



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: April 8, 2016

TO: Deputy District Attorney Tan Think

FROM: Criminal Investigator Kurt Leatherman #12 and Steve Glen #31

SUBJECT: Officer involved shooting (SPD 16-99084)
Dazion Jerome Flenaugh (Xref: 2923456) Deceased

NOTIFICATION

On 04-08-16 (Friday) at approx. 0935 hours I was notified of an officer involved shooting that had occurred near Center Parkway and Lerner Way in Sacramento. Inv. Steve Glen #31 and I responded to the command post located near the intersection of Center Parkway and Lerner Way, arriving at approx. 1030 hours.

BRIEFING

A briefing was conducted by the Sacramento Police Department and I learned the following:

On 04-08-16 at approx. 0824 hours, Sacramento Police Patrol Officers were dispatched to the area of [REDACTED] Prescott Way in regards to a male subject looking over fences and into residential windows. Upon arrival they located Dazion Jerome Flenaugh near [REDACTED] Prescott Way. Flenaugh was contacted and placed, un-handcuffed, into the rear of a caged patrol vehicle while the officers contacted the reporting parties. Flenaugh became agitated and began pulling at the bars in the vehicle and then began kicking at the windows. When the officer opened the door to speak with him, Flenaugh was able to exit the vehicle and he ran from the officers, jumping fences into the backyards of residences in the neighborhood. Numerous parties called to report Flenaugh in their yards and at one point he entered the yard at [REDACTED] Lerner Way. The resident there reported being in the backyard when Flenaugh entered their backyard possibly carrying a pickaxe. The resident fled into their house, locking the back door behind them. Flenaugh broke the door open and entered into the residence causing them to flee. Shortly thereafter Flenaugh contacted another person in the neighborhood and he was now reportedly armed with two knives. Flenaugh attempted to stab that party three times with the knives before again fleeing.

Eventually Flenaugh was located by Officers hiding behind a vehicle in the driveway at [REDACTED] Center Parkway. Flenaugh was armed with two knives. Flenaugh was ordered to drop the weapons and lay on the ground. Flenaugh then ran at the officers with knives in his hands and three Officers

fired a total of 16 rounds from their handguns striking and killing Flenaugh. He was pronounced deceased at 0920 hours.

There were numerous witnesses to Flenaugh's activities prior to the shooting, several of them reported he was armed with knives. There were several other witnesses that heard Officers yelling commands at Flenaugh just prior to the shooting and some other civilian's and officers who witnessed the shooting incident.

A meat cleaver and a chef's knife were located near Flenaugh's body.

There were three in-car cameras in the area but none facing directly at the scene of the shooting.

The three officers who fired their weapons were identified as:

(The round counts given were approximate per their public safety statements at the time)

1. Officer Jeff Carr #0205 / pistol / one round
2. Officer Dustin Southward #0690 / pistol / four rounds
3. Officer Eric Toomey #0894 / pistol / four rounds

WALKTHROUGH

Investigator Glen and I later conducted a walkthrough of the crime scene without the involved officers present. The body had been previously removed by order of the Sacramento Police Department. The shooting occurred directly in front of [REDACTED] Center Parkway (a duplex) which is located on the north east corner of Lerner Way and Center Parkway. When contact was first made with Flenaugh he was observed hiding behind a Chevy Tahoe located in the south portion of the driveway located at [REDACTED] Center Parkway, directly north of [REDACTED]

Markers had previously been placed near evidence at the scene. I observed sixteen markers on the south side of the driveway, on the lawn and in the roadway in front of [REDACTED] Center Parkway. The markers were placed to mark shell casings from the fired weapons. Other markers were placed to mark the approximate location of the officers when they fired their weapons. One officer had been located on the roadway, one on the driveway and one on the grass at [REDACTED] Center Parkway, all facing north, northwest.

On the edge of the grass with the sidewalk in front of [REDACTED] Center Parkway I observed an approx. 10" long meat cleaver. In the gutter area just west of the cleaver there was a large amount of blood. To the west of the blood I observed an approx. 12" kitchen type chef's knife. Although the body had been removed it appeared the weapons had been located near to and on both sides of the body after the shooting had occurred.

I then observed a full Size Chevy Tahoe parked in the driveway at [REDACTED] Center parkway, where Flenaugh was first observed. The vehicle was parked furthest to the south in the driveway. The vehicle was very dusty and had some cobwebs under the tires. I went to the front of the vehicle and observed some areas on top of the front portion of the hood that appeared to have been recently disturbed, with the dust wiped off and what appeared to be hand and/or finger smudge marks on it. The fence and gate to the back yard of the residence were located directly in front of the vehicle. The gate was closed and I did not notice any damage or marks on the fence.

INTERVIEW(S)

Shortly after the walkthrough of the scene we responded to the Sacramento Police Department to monitor the interviews of the involved officers and some witnesses. The below are brief summaries of the interviews that I monitored.

OFFICER Dustin SOUTHWARD Badge #690:

Officer Southward has a hire date of 11/14/2006 and has been a police officer with the Sacramento Police Department since 4/28/2007.

Officer Southward had responded to the area to assist with the suspicious person call. Upon arrival he exited his vehicle and was on foot on Lerner Way when he heard a broadcast that the suspect was armed with a knife and running west. He began walking towards Center Parkway. As he rounded the corner onto Center Parkway he saw the suspect stand straight up behind the hood of an SUV parked in the driveway of the second house north of his location. At gunpoint Officer Southward began giving verbal commands for the suspect to come out from behind the car and to get down on the ground. The suspect walked from the front of the vehicle to the back while looking at him. Officer Southward began moving to the left but was still unable to see the suspect's hands. At that time Officer Southward stated the suspect had all avenues available to escape and run. Officer Southward stated the suspect then looked back over his shoulder to the north and then turned and began running directly at him in a full sprint. Officer Southward saw knives in both of the suspect's hands as he was sprinting toward him. He also described the suspect as having big eyes and a grimace on his face as he sprinted towards him. He stated he believed the suspect was going to kill him and there was nothing else he could do but fire his weapon at the suspect. The suspect continued running at him and then fell approx. 10' from him. Officer Southward stated he continued to cover the suspect until he was handcuffed by other officers. He did not recall seeing the suspect move after going to the ground.

Per a round count conducted prior to the interview it was determined Officer Southward fired eight rounds from his department approved handgun.

Investigator Glen monitored the following interviews:

OFFICER Jeff CARR Badge #205:

Officer CARR has a hire date of 9/30/2002 and has been a police officer with the Sacramento Police Department since 3/8/2003.

Officer CARR stated he was aware of the call and was in close proximity to it with other SPD Officers. Officer CARR decided to head that way when he heard over the radio a request for a K9 unit. Officer CARR advised his Trainee, Officer Erik TOOMEY, to head towards to the call and to follow the other Officers.

Officer CARR stated he and his partner arrived and parked on Lerner Way east of Center Parkway where he observed two citizens pointing in a northern direction. A resident who lived two houses east of Center Parkway on Lerner Way advised the suspect was in his backyard. While on-scene Officer CARR heard a radio broadcast that the suspect was possibly armed with a knife. An additional broadcast over the radio was made that the suspect was heading west through the yards. Officer CARR advised over the radio for someone to take a position on Center Parkway based on the suspect's direction of travel.

Officer CARR stated he next heard Officer SOUTHWARD giving verbal commands to drop the knife and get on the ground. Officer CARR also said he heard Officer SOUTHWARD broadcast over the radio that he had someone at gunpoint. Officer CARR said he rounded the corner (North east Corner of Center Parkway and Lerner Way) and saw a male black adult jump from the bushes and started running straight for Officer SOUTHWARD. Officer CARR said he could see the suspect had a "Huge" knife in his left hand.

Officer CARR said he had his service weapon drawn and at that time he said the suspect was about 25 feet away from Officer SOUTHWARD. Officer CARR said it looked like the suspect was going to kill Officer SOUTHWARD. Officer CARR said by the time he raised his weapon and fired at the suspect the suspect was approximately 10 feet from Officer SOUTHWARD. Officer CARR said the suspect went down. Officer CARR heard someone requesting Fire over the radio.

Officer CARR observed a knife lying on the grass just east of where the suspect was lying.

Per the round count conducted prior to the interview it was determined Officer CARR had a total of 11 rounds remaining in his handgun after the shooting. Officer CARR stated he fired one round from his department approved handgun.

OFFICER Eric TOOMEY Badge #894:

Officer TOOMEY has a hire date of 1/5/2015 and has been a police officer with the Sacramento Police Department since 3/19/2016.

Officer TOOMEY stated he was with his training Officer, Officer Jeff CARR, when he heard the radio broadcast asking for a K9 and that the suspect was in a house. Officer TOOMEY drove to the area eventually parking on Lerner Way east of Center Parkway.

Officer TOOMEY said a resident on Lerner Way approximately 2 houses east of Center Parkway advised they thought the suspect was possibly in their backyard. Officer TOOMEY said he made announcements into that residents open garage door for the suspect to come out. During that time Officer TOOMEY said he heard radio broadcasts the suspect was moving west towards Center Parkway and then heard Officer SOUTHWARD say over the radio that he had suspect on "Center".

Officer TOOMEY said he had his service weapon drawn due to information the suspect was possibly armed with a knife. Officer TOOMEY said he could hear commands being given by Officer SOUTHWARD and ran in that direction. Officer TOOMEY said when he rounded the corner (North East corner of Center Parkway and Lerner Way) he did not see anything at first.

Officer TOOMEY then said the suspect appeared from some bushes without saying anything and had a large knife raised over his head with the blade pointing up. Officer TOOMEY said he heard Officer SOUTHWARD give approximately 4 or 5 commands to the suspect to drop the knife and Officer TOOMEY said he ordered the suspect to drop the knife at least one time.

Officer TOOMEY said the suspect looked like he was running straight for Officer SOUTHWARD at full speed and thought the suspect was going to kill Officer SOUTHWARD or him as the suspect was not complying with their commands to drop the knife and get on the ground. Officer TOOMEY estimated the suspect was about 15 to 16 feet away when he fired.

Per the round count conducted prior to the interview it was determined Officer TOOMEY fired 7 rounds from his department approved handgun.

ADDITIONAL INFORMATION:

We were later advised that it had been confirmed that Flenaugh had stolen a pickaxe from [REDACTED] Prescott Way. He later left the pickaxe inside the residence at [REDACTED] Lerner where he stole the two knives that he had in his possession at the time of the shooting.

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