



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** August 18, 2016  
**TO:** Deputy District Attorney Tan Think  
**FROM:** Criminal Investigators Diane Hall and Daniel Garbutt  
**SUBJECT:** Officer involved shooting (SSD 16-245488)  
Chad IRWIN (XRef: 1645138) Deceased

**Criminal Investigator Diane Hall:**

**OIS/8-18-2016**

**SUSPECT:** IRWIN, Chad (DOB: 10-31-1975)  
XREF 1645138

(C) [REDACTED]  
6126 Brahms Court  
Citrus Heights, CA 956214  
[REDACTED]

(W-1) [REDACTED]  
(W-2) [REDACTED]  
(W-3) [REDACTED]

(V) SSD FTO DEPUTY James SPURGEON #1099  
(V) SSD TRAINEE DEPUTY David CONGER #1044

## SUMMARY:

8-18-2016/Approximately 2045 hours, Sacramento County Sheriff Department (SSD) Field Training Officer (FTO) Deputy SPURGEON, and his trainee SSD Deputy CONGER, responded to a call for service/9-1-1 "hang up" call from the residence of 6126 Brahms Court.

The deputies made contact with the Complainant (C) [REDACTED] at the residence who told them that her husband (SUSPECT Chad IRWIN) was not at the house. However, he had left in their vehicle armed with a knife. She was concerned for his safety as well as the public's safety as he had been drinking, ingested anti-depressants and pain medications.

The deputies returned to their marked unit parked near the front of the said residence. The deputies started to research suspect's history, put out a "BOLO" for the suspect and the vehicle he was last seen in. While the deputies were doing this, they noticed the suspect vehicle drive up and park in front of their vehicle. The

deputies got out of their vehicle and at the same time the suspect got out of his vehicle. The deputies recognized the suspect as the caller's husband from a photograph of the suspect in the Known Persons system.

As the deputies approached the suspect, the deputies observed a knife in the suspect's right hand. Based on their training and experience, both deputies drew their guns knowing the knife was considered a deadly weapon.

The suspect started verbally challenging the deputies while pacing back in forth in front of his vehicle. As the suspect verbally challenged the deputies, the suspect started advancing toward them. FTO Deputy Spurgeon, fearing for his safety and his trainee's safety, fired his gun several times striking the suspect.

After securing the scene safe, both deputies started life-saving procedures on the suspect. Fire/medical responded and at 2126 hours, Fire pronounced the suspect deceased on scene.

Three potential eye-witnesses (W1, W2 & W3) to the account were in the driveway of [REDACTED] Brahms Court. They were loading W1's truck when the suspect returned and the encounter ensued.

**8-18-2016/APPROX 2150 HOURS:** I received communication from DA Lieutenant K. Campbell that there had been an OIS involving the Sacramento County Sheriff's Department.

**APPROX 2250 HOURS:** I arrived on scene at Brahms Court, 95621.

**APPROX 2257 HOURS:** SSD began debriefing the events of the OIS. DA CI D. Garbutt completed the walk-thru of the scene.

**8-19-2016/APPROX 0030 HOURS:** I arrived at SSD CID (4510 Orange Grove Ave 95841) to observe the interview(s). Upon my arrival, Witnesses [REDACTED] were being interviewed simultaneously.

In part, I observed a few minutes of W1's interview via a video feed. W1 stated, in summary, that he saw the confrontation between the suspect and deputies. W1 observed the suspect pacing back and forth, and waving his arms. W1 stated that he felt by the suspect's gait and body language, he felt the suspect had been drinking. W1 did not hear any verbal commands by the officers. W1 heard the suspect make the following statement, in summary,

"Let's do this. I'm ready to die."

In part, I observed W2's interview via a video feed. W2 stated, in summary, that he saw the confrontation between the suspect and deputies. W2 stated as he watched the suspect's demeanor, W2 thought the suspect was going to "rush" the officers and that the suspect wanted to fight the officers. W2 stated that the suspect continuously threw his arms out to the side. W2 stated he did not see the suspect holding anything, specifically a knife. W2 stated that he did not see either officer holding a weapon either. W2 stated he could hear the suspect yelling over the officers. W2 heard the suspect make the following statements, in summary,

"Nothing to talk about. Don't need to talk.",

"It's over with.",

"We're done.",

"You guys gonna tase me?",

"I want to die.", and

"If I charge you, are you going to shoot me?"

W2 stated he was not looking at the encounter when he heard about 4 shots ring out. After W2 heard the shots fired, he looked over and saw the suspect laying on the ground.

W3 (a minor) was also interviewed, but I did not observe it.

**APPROX 0146 HOURS:** SSD Homicide Detectives C. Newman and C. Britton interviewed Deputy Spurgeon (with his attorney present) which included conducting a round count of Deputy Spurgeon's handgun, a department issued Glock 17 Gen 4, 9mm which has a magazine that has a (17) round capacity. There was (1) round in the chamber and (6) rounds in the magazine. The (2) spare magazines were both loaded to their (17) round capacity.

See attached FTO DEP. SPURGEON STATEMENT.

**APPROX 0248 HOURS:** SSD Homicide Detectives C. Newman and C. Britton interviewed witness Trainee Deputy D. Conger (with his attorney present) which included conducting a round count of Deputy Conger's handgun, a department issued Glock 17 Gen 4, 9mm which has a magazine that has a (17) round capacity. There was (1) round in the chamber and (17) rounds in the magazine. The (2) spare magazines were both loaded to their (17) round capacity.

See attached TRAINEE DEP. CONGER STATEMENT.

## INTERVIEW OF SSD DEPUTY JAMES SPURGEON #1099:

**8-19-2016/APPROX 0146 HOURS:** SSD Homicide Detectives C. Newman and C. Britton interviewed Deputy Spurgeon who related the following in summary.

I am assigned North Patrol and am a FTO. Tonight, I had a trainee with me, Deputy Conger, who was driving our fully marked unit. Deputy Conger is in his Phase II training and has been with me for the past 3 weeks.

We were dispatched to a 9-1-1 hang up call, and had little information other than [REDACTED] [REDACTED] was connected to the phone number. We made contact with [REDACTED] I remember seeing two minor females in the hallway. [REDACTED] "shooed" them into back bedrooms.

[REDACTED] told us that her husband was not there but she was concerned about him because he had been drinking, taking pain medication and he had left the house armed with a knife. Further discussion with [REDACTED], she expressed concerns for husband's safety and the public's safety as he had left in their car. She also thought he might be suicidal. [REDACTED] agreed that a "bolo" should be sent out for her husband. [REDACTED] told us that he had left in a white SUV.

Deputy Conger and I went back to our vehicle and started running a history check on [REDACTED] husband. I also pulled up a photograph of [REDACTED] husband.

I instructed Deputy Conger that we should try to contact [REDACTED] husband by phone. However, Deputy Conger did not obtain that information. So, he left our vehicle and re-contacted [REDACTED]

When Deputy Conger returned to our vehicle, he told me that the husband had called [REDACTED] while he was talking to her. Deputy Conger relayed that he could hear the husband yelling through the phone. Deputy Conger stated that [REDACTED] had told him her husband was agitated that she had called the cops.

While we were still in our vehicle, I was updating the bolo and doing diligence for the call. I also had Deputy Conger attempt to call [REDACTED] husband without success.

About this time, we noticed a white SUV pull into the court, park in front of us and the driver got out. I recognized the driver as [REDACTED] husband from the photograph I had viewed earlier. Deputy Conger and I exited our vehicle.

He looked frustrated, agitated and a little sweaty. I remember asking him something like, "Hey man, how's it going?"

Deputy Conger then turned his flashlight on, pointing it at [REDACTED] husband and telling me, "He has a knife."

I looked at his hands, and saw clearly a knife. Deputy Conger was to my left. We both pulled our handguns.

I ordered him to put the knife down about 5 to 10 times. He kept pacing back and forth, and moving his arm/hand that had the knife in it. I remember seeing his the muscles in his right arm constrict as he was holding the knife so tight.

I remember him talking really fast and stating,

"I know what happens.....I'm going to charge you with this knife and you're going to shoot me."

He then advanced towards us while making a whipping motion with his hand that had the knife in it. Fearing for my and Deputy Conger's safety, I shot multiple times at him.

After I shot, I instructed Deputy Conger to start compressions. Deputy Conger soon tired, and requested that I take over. I then took over until Fire/Medics relieved me.

END OF STATEMENT.

## INTERVIEW OF SSD DEPUTY DAVID CONGER #1044:

**8-19-2016/APPROX 0248 HOURS:** SSD Homicide Detectives C. Newman and C. Britton interviewed Deputy Conger who related the following in summary.

I have been a deputy since February 2014, and was an "On-Call" Deputy for about 10 months prior to that. I am currently on patrol training. I am starting my 4<sup>th</sup> week with FTO Spurgeon.

Tonight we were dispatched to an incomplete 9-1-1 call. I can't remember the text of the call. We were driving a marked unit. I remember when we arrived, we made a tactical approach because we did not know what type of call we were responding to. So, we "blacked out" our vehicle. We did not activate the lights/sirens. Therefore, the In-Car Camera (ICC) system was not activated.

We made contact with [REDACTED] [REDACTED]. She said she was glad that we were there. She told us that she and her husband had gotten into an argument about his drinking thus his inability to transport their kids. She told us that her husband had been drinking and had been taking pain medications. She also told us that he was armed with a knife.

After FTO Spurgeon and I were back in our patrol vehicle, he sent me back to re-contact [REDACTED] because I forgot to get the husband's phone number. When I was re-contacting [REDACTED] she received a call from her husband.

I could hear him on the other end and hear [REDACTED] telling him that the police were here, he needs to stop this and to come home. After disconnecting, [REDACTED] confirmed that was her husband on the phone and that he wanted her to bring him more pain medication.

After I returned back to our vehicle, we noticed a white SUV pull up and park in front of us. I saw [REDACTED] husband get out of the driver's side and walk to the front of his car. I recognized [REDACTED] husband from his photograph in KPF. We exited our vehicle and approached him.

I turned my flashlight on and could see a knife in his hand. I immediately drew my weapon and told FTO Sturgeon that he had a knife. I remember he kept pacing back and forth. I remember ordering multiple times for him to drop the knife. I heard him say,

"Come on, let's do this."

And I remember hearing FTO Sturgeon reply, "What does that mean?" Then, [REDACTED] husband started walking towards us, and FTO Sturgeon shot multiple times. I watched the suspect fall down towards the sidewalk. After FTO Sturgeon shot, we approached the suspect cautiously. For safety purposes, I moved the knife away that was lying next to the suspect. FTO Sturgeon told me to glove up and start compressions.

I did feel threatened that the suspect could use the knife on me or FTO Sturgeon.

END OF STATEMENT.

## Criminal Investigator Daniel Garbutt

All times referred to herein are approximate.

On 8/18/2016 at 2145 hours, I was notified by Lt. Kirk Campbell of the Sacramento District Attorney's Office of an officer involved shooting that had occurred involving Sacramento Sheriff's Department (SSD) Deputies. The incident had occurred in front of 6126 Brahms Ct. in the unincorporated area of Citrus Heights. The suspect, later identified as Chad IRWIN, died as a result of the shooting. I responded to the scene where I met with Criminal Investigator (CI) Diane Hall.

### SSD Briefing

On 8/18/2016 at 2300 hours, a briefing was held at the intersection of Brahms Court and Andante Drive near the scene of the incident. During the briefing, SSD personnel who were at the scene or responded to the scene provided accounts of what had transpired. We learned that Deputy James Spurgeon, a 14 year law enforcement veteran, had fired multiple rounds at IRWIN after IRWIN had approached him with a knife in a threatening manner and after Deputies Spurgeon and Conger had repeatedly told IRWIN to drop the knife.

At the conclusion of the briefing, CI Hall left the scene to go to SSD Centralized Investigations Bureau (CID) in order to observe interviews of Deputies Spurgeon and Conger. I later joined CI Hall and observed the interview of Deputy Spurgeon.

### Scene Viewing and Walk Through

SSD Homicide Detectives did a complete walk through of the scene and then returned. I was present for a secondary walk through of the scene, and my observations of the scene are described and summarized as follows.

The patrol car that Deputies Conger and Spurgeon were driving was parked near the end of the cul de sac on Brahms Way facing south toward Andante Drive. The white sport utility vehicle that had been driven by Irwin was parked a short distance away and facing the patrol car on the same side of the street/cul de sac. There was a Metro Fire Department engine parked near and in between the patrol car and the suspect's vehicle. SSD Personnel who had participated in the initial walk through told me that the body of the Decedent was out of view but in front of the suspect's vehicle. Other items of physical evidence that I could not see from my vantage point but were said to be present included shell casings that had been expended as a result of Deputy Spurgeon firing shots at IRWIN, and the knife that IRWIN held as he advanced toward the Deputies.

The Crime Scene Investigation (CSI) Unit processed the entire scene. I left the scene and went to SSD CID to observe the interview of Deputy James Spurgeon.