



CITY OF DURHAM

**To:** Mr. Thomas Bonfield, City Manager  
**From:** Jose L. Lopez, Sr., Chief of Police  
**Date:** September 10, 2015  
**RE:** **Five-Day Report on September 5, 2015 Officer-Involved Shooting**

An officer-involved shooting occurred on Saturday, September 5, 2015, in front of a rooming house at 1702 Angier Avenue. The incident is currently being investigated by the North Carolina State Bureau of Investigation, which is standard procedure in such cases. The Durham Police Department's Professional Standards Division is investigating to ensure that all departmental policies and procedures were followed. The Durham Police Department's Homicide Unit is also investigating the incident. These investigations are all ongoing. The preliminary review and investigation of this incident indicates the following (this information is based on reports from officers, interviews by Durham police investigators and reports from the Durham 911 Center):

An obviously distraught male called Durham 911 at 10:27 a.m. on Saturday, September 5 and said he wanted to make a statement. He sounded like he was crying and told the 911 dispatcher, "I love everybody." He then said, "It's not nobody's fault." He said he was at 1702 Angier Avenue and then hung up the phone. When 911 dispatchers called the number back, the male's mother, Shanika Biggs, answered the phone and told dispatchers she believed the caller was her 21-year-old son, La'Vante Biggs of Durham and she did not know what was happening.

Ms. Biggs called 911 back at 10:31 a.m. and told dispatchers her son was sitting on the porch with a gun and he kept pointing it at his head. She described it as "a big black gun." Ms. Biggs could be heard pleading with her son not to do it because people loved him and had his back. She begged him repeatedly to put down the gun.

Officers dispatched to the call were told that a male had a gun and was suicidal. The first officer on the scene, Officer K.L. Gregory, was on the scene within four minutes and reported that there was a male holding a gun to his neck/throat on the porch at 1702 Angier Avenue. Officer Gregory and other officers repeatedly told the

male, identified as La’Vante Biggs, to drop the gun. As several officers spoke with Biggs, other officers attempted to evacuate nearby residences (some residents refused to evacuate) and blocked off streets in the area.

Officer L.A. Harvey spoke to Biggs for several minutes in an attempt to get him to drop the gun. Officer Harvey told Biggs, “Put the gun down and come talk to me. I don’t care if I have to stay here way past my shift.”

Biggs paced around the yard and switched the gun back and forth from his right hand to his left hand. Biggs said “I’m sorry” several times and cried several times, according to officers. Officers reported that he pointed the gun toward the ground and to the side of his head. He also put the gun in his mouth at least once. He often was seen holding the gun by the trigger guard. He put the gun down at least twice, but he never moved away from the gun. At one point officers asked Ms. Biggs if the gun was real and she told them, “Yes, it is real.” She also told officers “that there was nothing we could say or do, she stated she knew he was not going to back down,” an officer reported.

Hostage Negotiator Officer T. Janifer arrived and spoke with Biggs. She asked him several times to drop the gun and talk to her about what was going on. He spoke to her for several minutes, but then stopped responding.

After at least 50 minutes of negotiations, Biggs then took several steps (described by officers as “fast steps” and “aggressive steps”) toward the street while raising his right hand in which he held the gun. According to reports, Biggs was pointing the gun at Officer Gregory. Officers repeatedly told Biggs to stop and drop the gun, but Biggs continued to advance toward Gregory, according to reports from officers.

Four officers – Officers R.A. Armstrong, L.A. Harvey, A.A. Cisternas and J.J. Holmes – fired their weapons. A total of 12 shots were fired from three patrol rifles and one shotgun. The closest officer was approximately 25 yards from Biggs.

Biggs sustained multiple gunshot wounds and collapsed on the ground. Officers called for EMS units, which were staged a block away, and prepared to perform CPR. EMS units arrived almost immediately and transported Biggs to Duke University Hospital, where he was pronounced dead a short time later.

Two vehicles parked at 1706 Angier Avenue were damaged by gunfire.

It was only upon collecting evidence that officers learned that Biggs’ gun was a replica Airsoft air gun, which closely resembled a real gun.

Investigators interviewed several witnesses who told them they had seen Biggs with the gun to his head, threatening to kill himself. The witnesses told investigators that several people, including officers, tried to get Biggs to put down the gun, but he did not comply. No in-car camera video was available due to the positions of the police vehicles. We are hopeful that anyone who may have videoed this incident will come forward and share that video.

Ms. Biggs told investigators her son had been depressed about a recent breakup and not seeing his children.



*Photo of Gun Recovered from La'Vante Biggs*

Officer Harvey joined the Durham Police Department in 2007 and Officer Cisternas joined the department in 2011. Officers Armstrong and Holmes joined the department in 2012. All four officers are assigned to the Uniform Patrol Bureau, D Squad.

Officers Armstrong, Cisternas, Harvey and Holmes will be assigned to administrative duties pending the outcomes of the investigations, which is standard procedure. The incident remains under investigation.