



## DISTRICT ATTORNEY

SACRAMENTO COUNTY

JAN SCULLY  
DISTRICT ATTORNEY

CYNTHIA G. BESEMER  
CHIEF DEPUTY

February 8, 2002

Arturo Venegas  
Chief of Police  
Sacramento Police Department  
900 Eighth Street  
Sacramento, CA 95814

Re: Officer involved shooting: SPD Case No. 01-43994  
Shooting officers: Intae Moon # 507  
Chris Baptista # 689  
Jeremy Schwartz # 457  
Person shot: David Lynn Compton

Dear Chief Venegas:

In the above referenced matter, I have received the reports by your department; the including the associated videos and photographs; the reports of District Attorney Investigators Duckett and Woodward; and Coroner's Report 01-2634. Having reviewed the material, I conclude that the shooting was justified.

### FACTS

On June 3, 2001, at about 11:00 p.m., officers responded to the area of Norwood and Morrison, in the north area of Sacramento, regarding a call of a man walking around with a large knife. At that time, while several officers responded, none were able to locate the subject. Shortly after 11:30 p.m., a second call came in describing a man with a knife walking on McDaniel near Morrison, saying there were some dogs he needed to kill. Several officers again responded to the

area, and eventually located a suspect (later identified as David Compton) standing on Grand Avenue within one and one-half blocks of Grand and Norwood.

Five marked patrol vehicles formed a rough line across Grand, and four officers (Prince, Moon, Schwartz, and Baptista) faced Compton. He had a large butcher-type knife in one hand, and a belt in the other. The officers each stayed by his car, positioned to use the open doors as a shield. The officers ordered Compton to drop the knife and get on the ground, but he did not respond. Officers either heard an incoherent mumbling from Compton, or something about how he had to kill the dogs. Civilian witnesses thought Compton said we was going to kill the officers. Compton started to come towards the officers. As he got close to Officer Prince, Prince sprayed him with OC spray, but it had no effect. Compton stepped back for a moment, then charged past the four officers lined up across Grand. As he came near to Officer Moon, Moon fired one shot.

Compton did not react to the shot, continued on, and turned to charge at Sgt. Montague. Montague was in the process of getting a bean-bag shotgun from his trunk, to attempt to control Compton. Compton came towards him brandishing the knife. Montague fired two bean bag rounds from his hip, and thought he hit Compton at least once, but Compton seemed unaffected, and kept coming at Montague with the knife. Compton was then on him, and Montague could only use the shotgun at port arms position to defend himself. Compton hit him, causing Montague to fall back against a car, then Montague pushed Compton away with the shotgun. Montague felt blood running down his arm, realized he had been knifed, and said, "I've been stabbed."

Compton ran down the roadway, and several officers followed. After running several feet, Compton stopped, turned, and faced the officers. He yelled, "You're gonna have to kill me!" then started coming quickly towards Officer Baptista, with the knife. When he got within ten or fifteen feet, Baptista fired, and so did Officer Schwartz. Compton continued for a couple of feet as shots were being fired, then fell, and the officers quit shooting.

Emergency medical personnel were called, and attended to Sgt. Montague, who was taken to the hospital. Compton was dead at the scene.

Baptista had fired six rounds, and Schwartz three. Compton had been struck twice by bean bag rounds, one leaving an abdominal abrasion, and one entering his lower face. He also received six primary gunshot wounds: in the right shoulder/chest; in the lower neck/upper chest; abdomen; in the left back; in the right flank/abdomen; and in the abdominal wall (a superficial, ricochet wound). In addition, he suffered two tangential gunshot wounds of the hand and knee. The cause of death was multiple gunshot wounds. The toxicology report showed 1.34 mg/L of methamphetamine, and .04 mg/L of amphetamine, in Compton's blood. This dose would be potentially lethal for a non-tolerant drug user, and a large dose for a highly tolerant user. It could increase the user's pain threshold, and lead to irrational, paranoid, and violent behavior.

Compton was a 45 year-old parolee. He had an extensive criminal history, including convictions for robbery, repeated residential burglary, drug possession and theft. He had five prior prison



commitments, plus various parole violations. He had just been released from custody on May 7, only 28 days before, following a commitment for a parole violation.

**ANALYSIS:**

A peace officer, as well as any citizen, may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. In addition, a peace officer may use deadly force in order to apprehend a person who has committed a dangerous felony (i.e. one 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. California law permits the use of deadly force if the person actually and reasonably believed he or another was in imminent danger of death or great bodily injury. CalJIC 5.51.

Under these principles, the facts here do not present a close case. Compton was behaving bizarrely in a public place, displaying a deadly weapon, which prompted civilians to report him to police. Confronted with his behavior, officers attempted verbally to get him to drop the weapon. Instead, he not only failed to do so, but charged at the officers, and stabbed Sgt. Montague. In some circumstances, the question of less lethal alternatives may arise. Here, however, considering the brandishing of a deadly weapon and the uncontrolled, bizarre, non-responsive and dangerous behavior, it would have been reasonable for the officers to use deadly force against Compton earlier than they did. It is thus notable that two less than lethal alternatives were employed (OC and beanbag shotgun), which not only failed to control Compton, but also allowed Compton the chance to stab Sgt. Montague.

Given the situation, the officers were entirely justified in using deadly force in self-defense, in defense of other officers, and to apprehend Compton for the assault on Sgt. Montague. We find the shooting was lawful, and will not take any further action in the matter.


Thank you for referring the case for our review.

Very truly yours,

JAN SCULLY  
DISTRICT ATTORNEY



ALBERT C. LOCHER  
Assistant Chief Deputy District Attorney

cc: Lt. Steve Campas   
Officer Intae Moon  
Officer Chris Baptista  
Officer Jeremy Schwartz  
Don Casimere, Office of Police Accountability