



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

THIEN HO
DISTRICT ATTORNEY

DATE: February 14, 2023

TO: Supervising Deputy District Attorney C. Gonzalez

FROM: Criminal Investigators M. Poroli #34 and K Papineau #47

SUBJECT: SPD Officer Involved Shooting (SPD 23-38589)

NOTIFICATION:

On 2-9-2023, at approximately 1144 hours, CI Papineau and I were notified of a Sacramento Police Department (SPD) officer involved shooting that had occurred in the area of Cantalier Street / Baseball Alley. CI Papineau and I responded to the command post location El Camino Ave / Rio Linda Blvd arriving at approximately 1215 hours.

BRIEFING:

On 2-9-2023, at approximately 1246 hours a briefing was conducted by SPD Lt. Landberg (Watch Commander) and SPD Sgt Park (██████). During the briefing it was learned that on 2/8/2023 SPD Officers responded to a reported carjacking (SPD 23-37362) at ██████████ where a grey Hyundai Tucson was taken. On 2/9/2023, at approximately 0947 Hrs., while on routine patrol Officer Jeff Dahl located this vehicle parked facing northbound on the east curb line of Cantalier Street at Baseball Alley. Officer Dahl approached the vehicle which had a blanket covering the driver's side window. Officer Dahl opened the driver door of the Tucson pulled the blanket down and was immediately confronted by a suspect inside, later identified as Clayton Freeman xref#: 5438261, DOB: 8/2/1990.

Officer Dahl Radioed for additional units to assist. He initially had the suspect at gunpoint, but later ended up tasing the suspect while waiting for cover units. Sgt Hunkapiller (██████) and Officers Worm and McIlvain (██████) arrived on scene to assist. Upon arrival the suspect was able to drive forward dragging Officer Dahl and sideswiping Sgt Hunkapiller's vehicle pinching his legs in the door. Sgt Hunkapiller #3108 and Officer McIlvain #827 fired their duty weapons into the suspect vehicle before it fled northbound Cantalier to eastbound El Camino. Sgt Hunkapiller was taken to a local hospital for treatment, complaint of pain to legs.

On 2/9/2023, at approximately 0947 Hrs., SPD dispatch received a call (SPD 23-38599) from a female at ██████ Las Palmas Ave ██████ advising that her brother just showed up and had been shot.

She further advised that another brother was preparing to transport him to an unknown hospital. Officers responded to this location and located the Hyundai Tucson. A short time later it was reported that Freeman was dropped off at the Emergency Department of Mercy General Hospital with a gunshot wound to his left shoulder and Taser prongs in his belt.

WALKTHROUGH:

At approximately 1416 Hrs, CI Papineau and I participated in a scene walkthrough which was conducted by Det. Emily Kane #910. The three involved police units were all parked within the scene facing southbound. We were able to observe the scene looking southbound on Cantalier Street from just south of El Camino Ave. It was explained that only Sgt Hunkapiller's vehicle was still in its original position from the time of the shooting. Officers Dahl, McIlvain and Worm had left the scene briefly to go look for the suspect after he fled before returning to the scene. There were numerous evidence markers laid out on the ground within the scene. There was also apparent damage to the driver's side of Sgt Hunkapiller's vehicle and broken pieces on the ground.

SCENE:

Cantalier Street between El Camino Ave and Del Paso Blvd is a two-lane, two-way city street on that borders a residential area to the west. There was a Mosque ([REDACTED]) on the southeast corner of Cantalier and El Camino and a medical building on the southwest corner. Baseball Alley dead ends into Cantalier and runs west through the residential neighborhood.

IN-CAR CAMERA/BODY CAMERA:

On 2/13/2023, at approximately 0915 Hrs., we viewed all of the involved officers in car cameras (ICC) and body worn cameras (BWC) at SPD Hall of Justice. All cameras were activated during the incident. We viewed all videos from the initial response to the incident until shortly after the shooting occurred. We also watched cell phone video collected from a passing bicyclist.

ROUND COUNT:

Round counts were conducted on all four officers on scene at the time of the shooting.

A round count was conducted at Sacramento Police Headquarters by Sgt Trimpy of Sgt Hunkapiller and Officer McIlvain's duty weapons and magazines on the day of the incident. This round count was done on video and showed that Sgt Hunkapiller fired 13 rounds and Officer McIlvain fired 4 rounds.

Round counts were also conducted on Officers Dahl and Worm on the day of the incident at the Kinney Police Facility. This round count was conducted by Sgt Culp and showed no unaccounted-for rounds from either officer.

OFFICER STATEMENTS:

The four involved officer were interviewed on 02/13/2023 at the SPD Hallo of Justice.

At 1030 hours Detective Amanda Worm was interviewed by SPD Detective Anderson.

Detective worm said she had been an officer with SPD since 2006 and was working in patrol for one week as part of the Back to the Beat program.

Detective Worm said she was the passenger officer in a patrol car driven by Officer Mcllvain when they responded code three to assist Officer Dahl. She said it appeared Officer Dahl had been hit between two vehicles after being dragged when the suspect vehicle crashed into Sergeant Hunkapiller's vehicle.

Detective Worm said she knew Sergeant Hunkapiller's door had been open when the suspect vehicle crashed into it, but she couldn't see if Hunkapiller was partially out of his car when hit and didn't know if he was injured. She said the suspect vehicle crashed into her car and then reversed and hit Sergeant Hunkapiller's car again.

Detective Worm said she feared for the safety of the officers on scene and the public based on the suspect's actions. She said she had her handgun out and was preparing to shoot at the driver of the suspect vehicle when Hunkapiller moved in front of her, blocking her line of fire.

At 1128 hours Officer Kristen Mcllvain was interviewed by SPD Detective Krutz.

Officer Mcllvain said she had been a sworn Officer since June of 2022.

Officer Mcllvain said when she arrived on scene she saw Officer Dahl leaning into the open driver's door of the suspect vehicle. She said the suspect vehicle drove forward with Dahl still in the door area and as she got out of her car, she heard a crash and Sergeant Hunkapiller screaming.

Officer Mcllvain said the suspect vehicle hit Sergeant Hunkapiller's car, hit her car head on, and then reversed and hit Sergeant Hunkapiller's car again but Sergeant Hunkapiller was able to get out of the way.

Officer Mcllvain said that after the suspect vehicle hit Hunkapiller's car the second time, she saw the wheels turn her direction and the vehicle started toward her and she feared it would hit her. She said she could not move away from the suspect vehicle due to the wall to the east of her and could not move south because Officer Dahl had fallen just to the south of her.

Officer Mcllvain said there was nothing blocking the suspect vehicle and the suspect could have escaped if he drove straight forward instead of turning and crashing into Sergeant Hunkapiller.

Officer Mcllvain said that based on the suspect appearing to have dragged Officer Dahl and having hit Sergeant Hunkapiller she feared he would intentionally hit her or others, so she fired her handgun into the passenger door area at the driver three times.

At 1415 hours Officer Jeffrey Dahl was interviewed by SPD Detective Krutz.

Officer Dahl said he had been a police officer for 18 years and had previous experience in SWAT, POP and as a rangemaster.

Officer Dahl said he recognized the suspect vehicle as a vehicle that had been stolen the previous day in a carjacking nearby. He said he could not tell if the vehicle was occupied until he opened the driver's door and saw the suspect in the back seat. He said he tried to detain the suspect but when he grabbed his arm, he became combative, so he tried to hold him at taser point until other officers arrived.

Officer Dahl said the suspect was trying to get into the driver's seat and he ordered the suspect not to get in the driver's seat and tried to physically prevent him from getting in it. He said the suspect swatted at the taser and he fired his taser at the suspect with minimal effect. He said the suspect was then able to get in the driver's seat. He said the suspect could have fled out the passenger door to get away but never attempted to go out that side.

Officer Dahl said the suspect accelerated forward and intentionally turned the car toward Sergeant Hunkapiller as Officer Dahl was wedged in the driver's door. He said he heard Hunkapiller scream after the suspect crashed into his car. He said he got away from the suspect vehicle and moved around to try to open the passenger door but stumbled and fell backwards on the east sidewalk.

At 1537 hours Sergeant Hunkapiller was interviewed by SPD Detective Masee.

Sergeant Hunkapiller said he had been a sworn officer for 25 years with experience in patrol, investigations and as a supervisor.

Sergeant Hunkapiller said he heard Officer Dahl request assistance and responded code three and directed other officers to respond code three as well. He said when he arrived he saw Officer Dahl leaning in the open driver's door engaged in a violent struggle with the suspect. He said he stopped his vehicle and started to get out to help Dahl.

Sergeant Hunkapiller said as he was getting out, he had both feet on the ground and the suspect vehicle accelerated and turned directly toward him, crashing into his door and crushing his legs. He said the suspect could have driven straight forward to escape but looked directly at him, making eye contact, and turned the car toward him. He said it appeared Officer Dahl was dragged by the suspect vehicle and had possibly been run over. He said the suspect vehicle then sideswiped off his vehicle and rammed Officer McIlvain and Detective Worm's car.

Sergeant Hunkapiller said he was able to get out of his vehicle and move to the rear while drawing his handgun. He said the suspect vehicle reversed and rammed his vehicle again where he had been hit the first time. He said he could not tell where the other officers were and feared the suspect would continue intentionally trying to hit officers so he fired into the driver's door where he could see the outline of the driver through the apparently tinted window. He said he fired as the vehicle was moving until he saw other officers in the backdrop at which time he stopped and then continued firing when the backdrop was clear, until his gun ran dry.

Sergeant Hunkapiller said the suspect vehicle fled north and he was able to take a few steps back toward his vehicle before collapsing because his legs could not support his weight.