



SACRAMENTO POLICE DEPARTMENT **News Release**

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Statement by Chief Venegas

Mr. Venerables death was a tragedy. Everyone involved wishes it had not happened. My condolences and sympathy to the family of Mr. Venerable.

After 32 years as a police officer, I can tell you that in any shooting, the officers involved are among those who wish it had not happened. We, like everyone else involved in any way, spend hours, days - sometimes lifetimes - pondering the thousands of ways it could have been avoided.

Everyone who has lived through any kind of tragic event understands this. Years after a fatal car crash, for example, survivors think, if only I had left the house five minutes earlier - or later. Parents who lose a child never stop wondering if things would have been different if they had walked him all the way to the bus stop, checked on her one more time before going to bed.

Self-questioning is the most natural thing in the world. All of us do it and all of us have done it in the aftermath of Mr. Venerables death. We ask whether flashlights would have made a difference; whether another Taser would have helped; whether different circumstances would have led to a different outcome.

Of course, we have to do a great deal more than wonder about things. We owe it to the community to investigate every shooting thoroughly and carefully. I want to talk to you for a moment about the investigation my department conducted into Mr. Venerables death and what it found.

Our job is to conduct an investigation focused in two areas - criminal and administrative.

The criminal investigation seeks to determine whether there was criminal behavior by the officers in the shooting. Did they break the law in acting as they did? We do not have the final say in this investigation - we hand our findings over to the District Attorneys Office, who also conducts a parallel investigation of their own. The District Attorneys Office makes the final determination in the criminal investigation.

In the administrative investigation, the focus is to determine whether the conduct of the officers and their actions were within the departmental policy as it existed at the time of the incident. If there were any policy violations, it also seeks to determine what administrative discipline should be imposed for any policy violations.

In this investigation, we review the officers actions and tactics as well as the policies that came into play in the incident. More than this, however, we examine every bit of evidence we can get our hands on - we examine witness accounts, we study physical evidence from the scene, we analyze the actions of everyone

involved and we also consider the environmental conditions at the time of the incident. We looked not only at the shooting itself, but at the incident that caused the officers to be dispatched to the scene in the first place - a domestic dispute between Mr. Venerable and Satonya Spearman. In reality, there are two distinct incidents with two different sets of facts.

In the first incident, Mr. Venerable called the police when Ms. Spearman had broken out the windows of their jointly owned vehicle. The car was empty when Ms. Spearman did this. This incident was settled when Ms. Spearman and her father, Mr. Rickey Jones, in one vehicle, and her mother Mrs. Carol Jones and her sister, Francis Wesley, in another vehicle, followed the officers direction to leave the area where the disturbance and vehicle damage had taken place. They got in their cars and drove away. The officers did the same thing.

At this point, the second incident begins. The car being driven by Satonya Spearman's father, Mr. Jones, came to a stop about half a block down the street because the emergency brake had been jammed beforehand. It is believed that Mr. Venerable may have tampered with the vehicle in this way. In any case, Mr. Venerable, walked down the block from his house and using a 4" X 4" post, began to smash the windows of the vehicle OCCUPIED by Mr. Jones and Ms Spearman. The officers saw the violence that was occurring and responded to this incident - a felony assault in progress. It is important to note that there is a big difference between smashing the windows of an empty car and using a 4 X 4 to smash in the windows of a car in which people are sitting.

The officers confronted Mr. Venerable, who was walking away from the vehicle but still holding the 4 X 4 post. He was, witnesses agree, very agitated. Officer Dionne held his department-issued Taser while Officer Ellis had his service weapon drawn according to department policy and also because he had not received the training on the Taser and was not equipped with one at the time of this incident. Department policy states that in a situation such as this, when possible, one officer should deploy a Taser while a cover officer is prepared with a standard weapon. The reason is that situations that may appear possible to resolve with less-than-lethal weapons may change instantly. We experienced that this past Sunday night with the stabbing of Sergeant Bill Montague after attempting to use a less-than-lethal weapon against an armed assailant.

Mr. Venerable had dropped the post but had also placed his hands inside his jacket pockets. The officers both commanded Mr. Venerable to take his hands out of his pockets and get on the ground.

Now, our investigation found that there is some dispute between witnesses to the incident as to the exact wording of these commands and as to whether or not they were confusing. There is dispute between the officers and other witnesses, and there is dispute between witnesses themselves.

One point that is not in dispute, is that the officers were trying to get Mr. Venerable to comply with commands that, if followed, would have resulted in him being brought into custody with no force beyond that needed to handcuff him and place him in the backseat of a patrol car.

Mr. Venerable did not comply with the commands. I cannot explain why he did not. No one can say with any certainty what was in his mind or why he chose to do what he did.

After refusing commands to show his hands, Mr. Venerable pulled his hands from his pockets. The officers - and a non-involved witness who saw what happened from a position closer than any of the other witnesses - believed they saw a handgun in Mr. Venerable's hand. We now know it was not a gun but a cellular telephone. The officers at the scene did not have the benefit of hindsight that we have today. They had only what their senses were telling them at that exact moment on which to base their decisions. Their eyes were telling them they were now facing an agitated man who was holding a gun and refusing to obey their commands. And, unlike us today, they did not have the luxury of time to study the situation. They had the snap of your fingers, the blink of your eye. Maybe less.

Mr. Venerable extended the hand that held the cell phone towards the officers. Again, only Mr. Venerable could say why he did this or what his thoughts were. We don't know what he was thinking, only what he did. To the officers, it appeared as if Mr. Venerable was about to shoot Officer Dionne.

Officer Dionne, in fact, was convinced he was about to feel a bullet enter his body. He fired his Taser and immediately dropped it - he felt it would not be of any use to him in a gunfight. As he did, he dove for cover behind a nearby vehicle to escape the shots he believed were coming. His belief and fear was that he came to a gunfight with the wrong weapon.

At the same time this was happening, Officer Ellis - believing his partner was about to be shot - fired his weapon six times, striking Mr. Venerable twice.

At this point, Mr. Venerable felt his wounds and told the officers he was holding a cell phone. Within seconds of the shots being fired, the officers determined Mr. Venerable was unarmed and they began to administer first aid and called for emergency medical assistance to respond.

It has taken me far longer to recount this incident than the incident itself took to occur. Far longer. From the time the officers contacted our dispatch center to say they were on the scene of the felony assault until the time they re-contacted dispatch to request an ambulance for Mr. Venerable, only 27 seconds went by.

Twenty-seven seconds. Less than one short TV commercial. About the time it takes to tie your shoes or back out of your driveway. In that time, the entire incident we are now discussing began and ended. And the time surrounding the actual shooting is far, far shorter.

The officers had only an instant to decide whether they were in danger of being shot and to act. Again, they did not have the weeks we have had to study every aspect of the incident in the clear light of day. They had a split second, in the dark, to decide.

I have concluded - after reviewing every bit of evidence - that the actions the officers took were within the policies of the department. There is no violation of policy in this tragic incident.

Of course there are questions. People in the community will ask some of the same questions we have asked throughout this process. Would flashlights have helped the officers determine Mr. Venerable held a cell phone and not a gun? Would a second Taser make a difference? Would veteran officers react the same way?

For the most part, these questions can't be answered. They will remain in the category of things that we wonder about and re-play as we reflect on this tragic incident. Flashlights, for example, may have helped. But our policy gives the officers, whose lives are on the line, the power to choose which of their equipment to use - it doesn't make sense for someone else to decide that.

We have also heard questions about why the in-car camera was not engaged during this incident. The reason is that this equipment was intended for use in vehicle stops. This incident was not a vehicle stop and the officers did not turn on the camera. If it had been turned on, it still would not have captured this incident on video. While it would have done nothing to change the outcome, a video or audio record would be an important investigative tool - that's why I'm recommending to the City Manager, that when possible, funding be made available so that we can purchase additional in-car-cameras and personal microphones to equip all of our Patrol fleet; that we review our policy for their use; and that we increase our training. We will also review our training and use of our Tasers.

Other questions, however, are less ambiguous and can be answered with certainty. Among these is what I believe to be the most important question before us: Did race play a role in this shooting or more specifically, did the officers shoot more readily because Mr. Venerable was African-American? The answer to these questions is no.

In our society, when the officers and the person who is shot are of different races, the subject will come up and will command attention. It is understandable that this issue is raised. But the facts do not support any

notion that race played a role. None whatsoever. The officers actions from the time they arrived on the scene appear to have been focused on resolving a domestic dispute peacefully and then on intervening in a felony assault. Nothing they did could be construed as racially motivated.

As for the shooting itself, let me speak personally for a moment. Had I been in their shoes that night, I cant say I would have acted any differently. In a situation I encountered, face to face with a man I confronted, a man with a rifle ready to kill his wife, expecting his hands to point the rifle towards me, my thoughts were on my wife and child and on whether I was ready to meet my God that night - not on the color of the mans skin.

This past Sunday, we experienced another tragic incident where officers experienced rapidly evolving conditions. In Sundays incident, like in Mr. Venerables case, the officer deployed a less-than-lethal weapon believing he would stop the suspect. Instead, even after being struck by multiple bean bags, the suspect was still able to stab Sergeant Bill Montague, who had to be re-admitted to the hospital for the injuries he sustained that night. We are very lucky that it was not a fatal stab wound.

As Chief of Police, I cant ask my officers to wait and see if a bullet pierces their chest before taking action in a dangerous situation. If I did, I would be consoling police widows and orphaned children and grieving parents a whole lot more often than I do now.

The facts of this case indicate that the officers involved took action consistent with perceiving an immediate threat to their lives. That action resulted in the death of an unarmed man, and that is terribly unfortunate. It is not, however, action that violated our policies or action that should or will be punished by our department.

None of us entrusted with the powers our society grants its police take this responsibility lightly. It wears heavily on some of us. I believe the officers who were involved in this incident will carry it with them for the rest of their lives. As their Chief, I offer them my support and the understanding that comes from the experience of wearing the badge for 32 years.

June 6, 2001

City Managers Statement

Thank you Mayor.

First of all, I would like to commend Chief Venegas and his staff, and the Director of Police Accountability Don Casimere, for their good work throughout the entire investigation. This was a tragic incident - to those who were closely affected by this unfortunate tragedy, as well as the entire community. We cannot change the outcome of what occurred, but we can take more measures to prevent this from happening in the future.

Before I proceed, based on the findings of Chief Venegas and Director Casimere, the use of deadly force was within the Sacramento Police Department policy. We are still awaiting the Sacramento County District Attorney and the Federal Bureau of Investigation reports on the shooting. At this time, I am not aware when the reports will be made public. Furthermore, there has been no evidence presented that would indicate that race played any role in this incident.

I have reviewed the recommendations heard today by Chief Venegas and Director Casimere. Based upon my own conclusions and reviewing the recommendations as suggested by both our Police Department and the independent study conducted by the Office of Police Accountability (which resides in my offices authority), several changes relative to internal policies and procedures will be implemented. To that immediate action, I have advised the Police Chief of my desire to pursue several policy changes within the City of Sacramento Police Department in the following areas:

- Use of Taser guns

- In-car cameras in patrol vehicles

- Release of police officer names following a shooting incident

Communication at the scene

Returning officer to street duty after firing a weapon resulting in a fatality

Review of department policy on use of force

At this time, I would like to take a moment and elaborate on these policy recommendations.

First, the use of Taser guns. I will recommend to the Mayor and City Council that we provide each of our officers with a Taser. This will provide our officers additional options when confronting violent and hostile calls for service. The Sacramento Police Department will also provide enhanced Taser training for all patrol officers by the end of this year. I believe we can achieve this objective by using savings from the Sacramento Police Departments operating budget, plus the City will pursue Federal and State grants. This investment is estimated to be a one-time cost of \$300,000.

Second, in-car cameras in patrol vehicles. The Sacramento Police Department currently has 120 patrol vehicles without in-car cameras. I will recommend to the Mayor and City Council that within two years, all patrol vehicles will be equipped with in-car cameras and enhance voice activated microphones. I believe we will be able to undertake this additional public safety investment, due in large measure, to the prudent management of the police-operating budget by our staff. In the event we do not have adequate operating savings to install a camera in each patrol car, then we will seek Federal and State grant funding to achieve this objective.

As I indicated, the details related to the training in the use of in-car cameras by our officers will be left to the Sacramento Police Department. However, once an officer is trained in their use, in-car cameras will be turned on for all traffic stops. Additionally, I will direct the Police Chief to work with the City Attorney and the Office of Police Accountability to develop a policy related to the use of in-car cameras for non-related traffic stops, such as domestic violence calls for service. My office will review these recommendations for consideration for implementation.

With respect to the release of an officers name, unless the case is subject to a special investigation as determined by the City Attorney, the name of an officer will be released within ten days of a formal public information act request.

In response to a call for service, how tactical commands are given occur very quickly. The Sacramento Police Department trains our officers that the officer with tactical advantage will be the officer in charge unless directed otherwise by a superior officer. This training will continue to be emphasized both at the Police Academy and the Department Field Training Officer.

With respect to the recommendation on returning an officer to street duty after using a weapon resulting in a death of an individual, this practice will be reviewed by my office, the Office of Labor Relations and the Sacramento Police Department. To the extent that this matter is not subject to labor negotiations, the Sacramento Police Department will consult the City Attorney and notify the City Managers Office prior to future redeployment.

And finally, on the subject of order 580.03 of the Sacramento Police Departments policy on weapons/use of force and the discharge of firearms, the order will again, be reviewed by the City Attorney, Chief of Police and the Office of Police Accountability. Also, I will ask the Police Chief and Office of Police Accountability to work with the City Attorney and report back to me within 90 days as to whether the order, in light of recent case law, needs to be modified to require different police practices in the future.

Let me conclude by stating that the City of Sacramento remains committed to the public safety of this community. Whether its a routine traffic stop, or a domestic violence call or apprehending a criminal offender, quick decisions need to be made. I applaud the men and women of the Sacramento Police Department who risk their lives every day. At the same time, we recognize that policies, practices and allocation of resources need to be constantly evaluated. Through the leadership of the Mayor, members of City Council, the Sacramento Police Department, and the Office of Police Accountability I look forward to successfully implementing these policy changes.

June 6, 2001

Statement for the Office of Police Accountability

Over the last three months, I have conducted an investigation into the Sacramento Police Departments shooting death of Mr. Donald E. Venerable, which occurred during the very early morning hours on Friday, February 9, 2001, at 7514 Mandy Drive.

In investigating the death of Mr. Venerable, I conducted or monitored over two dozen interviews related to how the officers involved in the shooting death responded to the conditions they found on February 9, 2001.

I reviewed toxicology and forensic reports. I observed the 1:30 a.m. reenactment of the incident. I also attended a training session on the use of the taser.

In light of my investigation and after reviewing the Departments current discharge of firearms policy and other policies. I believe the shooting could have been prevented. The death of Mr. Venerable may have been prevented had current department policy regarding use of firearms and certain other policies been different.

Given this shooting and the circumstances surrounding it the OPA recommends that the Sacramento Police Department review, revise and clarify its current practices and policies in the following areas:

Training regarding handling domestic violence situations

Issue: Based on my investigation, it appears that during the initial verbal contact with Mr. Venerable, one or both of the involved officers saw Mr. Venerable put a black object into his right front jacket pocket. However, officers did not question or challenge Mr. Venerable about this object. The object could have been a weapon. It most likely was the cellular phone.

Officers issuing commands to citizens

Issue: In this incident, individuals at the scene say both Officers Ellis and Doinne simultaneously shouted conflicting instructions/commands to Mr. Venerable immediately prior to Mr. Venerable being shot. Neither officer could hear what Mr. Venerable shouted to them. To avoid the possibility of confusion only one officer should give commands in such circumstances.

Use of the taser weapon. Use of the taser weapon in conjunction with a firearm by two or more officers.

Issue: SPD policy regarding how and when the taser can be used should be clarified.

Issue: If two officers are on a scene, and one chooses to deploy the taser, the officers should agree on strategy and coordinate their efforts, when possible.

In car cameras

Issue: During this incident the police car in which Officers Ellis and Dionne had been riding, was equipped with a camera and audio recording device. Neither officer activated this equipment. If activated, this equipment could have captured video images and/or voices pertinent to the investigation. Additional training and policy direction should be given to officers regarding the importance of using this equipment.

Release of an officers name

Issue: There are inconsistencies regarding when an involved officer's name can be released to the media/public after a critical incident. For sake of consistency, uniformity and reason, this must be clarified and articulated.

Return of an officer to street duty after a shooting incident

Issue: There needs to be consistency and reason applied to when an officer is returned to street patrol duty after a shooting, whether or not the circumstances are questionable or readily apparent.

Issue: Officers who have been involved in shootings, should not return to street duty until after the findings have been reached in the investigation into the shooting.

With respect to whether or not race was a factor in the shooting and death of Mr. Venerable, based on the evidence, I cannot conclude that the officer shot and killed Mr. Venerable because he was black.

Nevertheless, the issue of race and the use of deadly force by Police are always a question in the minds of City officials and some citizens in a case such as the Venerable shooting.

Discharge: use of firearms

Issue: One officer believed that the situation called for the use of the taser. A second officer believed that the use of deadly force was appropriate.

Recommendation to add language to Order 580.03 Sacramento Police Departments Policy on WEAPONS/USE OF FORCE DISCHARGE OF FIREARMS

Procedure:

1. USE OF FIREARMS

Officers may discharge a firearm toward a person in the performance of their duties in any of the following situations:

a. In the necessary defense of themselves or in the defense of another person when the officer reasonably believes that an imminent danger of death or serious bodily injury exists.

*(Recommendation add the following: When all other reasonable means have failed or are inadequate.)

c. To effect an arrest, prevent an escape, or recapture an escapee, when the officer reasonably believes the suspect to be arrested poses an immediate threat to cause death or serious bodily injury if apprehension is delayed.

* (Recommendation add the following: When all other reasonable means have failed and/or all other reasonably available means of apprehending the person have failed or are inadequate.)

Training recommendation

Recommendation: It is further recommended that SPD personnel receive additional training in the aforementioned areas of policy.

Due to lawsuits having been filed by Mr. Venerables family, and on the advice of the City Attorney, I will not be able to comment on all aspects of this investigation.