



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** September 7, 2018

**TO:** Deputy District Attorney T. Trinh

**FROM:** Criminal Investigators, A. Fucles #24 and B. Uppal #28

**SUBJECT:** Officer involved shooting SPD case #18-284104  
(SUSPECT: Darell Richards, DOB 12/21/98, xref 5088099-deceased)

**Criminal Investigator A. Fucles:**

## NOTIFICATION

On 9/6/18 at 0544 hours, CI Butah Uppal and I received notification from Sacramento Police Department Communication Center regarding an officer involved shooting in Sacramento that occurred at 0312 hours. We responded to the command post set up at 2110 Broadway, in a parking lot.

## BRIEFING

Upon arrival, at 0620 hours, the briefing, conducted by Lieutenant Sood was already in progress. Lieutenant Sood provided briefing details to me at the conclusion of the larger briefing. The following information was provided:

On 9/5/18 at 2332 hours, Sacramento Police responded to a call for service from [REDACTED] at the Tower Cafe, who reported that an armed adult male with a mask pointed a gun to his face and was waving the gun around. Patrol officers responded as well as CHP air support, who saw the masked gunman (later identified as Darell Richards, DOB 12/21/98). Richards ran from officers, eastbound on Broadway, then southbound on 20<sup>th</sup> Street and began hopping fences of various residences. Richards dumped a backpack that he was carrying at 20<sup>th</sup> Street and Broadway.

On 9/6/18 at 0013 hours, the Sacramento PD SWAT team was called out to conduct a search for Richards. SWAT arrived on-scene at 0136 hours and began conducting a yard-to-yard search at 0144 hours.

At 0302 hours, SWAT began clearing the yard at 2017 1<sup>st</sup> Avenue. There are two residences at [REDACTED] 1<sup>st</sup> Avenue; the other is an apartment unit in the backyard of [REDACTED], rented by [REDACTED]. The resident at [REDACTED] 1<sup>st</sup> Avenue advised that [REDACTED] was not in the apartment and the door should be locked. The apartment unit at [REDACTED] was not locked and it was cleared at 0309 hours and SWAT continued to clear the yard.

At 0312 hours, SWAT officers encountered Richards, who was pointing a firearm, and SWAT officers began shooting.

At 0324, Sacramento Fire engine #5 arrived on scene and medical arrived at 0326 hours.

At 0331 hours, Richards was pronounced dead at the scene.

At the briefing, Lt. Sood also advised that suspect Richards was released on bail on 7/23/18 for PC245 on his brother (SPD case 18-236205).

### **WALKTHROUGH**

At 0750, Sergeant Jason Start conducted a walkthrough of the crime scene. Sergeant Start showed us, from the alley adjacent to [REDACTED] 1<sup>st</sup> Avenue, holes in the fence believed to be from the shots fired by Edgerton and Cox from the backyard of [REDACTED]. In the backyard of [REDACTED] 1<sup>st</sup> Avenue, we observed the deceased body of Richards, who was on medical stretcher used by medical to triage him. We also observed a black semi-automatic handgun located just east of the decedent (Richards), between him and the fence.

### **ROUND COUNT**

On 9/6/18, SWAT Sergeant Todd Edgerton and SWAT officer Patrick Cox completed a round count. Detective Scott MacLafferty provided the information on the round count. Cox and Edgerton both fired eight (8) to nine (9) rounds from their Colt M-4 rifle, set on semi-automatic. MacLafferty explained that the rifle magazines are either loaded with 30 or 29 rounds because magazine coils can cause issues when loading. Cox and Edgerton both had 21 rounds in their magazine respectively after they fired.

### **Supplement by Criminal Investigator Butah Uppal**

**09/06/2018, 0820 hours, Thursday:** CI Fucles and I arrived at the Sacramento Police department on Freeport Ave, where the officer interviews were to take place.

We were escorted to the monitoring room where we would monitor the interviews via television.

### **Interview of witness Officer Barry Tiner:**

**0905 hours:** The interview was already in progress when we tuned in on the monitor. The following is a summary of Officer Tiner's statement.

He was assisting the SWAT team with clearing the back yard of [REDACTED] 1<sup>st</sup> Ave. The K-9 unit was sent in first to attempt to clear the back yard. After the K-9 unit search, he went in with Officer Cox and other officers to clear the yard. His body camera was on the entire time.

As he was near a barbeque (located in the south center of the backyard closer to the residence), he saw movement in his peripheral vision. He saw the suspect sitting on the ground approximately 15-20 feet away from him to the east. The suspect was sitting on the ground under the landing of the house (which is the north east section of the home). The suspect was wearing a hoodie.

Officer Tiner yelled at him, "put your hands up." He saw the gun and yelled out "gun". He stayed in a position of cover and yelled, show me your hands, approximately 3-4 times. The other officers fired their weapons. He did not fire his weapon because of the potential crossfire.

Officer Tiner stated the suspect was seated and had the gun in his right hand. Officer Tiner motioned with his own hands how the suspect pointed the gun at the officers. When he saw the gun Officer Tiner thought the suspect was going to shoot them. (Please review interview CD for complete details).

### **Interview of Officer Patrick Cox (shooting officer):**

**1150 hours:** The following is a summary of the interview of Officer Cox conducted by Investigator Kutz. Officer Cox had a representative present during the interview.

Officer Cox has been employed by the Sacramento Police department for 11 years. His current assignment is to the SWAT team: Dayshift, Monday through Friday from 0600-1600 hours. Officer Cox stated his shift ended early at 1200 hours on the day of this call.

During this event Officer Cox was in full SWAT uniform exhibiting police identification on the front and back of his uniform. He was wearing a helmet which is equipped with night vision. He was also equipped with his assigned handgun; Sig Sauer 226 and an M4 rifle.

Officer Cox received a page reference the call out at 0030 hours on 09/06/2018. The text informed him of an armed subject requiring a yard to yard search.

He is responsible for the SWAT response vehicle, the Bearcat. He first responded to the 300 Richards Blvd for the Bearcat, then responded to the command post. He arrived at the command post and received an updated briefing describing the suspect as wearing a mask and was in possession of a handgun. The suspect fled when officers arrived on scene. During the search an officer had seen the suspect with the handgun. Officer Cox was also provided a picture of the suspect which was obtained from a video monitoring the street.

Officer Cox stated there were two SWAT teams assembled for this search: Team 10 with a K-9 and Team 20 with a K-9. Cox was assigned to Team 10.

When the team arrived at the residence of [REDACTED] 1<sup>st</sup> Ave, they contacted the property owner and obtained a key for the west side gate which enters into the backyard. The property owner informed them there was an attached apartment to the rear of the residence, and the renter was not home.

The K-9 unit cleared the back yard prior to Officer Cox and the team conducting a methodical search of the yard. The back yard was filled with debris to include weeds taller than knee high. The K-9 did not alert in the yard. After the K-9 unit search, his team entered the back yard.

The SWAT team found the apartment door unlocked. The apartment was searched and cleared. They continued their search of the yard. They moved along the north side of the residence. Sgt. Edgerton was to his right. There was a stairwell off the north side of the residence. Officer Cox shined his light in the direction of the stairwell. He observed the suspect sitting on the ground facing a north east direction.

The suspect was wearing a surgical type mask on his face and was holding a gun in his left hand. He yelled at the suspect to show his hands and drop the gun. He gave these commands two (2) times or more. The suspect raised the gun with his left hand and pointed it towards the officers as if he were raising it to get a sight on what to shoot.

Fearing for his safety and the safety of the officers on scene, Officer Cox fired his weapon at the suspect. He also heard other officers fire rounds, but he did not know who they were. Immediately after the shooting he was removed from the yard to the front of the residence.

Officer Cox also stated he felt threatened, as well as the other officers, because the subject posed a deadly threat by pointing the handgun towards them.

After the suspect was shot, the suspect fell to his right side. Officer Cox stated there was a fence behind the suspect and nothing was blocking his view when he saw the gun in the subjects left hand. The light illuminating the suspect was attached to Officer Cox rifle.

Officer Cox said non-lethal options were available at the scene, such as; the taser he was carrying and a less lethal shotgun which was assigned to an officer who was at the rear of the team during the search. Officer Cox stated the officer assigned to the less lethal shotgun was at the rear because the situation did not allow less lethal to be used. (Please review interview CD for complete details).

#### **Interview of Sgt. Todd Edgerton (shooting officer):**

**1300 hours:** This interview was already in progress prior to our knowledge. I later learned the investigating officer was Investigator Alonso, and Sgt. Edgerton has been employed with Sacramento Police Department for 17 years.

The following is a summary of what we viewed.

Sgt. Edgerton received the call out at 0030 hours. The call out was for a potentially armed subject, armed with a pistol.

He responded to the command post at Broadway and 19<sup>th</sup> street. He received the briefing and was shown a photograph of the suspect. This photograph was from a Regional Transit camera. The suspect was wearing a white mask, wearing a hoodie and carrying a gun. Two bags were located with potential identification of the subject. He was also

informed Officers on scene had seen the subject with the gun, as well as the air units' observations.

A search plan was developed including K-9 teams and less lethal weapons. Sgt. Edgerton was dressed in full SWAT uniform with police identifiers on the front back and sides. He was wearing a body worn camera. He said it was on partial time. He would turn it off when he was at the Bearcat to save the battery. It was on when he was searching the backyard. He was assigned to Team 10.

During the initial search they received a call from the resident of [REDACTED] 1<sup>st</sup> avenue. The caller stated his wife heard something in the backyard. Sgt. Edgerton contacted the resident to obtain re-con information.

The complainant told him his wife heard something in the backyard. He also said there is an apartment attached to the residence in the back. The resident of the apartment was not home, and the apartment should be locked. The complainant gave the Sergeant a key to enter through the side gate.

The search began with the K-9 unit going in first. No announcements were made because the type of search being conducted: a stealth search for safety reasons. After the K-9 search, he and his team began their methodical search.

Officer Cox was to his right and Officer Tiner was to his left. As they were searching on the north side of the residence he heard Officer Cox yell, show me your hands. He heard this two (2) times. Sgt. Edgerton saw the suspect with the surgical mask. He saw the suspect swing the gun towards Officer Tiner. At this time, he fired upon the suspect and moved to his right as he was firing. Officer Cox also fired his weapon. At this point officers retreated for cover.

Sgt. Edgerton clarified hearing officers yell, show me your hands, show me your hands. At this point he was about 10-15 feet from the suspect. He recalls the suspect was turning and had appeared to be hiding. Sgt. Edgerton was shocked when he first saw the suspect with the mask and the gun, swinging it around towards Officer Tiner. He believes the suspect had the gun in his right hand. He clearly saw a full-sized pistol with a black slide.

From the suspects position, on the ground, swinging the gun towards Officer Tiner, Sgt. Edgerton was not able to give any commands. He had to use lethal force to protect Officer Tiner. He believes he fired 5-6 shots.

Sgt. Edgerton and the other officers who fired were removed from the backyard to the front of the residence. At the conclusion Sgt. Edgerton realized his body worn camera was off. He does not know at what point it stopped or why.

At this point the interview was concluded. (Please review interview CD for complete details).