



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: January 19, 2022

TO: Supervising Deputy District Attorney C. Gonzalez

FROM: Criminal Investigators M. Poroli #34 and C. Vang #36

SUBJECT: Citrus Heights PD Officer Involved Shooting (CHPD 22-00262)

NOTIFICATION:

On 01-13-2022, at approximately 2230 hours, CI Vang and I were notified of a Citrus Heights Police Department officer involved shooting that had occurred near the intersection of Antelope Road and Tupelo Drive. CI Vang and I responded to that location arriving at approximately 1155 hours.

BRIEFING:

On 01-14-22, at approximately 0010 hours a briefing was conducted by CHPD Det. Battaglia (Lead Detective). She advised that CHPD dispatch received a call regarding a suspicious subject armed with a gun and brass knuckles in the parking lot of Carl's Jr. (6400 Antelope Rd). Detective Battaglia stated that 2 units arrived on scene within moments of the call being broadcast. She identified the shooting officer as Daniel Tsverov badge #18/ ID #411 (Unit K9-1) and witness officer as Edward Aceves (Unit B-9). The suspect was identified as Alexander Bogusz, 2/15/1991, xref #3812099. The suspect had been transported to Mercy San Juan where he had been pronounced deceased.

WALKTHROUGH:

At approximately 1245 hours, we participated in a scene walkthrough, which was conducted by Det. Battaglia. We were lead inside crime tape to a short concrete walk way that lead from the Carl's Jr parking lot to Antelope Rd. There was a smaller area secured by crime scene tape surrounding this walkway area. From outside this crime scene tape one could observe a pool of blood, a silver revolver handgun and a cell phone on the ground. The two involved patrol vehicles were left in position just west of the walkway on the south curb line of Antelope Rd.

SCENE:

The intersection of Antelope Rd and Tupelo Dr. is a busy intersection just off of Interstate 80 controlled by traffic lights. There are shopping complexes, consisting of several fast food restaurants, a major grocery store and numerous other businesses, located on the southeast and northeast corners. Everything west of Tupelo Dr. is high density residential. The area appeared to be well lit with numerous streetlights. The walkway leading from the Carl's Jr parking lot to Antelope Rd was cut through a grassy berm resulting in the walkway being below ground level. There were cement retaining walls on each side of this walkway.

ROUND COUNT:

A round count was reported to have been conducted of Officer Tsverov's person at the Citrus Heights Police Department the night of the incident. The round count was conducted by Det. Parks, witnessed by PST Sergeant Gualco and Lieutenant Morris and documented with photographs by CSI. Veale. The count revealed there was one round chambered and 13 round rounds remaining in Officer Tsverov's gun magazine, which has a capacity of 17 rounds. Two reserve magazines were found at full capacity of 17 rounds each.

IN-CAR CAMERA/BODY CAMERAS:

Citrus Heights Police Department does not outfit their patrol vehicles with In-Car Cameras.

BODY-WORN CAMERAS:

On 1/18/2022, at approximately 0925 Hrs. CI Vang and I reviewed body-worn camera (BWC) recordings from both Officers Tsverov and Aceves at the Citrus Heights Police Department. It should be noted that the audio portion of the recordings start after approximately 30 seconds.

Officer Tsverov's video began on 1/13/2022, 2056 Hrs., with a view of his steering wheel and him driving. He then parks and exits his vehicle standing behind his vehicle in the V of the driver's door. As the audio begins, Officer Tsverov could be heard giving commands to "drop it" and "if you reach for it you will get shot." The suspect can be seen in the walkway area described above in front of Officer Tsverov's vehicle. He can be seen with his hands up and then he bends down towards the ground. The view of the suspect is then blocked by the A pillar of the vehicle. Officer Tsverov can be heard continuing to give commands and then firing three rounds with a brief pause and then a fourth round is fired. A second Officer can be seen coming up and opening Officer Tsverov's front passenger door just after shots were fired.

Officer Aceves video began on 1/13/2022, 2057 Hrs. as he approached the rear of Officer Tsverov's vehicle on foot. The suspect could be seen briefly in the walkway area as Officer Aceves takes a position of cover at the passenger rear corner of Officer Tsverov's vehicle. The suspect was then down and out of view as Officer Aceves moves up to Officer Tsverov's front passenger door.

ADDITIONAL VIDEO AND PHOTOS:

1/18/2022, we were also shown a brief video recording that had been obtained off of Snapchat. A witness from within the Carl's Jr reportedly took this cell phone video. The video showed the confrontation between officers and suspect. The suspect could be seen in the walkway area clearly holding a gun in his left hand. He raises the gun towards the Officers and is immediately shot.

We were shown still CSI photographs from the round count and of the suspect from the hospital. It appeared from the photographs that officers located a set of brass knuckles, a folding knife and a sock full of live rounds on the suspect's person at the hospital.

OFFICER TSVEROV #18 STATEMENT: Sworn Officer for four years, assigned to patrol.

On 01-16-2021, at approximately 1224 hours, Investigator Poroli and I observed and monitored the interview of Officer Tsverov via remote feed. This interview took place at the Citrus Heights Police Department, 6315 Fountain Square Drive, Citrus Heights, CA. This interview was conducted by CHPD Detective Battaglia. Also present in the interview were Officer Tsverov's legal representatives, [REDACTED] and [REDACTED]. This interview was audio recorded. Tsverov stated the following, summary:

Officer Tsverov has four years of sworn experience with the Citrus Heights Police Department. He is currently to assigned to patrol, working as a K-9 handler.

On the night of the incident, Officer Tsverov was wearing his full CHPD patrol uniform, driving his marked CHPD patrol vehicle, with his K-9 partner; he was armed with his department-approved, personally owned 9mm Glock handgun. As he was driving eastbound on Antelope Road, he heard a radio call about a "male at the Carl's Jr with a gun". He was near the area, so he responded to the Carl's Jr, which was at Antelope Road and Tupelo Drive [6400 Antelope Drive].

As he got into the parking lot of the restaurant, he saw a male [later identified as subject/decedent Alexander BOGUSZ] stumbling at the restaurant. He saw the subject walk toward a pedestrian walkway at the north side of the restaurant and point an object at a CHPD unit that was arriving into the scene. Officer Tsverov could not tell what that object was due to the lighting conditions, but he provided the subject's actions to the arriving unit on the radio.

Officer Tsverov drove northbound Tupelo Drive and eastbound Antelope Road. He saw the subject walk toward Antelope Road in the pedestrian walkway. He stopped his patrol vehicle in the #3 lane (eastbound) of Antelope Road and activated his emergency vehicle lights. He exited his vehicle but remained behind the driver's door. He pointed his handgun at the subject, who raised his arms over his shoulders. The subject dropped an object to the ground, which to Officer Tsverov sounded like the sound of metal hitting the ground, consistent with that of a firearm hitting the ground. Officer Tsverov stated he was not able to see the dropped object due to the walkway's raised brick wall.

Officer Tsverov stated he told the subject several times not to reach for the object or he was going to get shot. Officer Tsverov stated he and the subject made eye contact, so he knew that the subject heard him. Officer Tsverov stated the subject ignored his commands, reached down for the dropped object, and raised the object at Officer Tsverov, which he now saw was a silver revolver.

Officer Tsverov stated the subject aimed the gun at him and felt the subject was going to shoot him. Officer Tsverov feared for his life and with no choice, he fired three shots at the subject, who fell to the ground. The subject continued to move while he was on the ground, so Officer Tsverov fired one last round at him.

Officer Tsverov broadcasted over the radio that shots were fired and requested additional units as well as fire (emergency medical aid). Officer Edward Aceves arrived about five to ten seconds after the shots were fired.

Officer Tsverov did not know whether the subject was struck by his gunfire or perhaps he was laying in wait. Officer Tsverov did not approach the subject. He requested a shield as well as a contact team with a less lethal force option. A contact team was formed and two 40mm impact rounds were fired at the subject, who failed to show his hands after verbal commands to do so. The contact team dealt with the subject.

Officer Tsverov provided a public safety to his supervisor and that was the end of his involvement at the scene.

OFFICER ACEVES #498 STATEMENT: Sworn Officer for four years, assigned to patrol

On 01-18-2022, at approximately 0948 hours, Investigator Poroli and I, at the Citrus Heights Police Department, listened to the audio-recorded interview of Officer Aceves. The interview was conducted by CHPD Det. Battaglia on 01-14-2022 at 1730 hours at CHPD headquarters. Officer Aceves stated the following in summary:

Officer Aceves stated he was already in the area when the call came out. As he waited to turn left at Tupelo Drive, from westbound Antelope Drive, he observed the subject at the Carl's Jr, hold an object with both of his hands, waving it at cars at the drive-through. Officer Aceves believed the object to be a gun, based upon the information from the call. Officer Aceves completed his turn and stopped behind Officer Tsverov's vehicle. He got behind the rear, right side of Officer Tsverov's vehicle. He stated did not see the subject [decedent] drop the object, but he did see that the subject was stumbling. He saw the subject bend over, pick something up, which he clearly saw to be a small revolver handgun in his left hand.

Officer Aceves stated he did not give the subject any commands to avoid confusion with the commands being given by Officer Tsverov. He saw the subject raise the firearm and heard three to four rounds fired by Officer Tsverov. Officer Aceves stated one round hit the subject, who fell to the ground. He saw the subject still moving and breathing. Officer Aceves moved behind Officer Tsverov's right, front door and they waited for additional assistance.