



November 13, 2009

**THE FOLLOWING IS A SYNOPSIS OF THE EVENTS OF  
SAN JOSE P.D. CASE # 09-130-0526**

San Jose Police Department Case #09-130-0526

Individual Investigated (S1): Pham, Daniel Son / Date of Birth: 01-16-1982

Physical Description (S1): Asian Male adult, 5-07, 135, BLK, BR

Reporting Party (R1): Neighbor

Reporting Party (R2): Witness inside investigation location

Victim (V1)

Time and Date of Dispatch Call: 1133 hours, Sunday, May 10, 2009

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Time and Date of Investigation (SJPD Officers report arrival): 1135:56 hours, Sunday, May 10, 2009

Offense / Investigation Location: 961 Branbury Way, San Jose, CA.

Offenses Investigated: Attempted Murder of V1 and Assault with a Deadly Weapon on a Police Officer(s)

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SJPD / SJFD Communications process of receiving 9-1-1 calls and dispatching personnel involves:

- 1) Call-taker (9-1-1 Operator): receives incoming phone call, communicates with caller, creates a SJPD or SJFD event by computer, transfers the event to a dispatcher, and remains on the phone line with the caller to update the dispatcher by computer if necessary.
- 2) Dispatcher: receives event from call-taker, dispatches personnel, updates personnel with information from call-taker/s via computer and by personal computer searching databases i.e. Department of Motor Vehicle, warrants, SJPD database on address (premise) information including individual/s from prior incident/s if available.

The following is a summary of the SJPD communication tapes and excerpts from the investigation.

Normal Text: Communications / Call-taker information (times for these entries are estimates)

**Bold Text:** Communications / Dispatch information and radio transmissions

*At times both Call-taker and Dispatch information is occurring simultaneously*

*Italicized Text:* Investigation excerpts

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### 1133 Hours

(R1) phones 911 and tells the call-taker a neighbor has just arrived at his house. He states the neighbor (V1) is "cut up" and has just told (R1) that his brother (S1) was "attacking him." (R1) asks police to respond to his address. (R1) tells the call-taker the neighbor's brother (S1) is still at the residence (961 Branbury Way) and is armed with a knife. (R1) says (V1's) "girlfriend" (R2) is also at the residence and "she needs help." (R1) tells the call-taker, according to (V1), the subject (S1) is "high right now." (R1) urgently tells the call-taker, "get somebody here right now" and then abruptly hangs up with the call-taker.

At no point during the conversation with the call-taker does (R1) ever identify Daniel Pham, (V1), or (R2) by name.

San Jose Police Dispatch receives a call from (R2) via transfer from California Highway Patrol:

(R2's) initial words to the call-taker are: "Please help me." While the call-taker tries to obtain (R2's) personal information, she interrupts the call-taker and says: "Please help me.....hurry, hurry, hurry....."

(R2) states "Son is out of control." She says she is locked inside a bedroom and again tells the call-taker "please hurry." (R2) tells the call-taker that "Son" (S1) is her boyfriend's (V1) brother. (R2) does not identify (S1) as Daniel Pham.

**A police event is created at 11:33 hours and Officers B. Jeffrey #3926 and M. Blackerby #3999 are dispatched to (R1's address) on radio channel 1. They are initially told they are responding to a disturbance involving weapons in which somebody is out of control. They are told someone has been "cut up" and the suspect is armed with a knife and may be "high on drugs." Multiple units (including a supervisor) are dispatched to the event.**

### 1135 Hours

The call-taker asks (R2) if (S1) is drunk or on drugs. (R2) says that she does not know. The call-taker asks (R2) if (S1) has any weapons and again (R2) says she does not know. (R2) tells the call-taker she hears (S1) fighting with her boyfriend, but she can no longer hear her boyfriend. (R2) then begins whispering "please come" and she tells the call-taker her boyfriend told her to call 911.

**The dispatcher updates the responding officers they are receiving multiple 911 calls about this event. They are told the incident began as a physical conflict between two males and "someone got out of control and grabbed a knife." Officer Grogan #3972 advises he has a "less-lethal device" and starts responding to the scene (he does this on radio channel 5).**

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### 1136 Hours

(R2) again identifies (S1) to the call-taker as "Son Pham." She then begins speaking in the background in Vietnamese.

**The dispatcher updates the officers that Fire and Paramedic personnel are also being dispatched to the scene and will stage until it is safe for them to enter the area. An officer responding to the scene requests over the radio for dispatch to check the computer database for any information on the address.**

### 1137 Hours

(R2) continues whispering and provides a physical description of the subject (S1). (R2) tells the call-taker the subject (S1) is outside the bedroom where she is hiding.

**Dispatch advises the suspect (S1) in this incident is named "Son Pham." Officers are told the suspect is outside the bedroom of one of the 911 callers. The dispatcher advises a records check of the residence indicates a prior 5150 W&I (involuntary psychiatric commitment) call associated to a subject named "Daniel Pham." Dispatch adds that she is "not sure if that's our RP" (Reporting Party).**

### 1139 Hours

(R2) stops talking altogether and begins tapping on the phone to communicate with the call-taker. She then tells the call-taker she can hear her boyfriend's voice. She says nobody else is home, but her boyfriend's (V1) dad is on his way.

### 1140 Hours

**Officers Jeffrey and Blackerby arrive on the scene.**

Unidentified voices are heard in the background of the call. (R2) describes her exact location to the call taker. Loud banging noises are heard in the background of the call. (R2) tells the call taker she cannot identify the sounds. Unidentified voices are still heard in the background of the call. (R2) tells the call taker (S1) is still holding the knife.

*Investigation: The "loud banging" described above is later discovered to be (V1), who has armed himself with a metal car jack handle for protection from (S1) and is hitting the exterior wall of the house or back fence in an attempt to alert his girlfriend (R2) to stay inside of the bedroom.*

### 1140.14 Hours

**The dispatcher informs the officers the reporting party is hearing banging in the backyard of the residence.**

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1140.36 Hours

**Officer Jeffrey advises he is being flagged down in front of the residence.**

*Investigation:* Upon arrival Officer Jeffrey contacted (VI) on the front lawn of 961 Branbury Way. (VI) was holding a "black cylindrical object" and was bleeding from his face, arms, and hands. (VI) pointed Officer Jeffrey to the backyard area of the residence, and Officer Jeffrey heard an unknown person say, "He's in the backyard." Officer Jeffrey responded to the wood fence separating the front and back yards of 961 Branbury Way. Officer Jeffrey stood on a large boulder on the front yard side of the fence and saw an Asian male (S1) in the back yard with a large amount of blood on his hands, arms, and clothes. The Asian male (S1) had a large wound on his neck and was holding a large knife covered in blood in one hand and was smoking a cigarette from the other hand. Officer Jeffrey pointed his pistol at the male (S1) and ordered him to drop the knife. The male (S1) was "glaring" at Officer Jeffrey and continued smoking the cigarette.

**Officer Jeffrey advises he has a visual on (S1) and (S1) is refusing to drop the knife.**

1141.17

**Officer Banister #3387 advises approximately three units have arrived on-scene.**

1141.46 Hours

**Officer Jeffrey requests Fire and Paramedics respond to the scene.**

*Investigation:* Upon viewing the blood and visual injuries on (S1), Officer Jeffrey requested Fire and Paramedics respond to the scene. Officer Blackerby approached Officer Jeffrey and informed him he would walk along the southern fence line of the property in order to close the distance with (S1) and be in a position to subdue him with a taser shot. Officer Jeffrey continued to command (S1) to drop the knife. Officer Jeffrey elevated his body on the front side of the front fence in order to distract (S1) while Officer Blackerby took his position on the outside of the side fence. Officer Blackerby discharged his taser at (S1) over the side fence as (S1) advanced toward Officer Jeffrey's location. (S1) stopped and bent forward toward Officer Blackerby's direction. There was a large tree obstructing Officer Jeffrey's view of Officer Blackerby's location. Officer Jeffrey climbed over the front fence into the back yard because he thought Officer Blackerby was in the back yard with (S1). As Officer Jeffrey landed on the ground of the back yard, (S1) raised the knife over his head in Officer Jeffrey's direction and advanced toward him at a fast pace. Officer Jeffrey un-holstered his pistol and pointed it at (S1) while repeatedly commanding him to drop the knife. Officer Blackerby entered the backyard over the side fence to assist Officer Jeffrey. Officer Blackerby un-holstered his pistol. Officer Jeffrey ran along the side fence away from (S1) in order to avoid a cross-fire if pistols were fired. Officer Jeffrey ran to Officer Blackerby's location in the backyard. (S1) then advanced toward both officers at a fast pace. Both officers commanded (S1) to drop the knife and to get on the ground.

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*(S1) continued to advance towards the officers with the knife over his head pointed in their direction. Both officers fired their pistols. (S1) fell to the ground and continued to grip the knife as he positioned himself on his knees with the knife pointed upward in his right hand while his head was on the ground. (S1) attempted to rise off of the ground but then collapsed.*

1142 Hours

(R2) tells the call-taker police officers have arrived at the residence. Again she asks the call-taker: "Please help me." Officers are heard in the background of the call ordering (S1) to drop the knife.

1142.01 Hours

**Officer Jeffrey advises shots have been fired. Orders to "drop the knife" can be heard in the background. Sergeant Carabarin #2383 is notified and states he is almost on-scene.**

1142.41 Hours

**Officer Banister #3387 advises the suspect is still holding the knife.**

1143.21 Hours

**Officer Banister requests a 40 millimeter less-lethal projectile rifle or an equivalent to "get the knife away from him."**

**Dispatch advises Officer Grogan #3972 has a 40 millimeter [less-lethal device].**

(R2) tells the call-taker: "He won't drop the knife." She again describes her exact location to the call-taker.

*Investigation: Officer Banister later explains to investigators that even after (S1) was shot, he continued to grip the knife. The less-lethal request made (above) was to disarm (S1) after he had been shot. Officer Banister used the blade of a shovel found in the backyard of the residence to dislodge the knife from (S1)'s right hand. Officer Banister then used the shovel blade to fling the knife a safe distance away from (S1) so officers could take (S1) into custody without being harmed by the knife.*

1144.06 Hours

**Officer Grogan advises he is at the front area of the residence with a "stunbag" and asks where he is needed.**

*Investigation: Officers Grogan and Banister then began administering (S1) CPR and first aid.*

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(R2) is heard in the background speaking in Vietnamese. It is believed she is talking to her boyfriend's (V1) father on another cell phone. (R2) advises the dispatcher her boyfriend's (V1) brother is enroute to the residence.

**Officer Jeffrey advises (S1) is in custody and that it is safe for Fire and Paramedics to enter the scene.**

1145.35 Hours

**Unknown officer advises "Started CPR but he's still breathing, so I discontinued".**

*Investigation: Officer Banister felt for a carotid pulse on (S1) and did not feel one. Officer Banister noticed (S1's) chest was not rising and falling. Officer Banister started with one chest compression, and observed (S1) gasped from his mouth. Officer Banister stopped administering CPR and reassessed (S1). Officer Banister could not find a pulse but noticed (S1's) mouth was opening and closing and appeared to be taking shallow gasps of air. Officer Banister then began tending to (S1's) neck wound which Banister assessed as bleeding the most. Officer Grogan tended to (S1) chest wounds. Upon reassessment, (S1) appeared to stop his shallow gasping for air and his chest was not rising. Officers Banister and Grogan began CPR again until relieved by San Jose Fire Department Personnel. SJFD pronounced (S1) deceased at 1151 hours.*

1148 Hours

(R2) tells the call-taker she thinks things are under control. (R2) remains on the line with the call taker for another seven minutes (until police can be heard in the background speaking with (R2)). She tells the call taker that the day before "he seemed fine and normal." She also says: "I was going to brush my teeth when I heard...I heard him fighting with my boyfriend." She adds "...would lock our door...he come in..."

1156.38 Hours

**Officer Grogan advises the official time of death as 1151 hours per San Jose Paramedic (Badge #739)**

*Investigation: This call for service was generated because the suspect (Daniel Pham) had sliced his brother's (V1) throat. (V1) fought back (receiving additional knife wounds) and then fled to his neighbor's (R1) house. (R1) then called 911. (V1's) girlfriend, (R2), was present in the house when the attack occurred and locked herself in a bedroom and called 911.*

*Officers Jeffrey and Blackerby responded to the incident and found the suspect with a self-inflicted knife wound to the neck and still armed with a knife. They tried to subdue the suspect with a Taser but were unsuccessful. When the suspect charged both officers with the knife, the officers shot and struck the suspect. Officers then provided CPR and first aid to the suspect. Fire and Paramedic personnel pronounced the suspect deceased.*

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*The suspect was later identified as Daniel Pham (although he was called Son Pham by his family). Dispatch advised responding officers while enroute and during the incident that the suspect's name was "Son Pham." Dispatch advised responding officers the prior commitments for mental health holds at the incident residence were in the name of Daniel Pham. The responding officers were not aware that Daniel Pham and Son Pham was the same individual. The officers were only aware that the suspect had stabbed his brother and may have been high on drugs.*