



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: December 21, 2020

TO: Supervising Deputy District Attorney Charles Gonzalez

FROM: Criminal Investigators Frank Ubois and Derek Stigerts

SUBJECT: Officer Involved Shooting Incident (SPD #20-362291)
Jordon Avery ZENKA, DOB: 02/18/1994 (No local history)

NOTIFICATION:

On December 13, 2020, at approximately 0830 hours (Sunday), Investigators Frank Ubois and I, Derek Stigerts, were notified of an officer involved shooting that occurred at 3250 Arena Boulevard, Bel Air Market, within the City and County of Sacramento. Investigator Ubois and I responded to the shooting scene and monitored the Sacramento Police Department's (SPD) investigation. We arrived at approximately 0915 hours.

BRIEFING:

At 0935 hours, the initial briefing was given by Lieutenant Brian Ellis, #3138. Lieutenant Ellis gave a brief overview of the incident and identified the following officers who discharged their firearms: Sacramento Police Officer Michael Pinola #279 (K91) and California Highway Patrol Officer Michael Simpson #17351. Simpson is assigned to the Woodland CHP Office.

The involved SPD officers were identified as: Officer Benjamin Gray #0704 (1B18), who was first to make contact with the suspect; Sergeant Travis Hunkapilllar #3108 (2SM1), who was the on scene supervisor; Officer Jason Finnicum #920 (1B13) and Officer Joseph Swaleh #900 (1A65), armed with less lethal bean bag shotguns; Officer Angel Espinoza #360 (2B48), Officer John Helmich #589 (1B32) and Officer Robert Lindner #538 (1B34), each armed with less lethal 40mm impact weapons.

There were several additional SPD Officers, Sacramento Sheriff Deputies, and officers from other law enforcement agencies on scene.

The subject being investigated was identified as JORDAN AVERY ZENKA, DOB: 02/18/1994 (CDL F1999402). ZENKA had no local history. ZENKA was still at the scene and had been pronounced deceased by Sacramento Fire personnel at 0713 hours.

Lieutenant Ellis advised that starting at 0634 hours on 12/13/20, SPD received multiple calls to the Bel Air Market at 3250 Arena Blvd. The initial call came in as a vehicle crashed into the building. An additional call came in which stated the subject was running around inside the store. Another call came in which stated a male was inside the store trying to kill himself, cutting himself with a knife. Officer Gray was dispatched and arrived at 0643 hours. Officer Gray entered the store and observed the subject, later identified as ZENKA,

in the Bakery area armed with a knife and cutting himself. Officer Gray kept his distance from ZENKA and began de-escalating the situation. ZENKA charged at Officer Gray who tactically retreated to keep distance. ZENKA stopped and Officer Gray continued to talk with him. Officers Finnicum and Lindner arrived at 0648 hours.

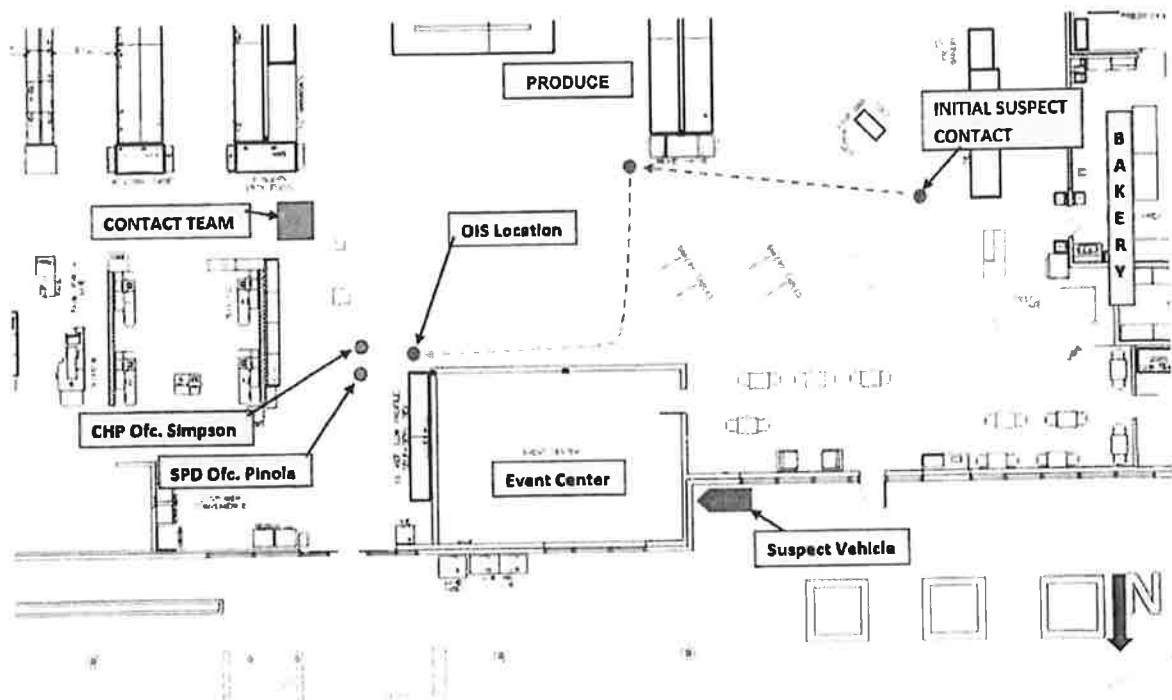
Sergeant Hunkapillar and several other officers arrived and staged in the area where Officer Gray was located, near the self-checkout area. After an amount of time, Sergeant Hunkapillar assembled a contact team which included several officers armed with less lethal and lethal options.

ZENKA was at the west side of the store holding a large knife downward but in a high position. Officers were armed with less lethal 40 mm impact weapons, bean bag shotguns, and CEDs (tasers). Officer Pinola and CHP Officer Simpson were lethal cover. As the contact team moved towards ZENKA, he ran towards the office where he was hit with overwhelming less lethal options. He continued with the knife towards Officer Pinola and Officer Simpson who fired their duty weapons at ZENKA who fell to the floor.

Sacramento Fire Department pronounced ZENKA deceased at 0713 hours.

SCENE:

The location of occurrence was the Bel Air Market located at 3250 Arena Blvd., Sacramento, California. The front of the market faces north and there are three public entry/exits on the north side of the structure. The bakery is located at the west side of the store near the front. Just east of the bakery is the produce section. Just east and north of the produce section is the self-checkout registers. Directly to the west and north of the self-checkout is the Event Center. The shooting occurred just outside of the southeast corner of the Event Center. (Refer to the attached map of the market).



WALK THROUGH:

SPD Detective Sergeant Ligon and Detective Sergeant Maclafferty conducted a walkthrough of the scene. ZENKA was located at the southeast corner of the Event Center. There were 8 shell casings just north and east of ZENKA. An approximate 14" serrated knife was lying northeast of ZENKA. There was one shell casing just southwest of ZENKA. There were several less lethal bean bag casings and less lethal 40mm casings and impact rounds throughout the scene. There was a second knife, approximately 10", in the bakery that was covered in blood. There was blood on the floor in the bakery. ZENKA's vehicle, a red 2010 Nissan Sentra, Oregon plate [REDACTED] was parked outside, just east of the western most entry/exit doors, up against the structure.

VIDEO:

All SPD units on scene were equipped with Body Worn Camera (BWC). Bel Air Market was equipped with video throughout the store. The following is a summary of what is shown on the BWC:

Officer Gray arrived at 0645 hours and began speaking to ZENKA who was near the bakery. Officer Gray was approximately 60 feet away from ZENKA. Officer Gray engaged in de-escalation conversation with ZENKA after noting that he was armed with a knife. After approximately two minutes, ZENKA ran towards Officer Gray who retreated to the self-checkout area. ZENKA stopped near the produce section as Officer Gray continued to talk to ZENKA until other units arrived.

At 0659 hours, Officer Tsverov took over talking to ZENKA. It was later learned that Officer Tsverov was a member of the SPD Crisis Negotiating Team.

At approximately 0704 hours, Sergeant Hunkapiller assembled a contact team. At 0707 hours, just prior to the contact team moving forward, ZENKA took steps towards the officers. The contact team moved forward to contact ZENKA and he ran northbound towards the event center. Officers fired several less lethal bean bag rounds and 40 mm impact rounds at ZENKA as he continued and moved eastbound along the Event Center wall. Officers continued to fire less lethal at ZENKA, striking him several times. ZENKA continued to move eastbound down the Event Center wall towards SPD Officer Pinola and CHP Officer Simpson. ZENKA still had the knife in his right hand as he moved towards the officers. Officer Pinola and Officer Simpson discharged their firearms, striking ZENKA. ZENKA was approximately 10' from the officers and moving towards them.

OTHER FACTS:

Officer Pinola was carrying a Glock 17, 9mm handgun. His magazine held 17 rounds and there was an additional round in the chamber. Officer Simpson was carrying a Smith and Wesson M&P 40, 40 caliber handgun. His magazine held 15 rounds and there was an additional round in the chamber. A round count was conducted by SPD Homicide Detectives. Per the round count, Officer Pinola fired four shots and Officer Simpson fired six shots.

Per Homicide detectives, there were four spent 9mm casings and six spent .40 caliber casings located at the scene. Also located at the scene were 10 spent, less lethal bean bags and 40mm impact rounds.

OFFICER STATEMENTS:

Interviews of Officer Benjamin Gray and Sergeant Travis Hunkapiller were conducted at the Sacramento Police Department's Hall of Justice Building on December 14, 2020. The interview of Officer Michael Pinola was conducted on December 15, 2020. CHP Officer Michael Simpson was on scene and scheduled for an interview on December 15, 2020, but ultimately declined to provide an official statement.

Due to the Covid-19 pandemic, we were unable to personally monitor the officer interviews. However, Investigator Ubois and I were immediately briefed by a Sacramento Police Detective Sergeant and/or Detective after each interview. Investigator Ubois documented the following statements:

12/14/2020 @ 1200 HOURS

SPD Sergeant Travis Hunkapiller #3108 - unit [REDACTED]

Sgt. Hunkapiller has over twenty-two years of experience with the Sacramento Police Department. Sgt. Hunkapiller was the sector sergeant who had responsibility for the district where this incident occurred. He was aware that patrol Officer Gray was the first officer to arrive at the scene of what initially known to be a vehicle collision into a building. Within moments of Officer Gray's arrival, he advised over the radio that the subject was armed with a knife and was cutting himself. Additionally, Officer Gray advised that the subject had charged at him with the knife. Sgt. Hunkapiller directed that all units respond code-3 to the scene and asked for officers respond with less lethal force options. Sgt. Hunkapiller also asked for Crisis Negotiations Team (CNT) trained officers to respond, unaware that one was already at the scene. Once Sgt. Hunkapiller was at the scene, he learned that efforts to de-escalate and calm the subject down had been going on for several minutes with no progress in getting the subject to drop the knife. Sgt. Hunkapiller directed officers to effect evacuation of any remaining store employees and customers, then formulated a plan for a less lethal team, arrest team and lethal force team. His goal was to contain and take the subject into custody while allowing for the safety of the public and the officers.

Sgt. Hunkapiller had designated several officers to utilize less than lethal (40mm, 12-gauge beanbag and CED) and lethal cover. Specifically, K9-1 Officer Pinola and CHP Officer Simpson as lethal cover. Sgt. Hunkapiller had told the officers with less than lethal force to use overwhelming less lethal force to contain the subject. Sgt. Hunkapiller directed his officers to move toward the subject to effect his detention when the subject turned and ran perpendicular to the officers. Sgt. Hunkapiller ordered overwhelming less lethal as the subject moved north toward the wall (event center). He observed that the subject was bleeding heavily from the neck and arms. He saw the subject run through the overwhelming less lethal force parallel to the wall toward Officers Pinola & Simpson. Sgt. Hunkapiller saw that the less lethal force had no effect on stopping the subject. Once the subject reached the corner to the wall still armed with the knife, he was engaged with lethal force by Officers Pinola and Simpson. The subject went to the ground and was soon disarmed. Once he was disarmed, he was approached with shields to pin him down as he was taken into custody. Once in custody, after care was provided until SFD arrived and took over.

12/14/2020 @ 1523 hours

SPD Officer Benjamin Gray #704 unit - [REDACTED]

Officer Gray has five years of experience with the Sacramento Police Department. He advised that he was working as a single officer unit that day and had been dispatched to the scene of a vehicle collision into the Bel Air Market at 3250 Arena Blvd. As he arrived at the scene, he was approached by several employees

who told him that the subject had cut his throat with a knife and was in the bakery area. One of the employees gave the subject's car keys to Officer Gray as he entered the building. As Officer Gray entered the store, he observed the subject near the bakery. He also saw an employee ducking down in the bakery area behind the subject. He saw the subject using the large knife to cut on his neck. Officer Gray attempted to deescalate the situation and engaged the subject in dialogue. He identified himself and told him that he was there to help. Very soon into the contact, the subject ran toward Officer Gray with the knife. Officer Gray contemplated utilizing deadly force at that moment but realized that he couldn't due to the employee hiding in his line of fire in the background. Officer Gray retreated to an area behind a self-checkout counter remembering that time and distance create cover. He advised that his efforts were to keep the subject focused on him, so that responding officers had time to arrive as back up. Officer Gray advised that he tried to talk with the subject for several minutes to calm him down and to get him to drop the knife with no success. After several minutes Officer Tserov (██████████ #893) arrived and took over the dialogue. Shortly after, Sgt. Hunkapiller arrived and devised a plan for evacuation and the subsequent effort to detain the armed subject. Officer Gray advised that Sgt. Hunkapiller implemented the plan. He advised that he knows less lethal force was utilized.

12/15/2020 @ 1235 hours

SPD Officer Michael Pinola #279 unit ██████████

Officer Pinola has twenty-one years of experience with the Sacramento Police Department. Officer Pinola has extensive experience as a firearms instructor and rangemaster. He has received extensive edged weapons training and teaches at the Sacramento Police Academy. Officer Pinola advised that he responded to assist on this incident with his K9 partner. Once he was at the scene, he was briefed by the officers and observed the bloodied subject. He observed the officers verbally communicating with the subject with no progress. He knew that a line of demarcation (mango display) had been established and that at least Officers Finnicum and Swaleh would deploy less lethal beanbag rounds if the subject crossed that line. He knew other officers had additional less than lethal weapons and that he and CHP Officer Simpson were designated lethal cover.

Sgt. Hunkapiller directed the contact team to advance and take the subject into custody. The subject took off running. From Officer Pinola's vantage point, he thought the subject had run back toward the bakery. Simultaneously, he heard Sgt. Hunkapiller order overwhelming less lethal force. Suddenly, the subject came to the corner (S/E corner of the event center) with the knife held in an icepick like grip shoulder high. In fear for himself, the other officers present and the public at large, Officer Pinola fired four rounds from his service pistol when the subject was approximately seven or eight feet away, causing the subject to go the ground ending the threat to himself and others.