



Office of Inspector General

**OFFICER INVOLVED
SHOOTING REVIEW
JIMMY VANG**

Incident Date
June 8, 2017

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Inspector General

Officer Involved Shooting Review

Jimmy Vang

Contents

INTRODUCTION	3
EXECUTIVE SUMMARY	3
METHODOLOGY	3
Document, Evidence, and Policy Review	3
INCIDENT SUMMARY	4
PHYSICAL EVIDENCE	5
Weapons Involved	5
Toxicology Results	5
USE OF FORCE ASSESSMENT	6
Legal Issues - Background	6
Incident Analysis.....	6
RECOMMENDATIONS	7
General Policy Considerations	7
Recommendation	7
Training	7
Recommendation	7
APPENDIX.....	8
Timeline of Events	8
Shooting Scene	9

Officer Involved Shooting Review

Jimmy Vang

INTRODUCTION

One function of the Inspector General is to review certain critical incidents involving Sacramento Sheriff's Department personnel to evaluate the overall response to the incident as well as compare departmental policies, tactics, equipment, and training to contemporary law enforcement standards. These reviews result in the identification of lessons learned regarding the incidents and specific recommendations for the Sheriff's Department intended to 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.

EXECUTIVE SUMMARY

On June 8, 2017, Deputy Calmes used deadly force while carrying out his duties. This review concerns whether the use of force was reasonable and if the relevant departmental policies are consistent with currently accepted standards in policing. The review included crime reports, statements, evidence, video, audio, and applicable policies.

The available evidence supports that, at the time Deputy Calmes fired his weapon, there was a reasonable basis to believe that Vang posed a threat of serious bodily injury or death to the deputy, other deputies, and the public. The use of deadly force against Vang was appropriate. The information considered during this review indicates that current Sheriff's Department policies, equipment, and training related to use of force, appear to be generally contemporary.¹ There are two recommendations offered for consideration.

Jimmy Vang was not injured during the incident and the Sacramento County District Attorney's Office is prosecuting Jimmy Vang for multiple crimes including attempted murder, assault with a deadly weapon, use of a firearm, and attempted carjacking.

METHODOLOGY

The Inspector General, with cooperation from the Sacramento County Sheriff's Department, gathered, reviewed, and analyzed documents from many sources to develop an understanding of this shooting. 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:

¹ At the time of this incident General Orders 2/05 and 2/11 were being revised to bring them up to contemporary standards.

Officer Involved Shooting Review

Jimmy Vang

- Documents related to the shooting including witness statements and crime scene diagrams.
- Photographs of the scene and dispatch audio.
- Review of videotaped interviews.
- Direct observation of the general area.
- Review of Sacramento County Sheriff's Department policies and applicable International Association of Chiefs of Police model policies.² Sheriff's policies included:
 - 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 and Rev 9/17³) Use of Firearms
 - General Order 2/06 (Rev 10/07) Officer-Involved Shooting Incidents
 - General Order 2/11 (Rev 4/16 and Rev 8/17⁴) Use of Force Policy
 - 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

INCIDENT SUMMARY

On June 8, 2017, at 2:55 AM Deputy Calmes was working in a marked patrol vehicle driving eastbound on Fruitridge Road approaching Stockton Boulevard when he observed a white Lincoln LS with expired registration. After the vehicle turned southbound onto Stockton Boulevard Deputy Calmes activated his overhead lights with the intent of stopping the Lincoln LS. Deputies Seitz and Door working together, overheard Calmes on the Sheriff's radio and where a short distance behind Calmes as the Lincoln LS slowed and pulled to the right curb.

As soon as the Lincoln LS came to a stop, the right front door opened, and a male immediately exited the car, raised a handgun in his left hand and fired multiple times at Deputy Calmes, striking his patrol vehicle. After firing six rounds the suspect jumped back into the Lincoln LS. Deputy Calmes, who was seated in his vehicle, drew his handgun and fired two rounds through the patrol vehicle windshield at the suspect vehicle as it fled south on Stockton Boulevard.

Deputy Calmes with Deputies Seitz and Door behind him began chasing the Lincoln LS on Stockton Boulevard. Between Jansen Drive and Gordon Way the male shooter leapt out of the Lincoln LS and ran west between buildings. The deputies choose to continue chasing the vehicle as it turned west onto Gordon Drive leading deputies on a high-speed pursuit through residential neighborhoods, main thoroughfares, and highways. Deputy Calmes who was the

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

³ Reviewed policies included the policy that was current at the time of the incident as well as any modifications made prior to the release of this report.

⁴ Ibid

Officer Involved Shooting Review

Jimmy Vang

lead vehicle in the pursuit was forced to withdraw when his car developed a mechanical problem.

Deputies Seitz and Door, along with other deputies, continued chasing the vehicle through streets and ultimately onto northbound Highway 99, then westbound Highway 50, continuing north on Interstate 5 with speeds exceeding 120 MPH. The vehicle was eventually stopped by spike strips on Interstate 5 in Yolo County. The driver, Raelyn Bergsten-Amour, was later arrested several miles from the stopped vehicle. The male suspect in the shooting, Jimmy Vang, was arrested in Sacramento at approximately 11:40 PM.

At the time of this report both Jimmy Vang and Raelyn Bergsten-Amour are in-custody and awaiting court proceedings in Placer County for murder and in Sacramento County related to the attempted murder of deputies and pursuit.

PHYSICAL EVIDENCE

The following is a list of items discovered during the investigation and toxicology tests. This list does not include other items collected such as evidence for prosecution and personal property of the suspects.

Weapons Involved

The following weapon was used by Deputy Calmes:

- Handgun - Glock 17 Gen 4 - 9mm pistol – fired two rounds.



Figure 1 Glock 17 Gen 4

Toxicology Results

Blood alcohol and toxicology tests were conducted by the Sacramento County District Attorney's Office Crime Lab. The blood samples were taken from Vang following his arrest.

There was no blood alcohol detected in Vang's blood.

The toxicology report listed the presence of the following:

- Methamphetamine 333 ng/mL
- Amphetamine 22 ng/mL

Officer Involved Shooting Review

Jimmy Vang

Normal concentrations in recreational use of methamphetamine are 0.01 to 2.5 mg/L (median 0.6 mg/L = 600 ng/ml). Concentrations above this range will likely be associated with severe, possibly life threatening, toxicity.⁵ Medical journals warn that individuals with acute methamphetamine intoxication may be highly agitated and present a serious safety risk to themselves and others.⁶

USE OF FORCE ASSESSMENT

Legal Issues - Background

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.”⁷

Incident Analysis

When Deputy Calmes stopped the Lincoln LS for a minor vehicle code violation he had no idea that the driver and passenger were wanted for a murder in Placer County. Nor could he imagine that, Jimmy Vang, would immediately exit the car and begin shooting at him. Deputy Calmes responded by unholstering his weapon while seated in the car and returning fire by shooting through the windshield. The time from the first round fired by Vang to the last round fired by Calmes was less than 4 seconds.

The available evidence supports that, at the time Deputy Calmes fired his weapon, there was a reasonable basis to believe that Vang posed a threat of serious bodily injury or death to the deputy, other deputies, and the public. The use of deadly force against Vang was appropriate.

⁵ National Highway Traffic Safety Administration. *Drugs and Human Performance Fact sheets*.

<https://one.nhtsa.gov/people/injury/research/job185drugs/methamphetamine.htm>

⁶ Richards, John R., MD, FAAEM and Jeter (Jay) Pritchard Taylor, III, MD. *Methamphetamine Toxicity Treatment & Management*. <http://emedicine.medscape.com/article/820918-overview>

⁷ https://cops.usdoj.gov/pdf/e10129513-Collaborative-Reform-Process_FINAL.pdf

RECOMMENDATIONS

The information considered during this review indicates that current Sheriff's Department policies, equipment, and training related to use of force are generally contemporary.⁸

General Policy Considerations

Recommendation

1. Some of the policies reviewed in this report have not been revised in over three years. The Department should establish a policy review cycle that requires all policies be reviewed and reissued or revised on a cycle no longer than three years.⁹

Training

Deputy Calmes showed great presence of mind to draw his weapon and fire through the windshield. The Sheriff's Department trains deputies to unholster handguns while seated in the vehicle. However, the department does not train deputies to fire their handguns while seated in the vehicle.

Recommendation

2. The Sheriff's Department should continue to reinforce the importance of reducing or eliminating a threat of great bodily injury while seated in a vehicle. The training should include shooting from a seated position within the vehicle.

⁸ At the time of this incident General Orders 2/05 and 2/11 were being revised to bring them up to contemporary standards.

⁹ The Sheriff's Department is reviewing this recommendation to determine a process to ensure a timelier review of policies.

Officer Involved Shooting Review

Jimmy Vang

APPENDIX

Timeline of Events¹⁰

TIME	ACTION
2:55:17 AM	Deputy Calmes was eastbound Fruitridge Road near Dewey Boulevard when he observed a white Lincoln LS with expired registration.
2:55:48 AM	The Lincoln LS turned southbound on Stockton Boulevard. Deputy Calmes followed and activated his overhead emergency lights.
2:55:57 AM	Deputy Calmes used a short blast of his siren at Young Street.
2:56:02 AM	Deputy Calmes used a second short siren blast and the Lincoln LS brakes lights activated.
2:56:06 AM	The Lincoln LS pulled to the right curblin between Young Street and Southwest Avenue.
2:56:07 AM	The passenger side front door of the Lincoln LS started to open
2:56:08 AM	A male exited the Lincoln LS front passenger door turning clockwise with a gun in his left hand and started shooting at Deputy Calmes. Deputy Door and Seitz were driving southbound on Stockton Boulevard a short distance behind Calmes.
2:56:10 AM	The male bounced away from the Lincoln LS toward the sidewalk as he continued shooting at Deputy Calmes.
2:56:11 AM	Glass fragments were seen inside the passenger compartment and steam/smoke from the front of Deputy Calmes patrol vehicle as the male shooter started back into the Lincoln LS.
2:56:12 AM	Deputy Calmes returned fire from a seated position through the windshield of the patrol vehicle as the Lincoln LS fled southbound on Stockton Boulevard.
2:56:26 AM	With Deputy Calmes trying to catchup to the fleeing Lincoln LS a subject exited the Lincoln LS and ran westbound from Stockton Boulevard toward a residential area.
2:56:33 AM	The Lincoln LS turned westbound onto Gordon Drive leading deputies on a lengthy pursuit.
2:59:10 AM	Deputy Calmes patrol vehicle lost power forcing him to withdraw from the pursuit. Deputies Door and Seitz continued the vehicle pursuit.
3:20:00 AM	The Lincoln LS crashed into a field along Interstate 5 north of Zamora. The driver, later identified as Bergsten-Amour, fled into an adjacent field. She was later located several miles from the crash location.
11:40:00 PM	Suspect Yang was taken into custody near Arden Way and Business 80

Table 1 Timeline

¹⁰ All times are approximate and based on patrol vehicle camera systems.

Officer Involved Shooting Review
Jimmy Vang

Shooting Scene

