



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: January 29, 2016

TO: Deputy District Attorney Tan Think

FROM: Criminal Investigators S. Waterman and S. Scheffler

SUBJECT: Officer Involved Shooting (OIS) (SSD: 16-24127)
Defendant: Lance Bernaix Jr (Xref-3656960)

Criminal Investigator S. Waterman:

NOTIFICATION

On 26 JAN 2016 at approximately 8:17AM, I was notified by Lt Lance McHenry that Sacramento Sheriff's Department (SSD) investigators had requested a District Attorney Investigator call-out for an OIS that occurred in the 8200 block of Sandstone Sea Way, just north of the City of Elk Grove.

BRIEFING

At approximately 9:27AM, I met with my partner, CI Shirley Scheffler, in the 8200 Blk of Garnet Peak Way, around the corner from the scene. Unfortunately the scene briefing was completed prior to our arrival. Upon speaking with Lt Jeff Scott, Internal Affairs, Elk Grove Police Department (EGPD), who advised us that on 26 JAN 2016, Elk Grove Police Officer Bruce Husung, Motor #22, was following a stolen vehicle (EGPD 16-0627) that ended up stopped in a dead end street. When Ofc Husung parked his police motorcycle behind the suspect vehicle the suspect, later identified as Lance Bernaix Jr, put the vehicle in reverse and struck Ofc Husung and his motorcycle. Ofc Husung fired his pistol at the suspect vehicle striking Mr. Bernaix Jr.

Mr. Bernaix Jr, was transported to Kaiser South where he was listed critical but stable condition.

OFFICER ROUND COUNT

CI Scheffler observed the round count of Ofc Husung's service weapon, a Glock .45 caliber semiautomatic pistol, model 21SF. It was determined that there were four (4) rounds in the magazine and one (1) round in the chamber. (A DVD of the count was provided to our office)

OFFICER INTERVIEW

As the incident occurred in the County of Sacramento, Ofc Husung was interviewed by SSD investigators at 4510 Orange Grove Avenue, Sacramento on 26 JAN 2016. The interview was video recorded. Ofc Husung advised that he is a motor officer with EGPD and while on patrol he heard dispatch put out the description and area of a vehicle that had just been stolen. Dispatch provided further information that the registered owner of the stolen vehicle was following the vehicle. Ofc Husung related he observed the vehicles and followed them into residential streets where he eventually saw a man pointing towards a dead end street. Ofc Husung related this is where he saw the suspect vehicle had stopped. Ofc Husung stopped and parked his motorcycle in the street behind the suspect vehicle and got off of his motorcycle. Ofc Husung stated as he approached the suspect vehicle, Mr. Bernaix Jr, put it in reverse and backed up towards Ofc Husung striking him on his left leg and colliding with the officer's motorcycle causing it to move backwards and fall on its side. Ofc Husung stated he believed that his life was in danger and fired his duty weapon at the suspect. Ofc Husung advised Mr. Bernaix Jr, then put the vehicle in drive and collided with a fence and tree.

WALKTHROUGH

I participated in a walk through of the 8200 block of Sandstone Sea Way. It is a residential street with houses on both sides that dead ends into a field. I observed the suspect vehicle up against a tree and fence of a residence on the south side of the street. I also saw that the vehicle had been damaged. I observed an EGPD police motorcycle lying on its side near the center of the street.

NOTE: It was determined that since other officers arrived on the scene after the shooting, they would provide their own supplemental reports in writing.

According to Sgt Paul Belli, SSD #128, video surveillance of the incident was obtained from a nearby residence.