



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: September 26, 2017

TO: Supervising Deputy District Attorney Tan Thinh

FROM: Criminal Investigators Steve McCarthy and Steve Trojanowski

SUBJECT: Officer Involved Shooting (SPD #17-269334)
Kristopher J Velez, DOB: 04/17/1987 (X-Ref #5105124)

NOTIFICATION:

September 18, 2017 @ 22:00 hours (Monday): Investigators Steve McCarthy and Steve Trojanowski were notified by Lieutenant Kirk Campbell that an officer involved shooting had occurred within the City of Sacramento. Lieutenant Campbell further advised Sacramento Police Officers were in the process of assisting bail agents with an arrest when the suspect had been shot and directed us to respond to the intersection of Bellini Way and Sun River Drive in Sacramento. We both arrived at 23:05 hours.

BRIEFING:

The initial briefing for investigative personnel had already been conducted prior to our arrival. Sergeant Brian Kinney of the Sacramento Police Department gave us an overview of the incident and visually showed us where the shooting occurred. Sergeant Kinney advised the officers involved were Sergeant Daniel Farnsworth, K-9 Officer Scott Harshbarger (*Shooting Officer*), and Officer Lee Derrick. He identified the suspect as Kristopher Velez, X-Ref #5105124

Sergeant Kinney also explained before conducting a scene walkthrough, the involved officers would be given an opportunity to view their body camera video. He advised after viewing the video, the officers could opt out of doing a walkthrough of the scene and suggested we respond to the Hall of Justice building to monitor the individual officer interviews.

SCENE:

The location of occurrence was a residence located at [REDACTED] Bellini Way. The house is at the north curb line of Bellini Way and is surrounded by a white six (6) foot high wrought iron fence. The house color is white with an attached single car garage. A black primer colored Chevrolet Pickup License [REDACTED] was parked backward in the driveway and an external surveillance camera was observed above the front door. The door leading into the residence was open and we were given an opportunity to view the interior from the threshold of the doorway. From this viewpoint, we could see the living room area and a partial view of the hallway, however could not see any expended shell casing or bullet strike marks.

Investigator Trojanowski and I (*Steve McCarthy*) subsequently responded to the Sacramento Police Department's Hall of Justice located at 5770 Freeport Boulevard to monitor the officer interviews.

OFFICER STATEMENTS:

On September 19, 2017, at 02:04 hours, I (*Steve McCarthy*) monitored the interview of Sacramento Police Officer Lee Derrick.

Field Training Officer Lee Derrick, Badge #342, 16 Years of Service.

At 02:04 hours, Officer Lee Derrick was interviewed by Detective Dave Putnam. Tim Davis from the SPOA was also present. Officer Derrick advised he is currently a Field Training Officer, however he was not working with a trainee on this date. He said his call sign is [REDACTED] and was assigned to Sector 4.

Officer Derrick said he was initially dispatched to Sector 6. He said the call indicated two bail agents were at a residence where a subject was barricaded. While enroute, he heard an update from K-9 Officer Harsbarger that a shot had been fired. Officer Derrick said at that point, he responded code-3 (*lights and siren*). Upon his arrival, Officer Derrick said he parked his car at the intersection of Sun River Drive and Bellini Way. He immediately put on his ballistic helmet and contacted Officer Bell who was standing near the front door of the residence. He said he initially positioned himself at the south/west corner of the residence but later switched positions with Officer Bell and subsequently became part of the arrest team.

Officer Derrick said he entered the residence to cover K-9 Officer Harsbarger and Sergeant Farnsworth. Officer Derrick said K-9 Officer Harsbarger and Sergeant Farnsworth were in direct contact with the suspect, Officer Derrick said he could not see the suspect, but could hear the conversation between Sergeant Farnsworth and the suspect, however only could hear partial responses from the suspect. He said the conversation was calm and not agitated. He said Sergeant Farnsworth was trying to convince the suspect to put down the gun and come out peacefully. While Sergeant Farnsworth and the suspect were talking, Officer Derrick said he heard a noise that sounded like a bullet dropping onto the ground. He said the noise came from the area of where the suspect was barricaded.

Officer Derrick said immediately after Officer Harsbarger fired his weapon, he said something like "*He pointed the gun or thing at me.*" Officer Derrick said Sergeant Farnsworth then directed him to handcuff the suspect. He said as he placed the suspect in handcuffs, Sergeant Farnsworth directed other officers to call for paramedics. Officer Derrick said he then applied a tourniquet to the suspect's right thigh and began giving first aid. He said the fire department arrived a few minutes later and subsequently transported the suspect to the hospital.

Officer Derrick estimated he had been at the residence for approximately twenty (20) minutes before Officer Harsbarger fired his weapon.

End of Statement.

Officer Statements:

On September 19, 2017, at approximately 0135 hours, I (Investigator Steven Trojanowski) monitored the interview of Sacramento Police Department Sergeant Daniel Farnsworth.

Sergeant Daniel Farnsworth, Badge 3002

At approximately 0135 hours, Sergeant Farnsworth was interviewed by Sacramento Police Department Detectives. Sergeant Farnsworth was an on-duty Sacramento Police Supervisor at the time of this incident. Sergeant Farnsworth was the first officer on scene at this incident, and he supervised the on scene officers until the conclusion of the incident.

Sergeant Farnsworth was dispatched to [REDACTED] Bellini Way Sacramento for a call of a suspicious vehicle. (Radio Code 971) When he arrived at the location he discovered that there were two bail agents from Fugitive Recovery Investigations, who were there to arrest suspect Kristopher Velez for two outstanding warrants. The bail agents advised Sergeant Farnsworth that they observed S-Velez enter the residence, and that they were confident that S-Velez was still inside. Sergeant Farnsworth confirmed that S-Velez had two misdemeanor warrants for his arrest. The warrants were for domestic violence and child endangerment. Sergeant Farnsworth decided that he and his officers would take a perimeter position around the residence and only provide cover for the bail agents.

The two bail agents smashed out a window at the residence and they crawled inside. Once the agents were inside, they unlocked the front door of the house and they began a search for S-Velez. Sergeant Farnsworth stepped inside the house via the open front door. The bail agents discovered that S-Velez was locked inside a hallway bathroom on the west side of the residence. The agents attempted to kick open the bathroom door, but they kicked a large hole in the door instead. The agents peered inside the bathroom through the hole, and they shouted out that S-Velez was armed with a handgun. About that time a gunshot rang out from inside the bathroom. Sergeant Farnsworth thought the shot was accidental because he heard S-Velez say "Oh Boy", as if he was shocked at the discharge. Sergeant Farnsworth took control of the scene and he ordered the bail agents to vacate the residence.

Sergeant Farnsworth, Officer Harshbarger and Officer Derrick took cover positions in the living room just east of the hallway and bathroom. Sergeant Farnsworth began to communicate with S-Velez through the bathroom door. The conversation was calm, and Sergeant Farnsworth requested that S-Velez give up and exit the bathroom unarmed. The conversation went on for 20 to 30 minutes. At one point S-Velez threw out a loaded gun magazine into the hallway. The officers didn't know if the magazine was a spare, or if it might have come out of the gun S-Velez possessed. S-Velez then opened the bathroom door, and the light from inside the bathroom casted his silhouette onto the hallway wall. S-Velez crouched down and entered the hallway with a 1911 type handgun in his hand. Initially Sergeant Farnsworth believed S-Velez was going to give up, but he also recognized that the barrel of the firearm was sometimes pointed toward him and the other officers. Officer Harshbarger fired his gun at S-Velez four times, and the sound of the shots initially shocked Sergeant Farnsworth. Sergeant Farnsworth said he believes Officer Harshbarger saved his live, because he lost track of the suspect's hands, and Officer Harshbarger saw something he missed.

Sergeant Farnsworth called for fire and an ambulance, and the officers began first aid for S-Velez' injuries.

End of Statement.

Officer John Harshbarger, Badge 484

On September 19, 2017 at approximately 0252 hours, I (Investigator Steven Trojanowski) monitored the interview of Sacramento Police Officer John Harshbarger.

At approximately 0252 hours, K9 Officer John Harshbarger was interviewed by Sacramento Police Department Detectives. Officer Harshbarger was an on-duty Sacramento Police Officer/K9 handler at the time of this incident.

Officer Harshbarger was dispatched to [REDACTED] Bellini Way Sacramento, for a call of a suspicious vehicle. Sergeant Farnsworth was also dispatched to the residence, and he arrived there before Officer Harshbarger and the other cover officers. Sergeant Farnsworth broadcasted on the radio that two bail agents were there to arrest S-Velez for warrants, and that they had just entered the residence after breaking out a window. Once the bail agents opened the front door, Sergeant Farnsworth entered the residence and he took a position of cover at the east end of the hallway. The bail agents attempted to kick open a bathroom door in the hallway where S-Velez was hiding. The agents inadvertently kicked a hole in the bathroom door and they peered inside. The agents told the officers that S-Velez was inside the room, and that he was armed with a handgun. The officers heard a gunshot from inside the bathroom, but initially thought S-Velez had accidentally shot himself. The officers ordered the bail agents out of the house and Sergeant Farnsworth began to talk to S-Velez about giving himself up.

Sergeant Farnsworth tried to convince S-Velez to leave the bathroom unarmed by speaking to him calmly for 20 to 30 minutes. At one point, S-Velez threw a loaded gun magazine into the hallway, but the officers didn't know if it came out of S-Velez' gun, or if it was a spare magazine. Officer Harshbarger heard a metallic sound from inside the bathroom that he associated with the sound of a gun slide being racked or manipulated. S-Velez then peeked out of the bathroom while holding his gun close to his head, then moved back into the bathroom.

S-Velez stepped out of the bathroom a second time, and he was silhouetted by the bathroom light behind him. Officer Harshbarger could see that S-Velez had a handgun in his right hand, and that the hammer was cocked back on the firearm. S-Velez was hunched forward, and he crouched down as he rounded the partition wall between the bathroom and the hallway. As S-Velez came into full view, Officer Harshbarger saw S-Velez' index finger move to the trigger of the firearm. Fearing for his safety and the safety of his partners, Officer Harshbarger fired four rounds at S-Velez. S-Velez was struck by multiple rounds and he fell to the floor. No other officers fired their weapons.

Sergeant Farnsworth and the officers immediately called for fire and ambulance. They also began to administer first aid to S-Velez.

End of Statement.