

Officer: Suicidal Oklahoma man police killed wasn't a threat

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The Associated Press

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OKLAHOMA CITY — An unarmed man wasn't a threat to anyone but himself when an Oklahoma City police officer fatally shot him after the man called 911 threatening to set himself on fire, a fellow officer testified.

Keith Sweeney, 34, is charged with second-degree murder in the November 2017 killing of 29-year-old Dustin Pigeon.

Sgt. Erik Howell testified Thursday that during Sweeney's murder trial that Pigeon didn't have a gun or a knife.

"I did not observe any threatening acts," Howell said.

Sweeney shot Pigeon three times, including once in the heart, Oklahoma County District Attorney David Prater told the jury in his opening statement.

"You will hear two use-of-force experts tell you how the defendant in this case violated just about every policy he could have regarding how you deal with the mentally ill and how you deal with a person when you're trying to de-escalate the situation," Prater said.

On Nov. 15, 2017, officers Howell, Sweeney and Troy Nitzky responded to a courtyard in Oklahoma City and found Pigeon doused in lighter fluid and holding a lighter, trying to ignite himself on fire, police said. Howell and Nitzky approached Pigeon and attempted to de-escalate the situation, asking him to put down the lighter fluid. Nitzky shot Pigeon with a bean bag before Sweeney fired the fatal shots.

Prater asked Howell if he believed Sweeney's shots were necessary, The Oklahoman reported.

"Sir, I personally did not," Howell said. "I personally did not feel that they were to that point."

Defense attorney Gary James told jurors that Sweeney didn't know whether Pigeon had a weapon because the officers didn't notify him by radio.

James said Sweeney also didn't know that Nitzky was aiming a bean bag shotgun at the victim, even though the weapon is distinguished by bright orange markings.

Sweeney made the proper decision "based on the information he was given," James argued.

Testimony resumed Friday.