



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** October 18, 2022

**TO:** Supervising Deputy District Attorney Charles Gonzalez

**FROM:** Criminal Investigators Steve Glen #31 and Jeanne Adams #46

**SUBJECT:** Officer Involved Shooting (SSO 22-310918)  
(S1) Vincent MARTINEZ, DOB: 05/01/1967 (Xref: 1253986) (Deceased)

## **NOTIFICATION:**

On Tuesday, October 18, 2022, at approximately 12:30 pm, Criminal Investigator Jeanne Adams and I (Criminal Investigator Steve Glen) were contacted by Bureau of Investigations Lieutenant Joyce Thorgrimson regarding a Sacramento County Sheriff's Office (SSO) Officer Involved Shooting at [REDACTED] 41<sup>st</sup> Street. I responded to the CP location, located at 3996 14<sup>th</sup> Ave, Sacramento, Ca. 95820.

## **BRIEFING:**

At approximately 1:15 pm, a briefing was conducted at Sacramento County Sheriff's Office command post located at the St. Paul Baptist Church parking lot (3996 14<sup>th</sup> Avenue). The briefing was led by SSO Sergeant David Cuneo, and several responding Deputies provided their accounts of their response to the incident located at [REDACTED] 41<sup>st</sup> Street, Sacramento.

### **Deputy Kyle Zimmerman (62A1):**

Per Deputy K. Zimmerman, he was dispatched at 10:14 am to an in-progress Domestic Violence call. Deputy Zimmerman arrived near the scene at approximately 10:25 am and began working up a plan given the nature of the call, which said (S1) MARTINEZ was assaulting his girlfriend (V1) [REDACTED] and was armed with a shotgun.

Deputy Zimmerman called the reporting party (V2) [REDACTED] to gather more information. (V2) [REDACTED] told deputy Zimmerman that she was upstairs and could hear (S1) arguing upstairs. (V2) [REDACTED] went downstairs with her boyfriend (V3) [REDACTED] who both live at the residence. (V2) [REDACTED] told Deputy Zimmerman that at some point (S1) came downstairs with an old rusty shotgun and began pointing the shotgun at her, her boyfriend (V3) [REDACTED] and their 3-year-old son [REDACTED] and told them to, "get over there" directing them to stand against the wall. (V2) [REDACTED] told Deputy Zimmerman that she feared for her safety and fled the residence with her son and boyfriend and went to her grandmother's residence which was nearby.

Deputy Zimmerman said (V1) [REDACTED] was unable to leave the residence. Deputy Zimmerman said responding officers began to arrive who began conducting surveillance on the residence.

Deputy Zimmerman said that (V2) [REDACTED] came back and she relayed to him that she was on the phone with (V1) [REDACTED] (V1) [REDACTED] advised (S1) MARTINEZ was telling her that he was going to shoot her. Deputy Zimmerman said at that point the SSO Armored vehicle "Bear Cat" moved to a position in front of the residence facing the front door. SSO personnel then began making PA announcements.

**Sgt. David Cuneo (61S):**

Per Sgt. Cuneo he said he directed an entry team after learning of the threats made to the victim and directed the entry team to set up a position on the west side of the duplex. SED arrived and took positions relieving patrol officers from the west side of the building.

**Deputy Ken Becker (93D) SED Deputy:**

Per Deputy Becker he received a call at 10:45 am advising him of a Hostage incident and arrived at the scene at 11 am. Deputy Becker advised he got in the turret of the armored vehicle and learned that (S1) was giving a 3-minute countdown to shoot the victim. Deputy Becker said (S1) then came out the front door of the residence with the victim. (S1) was holding the shot gun at "High Port". Deputy Becker said multiple rounds were fired at (S1).

Deputy Becker said they got (V1) [REDACTED] out and made entry into and cleared the residence. Deputy Becker said the SED medic was called up where (S1) was pronounced dead at 11:28 am.

**Sgt. Nate Grgich (CINT-1):**

Per Sgt. Grgich he was on the phone with (S1). During the phone call he could hear the victim (V1) [REDACTED] in the background crying. Sgt. Grgich said (S1) was demanding an unknown male be brought to the residence and was making statements to shoot the police. At one point (S1) told Sgt. Grgich that he had a deputy in his sights and was going to shoot.

Sgt. Grgich said (S1) told him he was going outside. Sgt Grgich said he could hear (V1) [REDACTED] saying to (S1) don't go outside and that she wanted to go first.

**Deputy Aimee Rivera (69A1):**

Per Deputy Rivera she arrived on scene at 10:28 am. Prior to the OIS Deputy Rivera attempted to call (V1) [REDACTED] to get more information and confirm (S1) was still inside the residence. Deputy Rivera said the phone was answered and she could hear arguing in the background and the phone disconnected. Deputy Rivera attempted a second phone call and spoke to (V1) [REDACTED]. Deputy Rivera confirmed (S1) was still in the residence. (V1) [REDACTED] said she did not know if the shotgun was real or fake. (V1) [REDACTED] said at that point she could leave the residence. Deputy Rivera called a third time and (V1) [REDACTED] advised she was now not able to leave, and Deputy Rivera requested she go upstairs to the bedroom. (V1) [REDACTED] said she could not and hung up.

After the OIS Deputy Rivera took control of (V1). (V1) [REDACTED] told deputy Rivera that (S1) was drinking Vodka and Orange juice at 3 am and thought (S1) had been using methamphetamine also.

(S1) was pointing the shotgun at her and stating he's going to kill everyone and to let the cops come and he will die. At some point (S1) went to bed with the shotgun. (S1) locked the bedroom door, locking (V1) [REDACTED] inside with him. (V1) [REDACTED] said she woke up and could hear arguing downstairs between (S1) and (V2) [REDACTED]. (V1) [REDACTED] went downstairs. (S1) asked if [REDACTED] called the PD and yelled the cops were here. (V1) [REDACTED] told (S1) if he was going to kill her to kill her now. (S1) said that it was all [REDACTED]'s fault. (V1) [REDACTED] told (S1) that he should turn himself in. (S1) stated that he was "going to go down like a soldier". (S1) grabbed her by the shoulder with his left hand. (V1) [REDACTED] had no doubt (S1) was going to kill her. (V1) [REDACTED] said she also thought (S1) had a 9mm pistol but never saw one.

**Deputy Bryan Spencer (CINT-6):**

Per Deputy Spencer he spoke to (V3) [REDACTED] who told him he was inside the residence watching a movie. (S1) had been arguing with (V1) [REDACTED] all morning. Per (V3) [REDACTED] (S1) had been using methamphetamine. (S1) was holding and pointing the shotgun. At some point (S1) told the victims to get against the wall. (V3) [REDACTED] said he grabbed his son and [REDACTED] and fled the residence and went to the grandmother's residence.

(V3) [REDACTED] said (S1) is a chronic user of methamphetamine.

**Deputy Hai Lee (POP64):**

Per Deputy Lee he arrived on scene at 10:30 am. Deputy Lee took a position giving him a clear view of the front door. He observed the door open and yelled, "Door open". He observed (S1) holding a gun at "high ready" and walked out with (V1) [REDACTED]. He then heard several shots fired and observed (S1) fall to the ground.

**Deputy Andrew Swift (ST9): (Drone Operator)**

Per Deputy Swift he said he was preparing to set up the drone and (V2) [REDACTED] came up to him. (V2) was on the phone with (S1) and provided Deputy Swift her phone. Deputy Swift then spoke to (S1) who sounded upset and yelling that he wanted to speak to a male. (S1) said if the male came in the residence, he would let the victim go. (S1) stated that if the male was not allowed to come in, he would start shooting the victim in 3 minutes.

At that point Deputy Swift handed the phone to Sgt. Grgich.

Deputy Swift said the OIS was captured on Drone video.

**SCENE WALKTHROUGH:**

At approximately 1457 hours Investigators Glen and Adams were escorted to the southwest corner of 14<sup>th</sup> Avenue and 41<sup>st</sup> Street to view the scene. The scene was located at the southeast corner of 14<sup>th</sup> Avenue and 41<sup>st</sup> Street, specifically [REDACTED] 41<sup>st</sup> Street. At that location there was a two-story duplex, grey in color with the front doors facing north. The scene was marked off with yellow police tape. From our vantage point we could not see the scene as CSI was processing the scene.

## **ADDITIONAL INFORMATION:**

Investigator Adams and I responded to the Sacramento County Sheriff's Office Centralized Investigations Division (CID). At approximately 6:00 pm, Detective Sgt. Guzman (#452) allowed us to view drone video.

The drone video captures (S1) and (V1) exiting the front of the residence side by side. (S1) is holding in his right hand what appears to be a short barreled shotgun pointed straight up or the High Port position. (S1) looks up towards the drone, hovering above, and is then observed going down to the ground. SED members then approach (S1) who is lying face down. SED members roll (S1) over, recover the weapon, and secure (S1) in handcuffs.

## **DEPUTY INTERVIEWS:**

### **Interview of Deputy Brian Bell #867:**

1835 Hours 10-18-22: I (Criminal Investigator Jeanne Adams) monitored the interview of Sacramento County Sheriff's Department (SSD) Deputy Brian Bell #867, at the Homicide Division building, located at [REDACTED] Auburn Blvd. in Sacramento, California. Deputy Bell was represented by Attorney [REDACTED] of [REDACTED] in Sacramento.

SSD Detective J. Rodriguez, #925D and Detective V. Prokopchuk #768D first conducted a round count for Deputy Bell's weapons, possessed during the Officer Involved Shooting (OIS) which occurred at [REDACTED] 41<sup>st</sup> Street, [REDACTED], on 10-18-22 at approximately 1127 Hours. Deputy Bell described his duty belt, ammunition and equipment, as well as the firearm he fired at that time, his department issue rifle, and the serial number. He also described his handgun and provided the serial number. Detective Rodriguez and Prokopchuk conducted the round counts for each weapon.

1855 Hours: The round count and equipment inventory was completed.

1905 Hours: The interview resumed, and, in summary, Deputy Bell described his attire at the scene, stating he arrived at the scene in an unmarked Sacramento County vehicle and was wearing a body camera he had activated. He had responded from the Rio Consumnes Correctional Center (RCCC) on Bruceville Road when notified of the hostage situation on 41<sup>st</sup> Street.

Deputy Bell stated he had "Sheriff's Department" in letters that could be seen from the front and the back. He stated he had obtained information about the call as he traveled from his location at RCCC to the hostage scene. He stated the Computer Aided Dispatch (CAD) provided information to him, giving a description of the armed suspect, later identified as Vincent MARTINEZ (S-1 [REDACTED])

Deputy Bell stated he obtained a description, provided to SSD by a female adult ([REDACTED]) who identified MARTINEZ as her father. The facts of the call showed Vincent MARTINEZ had a history of domestic violence and firearm use.

Deputy Bell stated he heard radio traffic from other deputies arriving at the scene that indicated Vincent MARTINEZ was becoming more aggressive and the situation was escalating. Deputy Bell stated as he neared the scene, he heard traffic indicating Vincent MARTINEZ had stated he would

shoot and kill her in three (3) minutes, referring to his girlfriend, [REDACTED] was still inside the residence with him.

Deputy Bell stated he arrived on the scene, put on his helmet and necessary equipment, then relieved other patrol units. He conferred with other deputies, including SED Deputy A. Spencer #984, (call sign 96E) to formulate the possible options. He stated, based on statements Vincent MARTINEZ had made to other deputies, he believed if he exited the residence, the plan to prevent him from going back inside to harm the hostage/victim was best.

Deputy Bell stated Vincent MARTINEZ had told a deputy on the phone he could see an officer or officers outside. He heard radio broadcast(s) MARTINEZ had stated he wanted to shoot and kill officers. Deputy Bell stated, based on threats made by Vincent MARTINEZ, he believed he had the ability to harm or kill deputies at the scene. He was aware Vincent MARTINEZ had been on the phone with other officers and had threatened to shoot them and/or the victim, [REDACTED]

Deputy Bell reiterated, he and other deputies at the scene were in uniforms and identifiable. He was also aware the Bearcat was parked in front of the suspect residence when he arrived. He described its position. He stated there was a deputy with a K-9 in place, available to be deployed if the deputy(s) speaking with MARTINEZ on the phone could get him to come outside without the hostage, [REDACTED]. Deputy Bell stated he did not want [REDACTED] to be bitten by the K-9.

Deputy Bell stated he gave Vincent MARTINEZ no commands when he exited the residence. The door opened and he came out, holding a sawed-off shotgun, with [REDACTED] next to him. He stated he believed Vincent MARTINEZ was fully aware deputies were there. MARTINEZ had talked with negotiators at length and knew the officers were outside his residence.

Deputy Bell stated he did not want Vincent MARTINEZ to shoot and injure or kill [REDACTED], who was next to him as he exited the residence. He was also aware officers could be hit because Vincent MARTINEZ had a shotgun in his hand.

Deputy Bell stated he was aware of several people in the neighborhood who were out front when he first arrived on the scene. He also feared if Vincent MARTINEZ was allowed to continue with the shotgun in his hand, he would have access to other victims in the area in addition to the deputies and [REDACTED]

Deputy Bell stated he discharged his rifle and Vincent MARTINEZ went down onto the ground, lying on top of the gun he had carried. He stated he and other deputies moved up and placed handcuffs on him, then had medical aid step in, stating they were there in seconds after shots were fired.

1941 Hours: After a brief break, Detective Rodriguez indicated the interview was completed.

### **Interview of Deputy Alex Spencer #768:**

1835 Hours 10-18-22: I (Criminal Investigator Jeanne Adams) monitored the interview of Sacramento County Sheriff's Department (SSD) Deputy Alex Spencer #768, at the Homicide Division building, located at [REDACTED] Auburn Blvd. in Sacramento, California. Deputy Spencer was represented by Attorney [REDACTED] of [REDACTED] in Sacramento.

SSD Detective V. Prokopchuk #768D and Detective J. Rodriguez #925D first conducted a round count for Deputy Spencer's weapons, possessed during the Officer Involved Shooting (OIS) which occurred at [REDACTED] 41<sup>st</sup> Street, [REDACTED], on 10-18-22 at approximately 1127 Hours. Deputy Spencer described his duty belt, ammunition and equipment, as well as the firearm he fired at that time, his department issue rifle, and the serial number. He also described his handgun and provided the serial number. Detectives Prokopchuk and Rodriguez conducted the round counts for each weapon.

1855 Hours: The round count and equipment inventory was completed.

1948 Hours: The interview resumed and, in summary, Deputy Spencer described his attire at the scene, stating he arrived at the reported hostage location in a marked Sheriff's Department patrol vehicle, which was assigned to him. He stated he had been training at the Rio Cosumnes Correctional Center (RCCC) when Sgt. Jenkins notified him there was a hostage situation found to be at [REDACTED] 41<sup>st</sup> Street. Deputy Spencer stated he changed into his Special Enforcement Detail (SED) uniform, which had the word "Sheriff" on the front and on the back and responded.

Deputy Spencer stated he monitored radio traffic while enroute to the location and had several updates. The information he had while enroute was a female contacted the Sheriff's Department and reported her father had a shotgun and was threatening her, as well as her three-year old child, and her father's girlfriend with the gun. The reporting party was identified as [REDACTED]

Deputy Spencer stated he could review information on the Computer Aided Dispatch (CAD) system while enroute and learned the suspect, identified as Vincent MARTINEZ (S-1) had domestic violence and weapons charges in his background, and was a part of the Norteno gang. Deputy Spencer also noted the CAD indicated [REDACTED] and her child had reportedly gotten out of the residence, but his girlfriend, later identified as [REDACTED] was still in the residence.

Deputy Spencer stated when he was close to the Hwy 99 and Florin Road area, he learned someone in SSD was on a telephone line with Vincent MARTINEZ and he had told that deputy he was going to kill his girlfriend who was in the house with him.

Deputy Spencer stated when he arrived near the scene, he finished putting on the rest of his uniform and protective gear, including a gun vest and helmet, stating his uniform had patches for the Sheriff's Department. He stated he could see the Sheriff's Department Bearcat facing the house, [REDACTED] 41<sup>st</sup> Street and could see a deputy was inside of it. He stated he could also see the side of the residence and stated he was nearest the 1 - 4 corner and saw several deputies on the side of the house.

Deputy Spencer stated he felt he had countdown for time based on an update of what MARTINEZ had said to a deputy on the phone line, stating he was giving her ([REDACTED]) three (3) minutes before he started shooting. Deputy Spencer stated that raised his response level. He also learned MARTINEZ would need to exit the residence through the front door.

Deputy Spencer communicated with other deputies and Deputy Bell and determined it would be safest to use force to stop him and to not allow him to re-enter the residence if he came out. He

stated he assigned positions for deputies as they came into the area and less lethal shotgun options. He took a position alongside the west side of the house, at the head of other deputies.

Deputy Spencer stated he turned on his body camera and after taking positions, discussed what they (the deputies) would do if Vincent MARTINEZ exited the residence. He stated they decided they would deploy the on-site K-9 if Vincent MARTINEZ was alone when he came out. He also learned through radio traffic; Vincent MARTINEZ had stated he could see officers outside his residence. He was aware SSD CINT (Critical Incident Negotiation Team) members were talking to him on the phone and he told them he planned on killing cops, as well as the victim.

Deputy Spencer stated he heard the front door pop open and could see in front of him Deputy Bell, who was holding his rifle up as he moved forward. Deputy Spencer stated he could follow his movements and saw him level his rifle so he knew when he could round the corner. He stated he moved forward and faced Vincent MARTINEZ, whose girlfriend was with him. He stated there was no way for the other deputies, behind him, could help at that point.

Deputy Spencer stated he also knew if Vincent MARTINEZ fired the shotgun, it could spread shot enough to hit more than one deputy. In addition, Vincent MARTINEZ had exited the residence with no discussion about surrendering. He stated he feared there would not be enough time to wait without harming the female [REDACTED] or being fired upon.

Deputy Spencer stated he pushed forward towards Vincent MARTINEZ and fired his rifle, putting him down. He stated [REDACTED] had gone back into the house. He stated once he and Deputy Bell got Vincent MARTINEZ onto his belly, he placed handcuffs on his right hand, moved him to get the left hand cuffed and called the medic in to assist. The medic declared him deceased.

Deputy Spencer stated he retrieved the shotgun and turned it over to another deputy to secure.

Deputy Spencer stated he was absolutely in fear for his safety and that of other officers as well as the hostage.

2022 Hours: After a brief break, Detective Prokopchuk indicated the interview was completed.