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May 5, 2025

Chief Scott Wahl
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Sheriff Kelly Martinez
San Diego Sheriff's Office
9621 Ridgehaven Court
San Diego, CA 92123

Re: Fatal shooting of Mr. Dejon Marques Heard by San Diego Police Officer Tarik Andrew on July 6, 2024; San Diego Police Department Case No. 24-026970; San Diego Sheriff's Office Case No. 24-126977; DA Special Operations Case 24-086PS; Deputy District Attorney assigned: Carlos Campbell

Dear Chief Wahl and Sheriff Martinez,

We have reviewed the reports and materials compiled by the San Diego Sheriff's Homicide Unit concerning the fatal shooting of Dejon Heard by San Diego Police Officer Tarik Andrew. A District Attorney Investigator responded to the scene and was briefed by detectives from the San Diego Sheriff's Homicide Unit. This case was submitted to the District Attorney's Office for review on October 4, 2024. On March 4, 2025, we received the Medical Examiner's Report.

Summary

On July 6, 2024, at approximately 6:53 a.m., Dejon Heard called San Diego Police 911 and demanded units to his location. Before the call disconnected, San Diego Police Dispatch was able to determine the call was made from 5495 La Jolla Boulevard.

Several people began calling 911 to report a parked silver vehicle blocking the southbound lanes of La Jolla Boulevard near Midway Street. The civilians reported a male standing outside the silver vehicle causing a disturbance by throwing items and yelling. Two callers reported the male was armed with a knife.

Andrew and his partner, LE1, responded to the scene and located Heard standing in the median beside his silver Toyota Matrix, which was blocking the southbound traffic lane. The officers stopped in the northbound lane and exited their patrol vehicle. They observed Heard holding a

knife in his raised right hand. Heard looked toward the officers and said, "Pull 'em out. Pull 'em out." LE1 commanded Heard to put the knife down as both officers drew their service handguns and pointed them toward Heard. Heard, with the knife still raised, quickly responded, "Alright, let's do it," and began running toward Andrew, who was near the front of the police vehicle. Andrew retreated to the passenger side of the police vehicle while repeatedly ordering Heard to drop the knife. LE1 repositioned himself from the area near the driver's door to the rear of the police vehicle.

Heard stated several times, "You gotta be kidding me," while advancing. Andrew continued to walk backwards as Heard advanced and then fired three rounds toward Heard. Heard was struck by the gunfire in the chest and right arm. He fell to the ground and dropped the knife.

Andrew notified dispatch that shots had been fired and that the suspect was down. Both officers ordered Heard to move away from the knife. Heard complied by pushing the knife away from his side. The officers then ordered him to roll over and he complied. They approached and placed Heard in handcuffs as additional officers arrived on scene. San Diego Fire and paramedics also responded to the scene. Officers began treating Heard until the paramedics took over. Heard was transported to Scripps La Jolla Hospital where life saving measures were continued. The life saving measures were unsuccessful and Heard was pronounced deceased at 7:35 a.m.

Persons Involved

Heard was a 24-year-old resident of San Diego, California. At the time of the incident, Andrew had been employed by the San Diego Police Department for three years.

Statement of Civilian Witness One (CW1)

CW1 was at home when she heard a "loud disturbance" from a nearby residence. CW1 looked outside and saw a male by a vehicle that was blocking the street. The male was yelling at nearby pedestrians and other vehicles. CW1 saw what looked like a knife in the male's hand. CW1 observed the male "flipping" or "playing" with the knife. The male yelled something about stabbing the side of the neck and something about prison. CW1 called 911 to report the male's behavior.

Police arrived and immediately got out of their vehicle. The male "quickly" went "directly" toward the police officers with the weapon in his hand. The officers gave the male commands. CW1 heard gunshots and saw the male on the ground. The officers handcuffed the male and began cutting his clothing to administer first aid. Throughout the incident, CW1 was on the phone with 911.

Statement of Civilian Witness Two (CW2)

CW2 was outside of the coffee shop where he works when he heard someone screaming from a car driving on La Jolla Boulevard. The car had its windows down. The car stopped, blocking the street. The male driver paced around the car for about 15 minutes while screaming and yelling. The male appeared aggressive and mad and would not let other vehicles pass on the road as people were telling him to move.

CW2 was standing at the cash register and watching through the store window when the police pulled up. The police tried talking to the male, but he seemed very aggravated and very mad. CW2 described it as a "tweaker situation." CW2 could see that the male kept getting closer to the two police officers. CW2 could not hear anything because CW2 was inside the coffee shop and the doors were closed. CW2 could see that the male was either still screaming or talking with the officer. The male kept slowly getting closer to the officers. CW2 did not see any weapons in the male's hands.

CW2 saw the officer place his hand on his holstered gun and put his other hand out in a "stop moving towards me" motion. The male stepped forward a few more times and the officer unholstered his firearm. The male kept advancing toward the officer and the officer fired about four shots. CW2 believed the male was on drugs or having a manic episode.

Statement of Civilian Witness Three (CW3)

CW3 was driving north at the turnabout by the CVS when he noticed a car stopped in the southbound lane with the tailgate open. There was a man walking around and it looked like the car was broken down. CW3 drove to the bank and then headed back and saw the car was still parked there. As CW3 approached, he noticed a police car and two police officers standing outside of it. CW3 stopped his truck and turned his radio down and watched.

CW3 heard one of the officers tell the man to put the knife down. CW3 realized the man was holding a knife in his right hand. The man was walking toward the officers in a dazed manner. The man was maybe 40 to 50 feet in front of CW3's truck. The man had his hands at his side. He continued walking towards the officers and was raising his right hand with the knife in it.

The officers gave more commands to drop the knife. The man did not comply and continued to approach the officers. One officer shot the man, who then fell to the ground and began screaming. The officers told the man to roll over and put his hands behind his back. CW3 quickly turned his vehicle around and left the area before anything else occurred.

Statement of Civilian Witness Four (CW4)

CW4, Heard's grandmother, watched over and assisted Heard since he was young. She last saw Heard on July 5, 2024, near San Diego State University. CW4 believed he was living out of his car near Old Town San Diego.

Heard suffered from mental health issues, including paranoia, delusions, and hallucinations. He was previously prescribed medication that seemed to help him manage his symptoms. Heard's mental health began to regress around March 2023. He would have conversations at times where he screamed at himself as if he were talking with someone who was not there. In January 2024, Heard had a "meltdown" and used a baseball bat to destroy walls and furniture in his apartment. Recently, CW4 saw cut marks on Heard's inner forearms.

Heard was able to compose himself for short periods of time, but he would be easily triggered. Heard did not trust anyone and was angry with the world. Heard recently filed a lawsuit alleging

the police were harassing and surveilling him. CW4 stated Heard's fear of law enforcement was about not wanting to go back to jail and she did not believe he would hurt law enforcement.

Statement of Civilian Witness Five (CW5)

CW5 is Heard's mother. She stated Heard was schizophrenic and that he had been on medication in the past. CW5 had not seen him for a month or two. At that time, CW5 could tell Heard was not on his medications. He was not speaking rationally. When he was not taking his medication, he would talk out loud to himself or to the voices in his head. Heard did not have violent tendencies. Sometimes, when Heard would talk to himself or to the voices in his head, people would think he was starting something with them, but he would just be talking out loud to himself. Recently, Heard had been living in his car. When Heard was in the right state of mind, he was a very positive person.

Statement of Law Enforcement Officer One (LE1)

Around 7:00 a.m., LE1 and his partner, Andrew, responded in their patrol vehicle to a call for service of an incomplete phone call regarding a male saying something to the effect that he needed help or needed police. As LE1 drove to the location, he and Andrew received updates from SDPD dispatch, including reports a man had parked his car in the middle of the street and the man was waving around a weapon, possibly a knife.

On approach, LE1 observed the stalled vehicle in the single southbound lane and a man outside the vehicle. LE1 did not park as close to the stalled vehicle as he could have because of the reports that the man had a knife. LE1 exited the patrol vehicle, and immediately recognized the subject had a knife in his hand. LE1 unholstered his firearm and told the man to drop the knife. The man ran toward LE1 making stabbing motions with the knife. LE1 perceived this as a threat and believed the man would stab him. LE1 was able to get to the rear of the patrol vehicle, creating some distance between them. LE1 briefly considered the need to use a Taser but decided that if the man continued toward him with the knife, he would have to shoot him because LE1 would have no other cover beyond the patrol vehicle.

The man redirected his attention to Andrew. LE1 believed Andrew was near the front of the vehicle's hood on the passenger side. LE1 briefly lost sight of the man because LE1 was on the other side of the patrol vehicle. Andrew moved rearward. LE1 attempted to utilize his radio to advise SDPD dispatch they had an individual at gunpoint, but he could not get through to communicate the update. Andrew shot the man, and the man went to the ground.

LE1 moved to the passenger side of the vehicle and gave commands to the man. The knife was by the man's side within arm's reach. Andrew told the subject to throw the knife and the subject threw the knife away. LE1 and Andrew commanded the man to get onto his back. LE1 and Andrew holstered their firearms and handcuffed the man's hands behind his back. Additional officers arrived and an officer began providing aid to address the man's wounds. Medics then transported the man to the hospital.

Statement of Officer Tarik Andrew

Andrew and his partner, LE1, responded to a radio call of a male blocking traffic on La Jolla Boulevard. The male was reported to be yelling, throwing items, and swinging a knife around. Andrew became concerned for the public's safety after hearing the male was swinging a knife around. As they approached the location, Andrew observed several people walking in the area.

Andrew exited the patrol vehicle and saw a man matching the description given in the radio call standing in front of the vehicle blocking traffic. LE1 was outside the driver's door of their patrol vehicle and Andrew was outside the passenger door.

The male turned and faced them, and Andrew heard LE1 tell the male to drop the knife. Andrew saw the male had a six-to-eight-inch long, brown-handled knife in his right hand. Andrew drew his handgun. Once Andrew saw the male had a knife, his end goal was to handcuff the male and place him under arrest. The male then began to run toward them and said, "Alright, let's do this," as he raised the knife above his head. The male ran toward LE1 and Andrew while making stabbing motions with the knife. Andrew perceived the male's actions as a threat and believed the male could close the distance between them and stab LE1 or himself.

The male initially ran toward LE1, but then ran towards Andrew. Andrew gave the man multiple verbal warnings to drop the knife, but he ignored them and continued advancing toward him while repeating, "Are you kidding me right now?" Andrew began walking backward away from the man toward the rear of the patrol vehicle and lost sight of LE1. Andrew believed the man was experiencing a mental health episode but was unable to investigate it because the man was advancing on him armed with a knife. The man was eventually seven to eight feet away and continued to advance. That is when Andrew fired three times at the man. Andrew feared the man was going to be able to close the distance and use the knife to harm him. Andrew also feared falling to the ground as he backed up, enabling the man to get on top of him. It would not have been feasible to utilize a less-lethal force option since the man was armed with a knife and was running towards him. As soon as Andrew had exited the patrol vehicle, the man ran toward him with the knife.

The man fell to the ground after Andrew fired. Andrew then gave him verbal commands to get away from the knife. The man swatted the knife under the patrol vehicle. Andrew and LE1 placed him in handcuffs and then began giving him medical aid. The whole incident took place in less than a minute.

Investigation

The scene was secured, photographed, and investigated by the San Diego Sheriff's Department Homicide Unit. All detectives' reports, crime scene investigators' reports, audio-recorded witness interviews, body worn camera footage, photographs, 911 calls and police dispatch recordings, and other submitted items were reviewed. These items were found to provide evidence corroborating the officers' statements.

A San Diego Sheriff's Department Crime Scene Specialist collected the knife possessed by Heard. The knife was a brown pocketknife with a rusted silver blade. No further analysis was done on the knife by the crime lab.

During the incident, Andrew was armed with a Glock Gen5, model 17, 9mm handgun, serial number BLNK500. The firearm was seated with 16 rounds loaded into the 17-round magazine, with an additional live round in the chamber. Andrew carried two additional fully loaded 17-round magazines in a pouch on his duty belt.

A San Diego Sheriff's Department Crime Scene Specialist collected Andrew's firearm and magazines for analysis. A San Diego Sheriff's Department Firearms Criminalist examined Andrew's firearm for condition and functionality. The handgun was determined to be operable and functional.

Andrew's Glock was received with a seated magazine containing 13 rounds and one round in the chamber. An additional two magazines were received with 17 rounds. The maximum capacity of the firearm including the three magazines is 52 rounds. Andrew's handgun contained a magazine with only 16 rounds, rather than 17, and had one round in the chamber prior to the shooting. The number of live rounds recovered inside of the firearm including the magazines was 48. Based on the difference between the number of rounds recovered, the number of rounds loaded into Andrew's firearm, and the maximum capacity of Andrew's firearm, it was determined Andrew fired a maximum of three rounds.

A total of three expended shell casings were recovered from where Andrew was positioned when he discharged his firearm. The three casings were marked as "9mm Luger FC" which was consistent with the unfired rounds that were recovered from Andrew's firearm.

During this incident, both LE1 and Andrew were wearing their body worn cameras and both activated their cameras prior to arriving at the scene.

Body Worn Camera Footage

LE1's body worn camera footage captures LE1 placing the police vehicle in park and then exiting the driver's door. LE1 is closing the driver's door and commands Heard, "Put the knife down." Heard says, "Pull 'em out," as he is seen standing next to the silver Toyota Matrix raising his right hand above his shoulder. Heard is facing officers and has his right hand raised to the area of his right shoulder. LE1 draws his service handgun and commands Heard to put the knife down. Andrew can be seen at the front corner of the passenger side of the police vehicle with his service handgun pointed towards Heard. Heard says, "Alright, let's do it," and begins to run toward the officers. LE1 retreats to the rear corner of the driver's side of the police vehicle, away from Heard. Andrew can be heard commanding Heard to drop the knife. LE1 also commands Heard to drop the knife while pointing his handgun at Heard, who is at the front of the police vehicle. Heard begins to repeat, "You got to be kidding right now." Both officers repeatedly order Heard to drop the knife. Andrew and Heard are out of sight at this time, as they are on the opposite side of the police vehicle from LE1. Andrew comes into view at the passenger side rear of the police vehicle; backing away from Heard. Three gunshots can be

heard. Andrew advises dispatch that shots have been fired and the suspect is down. LE1 moves to the passenger side of the police vehicle, where Andrew and Heard are located. Andrew begins to command Heard to turn around as Heard rolls from his back to his right side on the ground. Heard rolls onto his stomach, directly next to the knife. Andrew commands Heard to turn away from the knife and LE1 commands Heard to get away from the knife. Heard swats the knife away from him, pushing it underneath the police vehicle. LE1 and Andrew give multiple commands to Heard about how to position himself and then move closer to Heard to handcuff him. An officer on scene provides Andrew with scissors, which he uses to cut away Heard's sweatshirt and shirt. Officers begin to medically attend to Heard as medics arrive.

Andrew's body worn camera footage shows Andrew in the passenger seat as he and LE1 arrive on scene. Andrew points forward and identifies the individual they are responding to contact. Andrew tells LE1 to block northbound traffic. LE1 parks and Andrew immediately exits the passenger door. Heard is standing in the median of the roadway, next to a silver hatchback vehicle and can be heard saying, "Pull 'em out." Andrew closes the passenger door and walks toward the front of the patrol vehicle. Heard is facing the officers as he raises his right hand to the area of his shoulder. An object can be seen in Heard's right hand. Andrew raises his service handgun and points it at Heard as LE1 orders Heard to put the knife down. Heard states, "Alright, let's do it," and runs toward the front of the police vehicle. The item Heard is gripping with his right hand is visibly a knife. Andrew advises dispatch he has "one at gunpoint" while Heard continues advancing. Heard's right arm is bent at the elbow and his right hand is above his right shoulder as the knife blade is pointing forward in the direction of the officers. Heard advances and Andrew backs away to the passenger side of the police vehicle. Andrew tells Heard, "Drop it," as Heard is advancing towards him. For approximately the next ten seconds, Andrew repeatedly orders Heard to drop the knife. Heard stops at the front of the police vehicle and begins to repeat, "You got to be kidding me right now," with the knife still raised at his right shoulder. Heard lowers the knife to his waist level and walks toward Andrew, who has backstepped to the rear passenger side of the police vehicle. Andrew fires three rounds at Heard and Heard falls to the ground. Andrew notifies dispatch shots have been fired and the suspect is down. Heard is on the ground with the knife next to him on the ground. At this point, LE1 is near to Andrew and the remaining footage largely overlaps with that of LE1.

Autopsy and Toxicology Report

On July 7, 2024, an autopsy was performed on Heard by San Diego County Deputy Medical Examiner Dr. Barry, assisted by Forensic Autopsy Specialist F. Worlds. Dr. Barry determined the cause of death to be a gunshot wound of the torso and classified the manner of death as homicide. In addition to the gunshot wound of the torso, a gunshot wound of the right upper extremity was also identified. The San Diego County Medical Examiner's Office conducted a presumptive analysis on postmortem blood samples from Heard for the presence of alcohol and drugs of abuse. This analysis revealed a presumptive positive result for the presence of cannabinoids.

Legal Standard for Criminal Liability

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides that "a peace officer is justified in using deadly force upon another

person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary...to defend against an imminent threat of death or serious bodily injury to the officer or to another person.” Penal Code section 835a(c)(1)(A).

“‘Deadly force’ means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.” Penal Code section 835a(e)(1).

“A threat of death or serious bodily injury is ‘imminent’ when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.” Penal Code section 835a(e)(2).

“An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

“‘Totality of the circumstances’ means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

“In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and...the totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

“A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section ‘retreat’ does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).


Conclusion

Officer Andrew and LE1 responded to multiple reports that a stalled vehicle was blocking traffic and a man outside of the vehicle was potentially armed with a knife. Upon arrival, the officers were immediately confronted by Heard. Heard loudly shouted at the officers and began to advance toward them while raising a knife above his shoulder. The officers drew their firearms and pointed them at Heard. This show of the potential force had no deterrent effect on Heard.

Andrew and LE1 repeatedly ordered Heard to drop the knife, however he showed no sign of compliance. In an effort to deescalate the tense situation and gain more time, the officers moved backward while continuing to order Heard to drop the weapon. Andrew gave Heard six commands to drop the knife while LE1 gave Heard four commands to drop the knife.

When Officer Andrew ultimately discharged his firearm at Heard, he did so to instantly confront and address what he reasonably perceived to be a threat of imminent harm. Based on the totality of the circumstances, a reasonable officer in Andrew's position would likewise perceive Heard as having the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury. Therefore, Andrew bears no state liability for his actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,


SUMMER STEPHAN
District Attorney

cc: Captain Manuel Del Toro, San Diego Police Department
Captain Christopher Lawrence, San Diego Sheriff's Office