



# Sacramento County District Attorney's Office

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June 26, 2015

Chief of Police Christopher W. Boyd  
Citrus Heights Police Department  
6315 Fountain Square Drive  
Citrus Heights, CA 95621

Re:           Officer-Involved Shooting:   Case No. CH-14-04336  
              Shooting Officer:            CHPD Joseph Davis #236  
              Shooting Officer:            CHPD Christopher Bosson #91  
              Person Shot:                 Jason Wilson (DOB: 2/3/72)

Dear Chief Boyd:

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Jason Wilson. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items included the following: Citrus Heights Police Department Report 14-04336; video and audio recordings; dispatch calls; witness interviews; photographs; diagrams; Sacramento County District Attorney Laboratory of Forensic Services report; evidence logs; and the Sacramento County Coroner's Final Report of Investigation.

## **FACTUAL SUMMARY**

On May 23, 2014, at approximately 9:55 p.m., Citrus Heights Police Department (CHPD) officers were dispatched to a 7-11 store at the corner of Sunrise Boulevard and Woodmore Oaks Drive. The store clerk called 911 and reported a domestic violence incident in the parking lot. Dispatch provided information that the male suspect, Jason Wilson, threatened to kill a female subject. Dispatch also stated that Wilson removed his bicycle tire and was threatening the female with it. CHPD units responded to the scene with red lights and sirens activated. While en route, dispatch informed officers that Wilson had fled the parking lot on his bicycle.

As units responded to the area, several CHPD officers saw Wilson fleeing on his bike northbound into Crail Court. Officer David Neher followed Wilson on Crail Court and

repeatedly ordered him to stop. Wilson continued pedaling rapidly away from Officer Neher and crashed his bike into a fence. He fell off the bike and ran into the side yard of a residence. He then jumped over the fence and headed north into a field behind the residences on the court.

While officers searched the vacant field for Wilson, the Sacramento County Sheriff's Department helicopter (STAR 5) advised it located Wilson entering the adjacent yard of the Sunrise Tech Center. The Sunrise Tech Center is a school in which the hallways are covered and dimly lit at night. CHPD officers established a perimeter around the campus in order to prevent the suspect from fleeing. As the perimeter was being established, Officer Joseph Davis advised that he could see Wilson walking on the grass area of the school. Officer Davis followed him onto the school grounds.

As Officer Davis observed Wilson moving into the school yard, he shouted several verbal commands. Officer Davis announced himself as "Police" and yelled for Wilson to "stop" and "get down." Wilson ignored all verbal commands and did not react to law enforcement's presence. Officer Davis advised other officers that Wilson was not complying with verbal commands and kept reaching into his shirt. Officer Michael Dutch made contact with Officer Davis on the school grounds and observed the suspect walking in a northern direction. Multiple officers arrived on scene. STAR 5 advised via police radio that Wilson had something across his chest that looked like a rifle strap. STAR 5 also warned officers that Wilson could have a firearm. Several other officers observed the same. As Wilson continued to move toward the school, STAR 5 lost sight of him under the eaves of the building. STAR 5 provided a spotlight to illuminate the area as Officer Davis pursued Wilson.

Officer Christopher Bosson observed Officer Davis following Wilson into the school. He and Sergeant James Evans proceeded through the pedestrian gate to assist Officer Davis. Officer Bosson saw Officer Davis move into the corridor, and feared that he would be without backup. Officer Bosson began running to assist Officer Davis. Sergeant Evans positioned himself at an alternate corridor to intercept the suspect if he attempted to flee. He heard officers yelling commands and ran to the corridor where Officers Davis and Bosson were. As Sergeant Evans turned the corner, he observed Wilson at the end of the corridor in front of a set of closed double doors. Officer Davis was shouting for Wilson to get on the ground. Wilson was not compliant and began reaching into his waistband area. He retrieved a black object with his hand and made a quick movement, extending his hand toward the officers. Officer Davis and Officer Bosson observed the black object in Wilson's hand and immediately believed Wilson had a firearm and was going to shoot and kill them. Officers Davis and Bosson fired their guns almost simultaneously. Officer Davis fired six rounds from his handgun and Officer Bosson fired five rounds from his rifle. Wilson was struck once in the right lower leg and once in the center of his mandible.

Wilson was lying on the ground in front of double doors leading into the school. Officers observed on the ground to Wilson's right a black rectangular object which initially appeared to be the top slide of a firearm. It was later determined that the object was a knife inside a black case.

Based upon the information broadcast by STAR 5 and their own observations, the responding officers believed Wilson was armed. Officers used a tree for protection until a ballistic shield arrived. After he was shot, Wilson kept his right arm under his body. Wilson remained unresponsive to commands and never complied with order to show his hands. The officers advanced with the shield in order to take Wilson into custody and provide medical care. As the officers advanced, they feared he still had a weapon.

Upon contact, Officer Dutch pulled Wilson's right hand from under his body and determined he was not holding a weapon. Wilson remained uncooperative by flailing his arms and legs and yelling incoherently. As soon as Wilson was handcuffed, officers began administering medical aid. Sergeant Evans and Officer Dutch immediately noticed the gunshot wound in Wilson's lower left leg. Sergeant Evans applied a tourniquet to stop the bleeding. Wilson complained of trouble breathing and he was rolled over. At that point, officers observed the gunshot wound to his jaw.

Sacramento Metro Fire Medic 21 arrived on scene and provided medical care to Wilson. He was transported in an ambulance to Mercy San Juan Hospital. Wilson had a pulse, but was assisted with a breathing bag. As the ambulance neared the hospital, medics started chest compressions. At the hospital, emergency room personnel took over Wilson's medical care. He was pronounced deceased at 10:47 p.m.

The Sacramento County District Attorney's Office Laboratory of Forensic Services confirmed the presence of amphetamine and methamphetamine in Wilson's blood at the time of his death. The strap that had been observed across Wilson's body was attached to a fanny pack. Two pipes commonly used for smoking narcotics and a syringe were found inside the fanny pack.

Wilson's girlfriend, the subject of the alleged assault at the 7-11, told detectives that Wilson was aware he had current misdemeanor and felony arrest warrants. On June 27, 2014, the Citrus Heights Police Department received correspondence from Jason Wilson's family. In the letter, his family explained that Jason had a long struggle with methamphetamine addiction and he was determined that he would not return to jail. The letter also stated that Wilson had previously suggested he might use a replica firearm in order to initiate a "suicide by cop." Wilson also had a large tattoo across his neck that said "SUICIDE."

## **LEGAL ANALYSIS**

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California Penal Code sections 196 and 197 specifically provide that in a situation where it is reasonably necessary for an officer to defend himself or another person against death or serious bodily injury, the use of deadly force is legally justified. (See CALCRIM 505.) Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to themselves or others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Gardner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386; *Kortum v. Alkrie* (1977) 69 Cal.App.3d 325; CALCRIM 2670.)

A review of the statements and physical evidence reveals the following: Jason Wilson was emotionally unstable in the days before his death and was struggling with a methamphetamine addiction. When Officers Davis and Bosson encountered Wilson, they believed he was armed. Officer Davis made considerable attempts to communicate with Wilson and repeatedly shouted for him to stop and to get on the ground. When his attempts failed and Wilson pointed what appeared to be a firearm at the officers, they reasonably believed that their lives were in danger and fired shots at Wilson. Wilson was struck twice and died as a result of the gunshots.

## **CONCLUSION**

Applying the controlling legal standards with the factual record, we conclude that Officers Davis and Bosson were justified in using deadly force in this situation. The objective evidence supports a finding that the deputies' conduct was reasonable under the circumstances they encountered.

Cc: Officer Joseph Davis  
Officer Christopher Bosson  
Sergeant James Evans