



**Office of Inspector General
4th Quarter 2016**

Introduction

This quarter focused on receiving and reviewing complaints, working on several officer involved shooting investigations, and a complaint regarding the investigation into the accidental death of Tayon Shelby.

Complaint Summary for the Fourth Quarter 2016

The following represent the way complaints were received by the Office of Inspector General and the actions taken for each complaint.

The Office of Inspector General received 23 complaints during the 4th quarter of 2016. This is down from an average of 36 complaints for the first three quarters of 2016. Eighteen (78%) of the complaints were submitted using the OIG on-line web form. Individuals wishing to remain anonymous accounted for 2 complaints.

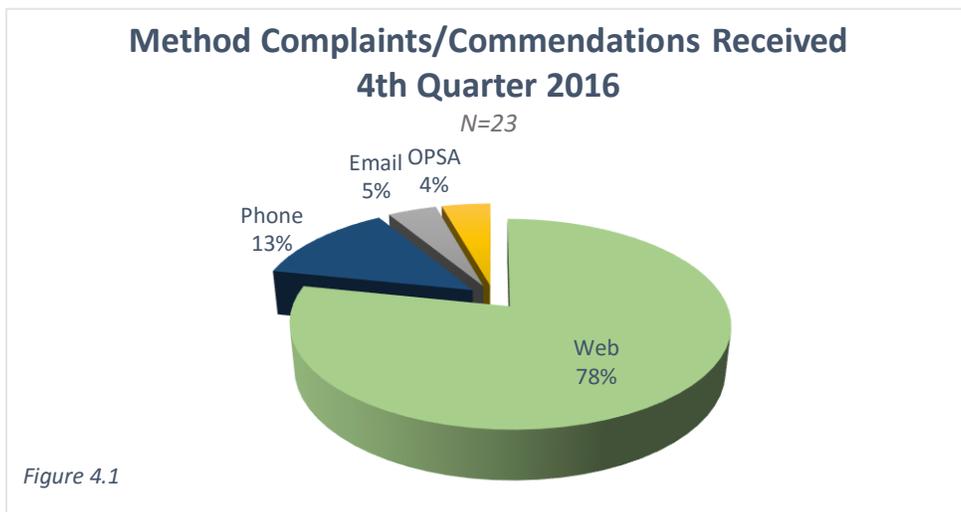
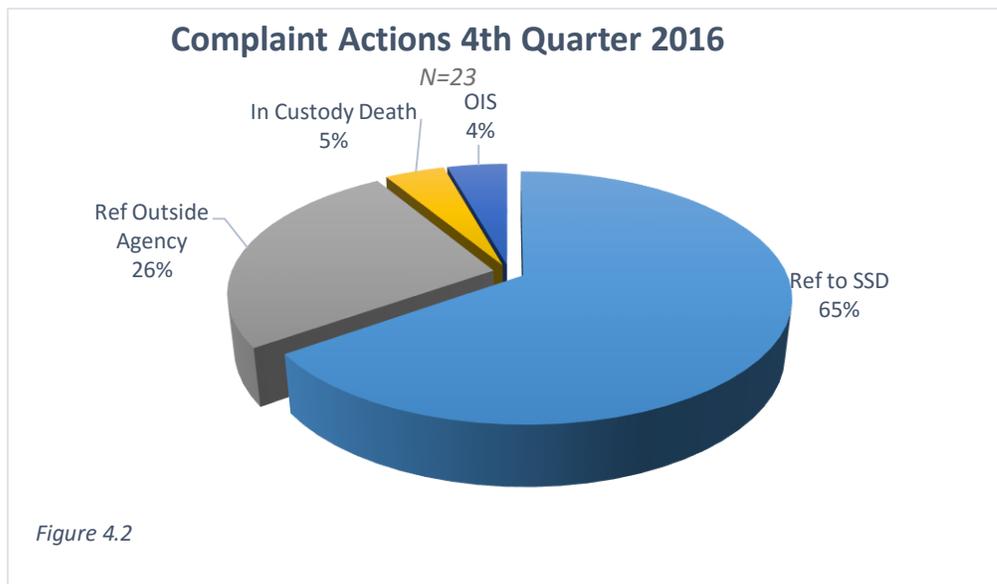


Figure 4.1

Of the total complaints received, 15 were sent to the Sheriff's Department for investigation or information and 6 were forwarded to other agencies. There was one officer involved shooting (OIS) and one death in custody. Both are under investigation.



Notable Incidents

Tayon Shelby Death Review

At the request of the Sheriff's Department a review was conducted of the investigation into the death of Tayon Shelby. The assessment included reviewing the casualty report, scene photographs, hospital photographs, Sheriff's Department video, Coroner's Report, District Attorney Crime Lab reports, District Attorney's review, and concerns of Tayon Shelby's mother Adonne Shelby. Ms. Shelby had also contacted Supervisor Kennedy.

Summary of the Incident

On April 19, 2016, shortly after 6:15 PM, Elk Grove Police Department received a cellular 911 call regarding a person who was shot in the head. It was determined the incident occurred in the County at 7884 Sunrise Greens Drive at which time Elk Grove PD notified the Sheriff's Department and Fire Department of the shooting.

Upon arrival deputies discovered Tayon Shelby seated in the driver's seat of a 1991 Lexus, parked on the street in front of 7884 Sunrise Greens Drive. Shelby had a gunshot wound to the right side of his head and he was partially slumped over the center console of the car. Deputies are seen on the in-car video removing Tayon from the vehicle and administering first-aid until

the Fire Department arrived and transported Tayon to Kaiser South. Tayon Shelby was taken to surgery and later pronounced deceased.

An initial witness, who called 911, told deputies that Tayon was shot by a passing vehicle in an apparent drive-by shooting. That witness later told deputies he lied. In his second statement, he told deputies that Tayon was seated in the driver's seat of the Lexus playing with a gun when the gun accidentally discharge. Tayon had pointed the gun toward his head and asked the others in the car if he should do it. The witness also told deputies that he removed the gun from the car and had it hidden so that Tayon would not get in trouble for possessing a handgun. The later statement is consistent with statements of three others who were also in the car. Another witness who left prior to the shooting had also seen Tayon with the handgun.

The Sheriff's Department dispatched a team of detectives and CSI to the scene and hospital. Photographs were taken, possible gunshot residue samples collected, the area was canvassed for witnesses, and the gun recovered where the witnesses said it would be. At the hospital, photographs were taken and possible gunshot residue collected from Tayon Shelby.

Following the initial response, detectives returned to the scene on five separate occasions to contact witnesses. Included in this follow-up was a claim that a witness reported seeing a Burgundy colored vehicle either dump Tayon on the ground or place him into the driver's seat where deputies discovered him. No witness could be found that saw this occur.

Findings

Based upon the review there is a preponderance of information that Tayon Shelby's death is a tragic accident. Witness's reported Tayon was in possession of a handgun before the shooting and that he had been playing with the gun. Witness statements and physical evidence indicate the shooting occurred in the Lexus. Gunshot residue was present on the headliner above the driver's seat and the wound to Shelby is characteristic of a gunshot at close range.

The District Attorney's Office has reviewed the case and determined, "The overwhelming weight of the evidence demonstrates that Tayon Shelby accidentally discharged the firearm."

Associated Issues

Ms. Shelby reported that earlier in the day her son had \$400 in cash, expensive jewelry including necklaces and a ring, and those items were not returned to her. In reviewing collected evidence, scene photographs, hospital photographs, and discussions with Sheriff's Department investigators, there is no evidence that these items were present when Sheriff Deputies arrived at the scene.

There were several issues raised by Adonne Shelby that have led to changes in procedures at the Sheriff's Department and Coroner's Office. A preliminary cause of Tayon Shelby's death was listed as suicide. Suicide involves intent and the Coroner's Office has determined that the death was accidental and not a suicide. There was also a clerical error discovered by Ms. Shelby in the initial autopsy report. That error was quickly corrected.

Ms. Shelby was not satisfied with the responsiveness of the Sheriff's Department to her questions, requests, and concerns. In response, the Sheriff's Department and the OIG will work to identify future incidents that require this Office to function as a liaison to the family.

Ms. Shelby is aware of the review and findings. She has also requested copies of the report and to view the associated video. The Sheriff's Department is aware of the request. The Coroner's Office has provided their reports to the family.

Justin Prescott - Officer Involved Shooting

On February 2, 2016, Justin Prescott spent over an hour inside the Walmart store at 10655 Folsom Blvd., Rancho Cordova. During that time, he is observed by Walmart employees cutting off tags and hiding merchandise on his person. In response Walmart Asset Protection Associates reported Prescott's actions to the Sacramento County Sheriff's Department. When Prescott exited the store without paying at 6:48 p.m., he was stopped by Walmart Asset Protection Associates who attempted to bring him back inside the store. Prescott responded by holding a knife to his throat and threatened to harm himself.

Prescott fled but was confronted a short time later by two sergeants who attempted to arrest him for the theft. Despite two Taser firings and pepper spray, Prescott continued his attempt to escape by holding a knife to his throat, stabbing himself in the chest, and threatened to kill himself. As the resistance moved to an area with extremely low light, Sergeant Gallaher, who was close to Prescott, could no longer see his hands or the knife. Observing that Prescott was irrational and likely under the influence, and fearing that Prescott could either stab him or escape and harm the public, Sergeant Gallagher fired two rounds from his handgun striking Prescott. Prescott was transported to UCD Medical center and pronounced deceased at 7:47 p.m.

The review of documents, evidence, video, audio, and policies surrounding the death of Justin Prescott developed into lessons learned and 12 recommendations. The entire report is available on the [OIG](#) web site.

Tasks in-progress

- Review of the Sheriff's Department complaint investigative and findings process
- Work with the Sheriff's Department in the development of an early warning system
- Review of five fatal officer involved shootings (three prior and two during the quarter)
- Review of a serious injury resulting from a fall at RCCC and a death at the Main Jail