



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: November 10, 2025

TO: Sheriff Jim Cooper
Sacramento Sheriff's Office
4500 Orange Grove Avenue
Sacramento, CA 95841

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SSO 24-163014
Shooting Officer: Deputy Benjamin Gil #602
Shooting Officer: Deputy Ken Becker #931
Person Shot: Thomas Konvalin (D.O.B. 06/12/1985)

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Thomas Konvalin. 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 include Sacramento Sheriff's Office report number 24-163014, video and audio recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, Sacramento County District Attorney's Office Laboratory of Forensic Services reports, and the Sacramento County Coroner's Final Reports of Investigation.

FACTUAL SUMMARY

At approximately 1:11 a.m., on May 23, 2024, a female 9-1-1 caller reported, "Hurry, hurry, we've been shot." Screaming and gunshots could be heard before the phone call disconnected. Rancho Cordova Police Department (RCPD) and Sacramento Sheriff's Office (SSO) patrol personnel were dispatched to the location of the 9-1-1 call. Upon arrival, patrol personnel observed a female lying motionless on the front lawn of the residence, who was later identified as Thomas Konvalin's mother.

Initial responding personnel heard possible gunshots as they approached the residence, so they took cover and began to set up a perimeter. At approximately 1:22 a.m., Thomas Konvalin emerged from the front door, looked at his mother on the front lawn, and demanded to police,

“Stay out of my house.” Konvalin was ordered to keep his hands in view, but he refused and then shut the door.

Due to the circumstances and concern of danger in approaching the residence, as well as Konvalin’s mother showing no signs of life and appearing to be deceased, patrol personnel set up containment of the residence and requested additional officers and resources. A Critical Incident Negotiation Team (CINT) member made announcements over a marked patrol car loudspeaker (PA) ordering occupants of the residence to come out of the front door with empty hands raised.

At approximately 1:25 a.m., a RCPD officer spoke directly to Konvalin. In that phone call, Konvalin stated, “There are two things in my house, and I shot at them.” Konvalin repeated the comment and claimed that his parents “were attacking Tommy.” Konvalin acknowledged that he was “Tommy,” and he was the person that officers previously saw at the front door of the house. Konvalin also admitted shooting two people. When the officer asked Konvalin to come out of the house with his hands up, he refused. The officer asked Konvalin if he was alone in the house. Konvalin indicated he was alone and then hung up the phone.

Further communications with Konvalin were not clear. Konvalin stated in one of the calls, “I told you what happened,” and then hung up. In another call, Konvalin stated, “Yeah, I called the army and the people, and they’re coming for me. They are coming right now to heal this.” Law enforcement again asked Konvalin to come outside, and he stated, “No, I’m fine. I was going to go to sleep. Thanks for helping.”

Officers enlisted the aid of another agency’s drone device to safely approach Konvalin’s mother. Using the drone, they were able to observe her more closely. She was not moving and showed no signs of life.

CINT members continued PA announcements for Konvalin to come out of the house with his hands up and that they did not want to hurt him, as well as phone calls to him. At approximately 1:58 a.m., a CINT member spoke briefly to Konvalin. Konvalin said, “I tried calling some people to help out. You guys got it? Everything okay now?” He then hung up. At approximately 2:21 a.m., Konvalin said, “I shot Tommy, I shot them. I called the cops and everything. So, that’s it for tonight.” Konvalin then hung up the phone. Five minutes later, Konvalin again spoke with CINT members. In that phone call, Konvalin provided his name and stated that there was nothing else to talk about and the police could leave the scene. He then hung up the phone again. All further attempts to speak with Konvalin were met with negative results.

Due to the circumstances, the SSO Special Enforcement Division (SED) responded. SED deputies believed that Konvalin shot and killed his mother and possibly his father. While the condition of Konvalin’s father was unknown, Konvalin had stated that he shot his parents and the condition of Konvalin’s mother was assessed by an on scene medic who examined closer imagery of her via drone footage and could see that she had gunshot wounds to her chest and head and showed no signs of life. SED deputies were also aware based upon records checks of prior mental health calls at the residence involving Konvalin. They were further aware that he was armed with at least one firearm, additional weapons were registered to his father, and that

Konvalin was not compliant with all efforts to get him to disarm, exit the house, and surrender over several hours. CINT members also spoke to Konvalin's uncle. He reported that Konvalin called him and stated, "They attacked him, and I think I shot and killed two of them." When Konvalin's uncle asked him what he was talking about, Konvalin hung up the phone.

In order to gain more information and determine the status of Konvalin's father, law enforcement decided to send a drone into the house. At approximately 4:13 a.m., further PA commands were given for Konvalin to exit the house unarmed. An armored vehicle, known as the "Rook," was deployed to break out the front window to deploy the drone.

As part of scene security, SSO Deputies Ken Becker and Benjamin Gil were positioned on a roof north of the residence. Their responsibility was to gather intelligence and to provide scene overwatch and lethal cover, as necessary.

As law enforcement began to break the front window with the Rook, Deputy Becker saw a light illuminate through a rear window with the blinds open, and the window screen pushed out from a back bedroom. Deputy Becker also observed Konvalin exit the window holding what appeared to be a "long gun" (i.e., a shotgun or rifle) and crouching as he moved through the backyard. Deputy Becker was concerned that if Konvalin continued moving to the west, he would lose sight of Konvalin and SED deputies would not be able to see Konvalin as they were on the other side of a fence. Deputy Becker believed Konvalin exited the rear of the residence to avoid the law enforcement presence in front of the house and was positioning himself to ambush deputies and officers. Deputy Becker fired a single shot to prevent Konvalin from being a threat to deputies and nearby residents. Due to the night conditions, Deputy Becker could not confirm whether his shot hit Konvalin.

After the gunshot, Konvalin changed directions and headed toward an RV parked on the north side of the residence. Deputy Becker yelled, "Don't move, don't move, hands up." Konvalin did not respond to these commands, changed directions, and was still armed. As a result, Deputy Gil fired a single shot at Konvalin. Konvalin did not drop his long gun and continued to move forward toward the fence. Concerned that Konvalin was proceeding to the neighbor's yard toward SED deputies, Deputy Becker fired a final shot at Konvalin.

Konvalin fell behind the north fence and out of view. Deputies approached, detained Konvalin, and began to provide medical care. Sacramento Fire Department medics arrived and pronounced Konvalin deceased. Konvalin's father was located inside the residence in the doorway to one of the rooms off the main hallway. Both of Konvalin's parents were also declared deceased at the scene by Sacramento Fire.

The scene was secured and processed by investigators. In the backyard, a Marlin .22 caliber semi-auto rifle was recovered in a shrub near Konvalin's body. The rifle was originally located near Konvalin's feet and moved by deputies prior to securing the scene. The rifle was loaded with 13 live cartridges. Deputies also recovered a Ruger .22 caliber revolver next to Konvalin's body. The pistol was loaded with six live cartridges. A black backpack next to Konvalin's body had 358 live .22 loose cartridges.

Body-worn camera videos were reviewed. The videos depict the events as described above.

Autopsies of Konvalin's parents were performed on May 24, 2024, by Dr. Peter Conner, a forensic pathologist with the Sacramento County Coroner's Office. Dr. Conner determined the cause of death for Konvalin's father to be gunshot wounds to the head and torso. Dr. Conner determined the cause of death for Konvalin's mother to be gunshot wounds to the head and chest.

Dr. Conner also conducted the autopsy of Konvalin on May 27, 2024. Dr. Conner determined the cause of death was gunshot wounds to the head and back.

A sample of Konvalin's femoral blood was obtained during the autopsy. The sample was tested by the Sacramento County District Attorney Laboratory of Forensic Services. The sample tested positive for THC.

LEGAL ANALYSIS

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a(b); CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a(d).)

Here, law enforcement personnel were called out to a shooting incident. As they arrived at the residence, they heard gunshots and observed a deceased person on the front lawn. Deputies and officers ordered Konvalin to exit the residence with his hands up, but he refused their orders. He then admitted to them that he shot two people. There was probable cause to arrest Konvalin, and law enforcement attempted to do so over approximately three hours. However, Konvalin did not give any indication of a willingness to disarm or submit to a lawful arrest. Instead, Konvalin attempted to exit the back window armed with a rifle. As a result, Deputies Gil and Becker reasonably determined that use of force was necessary to effectuate an arrest of Konvalin to protect the safety of their fellow officers and nearby residents.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470; California Penal Code section 835a(c)(1)(A).) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed

necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (California Penal Code section 835a(a)(4); *Graham v. Connor* (1989) 490 U.S. 386.)

California Penal Code section 835a(c)(1)(B) provides that a peace officer is justified in using deadly force upon a fleeing person if the officer reasonably believes, based on the totality of the circumstances, that such force is necessary “to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another person unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has reasonable grounds to believe the person is aware of those facts.”

Deputy Becker and Deputy Gil believed Konvalin killed one person and likely killed another. Konvalin was non-complaint over several hours and armed with a gun. The deputies reasonably believed Konvalin was positioning himself to potentially ambush law enforcement. They also reasonably believed Konvalin presented a deadly threat to any law enforcement personnel he might encounter, as well as any citizens sheltering in place. Because Konvalin was walking in the direction of SED personnel in an adjacent backyard, he presented an immediate threat to their safety and Deputy Becker fired a shot at Konvalin. Konvalin still did not surrender and did not disarm. He proceeded toward personnel on the west side of the residence and had he made it to the RV, he would have been out of their view, so Deputy Gil fired a shot at Konvalin. Konvalin still had not surrendered or disarmed and was again headed back toward the SED personnel positioned in an adjacent yard. Deputy Becker reasonably believed that Konvalin presented an immediate and deadly threat to the safety of law enforcement personnel and nearby residents when he fired a final shot at Konvalin.

Under these circumstances, both deputies were justified in their decision to use deadly force to subdue the imminent and immediate threat being presented by Konvalin.

CONCLUSION

Law enforcement had probable cause to arrest Konvalin for two homicides. Both Deputy Becker and Deputy Gil had every reason to believe that Konvalin was a continuing threat to anyone he encountered. When Konvalin emerged from the rear of the residence, he was armed with a gun and was continuing to refuse law enforcement instructions. At that moment, Deputy Gil and Deputy Becker were rightly concerned for the safety of the officers in adjacent yards and any citizens in the area. Their decision to respond with deadly force was justified and necessary to protect the lives of anyone Konvalin would encounter.

Accordingly, we will take no further action in this matter.

Cc: SSO Deputy Ken Becker #931
SSO Deputy Benjamin Gil #602
SSO Detective Lindsey Lamb #1003
SSO Detective Ryan Thrall #620
Kevin Gardner, Sacramento County Office of Inspector General
Rosa A. Vega, Sacramento County Coroner's Office