



For Immediate Release
June 12, 2015

District Attorney Marc Bennett announces the completion of the review of the law enforcement use of deadly force resulting in the death of Icarus Randolph. The incident occurred on July 4, 2014, at 7815 E. Clay, in Wichita, Sedgwick County, 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 Icarus Randolph. 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 Wichita 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 Friday, July 4, 2014, at approximately 1:09 p.m., Wichita Police officers responded to a 911 call for assistance at 7815 E. Clay.

The caller told the 911 dispatcher that a family member, Icarus Randolph, was “struggling with PTSD,” needed to “go back to the hospital,” and had not been “on his meds.” The caller advised the 911 dispatcher that Mr. Randolph said he was going to “unleash the beast.” The caller said Mr. Randolph was inside the home alone and was holding “something in his hand” that the caller could not identify. When asked if Mr. Randolph was holding a weapon, the caller reported no weapons were kept in the house. The caller said the family was standing “outside” the home while Mr. Randolph sat inside.

Two officers from the Wichita Police Department responded to the call and arrived on scene at approximately 1:17 p.m. The officers were contacted by family members of Mr. Randolph in front of the residence. These family members advised the officers that Mr. Randolph had mental health issues and that he was acting strange. The family members explained that Mr. Randolph had gone to a room

within the family home and sat on a couch earlier in the day. The family members further told the two responding officers that over the course of the next few hours, family members approached Mr. Randolph where he sat on the couch and tried to speak to him. In response, Mr. Randolph would look at his family members “weird,” but offered little else in response. The officers were told that Mr. Randolph had said he “wanted to release the beast.”

While the officers were talking with family members in the front yard north of the residence, Mr. Randolph opened a glass door, pushed or kicked open the screen door and exited the residence to the north. Mr. Randolph walked immediately towards one of the officers in the front yard. The officer began walking backwards across the front yard to the east and drew his TASER which he deployed as Randolph continued to advance towards him.

The TASER struck Mr. Randolph and, according to the officer, seemed to stop the advance “for about a half second.” Mr. Randolph then continued to advance toward the officer. The officer observed Randolph was holding a knife blade in his right hand as he advanced toward the officer. As the officer continued moving backwards to the east, the officer dropped his TASER and drew his handgun. Mr. Randolph continued to advance. The officer fired his handgun at Randolph who fell to the ground. This occurred at approximately 1:30 p.m. EMS arrived at approximately 1:35 p.m. and attempted life- saving procedures. EMS transported Randolph to Wesley Hospital where he was later pronounced deceased at approximately 2:00 p.m.

The two officers involved in the incident were removed from the area. The weapon of the officer involved in the shooting was secured. Crime Scene Investigators from the Wichita Police Department processed the scene. The body of Icarus Randolph was transported to the Sedgwick County Regional Forensic Science Center for autopsy.

All recovered bullets and shell casings were submitted to the Sedgwick County Forensic Science Center for examination.

The Taser utilized by the officer was secured and later examined.

REVIEW OF THE INVESTIGATION

Interviews were conducted with civilian witnesses, including members of Mr. Randolph’s family, and the officers involved in the incident. Transcripts of those interviews, 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.

There were differences in witnesses’ reports of what they saw, heard or otherwise perceived. However, 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 several witnesses on scene and later at police headquarters. Family members of Mr. Randolph who had been present at the scene were interviewed at police headquarters in September 2014.

Witness 1 was visiting a family member that lives in the area of 7815 E. Clay on the day of the incident. Around 12:15 p.m. the witness observed an African American male known to live at 7815 E. Clay standing outside with his arms in the air and palms up toward the sky. The male was breathing heavily and making grunting and groaning noises. Later, the witness heard loud talking and then gunshots at 7815 E. Clay. The witness observed several people in the yard at 7815 E. Clay and an officer with a gun out telling people to get back. The witness observed the same African American male the witness had seen earlier outside the residence—later identified as Icarus Randolph—lying face down.

Witness 2 lives in the neighborhood and observed police officers in the yard of 7815 E. Clay talking to the residents and family members. The witness heard one of these family members say that “Icarus Randolph” was inside the residence having mental issues and they were requesting EMS come out to assist. This neighbor returned home. The witness later heard several shots. The witness went back outside and saw Mr. Randolph laying on the ground and two officers standing over him with their guns drawn. The witness heard someone say Randolph had a knife but the witness did not see a knife. The witness told investigators there had been a prior incident a few months earlier where Mr. Randolph was walking around outside rambling and praying to God, and making statements that the “end is near.” A family member had asked witness #2 to call 911 and request EMS during this earlier incident.

Witness 3 lives in the neighborhood and observed two officers in the yard at 7815 E. Clay talking with family members of the residents of that address. The witness observed an African American male known as Icarus Randolph that lives at the residence “jump through” a screen on the front (north) side of the home with a knife in his right hand. Mr. Randolph then walked directly towards one officer in a “pretty fast” or “fast walk” with the blade of the knife pointed in the direction of the officers.

Witness 3 described hearing one of the officers yell, “halt, halt, halt.” Mr. Randolph continued walking towards the officer. Witness 3 saw “the wires” from a TASER which the witness believed had been deployed by the second officer. Witness 3 said the TASER was ineffective in stopping Mr. Randolph’s advance. Witness 3 said that Mr. Randolph continued to within a few feet of the officer that had yelled “halt” three times. The witness said the officer continued to step backwards then fired his handgun at Mr. Randolph, who fell to the ground:

“And the next thing I know, he’s jumping through the screen with a knife in his hand walking up to the officer. They—they shot him with a taser three times and it didn’t faze him. He just—and the one that actually shot him that—that was on the left or the right by the car, he hollered, “halt, halt, halt.” And he wouldn’t. And he just kept coming. And it was—I mean I was like 10 feet, 12 feet from it.”

Witness 4 is a family member of Mr. Randolph who was present at the scene. The witness reported calling an area hospital for assistance earlier that day because Mr. Randolph wasn't acting right. The witness said they were told to call 911 and officers would have to come out and assess Mr. Randolph. Witness 4 called 911 and requested assistance in getting Randolph to a hospital for mental health issues. Witness #4 stated the 911 operator asked if Mr. Randolph had a weapon,

“And, um, they asked different questions about him. Like was he suicidal. I said, ‘No.’ Said he had a weapon, um, which I really did see one and a—at first, I said, ‘Yeah.’ Like he had a knife, but I later went back with ‘em and said he didn’t because my thoughts were, well, if I tell ‘em he has a weapon, I don’t want them to come out and, you know, mean any harm.”

The 911 call was recorded. In the recorded call, Witness 4 told the operator Mr. Randolph had something in his hand but was unable to see what the object was. When the two officers arrived from the Wichita Police Department, witness 4 stood outside the residence as another family member and the two officers discussed whether or not Mr. Randolph was suicidal or had exhibited behavior to indicate he might be a threat to himself or others. The officers were told Mr. Randolph had been holding something in his hand but the object was not described as a knife or weapon.

Witness 4 heard a “big, loud noise” and saw Mr. Randolph come out of the house after kicking through the screen door. Mr. Randolph was wearing camo shorts with no shirt or shoes.

Witness 4 described Mr. Randolph walking “slowly” toward the officers with a knife in his right hand with the blade open at his side while other family members who were already outside began yelling “No!” at him. Witness 4 said Mr. Randolph “just kept walking, like he couldn’t hear or something.” Witness 4 said Mr. Randolph “was just looking straight at the officer,” and walked in the direction of the officer who was standing in the front yard.

This officer used what Witness 4 described as a “stun gun,” which appeared to the witness to strike Mr. Randolph in the stomach and deliver “electrical shocks.” The shocks had no effect on Mr. Randolph who continued to walk in the direction of the officer. The officer then shot Mr. Randolph “multiple” times according to Witness 4. Witness 4 observed the knife lying on the ground next to Mr. Randolph after he fell.

Witness 4 told investigators Mr. Randolph had served in Iraq and suffered from PTSD. Witness 4 did not recall telling the 911 dispatcher or the responding officers that Mr. Randolph had made the statement earlier that day that he was going to “unleash the beast.” The recorded 911 call does contain that statement.

Witness 5 is a family member of Mr. Randolph who was also at 7815 E. Clay on the day of the incident. Witness 5 told investigators that another family member (witness 4) called to say Mr. Randolph wasn't acting like himself. The witness went to the residence and tried to speak to Mr. Randolph, but he would not respond.

Witness 5 was present when Witness 4 called 911. At one point in the conversation witness 4 handed the phone to witness 5 who then spoke to the 911 operator until officers arrived. Witness 5 began to speak to the two responding officers about Mr. Randolph and explained he suffered from mental illness and that the family wanted to get him to a hospital because he wasn't acting normal. The

officers and family members present then engaged in a lengthy discussion as to whether or not Mr. Randolph had been threatening to do harm to himself or others and whether any basis existed to remove Mr. Randolph from the home. While this discussion took place, Witness 5 heard Mr. Randolph begin to yell from inside the residence, then saw him throw a chair within the residence and saw a window shade come down. The witness said Mr. Randolph then kicked the screen out of a door of the residence and came outside.

Witness 5 said she and other family members yelled “No! Go back!” at Mr. Randolph. Mr. Randolph walked east into the front yard in the direction of one of the officers who pulled out a TASER, though Witness 5 never saw it deploy. The officer subsequently dropped the TASER and withdrew his handgun. The witness said Mr. Randolph was as close as five feet from the officer. The officer continued to step backwards one or two steps. Witness 5 then observed the officer fire his handgun at Mr. Randolph, who then fell forward. This witness, who was positioned on Mr. Randolph’s left side during the incident, never observed a knife in Mr. Randolph’s hand. The witness had seen Mr. Randolph in possession of a folding “Army” knife in the past. The witness told investigators there had been prior incidents in either April or May during which Mr. Randolph had been taken to a local hospital for mental health treatment without incident.

Witness 6 is a family member of Mr. Randolph and was present when the incident occurred. Upon arrival at the residence, the witness observed witness 5 already talking to the police officers. The witness also described a lengthy discussion between family and the officers about whether the officers could take any action. Witness 6 heard a “ruckus,” and “yelling and screaming” coming from inside the residence. The witness saw shades fall and saw Mr. Randolph “kick[ed] the screen” from a doorway and then came outside. The witness yelled at Mr. Randolph, “No! Stop! Just Stop!” The witness said Mr. Randolph “just kept walking” across the front yard, “he wasn’t hearing me,” and added, “[h]e just wasn’t there.” Mr. Randolph was holding something in his right hand which he held down to his side as he walked east across the yard in the area where an officer was standing. Witness 6 saw the officer pull a “weapon” and saw “wires,” then heard the officer shoot. The witness saw Mr. Randolph fall to the ground.

Witness 7 is a family member of Mr. Randolph and was present when the incident occurred. The witness said Mr. Randolph was having an “episode” so another family member called COMCARE, having been told in the past that family could call “if we needed someone to come get him.” The family member who called COMCARE was told to call 911. Officers arrived in response to the 911 call and family members talked to the officers about getting Mr. Randolph to a hospital by way of an ambulance/EMS. Witness 7 described a protracted discussion between Mr. Randolph’s family and the officers.

While this discussion was taking place outside the residence, Witness 7 heard Mr. Randolph yelling from inside. A few minutes later, Mr. Randolph “kicked” the screen out of a door on the front (north side) of the residence and walked into the yard. The witness saw Mr. Randolph was holding a knife “in his right hand.” The witness said Mr. Randolph kept the knife “down” at his side. The witness said the police officer was “trying to walk backwards now.” Mr. Randolph kept walking and got within “about two feet” of the officer who then pulled a TASER. The witness was not sure whether the TASER probes struck Mr. Randolph: “it shot out but I’m not sure if it hit him.” The officer dropped the TASER and pulled a handgun and began firing at Mr. Randolph, who fell forward to the ground.

LAW ENFORCEMENT STATEMENTS

The two officers involved in the death of Icarus Randolph both gave recorded, voluntary statements after the incident.

Officer 1: The Wichita Police officer involved in the shooting is a nine year veteran of the department. The officer was assigned to second shift and was driving a fully marked Wichita Police vehicle and was dressed in an authorized Wichita Police uniform. The officer has received Critical Incident Training (CIT).

The officer told investigators he responded to a 911 call of a welfare check of an individual acting strange with possible mental health issues who was also described by family members as a veteran with PTSD. The officer arrived with Wichita Police officer 2 and contacted two family members outside the residence. These family members reported a male family member named Icarus was inside the residence acting “strange.” Icarus was later identified as Icarus Randolph.

The family said Mr. Randolph was a veteran who suffered from PTSD and needed to go to Good Shepherd. The family said he would not respond to family members who had tried to speak to him earlier. One family member told the officer that Mr. Randolph had made a comment earlier “that he was going to, I think, release the beast or let out the beast or something like that.”

One family member said Mr. Randolph had been holding something in his hands, “And we asked, ‘Well, what did he have in his hand,’ but they said they didn’t know.” The officer and the family had a lengthy discussion regarding whether Mr. Randolph had made any statements which would indicate he was a threat to himself or others. The family members said he was not suicidal and had not made any statements to harm anyone else.

“Well, like I said, we didn’t have really, at that point, just talking with them, any-enough to take him or detain him and take him to (St. Joe). Um, he hadn’t made any suicidal statements, um to their knowledge. He hadn’t made any types of threats or done anything criminal at that time.”

When the officer asked if the family wanted the officers to go inside and contact Mr. Randolph to assess his demeanor, the officer said the family declined out of concern that Mr. Randolph would react adversely to the officers.

Officer 1 said while this discussion was taking place outside, he heard banging noises from inside the residence on a door located on the northwest end of the residence. The officer then observed an African American male exit this same door after tearing a screen from the door. The male started walking directly towards the officer in what the officer described as a “speed walk,” while the man “scowled” and gritted his teeth. Mr. Randolph walked “in a beeline” toward the officer with his hands at his sides. The officer began to walk backwards (east) across the front yard as the male continued walking directly towards the officer.

The officer deployed his TASER into the upper torso of Mr. Randolph. The TASER struck Mr. Randolph and, according to the officer, seemed to “momentarily” stop the advance “for about a half second.” Mr. Randolph then continued to advance toward the officer. At this point the officer

observed the male was holding a knife in his right hand with the blade extended open. The officer said he believed he was about to be stabbed and dropped his TASER and pulled his handgun. The officer said Mr. Randolph was “closing the distance at—at such a fast speed,” and got to within “five or six” feet of the officer with the knife in his hand. The officer continued moving backwards and fired at the suspect who fell to the ground. The officer said, “I felt threatened as soon as I saw the knife, and—and he already looked like he was going to do me some harm.” The officer shot Mr. Randolph to defend himself. The officer said as he was moving backwards, he bumped into the side of a parked car in the driveway directly to the east of 7815 E. Clay.

Officer 2: The second Wichita Police officer involved in the incident is a 15 year veteran of the department. The officer was assigned to first shift and was driving a fully marked Wichita Police vehicle and was dressed in an authorized Wichita Police uniform.

The officer told investigators he responded to a 911 call of an individual with possible mental issues. Upon arrival with Wichita Police Officer 1, they contacted family members outside of the residence. These family members said that a male family member, whom they described as a veteran of the Marine Corps who served in Iraq and suffered from what they described as PTSD, was inside the residence. The family members reported he wasn’t acting right but that he hadn’t made any suicidal statements or threats to the family members. They requested the officers arrange to have him transported to Good Shepherd.

The officer said while the discussion with family members was taking place outside, he heard “banging” noises from “inside the house.” The officer then observed an African American male, later identified as Icarus Randolph, exit the residence after breaking out a screen and door frame from the northwest door of the residence.

The officer said Mr. Randolph began walking in a deliberate manner with his hands at his side east towards officer 1 who was in the front yard: “he seemed to just zero in on [Officer 1], and just head straight for him.” Officer 2 was near a tree in the front yard to Mr. Randolph’s left side.

Officer 2 observed Officer 1 deploy his TASER at Mr. Randolph. Officer 2 said the TASER struck but did not have any effect on Mr. Randolph who continued to walk towards Officer 1. Officer 2 then drew his own TASER, “’cause his TASER didn’t work.” At this point, Officer 2 saw Mr. Randolph’s hand move “forward” and for the first time, saw a knife. Mr. Randolph was within 10 to 15 feet of Officer 1 when he (Officer 2) first saw the knife. Officer 2 yelled “knife”:

“[and] shoved my taser back in my holster, grabbed my gun, and as I’m coming out, I hear three—I think three or four shots.”

“Yeah, he wasn’t—he wasn’t running, but he was faster than walking. It was—it was a very-like deliberate, um, um, like a little bit faster than a walk . . . Just kept advancing, um even when like I said, even when [Officer 1] shot him with a tazer, he just—it was like he-it didn’t affect him. He just kept advancing and, like I said at that point I-I had my tazer out, too and that’s—that’s the—that’s the second that his-his-the first time his right hand came forward, and I saw the knife. Um, yeah, he never stopped advancing.”

Officer 1 then fired his handgun at Mr. Randolph who fell to the ground.

SCENE

Wichita Police Department Crime Scene Investigators processed the scene of the shooting. The scene was photographed and diagrammed. Scene Investigators located, photographed and collected items of physical evidence including four 9mm caliber cartridge casings in and along the driveway of 7822 E. Clay which is directly to the east of the front yard of 7815 E. Clay.

The second officer involved in the incident, who did not fire his weapon, collected the knife off the ground where Randolph had fallen. The knife was then collected as evidence by a CSI investigator. The knife is a camouflaged folding Remington brand knife approximately 9" long with a 4 ½" inch blade.



Torn screen and frame from front door of 7815 E. Clay



View from front door to the East where incident occurred



Officer's TASER.

Area in front yard where shooting occurred and knife recovered





FORENSIC EVIDENCE AND AUTOPSY RESULTS

The firearms evidence collected from the scene of the shooting was examined at the Sedgwick County Regional Forensic Science Center. The examination confirmed that the Wichita Police Officer (Officer 1) fired four shots.

The TASER used by Officer 1 was submitted for an independent analysis by Leonesio Consulting. The Taser was found in all respects to be operating “within manufacturer specs.”

An autopsy was performed on the body of Icarus Randolph on July 5, 2014, at the Sedgwick County Regional Forensic Science Center. The autopsy determined that Randolph was shot four times during the incident. Randolph’s wounds consisted of 4 gunshot wounds to the chest area.

Toxicology testing was performed on Icarus Randolph. The results of the testing showed Randolph’s blood alcohol level was negative. Randolph tested positive for the presence of Tetrahydrocannabinol, which is the active ingredient in Marijuana.

The autopsy determined the cause of Randolph’s death was multiple gunshot wounds and the manner of his death was Homicide.

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 McCullough 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.

RANDOLPH FAMILY ADDITIONAL INPUT

The family of Icarus Randolph was contacted through counsel and given the opportunity to share any additional information, insight or concern regarding this investigation. The information provided was carefully considered by the Office of the District Attorney.

CONCLUSION

On July 4, 2014, the officer (Officer 1) exercised deadly force resulting in the death of Icarus Randolph. The evidence uncovered during the course of the investigation found no credible evidence that the officer's use of force in self-defense was unreasonable under the circumstances encountered by the officer.

The investigation established that Icarus Randolph kicked through a screen door and advanced in the direction of the officer while holding a knife. The actions of Mr. Randolph constituted an application of force likely to cause great bodily harm or death to the officer. The Wichita Police Officer reasonably believed Mr. Randolph to be an imminent lethal threat to the officer.

The officer acted in an objectively reasonable manner in defending himself against the advance of an individual clearly armed with a weapon after efforts to use non-lethal force with a Taser had no effect. 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