



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

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PRESS RELEASE

For immediate release

April 12, 2007

Shooting ruled justified in attempted “suicide by cop”

After review of an investigation by the Butte County Officer-Involved Shooting/ Critical Incident Protocol Team, District Attorney Mike Ramsey today declared the April 1, 2007 shooting of a 31-year-old Chico man by a Chico Police officer to be justified. Ramsey said at a press conference this morning that Dwaine Earl Cowart was attempting “suicide by cop” when he attacked Chico Police officer Scott Zuschin with two knives near midnight on Floral Avenue.

Ramsey said Cowart was despondent and suicidal that night and began to cut on his arm with a steak knife prompting his wife to call Chico Police on her cell phone. Ramsey said the police had been called to a similar suicide attempt two weeks earlier by Cowart at the same address which lead to his commitment to the county’s psychiatric health facility for observation.

At this morning’s press conference Ramsey played a recording of Cowart’s wife’s April 1st 911 call in which she could be heard pleading with Cowart to stop cutting himself while in their apartment. Cowart could be heard in the background telling his wife several times that if officers were to arrive “they better shoot me” and further that “they are going to have to” shoot him because he was “going to rush them.”

When Officer Zuschin arrived outside Cowart’s apartment complex, he saw Cowart and his wife outside. As Officer Zuschin stepped out of his car, Cowart approached him directly with his arms raised and a knife in each hand pointed toward the officer. The officer yelled at the rapidly approaching Cowart to drop the knife and get down on the ground. Cowart ignored the officer’s commands and when he came to within approximately 20 feet of the officer, the officer shot Cowart one time, striking his lower abdomen/groin area. All of this was captured on the dispatch tape from Cowart’s wife’s cell phone call.

Officer Zuschin immediately approached the fallen Cowart and kicked the knives away. Other officers also then arrived as did medical personnel who transported Cowart to the hospital where he was interviewed and confirmed the officer’s recitation of the encounter. A neighborhood canvas also produced several “ear-witnesses” who confirmed the events.

The 911 tape capturing the sounds of the events that night, the statements of the wife, and Cowart's own statements lead Ramsey to conclude Cowart was engaged in "suicide by cop" – a colloquial term used to describe a suicidal incident whereby the suicidal subject engages in consciously life-threatening behavior to the degree that it compels a peace officer to respond with deadly force.

Ramsey explained the Officer Involved Shooting/Critical Incident Protocol Team consists of investigators from each of Butte County's law enforcement agencies whose mission is to provide a full, fair and neutral investigation of any incident involving the use of deadly force by a law enforcement officer in Butte County. The team was formed over a decade ago and has been called out to investigate approximately twenty incidents.

Ramsey said Officer Zuschin was in reasonable fear of imminent danger of great bodily injury or death from Cowart's actions and was justified in his actions that evening.

Cowart remained in Enloe Hospital where doctors decided to leave the officer's bullet in his body. He was released from the hospital on Monday, April 9 and transported to Butte County Jail. He was arraigned on a charge of Assault with a Deadly Weapon upon a Peace Officer in Butte County Superior Court yesterday where he was appointed a public defender and ordered held in jail on \$50,000 bail and ordered to return next week on April 17 to enter a plea.