



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**THIEN HO**  
DISTRICT ATTORNEY

8/15/23

**DATE:** 12/11/2024

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

**FROM:** Criminal Investigator(s) Kevin Papineau and Eugene Shim

**SUBJECT:** Officer Involved Shooting involving Sacramento Police Department, Case # 23-231441

Involved Officers:

Officer Hironaka #463, Officer Lucas #478, Officer Daus #393, Officer Bartlett #480

Subject: Day, Dante

X-Ref: [REDACTED]

DOB: 08/25/1978

## **NOTIFICATION:**

On August 15, 2023, at approximately 1931 hours, Sacramento County District Attorney's Office Criminal Investigators responded to 3801 24th Street (Sacramento City College Light Rail Station) regarding an officer-involved shooting.

On August 15, 2023, at approximately 1945 hours, we were briefed about the incident and the circumstances known at the time. The following information was obtained:

On August 15, 2023, Sacramento Police Officers Hironaka, Lucas, Daus, and Bartlett responded to a call regarding a man with a machete at the Regional Transit (RT) Light Rail Station located at 3801 24th Street, Sacramento. The officers contacted Dante Day, who was armed with a large fixed-blade knife, inside of RT train #109 and attempted, for several minutes, to communicate with him and convince him to put the knife down. Less Lethal Bean Bag rounds were fired at Dante Day after officers repeatedly ordered Day to put the weapon down without compliance. Dante Day charged at Sacramento Police Officers after the Less Lethal Bean Bag rounds were deployed. Officers fatally shot Dante Day. Day was pronounced deceased at the scene. The large knife was recovered from Day.

**SCENE:**

We observed the scene to be the following: The scene was RT train #109, which was stopped, facing south, in the Sacramento City College Regional Transit Light Rail station located at 3801 24th Street, Sacramento. Hughes Stadium is located to the west of the RT Light Rail station and a campus parking structure is located to the north. Railroad tracks run in a north/south direction to the east of the Light Rail station. Several firearm and a few less lethal munition shell casings were observed at the scene. The large fixed-blade knife was located on a seat near Dante Day's body. These items were marked by plastic evidence markers.

**INVOLVED WEAPONS:**

The knife was a fixed-blade survival style knife with an approximately 7" blade. Dante Day waved the knife around and charged at officers while holding the knife in front of him, pointed at officers.

Officer Hironaka was armed with a personally owned handgun and discharged approximately 7 round(s). The weapon was identified and inventoried; see round count video.

Officer Lucas was armed with a department-issued less lethal bean bag shotgun and discharged approximately 3 rounds. Officer Lucas was also armed with a department-issued handgun and discharged approximately 6 round(s). The weapons were identified and inventoried; see round count video.

Additional Officers Involved yes no

Additional Officer information: Officer Daus #393, Officer Bartlett #480

**BODY-WORN CAMERAS (BWC) / SURVEILLANCE CAMERAS:**

Officer Hironaka was  was not wearing a BWC. The BWC  was  was not activated during the incident. *Refer to Agency BWC videos for further details.*

Officer Lucas was  was not wearing a BWC. The BWC  was  was not activated during the incident. *Refer to Agency BWC videos for further details.*

Officer Daus was  was not wearing a BWC. The BWC  was  was not activated during the incident. *Refer to Agency BWC videos for further details.*

Officer Bartlett was  was not wearing a BWC. The BWC  was  was not activated during the incident. *Refer to Agency BWC videos for further details.*

Surveillance video footage was retrieved from two cameras which were recording inside RT train #109.

DA Investigator(s) Papineau and Shim  did  did not review the BWC video of Officer(s) Hironaka, Lucas, Daus, and Bartlett.

**IN-CAR CAMERAS (ICC):**

Officer enter name vehicle enter vehicle #  was  was not equipped with an in-car camera (ICC) system. The ICC  was  was not activated during the incident. *Refer to Agency ICC videos for further details.*

DA Investigator(s) Papineau and Shim  did  did not review the ICC video of Officer(s)

**OFFICER BARTLETT STATEMENT:**

On August 17, 2023, at approximately 0904 hours, CI Shim, observed the interview of Officer Bartlett at the Sacramento Police Department located at 5770 Freeport Blvd Suite 100, Sacramento. Sacramento Police Detective Schulte conducted this interview. Officer Bartlett  was  was not present with a union representative.

Officer Bartlett stated that on 08/15/2023, he was working on patrol in an SPD patrol uniform, driving a marked patrol vehicle. Officer Bartlett said he heard an SPD dispatch of a call for service regarding a subject on a light rail train, who was armed with a machete. Officer Bartlett stated he responded, with emergency lights and siren activated, to the Sacramento City College light rail station from the area of 32nd Street/26th Ave. Officer Bartlett stated he brought a less lethal bean bag shotgun to the light rail train, where Sacramento Police Officers Hironaka, Lucas, and Daus were already on scene. Officer Bartlett stated he positioned himself at the train doors closest to the suspect, who was later identified as Dante Day. Officer Bartlett stated he held Dante Day at gunpoint while standing 5-10 feet away. Officer Bartlett said he saw Dante Day waving the knife around in his right hand while becoming agitated from the verbal commands given by the other officers on scene. Officer Bartlett stated he saw Dante Day stand up and less lethal bean bag rounds were fired. Officer Bartlett said he saw Dante Day charging at the other officers with knife in hand and heard about 10 gunshots. Officer Bartlett stated he did not fire his duty handgun or the less lethal bean bag shotgun that he brought to the scene.

*This interview was audio recorded. Please refer to recording(s) for further details.*

The interview account of the incident  was  was not consistent with what could be seen/heard on the video(s).

**OFFICER DAUS STATEMENT:**

On August 17, 2023, at approximately 1016 hours, CI Shim, observed the interview of Officer Daus at the Sacramento Police Department located at 5770 Freeport Blvd Suite 100, Sacramento. Sacramento Police Detective Masee conducted this interview. Officer Daus  was  was not present with a union representative.

Officer Daus stated that on August 15, 2023, he was working on patrol in an SPD patrol uniform, driving a marked patrol vehicle with his partner Officer Lucas (passenger officer). Officer Daus stated he received a call of an armed subject waving a knife around inside of a Regional Transit (RT) train car at Sacramento City College. Officer Daus said he and Officer Lucas arrived at the RT station, and Officer Hironaka was already on scene. Officer Daus stated he approached the RT light rail train with Officer Hironaka and Officer Lucas. Officer Daus said he and Officer Lucas removed an uninvolved citizen, who was sitting inside the train. Officer Daus stated he stepped down from the passenger compartment to keep the doors open while Officer Hironaka and Officer Lucas were still inside the train. Officer Daus stated the suspect, later identified as Dante Day, became more erratic and was not responding to verbal de-escalation tactics. Officer Daus said he saw Dante Day rise from his seat with the knife in his hand. Officer Daus stated he saw Officer Lucas deliver about 3 less lethal bean bag rounds and Dante Day flinched. Officer Daus said he heard Officer Hironaka discharge his firearm. Officer Daus stated he heard Officer Lucas discharge his firearm after Officer Lucas put his less lethal shotgun down. Officer Daus said he did not have a view of the suspect during the shooting. Officer Daus stated he was part of the contact team and assisted in rendering medical aid to Dante Day.

*This interview was audio recorded. Please refer to recording(s) for further details.*

The interview account of the incident  was  was not consistent with what could be seen/heard on the video(s).

**OFFICER HIRONAKA STATEMENT:**

On August 17, 2023, at approximately 1421, hours, CI Papineau observed the interview of Officer Hironaka at the Sacramento Police Department located at 5770 Freeport Blvd Suite 100, Sacramento. Sacramento Police Detective Worm conducted this interview. Officer Hironaka  was  was not present with council.

Officer Hironaka stated that on August 15, 2023, he was working on patrol in an SPD patrol uniform, driving a marked patrol vehicle. Officer Hironaka stated he received a call of an armed subject waving a machete or knife around inside of a Regional Transit (RT) train car at Sacramento City College. Officer Hironaka said he requested Officer Lucas to prepare less-lethal force prior to arrival at the RT station. Officer Hironaka stated he approached the RT light rail train with Officers Lucas and Daus and Lucas was armed with a less lethal shotgun. Officer Hironaka said he attempted to establish communication with the armed subject while Officers Lucas and Daus removed an uninvolved citizen who was sitting inside the train. Officer Hironaka said officers were positioned to prevent the subject from exiting the train and accessing nearby citizens. Officer Hironaka said he attempted de-escalation tactics, asking the subject his name, telling the subject they didn't want to hurt him and telling him to put the knife down. Officer Hironaka said the subject appeared to be getting more agitated, waving the knife and hitting the window so he told Officer Lucas to deploy the less-lethal force if the subject stood up. Officer Hironaka said the subject stood up with the knife in hand and Officer Lucas deployed less lethal which caused the subject to sit down but he got back up immediately. Officer Hironaka said the subject charged toward the officers with the knife. Officer Hironaka said he feared injury or death to himself and other officers and fired what he believed to be five or six times causing the subject to fall after coming within approximately six feet of him. Officer Hironaka said the subject got back up with the knife and Officer Lucas then fired causing the subject to go back down. Officer Hironaka said a contact team with a shield was formed to approach the subject, remove the knife, and begin providing medical aid.

*This interview was audio recorded. Please refer to recording(s) for further details.*

The interview account of the incident  was  was not consistent with what could be seen/heard on the video(s).

**OFFICER LUCAS STATEMENT:**

On August 17, 2023, at approximately 1730 hours, CI Papineau, observed the interview of Officer Lucas at the Sacramento Police Department located at 5770 Freeport Blvd Suite 100, Sacramento. Sacramento Police Detective Krutz conducted this interview. Officer Lucas  was  was not present with council.

Officer Lucas stated that on August 15, 2023, he was working on patrol in an SPD patrol uniform, in a marked patrol vehicle with his partner Officer Daus. Officer Lucas stated they received a call of an armed subject waving a machete or knife around inside of a Regional Transit (RT) train car at Sacramento City College. Officer Lucas said he and Officer Daus arrived at the RT station, and Officer Hironaka was already on scene. Officer Lucas said he loaded a less lethal shotgun with five bean bag rounds prior to arrival. Officer Lucas stated he approached the RT light rail train with Officer Hironaka and Officer Daus. Officer Lucas said he and Officer Daus removed an uninvolved citizen, who was sitting inside the train. Officer Lucas stated Officer

Hironaka was the primary officer trying to communicate with and de-escalate the armed subject, later identified as Dante Day, but Day became more agitated and was not responding to Hironaka. Officer Lucas said Officer Hironaka told him to fire the less lethal if the subject stood up. Officer Lucas said the subject stood up with the knife and he fired the less lethal approximately four times, striking the subject center mass, hoping to disarm him. Officer Lucas said the subject briefly sat but got back up and charged the officers with the knife held out in front of him. Officer Lucas said Officer Hironaka shot the subject with his handgun causing the subject to go down. Officer Lucas said he took cover and dropped his less-lethal shotgun and drew his handgun. Officer Lucas said the subject still had the knife in his right hand and stood back up, making eye contact with him, and he believed the subject was going to attack him. Officer Lucas said the subject again started toward the officers, so he fired his handgun approximately six times, striking the subject causing him to go down again. Officer Lucas said he was part of the contact team and assisted in rendering medical aid to the subject.

*This interview was audio recorded. Please refer to recording(s) for further details.*

The interview account of the incident  was  was not consistent with what could be seen/heard on the video(s).

*Further details regarding this incident can be obtained from the investigating agency.*