



# Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT  
District Attorney

Stephen J. Grippi  
Chief Deputy

Jeff Schiele  
Chief Investigator

**CASE NAME: MAKARENKO, Sergey**

**DATE: 06-18-16**

**OFFENSE: OIS**

**AGENCY REPORT NO.: SSD 16-177497**

**REQUESTED BY: Thinh**

**REPORT BY: Jeanne Williams #46**

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## SUMMARY OF FACTS:

On 6-18-16 at 2301:11 Hours Deputy Libonati, #2214, working off-duty as Arden Oaks 4 [REDACTED] in a marked patrol car, broadcast he was trying to catch up with a grey Honda, [REDACTED], at El Camino and Walnut. The driver was later identified as Sergey MAKARENKO, DOB/7-24-98, residing at [REDACTED] in Sacramento.

2301:11 Hours Libonati broadcast the vehicle was not stopping. Libonati broadcast several update locations as he continued to pursue the vehicle.

2304:30 Hours Deputy Mullin, #765 working as [REDACTED] broadcast he was at California and Fair Oaks Blvd.

2304:55 Hours Libonati broadcast he was going westbound on Sutter From California.

2305:05 Hours Deputy Libonati broadcast he was going 40 MPH with no traffic.

2305:12 Hours Deputy Cater #444 and Deputy Workman #308, working as [REDACTED] (in the same patrol vehicle) broadcast they were with Deputy Libonati and would call the pursuit.

2305:47 Hours Deputy Cater/Workman broadcast speeds were 60 (MPH).

2305:56 Hours Air 21 broadcast (the suspect vehicle) was southbound on Horton and had pulled into a driveway. (Location was later determined to be [REDACTED] Horton Lane.)

2306 Hours Deputy Mullin broadcast Shots fired.

2306:24 Hours Sgt. Steed, #3S, working off-duty was Wilhagin 4, [REDACTED] requested Code 3 Fire.

2330 Hours Investigator Trojanowski #14 and I were called out to respond to [REDACTED] Horton Lane.



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2355 Hours I arrived at the scene. Investigator Trojanowski arrived a few minutes later. At that time I learned Deputy Cater's patrol vehicle had already been removed from the area. I learned Air 21 had broadcast upon clearing the call, deputies in the helicopter had video of the pursuit and the termination.

0045 Hours Deputy Warren, #1122, working as [REDACTED], conducted the primary briefing.

During the briefing the information provided by involved deputies indicated MAKARENKO was pursued by several patrol units, mainly Deputy Libonati, Sgt. Steed and Deputies Cater and Workman. When MAKARENKO reached the dead end of Horton Lane, he turned his vehicle to the left, eastbound, just south of a tall hedge and came to a stop in front of the above address. The hedge was several feet high and partially blocked the view of his vehicle from Horton Lane.

Deputy Libonati positioned his patrol vehicle to the left, or north, side (and behind) MAKARENKO'S vehicle. Sgt. Steed positioned his patrol vehicle to the right, or south side (and behind) MAKARENKO'S vehicle. Deputy Cater positioned his patrol vehicle several feet north of the other vehicles, still on the southbound side of the Horton Lane. He and Deputy Workman exited the patrol vehicle and moved forward to the driver's side of Deputy Libonati's vehicle on foot.

Deputy Cater and the other deputies ordered MAKARENKO to show his hands several times. As Deputies ordered MAKARENKO to show his hands, he instead put his vehicle in reverse and started to move backwards. Deputies saw his back-up lights come on and the wheels begin moving backwards. Deputy Cater fired several shots at MAKARENKO, who stopped attempting to move his vehicle.

Deputies on scene pulled MAKARENKO out of his vehicle, onto the ground on the driver's side and began CPR efforts. Deputies determined he had a pulse and was breathing. As soon as Fire Engine #109 arrived the medics made further attempts to stabilize MAKARENKO. Medic Owen Thomas, #286G8 pronounced MAKARENKO deceased.

Deputy Amend #964 and Deputy Rodriguez #379 conducted a canvas of nearby residents, but no one saw what occurred. Some residents stated they heard gunshots and shouting.

At approximately 0400 Hours Investigator Trojanowski and I monitored interviews of deputies involved in the pursuit conducted by Det. Heather Feil #U207 and Det. Robert Peters #U215 at the Central Investigation Division (CID) for Sacramento County Sheriff's Department on Orange Grove Ave.

0426 Hours 6-19-16 Sgt. Steed #3 stated he was working off-duty in the Wilhaggin area, as [REDACTED] when he heard Deputy Libonati (#2214D) broadcast his attempt to stop a grey Honda in the area of El Camino Ave. and Walnut. He stated he responded to assist him when he made other broadcasts the vehicle driver was not stopping. Sgt. Steed stated he joined Deputy Libonati and followed the vehicle until it came to a stop on Horton Lane. At that time Sgt. Steed stated he positioned his patrol vehicle to the right and



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several feet behind the suspect vehicle. He stated Deputy Andrew Cater (#444D) and Deputy Workman #1461D arrived at the scene of the stop on foot, having parked the patrol vehicle they were in on Horton Lane, north of the stop location. Deputy Cater was to his left.

Sgt. Steed stated he stayed in his vehicle and saw the driver (MAKARENKO) start to reverse his vehicle. The back-up lights came on. He heard the other deputies ordering the driver to stop, but the driver turned his wheels to the right, causing the vehicle to reverse toward his, (Sgt. Steed's) vehicle.

Sgt. Steed stated Deputy Cater fired several rounds at the driver and the vehicle stopped. He stated Deputy Cater was the only officer who shot. Sgt. Steed stated immediately afterward, Deputy Cater spoke to him, saying he thought the vehicle was going to hit him (Steed).

0518 Hours Deputy Libonati was interviewed and stated he was in the area of El Camino Ave. and Walnut when the grey Honda passed by him at a high rate of speed. He stated he broadcast his information and attempted to stop MAKARENKO, but he kept driving. He stated MAKARENKO never responded to or followed any directives to stop, during the pursuit, with lights and sirens, or at the location of the stop on Horton Lane with verbal commands. Deputy Libonati stated he wanted the driver to get out of the vehicle and surrender, but he refused all directions.

0615 Hours Deputy Workman was interviewed and stated he was in the same patrol vehicle with Deputy Cater when they heard Deputy Libonati broadcast the failure to yield. They joined the pursuit behind Deputy Libonati.

Deputy Workman stated when Deputy Cater stopped the patrol vehicle, facing southbound on Horton Lane, he parked a few feet from the location Deputy Libonati, Sgt. Steed and MAKARENKO'S vehicles were. He stated they both exited and approached the other vehicles on foot. The involved vehicles were facing eastbound.

Deputy Workman stated he saw a male driver (MAKARENKO) whose back-up lights went on and Deputy Workman believed he was in reverse. He stated he saw MAKARENKO start backing his vehicle, ignoring several deputies' commands. He heard MAKARENKO rev up his engine as he started backing up, at which time Deputy Cater fired several gunshots into the vehicle to stop it.

0655 Hours Deputy Cater was interviewed. He stated he and Deputy Workman were in the same patrol vehicle ( ) when they heard Deputy Libonati broadcast his pursuit locations. He stated he responded to Deputy Libonati's location and took the number two (2) position in the pursuit.

When the suspect vehicle continued southbound on Horton Lane, and stopped at the dead end, Deputy Cater parked the patrol vehicle southbound on Horton Lane. He and Deputy Workman exited and ran toward the suspect vehicle location, from behind Deputy Libonati's patrol vehicle.



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Deputy Cater stated he and other deputies directed the driver, who was a white or Hispanic male adult, to exit the vehicle. Instead he, MAKARENKO, put the vehicle into reverse, grinding his gears and turning his wheels to the right. He stated he saw Sgt. Steed whose patrol vehicle was to his right, start to exit his vehicle. As Deputy Cater glanced over at Sgt. Steed, he feared MAKARENKO was going to back his vehicle into Sgt. Steed's door and injure or kill him.

Deputy Cater stated he fired four or five rounds at the vehicle in the area of the driver's side window. The vehicle stopped moving and MAKARENKO slumped down. He stated Deputy Workman got the driver's side door open and he (Cater) reached into the vehicle and pulled the emergency brake on.

Deputy Cater stated he remembered saying something to Sgt. Steed right after he had fired shots at MAKARENKO'S vehicle, but he did not recall what he said.

After the interviews were completed, Homicide Sgt. Belli stated the video of the incident depicted Sgt. Steed opening his patrol vehicle door and starting to step out.



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** June 27, 2016

**TO:** Deputy District Attorney Tan Think

**FROM:** Criminal Investigator Steven Trojanowski #14

**SUBJECT:** Officer involved shooting (SSD 16-177497)  
(Suspect) Makarenko, Sergey (Xref 5075172)  
(Officer) Deputy Andrew Cater (SSD)

## NOTIFICATION

June 18, 2016 at 2330 hours, I received a telephone call from the Sacramento County Sheriff's Department. The Sheriff's Department informed me that one of their on-duty deputies had been involved in an officer involved shooting in the area of █████ Horton Lane Carmichael. I was also informed that the shooting resulted in the death of the suspect, later identified as Sergey Makarenko. I was asked to respond to the Sheriff's Command Post located in the 3700 block of Horton Lane. I contacted Sacramento County District Attorney Chief Investigator Jeff Schiele, and I informed him of the shooting and the call out.

At approximately 0025 hours, Investigator Jeanne Williams and I arrived at the command post on Horton Lane. The command post was located on Horton Lane south of Sutter Avenue.

## BRIEFING

Approximately 0230 hours, a briefing was given regarding the officer involved shooting. Sacramento County Sheriff Deputy Libonati was working as an on call deputy sheriff. Deputy Libonati observed a 2000 Honda Civic (Ca. █████) speeding in the area of El Camino Avenue and Walnut Avenue. Deputy Libonati followed the vehicle, and he noticed that the vehicle hit some lane delineators in the roadway as it continued to accelerate at a high rate of speed. Believing that the driver of the Honda was possibly driving while under the influence of alcohol, Deputy Libonati activated his patrol vehicle red lights and siren in an effort to stop the vehicle. The driver of the vehicle failed to yield to the red lights and Deputy Libonati initiated a pursuit.

The pursuit continued in the Carmichael area for three to four minutes. Deputies Workman and Cater assisted in the pursuit, and followed the vehicle until it turned onto Horton Lane and stopped in the driveway at █████ Horton lane. The sheriff's helicopter was overhead during the pursuit, and the helicopter crew directed the deputies to the south end of Horton Lane, after the deputies momentarily lost sight of the suspect vehicle. Sergeant Steed arrived on Horton Lane moments after the pursuit terminated, and he parked behind and slightly to the right of the suspect vehicle. Sergeant Steed remained in his patrol vehicle to communicate with dispatch.

The outside temperature was in the low-sixties with clear skies, and the lighting was dim to dark, with only ambient light from street lights and the lighting from the responding patrol vehicles.

Makarenko was sitting in his Honda Civic with the engine running in the driveway of [REDACTED] Horton Lane. Deputies Cater, Workman and Libonati attempted to order Makarenko out of his vehicle, but he did not respond to the officer's commands. Makarenko suddenly turned his vehicle wheels to the right, revved his engine and put the vehicle in reverse. The vehicle began to move in reverse at a quick pace toward Sergeant Steed's occupied patrol vehicle. Deputy Cater noticed that the suspect vehicle was heading directly toward Sergeant Steed's patrol vehicle, and that Sergeant Steed was beginning to exit his vehicle at the same moment. Fearing that the suspect vehicle would severely injure or kill Sergeant Steed, Deputy Cater fired approximately eight rounds into the vehicle from his 9mm Glock service weapon, striking Makarenko several times in the torso. The suspect vehicle stopped its reversing momentum, and the deputies pulled Makarenko from the driver's seat. The deputies rendered first aid and CPR to Makarenko for a few minutes until fire engine 109 and ambulance arrived at the scene. Makarenko was pronounced deceased at the scene at approximately 2316 hours. None of the other deputies on scene fired their duty weapons.

### WALKTHROUGH

After the briefing, Investigator Williams and I were invited to participate in a walk-through of the shooting scene. As we began to walk toward the shooting scene, we were informed that the walk-through would only include detectives from the sheriff's department. We were told that a second walk through would be completed later in the morning, but that walk-through was also canceled without explanation.

### INTERVIEWS

Investigator Jeanne Williams and I responded to the Sacramento County Sheriff's Department Central Investigations Division to monitor the interviews of Sergeant Steed, Deputy Libonati, Deputy Workman and Deputy Cater.

### SERGEANT STEED

I learned Sergeant Steed is employed as a patrol supervisor for the Sacramento Sheriff's Department. Sergeant Steed's service weapon was not fired at the scene.

Sergeant Steed stated he assisted in the pursuit of the suspect vehicle. When the suspect vehicle stopped in the driveway of [REDACTED] Horton Lane, Sergeant Steed parked behind and slightly to the right of the suspect vehicle. Deputies Cater, Libonati and Workman exited their patrol vehicles and they ordered Makarenko out of his vehicle. Sergeant Steed stayed inside his patrol vehicle to communicate the traffic stop to sheriff's dispatch. Sergeant Steed saw the brake lights, then the reverse lights illuminate on the suspect vehicle. Sergeant Steed saw the suspect vehicle backing up directly toward his vehicle. Sergeant Steed began to move his vehicle backward to avoid being struck by the suspect vehicle. At the same time, Sergeant Steed saw Deputy Cater fire five to seven rounds into the window of the suspect vehicle. Sergeant Steed said the area was confined, and that had Makarenko not been shot, it would have been difficult for the suspect vehicle to avoid colliding with his vehicle or the other deputies on the scene.

### DEPUTY LIBONATI

I learned that Deputy Libonati is an on-call deputy sheriff for the Sacramento County Sheriff's Department. Deputy Libonati's service weapon was not fired at the scene.

Deputy Libonati stated that he was working a special detail on patrol, and that he was driving a fully marked Sacramento Sheriff's patrol vehicle. Deputy Libonati observed the suspect vehicle driving at a high rate of speed on El Camino Avenue near Walnut Avenue. As Deputy Libonati began to follow the suspect vehicle, he observed the suspect vehicle strike several traffic delineators in the roadway. Deputy Libonati activated his red lights and siren, but the suspect vehicle failed to yield. Deputy Libonati pursued the suspect vehicle until it turned onto Horton Lane and stopped in the driveway of [REDACTED] Horton Lane. Deputy Libonati said that he, Deputy Cater and Deputy Workman exited their patrol vehicles and they ordered Makarenko out of his vehicle. Deputies Libonati and Workman were on the right side of the suspect vehicle and Deputy Cater was on the left side of the vehicle. Makarenko did not respond to their commands. Deputy Libonati heard the suspect vehicle's engine race, and he observed the suspect vehicle begin to reverse toward the patrol vehicles that were stopped behind the suspect vehicle. Deputy Libonati said that someone at the rear of the reversing suspect vehicle could have been struck by the suspect vehicle. Deputy Libonati said he then heard Deputy Cater fire four or five gunshots into the left side of the suspect vehicle, and he heard the sound of glass breaking.

### DEPUTY WORKMAN

I learned that Deputy Workman is employed as a Deputy Sheriff for the Sacramento County Sheriff's Department. Deputy Workman's service weapon was not fired at the scene.

Deputy Workman said he was working patrol when he overheard on the police radio that Deputy Libonati was in pursuit of a vehicle. Deputy Workman joined the pursuit and he followed the suspect vehicle onto the south end of Horton Lane. When Deputy Workman arrived, he noticed that the suspect vehicle was in the driveway of [REDACTED] Horton Lane, and that the vehicle was occupied by a male suspect. Deputy Workman said he, Deputy Cater and Deputy Libonati approached the suspect vehicle and they ordered the suspect out of the vehicle. The suspect ignored the officer's commands, and he placed the suspect vehicle into reverse. The suspect revved the engine and began backing the vehicle. Deputy Workman said as the suspect was backing his vehicle, Deputy Cater fired gunshots into the vehicle to stop the vehicle. When asked, Deputy Workman said Sergeant Steed would have been struck by the suspect if Sergeant Steed had been out of his vehicle.

### DEPUTY ANDREW CATER

I learned that Deputy Cater is employed as a Deputy Sheriff by the Sacramento County Sheriff's Department. Deputy Cater has been so employed for approximately 11 years. Deputy Cater's firearm is a Glock model 17, a 9mm semi-automatic pistol. A round count was completed on the firearm. The firearm contained one round in the chamber and eight rounds in the magazine. Deputy Cater had two additional magazines on his duty belt. Both of the magazines on the belt contained a full count of 17 rounds each.

Deputy Cater said he was on patrol in his marked sheriff's patrol unit. Deputy Cater heard on the police radio that Deputy Libonati was in pursuit of a vehicle in the Carmichael area. Deputy Cater took the number two position in the pursuit, and he followed the suspect vehicle onto southbound Horton Lane. Deputy Horton stopped short of the stop, and he ran toward the suspect vehicle which was stopped in the driveway at [REDACTED] Horton Lane. Deputy Cater ordered the driver of the suspect vehicle to exit his vehicle, but the driver ignored his commands. Deputy Cater said the driver was a white or Hispanic male, who he estimated was 20 to 30 years of age. Suddenly the driver of the suspect vehicle began to grind the gears on the vehicle. The driver turned the front wheels of the vehicle to the right and he began to accelerate in reverse toward Sergeant Steed. As the vehicle was reversing, Deputy Cater saw in his peripheral vision that Sergeant Steed was opening his door and beginning to exit his vehicle. Fearing that the suspect vehicle was going to hurt or kill Sergeant Steed, Deputy Cater fired what he believes to be four or five rounds into the driver's window of the suspect vehicle. After the shooting, the suspect stopped the vehicle and slumped down in the seat. Deputy Cater reached into the vehicle and pulled on the emergency brake to secure the vehicle. Deputy Cater said, had the suspect vehicle continued to back, Sergeant Steed would have been hurt or killed.

After the interviews were concluded, I was told by one of the investigating detectives that the patrol vehicle in-car cameras showed that Sergeant Steed was attempting to exit his patrol vehicle as the suspect vehicle began backing toward him.