



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: July 5, 2023

TO: Sheriff Jim Cooper
Sacramento County Sheriff's Office
4500 Auburn Boulevard
Sacramento, CA 95841

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SSO-21-274830
Shooting Officers: Deputy Steven Rose #1444
Person Shot: Darren Napoleon Stone (DOB 09/15/1995)

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Darren Stone. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items include Sacramento County Sheriff's Office report 21-274830, surveillance videos and audio recordings, body-worn camera and in-car camera recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, medical records, and Sacramento County District Attorney Laboratory of Forensic Services reports.

FACTUAL SUMMARY

On September 7, 2021, at approximately 9:54 p.m., Sacramento Police Department Officer Dustin Smith was dispatched to the scene of a female bleeding and in distress. Officer Smith responded and contacted the complainant, who was in a seated position on the sidewalk and bleeding profusely from her face. The complainant stated that her grandson beat her in the face with a closed fist. She identified her grandson as Darren Stone.

The complainant told Officer Smith she was driving her car with Stone in the passenger seat. As she was driving, she told Stone she wanted him to move out of her home. Stone became angry and asked the complainant to stop the car. When she did, Stone got out of the passenger side door and walked over to the driver's side door. Stone opened the door and violently pulled her out of the car. Stone then punched the complainant multiple times in the face with a closed fist and fled with her car.

At approximately 10:03 p.m., a resident called 9-1-1 from her home on Maple Glen Road in Sacramento County. The resident told 9-1-1 she heard a car crash outside of her home. Her husband went outside and observed a car stuck in a ditch. The husband saw Stone walking away from the car.

The car had crashed in front of a neighboring house on the same street. The crash damaged a brick wall and a white picket fence. The car belonged to Stone's grandmother. The husband told Stone he should not leave the crash scene and that the police were being called.

Stone immediately turned and walked towards the husband. Without warning, Stone punched the husband in the head. A struggle ensued. The husband fought back and tried to defend himself. He was able to retreat into his home and his wife again called 9-1-1. Stone fled southbound on foot along Maple Glen Road. The husband suffered multiple bruises on his face and a large bruise on his left leg.

Sacramento Sheriff's Office Deputy Steven Rose was on duty at the time. He was dressed in full uniform and driving a marked patrol vehicle. He heard the dispatch and responded to the call at Maple Glen Road regarding the car that had crashed into a ditch.

Moments later, the dispatcher updated the call and informed Deputy Rose that the caller's 70-year-old husband had gone out to check on the accident and was assaulted by the driver. The driver was described as a black male wearing a white t-shirt. The caller indicated the driver fled southbound on foot on Maple Glen Road. Deputy Rose rushed to the scene to look for the suspect.

Stone approached the front door of another residence down the street on Maple Glen Road at approximately 10:06 p.m. The home was equipped with a "Ring" doorbell camera. Stone grabbed the front door handle without knocking and attempted to open it. However, the front door was locked.

Stone walked away from the front door and grabbed a large rock from the front garden bed of the home. Stone returned to the front door with the large rock in his left hand. He rang the doorbell and brought his empty right hand up over his head. He then made a motion downward, as if he was hitting someone. He repeated this motion twice. Stone then moved the large rock from his left hand to his right hand and waited for the door to open.

After waiting approximately 28 seconds and receiving no response, Stone moved the large rock from his right hand back to his left hand and again tried to open the door handle, without success. He waited another 15 seconds then walked away from the door. Stone continued heading southbound on Maple Glen Road with the large rock still in his hand.

Stone reached another home on Maple Glen Road, which was two houses away from where he grabbed the large rock. The residence was equipped with a surveillance camera. Stone stopped and stared at the home for approximately 40 seconds. He then approached and attempted to open the front gate. However, the front gate was locked. Stone began to walk away from the home.

Stone stopped and again turned towards the home. He returned to the front gate, still holding the rock. Stone slammed the rock into the front gate, without effect.

Stone backed away from the gate as Deputy Rose arrived in his patrol vehicle. Deputy Rose parked his patrol vehicle in the middle of the street with his headlights directed at Stone. Deputy Rose's body worn camera was activated. Deputy Rose exited his patrol vehicle and stood by the open driver's side door. Deputy Rose called to Stone, "Sheriff's K9, stop right there, dude!" Deputy Rose did not unholster his firearm.

Stone walked towards the passenger side of the patrol vehicle. Deputy Rose told Stone, "Stop right there, stop right there, you are going to get bit by my dog!" Deputy Rose's K9 was still inside the patrol car.

Stone did not comply. Stone began to walk away and Deputy Rose momentarily lost sight of him. Deputy Rose moved to the rear of the patrol car in an attempt to stop Stone from fleeing.

Deputy Rose caught up to Stone at the passenger side rear bumper of the patrol vehicle. Stone had his left hand behind his back. Deputy Rose ordered Stone to raise his hands. At that moment, Stone ran forward towards Deputy Rose and swung the large rock in his hand at Deputy Rose's head.

Deputy Rose turned his head, but the rock struck him on the back right side of his head. Deputy Rose was stunned, dazed, and disoriented. He took a few steps forward to create distance from Stone. Deputy Rose then drew his firearm, a Glock 17 9mm pistol, and turned back around to face Stone.

Stone continued to assault Deputy Rose. He punched Deputy Rose, and Deputy Rose felt Stone pulling at the gun in the Deputy's right hand.

Deputy Rose pushed Stone away to create space and took a few steps backwards. Stone had punched him and hit him in the head with a large rock. He believed Stone was trying to take his gun and would shoot him with it. As he was backing away from Stone, Deputy Rose fired his weapon once. Deputy Rose tripped and fell onto his back. Stone remained standing and again advanced towards Deputy Rose. Stone continued his assault by punching and kicking Deputy Rose while he was on the ground. Deputy Rose did not know whether Stone still had the large rock in his hand.

From his position on his back, Deputy Rose fired multiple additional rounds at Stone. Stone's assault on Deputy Rose ceased and Stone fell backwards to a seated position on the ground.

Deputies Lilia Gonzalez and John Seubert heard 4-5 gunshots as they arrived on scene. They saw Stone seated in the middle of the roadway. They heard Deputy Rose commanding Stone to raise his hands. Deputies Gonzalez and Seubert approached Stone, handcuffed him, and took him into custody.

Deputy Gonzalez observed two gunshot wounds on Stone. The first gunshot wound was located near Stone's left hip. The second gunshot wound was located on the right side of Stone's stomach.

Deputy Gonzalez immediately provided medical aid to Stone. Stone was transported to the UC Davis Medical Center for treatment for multiple gunshot wounds. A urine sample was taken. The sample returned a positive result for benzodiazepines and opiates.

Deputy Rose was transported to the Kaiser Permanente Sacramento Medical Center. Deputy Rose's injuries included an abrasion on his left elbow, a laceration on his left upper arm, an abrasion on his right knee, and a large bump and an abrasion on the back of his head.

A round count and an examination of spent shell casings recovered at the scene indicated Deputy Rose fired a total of 5 rounds from his handgun.

Deputy Rose's body worn camera video and the surveillance video from the described residences were reviewed. The videos depict the events consistently with the description above.

On May 31, 2022, Stone pled guilty to one count of felony assault on Deputy Rose in violation of Penal Code section 245(c), one count of carjacking in violation of Penal Code section 215(a), and one count of felony elder abuse in violation of Penal Code section 368. Stone was sentenced to a term of 11 years and 4 months in state prison.

LEGAL ANALYSIS

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a(b); CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a(d).)

Here, Deputy Rose received information that a suspect had crashed his vehicle in a residential neighborhood. Deputy Rose knew that the suspect had attacked a victim who tried to prevent him from fleeing the scene. He was also given a description of the suspect and the exact location of the crash.

Deputy Rose sped to the scene and spotted Stone. Stone was walking alone, late at night in a residential neighborhood and near the crash scene. Stone also matched the description given by the 9-1-1 caller. Deputy Rose was justified in attempting to detain Stone and Stone had a duty to

permit himself to be detained. Stone ignored lawful commands and resisted detention by violently striking Deputy Rose in the head with a large rock.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470.) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (California Penal Code section 835a(a)(4); *Graham v. Connor* (1989) 490 U.S. 386.)

Stone attacked Deputy Rose by violently striking him in the head with a large rock in an attempt to avoid arrest. Stone continued the attack by punching and kicking as Deputy Rose was disoriented and dazed.

After pushing Stone away, Deputy Rose unholstered his firearm to protect himself. Stone continued his attack and grabbed at Deputy Rose's gun. Deputy Rose believed his life was in danger and believed Stone intended to shoot the Deputy with his own firearm. After tripping and falling backwards to the ground, he fired several shots at Stone as Stone attempted to punch and kick him.

Considering the totality of these circumstances, Deputy Rose was justified in believing that deadly force was justified and necessary to ward off Stone's attack.

CONCLUSION

Darren Stone violently assaulted his grandmother and stole her car. He then crashed the car and violently assaulted a local resident. Stone fled through the neighborhood and tried to force entry into two residences in an effort to avoid detection by the police.

When confronted by Deputy Rose, Stone ignored lawful commands to stop. Instead, Stone struck Deputy Rose in the head with a large rock. Stone then punched and kicked Deputy Rose and attempted to gain control of the Deputy's gun.

Given the circumstances, Deputy Rose was justified in his decision to utilize deadly force.

Accordingly, no further action will be taken.

Cc: Deputy Steven Rose, Sacramento County Sheriff's Office
Detective Alexander Zakrzewski, Sacramento County Sheriff's Office

Francine Tournour, Office of the Inspector General