



City of Phoenix

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A.R.S. 39-121, Et. Seq.

To: Michael G. Sullivan
Interim Police Chief

Date: September 14, 2023

From: Aimee L. Smith, Commander
Professional Standards Bureau

ABC RJ

Subject: SHOOTING INVESTIGATION – SH22-0026

Internal Investigators: Lieutenant Jeffrey R. Dick (Investigative Review)
Sergeant Andrew Austin (Primary Investigator)
Sergeant Jeffrey M. Riddle (Secondary Investigator)

Location: 2900 West Thomas Road
Phoenix, AZ

Date: December 3, 2022

Time: 9:42 a.m.

Employees Involved: Officer Tyler Richards #10242
Maryvale Precinct / 82B Squad

Officer Stephen Daughtry #10450 – Less Lethal Operator
Maryvale Precinct / 82B Squad

Employee Injuries: None

Citizen Involved: John Edward Torp
White Male / 53 Years of Age

Citizen Injuries: Non-Fatal Gunshot Wounds

SUMMARY OF INVESTIGATION

On December 3, 2022, at approximately 9:37 a.m., Officers Tyler Richards #10242 and Stephen Daughtry #10450 responded to the area of the QuikTrip convenience store located at 2836 North 27th Avenue reference an emergency call for service (CFS) of a subject who had pulled a knife on the complainant and was following him and throwing rocks at him.

Officers Richards and Daughtry arrived on scene and located the subject matching the description of the subject on the CFS, later identified as Mr. John Torp. Officers Richards and Daughtry exited their patrol vehicle and confronted Mr. Torp, who was still throwing rocks and still armed with a knife in his hand. Officers Richards and Daughtry gave Mr. Torp verbal commands to show his hands and to drop the knife; Mr. Thorp did not comply. Officer Daughtry deployed his less-lethal 40MM launcher at Mr. Torp one (1) time in an attempt to gain compliance. Mr. Torp refused to drop the knife and ran westbound, away from the officers. Officers Richards and Daughtry chased after Mr. Torp on foot; during the foot chase, Officer Daughtry deployed two (2) additional rounds at Mr. Thorp from his less-lethal 40MM launcher.

While Mr. Torp ran southbound on North 29th Avenue, still armed with a knife, he ran toward an oncoming vehicle. Officer Richards feared Mr. Torp was going to attempt to carjack the occupants of the vehicle, so he fired his duty weapon at Mr. Torp, striking him two (2) times. Mr. Torp immediately fell to the ground. Officers Richards and Daughtry gave Mr. Torp commands to drop the knife and he did. Officers Richards and Daughtry took Mr. Torp into custody and rendered first aid attention until the fire department arrived.

Mr. Torp sustained two (2) non-life-threatening gunshot wounds and was transported to the hospital for treatment. Once Mr. Torp was released from the hospital, he was booked into jail for Aggravated Assault and Disorderly Conduct.

DETAILS OF INVESTIGATION

On December 3, 2022, Professional Standards Bureau (PSB) investigators and criminal investigators responded to the scene of a police officer involved firearm discharge which occurred at 2900 West Thomas Road, Phoenix, AZ. Independent criminal and administrative investigations were conducted. PSB investigators attended the initial incident briefing, participated in the walk-through of the scene, observed round-counts performed on the involved employees' firearms, conducted an interview with the involved employees, reviewed the criminal report, viewed body worn camera (BWC) video and determined the following:

On December 3, 2022, at approximately 9:37 a.m., Phoenix Police officers responded to an emergency CFS of a fight at the QuikTrip located at 2836 North 27th Avenue. The complainant stated a subject later identified as Mr. Torp just threatened him with a knife and was throwing

rocks at him. The complainant told the 9-1-1 dispatcher he moved, and Mr. Torp continued to follow the him and throw rocks at him while still armed with a knife.¹

At approximately 9:42 a.m., Officers Richards and Daughtry, who were riding a two (2) person marked patrol unit, arrived in the area of 2900 West Thomas Road.² Officers Richards and Daughtry observed Mr. Torp walking westbound in the parking lot of a business, Nature's Wonder Dispensary, located at 2825 West Thomas Road, and recognized he matched the description of the subject on the CFS. Officer Richards stopped their patrol vehicle in the eastbound lanes of West Thomas Road to the east of the dispensary and the officers exited their vehicle. Officers Richards and Daughtry gave Mr. Torp commands and advised Mr. Torp he was under arrest.³ Officer Daughtry saw Mr. Torp holding a knife in his left hand and deployed one (1) 40mm less-lethal round at him from approximately fifteen yards (15) when he failed to comply, striking Mr. Torp in the lower abdomen.⁴

After Officer Daughtry deployed the less-lethal round, Mr. Torp ran westbound through the parking lot toward North 29th Avenue and Officers Richards and Daughtry chased after him on foot. As Mr. Torp was running westbound through the parking lot, Officer Daughtry stopped running and deployed a second 40MM less-lethal round at Mr. Torp from a distance of approximately twenty (20) yards, just before Mr. Torp turned left and ran southbound on North 29th Avenue.⁵ Officer Daughtry did not believe this round struck Mr. Torp.⁶

Officer Richards continued to chase after Mr. Torp and gave him commands to drop the knife and told him he would get shot.⁷ While Officer Richards ran after Mr. Torp, southbound on North 29th Avenue, he yelled to Officer Daughtry, "Daughtry, I need you up here."⁸

As Mr. Torp ran southbound on North 29th Avenue, a vehicle was driving northbound. The vehicle began to slow and Mr. Torp, still armed with a knife, ran toward the vehicle. Officer Daughtry stopped running again and deployed a third 40MM less-lethal round at Mr. Torp from approximately thirty-five (35) yards.⁹ Officer Daughtry did not believe this round struck Mr. Torp due to the distance and his movement.¹⁰ Officer Richards continued to run after Mr. Torp while commanding him to drop his knife. Mr. Torp failed to comply with Officer Richards' commands and ran toward the citizen's vehicle. Officer Richards feared for the safety of the occupants of the vehicle, so he discharged his duty weapon twice (2) at Mr. Torp from approximately twenty (20) to thirty (30) yards using the west block wall of the Nature's Wonder Dispensary as his backdrop, stopping his advance on the citizen's vehicle.¹¹ Mr. Torp was struck twice in the lower extremities by Officer Richards' rounds. Officers Richards and

Daughtry continued to tell Mr. Torp to drop the knife, and he finally complied. Officers Richards and Daughtry approached Mr. Torp, handcuffed him, and took him into custody. Officer Richards and Daughtry, as well as other officers who were now on scene, rendered first aid to Mr. Torp until Phoenix Fire Department personnel arrived on scene and transported him to St. Joseph's Hospital for further treatment. Once Mr. Torp was released from the hospital, he was booked into the Maricopa County Jail for Aggravated Assault and Disorderly Conduct.

PSB Interview with Officer Richards:

On December 3, 2022, PSB investigators interviewed Officer Richards reference his involvement in this incident, at which time he stated the following:

On December 3, 2022, Officer Richards and his partner, Officer Daughtry, were in the area of North 35th Avenue and West Indian School Road when they heard an emergency CFS of a fight broadcast over the radio. Officer Richards listened to the CFS as details were broadcast. Officer Richards heard the suspect on the call was armed with a knife and attempted to stab someone with it. Officer Richards and Officer Daughtry drove toward the CFS because Officer Daughtry is a certified 40MM less-lethal operator and they believed responding officers would need assistance because of the nature of the call.¹²

Officer Richards stated, "the details on the call said that a subject had, uh, pulled a knife and threatened another person with it, uh, and that he was throwing rocks at the person, uh, the person was moving away from the uh, suspect, our victim is moving away from the suspect, and, uh, the suspect continued to follow and throw rocks at him."¹³ Officer Richards told PSB investigators he turned onto Thomas Road and heard the suspect was now at the dispensary, which is further west than the location of the original CFS. Officer Richards told PSB investigators as he drove westbound on Thomas Road, he used his emergency lights in an attempt to stop traffic travelling eastbound before he approached Mr. Torp and to get into a position before calling out to him. Officer Richards stated, "we saw a guy who matched the description walking west, uh, on the southside of the road in the parking lot, he was...basically northeast of the Nature's Medicine, Dispensary, or something like that."¹⁴ Officer Richards said he could see the suspect make a motion as if he was either going to throw a rock or possibly threw a rock; however, Officer Richards did not see a rock get thrown due to the fact he was occupied with traffic conditions and coordinating the arrest of the suspect with Officer Daughtry.

Once Mr. Torp was identified, Officer Richards said he pulled over into the eastbound lanes of West Thomas Road with his lights activated to stop traffic headed in his direction. Officer Richards told PSB investigators he made this decision “so we could maintain kind of, uh, uh, a south viewing field of fire towards the building, um, just because they have those nice big brick walls just in case we had to confront the guy or have a confrontation with the guy, um, that would be our backdrop.”¹⁵ Officer Richards stated when he pulled over, with his lights activated, there was a car travelling in his direction in the curb lane of eastbound traffic of West Thomas Road. Officer Richards told PSB investigators he sounded his horn quickly to get the driver’s attention and in doing so, accidentally activated the siren. Officer Richards believed the siren activation alerted the suspect to their presence. Once Officer Richards pulled the patrol vehicle over, he stated, “At that time I could see farther west on the south side of the street by the adult shop, um, there was a white cargo van, um, which I believe is our victim, uh, so that’s kind of what I thought he was doing, was continuing to progress on him and throw rocks towards our victim.”¹⁶

Officer Richards stated, “I got out and pointed my, uh, handgun at our suspect and we began giving him commands, uh, I can’t recall exactly what those are, but he disregarded them, uh, my partner, uh...can’t recall if he said he was under arrest or what he specifically said, but he deployed the 40MM less-lethal round, uh, which struck him. I can’t recall exactly where but he flinched like he’d been hit.”¹⁷ Officer Richards told PSB investigators when that happened Mr. Torp ran westbound. Officer Richards said he gave the suspect commands to remove his hands from his jacket as they were “tucked in” and not visible. Officer Richards stated, “He started running west through the parking lot again toward the direction of the adult shop, um, I didn’t know at the time whether he was continuing to be aggressive towards him or just trying to get away, so I continued running after him, um, anticipating possibly there was going to be some kind of exigency if he continued running west towards the occupied adult shop and the victim.”¹⁸

Officer Richards continued to chase the suspect on foot. As Officer Richards chased Mr. Torp, the suspect was yelling he was a police officer.¹⁹ As Mr. Torp continued to run down 29th Avenue on the east side of the street, Officer Richards stated, “He pulled out a black knife and was holding it in his hand, uh, as he was running that way, um, I saw that he was, he had the knife out, and I saw that he, uh, and he made the statements that about you know, uh, that he was a police officer and he obviously wasn’t. My thinking at that time was that he had already, uh, been a danger to the public because he had brandished a knife and threatened somebody

with it, um, he also had been throwing rocks, he continued to throw rocks and chase our victim around for apparently no reason while he, uh, the victim tried to get away from this person as he went to multiple locations trying to avoid this person and he continued after him. He was still brandishing the knife, he wasn't obeying commands and possibly in part, or wholly due to, uh, being under the influence of something or if, uh, maybe it was a mental health issue, but obviously he wasn't who he thought he was, or wasn't who he said he was at least." ²⁰

Officer Richards told PSB investigators, "Up until that point, um, we had already tried verbal commands, he disregarded those, um, we pointed a handgun at him and that didn't compel him to, uh, listen to commands, we tried the less-lethal option of using the 40MM launcher, um, that had no effect, that just caused him to run." ²¹ Officer Richards told PSB investigators he considered using a taser as he chased the suspect; however, the suspect was wearing a jacket. Officer Richards said the use of a taser, based on the jacket the suspect was wearing, would prevent neuromuscular incapacitation. Officer Richards stated, "I considered pushing him or tackling him, but at the same time he had the knife in his hand, so I didn't want to put myself or anybody else in jeopardy." ²² Officer Richards further stated, "The way I saw it was he had the ability, the opportunity, there was a vehicle that was coming north that was in jeopardy and we precluded our less-lethal options." ²³

Officer Richards stated Mr. Torp continued to run south and the suspect approached a vehicle which was driving north on 29th Avenue. Officer Richards stated, "He got to about ten (10) to fifteen (15) feet away from them, um, and he was on the passenger side of the vehicle. I feared that he was, um, obviously previously placing the, uh, public in danger, um, I also believe that due to his state of mind, his actions, his non-compliance, and his being armed with a weapon that he was a threat to the public. I believe he intended to either, uh, possibly carjack these people or if he might have stabbed him or, um, I believe he would have done, would have done, would have done something to that effect to the people inside the car, so I um, discharged my handgun at him to prevent that." ²⁴ Officer Richards told PSB investigators he discharged his handgun when he was approximately twenty (20) to thirty (30) yards away from Mr. Torp. ²⁵ Officer Richards told PSB investigators he discharged his handgun at Mr. Torp in a southeasterly direction to avoid his handgun round from traveling south down North 29th Avenue. ²⁶

PSB Interview with Officer Daughtry:

On December 3, 2022, PSB investigators interviewed Officer Daughtry reference his involvement in this incident, at which time he said the following:

On December 3, 2022, and his partner, Officer Richards, heard a CFS at the QuikTrip located at 27th Avenue and West Thomas Road. Officer Daughtry told PSB investigators that he and Officer Richards heard a physical description of the suspect broadcast over the police radio and that he was threatening the complainant with a knife and throwing rocks at him. Officers Daughtry and Richards decided to respond to the CFS, due to the fact Officer Daughtry was in possession of a 40MM less-lethal launcher. Due to the violent nature of the CFS, and what the suspect was armed with, Officer Daughtry said, “The 40MM less-lethal launcher would have been an excellent tool to attempt to de-escalate the situation and take the suspect into custody.”²⁷

Officer Daughtry told PSB investigators, that while en route to the CFS, “Officer Richards and I developed a plan in the car that we were going to attempt to separate the suspect from any potential, uh, bystanders or previous victims or anyone that could be a new victim of a crime and...establish a good backdrop to contain him to take him into custody.”²⁸ Officer Daughtry told PSB investigators, “we were going to use the less-lethal 40MM launcher if he was not compliant with commands, uhm...due to the violent nature of the crime we were going to...the plan was to immediately contact him, issue commands if he, uh, did not comply with command we were going to address him with the launcher.”²⁹ Officer Daughtry told PSB investigators Officer Richards was designated as the lethal coverage.

Officer Daughtry told PSB investigators that when he and Officer Richards pulled onto West Thomas Road, they could see Mr. Torp on the sidewalk, and as they approached in their vehicle, Officer Daughtry could see Mr. Torp bend over and pick something up from the ground. According to Officer Daughtry, it appeared that the suspect was trying to throw rocks at people standing over by the dispensary. “We could clearly see there was at least one car and a couple people in the dispensary parking lot. We know the dispensary is very busy and has lots of foot traffic, so we were concerned again about people being, uhm, hurt or killed due to the subject behavior.”³⁰

As Officer Richards stopped the vehicle on the sidewalk, Officer Daughtry said he and Officer Richards exited their vehicle. Officer Daughtry at this time believed he was approximately fifteen (15) yards from the suspect. Upon exiting their vehicle, Officer Daughtry stated, “Officer

Richards gave the commands to put his hands up, or on his head, if I recall, and I gave him commands to...I said Phoenix Police you're under arrest." ³¹ Officer Daughtry then told investigators the suspect stopped and faced him and Officer Richards. Officer Daughtry said he could see what appeared to be a black knife with a four (4) or five (5) inch blade. Mr. Torp held on to the knife with his left hand. Officer Daughtry said, "He did not put his hands on his head, he did not put his hands up, he still held the knife down to his side, um, with the blade pointing outwards. I deployed the first 40MM less-lethal standard velocity foam baton from the passenger door of my Tahoe, uhm, my intended point of impact was the lower abdomen, because he was facing us, uhm, I believe I struck the suspect." ³²

Officer Daughtry believed he struck Mr. Torp because he "bent over slightly" prior to running westbound through the parking lot. Officer Daughtry said Mr. Torp ran toward people in the parking lot. Officer Daughtry stated there were people in the parking lot in front of the dispensary, the adult shop nearby was occupied and there was traffic on West Thomas Road. Officer Richards then pursued Mr. Torp on foot as he ran west. Officer Daughtry stated, "I enter the parking lot and plant, I discharge a second 40MM standard velocity foam baton at the suspect who is now running westbound towards 29th Avenue. I believe the distance involved was about twenty (20) yards from me to the suspect. Uhm, I do not know if I hit, my intended point of aim was the buttocks." ³³

As Mr. Torp ran, he turned south on 29th Avenue. Officer Richards chased Mr. Torp and as he turned, Officer Daughtry lost sight of both Mr. Torp and Officer Richards. Officer Daughtry stated, "As soon as I rounded the corner, I saw the suspect still running southbound towards a white, uh, SUV that was going northbound on 29th Avenue towards the suspect. Officer Richards and myself, uhm, we were definitely concerned that the suspect could potentially try to carjack or hurt the people inside the car, umm, due to still being armed with a knife. He was holding on to the knife the entire time, it was clearly visible in his hand outstretched." ³⁴ From approximately thirty-five (35) yards, Officer Daughtry discharged a third 40MM less-lethal round. Officer Daughtry said he was aiming at Mr. Torp's buttocks but does not believe he was struck by the round given the distance.

After discharging the third less-lethal round, Officer Daughtry said he began to run in the direction of Mr. Torp and Officer Richards who were still running southbound on North 29th Avenue. As Officer Daughtry was trying to catch up he said, "Officer Richards uhm, I believe discharged his firearm, I heard two, uhm, shots that sounds like, uhm, gunshots, and then I saw the suspect go down onto the pavement. After I realized that, uh, I believe Officer Richards

had discharged his firearm to stop the threat of the suspect, I put out that we were involved in an officer shooting.”³⁵ Following the shooting, Officer Daughtry said Mr. Torp was down and separated from the knife, so he and Officer Richards took Mr. Torp into custody to prevent him from accessing the knife again and to avoid the use of additional force.

Weapons Inspections:

Homicide Detective Michael Maya #5906 conducted a weapons inspection of Officer Richards’ duty weapon. Officer Richards main duty weapon was a Glock 45, 9mm handgun (Serial [REDACTED]). At the time of the inspection, Officer Richards’ handgun had one live round in the chamber and fifteen (15) rounds in the magazine inserted in the handgun. Officer Richards had two (2) additional magazines in his possession. The two (2) additional magazines were loaded to capacity (seventeen (17) rounds each). Criminal investigators determined Officer Richards discharged two (2) rounds from his duty weapon at the time of the firearm discharge.³⁶ Criminal investigators recovered two (2) spent 9mm casings with a headstamp of WIN 9mm Luger from the scene.³⁷

Forensic Scientist III Holly Thomas #A5463 later conducted a function test on Officer Richards’ handgun and determined it to be operational.³⁸

Toxicology:

Forensic Scientist IV Gayle Swanson #A4166, of the Phoenix Police Department Laboratory Services Bureau, determined there was no detection of ethyl alcohol in Mr. Torp’s blood and the quantity obtained was insufficient for drug analysis.³⁹

Maricopa County Attorney’s Findings:

The Maricopa County Attorney’s Office (MCAO) reviewed this firearm discharge incident. In a letter dated July 26, 2023, addressed to Chief Michael Sullivan, MCAO stated that based on

the information presented to them, it was the opinion of the County Attorney that the involved officers did not commit any acts that warranted criminal prosecution.⁴⁰

CLOSING

This investigation is complete and was reviewed and approved by the involved employees. This investigation will be forwarded to the Critical Incident Review Board for review. The investigation will be retained in the Professional Standards Bureau in accordance with record retention policies and laws.

Endnotes:

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- ¹ Attachment: CFS 2022-1803214
 - ² Attachment: Unit History- 823E {Page 4}
 - ³ Video File: Officer Daughtry's BWC {03:43 – 03:45}
 - ⁴ Video File: Officer Daughtry's BWC {3:43 – 3:49}
 - ⁵ Video File: Officer Daughtry's BWC {3:53 – 4:00}
 - ⁶ Audio File: Officer Daughtry's PSB Interview {10:27 – 10:31}
 - ⁷ Video File: Officer Richards BWC {3:58 – 4:02}
 - ⁸ Video File: Officer Richards BWC {4:05 – 4:08}
 - ⁹ Video File: Officer Daughtry BWC {4:03 – 4:13}
 - ¹⁰ Audio File: Officer Daughtry's PSB Interview {11:11 – 11:35}
 - ¹¹ Video File: Officer Richards BWC {4:15 – 4:25}
 - ¹² Audio File: Officer Richards PSB Interview {4:06 – 4:19}
 - ¹³ Audio File: Officer Richards PSB Interview {4:57 – 5:12}
 - ¹⁴ Audio File: Officer Richards PSB Interview {5:47 – 6:01}
 - ¹⁵ Audio File: Officer Richards PSB Interview {6:33 – 6:49}
 - ¹⁶ Audio File: Officer Richards PSB Interview {7:19 – 7:33}
 - ¹⁷ Audio File: Officer Richards PSB Interview {7:39 – 8:06}
 - ¹⁸ Audio File: Officer Richards PSB Interview {8:22 – 8:42}
 - ¹⁹ Audio File: Officer Richards PSB Interview {8:43 – 8:58}
 - ²⁰ Audio File: Officer Richards PSB Interview {9:01 – 10:01}
 - ²¹ Audio File: Officer Richards PSB Interview {10:07 – 10:28}
 - ²² Audio File: Officer Richards PSB Interview {10:39 – 10:46}
 - ²³ Audio File: Officer Richards PSB Interview {10:58 – 11:14}
 - ²⁴ Audio File: Officer Richards PSB Interview {12:06 – 12:46}
 - ²⁵ Audio File: Officer Richards PSB Interview {12:46 – 12:59}
 - ²⁶ Audio File: Officer Richards PSB Interview {13:12 – 13:26}
 - ²⁷ Audio File: Officer Daughtry PSB Interview {4:22 – 4:30}
 - ²⁸ Audio File: Officer Daughtry PSB Interview {5:45 – 6:03}
 - ²⁹ Audio File: Officer Daughtry PSB Interview {6:04 – 6:26}
 - ³⁰ Audio File: Officer Daughtry PSB Interview {7:10 – 7:25}
 - ³¹ Audio File: Officer Daughtry PSB Interview {7:40 – 7:53}
 - ³² Audio File: Officer Daughtry PSB Interview {7:58 – 8:34}
 - ³³ Audio File: Officer Daughtry PSB Interview {10:04 – 10:32}
 - ³⁴ Audio File: Officer Daughtry PSB Interview {10:41 – 11:06}
 - ³⁵ Audio File: Officer Daughtry PSB Interview {11:53 – 12:15}
 - ³⁶ Attachment: IR #202200001803214, Supplement #33, Page #2 (Page #84 of Complete IR)
 - ³⁷ Attachment: IR #202300001803214, Supplement #26, Page #3 (Page #66 of Complete IR)
 - ³⁸ Attachment: IR #202200001803214, Laboratory Report (Page #94 of Complete IR)
 - ³⁹ Attachment: IR #202200001803214, Laboratory Report (Page #99 of Complete IR)
 - ⁴⁰ Attachment: MCAO Clearance Letter