



Office of Inspector General

OFFICER INVOLVED
SHOOTING REVIEW

Chad Irwin

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Inspector General

Officer Involved Shooting Review
Chad Irwin

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INTRODUCTION

The purpose of the Inspector General's investigation is to review tactics, departmental policies, equipment, and training with the intent to identify lessons learned and develop recommendations. The primary purpose of lessons learned is not to find fault in policy, training, equipment, or tactics, but to identify causes that allow for improvements that enhance the safety of the community and officers. It is important to note that this review was conducted with the benefit of hindsight and the knowledge of all concurrent events. The ability to review reports, photographs, video, and audio, allows for the critical review of the incident that is not available to officers and witnesses.

A separate independent review was conducted by the Sacramento County District Attorney's Office addressing legal issues associated with filing of criminal actions. The District Attorney's review concluded the shooting death of Chad Irwin was lawful.¹

EXECUTIVE SUMMARY

On August 18, 2016 at 8:31 PM the Sacramento County Sheriff's Department 911 center received an incomplete 911 call from a phone number listed to 6126 Brahms Court. A dispatcher called the number back but no one answered the phone. Shortly after arriving at 8:41 PM Deputies Spurgeon and Conger contacted Allison Irwin and she explained that she and her husband, Chad Irwin, had been arguing and he was taking medication for pain, drinking, and he had left the home in his car. While deputies were at the residence they learned that Chad was returning to the home and that he was likely going to be upset that deputies had been called and were at the home.

While waiting for Chad Irwin to return deputies called his cell phone hoping to contact him and check his welfare. The call went to voicemail. Minutes after making the call Chad Irwin drove his white Chevy Tahoe into the cul-de-sac. As the deputies spoke with Irwin, Deputy Conger observed a knife in Irwin's right hand. Conger told Irwin to drop the knife as he drew his gun. In response to the deputies repeated commands to drop the knife Irwin started pacing back and forth and responded with comments such as "I'm ready to go let's do this." "No, I'm not having that." "This is how this is going to go." "I know what happens. I'm going to charge you and you're going to shoot me." When asked by Deputy Spurgeon what he meant Spurgeon reports that Irwin said, "you know you're going to shoot me." Spurgeon said that in response he told Irwin he didn't want to shoot him.

Spurgeon reports that Irwin suddenly took three quick steps toward him as he flipped the knife. Spurgeon thought that Irwin would get to them and cut them so he shot Irwin multiple times. Irwin was struck seven times and pronounced deceased at the scene.

The review of documents, evidence, video, audio, and policies surrounding the death of Chad Irwin developed into lessons learned and 11 recommendations.

¹ <http://www.sacda.org/police-use-force/>

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METHODOLOGY

The Inspector General, with cooperation from the Sacramento County Sheriff's Department, Sacramento County District Attorney's Crime Lab, and Sacramento County Coroner's Office, gathered, reviewed, and analyzed documentation from many sources to develop an understanding into the death of Chad Irwin. Policies, procedures, and training related to the activities leading up to and including the shooting were reviewed and compared to accepted best practices in policing.

Document, Evidence, and Policy Review

To assist in the review, information was collected from the following:

- Documents related to the shooting including witness statements, crime scene diagrams, Crime Lab reports, and Coroner's report.
- Photographs of the scene, dispatch audio, and video from Sheriff's Crime Scene Investigators.
- Review of videotaped interviews.
- Direct observation of the general area and shooting scene.
- Review of Sacramento County Sheriff's Department policies and applicable International Association of Chiefs of Police model policies.² Sheriff's policies include:
 - General Order 2/01 (Rev 6/13) Authorized Firearms and Ammunition
 - General Order 2/03 (Rev 5/08) Firearms Training and Qualification Special Weapon Training
 - General Order 2/05 (Rev 12/12) Use of Firearms
 - General Order 2/06 (Rev 10/07) Officer-Involved Shooting Incidents
 - General Order 2/08 (Rev 8/08) Use of Oleoresin Capsicum (OC)
 - General Order 2/11 (Rev 12/13) and (Rev 4/16) Use of Force Policy
 - General Order 2/14 (Rev 12/12) Electronic Control Device
 - General Order 2/15 (New 10/04) Less Lethal Force Options
 - General Order 2/16 (New 1/06) Weapons Discharge Reporting Incidents
 - General Order 2/17 (Rev 3/13) Use of Force – Tactical Review Board
 - General Order 10/10 (New 9/07) In-Car Camera Systems

Lessons Learned and Recommendations

The review of documents, evidence, video, and policies surrounding the death of Chad Irwin developed into lessons learned and 11 recommendations. Some of the recommendations were outside the scope of the shooting review, however they are important to the continued development of widely accepted policing practices within the Sacramento County Sheriff's Department.

² <http://www.iacp.org/Model-Policies-for-Policing>

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INCIDENT SUMMARY

On August 18, 2016 at 8:31 PM the Sacramento County Sheriff's Department 911 center received a 911 call from a phone number listed to 6126 Brahms Ct. The phone rang twice and the call hung up before the Sheriff's call takers could answer. A dispatcher called the number back but no one answered the phone. The incomplete phone call was entered into the dispatch system and dispatched at 8:34 PM to Deputies Spurgeon and Conger. Deputy Spurgeon is a field training officer and Deputy Conger is in field training.

Shortly after arriving at 8:41 PM Deputies contacted Allison Irwin who told them she did not call 911 and that one of her daughters must have. She explained that she and her husband, Chad Irwin, had been arguing over his drinking and failing to pick up one of their daughters. She was concerned for his welfare because he had been drinking, taking medication, and had been suicidal in the past.

The events that created the call started at approximately 6:35 p.m. when Allison attempted to contact Chad about picking up their daughter, only to learn that he was in a bar. In response, she texted him that she would be the responsible adult and pickup their daughter. Worried that he might come home drunk, Allison again texted Chad at approximately 8:15 p.m. that he had a choice to either not come home or she and the girls would find another place to stay. Chad did return home and the two argued over the text messages. During the argument Chad attempted unsuccessfully to open the gun safe while telling Allison that he might as well kill himself.

After his unsuccessful attempts to open the gun safe Chad obtained a knife and placed it against his stomach. Allison tried to calm him by telling him to think about their children. Chad responded by saying they would be better off without him. As Allison pleaded with him to stay Chad drove off in his vehicle

After Deputy Conger obtained the basic information about the incident he returned to the patrol vehicle which was parked on the street. After checking with Deputy Spurgeon, Deputy Conger returned to the house and asked Allison for Chad's cell phone number. During Deputy Conger's conversation Chad called Allison and Deputy Conger overheard her telling Chad that the police were at the house and that he should come home. There was conversation between Allison and Chad regarding his medication and Allison asked him several times to come home. After the phone call was completed Allison told Deputy Conger that Chad was coming home and that he was likely going to be upset that the deputies were there.

Deputy Conger returned to the patrol vehicle and told Deputy Spurgeon about the phone call and that Chad was returning and likely to be upset. The deputies decided to wait for Chad to return and moved their patrol car so that it was on the opposite side of the street from the Irwin home and facing east toward the entrance to the cul-de-sac and any on-coming traffic. This allowed them to see Chad drive into the cul-de-sac in the hopes of speaking to him before he went into the home.

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While waiting for Chad Irwin to return deputies called his cell phone hoping to contact him and check his welfare. The call went to voicemail. Minutes after making the call Chad Irwin drove his white Chevy Tahoe into the cul-de-sac and parked facing west along the north curblin in front of 6135 Brahms Ct. This placed his vehicle facing the patrol vehicle which was parked between 6127 and 6133 Brahms Ct.

Deputies reported that they both got out of their patrol vehicle as Chad Irwin exited his Tahoe. As they approached Irwin he was approaching them. Deputy Conger stated that Irwin seem relatively calm as Deputy Spurgeon asked, "what's going on?" Irwin responded by asking "what's up guys?" Deputy Spurgeon describes Irwin as being tense and talking fast. He said his breathing seemed heavy and he appeared tense so Spurgeon tried to calm him down and let him know repeatedly that he wasn't in any trouble, they just wanted to talk to him.

As the deputies walked closer to Irwin, within 25-30 feet, Deputy Conger turned on his flashlight and observed a knife in Irwin's right hand. Conger said that Irwin was holding the knife handle in his hand with the blade pointing up his arm toward his elbow. Conger told Irwin to drop the knife as he drew his gun. Deputy Spurgeon who had not seen the knife looked and describes only seeing a small part of a knife in Irwin's right hand. He too drew his handgun. In response to the deputies repeated commands to drop the knife Irwin started pacing back and forth and responded with comments including, "I'm ready to go let's do this." "No, I'm not having that." "This is how this is going to go." "I know what happens." When asked by Spurgeon what he meant Spurgeon reports that Irwin said, "you know you're going to shoot me." "I'm going to charge you and you're going to shoot me." Spurgeon said that in response he told Irwin he didn't want to shoot him and for Irwin to put the knife down. During this brief interaction, the deputies report backing up about 5-10 feet as Irwin paced back and forth, moving forward and backward.

Deputy Spurgeon reports that Irwin suddenly took three quick steps toward him as he flipped the knife to where the blade was now facing out toward the deputies. Spurgeon feared that Irwin would get to them and cut them so he shot Irwin multiple times. After Irwin staggered backwards a couple feet and fell to the ground Spurgeon instructed Deputy Conger to put his gloves on and administer first aid. Conger approached Irwin as Irwin lay on his stomach with his right arm underneath him and the knife near his left arm. Conger removed the knife and threw it about 3 feet onto the grass. He rolled Irwin over and started chest compressions. After a few minutes Spurgeon took over chest compressions from Conger.

The Fire Department responded and assumed responsibility for first aid and later pronounced Irwin deceased at the scene.

Witnesses nearby reported that the deputies approached Irwin and told him that they needed to talk. Irwin responded that there was nothing to talk about. One witness remembers Irwin saying that "It's over with. We're done!" That same witness recalls Irwin asking deputies at least three times if they were going to "taz" him. Then stating, "If I charge you are you going to shoot me?"

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The witness later recalls Irwin stating, "it's over I'm going to die." A second witness recalls Irwin stating, "If I come at you you're going to shot me, right?"

Witnesses describe Irwin as loud and they could hear him but could not hear the deputies. They also describe Irwin as walking back and forth in circles with his arms flaring out from his body and at times over his head. A witness who observed the shooting saw Deputy Spurgeon shoot as Irwin was moving around but did not see a knife or hear the deputies order Irwin to drop the knife.

PHYSICAL EVIDENCE

The following is a list of items discovered during the investigation, a summary of the Coroner's report, and toxicology tests. This list does not include other items collected such as additional personal property of Irwin.

Knife Possessed by Irwin

The following is a knife similar to the one recovered from the scene:

1. Kershaw brand folding knife.³



Weapon Used by Deputy

The following weapon was used by Deputy Spurgeon

- Handgun - Glock 17 Gen 4 9 mm pistol – Deputy Spurgeon fired 11 rounds.



³ The knife pictured is similar to the one recovered at the scene but is not the exact model.
<https://kershaw.kaiusalt.com/knives/knife/serrated-black-leek>

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Coroner's Report

The Sacramento County Coroner's Office conducted an autopsy of Chad Irwin and determined the cause of death to be gunshot wounds. Specifically, the report identified seven gunshot entry wounds:

1. Gunshot entry wound to the right side of the abdomen. The direction of the wound is front to back, left to right, and downward. There is no exit wound
2. Gunshot entry wound to the left upper back on the nap of the neck. The direction of the wound is from back to front, left to right, and upward. There is no exit wound.
3. Gunshot entry wound to the back of the right shoulder. The direction of the wound is from back to front, left to right, and upward. There is an exit wound located on the front right shoulder.
4. Gunshot entry wound to the left side of the mid back. The direction of the wound is from back to front. Left to right, and upward. There is no exit wound.
5. Gunshot wound to the left side of the back. The direction is from back to front, left to right, and upward. There is no exit wound.
6. Gunshot wound to the back of the left upper arm. The projectile exits the middle of the upper arm and appears to reenter the torso. The direction is from back to front, left to right, and downward. There is no exit wound from the torso.
7. Gunshot wound to the left buttock. The direction is from back to front, left to right, and downward. There is no exit wound.

Toxicology Results

Blood alcohol and toxicology tests were conducted by the Sacramento County District Attorney's Office Crime Lab.

The blood alcohol report measured blood alcohol at 0.15%, nearly twice the 0.08% legal limit for operating a motor vehicle.⁴

The toxicology report measured the presence of the following:

- Caffeine
- Diphenhydramine - *Diphenhydramine is an antihistamine*
- Citalopram - *Citalopram is an antidepressant*
- Oxycodone 41ng/mL - *Therapeutic levels of Oxycodone in the blood range between 40-100ng/mL with toxic levels above 200ng/mL.*⁵

⁴ https://www.dmv.ca.gov/portal/dmv/detail/pubs/hdbk/actions_drink

⁵ Richards, John R., MD, FAAEM and Jeter (Jay) Pritchard Taylor, III, MD. *Methamphetamine Toxicity Treatment & Management*. <http://emedicine.medscape.com/article/820918-overview>

LESSONS LEARNED and RECOMMENDATIONS

The purpose of this review is not to simply focus on adherence to the policies and training related to the use of force, but to review the totality of the situation to identify lessons learned and possible opportunities that may reduce the likelihood of similar events.

When Deputies Spurgeon and Conger responded to the call they were unaware of the nature of the incident or if weapons were involved. As the call evolved they learned that Chad Irwin had been drinking, had taken medication, was armed with a knife, had a history of suicidal thoughts, and was angry the deputies had been called.

Fearing that Chad Irwin would return home angry, possibly intoxicated, and wanting to hurt his family or himself, the deputies positioned their patrol vehicle so they could see Irwin return and hopefully contact him before he entered his home. What also concerned Deputy Spurgeon was a Jujitsu sticker on a car parked near the Irwin home that appeared to belong to Chad Irwin.

When Irwin returned the Deputies approached him in a calm manner. The only less lethal options were those attached to their duty belts. Deputy Spurgeon had a Taser and collapsible baton, Deputy Conger had a Taser, pepper spray, and baton. When Deputy Conger observed Irwin with a knife the situation quickly changed. Both deputies gave directions for Irwin to drop the knife. Irwin in response made statements implying that he may force the deputies into shooting him.

Within a short period of time the situation changed from a casual contact to a lethal encounter when Irwin, armed with a knife, moved toward the deputies. Fearing that Irwin would cut or stab them, Deputy Conger fired his handgun killing Chad Irwin.

Use of Force

The 4th and 14th amendments of the U.S. Constitution provide the foundation for deadly use of force policies in the United States. Federal court guidelines stem from the benchmark 1985 decision of the U.S. Supreme Court in *Tennessee v. Garner*. This ruling held that the Tennessee statute that permitted police officers to use deadly force in arresting non-dangerous fleeing felons was unconstitutional. This ruling sanctioned the use of deadly force only to “protect the officer and others from what is reasonably believed to be a threat of death or serious bodily harm,” (or) “if it is necessary to prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of serious physical injury to the officer or others.”⁶

A separate independent review was conducted by the Sacramento County District Attorney’s Office addressing legal issues associated with filing of criminal actions. The District Attorney’s review concluded the shooting death of Chad Irwin was lawful.⁷

⁶ https://cops.usdoj.gov/pdf/e10129513-Collaborative-Reform-Process_FINAL.pdf

⁷ <http://www.sacda.org/police-use-force/>

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Value of Video and Audio

The Sheriff's Department requires that officers record, both video and audio, all traffic stops, vehicle pursuits, crimes in progress, or any situation or event that the officer through training and experience believes should be recorded.⁸ In situations when officers activate the vehicles emergency lights the video and audio recording features are automatically activated. In situations that do not involve the activation of vehicle lights the officers must manually activate the video and audio recording systems. This incident did not result in the use of emergency lights and unfortunately, the deputies did not activate the video and audio recorders.

Recommendations

1. The Sheriff's Department should revise General Order 10/10 to:⁹
 - 1.1. Require officers to wear and activate body worn microphones during all traffic stops, all vehicle pursuits, crimes in progress, and any situation or event that the officer through training and experience believes should be recorded.
 - 1.2. Establish a review of all critical incidents to ensure officers comply with the requirements of General Order 10/10.
 - 1.3. Establish a random audit of in-car camera video to ensure officers are complying with the provisions of General Order 10/10.
2. Continue the evaluation of body worn cameras with the goal of full field implementation.

Less Lethal and Necessary Equipment

When Deputies Spurgeon and Conger responded to the call they were unaware of the nature of the incident or if weapons were involved. As the call evolved they learned that Chad Irwin had been drinking, had taken medication, was armed with a knife, had a history of suicidal thoughts, and was angry the deputies had been called.

The Deputies were armed with limited less lethal options when they contacted Chad Irwin. Deputy Spurgeon had a Taser and collapsible baton as less lethal options. Deputy Conger had a Taser, pepper spray, and baton. The limited options and distance to Irwin reduced the deputies' opportunities in resolving the situation without the use of deadly force.

Recommendations

3. The Sheriff's Department should review research related to use of force as well as department data to determine frequency and effectiveness of less lethal weapons. If appropriate the results of the review should be used to modify training and less lethal devices available to personnel.
4. The Sheriff's Department should broadly deploy less lethal devices that provide a greater distance between officers and suspects. While Tasers and pepper spray are effective in

⁸ Sheriff's Department, County of Sacramento, General Order, In-Car Camera Systems, 10/10 (NEW 9/07)

⁹ The Sheriff's Department is aware of the recommendation and is working toward the revisions suggested.

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reducing injuries to suspects and officers in resistive situations,¹⁰ the use of either when a suspect is armed with a weapon often results in officers getting too close to the suspect. This may increase the threat to the officers, community, and suspect. Potential options should include impact munitions¹¹ as well as longer distance applications of chemical agents such as pepper balls.

Decision Making Training

Law enforcement is a profession that requires officers to make decisions under rapidly changing conditions, with limited information, that potentially could result in serious injury or death. How officers respond in these situations is influenced by patterns formed through education, training, and experience.

Recommendations

5. The Sheriff's Department should review training techniques to ensure frequent use of Tactical Decision Games¹² that challenge participants to successfully resolve problems through quick effective decision making.
6. The Sheriff's Department should review training to ensure the following decisions are included in training sessions involving the use of force:
 - What crime was committed?
 - Who is the threat toward?
 - Who is the threat from?
 - Is the threat actual or potential?
 - What level of resistance is exhibited?
 - Is the subject suicidal or homicidal?

General Policy Considerations

The following recommendations are not a reflection of the response to this incident but items discovered when comparing the Sheriff's Department policies to similar policies of other law enforcement agencies.

The IACP model policy for use of force specifies two circumstances in which the use of deadly force may be warranted. The first is "to protect officers or others from what is reasonably believed to be a threat of death or serious bodily harm." Secondly, police officers may use deadly force to prevent the escape of a fleeing violent felon who the officer has probable cause to believe poses a significant threat of death or serious physical injury to the officer or others.¹³

¹⁰ <https://nij.gov/journals/267/pages/use-of-force.aspx>

¹¹ Less lethal impact munitions are designed to have a low probability of serious injury or death to people.

¹² Tactical Decision Games developed for the military have been used successfully in a variety of professions including law enforcement, fire service, and medicine.

¹³ <http://iacppolice.ebiz.uapps.net/PersonifyEbusiness/ModelPolicyList/MPUseofForce.aspx>

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Recommendations

7. The Sheriff's Department should consider revising General Order 2/11 and applicable section in General Order 2/05.
 - 7.1. The term "reasonable" is used throughout the order. A concise definition in a single location would provide clarity and understanding. An example from IACP model policies reads; "In determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community."
 - 7.2. Section II A 2 c should require the officer to have probable cause that a violent felony was committed **and** that if not immediately apprehended reasonable cause to believe the suspect may cause death or great bodily injury. The current policy allows either circumstance which is not consistent with contemporary practices.
8. Most of the polices reviewed in this report have not been revised in over three years. The Department should establish a policy review cycle that requires all policies to reviewed and reissued or revised on a cycle no longer than three years.

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APPENDIX

A. Timeline of Events¹⁴

TIME	ACTION
8:31:45 PM	911 call received at Sheriff's Department
8:34:01 PM	Call dispatched to Deputies Spurgeon and Conger
8:41:38 PM	Deputies arrive on scene
8:50:-- PM	Dispatcher does a welfare check of the deputies. Deputies respond ok
9:01:-- PM	Deputies enter Chad Irwin and Allison Irwin information into the call
9:04:-- PM	Deputies enter into the call history, "Allison called 911 because her husband was drinking and took some medication. No 13700, verbal only, she was concerned because he left and she thought he might be drunk."
9:04:-- PM	Deputies enter into the call history, "Chad Irwin called while we were 97 and said he was coming home and was upset with C for calling the police."
9:12:-- PM	Deputies enter into the call history, "Chad Irwin, 916 XXX XXXX called his cell but it went to voicemail."
9:14:00 PM	Deputies report shots fired request code 3 ambulance
9:14:15 PM	Deputies while responding to radio request also instruct Irwin to "stay down dude don't touch that knife."
9:14:35 PM	Deputies report the subject charged them with a knife
9:14:55 PM	Deputies report starting CPR
9:16:55 PM	Deputies report they are continuing CPR and Irwin is unresponsive
9:19:39 PM	Sacramento Metro Fire Engine 25 arrived

Table 1 Timeline

Because the dispatch log relies on data entry and demands that the dispatcher perform multiple tasks an additional review was completed of the audio tape to capture the time from when the officers were dispatched to when they reported shots fired.

¹⁴ All times are approximate and based on Dispatch log entries.

B. Image of the Area¹⁵



¹⁵ The image of the area is provided for reference only and is not a photograph of the scene at the time of the shooting.