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DISTRICT ATTORNEY

SACRAMENTO COUNTY

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DISTRICT ATTORNEY

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DEC 18 2000  
OFFICE OF THE  
CHIEF OF POLICE  
Sacramento

December 14, 2000

Arturo Venegas  
Chief of Police  
900 8th Street  
Sacramento, CA 95814

Re: Officer-involved shooting: Case number 00-57877  
Shooting officer: Corey Johnson #656  
Person shot: [REDACTED]

Dear Chief Venegas:

I have received and reviewed the reports in this case, together with the audio/video tapes and photographs. Having done so, I have concluded that the shooting was justified.

FACTS:

The shooting took place on July 25, 2000, at approximately 3 A.M. At 9 P.M. on July 24, 2000, Officer Corey Johnson (in uniform and driving a marked patrol vehicle) began his patrol shift in the south area of Sacramento County. At approximately 2:43 A.M., he was driving near Meadowview Road and Tamoshanter Way when he heard over the police radio that a possible auto theft/auto burglary was in progress at the Shorepark Apartments on Pocket Road. After advising dispatch that he would respond, Officer Johnson drove to the location. As he was doing so, dispatch advised that two suspects (possibly Asian males, one wearing a white tee shirt and one wearing dark clothing) were reportedly breaking into cars in the parking area of the apartments. A third suspect was standing by, possibly as a lookout.

Officer Johnson arrived at the apartments and entered through the gate. He parked just inside the front gate, to wait for two additional officers who had been dispatched to the scene. Across the parking lot he saw three subjects. One had on a white shirt, the other a dark beanie cap. He saw a third subject walk over to them and then walk away. He watched as the first two subjects walked away from one vehicle, approached another and began prying open the window. The two individuals got into the car. The suspect wearing the beanie cap opened the trunk of the

vehicle, took some items out and rifled through them, while the suspect wearing the white tee shirt was still inside the car. By this time, Officers Hansen and Turner had arrived.

Officer Johnson heard Officer Hansen yell, "Police! Freeze!" The suspects who had been burglarizing the car dropped some items and took off running across the parking lot toward the levee. The third suspect (the apparent lookout) took off in a different direction. Officer Johnson chased after the two suspects, who ran up onto the levee. The suspect in the black beanie was running ahead of the suspect in the white tee shirt, and it appeared that he had something in his arms. Officer Johnson, running approximately fifteen feet behind the suspect in the white tee shirt, was yelling "Police! Stop! The suspects ignored the commands.

Officer Johnson chased the suspects down the levee into a dead end cul-de-sac (Chicory Bend Court). There was a Honda Civic (two door, hatchback) parked at the end of the Court. As the suspect in the beanie ran down the side of the levee, over the river rocks, he fell and a car stereo flew out of his hands. The suspect got up and continued to run toward the waiting car. Both suspects reached the Honda and the suspect in the beanie jumped into the driver's side.

The other suspect opened the passenger door and was attempting to get inside the vehicle when Officer Johnson came up behind him and grabbed his arm. Johnson had his baton in his right hand. The suspect tried to pull away and turn toward Officer Johnson. Johnson struck the suspect in the area of the shoulder blade with the baton. After the suspect was struck, Officer Johnson lost his grip and the suspect fell into the car. Officer Johnson tried to grab the suspect again as the suspect tried to shut the car door. The suspect was finally able to get the door shut and Officer Johnson heard the car's engine start. Officer Johnson dropped his baton and reached through the open window, grabbing the suspect's right arm. The car then moved backward with its tires squealing.

Officer Johnson lost his grip on the suspect and disengaged from the car as it moved backward. The driver then pointed the car at Officer Johnson. At that time, Officer Johnson, who was about three feet from the car, drew his handgun. The car suddenly slammed forward and accelerated, with tires squealing, directly toward Officer Johnson. The right, front bumper struck Officer Johnson's right leg below the knee and he was thrown onto the hood of the car. The driver was attempting to turn the car to face northbound, apparently in an effort to drive out of the court, while Officer Johnson clung to the hood of the car. Johnson still had his gun in his left hand.

The car's tires were squealing and the car was moving. Officer Johnson was afraid that if he fell off the car, the car would drag him or run him over. He also feared that the driver might run the car into a parked car or a house and crush him. Officer Johnson fired two rounds from his handgun at that time. He believed that he fired the first round as he reached through the window of the car. He was trying to shoot the driver. He believed that he fired the second round as he fell off the hood of the moving car.

Officer Johnson rolled off the hood of the car and fell to the ground. As he lay on the street, he saw the Honda speed away, without headlights, northbound on Chicory. He then saw the car turn eastbound down Pocket Road.

Officer Johnson was transported by ambulance to the hospital where he received treatment for his injuries. He had abrasions and scrapes and a large knot on his right leg. After receiving X-rays, it was determined that he had sustained no broken bones.

The suspect who had run in a different direction from the other two, was located by a police dog hiding along the riverbank. This 18-year-old suspect was treated for dog bite injuries after being arrested.

At approximately 3:19 A.M., 17-year-old [REDACTED] the suspect Officer Johnson had wrestled with at the passenger door of the Honda, presented himself at Kaiser South Hospital for treatment of a gunshot wound to the back. His injury was not life threatening. He admitted to being involved in the car burglaries at the Shore Park Apartments and stated that the officer shot him.

Investigation revealed that two vehicles at the Apartments had been burglarized. The stereos and other property from the vehicles were located on the ground in the area where the suspects had fled on foot.

The 21-year-old driver of the Honda was taken into custody on July 25, 2000. He stated that he had waited in the vehicle while his three friends were doing auto burglaries. Although all the evidence was to the contrary, he denied hitting the officer with the car.

A fourth suspect was also taken into custody on July 25, 2000. He was an 18 year old who admitted to running from the officer and jumping into the driver's side of the waiting Honda.

#### ANALYSIS:

A peace officer as well as a citizen has the right to use deadly force under circumstances where it is reasonably necessary for self-defense or for the defense of others. In addition, a peace officer may use deadly force in order to apprehend a person who has committed a dangerous felony (involving threatened infliction of serious physical harm). Penal Code sections 196 and 197. Tennessee v. Garner (1985) 471 U.S. 1; Kortum v. Alkire (1977) 69 Cal. App. 3d 325. Regarding the use of deadly force in self-defense, California law permits such use if it reasonably appears the person claiming the right of self-defense actually and reasonably believed he was in imminent danger of death or great bodily harm.

Here, Officer Johnson fired his gun in an attempt to disable the driver of the vehicle at a time when the driver of the vehicle was endangering Officer Johnson's life by driving the vehicle with

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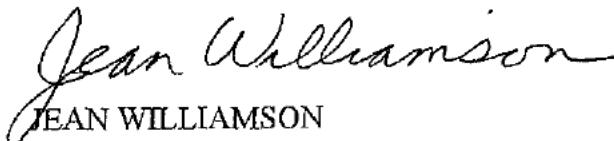
Johnson on its hood. The driver of the vehicle had already committed an assault with a deadly weapon (the vehicle) against Officer Johnson when he hit Johnson with the car. Officer Johnson's fear that he might be injured by the car if he fell off or if the driver ran the car into something was entirely reasonable. His life was in jeopardy and he was justified in attempting to shoot the driver in self-defense. He was also justified in using deadly force on the basis that the driver had committed a dangerous felony when he ran the car into Officer Johnson.

CONCLUSION:

Finding the shooting justified, we will take no action against Officer Johnson in connection with this matter. Thank you for referring the matter for our review.

Very truly yours,

JAN SCULLY  
DISTRICT ATTORNEY

  
JEAN WILLIAMSON  
Supervising Deputy District Attorney

cc: Officer Corey Johnson  
Sergeant Lance McHenry  
Don Casimere (Director, Office of Police Accountability)

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Chief of Police

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**Report Number: 2000-57877**

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