



Sacramento County  
District Attorney's Office

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CASE INFO: CANTARUTTI, Paul (XREF 1618829) May 22, 2015

OFFENSE: OIS AGENCY CASE NO: SPD 15-141829

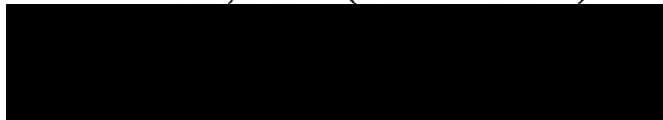
REQUEST BY: S/I REPORT MADE BY: HALL & CAMPBELL

SUMMARY OF FACTS:

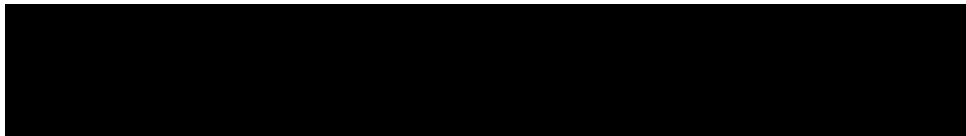
**OIS/5-21-2015**

**SUSPECT: CANTARUTTI, PAUL (DOB: 4-28-1987)**

(C)



- (V) SPD OFR H. MCCLUSKY      Shooting Officer/Body Cam "VIE-VU"
- (V) SPD OFR STONE            Non-Shooting Officer/Body Cam "VIE-VU"
- (V) SPD SGT. S. BELL         Non-Shooting Officer



- (W) SAC CITY FIRE JEFF SCHARMACHER      (DOB: 11-1-1963)
- (W) SAC CITY FIRE ALVA SMOOT            (DOB: 4-8-1968)
- (W) SAC CITY FIRE NICK MCISAAC         (DOB: 8-5-1988)

**5-21-2015 (THURSDAY):** In summary, two Sacramento Police Department (SPD) Bike Officers responded to an unrelated call of a PC245 involving two homeless men at Caesar Chavez Park (910 I Street 95814). SAC CITY FIRE and an SPD SGT arrived on scene to assist in the PC245 call. Near the end of the PC245 call, SPD SGT was hailed and flagged down by [REDACTED] who requested assistance as she was afraid of her son SUSPECT CANTARUTTI and believed he was going to kill them both. SUSPECT CANTARUTTI engaged SPD Bike Officer MCCLUSKY with a knife. SPD Bike Officer STONE assisted OFR MCCLUSKY. SUSPECT CANTARUTTI refused commands to drop the knife. At one point, SUSPECT CANTARUTTI "lunged" towards officers when SPD OFR MCCLUSKY shot SUSPECT CANTARUTTI.

**5-15-2015/APPROX 1845 HOURS:** I received communication from DA CI K. Campbell that there had been an OIS involving Sacramento Police Department.

**APPROX 1930 HOURS:** I arrived on scene at 910 I Street (95814).

**APPROX 2008 HOURS:** SPD LT. HINES provided a Public Safety Briefing explaining the following:

APPROX 1813 HOURS: SPD was hailed by Complainant (C) [REDACTED] SPD was on the South side of I Street handling an unrelated PC245 call involving two homeless men in Caesar Chavez Park. (C) [REDACTED] had parked her car on the North side of I Street and had flagged down SGT BELL. SGT BELL's marked unit was parked in the #1 lane on I Street.

(C) [REDACTED] told SGT BELL she was afraid of her son (SUSPECT CANTARUTTI) who was in her parked car. [REDACTED] continued to state that she thought her son was going to kill them both. [REDACTED] also indicated that the Sacramento County Sheriff's Department (SSD) had responded to their house the night before because her son was having a "meth psychosis" episode and was driving her son to the Amtrak Station. (Reference Report SSD #15-125305)

SUSPECT CANTARUTTI got out of the car and walked across I Street towards the South side of I Street. SGT BELL saw SUSPECT CANTARUTTI walking towards OFR MCCLUSKY. SGT BELL also saw SUSPECT CANTARUTTI standing with a knife on the passenger side of her vehicle.

OFR MCCLUSKY encountered SUSPECT CANTARUTTI. OFR MCCLUSKY started backing up instructing SUSPECT CANTARUTTI to "drop the knife." OFR MCCLUSKY drew his handgun while OFR STONE was running up to assist. After SUSPECT CANTARUTTI did not comply with any of the commands, OFR MCCLUSKY was forced to fire his weapon striking SUSPECT CANTARUTTI.

SUSPECT CANTARUTTI sustained injuries in four areas; Center of the chest, left side of the abdomen, upper right arm, and upper right thigh.

SAC CITY FIRE ENG 2 was already present due to the unrelated PC245 call. ENG 2 was parked in front of SGT BELL's vehicle on I Street. They were able to render first aid. SAC METRO FIRE MEDIC 54 responded as well. SUSPECT CANTARUTTI was transported to UC Davis Medical Center where he was awake and responding. (No further update on SUSPECT CANTARUTTI's condition.)

[REDACTED] a transient, was sitting on a bench near the scene. [REDACTED] states he heard 1 shot and looked over. [REDACTED] states he then saw OFR MCCLUSKY standing over SUSPECT CANTARUTTI and "put 3 more rounds into him."

[REDACTED] Estuadro was in his car stopped in the #2 lane on I Street right after the shooting and began filming. [REDACTED] was extremely uncooperative

as well as extremely irate. [REDACTED] began yelling, "You didn't have to shoot him."

[REDACTED] a transient sitting on the steps of the concert area heard SUSPECT CANTARUTTI arguing with OFR MCCLUSKY. However, [REDACTED] did not hear specific verbal commands. [REDACTED] could see the back of SUSPECT CANTARUTTI. [REDACTED] heard gun shots and saw SUSPECT CANTARUTTI go down.

WITNESS SAC CITY FIRE J. SCHARMACHER saw SUSPECT CANTARUTTI walk across I Street. SCHARMACHER saw OFR STONE running with a Taser towards OFR MCCLUSKY. SCHARMACHER saw OFR STONE holster the Taser and draw his handgun. SCHARMACHER heard 4 gun shots.

WITNESS SAC CITY FIRE A. SMOOT was at the Northeast corner of 9<sup>th</sup> and I Streets. SMOOT saw OFR STONE running towards OFR MCCLUSKY. SMOOT saw SUSPECT CANTARUTTI with a knife in his hand and heard him yelling. SMOOT described SUSPECT CANTARUTTI acting aggressively and "like bumping his chest out" when he heard the gun shots.

WITNESS SAC CITY FIRE N. MCISAAC was at the same corner as SMOOT. MCISAAC saw SUSPECT CANTARUTTI walking across I Street and could see him pulling something from his waistband. MCISAAC could see a "shiny object" in SUSPECT CANTARUTTI's hand. MCISAAC saw OFR MCCLUSKY with his handgun and OFR STONE with a Taser. MCISAAC saw SUSPECT CANTARUTTI raise the knife above his head and lunge toward the officers. MCISAAC then heard 3 shots fired.

**APPROX 2200 HOURS:** After CI Campbell completed a walk-thru of the scene, CI Campbell and I arrived at SPD HOJ (5770 Freeport Blvd 95822). CI Campbell observed SGT BELL and OFR STONE's interviews while I observed OFR MCCLUSKY's interview.

**APPROX 2255 HOURS:** After SPD downloaded both OFR MCCLUSKY & OFR STONE VIE-VU Body Cameras, we were able to view video files. We were told the videos from the Body Cameras were downloaded to their hard drive and copies would be made. It appeared there were 3 video files for OFR MCCLUSKY and 2 video files for OFR STONE.

The first video of OFR MCCLUSKY's VIE-VU Body Cam captured most of the unrelated PC245 call.

The second video of OFR MCCLUSKY's VIE-VU Body Cam was approximately 3 seconds and did not show much.

The third video of OFR MCCLUSKY's VIE-VU Body Cam showed OFR MCCLUSKY's right arm extended and his hand holding a handgun. However, because of the placement of the body cam and angle, the body cam mainly captured video of above – the sky.

There is audio captured on the video. OFR MCCLUSKY appears to be backing up and stating, "Put the knife down." OFR MCCLUSKY states this twice before there are 3 gun shots heard.

The first video of OFR STONE covered the unrelated PC245 call.

The second video of OFR STONE's VIE-VU Body Cam shows, in part, SUSPECT CANTARUTTI laying on the ground and a knife also laying on the ground in close proximity. It appears an officer is securing the knife with their foot over part of the knife.

**APPROX 2350 HOURS:** OFR MCCLUSKY carries a SIG .40 caliber handgun as his assigned duty weapon. OFR MCCLUSKY's round count: 12 rounds in two extra magazines with 10 rounds in his weapon (3 rounds missing from the handgun; 12 rounds in the magazine + 1 in the chamber).

SPD DET HUNKAPILLAR began the interview of OFR MCCLUSKY. The following is a summary, in my words, of OFR MCCLUSKY's interview.

I have worked for SPD for about 11 years and cannot remember the last time I qualified with my handgun, but I know it was sometime this year (2015). I am currently assigned to Bike Patrol and began this assignment in January 2014. I also have had Mental Health training in 2014.

Earlier my partner, OFR STONE, and I responded from 312 K Street to a 242/245PC Call involving two transients at 910 I Street (Caesar Chavez Park). I remember activating my body-cam for that call. We were handling the call. I was standing with one of the men from the 245PC call when SGT BELL told me there was a lady that was asking for some help with her son.

I saw the lady [REDACTED] standing in front of their car (Maroon Scion) that was parked on the North side of I Street (in between 9<sup>th</sup> & 10<sup>th</sup> Street). The lady told me "my son wants to blow us up." I asked her where her son was and she pointed him out – SUSPECT CANTARUTTI.

It was rush hour traffic and I was trying to instruct SUSPECT CANTARUTTI to walk down to the corner to cross the street. However, SUSPECT CANTARUTTI just stared at me. I watched SUSPECT CANTARUTTI walk across I Street through traffic.

SGT BELL's patrol vehicle was parked in the #1 lane on I Street. I started to walk towards the back of SGT BELL's patrol vehicle on the driver's side. SUSPECT CANTARUTTI was now at SGT BELL's patrol vehicle's trunk area on the passenger side. I could see that SUSPECT CANTARUTTI had something in his hand. I saw a folding knife and the blade was out. I could see the blade. That's the first time I saw the knife.

SUSPECT CANTARUTTI was holding the knife with his hand covering the grip and the blade of the knife sticking out the back side of the hand. (OFR MCCLUSKY physically demonstrated how CANTARUTTI was holding the knife.)

SUSPECT CANTARUTTI started walking slowly towards me. I could see there was cross traffic (on I Street) as well as a lot of citizens around in the park. I was backing up

as SUSPECT CANTARUTTI approached me. He kept coming towards me and I could see people behind him.

I had my hand gun out and demanding SUSPECT CANTARUTTI to drop the knife. However, he didn't follow any of my orders. He wasn't saying anything and almost had like a weird grin on his face. He was looking right at me. He looked like he wasn't fully there like he was out of it. He was either on drugs or had mental problems.

I was backing up because I was afraid SUSPECT CANTARUTTI was going to stab me, I wanted more time to try to resolve this incident and I needed to get a safer back drop. I turn my angle to have a safe back drop in case I had to fire my weapon. I wanted the concrete "concert stage" area for the backdrop. I thought if SUSPECT CANTARUTTI made any quick movements, I thought he was going to force me to shoot him.

I remember hearing SGT BELL coming towards me from her car. She might have said that he had a knife and I could hear her draw her weapon. I did not see her draw her weapon.

When SUSPECT CANTARUTTI was getting closer to me, I remember hearing OFR STONE coming up and draw his weapon. I did not see him draw his weapon. I told OFR STONE to switch to his Taser for a non-lethal response. I could hear OFR STONE starting to transition to the Taser, but I did not see it. Then, there was no time before SUSPECT CANTARUTTI lurched forward.

It almost seemed like SUSPECT CANTARUTTI wanted something done. He lurched forward and brought his arm/hand up holding the knife. I thought he was going to stab OFR STONE. I remember firing my gun three times. SUSPECT CANTARUTTI started to fall down and I stopped firing as the threat had stopped. I felt like I had no other option.

I know I ordered SUSPECT CANTARUTTI at least three times to drop the knife.

I believed SUSPECT CANTARUTTI might have had mental issues based on hearing he wanted to blow up the car, his nonverbal response, the "dazed" look on his face and I was trying to be calm to not amp him up. I don't remember any prior contact with SUSPECT CANTARUTTI.

The Body-Cams are newer and I've been wearing it about two weeks. I just have to pull down on it to start recording (self-activating cameras). When I saw the knife, I turned it on. Then I thought maybe it was already still on from the previous 245PC call. So, I fiddle with it for a moment to make sure it was on.

END OF STATEMENT.

During the interview, DET. HUNKAPILLAR showed OFR MCCLUSKY an overview of Caesar Chavez Park and went over areas where the incident occurred.

**CI DHALL #57**

**Inv. K. Campbell #25- SPD Case # 15-141829 OIS Investigative summary:**

I received a call from SPD Dispatch of an Officer involved shooting at Caesar Chavez Park at 1845 hrs. I arrived on scene at approx. 1930 hrs.

**SCENE:**

Caesar Chavez Park is located in the City of Sacramento and is bordered by 9<sup>th</sup>, 10<sup>th</sup>, I and J streets. The shooting scene was located in the N/W corner of the park along the I St side of the park. The incident took place on the north concrete sidewalk of I St east of 9<sup>th</sup> St and the grass area south of the sidewalk. I St is a (3) lane one way W/B roadway with a parking lane for vehicles on both the north and south sides of the roadway.

**WALK THROUGH:**

At approx. 2137 hrs SPD Homicide Sgt. Rudy Chan walked me through the scene and I noted the following: A maroon Scion sedan Lic # [REDACTED] was parked along the north side of I St just west of the entrance to City Hall. Sgt Bell's squad car was parked along the south side of I St facing W/B and was slightly further West on I St then the Maroon Scion. There was a white Nissan sedan Lic# [REDACTED] parked in the #1 lane of I St next to and slightly to the west of Sgt. Bell's vehicle. There was a folding knife with a black handle that had the blade open which was on the sidewalk to the rear of Sgt Bell's vehicle. To the south of the knife in the grass there was some bloody clothing that had been removed from the suspect Paul Cantarutti. There was an expended shell casing on the sidewalk west of where the knife was located. There was an additional shell casing in the grass south of the shell casing that was located on the sidewalk.

**INTERVIEW OF SPD OFFICER BRYON STONE #553:**

I monitored the interview of Officer Stone. SPD Det Halstead conducted a round check of Officer Stone's issued 40 cal Sig Saur P226. I noted that Officer Stone's weapon was fully loaded with one in the chamber and that both his spare magazines were loaded. SPD Det Trimpey interviewed Officer Stone and Officer Stone related the following in summary:

I was in Caesar Chavez Park along with Officers Peterson, McClusky and Sgt Bell. We were finishing up a call where (2) transients had beat each other with clubs. SFD was on scene and treating both of the subjects. Officer McClusky told me that there was a subject across the street that we needed to contact. I thought Officer McClusky was saying something about the guy having a beer. Officer Peterson was behind me to the west. The fire truck parked on I St was blocking my view and I couldn't see the subject McClusky was referring to. I started to go to the front of the fire truck to get a better view, but then changed directions and walked east toward Officer McClusky who was walking east toward the back of Sgt Bell's vehicle. I then observed the suspect, a M/W in his late 20's early 30's, walking S/B across I St towards us. He was walking through the traffic on I St which was pretty heavy at the time. The suspect walked behind Sgt Bell's vehicle and I could see that he had a knife in his right hand. The suspect was walking toward Officer McClusky and was holding the knife about mid torso level. I could see that the blade of the knife was out. I heard Officer McClusky say something about a knife. The suspect was about 10 to 15 feet from us at this point. I drew my weapon and pointed it at the suspect. I was walking up on Officer McClusky's right side and Sgt Bell was behind me out of

my view. I had my hands free up to the point I drew my weapon. I was thinking that we were just on a normal contact dealing with a subject who had a beer. Both Officer McClusky and I had our weapons pointed at the suspect. I believe that I was standing on the grass and was to the right of Officer McClusky. Officer McClusky asked me to switch to my Taser. I holstered my weapon that I was holding in my right hand and then drew my Taser with my left hand. I started to level my Taser at the suspect, but before I could get Taser darts on the suspect, he lurched forward towards us and was still holding the knife about mid torso level. At this point he was about 10 feet from us. I didn't hear the subject say anything. When the suspect lurched forward Officer McClusky fired 3 to 4 rounds at him.

I was afraid that the suspect was going to harm myself and Officer McClusky with the knife. When the suspect lurched forward at us I was transitioning between weapons. Since Officer McClusky had lethal force on him, I was comfortable switching to my Taser. I initially drew my firearm when I saw that the suspect was armed with a knife. If I had been alone with the suspect I would not have switched to my Taser. I have been partners with Officer McClusky for the past 6 to 7 years in patrol and in the Bike Unit and I am very comfortable working with him. I was in fear for my safety as well as for the safety of Officer McClusky and Sgt Bell. I felt the suspect was in violation of brandishing a weapon at us or possibly attempt murder of a police officer. I was wearing a body camera and I activated it by pushing the door down that covers the lens. I had worn a body camera a total of about (10) times.

At this point there was a break in the interview.

Upon resuming the interview Officer Stone related the following in summary:

I was a couple of feet behind Officer McClusky so he was closer to the suspect than I was. I was trying to triangulate the suspect, but I hadn't got there yet when the shooting occurred. If I hadn't been transitioning between weapons and had my firearm pointed at the suspect, I would have fired at the suspect when he lurched forward at us. I have had training in edged weapons defense and was aware of the 21 foot rule going into this call.

-End of Statement-

#### **INTERVIEW OF SPD SGT SHERRY BELL #3036:**

I monitored the interview of Sgt Bell. When I started monitoring the interview of Sgt Bell a round count of her weapon and spare magazines had already been completed. SPD Det Griggs conducted the interview. Sgt Bell related the following in summary:

I was on a call in the N/W corner of Caesar Chavez Park regarding a 245 PC between (2) transients. Officers Stone, McClusky and Peterson were on the call along with SFD who were treating the transients for their injuries. I went back to my car which was parked along the south side of I St in order to update the Lieutenant about the call. I observed a lady jay walking across I St toward me. She came up to my driver's side window and asked if she could talk to me. I told her to go ahead and she related that her son was on some type of narcotics and that she had to call the Sheriff's Department on him last night at their home. She said that she was taking him to either Greyhound or Amtrak when she saw us and pulled over. It was like she was running from her son because she was afraid of him. She told me that she thought they would both be dead that night if her son didn't get help and that her son was going to blow up her car. I directed

her to Officer McClusky. She pointed to a male standing on the north side of I St with a beard. I asked her if it was the guy with the beard and she stated that it was. I saw the suspect walk behind my patrol car. I saw Officer McClusky backing up and he was telling the suspect to drop the knife. I jumped out of my patrol car and drew my weapon. I immediately started looking at the back drop. I didn't want to shoot E/B directly down the sidewalk of I St due to the pedestrian traffic on the sidewalk. I tried to angle myself so that I was pointing my weapon at the suspect in a S/E direction as there was a concrete embankment and not as many people in that direction.

Officer Stone ran up and I told him to draw his Taser. I briefly looked in Officer Stone's direction to tell him to draw his Taser and it was at that point I heard shots being fired by Officer McClusky. I saw the suspect drop the knife and fall to the ground.

I think the suspect was about 5 to 6 feet from Officer McClusky, he was way too close to the Officers. I shouldn't have taken my eyes off the suspect when I told Officer Stone to use his Taser. Officer McClusky was to my right and was backing W/B down the sidewalk away from the suspect.

After the shots were fired there was a subject in a white car that was screaming at us saying that we didn't need to shoot him. He was filming us with his cell phone. I asked him that if he had witnessed it to pull over and give us a statement. He refused and continued to yell and scream at us and block traffic with his vehicle. He continued to refuse my directions to pull over so he was detained in the back of a police vehicle for interfering. He was definitely preventing me from doing my job.

At this point there was a break in the interview.

Upon resuming the interview Sgt Bell related the following in summary:

When I flagged down Officer McClusky to speak to the woman, I may have said that she was having problems with her son. When I saw the suspect holding the knife in his right hand, he had the blade pointed backward, holding the handle of the knife in his fist, which indicated to me that he possibly had some training in knife fighting.

-End of Statement-