



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: February 18, 2021

TO: Supervising Deputy District Attorney C. Gonzalez

FROM: Criminal Investigators M. Poroli #34 and J. Czajkowski #55

SUBJECT: SPD Officer Involved Shooting (SPD 21-44157)

NOTIFICATION:

On 02-15-2021, (Monday) at approximately 2340 hours, CI Czajkowski and I were notified of a Sacramento Police Department officer involved shooting that had occurred at 8550 Fruitridge Road. CI Czajkowski and I responded to that location arriving at approximately 0045 hours.

BRIEFING:

On 02-16-21, (Sunday) at approximately 0104 hours a briefing was conducted by SPD Lt. Stigerts (Watch Commander) and SPD Sgt. Schwartz stating that three SPD Units were involved in a felony vehicle pursuit that ended at 8550 Fruitridge Road. Two SPD Patrol Officers fired their weapons hitting the driver of the suspect vehicle resulting in injuries. The suspect had been transported to a nearby hospital and his injuries were considered non-life threatening. The suspect was identified as Adan Martinez, xref: 5297023, and DOB: 5-17-82.

The shooting officers were identified as SPD Officer Toomey #894 and SPD Officer Caro #561. The third SPD Unit had two Officers, Stevens #952 and King #784. SPD Officers Stevens and King did not discharge their firearms.

WALKTHROUGH:

At approximately 0120 hours, we participated in a scene walkthrough which was conducted by Sgt. Schwartz. The immediate area surrounding the four involved vehicles had been secured with police crime scene tape for further processing. We did not enter the secured area but observed the scene from approximately 30 feet. The suspect vehicle was positioned in front of all three of the SPD vehicles which were aligned and consistent with a felony vehicle stop positioning.

SCENE:

8550 Fruitridge is an industrial business complex which is closed/unoccupied at night. There is a long driveway south off of Fruitridge Road that leads back an open area with fuel pumps, storage tanks, and a sunken area where refuse/trash appears to be discarded and sorted prior to being transferred. There were surveillance cameras observed above the fuel pumps, as well as, lights illuminating this area. The suspect drove to an area where he became boxed in with a large metal shed to the west, a short cement wall with chain link to the south and the three patrol cars covering the east and north.

IN-CAR CAMERA/BODY CAMERA:

At approximately 0335 Hrs., we watched both the in-car camera and body worn camera recordings of officers Toomey and Caro. The in-car cameras were activated the moment the patrol vehicle lights are turned on. We viewed Officer Toomey's car camera from the moment it was activated until a few minutes after the shooting. The other cameras were viewed from the end of the pursuit until after the shooting.

ROUND COUNT:

A round count was conducted at Sacramento Police Headquarters by Sgt Lange of both shooting officers service weapons and magazines. The round count was conducted in one of the recorded interview rooms. The count revealed that Officer Toomey fired a total of 14 rounds and Officer Caro fired a total of 4 rounds.

OFFICER STEVENS #952 STATEMENT: Sworn Officer for four years, currently assigned to patrol.

I was on duty and on patrol in a two-man unit with SPD Trainee Officer King. King was driving and I was in the front passenger seat of our patrol vehicle. We heard the dispatch for an Officer assist in a vehicle pursuit. We understood the suspect was a wanted person for arson. We caught up and joined the pursuit as the third SPD Unit. All three SPD Units were code three with full lights and sirens. The pursuit was traveling southbound on Watt Avenue at approximately 40 mph, and eventually turned west bound onto Fruitridge Rd.

I heard on the radio a spike strip had been deployed ahead of us. I observed the suspect vehicle swerve from the left lane out past the right lane. Then the suspect vehicle took a quick left turn into an industrial complex. The suspect vehicle drove into a fenced corner and stopped on its own. We all positioned our vehicles in a felony vehicle stop position blocking an escape. Toomey was positioned to the left, Caro was in the middle, and we positioned ourselves to the right side. The suspect vehicle then began moving forward and back repositioning and turning his vehicle in an attempt to escape. The suspect vehicle windows were tinted, and we could not see the driver, but he was not complying with our orders.

After repositioning the suspect vehicle then began to pull forward toward Toomey's vehicle and shots were fired. From my perspective the suspect vehicle began driving towards Toomey when the shots were fired. The suspect vehicle then pulled slightly forward and stopped into a barrier. I did not fire because of my position and the risk of crossfire. I called out on the radio that shots were fired. I along with King repositioned ourselves by Toomey's vehicle. We still could not see the suspect because of the tinted windows. King deployed the shotgun bean bag to knock out the driver's window, but it had no effect. The suspect then opened the door on his own and exited the vehicle on his own. The suspect had blood on his front, injuries to both arms, and was moaning in pain. We provided first aid.

OFFICER CARO #561 STATEMENT: Sworn Officer for two years, currently assigned to patrol.

On 2-17-21, at approximately 1735 Hrs., Investigator Czajkowski and I observed and monitored the interview of Officer Caro via remote feed. This interview took place at the Sacramento Police Department Headquarters Building, 5770 Freeport Blvd. This interview was conducted by SPD Detective Coughran. Also present in the interview was the attorney representing Officer Caro, [REDACTED]. This interview was audio recorded, and the following is a summary:

Officer Caro explained that he has 2 years experience with the Sacramento Police Department as an officer. He is currently assigned to patrol working as a solo officer on swing shift in sector 6, the east area of Sacramento. Officer Caro stated that he first became aware of the call when he heard Officer Toomey broadcast that he was in pursuit of an arson suspect. Officer Caro put himself on the call and responded to the area of the pursuit code 3.

Officer Caro stated that he initially attempted to position himself ahead of the pursuit to deploy tac strips. He responded to Watt Ave from eastbound Folsom Blvd. As he approached the intersection of Watt Ave he observed the suspect vehicle go through the intersection southbound, followed by Officer Toomey in pursuit. Officer Caro stated that he joined the pursuit as the number two unit.

Officer Caro advised that shortly after joining the pursuit the suspect vehicle slowed down and that this made him nervous as he didn't know what the suspects intentions were. Officer Caro stated that later observed the suspect vehicle accelerate and drive towards officers who were deploying spike strips.

Officer Caro stated that at the termination of the pursuit he took a position to the right of Officer Toomey as they set up for a felony vehicle stop. Officer Caro stated that the suspect vehicle pulled forward and then initially began backing towards him before turning further north away from him. Officer Caro said he was afraid for his life when the car initially backed towards him.

Officer Caro stated that after the suspect backed up his car he heard another officer yell put it in park or we will shoot. He said that he wasn't exactly sure where Officer Toomey was, but believed that he was on the driver's side of his own vehicle. Officer Caro stated that he heard one shot prior to him firing 3-4 shots. Officer Caro stated that in his mind the suspect was attempting to

drive past Officer Toomey's vehicle and the wall. He stated as the suspect pulled forward, he realized that the suspect was trying to kill Officer Toomey. He stated that he heard one shot and knew that he had to try and stop the suspect vehicle.

Officer Caro stated that he moved to the rear of Officer Toomey's car after the shooting. Officer Caro stated that other officers arrived after the shots were fired and took over taking the suspect into custody and administering medical aid.

OFFICER TOOMEY #894 STATEMENT: Sworn Officer for five years, currently assigned to patrol.

On 2-17-21, at approximately 1345 hours., Investigator Poroli and I observed and monitored the interview of Officer Toomey via remote feed. This interview took place at the Sacramento Police Department Headquarters Building, 5770 Freeport Blvd. This interview was conducted by SPD Detective Massey. Also present in the interview was the legal counsel representing Officer Toomey, [REDACTED]. This interview was audio recorded, and the following is a summary:

On 2-15-21, prior to the pursuit, Officer Toomey stated that he was parked in his fully marked and equipped SPD patrol vehicle at the location of a burning truck/suspected arson at 3152 Occidental Drive. Toomey learned that the suspect of the arson was the ex-boyfriend of the complainant. Toomey heard that the suspect had threatened to burn truck the day before and has violated several restraining orders regarding the complainant, including a stalking arrest one week earlier. Toomey also heard the suspect has a history with firearms.

While parked at 3152 Occidental, Toomey was informed that the suspect of the arson had just driven by. At this point Toomey began following the suspect vehicle which was a red Toyota Sienna van. Toomey verified the plate number of the suspect vehicle and initiated a vehicle stop and activated his emergency lights. The suspect vehicle did not stop, and a pursuit began. The pursuit went north on Occidental, east on La Riviera, and then south on Watt Avenue. The pursuit had reached speeds of 80 mph, but eventually slowed to around 40mph. Two additional SPD vehicles had joined in the pursuit behind Toomey's vehicle.

According to Toomey the suspect vehicle then turned west on Fruitridge road and was driving more erratic. At one point the suspect vehicle veered onto the right shoulder and appeared to be headed straight toward an SPD vehicle which was parked on the right shoulder ahead on Fruitridge. The suspect vehicle then took a hard left and sped up into an industrial area. The suspect vehicle was breaking then speeding. The suspect vehicle then slammed his breaks quickly and my vehicle hit his vehicle.

Toomey got out of his car as the other two SPD units pulled up blocking the suspect vehicle in. Toomey was yelling commands, but the suspect was not complying. The suspect vehicle then pulled forward then back turning his vehicle each time while breaking traction with his tires. Toomey was out of his vehicle and only 8-9 feet away from a fence to his left. The suspect vehicle had tinted windows and Toomey could not see the driver. Toomey was close and concerned that the suspect was going to shoot him thru his window or exit his vehicle and start a shootout.

As the suspect vehicle repositioned back and forth Toomey thought he was going to try and escape thru the gap to Toomey's left but was worried he would hit him in the process. Toomey was out of his vehicle and using his open driver's door for cover. Toomey was afraid that if the suspect vehicle came toward him, that he would either die or get seriously injured. As soon as the suspect vehicle began forward Toomey discharged his weapon. Toomey described the suspects' vehicle as a lethal weapon and Toomey was in a confined space. As the suspect vehicle pulled forward his only option was to go through Toomey.