



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: 07/09/2019

TO: Tan Think
Supervising Deputy District Attorney

FROM: Investigator D. Schiele #29

SUBJECT: CHPD Officer Involved Shooting Report CH19-5301
Grayson Isaiah Schuessler: Xref #4907989

NOTIFICATION:

July 9th, 2019, at approx. 2100hrs., Criminal Investigator Kurt Leatherman #12 and I received a text notification from Lt. Joyce Thorgrimson informing us that an officer involved shooting had occurred in the City of Citrus Heights. The text stated one officer was reportedly grazed but not injured, one police canine hit, the suspect had been shot and had no pulse. The command post was located at the Citrus Heights Police Department.

BRIEFING:

CI Leatherman arrived prior to my arrival at the Citrus Height Police Department. I arrived at approx. 2215 hrs. Upon arrival we were introduced to CHPD staff:

Lt. Michael Wells
Sgt. Nicole Garing
Detective Michelle Drake
Detective Justin Stevenson

Lt. Wells held an informal briefing for CI Leatherman and myself. Lt. Wells stated the following in summary:

At 1924 hrs, reports started coming into CHPD dispatch center of a gunman in the area of Macy's in the of the Sunrise Mall. The dispatch center received multiple calls of a male subject carrying a silver revolver and firing shots. There were unconfirmed reports that the suspect had shot out a window of the Macy's store.

CHPD Officers arrived on scene at approx. 1931 hrs., with Officers Joseph Spurlin and Kyle Shoberg, (canine handler) arriving almost simultaneously. Officers advised over the radio of shots fired at 1932 hrs.

The Officers advised that upon arrival they saw the suspect running in the parking lot near the mall, in the area of the Red Robin and Brake Masters. Officer Shoberg exited his marked canine vehicle and started to approach the subject. As he approached, he saw the subject pull a silver handgun from the area of his waist band. Officer Shoberg sent his canine after the suspect. The subject shot at Officer Shoberg, possibly striking him in the crease of his shirt, the suspect then fired shots at the canine, striking the dog in the head. The suspect continued to fire at the officers, and Officer Spurlin returned fire at the suspect.

The suspect fell into a weeded area, where he again was contacted by the canine, and he shot at the dog and officers again.

The suspect stopped shooting, and the officers approached, rendered aid and called for medical. Medical declared the suspect DOA. The identification of the deceased suspect is unknown, he looks to be a male white, about 25 years old. A .357 silver handgun was recovered at the scene.

Two uninvolved vehicles were hit by rounds, the first was an unoccupied pickup in the parking lot between Red Robin and the Brake Masters. A second vehicle was struck as it was being driven east bound on Greenback Lane. That vehicle was struck in the windshield. The bullet penetrated the windshield of the vehicle, grazing the female driver in the head. It is unknown whose rounds hit the vehicles.

The involved officers have not been formally interviewed, and those interviews will be scheduled after 72 hrs.

ROUND COUNT:

Officer Shoberg carries a CHPD issued .40 caliber Sig Sauer P226. The P226 when fully loaded contains 12 rounds in the magazine, and one round in the weapons chamber. The round count determined that Officer Shoberg fired one complete magazine plus an additional 2 rounds after reloading at the suspect, for a total of 15 rounds.

Officer Spurlin carries a CHPD issued .40 caliber Sig Sauer P226. The P226 when fully loaded contains 12 rounds in the magazine, and one round in the weapons chamber. The round count determined that Officer Spurlin fired 13 rounds at the suspect.

SCENE:

The shooting took place in the 7900 block of Greenback, on the south sidewalk, in the area between the Brake Masters and Red Robin. Greenback Lane is a major roadway for the area and is heavily traveled.

SCENE WALK THROUGH:

No scene walk through was provided by CHPD. Officers Shoberg and Spurlin did complete a walk through, but only the officers and their attorneys were allowed. We were able to view the scene but did not observe the suspect or the suspect's weapon.



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DATE: 07/09/2019

TO: Tan Think
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FROM: Investigator K. Leatherman #12

SUBJECT: CHPD Officer Involved Shooting Report CH19-5301
Grayson Isaiah Schuessler: Xref #4907989

NOTIFICATION:

At approx. 2044 hours I was notified via phone that an officer involved shooting had just occurred in the area of the Sunrise Mall. I responded to the Citrus Heights Police Department and met with Inv. Schiele, CHPD Detective Justin Stevenson and other members of the Citrus Heights Police Department (refer to Inv. Schiele's written memorandum for further information).

INTERVIEWS:

There were two CHPD Officers that had discharged their weapons in the incident. Those officers were identified as Officer Kyle Shoberg and Officer Joseph Spurlin. Another officer had arrived on scene during the incident and had witnessed a portion of it but had not discharged his weapon. He was identified as Officer Patrick McCoy.

WITNESS: CHPD Officer Joseph Spurlin #467

On 07/15/2019, at approximately 1325 hrs., Officer Spurlin was interviewed by Citrus Heights Police Detectives in an interview room at the Citrus Heights Police Department. Ofc. Spurlin was interviewed by Det. Michelle Drake and Det. Justin Stevenson. An attorney from the Mastagni law firm, representing Ofc. Spurlin, was also present in the interview. The interview was observed from a monitor in another room. The entire interview was audio recorded. The following is a summary of Officer Spurlin's statement:

Ofc. Spurlin graduated from a POST approved Sacramento Police Department academy in December 2017. He briefly worked for the Roseville Police Department and has been an officer with the Citrus Heights Police Department since 01/07/19.

On 07/09/19, Ofc. Spurlin was on duty in police uniform and was working an overtime patrol shift from 1400-2400 hours. He was armed with a department issued Sig Sauer P226 40 caliber handgun holding thirteen rounds in the gun and two extra magazines holding twelve rounds each.

Ofc. Spurlin was dispatched to the area of the Sunrise Mall in regard to a "shots fired" call. The responsible was reported to possibly have a hand gun in his waistband area. Based on the radio traffic Ofc. Spurlin believed there was an "active shooter" at the mall. He responded, "code 3" and upon arriving on the east side of the complex he deactivated his siren.

Ofc. Spurlin was updated that the possible suspect was then running from Penny's toward the Firestone Tire business. He was further advised the suspect was a white male with a white shirt and dark pants. As he approached the area of the Firestone Tire and Red Robin restaurant he saw a large group of approx. 50 people outside looking in his direction. At that time, he "thought someone got shot" and he slowed down.

Ofc. Spurlin heard Ofc. Shoberg radio that he saw the suspect as Ofc. Shoberg passed by him. Ofc. Spurlin then also saw the suspect exiting the mall and running east on Greenback Lane. Both Ofc. Shoberg and he entered onto E/B Greenback Lane and he saw the suspect still running east on the south sidewalk area of Greenback Lane.

The suspect then began to "double back" on them so they both stopped and exited their vehicles.

Ofc. Spurlin drew his handgun and yelled commands to the responsible, telling him to "stop fucking running, show me your hands". At that point Ofc. Spurlin stated he was in fear of his and everyone else's safety and felt the subject needed to be stopped before he could kill someone.

The suspect reached to his waistband area and pulled out a gun. He swung back towards Ofc. Spurlin and Shoberg with the gun in his right hand and pointed it towards them. Ofc. Spurlin stated the suspect had a "crazy cold stare" and he stated he was "scared" more than any other time in his life. Ofc. Spurlin heard a loud "pop". The suspect fell forward slightly and Ofc. Spurlin believed Ofc. Shoberg may have fired his gun at the suspect however he was not sure who actually had fired their weapon. The suspect then again spun with the gun and fired a round at them causing Ofc. Spurlin to fire four to five rounds from his weapon at the suspect.

At that point Ofc. Spurlin stated he did not know if Ofc. Shoberg had been shot and he felt the suspect needed to be stopped before he "kills anyone" so he began chasing after him. The suspect again turned and fired towards them and Ofc. Spurlin believed he fired one more round from his firearm at the suspect.

At that point Ofc. Shoberg's canine caught up to the suspect and he recalls the suspect spinning and shooting another round as the suspect fell to the ground. Ofc. Spurlin could not return fire due to the canine being in the way. He then saw the suspect raise his gun up and point it down at the canine and pull the trigger. The canine made a "god awful"

sound and moved out of the way while the suspect attempted to get up while still "waving" the gun around so he fired four to five more rounds at the suspect at which time the suspect went down and stopped moving.

Ofc. Spurlin continued to point his firearm at the suspect as he could only see the suspect's shirt and pant area. Assistance then arrived and with the cover of a shield they approached the suspect, handcuffed him and began medical aid.

Upon approaching the suspect, Ofc. Spurlin recalled seeing the suspect's gun near his feet and that it was collected by one of the other officers.

Ofc. Spurlin had not had any prior contacts with the suspect.

WITNESS: CHPD Officer Kyle Shoberg #304

At approximately 1515 hrs. Officer Shoberg was interviewed by was interviewed by Citrus Heights Police Detectives in an interview room at the Citrus Heights Police Department. Ofc. Shoberg was interviewed by Det. Michelle Drake and Det. Justin Stevenson. Two attorneys from the Mastagni law firm, representing Ofc. Shoberg, were also present in the interview. The interview was observed from a monitor in another room. The entire interview was audio recorded. The following is a summary of Officer Shoberg's statement:

Ofc. Shoberg graduated from a POST approved police academy in 2007. He worked for the Grass Valley Police Department prior to becoming an officer with the Citrus Heights Police Department in 2010.

On 07/09/19, Ofc. Shoberg was on duty as a canine handler, in police uniform and was working a patrol shift from 1800-0400 hours in a clearly marked police vehicle. He was armed with a department issued Sig Sauer P226 40 caliber handgun holding thirteen rounds in the gun and two extra magazines holding twelve rounds each.

Ofc. Shoberg was on the scene of a separate call near the Sunrise Mall when he heard dispatch report a call of shots fired at the Sunrise Mall. A suspect description was given further advising he had a silver gun in his pocket area and he was running on foot through the parking lot. Ofc. Shoberg responded to the scene code-3.

Ofc. Shoberg arrived in the parking lot near the Sears store when he saw a subject matching the suspect description running towards the Red Robin restaurant, where Ofc. Shoberg noted there were "people everywhere" in the parking lot. The subject continued running and went around the Red Robin towards the Brake Masters and then eastbound on the sidewalk towards Fair Oaks Blvd. Ofc. Shoberg drove onto eastbound Greenback and again saw the subject and he did not see anything in the suspect's hands so he drove past him and cut him off, putting himself in a close distance to each other.

Ofc. Shoberg removed his canine from his vehicle and drew his handgun while giving commands for the suspect to get on the ground or he would be bitten by the canine. The suspect then turned and began running westbound. Ofc. Shoberg released his canine and then saw the suspect reach towards his waistband and remove a "big gun". The suspect

turned back towards him with his arm extended at shoulder height and pointed the gun at him. Ofc. Shoberg believed the suspect was going to "kill" him and he saw a "muzzle flash" from the suspect's gun and he then began firing his weapon at the suspect as well.

Ofc. Shoberg stated they were then "literally running down the sidewalk shooting at each other" and the suspect was not going down. Ofc. Shoberg stated several times that he recalled the suspect's gun being "big" with a "huge" barrel and that the suspect was "obviously" going to kill him.

The suspect then continued running w/b and as Ofc. Shoberg's dog reached him, Ofc. Shoberg saw the suspect point his gun down toward his dog and fire the gun again, causing Ofc. Shoberg to believe he had just shot his canine. The suspect continued moving into a planter area where the dog pulled him to the ground.

By that time Ofc. Shoberg was "fairly close" to the suspect and he then saw the suspect roll over and again extend the gun toward him and fire more shots. Ofc. Shoberg fired his weapon at the suspect until it was empty and he then ran to a nearby police vehicle where he reloaded his handgun. As he stepped around the vehicle he saw the suspect still pointing his gun towards his location so Ofc. Shoberg again fired his weapon however it only clicked. Ofc. Shoberg then racked his firearm slide again, ejecting a live round from the gun. At that time the suspect was still pointing his gun so Ofc. Shoberg fired his weapon at the suspect again until the suspect stopped moving.

Due to the suspect's location in the planter area, Ofc. Shoberg then could only see the suspect's upper body area and he could not see his canine however his canine eventually came out of the planter area and he could then see blood on him. Ofc. Shoberg placed his canine in his vehicle and then recalled feeling like something had "slapped" his side during the shooting. He looked down and saw his shirt was ripped and he believed he may have been shot as well. He removed his uniform but did not locate any injuries at that time.

Ofc. Shoberg soon thereafter left the scene with his canine, transporting him to an emergency veterinarian hospital for treatment. It was later determined that his canine had not been struck with any of the rounds.

Although Ofc. Shoberg was not hit at the scene, several days after the incident he developed a bruise on his side that was photographed and documented by the department.

Ofc. Shoberg had not had any prior contact with the suspect.

Officer McCoy was not interviewed, and he will be preparing a written report regarding the incident.

Other Information:

Shortly after the interviews had concluded we were shown a video that had captured a majority of the incident. The video was obtained from the Battery Plus Bulbs business located at 8025

Greenback Lane, across the street from and directly north of the Brake Masters business where most of the incident occurred.

In the video I was able to see a male subject running at a near sprint, northbound in the parking lot between the Red Robin and the Brake Masters businesses. He turns eastbound on the south sidewalk of Greenback Lane, continuing to run. Two marked CHPD vehicles exit behind him onto E/B Greenback and continue E/B, passing by the subject and continuing until exiting the video on the left side of the screen. As the subject begins to exit the left side of the screen I saw him stop and begin running back W/B. The subject then immediately spun to his right and appears to have a handgun in his right hand and points it towards the left side of the screen (where the officers were located).

Ofc. Shoberg's canine comes into the video from the left and is approaching the armed suspect and I noted the suspect began pointing the gun towards the canine. The suspect then continues in a southwest direction into a planter bed area with the officers running after him, with Ofc. Shoberg further south near the Brake Masters building and Ofc. Spurlin on the sidewalk area. Both Officers have their handguns out and are pointing them towards the armed suspect. A marked CHPD vehicle then comes to a stop in the E/B lane of Greenback just to the northwest of the suspect as the armed subject then falls to the ground making it difficult to see him. The CHPD vehicle was being driven by Officer McCoy.

Due to the quality of the video, the distance from the actual event and no audio present it was difficult to tell when rounds were being fired from any firearms, however as Ofc. Shoberg is in close proximity to and just east of the armed suspect I noted a window directly next to Ofc. Shoberg shatter and also noted what appeared to be another round strike the wall directly next to him indicating the suspect was firing his weapon at Ofc. Shoberg at that time.

Within seconds Ofc. Shoberg begins running northwest towards the CHPD vehicle that had just arrived and briefly takes cover behind it. It appears he may be reloading his weapon from that position and he then exits from the rear of the vehicle facing towards the suspect's location. From there it again looks like he racks his firearm again, confirming his statement that it had misfired. He then exits from cover and proceeds E/B on the southside of the vehicle out of view. He continues until meeting up with Officers Spurlin and McCoy. Officers eventually approach the suspect to secure him.

Refer to CHPD for copies of the video, audio recordings and transcripts.

DECEASED IDENTIFICATION:

Schuessler, Grayson Isaiah
WMA, 5'10", 140 Lbs, brown hair, brown eyes

12/16/1992

OLN#

Xref: 4907989

CII#