



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: December 28, 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-22-222841
Shooting Officer: SPD Sergeant Todd Edgerton #3131
Person Shot: [REDACTED]¹

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 [REDACTED]. 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 22-222841, video and audio recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, and Sacramento County District Attorney's Office Laboratory of Forensic Services reports.

FACTUAL SUMMARY

On August 10, 2022, at approximately 12:48 a.m., [REDACTED] called 9-1-1 and stated his father was coming to [REDACTED]'s house to break in and take his kids from him. [REDACTED] stated that he armed himself with a sword and barricaded himself, his wife, and their two children in the upstairs bedroom at their two-story single-family residence on Dragonfly Circle in Sacramento.

Sacramento Police Department (SPD) officers arrived at the residence and attempted to contact [REDACTED]. However, [REDACTED] refused to answer the door. Officers were only able to contact [REDACTED] and his wife via telephone. Over the next two hours, officers attempted to talk [REDACTED] into coming out of the house peacefully. [REDACTED] refused to do so.

¹ This person's name has been redacted pursuant to Penal Code sections 832.7(b)(7) and 1001.97(a).

A Special Weapons and Tactics (SWAT) Team and Crisis Negotiation Team (CNT) were requested. The SWAT Team arrived on the scene at approximately 4:00 a.m. and was briefed about the situation. They learned [REDACTED] barricaded himself in the master bedroom on the second floor with his wife and two children, ages two and four, and was armed with a sword.

Sergeant Todd Edgerton was the supervisor of the SWAT Team. Sergeant Edgerton was dressed in a blue SPD SWAT uniform. The uniform displayed department patches on his sleeve. He wore a helmet with a body-worn camera attached and a ballistic vest with "Police" on the front and back. He was armed with a Glock 17 9mm handgun and an LWRC .223 caliber rifle.

CNT officers had an open line of telephone communication with [REDACTED] and his wife for approximately five hours. During that time, [REDACTED] made comments to the CNT officers about demons, God, and his wife and children not leaving the residence because demons were outside.

[REDACTED]'s wife informed law enforcement that [REDACTED] was refusing to let her and her children leave the bedroom. She also stated [REDACTED] was recently diagnosed with Lupus and Graves' disease.² [REDACTED] was prescribed a new medication, and his wife noticed a change in [REDACTED]'s demeanor since he began taking the medication. According to his wife, [REDACTED] believed God spoke to him and expressed fears regarding demons.

The SWAT Team, including Sergeant Edgerton, listened to the conversation between the CNT officers, [REDACTED], and his wife.

At approximately 7:30 a.m., [REDACTED]'s comments became more violent and angry. Sergeant Edgerton and the SWAT Team noticed [REDACTED] becoming audibly agitated.

At approximately 7:32 a.m., [REDACTED] yelled over the phone, "I'm going to cut that bitch's head off." Shortly thereafter, officers heard a female screaming and children crying. Sergeant Edgerton feared that [REDACTED] was currently harming or was going to immediately harm his wife and children.

At approximately 7:33 a.m., SPD Lieutenant Lai Lai Bui ordered the SWAT Team to enter the residence and rescue the hostages. The SWAT Team forced entry through the front door, proceeded up to the second story where the master bedroom was located, and forced entry into the barricaded master bedroom.

When the master bedroom door opened, Sergeant Edgerton stood approximately 6-8 feet from the door. He observed [REDACTED] standing up with a sword in his raised and cocked right arm. He observed [REDACTED]'s family sitting on the bed screaming within a few feet of [REDACTED].

Sergeant Edgerton feared [REDACTED] was going to immediately strike his family with the sword. Based on the circumstances and [REDACTED]'s proximity to his family, Sergeant Edgerton did not

² Lupus is an autoimmune disease that attacks the tissues and organs and may cause pain and inflammation throughout the body. Graves' disease is an autoimmune disorder that involves overactivity of the thyroid (hyperthyroidism).

believe less-lethal options would be effective. He fired three rounds in quick succession from his LWRC .223 caliber rifle at [REDACTED], striking him once.

The SWAT Team members immediately placed [REDACTED] into handcuffs and rendered medical aid. [REDACTED] had an apparent gunshot wound to his upper left thigh. The SWAT Team immediately applied a tourniquet to [REDACTED]'s left thigh to slow the bleeding.

Officers recovered a large silver sword with a black handle on the floor of the master bedroom near the foot of the bed.

[REDACTED] was transported to University of California, Davis Medical Center by the Sacramento Fire Department for emergency medical treatment. Medical staff confirmed [REDACTED] received a gunshot wound to his upper left thigh.

A round count and examination of casings recovered at the scene established that Sergeant Edgerton fired three shots.

Video recordings from each officers' body-worn cameras were reviewed. The video recordings depict the events as described above.

[REDACTED]

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).)

Sergeant Edgerton was dispatched with his SWAT Team to a report of a hostage situation in which [REDACTED] barricaded his wife and two young children in a bedroom, held them against their will, and was armed with a sword. Sergeant Edgerton was also informed [REDACTED] recently started a new medication that altered his behavior, causing him to worry about demons.

Sergeant Edgerton listened to the dialogue between officers and [REDACTED] and heard [REDACTED]'s tone become more violent and angry. He also heard [REDACTED] threaten to cut a woman's head off,

³ This information has been redacted pursuant to Penal Code sections 832.7(b)(7) and 1001.97(a).

appearing to refer to his wife, followed by a woman screaming and children crying.

Sergeant Edgerton and his SWAT Team then entered the house to rescue the hostages.

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.)

Sergeant Edgerton was six to eight feet away from the master bedroom door when it was breached. He observed [REDACTED] holding a sword in his raised and cocked arm. Sergeant Edgerton also observed [REDACTED]'s wife and children screaming on the bed a few feet away from [REDACTED].

Sergeant Edgerton feared [REDACTED] intended to strike his wife and/or children with the sword. Therefore, he fired three gunshots at [REDACTED] in quick succession.

Given these circumstances and the short interval in which the gunshots were fired, Sergeant Edgerton reasonably believed his actions were necessary to immediately protect the lives of [REDACTED]'s wife and her children.

CONCLUSION

[REDACTED] barricaded himself, his wife, and two young children in a bedroom and armed himself with a sword. [REDACTED] called 9-1-1 because he believed that his father was going to break into his house and take his children. When SPD officers arrived, they determined [REDACTED] held his wife and children against their will.

A lengthy hostage situation ensued. CNT and SWAT Teams were dispatched to the scene.

[REDACTED]'s demeanor became more aggressive, and it appeared that [REDACTED] threatened to cut his wife's head off. Sergeant Edgerton and the SWAT Team were then dispatched to enter the residence and rescue the hostages.

The SWAT Team breached the master bedroom door, and Sergeant Edgerton observed [REDACTED] holding a sword in his raised and cocked arm with his family within striking distance.

Fearing for the safety of the family, Sergeant Edgerton justifiably fired his weapon to subdue the deadly threat [REDACTED] presented.

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

Cc: SPD Sergeant Todd Edgerton
SPD Detective Patrick Klutz
Office of Public Safety Accountability