

DISTRICT ATTORNEY MARC BENNETT 18TH JUDICIAL DISTRICT OF KANSAS



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DEADLY FORCE REVIEW COMPLETED

WICHITA, KAN. – The investigation and review of the law enforcement use of deadly force resulting in the death of Karen L. Jackson occurring on July 10, 2012, at 708 North Spruce in Wichita, Sedgwick County, Kansas has been completed.

As required by protocol, the Office of the District Attorney has reviewed the results of the investigation conducted by the Kansas Bureau of Investigation, Wichita Police Department and Investigators from the District Attorney's Office, and has compiled the following facts.

SUMMARY OF EVENTS

On Tuesday, July 10, 2012, at approximately 10:17 p.m., Wichita Police Officers responded to a possible domestic disturbance. Officers were sent to contact the calling party at Murdock and Ash streets. The caller, Derrick Jackson, told the 911 dispatcher that his wife, Karen Jackson, also known as Karen Day, who had previously obtained a Protection from Abuse Order (PFA) against him, was at his residence.

Two Wichita Police Officers were dispatched and met Derrick Jackson. After speaking with Derrick Jackson and confirming the court ordered PFA, the two officers went to the residence at 708 N. Spruce to contact Karen Jackson. Upon approaching the house, both officers observed Jackson come out the front door of the home. She was carrying a can of beer, long propane lighter, and a bottle of liquor. One of the officers saw that Jackson was holding a large butcher knife under her arm and began yelling at her to drop the knife. Jackson dropped the beer can and bottle, produced the knife and quickly moved off the porch towards the two officers. Both officers retreated and commanded her to stop, which she did. Jackson began stabbing herself with the butcher knife while yelling at the officers to shoot her. She then held the knife out in front of her, and started moving towards the two officers. Both officers fired shots at Jackson, striking her multiple times. Karen Jackson was transported to Wesley Hospital by Sedgwick County EMS where she was later pronounced deceased.

INVESTIGATION

The two Wichita Police Officers involved in the shooting death of Karen Jackson were removed from the scene and taken to police headquarters. Both officers' firearms were collected as evidence. Crime Scene Investigators from the Wichita Police Department processed the scene. The body of Karen Jackson was transported from the hospital to the Sedgwick County Regional Forensic Science Center for autopsy. All recovered firearms, bullets and shell casings were submitted to the Forensic Science Center for examination.

The officers directly involved in the incident gave voluntary, recorded statements to investigators, as did Derrick Jackson.

FACTUAL SUMMARY

The following facts are compiled from the statements of individuals involved in the incident, physical evidence recovered, and the results of forensic testing. The details of the use of deadly force by the officers are compiled from statements given by the officers, physical evidence at the scene, and the results of the autopsy of Karen Jackson. The statements taken from the involved officers are consistent with the physical evidence developed during the investigation. When all of the statements are taken in concert with the totality of the evidence gathered during the investigation, a clear set of facts emerge that are consistent with the officers' description of events.

CIVILIAN WITNESSES

Derrick Jackson was interviewed at City Hall. He provided a voluntary statement that was recorded. Jackson told investigators that he and Karen were married and she had obtained a Protection from Abuse order against him which was still active. Mr. Jackson said he had been served with a copy of the order by police, he was living at the Spruce residence, and Karen was living elsewhere. Mr. Jackson said his wife came to his residence and wanted to stay for awhile. Derrick said he told her the PFA was still in effect. He reported that Karen told him that a judge told her she could write "Invalid" on the order and it would be void. Mr. Jackson told investigators he did not think that was legal and that he and Karen discussed it for awhile. Mr. Jackson told investigators he wanted to ask a police officer if the information Karen had told him was correct so he called 911 and requested to have an officer call him.

A Wichita Police Sergeant returned Jackson's call and, after speaking with Mr. Jackson, informed him the order could only be lifted by the court. Mr. Jackson then told Karen again about the order being valid. Mr. Jackson said Karen was still at the home so he walked down the street and called 911 again and was told to wait where he was until officers arrived to meet him.

Mr. Jackson told investigators the two officers arrived and he spoke with a female officer about the situation. He said the officers decided to go contact Karen who was still at the house. He said he told the female officer that his wife has some mental issues but was not specific about them. He said the officers left and shortly thereafter he heard gunshots from the area of his home. Jackson told investigators he had recorded some of the conversation between him and Karen on a small digital recorder that was at the house.

Investigators and officers interviewed several individuals in the neighborhood. No eyewitnesses to the shooting were located. One of the area residents reported hearing a male and female arguing at the residence from around 6:30 p.m. to 9:30 p.m. Another neighbor reported hearing an argument at 708 N. Spruce and later saw police walking up the street towards that location. The neighbor said she did not see what happened but heard a female yelling something and then heard what sounded like three gunshots.

LAW ENFORCEMENT WITNESSES

The first officer to arrive and contact Derrick Jackson is a three and one half year veteran of the Wichita Police Department. He will be referred to as Officer 1 for the purposes of this report. Officer 1 was interviewed at police headquarters after the incident and gave a voluntary, recorded statement.

The second officer to respond to the call is a five year veteran of the Wichita Police Department. Prior to full time employment with WPD, she spent 1 year as a reserve police officer and is also a U.S. Marine. She will be referred to as Officer 2 for the purposes of this report. Officer 2 gave a voluntary statement that was recorded.

Officer 1 told investigators he arrived and contacted Derrick Jackson at the corner of Murdock and Ash. He said he spoke briefly with Derrick Jackson and was told by Jackson that his wife, Karen, was at the house and had served him with a PFA in May. Jackson began speaking with Officer 2 while Officer 1 contacted Sheriff Records to confirm the validity of the PFA. The PFA was confirmed valid. Officer 1 said he and Officer 2 drove to 708 N. Spruce to talk with Karen Jackson.

Officer 1 said that while walking towards the house, Officer 2 told him Karen Jackson may have some mental issues. Officer 1 said the front door was open and he could see the silhouette of a female in the doorway. He said as he was walking up the drive, he could see the female, identified as Karen Jackson, was holding a can of beer in one hand, a red handled long lighter in the other hand, and had a large butcher knife pressed against her body using her forearm. Officer 1 said he immediately began yelling at Jackson to drop the knife and drew his firearm. He said Jackson threw the can to the ground as she came out the door, grabbed the knife with her right hand, and started yelling at him to shoot her. Officer 1 said Jackson yelled "shoot me" several times and began swinging the knife around. Officer 1 said he realized at that time that the female was possibly stabbing herself with the knife as she was walking towards the officers.

Officer 1 said he was in the driveway when he saw Karen produce the knife, and began backing as she came down the porch towards him. Officer 1 estimated that Karen Jackson moved 15 to 20 feet towards the officers as they were commanding her to stop. He stated Jackson was not running at them, but moving at a steady pace and she ignored multiple commands to stop and drop the knife. Officer 1 said Jackson held the knife out in front of her and continued to approach. He said he moved back a couple of steps and gave more commands. He said he feared Jackson was going to stab him or Officer 2, so he fired two shots at Jackson and heard Officer 2 fire as well. Officer 1 estimated Jackson was within 15 feet of him when he fired at her.

Officer 2 told investigators that she responded to the call and, upon arrival, spoke briefly with Derrick Jackson. Officer 2 said Jackson told her his wife came to the residence saying the PFA she had on him was invalid, but he did not believe that it was. She said she and Jackson discussed the details of the PFA and Jackson told her that his wife, Karen, lived elsewhere and he lived in the house on Spruce. Officer 2 said Derrick told her his wife had mental problems but did not go into detail. Officer 2 said Officer 1 confirmed the PFA was valid and that the court granted Derrick Jackson permission to live at the 708 N. Spruce residence.

Officer 2 said as she and Officer 1 approached the house, she told Officer 1 that Derrick said Karen had some mental issues. Officer 2 said as they approached, she saw a white female, identified as Karen Jackson, come out with a red handled long lighter in her right hand, and some kind of bottle in her left hand. Officer 2 said she did not see a knife initially, but heard Officer 1 yell to the female to put the knife down. Officer 2 said the female threw the bottle down and started yelling something, at which point Officer 2 said she saw the female with a knife in her hand and saw the female begin to stab herself. Officer 2 said the female stabbed herself in what appeared to be the abdominal area as well as the upper chest. Officer 2 stated it took her a moment to realize exactly what was taking place and she was trying to decide whether to attempt to use her TASER on the female to stop her from harming herself. She said she decided against that as she felt she would need to be closer to the female and told investigators that moving closer would put her in more danger. She also told investigators that the female was yelling for the officers to shoot her. Officer 2 said she had stepped back as the female moved quickly towards the officers. She said both officers had backed up from the female and the female briefly stopped after several commands to do so. Officer 2 said that after a brief pause, the female took another step towards her and Officer 1. Officer 2 said she thought the female was starting to rush at them, so she fired two shots at the female. Officer 2 said Officer 1 fired immediately after she fired the first shot. Officer 2 estimated she was approximately 10 feet from Jackson when she fired.

CRIME SCENE INVESTIGATION

Wichita Police Department Crime Scene Investigators processed the scene of the shooting. The scene was photographed and diagrammed. Scene Investigators located, photographed and collected multiple items of physical evidence.

Crime Scene Investigators recovered four spent 9mm shell casings. Two casings were located in the street, just outside of the mouth of the driveway, and two more were located in the easement south of the driveway, between the sidewalk and the street. CSI also recovered a black handled butcher knife with an 8½ inch blade in the driveway next to the location where Karen Jackson had fallen. The long, red handled lighter was also recovered in the same area. A partially full bottle of whiskey was found on the ground next to the front porch and a 16 ounce partially full can of beer was recovered in the driveway, just off of the front porch. Investigators also recovered a small digital recorder that was found on Karen Jackson during her medical treatment at the scene. The recorder had been disabled and no batteries were in the device when it was recovered. Investigators listened to the recording based on information given by Derrick Jackson but the conversation was mostly garbled. Investigators photographed and sampled blood drops on the front porch, the location Jackson first began stabbing herself, and also blood in the driveway where she fell after being shot.



Photograph taken from front of residence. Orange cones denote location of shell casings

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 Officer 1 fired two shots from his 9mm semi-automatic pistol as he stood in the area just

south of the driveway. Testing confirmed Officer 2 fired two shots from her 9mm semi-automatic pistol from the area in the street at the mouth of the driveway.

An autopsy was performed on the body of Karen Jackson on July 11, 2012, at the Sedgwick County Regional Forensic Science Center. The autopsy determined that Jackson was shot four times. Jackson had a gunshot wound to her right forearm with exit. She also had a gunshot wound to her right wrist with exit. The third gunshot wound was to her right thigh with exit. The fourth gunshot wound was to her neck with a partial bullet recovery from the area of her right clavicle. The trajectories of all four gunshot wounds were consistent with the described positions of the two officers.

Karen Jackson also had several sharp force injuries which were consistent with self-inflicted stab wounds. She had stab wounds to her neck, chest, and right thigh. The stabs wounds caused injury to soft tissue only.

Toxicology testing was performed on Karen Jackson and results showed a blood alcohol level of .28%, but 0.31% in her urine. She also tested positive for by-products of a prescription anti-depressant.

The autopsy determined the cause of Jackson's death was multiple gunshot wounds, and the manner of her death was Homicide.

THE LAW

In Kansas, all persons including law enforcement officers are entitled to defend themselves and others against the use of unlawful force. The law provides that a person is justified in the use of force against an aggressor when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force. A law enforcement officer is justified in using force likely to cause death or great bodily harm only and to the extent that it appears to him and he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another person.

CONCLUSION

The use of deadly force by Officers 1 and 2 was lawful and justified. The investigation established that Karen Jackson came toward both officers, wielding a knife and inflicting bodily harm to her own person, and then turning the same knife upon the officers. The officers issued multiple commands to Jackson to stop and to drop the knife but she did not comply. Jackson continued to come toward them despite their verbal commands. Officers 1 and 2 both believed Jackson posed an imminent threat to the life and safety of themselves and each other. The officers both fired to stop the threat posed by her advance toward them with a deadly weapon.

Jackson's state of mind and her intention to continue her pursuit toward the officers in a deadly fashion were clearly indicated when she yelled at the officers to shoot her.

Therefore, it was reasonable, under these circumstances, for both Officers 1 and 2 to respond to Karen Jackson's imminent use of unlawful deadly force by firing their service weapons at her in order to protect their own lives and the life of their fellow officer.

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