

Fatal Officer Involved Shooting of Niani Finlayson
Los Angeles County Sheriff's Department

Deputy Ty Shelton #639668

J.S.I.D. File #23-0414



NATHAN J. HOCHMAN

District Attorney

Justice System Integrity Division

June 12, 2026

MEMORANDUM

TO: CAPTAIN ARTURO R. SPENCER
Los Angeles County Sheriff's Department
Homicide Bureau
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Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Niani Finlayson
J.S.I.D. File #23-0414
L.A.S.D. File #023-19310-1137-013

DATE: June 12, 2026

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 4, 2023, fatal shooting of Niani Finlayson by Los Angeles County Sheriff's Department (LASD) Deputy Ty Shelton. Based on the available evidence, we conclude it cannot be proven Deputy Shelton lacked a reasonable belief the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to another person beyond a reasonable doubt.

The District Attorney's Command Center was notified of the shooting at approximately 6:19 p.m. on December 4, 2023. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, crime scene diagrams, witness statements, and photographic and video evidence, including body worn camera video (BWV), submitted to this office by LASD Homicide Detectives Dean Camarillo and Roger Parga on August 15, 2024. Personnel records were received on September 13, 2024, and also considered in this analysis, as was Deputy Shelton's voluntary statement. On January 6, 2026, an attorney representing the decedent's family members provided depositions of the involved deputies and expert witnesses taken during civil litigation based on this incident. On April 14, 2026, the family's attorney (Plaintiff's counsel) provided additional deposition transcripts of expert witnesses, additional reports, and video. We reviewed and considered all this information in our analysis.

FACTUAL ANALYSIS

On December 4, 2023, at approximately 6:00 p.m., Niani Finlayson was home with her daughter, [REDACTED] age nine. Also present at Finlayson's apartment was [REDACTED] [REDACTED] Finlayson and [REDACTED]

began to argue. Finlayson wanted [REDACTED] to leave her apartment and called 9-1-1 when he refused. The argument progressed, and Deputies Ty Shelton, Megan Holcomb, and Cassandra Barkman ultimately arrived outside her apartment. At some point prior to answering the door for deputies, Finlayson obtained a knife. When she opened the door for the deputies, she was still holding the knife. Finlayson told the deputies, "I'm about to stab him, because he pushed my baby." Deputies followed Finlayson into the apartment and saw her grabbing [REDACTED] while still holding the knife. An officer involved shooting occurred.

9-1-1 Call to LASD

At 6:02 p.m., Finlayson called 9-1-1 to report an emergency at her residence. In the recording, she says, "I need the police here! This man he won't get out of my house now!" Finlayson tells the dispatcher the man's name is [REDACTED] [REDACTED] and provides her address. Finlayson was only intermittently responsive to follow-up questions by the dispatcher because of arguing and screaming, which could be heard on the open line. On the recording, Finlayson repeatedly yells, "Get the fuck off me!" Several minutes into the call, a child's voice yells, "No, get off of her!" [REDACTED] replies, "Please, [REDACTED] please. Don't do this! I'm not going to hurt your mother." Finlayson yells, "No, get off of me!" Later, [REDACTED] again says, "Get off of her!" and [REDACTED] replies, "I'm just hugging you." Finlayson says, "I don't want this! I can't breathe! I'm too hot! No!" [REDACTED] tells Finlayson to "calm down."

The dispatcher asks Finlayson if there are any weapons in the house. Finlayson replies, "Not really, I've got my knife and ... it's mine." Finlayson advised dispatch she was not holding the knife. After more screaming and argument, the following exchange is heard:

Finlayson:	Stop! What the fuck would you do that for?
[REDACTED]	She tripped over the...
Finlayson:	No ... my baby!
[REDACTED]	Okay.
Finlayson:	Why would you touch my baby?!
[REDACTED]	She tripped on that!
Finlayson:	Why would you touch my baby?!
[REDACTED]	She tripped on that!
Finlayson:	Why would you touch my baby?!
[REDACTED]	She tripped on that!

This exchange is louder and more heated than previous portions of the recording.¹ 40 seconds later, Finlayson says, "I got you," as she answers the door for deputies. 16 seconds later, gunshots are heard on the recording. The total time elapsed from the beginning of the 9-1-1 call to the firing of shots is 15 minutes, 56 seconds.

¹ When interviewed about this exchange, [REDACTED] described being pushed by [REDACTED] consistent with the 9-1-1 recording.

Deputy Response and Video Footage

Shelton, Holcomb, and Barkman arrived at the apartment complex to respond to the 9-1-1 call. Their BWV cameras captured the minutes leading up to their arrival through the deputy-involved shooting.² The deputies meet in the parking lot of the apartment complex and briefly discuss assigned roles as they approach the apartment. Holcomb is assigned “less lethal” and Shelton is assigned “hands-on.”³ As the deputies approach the apartment, at 18:17:54, BWV captures loud screaming and yelling emanating from the rear of the apartment. Shelton stays in front of the living room sliding door while Barkman and Holcomb approach the front door. Shelton’s BWV shows the living room blinds are closed, limiting the ability to see into the living room. At 18:17:59, Barkman knocks on the entry door of the apartment. No one answers the door. Barkman tries to open the door, but it is locked. At 18:18:04, Holcomb walks back to Shelton and asks, “Can you see anything over there Shelton?” Shelton replies, “They’re in a back room if they aren’t answering.”

Holcomb walks back to the entry door. At 18:18:14 (shortly after 6:18 p.m.), she attempts to gain access to the apartment by kicking the door three times. At 18:18:18, Finlayson opens the door holding a large kitchen knife. Finlayson immediately says, “Yeah, I’m about to stab him, because he pushed my baby...”

² References to time hereafter correspond with the timestamps on the BWV. These timestamps use a 24-hour time format with hours, minutes, and seconds (HH:MM:SS).

³ A deputy assigned “less lethal” would employ a less lethal device, such as a Taser, to gain compliance of a subject. A deputy assigned “hands-on” would use his or her hands to gain control of a subject as needed.



Figure 1: Still frames from Holcomb's BWV taken at 18:18:20 and 18:18:22, respectively. Still frame "2" is approximately two seconds after still frame "1." Finlayson is holding a kitchen knife. [REDACTED] is standing in front of Finlayson in still frame "2."



Figure 2: Photograph of knife held by Finlayson. The blade is approximately eight inches long.

[REDACTED] walks between her mother and the open front door of the apartment at 18:18:21. At 18:18:26, Finlayson steps away from the entryway of the apartment and out of the view of the deputies. [REDACTED] remains at the front door. Holcomb approaches the front door and enters the apartment at 18:18:30. As Holcomb enters the apartment, [REDACTED] yells, "He hurt me! He pushed me!" Simultaneously, Holcomb yells at Finlayson, "Put the knife down! Put that down right now!" Holcomb's BWV shows Holcomb round the corner from the entryway of the apartment to the living room at 18:18:31. Finlayson stands next to [REDACTED] who is standing near the couch. Finlayson holds the knife in her right hand. [REDACTED] is standing, and Finlayson appears to be using her left hand to grab [REDACTED] arm or hand. The tip of the knife is pointed toward [REDACTED]

Figure 3: Still frame from Shelton's BWV depicting Finlayson standing and holding [REDACTED] right arm. [REDACTED] is pointing toward [REDACTED] while exclaiming to the deputies [REDACTED] had pushed her.



One second later, [REDACTED] sits on the couch behind him as Finlayson continues to hold his right arm. [REDACTED] left arm is outstretched with his left palm open. Finlayson maintains her grip of [REDACTED] right arm while holding the knife in her right hand with the tip of the blade pointed toward [REDACTED]



Figure 4: Still frame from Shelton's BWV depicting Finlayson continuing to hold [REDACTED] right arm. Inset shows knife in Finlayson's right hand.

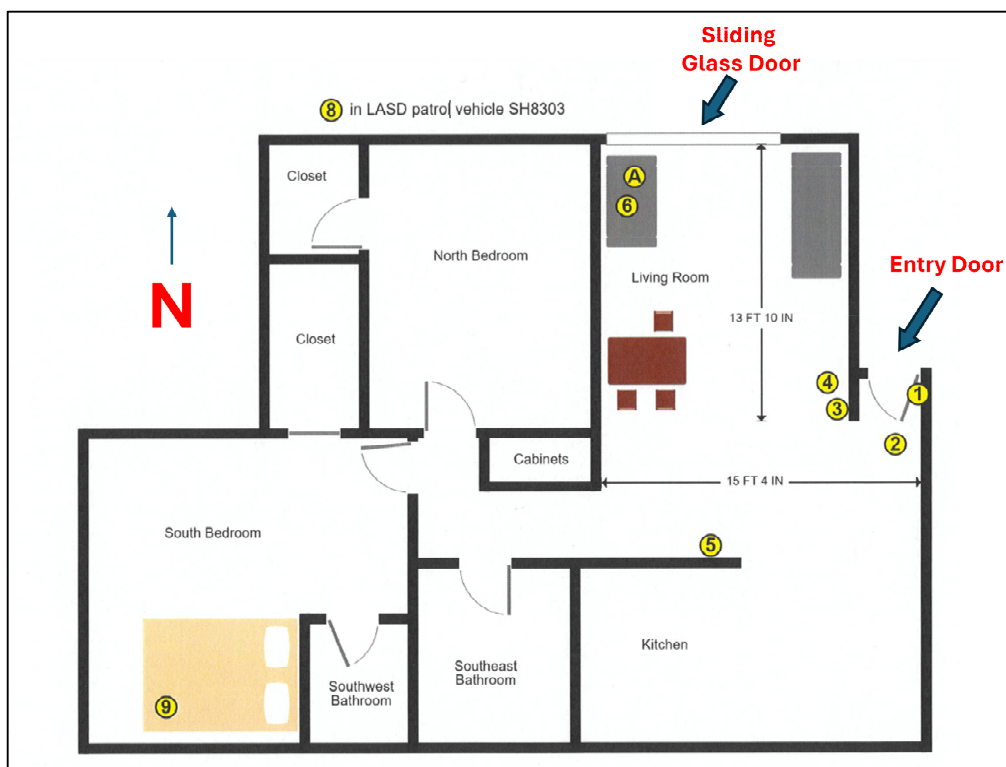


Figure 5: Diagram of Finlayson's apartment. Numbered circles denote various items of evidence recovered during the investigation. Deputies entered through the entry door and followed Finlayson around a blind corner to the living room, where the deputy-involved shooting occurred.

At 18:18:32, Shelton's BWV depicts a clear view of the living room. He draws his service weapon and fires four shots. Finlayson immediately drops to the ground. Shelton continues to order Finlayson to drop the knife. [REDACTED] still seated on the couch, becomes upset and starts screaming at the deputies.⁴ He is removed from the living room and taken outside of the apartment. Shelton approaches Finlayson, who is having trouble breathing, and begins rendering medical aid to her.

Finlayson was treated at the scene by Los Angeles County Fire Department personnel and transported to Antelope Valley Medical Center, where she died from her wounds.

Interviews and Depositions

During this investigation, Detectives Camarillo and Parga interviewed the involved deputies and civilian witnesses. All interviews were recorded and are summarized below.

⁴ [REDACTED] says, "Why would you shoot her? You did not have to shoot her. You did not have to shoot. You did not have to shoot. You did not need to shoot. Why did you have to shoot? Y'all did not have to shoot. That is fucked up. That is fucked up right there. Nah, that is fucked up. That is fucked up, dawg. You did not have to shoot. Y'all did not have to shoot. That is fucked up."

Deputy Ty Shelton

Shelton said an emergency call came in when he was at the LASD Lancaster Station. The call was reported as a “disturbance,” with yelling and screaming on an open line. Holcomb was the handling deputy, and Shelton responded to the location to assist. Barkman also responded to the call. The three deputies assigned roles amongst themselves. Shelton would be the “hands-on” deputy who would make physical contact if necessary. He did not have a Taser.

The three deputies walked to the apartment and could hear “pretty loud screaming between multiple voices” from outside the building. Shelton said, “The loudest voice screaming ... we were pretty sure it was a child.” Shelton “couldn’t decipher what they were saying. It just sounded like screaming.” A large sliding glass window provided a view, partly obstructed by blinds, into the living room of the apartment. Shelton could not see movement inside. The screaming seemed to come from deeper within the apartment. The screaming was “really bad” and “much more elevated” than a common domestic violence call. Holcomb kicked the door and a woman inside the apartment responded, “I’ll be right there.” Shelton saw the front door of the apartment opened by a female adult, later identified as Finlayson, who was holding a large knife he estimated to be ten inches long. Finlayson’s eyes were wide, she had a wide stance, and she was moving the knife up and down. A child stood in front of her. The child appeared to have been crying recently. Shelton could not tell if the child was injured. It initially appeared Finlayson posed a threat to the child because the knife was angled toward the child. Finlayson said, “I’m going to stab him!” Shelton told investigators, “I’ve never encountered that in my career, to have someone blatantly say that in front of us, in our presence ... my main concern was the child because that knife, as big as it was, would do damage beyond reason if not kill somebody. And I didn’t know if that was directed at the child or not at that time.” Holcomb yelled, “Drop it! Come outside!”

Shelton recalled having heard a male voice in the apartment before the door opened. When he saw Finlayson holding the knife, and realized he no longer heard the male voice, he became concerned the male might already have been injured or killed. Finlayson, holding the knife, walked away from the door deeper into the apartment, out of Shelton’s view. Holcomb and Shelton entered the apartment. Shelton asked Holcomb for her Taser, because Holcomb already had her service weapon out. As he entered the apartment, Shelton continued to hear screaming and yelling.

Shelton described what he observed as he turned the blind corner into the apartment’s living room area:

As I turn the corner into the living room, there’s the female with the knife. There’s a male wearing a black jacket to my right ... and then the child ... was in front of the woman with the knife by like three feet to her right side, so not directly in front of her, like offset to her right within about three feet of the woman with the knife. And really quick, as I turn the corner, I see the female has hold of the male’s upper right jacket, like the shoulder area ... [She had] her left hand

to the right shoulder of his jacket. She has the knife in her right hand ... [The knife] was in front of her with the blade pointing towards him ... I was concerned even more because the child was saying, I thought she was saying, “She hurt me.” I thought she was saying, “She,” and I would have assumed it was the female with the knife. But you know, looking at the body worn camera later, it sounded like she said, “He,” but at the time, I thought she said, “She.” So I didn’t know what damage had been done to this child, and she had already told us she is going to stab this man ... And as I came around that corner, it – that’s what was going to happen. She was going to kill this guy.

Shelton was not comfortable using a Taser based on what he observed. Shelton told investigators, “I didn’t have a good enough target for the Taser to get – you know, know that I could get both darts where I needed them to go, to get her body to lock up.”⁵ Shelton saw Finlayson pull the knife back while holding the male by the jacket. Her eyes were fixated on the male. Shelton said, “I had never seen something like that in my career where ... well, it digested quick, but I knew if something wasn’t done, he’s going to die.” Shelton dropped the Taser, drew his service weapon, and began firing at Finlayson. He did not command Finlayson to drop the knife before he fired because “it happened super quick.” When Finlayson was holding the male with the knife “cocked back,” it looked like the male was “pulling away from her, trying to get away from it, avoid being stabbed ... He was going back towards the couch that was right in there.” Shelton was asked what he believed would have happened if he had not fired shots. He said, “She would have killed that man.”

During his civil deposition Shelton testified:

The door opens. Ms. Finlayson is there armed with a knife. There’s a small child there. And then she (Deputy Holcomb) said ‘hey, put. . .’ I couldn’t hear the rest of it. I don’t know if she (Holcomb) even finished the statement. That’s when Ms. Finlayson said, ‘I’m going to stab him,’ (and) walks back in.⁶

Shelton also testified he did not have a Taser with him because of a shortage of less-lethal equipment at the Lancaster Station. He said he requested Holcomb’s Taser because he wished to have a less-lethal option prior to entering the apartment.⁷ Counsel asked if Shelton “tossed” the Taser after entering the apartment. Shelton gave an extended answer, stating:

⁵ A Taser can incapacitate a target by creating an arc of electrical current between the two points in a person’s body to which two “darts,” or barbs, attach when fired by the user. The efficacy of a Taser depends on whether the barbs contact the target’s body, and whether the electrical impulse subsequently discharged by the device passes through sufficient musculature of the target’s body to temporarily incapacitate the target. Achieving an effective result from a Taser depends on many factors, including clothing worn by a target, and whether the target is moving.

⁶ Deposition of Deputy Shelton, February 26, 2025, V.1, p. 79.

⁷ Id. at 122

The reason for the discarding of the Taser is, again, we had a tactical assessment that now had to readjust based on the totality and everything being fluidly presented at the time, between Ms. Finlayson doing what she was doing towards Mr. [REDACTED] that I discarded the Taser because now this is a lethal problem. She's going to stab this man.

And, again, I'm not going to chance the preservation of life. All I had at this time was that it appeared that Mr. [REDACTED] was the victim. That's all I had at this time. No further investigation was done. There was no allowance for it. So, again, based on the distance, I wasn't comfortable with employing the Taser to ensure it would achieve what's called neuromuscular incapacitation. So, therefore, I didn't.⁸⁹

Shelton testified he thought Finlayson was about to stab [REDACTED]

Q: So you said that you thought that Niani was going to stab him. What was she doing that caused you to believe that?

A: Again, her statements that she was going to stab him, left the presence of the door, closed her distance to Mr. [REDACTED] in the living room, grabbed onto him with her left hand on his right arm, and that's when she had the blade and then started going backwards to load it to push it forward, and as soon as her arm to the slightest degree went forward is when I believe that that stabbing was now happening.¹⁰

Counsel subsequently returned to this issue:

Q: So, Mr. [REDACTED] puts his hands up and surrenders about the time you start firing your weapon, true?

A: No, he doesn't. He wasn't doing that when I shot. There, he's facing us with his hands open, but that is a freeze frame. It doesn't depict his actual action taking place when I shot Miss Finlayson. He was facing Miss Finlayson with his hands up as everyone can see clear as day. It appeared he was about to defend himself from being stabbed. I did not perceive that as surrender in any way.¹¹

Plaintiff's counsel also questioned Shelton regarding whether he needed to fire multiple times:

Q: So you were continuing to shoot Niani Finlayson after you assessed shot after shot as she was falling away and the knife was further away from Mr. [REDACTED] true?

⁸ Id. at 127;

⁹ In response to further questioning on this issue, Shelton repeated this answer at pp 413-416

¹⁰ Id at 141

¹¹ Deposition of Deputy Shelton, April 4, 2025, V.2, 635

A: Again, as I just answered, even though it would appear that the knife wasn't in the immediate proximity that it was when I first shot, it is well within the lethality range of stabbing him.¹²

Later, the following colloquy occurred regarding this issue:

Q: So, you see Niani already moving back after the first shot you fired, didn't you?

A: Again, her body does redact (sic) and she starts to move away from Mr. [REDACTED]

Q: Rather than stop shooting, at that point, you continued to shoot three more rounds, true?

A: I continued to shoot because I did not deem her no longer an imminent threat of death or serious bodily injury since she was still armed and within stabbing distance of Mr. [REDACTED]

¹³

Deputy Megan Holcomb

Holcomb was inside the LASD Lancaster Station when a radio call was received about a possible domestic violence incident at the location. Holcomb was assigned to be the handling unit, and Barkman and Shelton were assigned to assist. All three deputies responded to the location "Code-3" in separate patrol vehicles. Holcomb said the 9-1-1 call consisted of people screaming on an open line.

Upon arrival, Holcomb heard "frantic yelling" inside the apartment. The yelling was louder and more frantic than what she had experienced during numerous prior domestic violence calls to which she has responded as a deputy. Holcomb attempted to look through the sliding glass door but the blinds inside were closed. Holcomb went to the front door and kicked it three times. The door opened, and an adult woman and female child appeared. The adult held a very large kitchen knife with her right hand. Holcomb said she was immediately frightened and drew her service weapon. Holcomb said she did not know "what kind of threat [the adult female was]. If she's a threat to this child or the other voice that I hear inside the apartment." Holcomb recalled ordering the woman to drop the knife. The woman said she was "going to stab him," and walked out of view into the apartment. Holcomb and Shelton entered the apartment. Shelton asked for Holcomb's Taser, which she handed to him. As Holcomb entered the living room of the apartment, she saw the adult female still holding the knife "about six feet from a male adult." Holcomb said she gave two commands to drop the knife, which the adult female ignored. The adult female stepped forward. Holcomb said Shelton "came in right behind me and [fired] his weapon." Holcomb did not say why she did not fire her service weapon.

In the civil litigation deposition, counsel asked, "Did you shoot Niani Finlayson?" Holcomb answered, "When I entered the room, sir, I had divided attention with the young female adult and

¹² Id. at 351

¹³ Deposition of Deputy Shelton, April 4, 2025, V.2, 596

Niani.”¹⁴ Upon further questioning, Holcomb testified several times she perceived an imminent threat from Finlayson.¹⁵ Counsel asked, “.. You said you saw an imminent threat, so I want to know what the imminent threat was that you saw at any time all the way until after Niani was shot.” Holcomb replied, “She was standing next to the adult male with a large knife in her right hand by her hip.”¹⁶ Also, she stated when Finlayson opened the door to her apartment, she told the deputies, “I’m going to stab him.”¹⁷ Later, she testified, “The situation evolved really fast and when she turned that corner, we couldn’t see her any longer. Our duty was to get in there and to make sure that she wasn’t harming anybody or that anybody wasn’t already down.”¹⁸

Deputy Cassandra Barkman

Barkman was at the LASD Lancaster Station when she received a radio call for a disturbance at the location. She responded to the incident “Code-3” with Holcomb and Shelton. The call was updated to indicate the incident might involve domestic violence. The deputies arrived approximately five to six minutes after the call was received. Before approaching the apartment, Barkman, Shelton, and Holcomb assigned each other roles as they approached the apartment. Holcomb would be the dedicated less-lethal deputy with her Taser, and Shelton would be “hands-on.” Barkman approached the apartment and heard yelling from inside. Barkman said the yelling was louder than she has experienced on other calls, and added, “It was a female. The best way to describe it is if it sounded as if somebody could be inside getting murdered.”

Barkman attempted to open the door but it was locked. Barkman walked away from the front door to the living room sliding door, which was also locked. She looked through the blinds and could not see anyone in the living room but continued to hear yelling. Shortly thereafter, Holcomb kicked the apartment door because “we know at this point whatever is going on inside of there is bad. It just sounded very, very bad.” The apartment door opened. Finlayson, holding a large knife, stood at the doorway. A small girl, approximately ten years old, stood in front of Finlayson. Barkman said Finlayson did not appear scared, was not crying or frantic, but looked “very angry.” The young girl in front of Finlayson was screaming and crying. Barkman was concerned because Finlayson held a large knife near the young girl. Finlayson said, “I’m going to kill him!” The deputies “[had] to go in there right [then] because she [was] about – she [was] going to kill somebody. She literally told us she [was] going to kill somebody.”

Holcomb and Shelton entered the apartment. The deputy-involved shooting occurred moments later. When shots were fired, Barkman could not see what Shelton observed because she was still in the doorway and had not walked around the corner to view the living room.

In her civil litigation testimony, plaintiff’s counsel asked Barkman, “Are you aware of any legitimate reason why Deputy Shelton shot Ms. Finlayson?” Following objections, Barkman answered, “No.” Following objections, counsel then asked, “When Deputy Shelton shot Niani

¹⁴ Deposition testimony of Megan Holcomb, February 6, 2025, P.7

¹⁵ Id. 8-13

¹⁶ Id. at 13

¹⁷ Id at 108

¹⁸ Id. at 272-273

Finlayson, he was using force to arrest her, wasn't he?" Following further objections, Barkman replied, "I didn't see what Deputy Shelton saw. I was behind him. I can't answer that."¹⁹

Plaintiff's counsel subsequently asked, "Did Deputy Shelton tell you that he thought he might need to use deadly force on Niani Finlayson at any time before he shot her?" Following objections, Barkman answered, "We had a ten-second interaction with her. It happened very fast. So, there wasn't any time for that kind of communication."²⁰

At a different point, plaintiff's counsel asked, "Did Deputy Shelton shoot Niani Finlayson to overcome any resistance that you actually saw him having to do?" Following objections, Barkman answered, "I was outside sir. I didn't see the shooting."²¹

Plaintiff's counsel asked, "So as you sit here today, are you able to articulate any type of probable cause to show that Niani Finlayson had committed a felony before she was shot?" Barkman responded, "We tried to talk to her. She had a knife in her hand. She was making a threat, 'I'm going to stab him,' as she had a knife in her hand."^{22, 23}

Finally, the following colloquy occurred:

Q: If someone had said in a firm voice, 'drop the knife,' and Niani knew she was supposed to drop the knife, that could have stopped the need for any bloodshed, true?

A: That is very (sic) assuming to believe that she would have dropped the knife.

Q: You don't know if she would have dropped the knife or not because nobody told her to drop the knife, true?

A: She called us there, sir. She knew we were there. She saw us there. Instead, she opened the door with the knife and said she was going to stab somebody and walk away from the people she called there.²⁴

██████

██████ was nine years old at the time of this incident. ██████ spent nights at the apartment with her mother. That evening, ██████ was arguing with her mother. ██████ said, "My mother does not

¹⁹ Deposition of Cassandra Barkman, January 24, 2025, pp 8-9.

²⁰ Id. PP 9-10.

²¹ Id. P 12.

²² Id. P 14.

²³ A close review of Holcomb's BWV shows Barkman was actually inside the entryway to the apartment when Shelton shot Finlayson. Barkman covered her ears when Shelton fired. Adam Bercovici, a use of force expert employed by the plaintiff, argued that Holcomb's camera shows Barkman "peering" into the living room and she must have seen the shooting. The view from Holcomb's camera appears inconclusive as to whether Barkman peered around the wall into the living room and could thus witness the shooting. Barkman's BWV shows only the wall of the entryway.

²⁴ Id. PP 89-90

play. She was yelling ... for him to get out of her room. But he wasn't listening, so she had to yell." ██████ lost his temper. According to ██████

He grabbed her and then pinned her on the ground and started choking her. And I was there. And then she would call my name and then I start pinning her and then – and I started pinning him in the headlock ... I was trying to move him ... and I put him in the headlock then ... and then he grabbed my collar and threw – he pushed me ... by the dresser.

██████ sustained a visible injury to her finger from being pushed down by ██████ ██████ described what happened as her mother continued to fight with ██████

So, I went to the kitchen. I grabbed the sharp knife. The very sharp knife. And then I – my mom was free, so I gave it to my mama. And then she was telling him something, like, "Get... don't put your hands on me" or something like that. And then the cops came. My mom opened up the door and then ... he was sitting on the couch. My mom was standing by me and my sister's couch. The kid's couch. And she was like sitting by me. So then ... they accidentally shoot her.

██████ ██████

██████ had been dating Finlayson since February 2023. He did not live at the apartment. ██████ spent the day with Finlayson. When he and Finlayson returned home from shopping, she was upset. Finlayson started yelling, and ██████ tried calming her down. To do so, ██████ hugged Finlayson. The second time he tried hugging her, Finlayson "just blew up." ██████ was just getting out of the bath and saw Finlayson pushing ██████. While ██████ was "trying to calm [Finlayson] down," ██████ came up behind ██████ and Finlayson "bumped into ██████ and she tripped over [a] dumbbell." Finlayson thought ██████ had pushed ██████ down. ██████ denied doing so. Finlayson grabbed a knife. According to ██████ this was not the first time Finlayson had "grabbed a knife" on him. ██████ said, "I knew she had the knife, and I was like, 'You have to put the knife down.' She just would not listen." By the time Finlayson grabbed the knife, she had called the police.

██████ said as Finlayson held the knife, she "jumped at [him] with it like she was about to ... but she didn't ... this is literally right when the police got there. She ... opened the door ... and then she came at me with the knife." ██████ said when the police arrived, Finlayson got "right in [his] face," holding the knife in her right hand, with the blade pointed at him. Finlayson was ten feet from ██████ and 15 feet away from the deputies.²⁵ ██████ said Finlayson made a slashing motion with the knife. ██████ said, "[The blade] got very close, it got pretty close," and confirmed Finlayson could easily have stabbed him. ██████ heard the deputies yell at Finlayson

²⁵ This is inconsistent with BWV showing Finlayson grab ██████ right arm just before the deputy-involved shooting occurred.

to drop the knife, but he did not believe she ever did so. ██████ said, “I think that’s why they shot. Because the lady said she was coming at me with a knife.” Detective Parga asked ██████ to clarify, asking, “Well, she did. You said it, right?” ██████ responded, “Well, yeah, but I’m, like, I don’t care. I do, but, like...”

Autopsies

On December 4, 2023, Los Angeles County Deputy Medical Examiner Dr. Juan Carrillo performed an autopsy examination of Ms. Finlayson. He determined the cause of her death was multiple gunshot wounds. Finlayson sustained three gunshot wounds. They entered the neck, the chest, and the arm. The wounds to her neck and chest were fatal.

Subsequently, Dr. Bennet Omalu, a physician retained by plaintiffs in the civil case, performed a second autopsy on Ms. Finlayson’s exhumed remains. In a deposition taken by counsel representing the County of Los Angeles, Dr. Omalu testified extensively regarding his findings. Although he stated he could not offer a legal opinion whether a police officer’s actions were objectively unreasonable, he maintained he could determine whether the officer’s actions were “excessive, avoidable or not avoidable in relation to the death.”²⁶ In summary he stated,

Based on the video and also based on the characteristics of the wound on her forearm. And let me tell you why: So when you are changing [sic] against somebody, the front of her forearm would have been exposed. But it entered from an anteromedial showing that it was flexed. Now, somebody who is attacking somebody doesn't flex the elbow. You don't flex your elbow when you're attacking somebody. You reach out you're extended. And so based on the video and on the pattern of wounds on her body, it is my opinion that she was not charging at the boyfriend or at anybody when she was shot.²⁷

Earlier in his deposition, Dr. Omalu stated he would not offer an opinion “as to Shelton’s perception of the events:

Q: . . . And will you be offering an opinion as to the deputy's perception of the events in comparison to the video of the incident?

A: No, not the deputy's perception but the actions taken by the deputy. . . .²⁸

Opinions of Plaintiff’s Use of Force Experts²⁹

Plaintiff’s counsel provided a report prepared by use force expert Jeremy Stafford for use in the civil litigation arising from this incident. Mr. Stafford, a retired LAPD sergeant who served as a

²⁶ Deposition of Dr. Bennet Omalu, PP 42-44.

²⁷ Id. P 131

²⁸ Id. P 55

²⁹ In addition to the material discussed here, the plaintiffs also provided a deposition of an expert designated by Los Angeles County as the “Person Most Knowledgeable” regarding LASD’s investigation of this incident and video excerpts from the body worn cameras of the three involved deputies that were synchronized side by side. We reviewed and considered this information in our analysis.

firearms instructor, among other assignments, during his 25 year career with the department.³⁰ He opined the deputies: (1) lacked proper training in mental health crisis intervention and de-escalation techniques to deal with the crisis; (2) There was no justification to shoot Niani because there was not an imminent threat; (3) Deputy Shelton's claim that he assessed between each shot he fired is inconsistent with scientific studies as well as LASD's instruction and policy and (4) Deputy Shelton's failure to assess the situation between each shot was contrary to the policies of the LASD.

Civil litigation defense counsel deposed a second use of force expert employed by the plaintiff Adam Bercovici. Plaintiff's counsel provided a transcript. Mr. Bercovici served for 30 years with the LAPD, retiring in 2012 at the rank of lieutenant. His assignments included the Criminal Investigation Section- Major Crimes Division-The Joint Terrorism Task Force, the FBI Violent Crime Task Force (where he supervised the FBI Fugitive Task Force), the Special Investigation Section, and Homicide Special Section.

Bercovici stated in summary that Shelton's use of deadly force was excessive. He opined the subject did not constitute an imminent threat to [REDACTED] and Shelton should have recognized this:

- A. Well, we've covered this before, so a reasonable officer on the scene, and I speak specifically to Officer Shelton, who has the training and experience, should have known based on the genesis of the call, that they had a woman asking for a man to get out of the house, had called the police, said, the man won't get off of her. They get to the call. There's screaming and yelling inside. When they actually do end up making entry and they see her, she sees that she is distraught, that the daughter is pointing at the -- Mr. [REDACTED] identifying him as the source of that distress, so I believe at that point that the deputies had the ability to control the situation. They had less lethal, they had numbers, and they could have given lawful commands to deescalate the situation. So I don't believe, based on the circumstances, that there was an imminent threat of death or serious bodily injury. In fact, Mr. [REDACTED] after the shooting occurred, he even said, 'Why the fuck did you shoot?'³¹. So even he was not feeling threat or the fear of imminent or immediate threat of great bodily injury.³²

Earlier in his testimony, Bercovici considered whether a reasonable officer might have viewed the situation differently:

³⁰ Stafford also served in the United States Marine Corps as a non-commissioned officer, was the handgun editor for Guns & Ammo magazine, host and technical advisor for Guns and Ammo and Best Defense television shows. He represents he is a nationally recognized expert in the field of firearms training.

³¹ Bercovici believed [REDACTED] statement and opinion were "clouded" by the fact he himself ([REDACTED]) was guilty of and eventually arrested for domestic violence and were somewhat self-serving. Deposition of Adam Bercovici PP 119.

³² Id. PP 184.

Q: Sir, is it possible from a perspective of a reasonable officer on a scene, seeing and hearing Ms. Finlayson at the doorway with the knife in her hand, and simply perceive her that she was angry and threatening to stab -- stab someone?

[Mr. Gage]: Objection. Incomplete hypothetical, vague, ambiguous, overbroad.

THE WITNESS: Are you asking is it -- was it -- is it a reasonable -- would a reasonable officer believe that he -- if she -- if they saw Ms. Finlayson standing in the doorway with a knife threaten to stab somebody, that she was in fact going to stab somebody? Is that what you're asking?

BY MS. SAMSON:

Q: That she was angry and threatening to stab somebody?

A: Yes.³³

Bercovici also stated when Holcomb unsuccessfully attempted to kick in the front door, the deputies could have asked dispatch to telephone the 9-1-1 caller and ask her to step outside. Counsel asked him how much time elapsed between Holcomb's attempt and Finlayson appearing at the door holding the knife and stating, "I got you." Bercovici replied,

A: It wasn't that long. I can't give you exact seconds; however, I will point out to you that if a callback had occurred, and this is really common, and we did this all the time in my agency, and it's common in other agencies, a callback had occurred, dispatch had called back and said, Ma'am, you called 9-1-1? At least attempt to call back. Deputies are outside, right? That is a method of de-escalation, right, because now you've informed the person that is in crisis and is -- you know, is afraid, in this case has armed herself, that the deputies are outside, please come outside and talk to them. That's a form of deescalating the situation. That didn't occur.

Q: Did Ms. Finlayson open the door and say, "Hey, I'm afraid for my and my child's life" and came out?

A: No. By the time she opened the door, she was just, you know, at a pretty heightened emotional state. But I think you missed my point. My point is, is that by calling law enforcement -- by -- by creating the callback scenario, you have the person that called the police understand that law enforcement is on scene, right? And that they're there to address whatever concerns you have. Right? So that is -- you know, essentially that would cause -- my opinion, that could have -- that could have -- there's no guarantee to anything -- created a scenario where Ms. Finlayson walked outside and talked to the deputies. She may have walked outside with a knife. They could have told her to drop the knife. But a callback, callback is standard procedure in dealing with emergency calls.

³³ Id. at 153-154

Q: Understood. That's in 20/20 hindsight, right, analysis for deputies actually observed on the scene?

MR. GAGE: Objection. Argue -- objection, argumentative. Misleading, misstates the evidence. Go ahead.

THE WITNESS: **It's certainly 20/20 hindsight.** It's a standard practice, you know, we call back and try to get more information from -- from either the -- I mean, some agencies call in the informant or the person reporting. But, you know, information is power. Information allows us to make decisions. And the callback method is information and power. And gives us more control.³⁴

Prior Deputy-Involved Shooting, Personnel Records, and Civil Lawsuit Records

A previous deputy-involved shooting in which Shelton fatally shot a domestic violence suspect who, according to Shelton and two other deputies, was reaching for another deputy's holstered firearm was reviewed. This incident occurred on June 11, 2020. In a memorandum dated May 10, 2022, this office concluded there was insufficient evidence to prove Shelton did not act lawfully in self-defense or defense of others during that incident.

Public records show a federal civil lawsuit was filed regarding the June 11, 2020, deputy-involved shooting. This case against Shelton and the County of Los Angeles (County) is pending.³⁵ Publicly available court records also show a federal lawsuit has been filed against Shelton and the County in Finlayson's death.³⁶

A news article was published in the Los Angeles Times on April 5, 2024, about another use of force incident involving Shelton.³⁷ A civil lawsuit against the County was filed in Los Angeles Superior Court in which [REDACTED], a school janitor, alleges Shelton erroneously, and with excessive force, detained [REDACTED].³⁸ The civil complaint alleges Shelton was in pursuit of another suspect and mistook [REDACTED] for the suspect.

Shelton's LASD personnel records were also obtained and reviewed pursuant to Penal Code § 832.7. Given the evidence in this case, the contents of Shelton's personnel records, and the publicly available information described above, do not appear to have any relevance to this determination. They do not show a pattern which evidences a common plan or intent to use excessive force against Finlayson.

³⁴ Id. at 139-140 (emphasis added)

³⁵ [REDACTED] *et al v. County of Los Angeles et al*, 5:21-cv-00290.

³⁶ [REDACTED] *et al v. County of Los Angeles et al*, 8:24-cv-00902.

³⁷ "Deputy who killed mother in front of child also body-slammed school janitor, lawsuit says," Los Angeles Times, April 5, 2024, <https://www.latimes.com/california/story/2024-04-05/deputy-who-killed-mother-in-front-of-her-child-body-slammed-school-janitor-suit-says>

³⁸ [REDACTED] *v. County of Los Angeles et al*, 24AVCV00447.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary either to: (1) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) 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 unless immediately apprehended. Penal Code § 835a(c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code § 835a(e)(2).

In assessing the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code § 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code § 835a(a)(4).

Deputies were dispatched to Finlayson's location based on a call consisting of screaming on the phone line. When they arrived, they heard screaming from inside the apartment as they approached the apartment building. The nature of the screams caused them to believe someone could be the victim of violence. When Finlayson opened the door, she was armed with a knife, expressly stated her intent to stab [REDACTED] then disappeared into the apartment out of the deputies' view. It was reasonable at this time for Shelton to fear that someone within the apartment could be imminently killed or seriously wounded. Shelton and the other deputies entered the apartment to confront what appeared to be an emergent and deadly threat posed by Finlayson.

When Shelton and the other deputies next saw Finlayson, she was in the living room of her apartment holding the knife while grabbing [REDACTED]. The blade was pointed toward [REDACTED] close enough to inflict injury. Finlayson ignored Holcomb's command to drop the knife. Shelton told investigators he believed [REDACTED] would be killed if he did not fire his service weapon. His stated belief was based upon Finlayson's telling him she intended to stab [REDACTED] and later holding [REDACTED] while pulling the knife as if to stab him. The BWV footage depicting Finlayson's conduct corroborates Shelton's observations and the reasonableness of his fear.

The opinions offered by Dr. Omalu, Mr. Stafford, and Mr. Bercovici in the context of civil litigation do not provide evidence sufficient to overcome the presumption of innocence in a criminal case. In opining that Finlayson was not "charging" at [REDACTED] Dr. Omalu does not discuss the posture of Finlayson depicted in Figure 3 *ante*, in which Finlayson holds [REDACTED] arm with one hand while

pointing the knife at him with the other, her armed flexed and appearing ready to thrust the knife forward. Additionally, he stated he cannot testify regarding what Shelton perceived.

Similarly, Stafford opined the deputies were not sufficiently trained to deal with a mental health crisis but offered no alternative course of action specific to this situation. His statement Finlayson did not pose an imminent threat is largely based on [REDACTED] post-shooting exclamation he was not in danger. Whether true or not, [REDACTED] opinion was unknown to the deputies and only offered in hindsight.

We carefully considered Stafford's opinion that Shelton's rapid discharge of his weapon did not allow Shelton to assess the effect of each shot. However, given the rapid rate at which these events unfolded, we do not believe this factor will persuade a trier of fact Shelton acted unreasonably.

Similarly, while Bercovici opined Shelton should have recognized Ms. Finlayson was a victim and did not pose an imminent threat, he conceded a reasonable officer could have perceived the situation differently. His suggestion that Shelton could have de-escalated the situation with a telephone call to Finlayson ignores the speed at which these events developed. He also acknowledged his opinion was based on 20/20 hindsight, which is contrary to the law governing criminal charge evaluation. Finally, Bercovici's opinion is undermined by its reliance on [REDACTED] post event statement which he concedes is "somewhat self-serving."

CONCLUSION

For the foregoing reasons, we conclude the evidence is insufficient to prove Deputy Shelton lacked a reasonable belief that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to another person beyond a reasonable doubt.