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Sacramento County District Attorney's Office

THIEN HO  
District Attorney

**DATE:** January 27, 2025

**TO:** Chief Katherine Lester  
Sacramento Police Department  
5770 Freeport Boulevard  
Sacramento, CA 95822

**FROM:** Sacramento County District Attorney's Office

**SUBJECT:** Officer-Involved Shooting Case No. SPD-23-38589  
Shooting Officer: SPD Sergeant Travis Hunkapiller #3108  
SPD Officer Kristen McIlvain #827  
Person Shot: Clayton Curtis Ray Freeman (D.O.B. 8-2-1990)

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 Clayton Curtis Ray Freeman. 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 Police Department report numbers 23-37362 and 23-38589, video and audio recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, and Sacramento County District Attorney's Office Laboratory of Forensic Services reports.

**FACTUAL SUMMARY**

On February 9, 2023, Sacramento Police Department (SPD) Officer Jeffrey Dahl<sup>1</sup> was on patrol in the Del Paso Heights neighborhood, driving a marked SPD vehicle. At approximately 9:40 a.m., Officer Dahl located a parked teal Hyundai Tucson facing northbound on the east curb line of Cantalier Street, south of El Camino Boulevard. The vehicle and license plate number matched the description of a vehicle that had been stolen in a carjacking the previous day. Officer Dahl walked up to the Hyundai and observed the windows being blocked by a blanket. He believed the vehicle was unoccupied. He opened the driver's door and observed Clayton Curtis Ray Freeman sitting in the vehicle's rear seat. Freeman matched the description of the

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<sup>1</sup> Unless otherwise noted, all SPD officers described in this letter were dressed in full SPD uniform, with visible department sleeve patches and badge, and armed with Glock 17 9mm handguns.

carjacking suspect. Officer Dahl commanded Freeman to show his hands. He grabbed one of Freeman's hands and ordered him out of the vehicle, but Freeman pulled back his hand and did not comply. Officer Dahl called for backup units to respond to his location.

Officer Dahl commanded Freeman to stay where he was, but Freeman moved from the back seat to the front passenger seat and started the Hyundai's ignition. Officer Dahl believed Freeman was attempting to escape by driving the vehicle away. Officer Dahl grabbed Freeman's arm, and Freeman pulled away. Officer Dahl pointed his department-issued Axon TASER 7 at Freeman and gave him multiple commands to "not move" or he was going to tase him. Freeman slapped Officer Dahl's hand. Officer Dahl tased Freeman, but the TASER had little effect on Freeman.

Freeman moved to the front driver's seat of the Hyundai. Officer Dahl commanded Freeman not to move the vehicle. Freeman then turned the Hyundai's ignition a second time. Officer Dahl attempted to tase Freeman again, but Freeman struggled with the officer. Freeman drove the vehicle forward.

While Officer Dahl and Freeman were physically struggling with each other, SPD Sergeant Travis Hunkapiller arrived on the scene and stopped his marked police vehicle in front of the Hyundai and near the driver's side of the Hyundai, with the vehicles pointed in opposite directions. SPD Officer Kristen McIlvain, along with passenger Detective Amanda Worm, arrived and parked her marked police vehicle behind Sergeant Hunkapiller's vehicle. Sergeant Hunkapiller and Detective Worm were armed with Sig Saur P226 .40 caliber handguns.

Sergeant Hunkapiller observed Officer Dahl in a violent struggle with Freeman. As Sergeant Hunkapiller was exiting his police vehicle, Freeman accelerated his vehicle toward Sergeant Hunkapiller. Sergeant Hunkapiller observed Officer Dahl being dragged by the Hyundai. The Hyundai sideswiped Sergeant Hunkapiller's vehicle. Sergeant Hunkapiller's legs were pinned between his police vehicle driver's door and his vehicle's compartment due to the sideswipe. Sergeant Hunkapiller screamed out in pain.

At the same time, Officer Dahl attempted to hold on to the Hyundai but was pinned by the Hyundai's open driver's door when it sideswiped Sergeant Hunkapiller's police vehicle.

After sideswiping Sergeant Hunkapiller's vehicle, Freeman rammed his Hyundai into Officer McIlvain's police vehicle. Officer McIlvain had to get out of the Hyundai's path to avoid being hit. Freeman reversed the Hyundai and rammed Sergeant Hunkapiller's police vehicle a second time. Sergeant Hunkapiller and Officer Dahl were forced to get out of the path when the Hyundai reversed. Freeman drove the Hyundai forward and sped in the direction of Officer McIlvain.

Sergeant Hunkapiller did not know where the other officers were and feared for their safety. Sergeant Hunkapiller believed Freeman was actively attempting to kill him and the other officers. Based on the circumstances and unknown whereabouts of the other officers, Sergeant Hunkapiller did not believe less-lethal options would be effective. He fired thirteen rounds in quick succession from his handgun at the Hyundai when it reversed and rammed his police vehicle and then accelerated forward.

Officer McIlvain did not know where Sergeant Hunkapiller and Detective Worm were positioned. She observed Officer Dahl fall to the ground on her left. Officer McIlvain observed the Hyundai wheels turn towards her as it accelerated after hitting Sergeant Hunkapiller's vehicle a second time. Officer McIlvain believed the Hyundai was going to hit her.

Based on the circumstances and the Hyundai accelerating in her direction, Officer McIlvain did not believe less-lethal options would be effective. She fired four rounds in quick succession from her handgun at the Hyundai when it accelerated forward in her direction. Freeman sped away from the scene.

Sergeant Hunkapiller suffered an injury to his right leg. He had temporary numbness and a significant soft-tissue injury. Officer Dahl suffered superficial scratches.

At approximately 9:47 a.m., a female called 9-1-1 and advised that her brother, Freeman, arrived at her residence in Sacramento with a gunshot wound. The residence was approximately 1.2 miles away from the shooting scene. The caller advised that her family was transporting Freeman to the hospital.

Mercy General Hospital notified SPD that Freeman arrived with a gunshot wound to his left shoulder. Freeman received initial care at Mercy General Hospital and was detained by SPD officers. The officers then accompanied Freeman to U.C. Davis Medical Center for follow-up treatment.

A sample of Freeman's femoral blood was taken at Mercy General Hospital. The blood sample was analyzed by the Sacramento County District Attorney's Office Crime Lab. The results of the testing confirmed the presence of 500 ng/mL of methamphetamine in the sample.

Sergeant Hunkapiller's police vehicle was examined. The driver's door was open and appeared to be bent outwards near the hinge. There was a large scrape across the rear driver's side door with a significant amount of paint transfer that appeared to be from the Hyundai.

A round count and examination of casings recovered at the scene established that Sergeant Hunkapiller fired 13 rounds and Officer McIlvain fired 4 rounds.

Video recordings from each officers' body-worn cameras were reviewed. The video recordings depict the events as described above.

On February 28, 2024, in Sacramento County Superior Court case number 23FE002243, Freeman pled no contest to one felony count of carjacking and two felony counts of assault with a deadly weapon on a police officer. On March 14, 2024, he was sentenced to 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, Officer Dahl located the Hyundai and knew the vehicle matched the description and license plate number from a carjacking the previous day. He approached the vehicle and opened the door, believing the car was unoccupied. Upon opening the driver's door, Officer Dahl observed Freeman sitting in the car's back seat. Freeman matched the description of the suspect who committed the carjacking.

Officer Dahl repeatedly told Freeman to show his hands, stay where he was seated, and not start and move the vehicle. Instead of complying with Officer Dahl's commands, Freeman slapped the officer's hands, moved from the rear seat to the driver's seat, started the vehicle, and drove the vehicle away.

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; California Penal Code section 835a(c)(1)(A).) 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.)

Sergeant Hunkapiller observed Officer Dahl in a violent struggle with Freeman and being dragged by the Hyundai. Sergeant Hunkapiller was pinned between his vehicle's door and his vehicle's compartment when Freeman sideswiped the police vehicle.

After sideswiping Sergeant Hunkapiller's vehicle, Freeman rammed the Hyundai into Officer McIlvain's police vehicle. Officer McIlvain ran out of the Hyundai's path to avoid being hit.

Freeman reversed the Hyundai and rammed Sergeant Hunkapiller's police vehicle a second time. Sergeant Hunkapiller and Officer Dahl were forced to get out of the Hyundai's path when it reversed.

Sergeant Hunkapiller did not know the other officers' whereabouts and feared for their safety. Sergeant Hunkapiller believed Freeman was actively attempting to kill him and the other officers. Therefore, he fired 13 shots at the Hyundai in quick succession.

Officer McIlvain also did not know Sergeant Hunkapiller's and Detective Worm's whereabouts. She observed Officer Dahl fall to the ground on her left. Officer McIlvain observed the Hyundai wheels turn towards her as it accelerated after hitting Sergeant Hunkapiller's vehicle a second time. Officer McIlvain believed the Hyundai was going to hit her. Therefore, she fired four shots at the Hyundai in quick succession.

Given these circumstances and the short interval in which the gunshots were fired, Sergeant Hunkapiller's and Officer McIlvain's actions were reasonable to protect their safety and the safety of their fellow officers.

## **CONCLUSION**

Officer Dahl located a Hyundai that was stolen in a recent carjacking. When he opened the vehicle door, he found Clayton Freeman in the back seat. Freeman refused to comply with Officer Dahl's commands and physically struggled with the officer. Freeman started the car and accelerated the car despite Officer Dahl attempting to tase Freeman.

Freeman accelerated his vehicle into Sergeant Hunkapiller's vehicle, pinning Sergeant Hunkapiller in the vehicle door. Freeman then accelerated the Hyundai into Officer McIlvain's vehicle, causing Officer McIlvain to get out of the vehicle's path. Freeman reversed his vehicle and struck Sergeant Hunkapiller's vehicle a second time, causing Sergeant Hunkapiller and Officer Dahl to get out of the vehicle's path. Freeman then accelerated his vehicle in the direction of Officer McIlvain.

Fearing for their safety and the safety of their fellow officers, Sergeant Hunkapiller and Officer McIlvain reasonably believed firing their weapons was necessary to subdue the deadly threat presented by Freeman. Their actions were justified under the circumstances.

Accordingly, we will take no further action in this matter.

Cc: SPD Sergeant Travis Hunkapiller  
SPD Officer Kristen McIlvain  
SPD Detective Scot Krutz  
LaTasha Watson, Office of Public Safety Accountability