

Pierce County

Office of the Prosecuting Attorney

930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Administration: 798-7792
FAX: (253) 798-2968

MARK LINDQUIST
Prosecuting Attorney
Main Office: (253) 798-7400
(WA Only) 1-800-992-2456

FOR IMMEDIATE RELEASE

February 28, 2011

OFFICERS' USE OF DEADLY FORCE FOUND LAWFUL

Summary of Investigation

Independent and concurrent investigations by the Pierce County Medical Examiner's Office, the Pierce County Prosecutor's Office, and the Tacoma Police Department regarding the shooting death of Richard Sims have been completed. Mr. Sims died from gunshot wounds to the torso area inflicted by Tacoma Police Department Officers. The incident occurred at approximately the 6100 block of 6th Avenue in the city of Tacoma, WA on September 3, 2010 at approximately 3:05 PM.

Pierce County Prosecutor Mark Lindquist concluded the death was justifiable homicide per state law, RCW 9A.16.030 and RCW 9A.16.040. The Tacoma Police officers involved had reasonable cause to believe that Mr. Sims posed an immediate threat of death or serious physical harm to Officer Arthur Richwald when Mr. Sims brandished a knife in an apparent attempt to stab Officer Richwald.

Prosecutor Lindquist found that the Tacoma Police officers involved acted in conformance with state law, and in good faith, when they used deadly force. "The death of Mr. Sims is sad and unfortunate," Prosecutor Lindquist said, "but the officers acted lawfully. Initially, the officers attempted to contain Mr. Sims, who was waving a knife and posing a threat to citizens. Officer Richwald attempted to control Sims with less than lethal force, a kick, but Mr. Sims reacted by attempting to stab Officer Richwald, and it then became necessary for the officers to use deadly force to protect the life of Officer Richwald."

Summary of Incident

At approximately 1505 hours on September 3, 2010, Tacoma Police Officers Arthur Richwald and Dustin Myhre responded to the report of a subject waving a knife in a parking lot near the bus stop located at the 6100 block of 6th Ave. The subject was described as a B/M 50-60 years old, 5'10" medium build, gray facial hair, dirty, wearing a maroon jacket, blue sweatshirt, and gray pants. Witnesses reported that Sims "was talking to himself or to someone that wasn't there...he was making odd gestures." Sims looked at one witness and opened his coat and pulled out something that looked like a knife and started waving it around. The manager of a business near Sims location was trying to get people back inside the business because he didn't trust Sims and was concerned for everyone that was there. At some point, Sims moved

out of the parking lot area from where he had been stabbing at vehicles with a knife and walked towards the sidewalk area adjacent to 6th Ave.

Officers Richwald and Myhre were partnered in the same vehicle and arrived in the area in approximately 3 minutes after hearing the call about the incident over their police radio. They observed the B/M subject, later identified as RICHARD Sims, standing alone in the area of the bus stop on the south side of 6th Ave. There were several other people in close proximity to the area of where Sims was standing at the time of the officers' arrival and they seemed unaware of Sims' erratic behavior.

Richwald and Myhre pulled into the parking lot near the location and approached Sims on foot with their duty weapons drawn and pointed towards Sims due to the nature of the call. They ordered the other people to move further away from the area while Richwald and Myhre moved towards Sims. Both officers order Sims to show his hands and to get down on the ground several times in loud and clear commands. Sims did not comply with their commands and stood semi-facing the officers with his hands to his sides. As the officers approached Sims they were unable to clearly see if Sims had anything in his hands. Sims was standing on the sidewalk area on the south side of 6th Ave. He was facing in a NE direction towards the heavy traffic passing by on 6th Ave. There was a short wooden fence behind Sims and several people standing further down the sidewalk nearby at the bus stop west of where Sims was located. Officer Richwald elected to move towards Sims on the sidewalk in an attempt to box Sims in to keep him from moving towards the other people or out into the heavy vehicle traffic passing by the area. Officer Myhre remained on the east side of Sims location. Officer Richwald holstered his duty handgun and decided to use non-lethal force in an effort to get control of Sims. He was concerned that he and Officer Myhre could still not clearly see Sims hands and he also had concerns for the safety of bystanders in the area. Officer Richwald attempted to kick Sims in his midsection with the intended goal to knock Sims off balance and to possibly knock him to the ground and to deescalate this situation quickly.

As Officer Richwald kicked at Sims, Sims turned his body slightly and deflected the kick. Sims then made a rapid movement with his right hand and raised a small silver bladed knife up over his shoulder in a threatening manner. This happened very quickly and Officer Richwald had stumbled and twisted his right ankle in his attempt to recover from the failed kick to Sims. Officer Richwald was still within 1 to 2 feet from Sims at this time. Upon seeing the knife coming up in a threatening manner, Officer Richwald was concerned for his immediate safety so he pulled out his duty weapon and pointed it at Sims and fired 4 rapid shots at Sims as he continued to stumble backwards in his attempt to increase the distance between Sims and himself. Officer Richwald eventually fell to the ground but recovered quickly and got back to his feet.

Witnesses reported seeing Officer Richwald approach Sims and attempt to kick Sims or push him against the fence near Sims location. As soon as Officer Richwald kicked at Sims, the witnesses saw Sims quickly raise his right hand above his head. Sims had a knife in this hand and it appeared that he was attempting to stab at Officer Richwald. The witnesses then report seeing and hearing Officer Richwald and Officer Myhre fire their handguns at Sims after Sims had raised the knife in a threatening manner.

Officer Myre was approximately 5 feet away from Sims and still had his duty handgun held at low ready towards Sims when Officer Richwald attempted the kick to Sims. He saw the move that Sims made with his right hand and saw the knife in SIM's hand as he raised it in a threatening manner. Officer Myre was

immediately concerned for Officer Richwald's safety and fired his duty weapon one time at Sims at approximately the same time that Officer Richwald had fired his weapon.

Sims was struck three times by the officers' shots and immediately fell to the ground. Both officers continued to aim their handguns at Sims on the ground and gave him additional commands to show his hands and to drop the knife. They waited until other officers arrived before they approached Sims. Once the other officers arrived, they approached Sims and placed him in handcuffs. When they moved Sims they found a 4" bladed knife lying underneath him (it was later learned that Sims had purchased the knife at a store directly across the street shortly before he was seen waving the knife around).

Immediately after the shooting, medical aid was summons for Sims and he was transported to Tacoma General Hospital where he was pronounced dead.

For additional information, contact Rebecca Stover at (253) 798-4910 or rstover@co.pierce.wa.us

####