, police found more than 2 ½ pounds of methamphetamine and \$13,000 in Ainsworth's truck. Ainsworth's revolver had one spent cartridge in the chamber under the hammer. The remaining five chambers of his revolver were loaded with unfired cartridges. Ainsworth received three gunshot wounds to his head and neck, and two gunshot wounds to his

² Precision Immobilization Technique is a pursuit tactic in which a pursuing vehicle forces a fleeing vehicle to turn sideways abruptly, causing the driver to lose control and stop.

left arm, and chest. One of his wounds, to his right neck, was in an upward direction and exited his right cheek, consistent with task force member reports that he fired one round upwards towards his own face.

The evidence reviewed by the Commonwealth's Attorney includes police vehicle and body-worn camera footage from law enforcement officer D.R. D.R. was the final officer to stop his vehicle at the on-ramp location, and his car and personal cameras were behind the task force members who fired. His footage establishes that there were 25-26 seconds from when he exited his car until shots were fired, and during that entire time multiple officers were shouting variations of the phrases, "Put your hands up now," and "Police Department show your hands." All shooting took place over approximately three seconds. Other evidence reviewed includes forensic evidence recovered at the scene, statements of law enforcement officers at the scene, and the autopsy report.

The Commonwealth's Attorney is responsible for reviewing 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. Any administrative investigation into whether law enforcement use of force policies were followed or civil liability exists is not within the purview of the Commonwealth's Attorney. Given the evidence reviewed in connection with Ainsworth's death, the Commonwealth's Attorney finds that there is no criminal liability because P.S., S.D., and N.R.'s actions were justified to defend themselves and others from Ainsworth's own threat of deadly force. While the death of a fugitive from justice under these circumstances is unfortunate and regrettable, it must be noted that all the law enforcement officers involved in the apprehension of Andrew Ainsworth performed their duties in a highly capable and professional manner. During the entire pursuit these officers put themselves at substantial risk of serious bodily injury or death to protect the community, and they are to be commended for their service. 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.

Respectfully submitted

A handwritten signature in blue ink that reads "James Hingeley". The signature is written in a cursive style with a long horizontal flourish extending to the right.

James Hingeley
Commonwealth's Attorney