



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: December 18, 2023

TO: Chief Katherine Lester
Sacramento Police Department
5770 Freeport Boulevard
Sacramento, CA 95822

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SPD-22-240584
Shooting Officers: SPD Officer William Boughton #719
SPD Officer Sean McDade #513
Person Shot: Brandi Lanae Simpson (D.O.B. 4-26-1979)

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 Brandi Lanae Simpson. 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 Police Department report number 22-240584, 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 Report of Investigation.

FACTUAL SUMMARY

On August 27, 2022, Sacramento Police Department (SPD) Officer Aaron Fuentes was on patrol in Sacramento. At approximately 7:27 p.m., Officer Fuentes was hailed by a private citizen outside the La Victoria Market near Del Paso Boulevard and Frenza Avenue. The citizen advised she was riding her bicycle when a woman dressed in maroon clothing and a tan hat pushed her off her bicycle, causing her to fall. The citizen pointed out to Officer Fuentes the subject who pushed her. Officer Fuentes saw the subject walking away from their location.

Officer Fuentes broadcast over the radio that he was speaking to a victim of an assault. He further advised that a possible suspect was walking away from his location, dressed in maroon clothing with a tan hat.

Officer William Boughton heard Officer Fuentes' broadcast. Officer Boughton was dressed in his blue SPD uniform. The uniform displayed his badge and department patches on his sleeves. He was equipped with a body-worn camera and armed with a Glock 17 9mm handgun. Officer Boughton was driving a marked patrol vehicle equipped with an In-Car Camera.

Officer Boughton was in the area of Beaumont Street and Dixieanne Avenue when he heard the broadcast. He traveled northbound on Del Paso Boulevard to assist Officer Fuentes.

Officer Sean McDade was traveling eastbound on El Camino Avenue when he heard Officer Fuentes' broadcast. Officer McDade was also dressed in his blue SPD uniform, displaying his badge and department patches on his sleeves. Officer McDade was equipped with a body-worn camera and armed with a Glock 17 9mm handgun. Officer McDade was driving a marked patrol vehicle and riding with a student-trainee in the passenger seat. The patrol vehicle was equipped with an In-Car Camera. Officer McDade also began to respond to Officer Fuentes' location.

Officer Boughton saw Officer Fuentes speaking to two citizens near the La Victoria Market. Officer Boughton pulled up alongside Officer Fuentes. Officer Fuentes confirmed the suspect's description and indicated the suspect went around the corner onto Lampasas Avenue.

Officer Boughton made a left turn onto Lampasas. Within approximately 5 seconds, he saw a female subject, later identified as Brandi Simpson, dressed in maroon clothing, walking southbound down Amaranth Alley. Officer Boughton announced over the radio that he located the suspect.

Officer Boughton began to follow Simpson. As he did so, Simpson began to run away from him at a slow pace. Officer Boughton activated his overhead lights and continued to follow her.

Officer Fuentes advised over the radio the suspect was wanted for assault and battery, and the victim desired prosecution.

Officer Boughton continued to follow a few feet behind Simpson in his car as she ran from him at a slow speed. He used his vehicle's loudspeaker to identify himself as a police officer and to direct Simpson to stop. Simpson ignored the directions and continued to run southbound through the alley.

Officer Boughton heard the siren of Officer McDade's patrol vehicle further south. Officer McDade turned his vehicle northbound into Amaranth Alley. Simpson was running towards Officer McDade's vehicle. Officer Boughton continued to follow Simpson from behind.

Officer McDade deactivated his siren and got out of his patrol vehicle. He stood between the driver's side of the vehicle and the alley fence, blocking Simpson's path as she ran towards him. He directed Simpson to stop. Officer Boughton got out of his vehicle and began to run towards Simpson.

Simpson continued without slowing. As she neared Officer McDade, she placed her right hand into her right pants pocket. Immediately before colliding with Officer McDade, she pulled a fixed bladed knife from her pants pocket with her right hand and raised her arm.

Simpson and Officer McDade collided. Officer McDade placed his arms around Simpson and tried to bring her to the ground. Simpson thrusted downwards with the knife in her right hand and stabbed Officer McDade in the left shoulder.

Officer McDade did not see the knife before being stabbed. He felt the pain of the blade going into his left shoulder.

Officer McDade shoved Simpson away from him. Simpson fell to the ground onto her back. Officer McDade yelled, "She stabbed me!"

Officer Boughton saw the knife in Simpson's right hand. It appeared to be a kitchen knife with an approximately 5-inch-long blade. Simpson was approximately 5 feet away from Officer McDade and 6 feet away from Officer Boughton.

Simpson held the blade in her closed right fist, with the sharp point of the blade extending out from beneath the bottom of her hand. She began to raise herself up from her back to a sitting position, rotating her body to her left as she did so. Officer Boughton believed Simpson was trying to stand back up. He feared that Simpson planned to stab him or Officer McDade. Officer Boughton drew his firearm and immediately began to fire three rounds in quick succession.

After being stabbed in the shoulder and pushing Simpson away from him, Officer McDade could see blood running down his left arm. He did not know if the knife had severed an artery. He knew that if an artery had been severed, he could potentially bleed to death.

Officer McDade was also concerned that he might pass out from loss of blood. He drew his firearm and pointed it towards Simpson. He saw Simpson raise herself up from her back to a seated position, still holding the knife. He believed Simpson's intention was to stand back up. He was afraid Simpson would further attack him or Officer Boughton. He knew he was blocking Simpson's only path of escape. He did not know if he possessed the strength to protect himself from a second attack by Simpson due to the loss of blood. When he saw Simpson trying to stand back up, and still holding the knife, Officer McDade fired six shots in quick succession.

Officer Boughton was the first to fire. Simpson was facing the two officers in a seated position when the first shot was fired, with Officer Boughton to Simpson's left and Officer McDade to her right. As Officer McDade began firing and as Officer Boughton continued firing, Simpson further rotated her body to her left, rolling over onto her stomach. Officer Boughton yelled, "Stop, stop!" Both officers then stopped firing.

The elapsed time from when Officer McDade announced, "She stabbed me!" to when the two officers began firing was approximately one to two seconds.

The elapsed time in which all the gunshots were fired was approximately two to three seconds.

Based on the circumstances and Simpson's proximity to the officers, they did not believe less-lethal options would have been effective.

Officer McDade immediately began to apply a tourniquet to his own left shoulder to slow the bleeding from the stab wound.

Officer Boughton continued to cover Simpson. He did not approach Simpson and could not see the knife. Officer Fuentes had arrived at the scene and announced, "Shots fired!" over the radio. Officer Boughton directed Simpson to relinquish the knife. There was no response.

Additional units arrived to assist. A contact team was formed to safely approach Simpson and take her into custody. Officers on the contact team placed Simpson into handcuffs, secured the knife, and provided medical assistance until medics arrived from the Sacramento Fire Department. Simpson was pronounced deceased at the scene by a paramedic at approximately 7:37 p.m.

Officer Fuentes tightened Officer McDade's tourniquet and applied gauze to the knife wound. The cut was in the upper triceps area of the left arm. Officer McDade was transported by ambulance to the University of California Davis Medical Center, where surgery was performed to repair his injuries.

The victim of the original assault complaint was interviewed. She stated the suspect shoved her as she was riding her bike, causing her to fall. She confirmed she pointed the suspect out to an officer who was driving by her location. Video surveillance footage from a Shell Gas Station captured the incident, showing Simpson pushing the victim while the victim is riding a bicycle, causing her to fall.

The student-trainee riding in Officer McDade's patrol vehicle was interviewed. Her description was consistent with how the events are described above.

It should be noted that two witnesses were interviewed whose statements were contrary to the above summary. The first witness stated Officer McDade drew his gun and shot Simpson while she was still standing, Simpson fell after having been shot, and there was no stabbing.

A second witness claimed they did not see a weapon and the officers got out of their vehicles and immediately shot Simpson. This witness estimated they observed the shooting from approximately 100 yards away.

Both witnesses' statements are uncorroborated and contradicted by video recordings of the incident and statements of other witnesses.

Video recordings from each officers' body-worn cameras and in-car cameras were reviewed, as well as video surveillance footage from a camera in the alley where the shooting took place. The video recordings depict the events as described above.

In particular, the body-worn camera of Officer McDade shows the moment immediately before the stabbing. Simpson is dressed in maroon, carrying a tan hat, and holding a knife in her right hand, as shown here in this screen capture:



After Simpson stabbed Officer McDade and was pushed onto her back on the ground, she rose back up to a seated position, still holding the knife in her right hand. This was captured by Officer Boughton's body-worn camera, as shown in this screen capture:



A round count and examination of casings recovered at the scene established that Officer Boughton fired three shots and Officer McDade fired six shots.

An autopsy was performed by Dr. Irfan Chaudhary, a pathologist with the Sacramento County Coroner's Office. Dr. Chaudhary determined the cause of death to be multiple gunshot wounds.

Dr. Chaudhary found that Simpson was struck by gunfire 11 times: one wound to the front of her neck, seven wounds to her back, one wound to her right buttock, and two graze wounds to her forearms. It appears the bullets which caused the two graze wounds to her forearms also struck Simpson's torso.

A sample of Simpson's femoral blood was taken during the autopsy. The sample was analyzed by the Sacramento County District Attorney Laboratory of Forensic Services and tested positive for methamphetamine, amphetamine, and delta-9 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, a private citizen told Officer Fuentes that a suspect had pushed her off her bicycle, causing her to fall. The victim pointed out Simpson to Officer Fuentes as Simpson walked away from the scene. Officer Fuentes advised Officers Boughton and McDade of the suspect description and pointed out to Officer Boughton that the suspect had just gone around the corner.

Officer Boughton drove around the corner and located Simpson within approximately five seconds. He was told by Officer Fuentes that the victim desired prosecution. He had an obligation to detain Simpson for the assault, and Simpson had a duty to allow herself to be detained. However, Simpson refused to comply with Officer Boughton's directions for her to stop.

Officer Boughton activated his vehicle's emergency lights and used his loudspeaker to identify himself as a police officer and to direct Simpson to stop. She refused. She instead began running away from Officer Boughton, proceeding southbound through an alley. Officer Boughton followed in his patrol vehicle, and Officer McDade entered the alley northbound from the other direction to cut off Simpson's escape route. Officer McDade got out of his vehicle and ordered Simpson to stop.

Simpson did not stop. She ran directly towards Officer McDade. As she did so, she reached into her pocket and withdrew a knife. Officer McDade tried to grab Simpson as they collided, but Simpson raised her arm and stabbed downward with the knife, plunging the blade into Officer McDade's left shoulder.

Officer McDade felt the pain of the blade entering his arm. He shoved Simpson away from him. He yelled out, "She stabbed me!" Simpson fell to the ground onto her back, still holding the knife. Simpson immediately began to raise herself up, rotating her body to her left as she rose upwards to a seated position in an apparent attempt to stand up.

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.)

Officer Boughton exited his vehicle just before Simpson collided with Officer McDade and was moving quickly towards the two of them, closing to within approximately five feet away. He saw the collision and Officer McDade shove Ms. Simpson away. He also heard Officer McDade exclaim, “She stabbed me!”

Officer Boughton saw Simpson still holding the knife in her right hand. As Simpson rose from her back to a seated position, Officer Boughton believed Simpson was trying to stand up. She had just stabbed Officer McDade and was approximately five to six feet away from each officer. Officer Boughton feared Simpson intended to stab him or Officer McDade. Therefore, he fired three shots in quick succession.

Immediately after being stabbed, Officer McDade could see the blood running down his left arm. He did not know how severely he had been injured or if Simpson’s knife had severed an artery in his shoulder. Further, Officer McDade knew he was still standing along Simpson’s only route of escape and Simpson was still holding the knife, but he was unsure if he still possessed the strength to repel a second attack from Simpson.

Simpson was only approximately five feet away from Officer McDade, and Officer McDade saw that Simpson immediately began trying to rise back up to a standing position after falling to the ground. He believed Simpson’s intent was to further attack him or Officer Boughton. Officer McDade then fired six rounds in rapid succession.

Both officers commenced firing within approximately one to two seconds of Officer McDade announcing he had been stabbed. All nine of the gunshots appear to have been fired within approximately two to three seconds.

It is noted that out of the nine gunshots, one bullet struck Simpson in the front of the neck. The remaining eight bullets struck her in the back or buttock. In reviewing the video, it is clear that immediately after falling onto her back, Simpson begins to try to stand up, still armed with the knife. In doing so, her body begins rotating to her left, turning towards Officer Boughton and away from Officer McDade, and remaining approximately five to six feet away from each officer. Officer Boughton fired first, with his first shot presumably striking the front of Ms. Simpson’s neck. Simpson then further rotates to her left and onto her stomach. The remaining shots struck her in the back. There was an extremely short interval in which the gunshots were fired. A jury reviewing the facts would reasonably conclude that the officers were still perceiving and reacting to the threat Simpson posed when the bullets that they fired struck her in the back.

Given the circumstances of this situation, the officers’ use of deadly force was justified and lawful.

CONCLUSION

Brandi Simpson ran from two uniformed police officers who were attempting to detain her for an assault she had just committed. She ignored their commands directing her to stop and, when cornered, she stabbed Officer McDade in the arm with a knife in an effort to get away.

Officer McDade pushed Simpson to the ground. She immediately began to get back up with the knife in her hand, causing both officers to believe that she intended to continue her assault. Reasonably fearing for their lives, Officers Boughton and McDade were justified in firing their weapons to subdue the deadly threat she presented.

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

Cc: Detective Justin Saario, Sacramento Police Department
Officer William Boughton, Sacramento Police Department
Officer Sean McDade, Sacramento Police Department
Rosa A. Vega, Sacramento County Coroner's Office
Office of Public Safety Accountability