



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: January 18, 2019

TO: Supervising Deputy District Attorney T. Think

FROM: Criminal Investigators M. Poroli #34 and G. Dahl #40

SUBJECT: EGPD Officer Involved Shooting (SSD 19-20147)

Criminal Investigator M. Poroli

On 01/17/2019 at approximately 1700 Hours, I was notified by my partner Investigator Gary Dahl that Sacramento County Sheriffs Department had contacted the District Attorney's Office regarding an officer involved shooting by an Elk Grove Police Officer. This shooting had occurred several hours earlier in the day and it was initially believed that the suspect had not been struck by the officer's gunfire.

I contacted SSD Homicide Sergeant Ken Clark by telephone. He advised me that the shooting involved an Elk Grove police officer, but that the location of the shooting was in Sacramento County jurisdiction and that SSD was taking the lead in the investigation. Sergeant Clark stated that the suspect initially told officers that he had not been struck and officers and CSI personnel had not observed any injuries. Later on, prior to being interviewed, it was discovered by investigators that the suspect had indeed been grazed by a bullet and sustained a small graze wound about one and a half inches long below his right nipple. The suspect was then transported to Kaiser South to receive medical treatment.

Sergeant Clark advised me that his team had already finished processing the crime scene, although they were waiting to release it. He further advised that they were just preparing to interview the involved officer and would also be interviewing the suspect shortly after. Sergeant Clark stated that he didn't yet know the full circumstances of the shooting due to the fact that the involved officer did not provide a public safety statement and had not yet been interviewed. I advised Sergeant Clark that the District Attorney's Office would respond to get briefed on the incident and to observe the involved officer and suspect interviews.

I advised Lt Dale Joe of the incident and that we would be responding to the Elk Grove Police Department to observe the remainder of the investigation.

On 1/17/2019, at approximately 1800 Hrs., myself and Investigator Dahl arrived at the Elk Grove Police Administration Building on Laguna Palms Way in Elk Grove. We met with Sergeant Metzger

of the Elk Grove Police Department, Sergeant Ken Clark with SSD and the remainder of his homicide investigation team.

BRIEFING:

Neither Investigator Dahl nor myself were not present for the initial briefing provided by Elk Grove Police Department due to the delay in notification.

SCENE:

The scene was reported to be in front of the Firestone Tire Shop, located at 8055 Orchard Loop Lane. This area is highly industrial with many open businesses during the day including restaurants, gas stations and other retail locations. Detectives advised that they collected just a few items of evidence, including one expended shell casing, one multi purpose lighter and a glass smoking pipe. They also advised that they located what they believed to be the area the officer's bullet struck the side of the Firestone Tire Shop. Detectives had identified numerous possible surveillance cameras in the area and were in the process of attempting to gather any recordings.

IN CAR CAMERA/BODY CAMERA:

On 1/17/2019, at approximately 1815 Hrs., myself and Investigator Dahl were shown both the in car camera and the body camera recordings belonging to the involved officers. We were shown these recording both individually and side by side simultaneously. It was explained to us that EGPD cameras are recording video at all times. The video is not saved unless the officer manually activates the audio trigger. At that point the video is saved starting 30 seconds prior to the activation. Video that is recorded outside of the activation may be written over after 24 hours. In this case EGPD had their IT retrieve and save video showing the entire incident. The audio was not activated until after the shooting took place so there is no audio leading up to and including the shooting.

From the car video the suspect can be seen in front of the patrol vehicle, initially running and then walking with his back to the officers. He appeared to be a male white in all dark clothing. He appears to be digging or reaching into his front waistband or pocket area prior to spinning around extremely quickly to face the officers. The suspect had an object in his hand that he immediately drops to the ground.

From the body camera the driving officer pulls up from behind the suspect as he is walking away. The drivers door is then opened up and officer points his weapon through the V of the door. The officer fires immediately upon the suspect spinning around with an object in his hands. Officer appears to have fired while still in a seated position within the vehicle. Suspect surrenders and follows commands immediately following the single shot being fired.

OFFICER RESCH #150 STATEMENT:

On 1/17/2019, at approximately 1900 Hrs., Investigator Dahl and myself observed and monitored the interview of Officer Paul Resch via remote feed. This interview took place at the Elk Grove Police Department Administration Building on Laguna Palms Way. The interview was conducted by SSD Detectives Camacho and Walder. Also present for the interview was an attorney representing Officer Resch from the Mastagni Law Firm. This interview was audio recorded.

Officer Resch indicated that he was 48 years old and had a combined 19 years experience as a police officer. He explained that he is assigned as a motor unit working in the traffic unit working dayshift. On this day he was partnered up with Officer Kenny Viec #188 as a two man unit. They were working in full police uniform and driving a fully marked patrol utility vehicle. Officer Resch stated that he was the driver and Officer Viec was the passenger.

Officer Resch indicated that at the time of the incident they had just finished with a traffic stop and were driving on their way to eat lunch at the Texas Road House on Orchard Loop. As they turned onto Orchard Loop, Officer Resch stated that he first observed the suspect walking with what he perceived to be the barrel of a gun under his cuff in one of his hands. They continued to follow as the suspect gave a half look back at them and then started jogging away. Officer Resch stated he observed the suspect put his hands into his front waistband area.

Officer Resch stated that got a weird feeling about the situation and prepared to defend himself by slowing his vehicle down, taking his seatbelt off, drawing his handgun and opening his car door. Officer Resch stated that the suspect continued digging into his front waistband area as he walked towards the Firestone Tire Store and had looked back at them a second time. Officer Resch stated that he gave the suspects loud commands to show him his hands.

Officer Resch indicated that the suspect initially didn't respond to his commands, but then spun suddenly towards him. Officer Resch observed the suspects hands come around to the front of him with the same object he had seen earlier in his hands. Officer Resch stated that he believed the suspect was armed with a gun and that he was scared and feared for the safety of himself and his partner. Officer Resch stated that he discharged his weapon and that the suspect immediately dropped the object and raised his hands up.

Officer Resch indicated that he then approached the suspect and handcuffed him without any further incident. Officer resch stated that he was still concerned that the suspect may be armed. He searched his clothing and located a glass smoking pipe concealed in an open zippered area of his croch.

After the suspect was secured, Officer Resch stated that he thought to turn on his body worn camera. He stated that he never manually turned on any other camera. He also indicated that he never activated his emergency lights or siren and never identified himself, but was confident that the suspect had turned and looked back at them twice.

SUSPECT STATEMENT:

On 1/17/19, at approximately 2050 Hours., the suspect, identified as Jason Christopher Gonzalez-Warren, 5/12/1993, x5230092, was mirandized and interviewed by SSD detectives. This interview took place in a detective interview room of the Elk Grove Police Department. This interview was also recorded.

During this interview, Gonzalez-Warren indicated that prior to the incident that he had been at the Starbucks rapping. From the Starbucks he was headed towards the Fairfield Inn at the other end of Orchard Loop. He indicated that he had a glass smoking pipe containing crystal meth and a lighter in his hands. His intention when he got in the area of the Fairfield Inn was to smoke the meth. Gonzalez-Warren stated that he was running because he always runs to get from one place to another.

Gonzalez-Warren indicated that he did see the police coming and that he felt that they had intended to stop him. He stated that he was attempting to hide the pipe in his pants. Gonzalez-Warren indicated that he did hear the officer's commands and that he did turn around extremely fast.

Gonzalez-Warren stated that he does smoke meth, but that he had not yet smoked any meth on this day.