



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: July 18, 2022

TO: Supervising Deputy District Attorney Charles Gonzalez

FROM: Criminal Investigators Annette Fucles #24 and Steve Glen #31

SUBJECT: Officer Involved Shooting (SPD 22-199356)
[REDACTED] (non-life threatening injury)

NOTIFICATION:

On 7/18/2022 (MONDAY) at approximately 1:06 AM, SDA Criminal Investigators S. Glen and A. Fucles received calls from Lt. Laura Gracia notifying us of an SPD Officer Involved shooting and requesting us to respond to 16th and C street in the city of Sacramento.

BRIEFING:

A briefing was conducted at 2:30 AM at the command post located at 16th and C street by SPD Lt. Doug Morse ([REDACTED]) and SPD Sgt. Jon Gresham ([REDACTED]) where we learned the following:

Per Lt. D. Morse on 7/17/2022, at approximately 10:36 PM dispatch logs show a call was made up for an Attempt Pick-up (ATTPU) for a [REDACTED] who had a Felony no bail warrant. Officers James SUMMEY, #491 ([REDACTED]) and Officer Alex GUEVARA, #508 ([REDACTED]) were the officers on the call. Officers SUMMEY and GUEVARA went to the area of N. 16th and A Street to serve the arrest warrant on [REDACTED].

Officers SUMMEY and GUEVARA located [REDACTED] near a tent [REDACTED] was staying, which was located on the east side of N. 16th street just north of the 16th street railroad track overpass between C and A streets. Officers advised [REDACTED] he had a warrant and requested him to place his hands behind his back, however, [REDACTED] refused to comply. [REDACTED] had a blanket or sleeping bag draped around his neck at the time officers were talking with him.

[REDACTED] then walked back towards his tent and appeared to retrieve an unknown object concealing it under the blanket. [REDACTED] then began advancing on Officers SUMMEY and GUEVARA. Officers gave verbal commands telling [REDACTED] to stop several times before Officer SUMMEY fired two rounds at [REDACTED].

[REDACTED] was able to walk away, walking southbound on N. 16th Street on the east side of the street walking towards C Street. Officers SUMMEY and GUEVARA followed [REDACTED]

██████████ until responding officers were able to take ██████████ into custody just north of C street.

Per Sgt. Jon Gresham both officers were wearing Body Worn Cameras (BWC). The officers were attempting to serve a PRCS felony no bail warrant on ██████████ who was on probation until 3/10/2025.

██████████ sustained two gunshot wounds to the left shoulder and was transported to UC Davis Medical Center.

There were two witnesses who provided brief on scene statements, (W1) ██████████ and (W2) ██████████. (W1) ██████████ was at the OIS scene who said she observed ██████████ pick something up but was unsure what it was. (W2) ██████████ was not at the scene and did not observe the OIS but said she heard two shots and then somebody who said “Ok”.

(W1) ██████████ was still on scene waiting to be transported back to HOJ for an interview.

SCENE WALKTHROUGH:

At the time of the walkthrough SPD CSI was setting up equipment to photograph and take measurements of the scene. We were escorted to a location north of the OIS to observe the scene. The scene was on the top of an embankment/levee with each side having steep drop offs. From our vantage point I observed two small blue cones on top of the embankment indicating where each officer was standing at the time of the OIS. I observed a blanket or sleeping bag which was on the ground south of the two blue cones.

South of the sleeping bag there was a large dumpster style garbage bin and just south of the garbage bin was a tent where ██████████ was staying. Per SPD during the walkthrough ██████████, prior to the OIS, walked away from the officers and back to the garbage bin where he then appeared to retrieve an unknown item.

WITNESS INTERVIEW:

STATEMENT for Witness (W1) ██████████:

On 7/18/2022, at approximately 4:56 AM, (W1) ██████████ provided a statement to SPD. ██████████ appeared tired and rested her head on the interview table and was requested several times during the interview to sit up. ██████████ said she was there smoking methamphetamine with an individual she described as a male black adult who was bald and who was approximately 30-40 years old. However, ██████████ said she did not remember this person’s name.

██████████ said she was there about 30 to 40 minutes prior to the OIS. She said when the officers arrived, she followed them up the hill but did not state a reason for following the officers.

██████████ said she heard the officers saying put down whatever he had. ██████████ said whatever he (██████████) had, looked to her like a “Gun Rack”. ██████████ then said she did not know why that even came out of her mouth.

██████████ said when the officers walked up, he (██████████) was “being a dick” and was not listening to the officers and was going through the trash bin. ██████████ said she remembered something in his hands, and they told him to calm down. ██████████ said she heard the gunshots and turned and did see the gun shot.

██████████ said the officers did tell him to put down whatever it was he had.

OFFICER INTERVIEWS:

On 7/20/22, SDA Criminal Investigators, A. Fucles and S. Glen responded to Sacramento Police Department (SPD) to monitor the interviews of Officers James SUMMEY and Alex GUEVARA. The interviews were conducted simultaneously. Inv. Fucles monitored Officer SUMMEY’s interview and Inv. Glen monitored Officer GUEVARA’s interview.

OFFICER JAMES SUMMEY, #491 (2 years w/SPD):

Investigator Fucles monitored Officer Summey’s interview who stated the following in summary:

Officer Summey has been employed by the Sacramento Police Department for two years and is currently assigned to patrol. Summey previously served four years in the U.S. Navy as a Master of Arms (military police) and his duties included patrol and security.

Summey stated that on 7/17/22, he began his shift at 2100 hours, dressed in full uniform and his duty belt included keys, baton, cuffs, pepper spray, taser, flashlight, tourniquet, two 17-round magazines and his department issued Glock 17. Summey stated he does not carry a second firearm. He had his body worn camera, situated at his mid-chest, activated during the incident. His call sign was ██████████ and he was solo in a marked patrol vehicle and his partner was Officer Alex Guevara.

On 7/17/22, Summey opened an attempt pick-up code for ██████████ (suspect ██████████) in WebKPF and viewed ██████████’s felony warrant. Summey said he was familiar with ██████████ from three separate contacts. The first contact, near Blue Diamond, was a suspicious persons call. He contacted ██████████ and told him to leave the area. ██████████ was cooperative at the time. The second contact occurred from a call for service involving suspicious subjects. Summey and three officers detained ██████████ as part of their investigation and identified him as a probationer on PCRS. ██████████ was argumentative, but otherwise complied. Summey’s third contact occurred during a service call for a vandalism of an ATM. Summey’s investigation led him to contact ██████████. Working solo, Summey decided to handcuff ██████████ for his safety. ██████████ was cooperative and told Summey that all he needed to do was tell him (██████████) to “cuff up” and he would do so.

In preparation to contact ██████████, Summey parked his patrol vehicle on 16th Street and Guevara arrived and joined him for the contact. Summey discussed the attempt pick-up warrant for ██████████ with Guevara. Summey noted that Guevara was with him at all three previous contacts with ██████████. Summey confirmed the warrant in WebKPF and remembered ██████████ was on PCRS. Summey didn’t review ██████████’s criminal history but remembered he was at least on PCRS for PC 459. Summey remembered that ██████████ told him, he only had to ask him to “cuff-up” a month prior. Summey did not have information that ██████████ would be armed or whether ██████████ had a violent past. He recognized ██████████ from his WebKPF photo and prior contacts. On the night of the incident, Summey was not aware of anyone else at ██████████’s camp site. He had not done any

previous probation searches at ██████'s camp site. He noted that ██████'s camp site was much larger than it had been during Summey's first contact with ██████.

Summey said he and Guevara, walked up an incline to talk with ██████. Summey said he spoke to ██████ because he had talked to him before. ██████ had a blanket over his shoulders, so he asked ██████ to move his blanket so he could see his hands. Summey said, "██████ we have something we need to talk about." ██████ was resistant, saying he enjoyed his day, and they didn't have anything to talk about. Summey told ██████ to "cuff up", but ██████ became suspicious saying he saw the cops drive by, which Summey said wasn't related to this incident. Summey then told ██████ that he had a small warrant and an issue with his PRCS. ██████ asked, "Why at night?". Then a female walked up behind them and told ██████ that he needed to listen to police officers. ██████ became suspicious that the female was working with them, so he was getting agitated. Summey began talking to Guevara to give time to ██████ to de-escalate and for them to get other officers on-scene. In that time, ██████ walked away and went to his large garbage bin, next to his tent; then moved his blanket off his shoulders and reached into the large garbage bin. ██████ was concealed by another blanket, so Summey could not see what ██████ was reaching for because his hands were concealed. When ██████ came up from the garbage bin, he had something concealed under his blanket, that looked like it may have been a rifle, which ██████ initially held at the low-ready position. ██████ said he was a federal agent and told them to put down their weapons. ██████ raised the suspected rifle and pointed it directly at Summey, then stepped forward. Summey said they had no cover or concealment. Summey drew his firearm and told ██████ to "stop", but he didn't stop, so Summey fired his duty weapon twice and ██████ collapsed to the ground. ██████ yelled he didn't have anything and Summey could see blood on the back of ██████'s shirt. Summey said to ██████, "Let me help you". ██████ got off the ground and ran in the opposite direction of Summey toward 16th Street (heading south) trying to run away. Summey told ██████ that his actions forced him to fire his weapon. ██████ ran through the tunnel, south on 16th Street. ██████ was yelling, "Don't hurt me" as Summey and Guevara followed him. After he got about 20 feet, ██████ stopped. Summey said he saw ██████'s hands the entire time he was trying to get away. Summey yelled to the responding officers that ██████ was unarmed. ██████ was wrestled to the ground because he continued to resist as officers cuffed him.

Summey decided to request additional units when he realized ██████ was not "going with the plan". Summey said he was terrified and petrified, when ██████ pointed the suspected rifle at him, but he knew he had to stop the threat. Summey said he knew only his service weapon would stop the threat to himself, his partner, and the witness. He said the use of his taser was not feasible because of the blanket covering ██████. Summey knew bulky clothing could cause the taser to be ineffective.

Summey said he did not hear any statements from ██████ before he grabbed the item out of the garbage bin. Summey stated he gave ██████ commands to stop, but ██████ kept advancing toward him. Summey explained he was aiming at ██████'s upper torso, and he was aware of what was behind ██████, which was the train and fence, and no other people were behind ██████.

Summey said ██████ could have run away instead of retrieving the object from his garbage bin but instead he advanced on them causing Summey and Guevara to step back to create distance.

Summey said ██████ received medical assistance at the scene.

OFFICER GUEVARA (Police officer – 2 years w/SPD):

Investigator Glen monitored officer GUEVARA's interview who stated in summary the following:

Officer GUEVARA has been employed with the Sacramento Police Department since 12/19/2020 when she began her academy training at the Sacramento Police Department Academy. Officer GUEVARA has no prior police employment. Officer GUEVARA's service weapon is a Glock 17.

Officer GUEVARA stated her and officer SUMMEY went to the area of 16th and A Street in the city of Sacramento to conduct an attempt pick-up (ATTPU) of an individual named [REDACTED] who had a felony no bail warrant for PRCS.

Officer GUEVARA said they had to walk up a short hill leading them to the top of an embankment near the railroad tracks of where [REDACTED] was known to have an encampment. The area was dark and both Officers needed their flashlights to illuminate the path leading up to the encampment. The path they were walking on was approximately five feet wide and both sides of the path dropped off in a steep decline.

As the Officers reached the top of the embankment, they observed an individual. As they approached, using their flashlights to illuminate the subject they asked if he was [REDACTED]. The individual acknowledged he was. At this point Officer GUEVARA said they were approximately 10 feet from [REDACTED] who had a blanket draped over his shoulders which was also covering his hands.

[REDACTED] was asked to put the blanket down and Officer SUMMEY then asked [REDACTED] to "Cuff-up". [REDACTED] refused, telling the officers he was not going to. [REDACTED] told the officers to "Have a nice day," and just stared at the officers. Officer GUEVARA thought at that point that [REDACTED] was not going to comply.

Officer GUEVARA said Officer SUMMEY asked her to request another unit to assist them. Officer GUEVARA said she turned away to use her portable radio to make the request and when she turned back around [REDACTED] was now positioned behind a large industrial style trash bin near his tent. [REDACTED] then reached into the trash bin quickly appearing to have grabbed something. Officer GUEVARA said [REDACTED] began pointing the item at them which was concealed under the blanket. The item appeared to be three feet in length which she thought could have been a rifle, stick, hammer, or some other object that could hurt them.

Officer GUEVARA said both she and Officer SUMMEY drew their service weapons at that time. [REDACTED] was telling them as he was pointing the object at them, to put their guns down. Officer GUEVARA said [REDACTED] was pointing the object mostly at Officer SUMMEY. Officer GUEVARA said [REDACTED] was coming at them as they were backing up. Officer GUEVARA said there was a female standing nearby, possibly behind them, who got too close, and they told her to back up. At that point [REDACTED] asked if the female was working with them. The female, later identified as (W1) [REDACTED], backed up but Officer SUMMEY and GUEVARA were backing up faster which brought [REDACTED] into their view who was off to the side. [REDACTED] continued to point the object in their direction, but Officer GUEVARA said [REDACTED] was mostly pointing it at Officer SUMMEY.

Officer GUEVARA said she thought she heard two shots and saw [REDACTED] fall to the ground along with the blanket he had. Officer GUEVARA said she still did not know what was under the blanket and [REDACTED] yelled at them stating he was not armed. Officer GUEVARA said she also did not know if [REDACTED] had been shot. [REDACTED] then got up and said he was not going to jail and started walking away from them continuing to refuse to comply with their orders for him to stop.

Officer GUEVARA said they ran after [REDACTED] and were able to take [REDACTED] into custody with the assistance of arriving officers. At that point officers began rendering aid to [REDACTED] who was later transported to the hospital.

ADDITIONAL INFORMATION:

Prior to arriving at SPD for the witness interview on 7/18/2022 at approximately 4:30 AM, a round count had been completed by SPD homicide Sgt. Joe Ellis which showed SPD Officer James SUMMEY fired two rounds.

While at SPD we observed Officer SUMMEY's BWC video footage of the OIS.

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