



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: December 6, 2016

TO: Supervising Deputy District Attorney Tan Thinh

FROM: Criminal Investigators Diane Hall and Thomas Little

SUBJECT: In Custody Death (EGPD #16-7679)
Daniel J. Landeros (DOB: 09/04/1975)

Criminal Investigator Thomas Little

All times referred to herein are approximate.

Notification:

12/01/16, 0001 hours, Thursday: I received a phone call from the Sacramento County Operator advising of an in custody death that had occurred involving officers of the Elk Grove Police Department. The Sacramento County Operator transferred the phone call to Elk Grove PD Lt. McClung. Lt. McClung stated the incident had occurred near the intersection of Elk Grove Blvd. / Wymark Drive in the City of Elk Grove. The suspect, later identified as Daniel **Landeros**, died due to an unknown cause after being taken into custody by Elk Grove PD officers after **Landeros** fled the scene of an automobile accident. I contacted my on-call partner, Criminal Investigator (CI) Diane Hall, and we responded to Elk Grove PD headquarters.

Elk Grove PD Briefing:

12/01/16, 0145 hours, Thursday: CI Hall and I arrived at Elk Grove PD headquarters. We attended a management briefing that was held inside a conference room at the headquarters building. Elk Grove PD detectives, command staff and internal affairs investigators were present. During the briefing, Elk Grove PD Lt. McClung provided a summary of what had occurred. We learned the following:

On 11/30/16, at 2156 hours, Elk Grove PD communications center received a phone call from a citizen reporting a reckless driver on Laguna Blvd. At approximately that same time, an Elk Grove PD officer on a call at Elk Grove Blvd. / Bruceville Rd. observed a white truck traveling at a high rate of speed eastbound in the westbound lanes of traffic on Elk Grove Blvd. The officer voiced what he saw over the radio. Elk Grove PD Officer Samuel Schafer #270 and Officer Steven Holstad #266 were teamed up in their patrol vehicle on Elk Grove Blvd. traveling westbound towards Wymark Drive. They came across a vehicle accident involving a white truck and three vehicles in the westbound lanes of Elk Grove Blvd. west of Wymark Drive. Officers Schafer and Holstad observed the suspected driver of the white truck, later identified as Daniel **Landeros**

(DOB: 09/04/75), flee the accident scene on foot. Officers Schafer and Holstad chased **Landeros** on foot south across Elk Grove Blvd. They confronted **Landeros**, and **Landeros** took a fighting stance with the officers. Officer Schafer deployed a conducted energy device (CED /Taser) on **Landeros**, but the CED darts hit **Landeros'** jacket. The CED was ineffective. **Landeros** then ran approximately 200 feet west and again stopped and took a fighting stance with the officers. Officer Schafer deployed his CED a second time on **Landeros** and it was effective. **Landeros** fell to the ground and hit his head. **Landeros** struggled with Officer Schafer and Officer Holstad as they placed him in handcuffs. Additional officers arrived onscreen and requested a "wrap" device to immobilize **Landeros**. Officers noticed **Landeros** had stopped breathing and was turning blue. The officers started CPR and requested EMS. **Landeros** was transported to the Kaiser South where he died due to an unknown cause.

After the accident, **Landeros'** wife called the Elk Grove PD communication center to report that **Landeros** had been acting strange for the past two days. She stated that today he had asked her to go get some alcohol with him, which was uncommon. She stated he had driven with her to get some alcohol to drink, but after he passed several locations where he could purchase alcohol, she asked him to let her out of the car. **Landeros** let his wife out of the car and drove off by himself. At the time of the call, **Landeros'** wife was unaware that the accident had occurred. She was calling because **Landeros** was now overdue coming home.

At the conclusion of the briefing, CI Hall and I left Elk Grove PD headquarters to go to the scene of the incident at Elk Grove Blvd. / Wymark Drive.

Involved Officers:

Officer Samuel Schafer #270

Officer Steven Holstad #266

Scene Viewing and Walk Through:

12/01/16, 0308 hours, Thursday: CI Hall and I arrived at the scene at Elk Grove Blvd. / Wymark Drive. Elk Grove PD detectives did a complete walk through of the scene with the involved officers. CI Hall and I were present for a secondary walk through of the scene with Elk Grove PD Sergeant Elmore and internal affairs investigators. My observations of the scene are described and summarized as follows:

Sergeant Elmore pointed out the white pick-up truck belonging to **Landeros**. It was at a point of rest in the westbound lanes of Elk Grove Blvd., just west of Wymark Drive. Wymark Drive runs north and south at the intersection with Elk Grove Blvd. Elk Grove Blvd. has three westbound lanes of traffic where the accident occurred and is divided from the eastbound lanes by a low, concrete median strip. The intersection of Elk Grove Blvd. and Wymark Drive is controlled by traffic signals. The three cars **Landeros** collided with were at points of rest immediately surrounding **Landeros'** pick-up in the westbound lanes of Elk Grove Blvd. All four vehicles appeared to have significant damage as a result of the accident.

Sergeant Elmore directed us to the area immediately south of the south curblane of Elk Grove Blvd. west of Wymark Drive. There is a narrow grass strip running west and east along the south side of Elk Grove Blvd. at this point. The grass strip serves as a divider between Elk Grove Blvd. and an asphalt walkway/bike path which runs west and east parallel to Elk Grove Blvd. The

walkway/bike path and Elk Grove Blvd. have several street lights in this area. It was on this walkway/bike path that Sergeant Elmore indicated that Officers Schafer deployed his CED on **Landeros** the first time.

Sergeant Elmore then directed us to an area on the walkway/bike path just 200 feet west of this location. A marked Elk Grove PD patrol vehicle was parked on the walkway/bike path at this location facing west. Sergeant Elmore indicated that the area just in front of the patrol car was the area where Officers Schafer deployed his CED for the second time on **Landeros**. This was the area where **Landeros** fell to the ground and was detained. This is also the area where **Landeros** became unresponsive.

Elk Grove PD's Crime Scene Investigation (CSI) Unit processed the entire scene. Elk Grove PD's traffic officers investigated the scene of the traffic collision. CI Hall and I cleared the scene and took no further action that date. Interviews with Officer Schafer and Officer Holstad were delayed until the following Monday, 12/05/16.

Criminal Investigator Diane Hall:

All times referred to herein are approximate.

On 12/1/2016 at 0010 hours, I was notified by Sacramento County District Attorney's Office Criminal Investigator (CI) T. Little of an in-custody death that had occurred involving the Elk Grove Police Department (EGPD). The incident had occurred near the intersection of Elk Grove Blvd and Wymack Drive. The suspect, later identified as Daniel Landeros, had been "tased" in an attempt to detain him after fleeing a vehicle collision, and then transported to Kaiser-South where he died.

I responded to the scene and was told the briefing would occur at their headquarters (8400 Laguna Palms Way). I met CI Little at EGPD. At the conclusion of the briefing, CI Little and I conducted a (secondary) walk-thru of the scene.

EGPD Sgt. Elmore confirmed that the interviews of Officers Holstad and Schafer would be conducted on Monday, 12/5/16, at 1500 hours.

On 12/5/2016, CI Little and I arrived at EGPD for said officer interviews. We were shown videos from: (1) Officers Holstad and Schafer's In-Car-Camera (ICC), (2) Officer Holstad's Body-Camera and (3) another unidentified Officer's Body-Camera.

The ICC reflected the beginning of the call and arriving on the vehicle collision scene. Officer's Holstad's Body-Camera video reflected the foot pursuit, Taser deployment and detention. The last video reflected the unresponsive suspect and the life-saving attempts. Officers Holstad and Schafer were not present during the last part of the incident, as they had been relieved from the scene per department policy.

It should be noted that Officer Schafer was wearing a Body-Camera, but had failed to activate until the end of the incident.

INTERVIEW OF EGPD OFR STEVEN HOLSTAD #266:

12-5-2016/APPROX 1524 HOURS: Prior to the interview starting, Officer Holstad reviewed the ICC and, his and Officer Schafer's Body-Cam videos. DA CI T. Little and I video-monitored the interview from a different room.

EGPD Detectives Papineau and Bearor interviewed Officer Holstad (with his representative present) who related the following in summary.

This is my first law enforcement job and started in January 2016.

Last Wednesday (11-30-16) was my "Monday" – the beginning of my work week. My shift started at 9pm. So, I stayed up a later the night before and slept part of the day on Wednesday. I probably had about 6 to 7 hours on Wednesday. I was wearing my standard uniform, along with my duty belt. Pictures were taken of me after the incident.

Wednesday (11-30-16) evening I was doubled up with my partner, Officer Schafer. I was driving and remember hearing the call being aired over the radio of a wrong-way driver on Elk Grove Blvd (EGB). The driver was heading eastbound on westbound EGB.

When I heard the call, I thought maybe the driver was either driving under the influence, running from something or there might be a pursuit.

I don't remember if the broadcasted call described the truck.

We drove south on Laguna Springs and made right onto EGB. We headed west on EGB and stopped at the light at Big Horn. I thought there was a possibility we could run into the wrong-way driver/suspect.

As we approached Wymack (Drive), I saw a multiple vehicle collision. I saw a white truck with no headlights on.

We stopped just west of the Wymack/EGB intersection on westbound EGB.

As we pulled up, I saw a male subject walking from the area of the vehicle collision towards us. He was the only person walking from the scene. I saw blood dripping down from his forehead/side of his head. I thought the injury was caused from the collision. I believed he was somehow involved in the collision.

I got out of the vehicle and asked the subject if he was involved in the accident. The subject looked at me and said,

"You're not real! You're fake!"

He then started running southbound across the eastbound lanes of EGB. I yelled at the subject to stop, but he continued running.

When he started running, I suspected he might have been the driver of the wrong-way car. I started following him across EGB. As he got to the curb, he stopped, turned around and “squared up.” He turned around and assumed a fighting stance. He had clenched fists like he wanted to fight us.

The suspect turned back around and started running westward on eastbound EGB. Officer Schafer and I continued to follow the suspect, but kept our distance.

I was yelling the whole time giving the suspect commands.

The suspect then stopped and turned towards us. His fists were clenched and I couldn’t see if there was anything in his hands or waistband area.

I yelled at Officer Schafer to “tase him.” As Officer Schafer deployed the Taser, the suspect turned back around. I saw the red dots first on the suspect’s clothing on his upper chest area, and then on his back.

The suspect was wearing a puffy jacket and the Taser was not successful. The suspect continued running westbound down the sidewalk off of EGB.

He again stopped and turned completely around again towards us. Officer Schafer successfully “tased” the suspect this time.

The suspect fell to the ground on his back. Officer Schafer and I were able to get up to the suspect and roll him over onto his stomach to start cuffing him. The suspect continued to struggle.

I was kneeling on the suspect’s left side. I had one knee on his back area and my other knee on his butt. I was kneeling on him to prevent him from getting back up and possibly running into traffic on EGB.

We were still trying to gain control, but the suspect continued to thrash around. The suspect’s legs were up.

It was difficult getting the cuffs on him. I was concerned about “double locking” the cuffs because not only is it our department’s policy, but because I wanted to lock the cuffs from closing too tight around the wrists.

The suspect was still yelling and moving. He wasn’t complying.

When Officer Banks arrived, he was near the suspect’s head. He put a knee on the suspect’s shoulder area.

When Officer Scott arrived, he tried gaining control of the suspect’s legs.

It’s safer for the suspect if we’re able to immobilize him to prevent any further injuries. We asked for a “WRAP” – restraint device.

Per policy, Officer Schafer and I were relieved from our positions before the "WRAP" was administered. We were relieved because we had "tased" the suspect.

He was still alive when we were relieved. I was informed later that the suspect had died.

END OF STATEMENT.

INTERVIEW OF EGPD OFFICER SAMUEL SCHAFFER #270:

12-5-2016/APPROX 1752 HOURS: Prior to the interview starting, Officer Schaffer reviewed the ICC, his and Officer Holstad's Body-Cam videos. DA CI T. Little and I video-monitored the interview from a different room.

EGPD Detectives Papineau and Bearor interviewed Officer Schaffer (with his representative present) who related the following in summary.

I started with EGPD in April 2016. Prior to my hire date, I was with the Stockton Police Department for almost 2 years. There were no issues, problems or IA's when I left Stockton PD.

Last Wednesday (11-30-2016) was the beginning of my work week. I had court that morning, but was able to come home and get some extra sleep prior to my shift starting around 9:30pm.

I was dressed in my Class B long-sleeve uniform. I also was wearing a beanie that had EGPD written across the forehead. I had my full duty belt on which included my handcuffs, ASP, gun, extra magazines and Taser.

I was working with my partner, Officer Holstad, that evening. We have an agreement that whomever is driving controls the lights and sirens. Since I was the passenger, I had control of the radio. We were driving a marked unit.

We had just left the PD when I heard the broadcast of a white older model single cab pickup (truck) driving eastbound in the westbound lanes of Elk Grove (Blvd).

We headed westbound on Elk Grove (Blvd). We stopped at the signal light at Big Horn (Blvd). I could see down the road that headlights were facing us. When we approached Wymack (Drive), I saw a multi-vehicle collision. The scene looked like there was going to be major casualties if not a possible fatality. Included in the collision, I saw an older white pickup facing eastbound on Elk Grove (Blvd).

When I saw the truck, I thought that was the truck from the broadcasted call.

We stopped our vehicle just west of the intersection on Elk Grove and Wymack. I can't remember if we had activated our red/blues lights on the patrol vehicle.

I saw Officer Holstad get out of the car and I was airing our location. I could hear Officer Holstad yelling commands and heard him say, "Were you driving?"

I saw a male subject walking near the median in between the east and westbound lanes of Elk Grove Bl. I didn't see anyone else walking around.

The male subject had a laceration on his head near his left temple and was bleeding from it. I saw cracks, like a spider web, on the truck's windshield. I thought maybe that's how the male subject had sustained the head injury. I believed the male subject was the driver of the white pickup and was the cause of the collision.

The suspect had a "thousand yard" stare. The look on his face looked like he was high on something. His fists were clenched.

I then saw the suspect sprint southbound across the eastbound lanes of Elk Grove Blvd. He didn't even look to see if there was traffic coming. I feared that he might cause another accident – that he might get hit by vehicle coming eastbound on Elk Grove Blvd. I also knew there were other units responding code, and could potentially hit the suspect. I also feared that if a car hit the suspect the driver(s) might get injured too.

I heard the suspect yelling,

"You're not real! Get away from me!"

I suspected the male subject was involved in the vehicle collision and under the influence because he was running away from the scene and he did not seem phased by the bloody head injury. It did not seem like he was feeling any pain.

When the suspect was running from us, I yelled commands at him. The suspect stopped and turned around, taking a fighting stance towards Officer Holstad and me. The suspect sort of dropped his body to get a better stance. I thought he was going to attack or charge us. He still had a weird look on his face.

Then the suspect turned back around and continued to run away from us. He was now running westbound on the side of Elk Grove Bl.

I was trying to continue to broadcast, but there was a lot of radio traffic. I could see the suspect looking back over his shoulder at us. I couldn't see his hands and thought he might possibly have a weapon.

The suspect stopped again and turned toward us. I heard Officer Holstad say, "Tase him!" I tried to "tase" the suspect, but I believe it hit his back. The suspect was wearing a heavy jacket so it wasn't effective. I could see traffic coming down the eastbound lanes of Elk Grove Bl.

I was afraid the suspect was going to run into the Elk Grove Blvd and possibly get run over and/or hurt someone else in the process. We continued after the suspect. He continued to yell profanities and say we weren't real.

The suspect then stopped and turned around facing us. I thought he was going to fight us.

I could see his white t-shirt clearly under his opened jacket. I aimed the Taser and deployed it again. This time the Taser was effective and the suspect fell to the ground.

I used the Taser because it gave us a safe distance and I didn't want to go hands on (physical) with the suspect's behavior and fearing he might have a weapon.

Once the suspect was down, it gave Officer Holstad and I time to get to the suspect and attempt to handcuff him. (The suspect was on his stomach.) The suspect continued to struggle, but we were able to handcuff him.

I called for a Sergeant (per policy) and requested medical.

After the suspect was cuffed, he continued to resist. He was rolling from side to side and his legs were coming up. We held him down until other officers arrived to assist. I had one knee on the suspect's back and the other knee on the back of the suspect's thigh.

There were four officers, including myself, trying gain control of the suspect and we were having a difficult time. I was concerned about the suspect's head injury and the potential injury to myself/other officers. We called for a restraint device.

I was also concerned about double locking the cuffs as soon as possible because if the cuffs become too tight it can cause nerve damage.

While we were still waiting on the restraint device, Officer Holstad and I were relieved of our positions. We started walking back. I later heard that the suspect was unresponsive or turning blue and they had started CPR.

END OF STATEMENT.