



For Immediate Release
July 31, 2015

District Attorney Marc Bennett announces the completion of the review of the law enforcement use of deadly force resulting in the death of Chad Leichhardt. The incident occurred on August 19, 2014, at 401 Sarah Lane, Haysville, Kansas.

The Office of the District Attorney has reviewed the results of the investigation conducted by the Kansas Bureau of Investigation, the Wichita Police Department, and Investigators from the Office of the District Attorney.

SCOPE OF REPORT

This report details the factual findings and legal conclusions related solely to the criminal investigation into the death of Chad Leichhardt. The only question addressed by this report is whether sufficient evidence exists to establish beyond a reasonable doubt that the criminal laws of the State of Kansas were violated.

The Office of the District Attorney has no administrative or civil authority regarding use of force investigations. Therefore, this report does not address any administrative review that may be conducted by the Haysville Police Department, provide any assessment of policy considerations, or address questions of possible civil liability where a lesser burden of proof would apply.

Questions as to whether the use of force in any particular case could have been avoided or de-escalated if the officer(s) or citizen(s) had behaved differently in the moments leading up to the fatal use of force are not properly addressed in a criminal investigation.

FACTUAL SUMMARY

On Tuesday, August 19, 2014, at approximately 10:43 a.m., officers from the Haysville Police Department were dispatched to a domestic disturbance at 401 Sarah Lane, Apt F-5, in Haysville. The 911 caller reported his son was possibly assaulting his (the son's) girlfriend inside the apartment.

Officers arrived and spoke briefly with the caller who met the officers outside the apartment. The caller told officers that his son, identified as Chad Leichhardt (*hereinafter identified as Mr. Leichhardt*), was in a bedroom inside of the apartment possibly assaulting his (Mr. Leichhardt's) girlfriend. The father said Mr. Leichhardt was on probation and had been "hitting his girlfriend all morning." The father said Mr. Leichhardt had been using drugs the night before.

The father gave officers permission to enter the apartment. The officers heard a woman's voice from inside an interior bedroom. The officers knocked on the bedroom door and a male voice responded. After the officers identified themselves, the male stated he had a weapon.

The officers tried to enter the bedroom but had to force the door open because a couch had been placed near the door, inside the bedroom in an apparent effort to barricade the door.

Once inside the bedroom, the officers found Mr. Leichhardt sitting inside a small closet, with a female seated on his lap. Mr. Leichhardt had his arm around the woman's neck or shoulder area, holding what appeared to be a knife to her neck.

Officers gave multiple verbal commands to drop the knife and release the female. Mr. Leichhardt made several comments that appeared to be directed to the female: "don't let it cut you" and "you're cut now." The officers continued to give verbal commands to Mr. Leichhardt to drop the weapon and let the female go. Mr. Leichhardt responded, "it's too late" and, "you're going to have to shoot me."

The ranking officer who entered the bedroom later told investigators that he feared for the life of the female. Given Mr. Leichhardt's refusal to release her or remove the apparent knife from her throat, and Mr. Leichhardt's statements, the officer fired his service firearm one time, striking Mr. Leichhardt in the head.

Mr. Leichhardt was pronounced deceased at the scene.

REVIEW OF THE INVESTIGATION

Interviews were conducted with the officers involved in the incident, with Mr. Leichhardt's father and with the female found being held by Mr. Leichhardt. Those interviews, the reports of responding officers and officers involved in the investigation, reports of the examination of the scene, physical evidence recovered, and the results of forensic testing and the autopsy report were all reviewed.

When all of the statements are taken in concert with the evidence gathered during the investigation, a clear understanding of the facts emerges.

CIVILIAN WITNESS STATEMENTS

Investigators and officers interviewed Mr. Leichhardt's father on scene and later at the Haysville Police Department. A detective from the Sedgwick County Sheriff's Office interviewed Mr. Leichhardt's female victim at the hospital.

The **female victim** was initially transported to an area hospital for treatment of several sharp force cuts to both her hands. The wounds appeared to be "defensive" in nature, meaning they were inflicted during her efforts to defend herself from the knife wielded by Mr. Leichhardt.

The victim stated she had been dating Mr. Leichhardt for some time, and that the incident actually began the night before, on August 18, 2014, when Mr. Leichhardt became angry. She said he left the residence for a period of time and when he returned early the following morning, the argument continued.

She said that, during the argument, Mr. Leichhardt slapped her on the side of her face causing her ear to bleed. Mr. Leichhardt then pushed her down on the bed and punched her in the head with his fist. She said Mr. Leichhardt's father came into the room and told him he needed to stop and that he (the father) was calling the police.

As the increasingly violent argument continued, the female said she tried to walk out several times but Mr. Leichhardt would not let her leave the bedroom. She said Mr. Leichhardt accused her of cheating on him. She said he found a knife inside the bedroom and put it to her throat, threatening to kill her if she did not tell him the truth. The victim said she received the cuts to her hands trying to keep the knife away from her throat. She began to scream. Mr. Leichhardt told her to “shut up” and barricaded the bedroom door with a couch.

The female victim said that a short time later, she heard voices in the apartment and then knocking on the bedroom door announcing they were the police. She said Mr. Leichhardt told her to tell the police that everything was ok. He told her to say this because he knew she was injured and he did not want to go “back” to jail. She said the police ordered Mr. Leichhardt several times to open the door but he refused. She said that when the police forced the door open, Mr. Leichhardt grabbed her and pulled her to him into a small closet. Mr. Leichhardt told her that one of them was “going to die today” and that it “should be her since she was a lying bitch.”

The female said she remembered seeing the police pulling their guns and ordering Mr. Leichhardt to let her go. She said Mr. Leichhardt looked at her and said “this is it” and then she heard one shot and saw Mr. Leichhardt had been shot in the head. She was then pulled away by police and taken from the bedroom.

The female victim told the investigator she was afraid for her life when Mr. Leichhardt held the knife to her throat. She said she could “see in Chad’s eyes that he was going to kill [her].” She told the investigator that, “if the police had not came [sic], I would be dead.”

LAW ENFORCEMENT STATEMENTS

Investigators interviewed the three Haysville Police Officers who responded to the disturbance call.

Officer 1 gave a voluntary, recorded statement. He told investigators that upon entering the apartment, he found the bedroom door closed. After knocking and announcing the presence of law enforcement, the male inside of the room refused to open the door. Officer 1 said he heard the male whispering to whom he believed was the female inside the room, saying “tell them.”

Officers forced the door and found it blocked with a couch, but were able to push the door open enough to enter the bedroom. Officer 1 said the male, identified as Mr. Chad Leichhardt, was holding the female “hostage,” sitting on the floor of a closet using her as a shield.

Officer 1 could tell Mr. Leichhardt was holding something to the female’s neck area but could not tell exactly what it was. Officer 1 said the female was crying and that Mr. Leichhardt said, “you’re going to have to shoot me.” Officer 1 said the ranking officer at the scene, Officer 3, told Mr. Leichhardt “don’t let it end like this” and verbally commanded Mr. Leichhardt to let the female go.

Officer 1 said he believed the female’s life was in danger. Officer 1 had his own duty firearm pointed at Mr. Leichhardt and was ready to use deadly force to save the female victim when he (Officer 1) heard one shot, and saw Mr. Leichhardt slump over. Officer 1 realized that the ranking officer (Officer 3) had shot Mr. Leichhardt one time, striking him in the head.

Officer 2 was interviewed by investigators and provided a voluntary, recorded statement.

Officer 2 stated that, upon arriving at the disturbance call, he spoke briefly with the father of the suspect who pointed out the apartment and told officers that his son, Chad, was beating “his girlfriend.” Officer 2 said he and Officer 1 entered the apartment and found the bedroom door closed. Officer 2 said that upon knocking on the bedroom door, he heard a male voice respond that “they” were not dressed and needed a few minutes to get clothes on. Officers ordered the male to open the door and threatened to force it open. Officer 2 said the male replied, “I have a weapon.”

A third officer, Officer 3, arrived and was briefed on the information. Officer 3, who was the ranking officer on the call, ordered the male to open the door. The male inside the bedroom continued to refuse. Officers then forced the bedroom door open, which had been barricaded with a couch from inside of the bedroom.

Officer 2 saw the male, Mr. Leichhardt, sitting on the floor of the small, interior closet with a female on his lap. Officer 2 said Mr. Leichhardt had his arm around the female’s neck. Officer 2 could see an unknown object in Mr. Leichhardt’s hand, but could not tell exactly what it was. Mr. Leichhardt was holding the object to the female’s throat. Officer 2 heard Mr. Leichhardt say “don’t let it cut you” to the female, then heard Officer 3 tell Mr. Leichhardt to drop the knife and let her go or he would be shot. Mr. Leichhardt responded “just shoot me.”

Officer 2 said he had his firearm pointed at Mr. Leichhardt’s head. Officer 2 verbally told Officer 3—the ranking officer—“I have a shot.” Officer 2 was preparing to fire when he heard a single gunshot, and saw Mr. Leichhardt fall backwards. Officer 2 said he believed Officer 3 had fired. Officer 2 grabbed the female and took her out of the room. Officer 2 checked the female for injuries and found she had lacerations to her hand. He said the female told him that Mr. Leichhardt had a knife to her throat during the incident.

Officer 2 told investigators he believed Mr. Leichhardt was going to kill the female, and that he was prepared to shoot Mr. Leichhardt to prevent that from happening when Officer 3 fired first.

Officer 3 was interviewed and gave a voluntary, recorded statement. He was the ranking officer at the scene of the incident and has 18 years of law enforcement experience.

Officer 3 stated he responded to the domestic disturbance call to assist the two other dispatched officers. Upon arrival, Officer 3 entered the apartment and contacted the first two officers, who had spoken to the calling party.

Officer 3 described to the investigators the events and conversation that took place with Mr. Leichhardt through the barricaded door. Officer 3 recalled hearing Mr. Leichhardt make a comment that he (Mr. Leichhardt) had a weapon. Officer 3 said he was very concerned for the welfare of the female in the room.

When the bedroom door was forcibly opened, Officer 3 was the first to enter. Officer 3 advised he had his handgun drawn and, upon entering the room, saw Mr. Leichhardt sitting on the floor of the small closet with the female on his lap with both sliding closet doors fully open. Mr. Leichhardt told the female “you’re cut now.” Mr. Leichhardt also said “it’s too late” to the officers.

Officer 3 said he was approximately seven to eight feet from Mr. Leichhardt and believed that Mr. Leichhardt was going to cut the female's throat with what he (Officer 3) believed to be a knife, held to the female victim's throat. Officer 3 described the female as crying and appearing "terrified." Officer 3 fired a single shot from his pistol which struck Mr. Leichhardt in the head. The female was pulled away immediately by another officer and escorted out of the room.

A lock blade, folding knife with an approximately 4 inch long blade was located near the body of Mr. Leichhardt.

FORENSIC EVIDENCE AND AUTOPSY RESULTS

An autopsy on the body of Chad Leichhardt was conducted on August 20, 2014. The autopsy revealed that Mr. Leichhardt died from a single gunshot wound to the head. The entrance wound was to the "left frontal scalp." The trajectory was front to back, left to right, and downward, consistent with the positioning of Officer 3.

Toxicology examination revealed that Mr. Leichhardt was positive for Amphetamine and Methamphetamine. He was also positive for Carboxy-tetrahydrocannabinol, which is indicative of prior usage of marijuana.

KANSAS LAW

A. Self-Defense

In Kansas all persons including law enforcement officers are entitled to defend themselves **and others** against the use of unlawful force. **Kansas Statutes Annotated** 21-5222 (formerly 21-3211) states:

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person **or a third person** against such other's imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person **or a third person**.
- (c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person."

The term "use of force" includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. "Use of deadly force" means the application of any physical force which is likely to cause death or great bodily harm to a person.

The Kansas Supreme Court has made clear that the analysis of a self-defense claim presents a "two prong test":

“The first is subjective and requires a showing that [the defendant] sincerely and honestly believed it was necessary to kill to defend herself or others. The second prong is an objective standard and requires a showing that a reasonable person in [the same] circumstances would have perceived the use of deadly force in self-defense as necessary.” State v. McCullough, 293 Kan. 970 (2012).

Kansas Statutes Annotated 21-5231 (formerly 21-3219), enacted in 2006, states that a person who is justified in the use of force in self-defense “is immune from criminal prosecution.”

B. Application of Kansas Law

A person’s use of deadly force in self-defense is judged on a “case by case” basis. Only such force reasonably needed to defend against another’s imminent use of unlawful force is legally permissible under Kansas law.

SCENE



Outside of incident location

CONCLUSION

On August 19, 2014, the officer (Officer 3) exercised deadly force resulting in the death of Chad Leichhardt. The evidence uncovered during the course of the investigation found no credible evidence

that the officer's use of force in defense of a third person was unreasonable under the circumstances encountered by the officer.

The investigation established that Mr. Leichhardt barricaded himself inside the bedroom of his father's apartment; restrained the female victim by restraining her on his lap with a knife to her throat; that he refused to release the female or drop the weapon when commanded to do so; and, that he responded "it's too late," and "you'll have to shoot me," in response to verbal commands from the officers.

All three officers independently felt Mr. Leichhardt posed an imminent threat to the life of the female victim. All three were preparing to use deadly force to end the imminent threat to the female victim.

The actions of Mr. Leichhardt constituted an application of force likely to cause great bodily harm or death to the female victim. The Haysville Police Officer (Officer 3) reasonably believed Mr. Leichhardt to be an imminent lethal threat to the female victim.

The officer acted in an objectively reasonable manner in defending the female victim against an individual the officer believed to be armed with a knife after verbal commands to drop the weapon and release the victim were ignored with no cessation of the imminent threat to the female. By all accounts of witnesses at the scene, the knife remained at the female's throat until the single shot was fired.

Under Kansas law and the facts of this case, I conclude that no criminal charges will be filed against the officer.

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18th Judicial District of Kansas