

REPORT ON USE OF FORCE



Legal Analysis Surrounding the Death of Sandra Lopez-Ochoa on August 25, 2023

INTRODUCTION

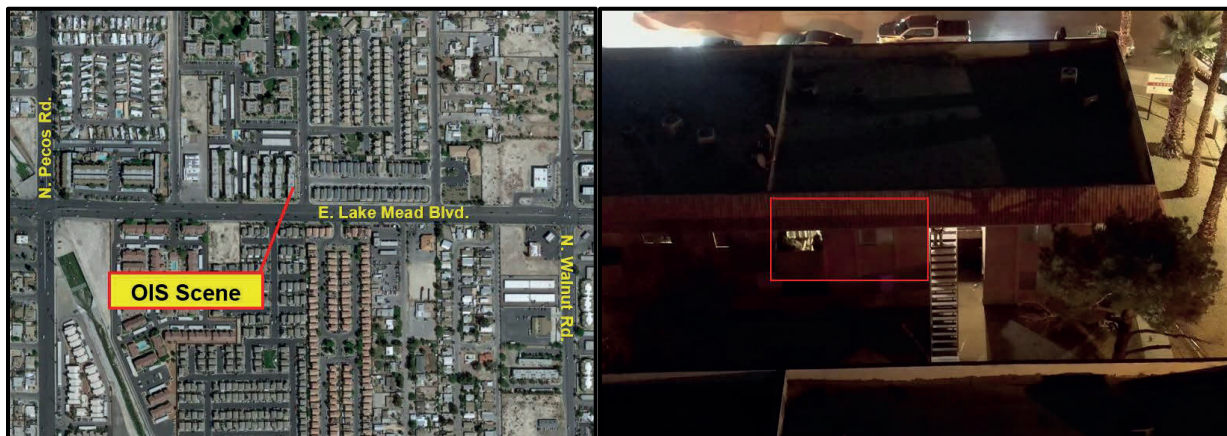
On August 25, 2023, 25-year-old Sandra Lopez-Ochoa (hereinafter “Decedent”) stabbed Las Vegas Metropolitan Police Department (“LVMPD”) Officer Joseph Belmonte in the head during a battery investigation at Decedent’s apartment located at 3650 East Lake Mead Boulevard, Las Vegas, Nevada. In response to Decedent’s sudden, violent attack, Officer Rudy Sacba immediately drew his handgun and fired five times at Decedent. Decedent was struck five times by the officer’s gunfire and died at the scene.

This report explains why criminal charges will not be forthcoming against LVMPD Officer Rudy Sacba. It is not intended to recount every detail, answer every question, or resolve every factual conflict regarding this police encounter. It is meant to be considered in conjunction with the Police Fatality Public Fact-Finding Review which was held on July 25, 2024.

SYNOPSIS

On August 25, 2023, at approximately 2:35 A.M., Officer Joseph Belmonte was dispatched to a battery call at 3650 East Lake Mead Boulevard, apartment 264, Las Vegas, Nevada 89115. At 2:37 A.M., Officer Rudy Sacba was assigned to the call and responded to the location to back up Officer Belmonte. Both officers arrived at the apartment complex at approximately 2:41 A.M.

The officers walked southbound through the courtyard between buildings one and two. As they approached apartment 264, the officers contacted Decedent’s brother, T.L., and mother, G.O., in the courtyard, at the bottom of the stairs below the apartment.



Above: Overview of area (left) and photo showing exterior of the scene, apartment identified in red (right).

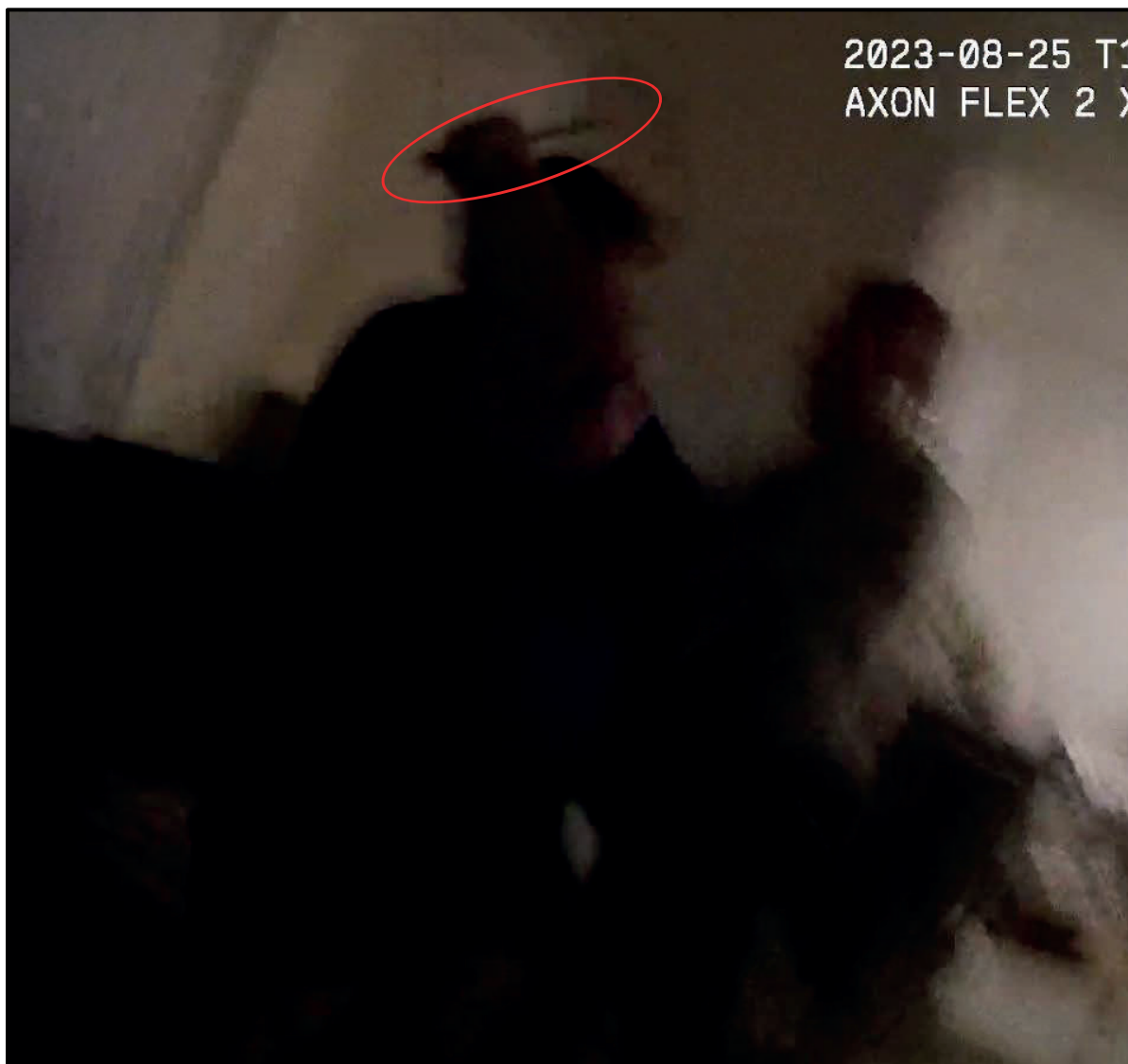
During their interaction with T.L. and G.O., the officers learned that T.L. and his sister, the decedent, had been involved in an argument over a McDonald's dipping sauce. The argument turned physical while in the living room of the second-floor apartment. Decedent grabbed T.L. and threw him on the ground of the living room and then mounted him and began strangling him. Notably, T.L. is 5'11" and weighs 160 pounds; Decedent was 5'10" and weighed 447 pounds. Their mother, G.O., attempted to pull Decedent off T.L., but Decedent was too heavy for G.O. to move. T.L. was eventually able to free himself and get away from Decedent. T.L. and G.O. walked downstairs, and T.L. called the police to report the incident.

After receiving that information, both officers walked upstairs to apartment 264. T.L. and G.O. remained in the courtyard at the bottom of the staircase. As the officers entered the open apartment, they contacted Decedent, who was sitting on a couch in the living room. Officer Belmonte was the contact officer and began speaking with Decedent as Officer Sacba stood near the apartment's front door acting as the cover officer.



Above: Officer Sacba's bodycam showing initial interaction between Officer Belmonte and Decedent.

After a few minutes, Decedent focused her attention on Officer Sacba, raised her right arm and pointed her index finger towards Officer Sacba while stating, “Oh I’m sorry can you just like, not, like touch your gun, or something. Like yeah, just keep your hands...” Officer Sacba apparently had both his hands resting on top of his duty belt. Officer Belmonte stated, “He’s, it’s actually on his holster. It’s, it’s something that we do, it’s nothing, it’s not like we’re gonna...” Decedent looked towards Officer Sacba, pointed her right index finger at him again and stated, “no I’m asking you that.” Officer Sacba responded to her, “I’m-a keep it here, I’m just resting my hand, I’m not holding my gun. It’s not even on the gun, I’m just holding it on my...” As Officer Sacba was speaking, Decedent quickly stood up from the couch, reached back towards the couch, grabbed a knife that was hidden in the couch, swung the knife over her head and stabbed Officer Belmonte in the top of his head.



Above: Officer Sacba’s bodycam showing Decedent swinging knife (red oval) down upon Officer Belmonte.

Decedent turned toward Officer Sacba, while still armed with the knife and lunged toward him. Officer Sacba drew his firearm and discharged five rounds toward Decedent, striking her. Decedent fell on the ground near the front door to the apartment. Officer Sacba informed dispatch of the officer-involved shooting (“OIS”) and requested medical personnel to respond to his location. Officer Belmonte was stunned, bleeding from the top of his head in the hallway area adjacent to the kitchen and dining room area.



Above: Officer Sacba's bodycam showing Officer Belmonte's stab wound.

Paramedics arrived at the apartment complex and transported Officer Belmonte to University Medical Center (“UMC”) Trauma. Officer Belmonte sustained a stab wound to the top of his head that required four staples to close the wound. Officer Belmonte also had a defensive wound cut to his left hand. Officer Belmonte's injuries were photographed and documented by LVMPD Crime Scene Analyst (“CSA”) personnel at UMC. Officer Belmonte was released from the hospital a few hours after the incident.

A second paramedic unit, along with personnel from the North Las Vegas Fire Department, arrived at apartment 264 and determined that Decedent had succumbed to her injuries.

Due to the OIS, LVMPD Force Investigation Team (“FIT”) detectives and CSAs were notified and responded to the scene to assume responsibility over the investigation. Detective Valenzuela was assigned as the lead case agent. FIT Detectives conducted witness and victim interviews. Detectives canvassed the area for video surveillance cameras, but no cameras were located that may have captured the OIS. Body-worn cameras (“BWC”) from Officers Sacba and Belmonte were recovered and reviewed by FIT detectives.

LVMPD CSA personnel and detectives documented and processed the scene. Inside the apartment complex, police officers secured the area around the apartment using yellow

crime scene tape. Police officers were stationed at perimeter spots prohibiting any pedestrians from entering the scene.

Apartment 264 was located on the second floor of building one. Building one was the complex furthest east and it backed up to Sandy Lane. There was a courtyard and walkway in between buildings one and two. An apparent bloodstain drip trail was observed on the walkway that led to the staircase to apartments 263 and 264. A wallet and vape pen were located on decorative rocks near the walkway at the bottom of the staircase leading up to apartments 263 and 264. Detectives learned that the wallet and vape pen belonged to T.L., both items were photographed and later returned to him.

A uniformed police officer was located on the stairs leading up to the landing shared by apartments 263 and 264. Once at the landing, apartment 263 was located to the right (south) and 264 was located to the left (north). The front door and the black screen door to apartment 264 were both open.

FIT detectives obtained a search warrant for apartment 264, that was approved by a district court judge. LVMPD CSA personnel documented, photographed, and processed the crime scene. CSA personnel were also able to collect items of evidentiary value.

The body of Decedent was located just inside the open front door to apartment 264, face-down. The door to the apartment was wide open and Decedent's body was impeding the door from closing. Her head was positioned in a southeast direction as her feet were pointing in a northwest direction. Both of Decedent's hands were tucked underneath her body. There was apparent blood and bodily fluids on the grey floor tile next to and under Decedent's head. Decedent was wearing a blue and black shirt, black shorts and one yellow shoe on her right foot. The second yellow shoe was located underneath the coffee table.

There was a dark grey couch on the west side of the living room and a coffee table in the middle of the living room next to Decedent's legs and feet. Five spent cartridge cases were observed in the living room and kitchen areas. The first cartridge case was on the ground in between the coffee table and an entertainment center located on the east side of the living room. The second cartridge case was located on the north side of the coffee table. The third cartridge case was in between the entertainment center and a small side table north of the entertainment center. The fourth and fifth cartridges were in the hallway adjacent to the dining and kitchen entrance. There were apparent blood drops in the hallway where Officer Belmonte was standing after he was stabbed on top of his head. The apparent blood drops then led from the hallway and across the living room.

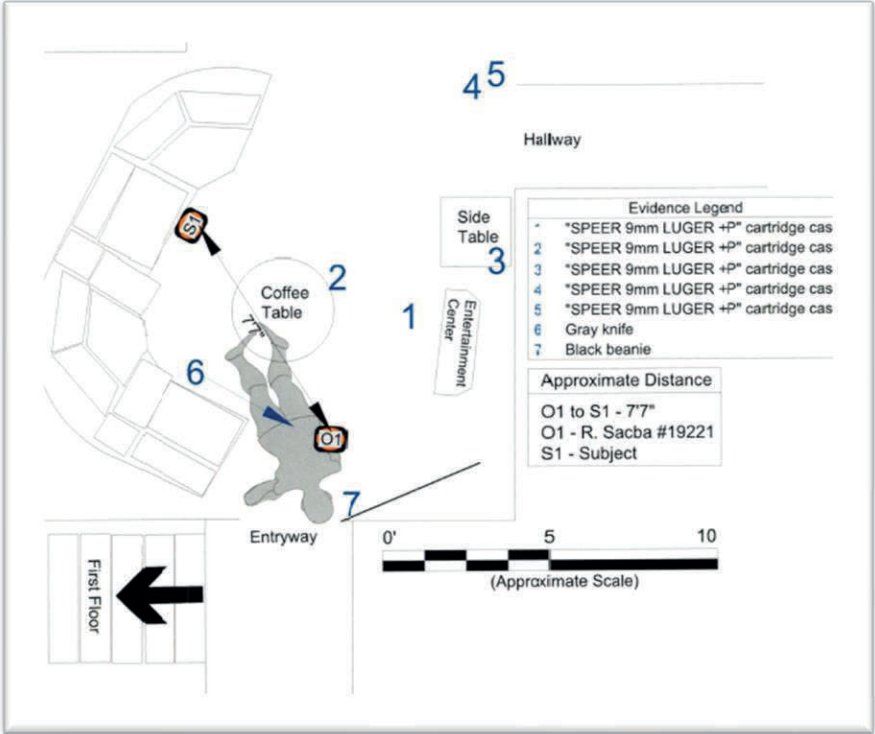
A coroner investigator arrived on scene, processed the body of Decedent, and pronounced Decedent deceased. Upon turning Decedent's body over, a grey knife with an approximate 5-inch serrated blade, was located on the ground.



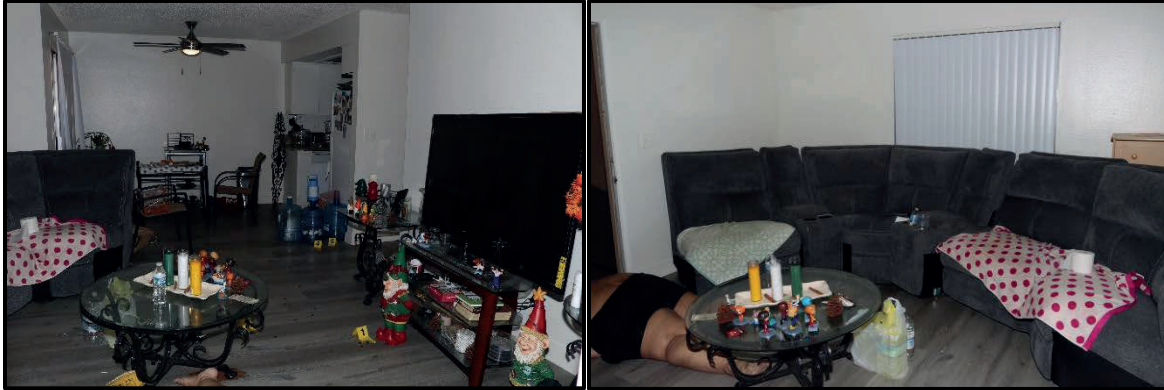
Above: Photographs of Decedent's knife as it appeared when located under her body.

A black beanie cap was also located on the ground underneath Decedent's head. Mortuary personnel then transported Decedent's body to the Clark County Office of the Coroner/Medical Examiner ("CCOCME").

DESCRIPTION OF THE SCENE AND VISIBLE EVIDENCE



On August 25, 2023, at approximately 3:48 A.M., CSA personnel responded to the scene to document and photograph the scene and evidence within. CSA personnel prepared a diagram of the scene, which is located on the prior page. The following are photographs taken of the overall scene and items impounded as evidence.



Above: Living room of apartment 264; location of Decedent's body.



Above left: Five cartridge cases in the living room floor and apparent blood stains.

Above right: Apparent blood stains from Officer Belmonte along with cartridge cases four and five.

On August 25, 2023, at approximately 4:01 A.M., CSA personnel responded to the UMC Trauma Unit to photograph and document Officer Belmonte's injuries, and photograph and collect evidence. The following are some of the photographs taken of items impounded as evidence.



Above: Officer Belmonte required four staples to close the wound.



Above: Officer Belmonte's LVMPD uniform shirt with his blood on the exterior.

FIREARM COUNTDOWN AND EXAMINATION

On August 25, 2023, at approximately 6:50 a.m., Officer Sacba had his duty weapon counted down at Sandy Lane north of Lake Mead Boulevard, to determine the number of rounds he fired during the incident. Officer Sacba and witness officers were photographed by CSI personnel for appearance purposes and their weapons were photographed for identification purposes.

Officer Sacba was dressed in a standard LVMPD long-sleeved uniform. He wore LVMPD patches on each shoulder and an LVMPD badge over his left breast. Officer Sacba wore a black duty belt with attached tools and equipment as part of his position in patrol. Officer Sacba's handgun was carried on the right side of his body and secured in a holster.

Officer Rudy Sacba

Weapon
Make: Glock
Model: 17
Caliber: 9mm



Prior to the countdown, Officer Sacba stated he carried 17 cartridges in the magazine loaded in his firearm and one cartridge in the chamber, for a total of 18 cartridges.

The countdown revealed that Officer Sacba's firearm had one cartridge in the chamber and 12 cartridges in the magazine. Officer Sacba carried three spare magazines, which were found to be fully loaded with 17 cartridges.

At the completion of the countdown, FIT detectives determined Officer Sacba discharged his firearm five times during this incident. FIT detectives confirmed that the findings of the firearm countdown were correct when compared to the evidence at the scene. Officer Sacba's firearm, magazines used during the OIS, and cartridges were photographed and impounded by CSA personnel.

FIT Detective Valenzuela subsequently requested the LVMPD Forensic Laboratory examine Officer Sacba's firearm. On September 28, 2023, a forensic scientist submitted the Report of Examination: Firearms, which documented the scientist's findings that Officer Sacba's firearm was operational with no noted malfunctions and the bullet and cartridge evidence located on scene were fired within that firearm.

BODY-WORN CAMERAS

Officers Belmonte and Sacba were equipped with body-worn cameras (BWC)¹ that were activated during this incident. The footage captured on the BWCs and reviewed by the District Attorney's Office was consistent with the statements and evidence recovered during this investigation.

The following is a summary of the BWC footage, which captured the actions of Officer Belmonte, Officer Sacba and Decedent.

Officer Belmonte's BWC

Officer Belmonte activated his BWC while driving to the call. The BWC was affixed on his left shoulder area. Footage showed officers arrive outside the complex and eventually locate building one and park their vehicles. Both officers walked southbound through the courtyard towards apartment 264.

¹ It must be noted that the Axon Flex BWC time stamps videos in Zulu Time, also known as Greenwich Mean Time (GMT), which is the world time based on a 24-hour clock. The time is based on the Prime Meridian, which is zero degrees longitude and passes through Greenwich, England. There is a seven-hour negative difference between the event time (Pacific Daylight Time) and displayed Zulu Time. Officers activated their BWCs at different times during the incident. Axon BWCs also have a "time drift" where the camera's internal clock drifts from actual time based on when the cameras are synced when the camera is docked. Each BWC can display a slightly different time based on a time drift.

As the officers approached the apartment, Officer Belmonte turned on his handheld flashlight. Footage showed T.L. standing at the bottom of the stairs, while his mother G.O. sat on the stairs.

At time stamp 09:46:10Z, Officer Belmonte spoke with T.L. about the incident for approximately five minutes. The following is a summary of the conversation between T.L. and Officer Belmonte:

Officer Belmonte asked T.L. what happened, and T.L. stated his sister (Decedent) assaulted him. Officer Belmonte then asked where Decedent was located, and T.L. advised Decedent was upstairs. T.L. stated he had popped his shoulder back into place and he no longer needed medical attention.

T.L. then showed Officer Belmonte his left arm and neck area and advised he sustained scratches from being attacked and choked by Decedent. T.L. stated he wanted to press charges against Decedent and asked if it was possible for her to go to jail.

Officer Belmonte asked T.L. again about what happened. T.L. stated that it all began over a McDonald's sauce cup. Decedent looked at the copyright date on the cup and stated it was expired. T.L. attempted to tell her that it was just the copyright date and Decedent began arguing, telling T.L. that he was a "dumbass."

T.L. added that he got a little personal by telling her that she had never worked, asked her when she was going to get a job and going to lose some weight. Decedent eventually got up and approached T.L., as G.O. attempted to hold Decedent back. T.L. told Decedent not to put her hands on him. Decedent began to swing on T.L., then threw him down on the table and began to punch him. T.L. was on the ground in the kitchen area when Decedent began choking him out, because her whole weight was on him. T.L. added that he could not breathe as he was being choked out. G.O. attempted to pull Decedent off T.L. Decedent then stopped her attack as she realized her mother G.O. was attempting to intervene. T.L. added that he never fought back against Decedent because he would never hit a woman.

Officer Sacba was occasionally heard speaking with G.O. in Spanish in the background as Officer Belmonte was conversing with T.L. Officer Belmonte turned off his BWC at 09:51:44Z as he was going to speak with Officer Sacba about the incident.

Officer Belmonte turned his BWC back on at 09:53:14Z. The footage appeared to show Officer Belmonte standing next to Officer Sacba as they faced the stairwell where T.L. and G.O. were sitting on. As both officers walked towards T.L. and G.O., the sound on the footage came back on. Officer Belmonte asked T.L. more questions about Decedent, if there were any weapons in the apartment, and further questions about the incident.

T.L. explained that at one point during the altercation, Decedent got on top of him, straddled him and began strangling him with both hands on his neck. T.L. never lost

consciousness, but he estimated that he was choked for approximately five to seven seconds. As soon as G.O. intervened, Decedent stopped choking him and she then got off him. T.L. then got up from the floor and walked downstairs and called the police. Officer Belmonte spoke with T.L. until 10:06:32Z, when he told him that they were going to walk upstairs and for him to remain downstairs. Officer Belmonte was observed putting on latex gloves. Officer Belmonte then turned to Officer Sacba who confirmed that both T.L. and G.O.'s version of events corroborated.

As both officers walked up the stairs, they passed G.O. who was still sitting on one of the stairs at the bottom of the stairwell. Officer Belmonte reached the landing at the top of the stairs and the footage showed the black screen door opened outward toward the landing. The front door to the apartment was also wide open into the apartment. Officer Belmonte entered the apartment at 10:07:02Z and asked Decedent how it was going. Decedent who was sitting on the gray couch in the living room, stated she was alright and that she had called the police.

As Decedent was speaking, Officer Belmonte walked toward the kitchen area and positioned himself at the edge of the couch where Decedent was sitting. The footage captured Decedent sitting on the couch as Officer Sacba stood on the threshold of the front door to the apartment.

Officer Belmonte asked Decedent if she had any injuries and if she needed medical attention. Decedent stated that she didn't have any injuries and that was the reason she didn't call "4-1-1."

At 10:08:24Z, Officer Belmonte read Decedent her rights per Miranda from an LVMPD card. Decedent stated, "ah yeah, but can I tell my part?" Officer Belmonte stated, "yeah that is what I was going to ask you about."

At 10:08:56Z, Decedent appeared to turn toward Officer Sacba, she raised her right arm, pointed her index finger towards Officer Sacba and stated, "Oh I'm sorry can you just like, not, like touch your gun, or something. Like yeah, just keep your hands..." Officer Sacba appeared to have both his hands resting on top of his duty belt. Officer Belmonte stated, "He's, it's actually on his holster. It's, it's something that we do, it's nothing, it's not like we're gonna..."

At 10:09:08Z, Decedent looked toward Officer Sacba, pointed her right index finger again, and stated, "no I'm asking you that." Officer Sacba stated, "I'm-a keep it here, I'm just resting my hand, I'm not holding my gun. It's not even on the gun, I'm just holding it on my..."

As Officer Sacba was speaking, at 10:09:15Z, Decedent got up from the couch. Officer Belmonte reached and grabbed her left wrist and stated, "do me a favor put your hands behind your back, ok." Decedent then turned away from Officer Belmonte and turned her head and looked down toward the center compartment of the couch. She reached down

with her right hand, then swung her right arm over her head. Officer Belmonte appeared to raise his left arm in an attempt to block Decedent's attack. Decedent struck Officer Belmonte, who appeared to back away from the attack. Decedent turned and lunged toward Officer Sacba's direction as five gunshots were heard. Decedent fell forward, faced down, and landed near Officer Sacba's feet.

Officer Belmonte walked backwards into the hallway and wiped his head. Blood can be observed on his gloved hand and blood drops can be observed falling from his left eyebrow area. Officer Sacba walked out of the apartment as he gave radio traffic on his police radio. Officer Sacba got on the radio and advised shots had been fired and asked Officer Belmonte if he was "good."

Officer Sacba then asked Officer Belmonte if he had been stabbed. Officer Belmonte replied that he was stabbed on his head. Officer Sacba then requested medical to respond to the location and advised that his partner was stabbed on his head. Officer Belmonte walked down the stairs and onto the courtyard. Both T.L. and G.O. had walked over to the south end of the complex. Officer Sacba walked down the stairs and had a brief conversation with G.O. who approached the stairwell.

At 10:16:57Z, Officer L.T.1 arrived at the courtyard and asked Officer Belmonte if he was ok. Officer Belmonte responded by saying that he did not want to leave his partner. Officer Belmonte then ran northbound through the courtyard until he got to the parking lot. Officer Belmonte got in the passenger seat of a patrol vehicle being driven by Officer L.T.2. Officer L.T.2 drove the vehicle and located an ambulance on Lake Mead Boulevard. Officer L.T.2 stopped her patrol vehicle behind the ambulance. Officer Belmonte exited the patrol vehicle and walked into the ambulance where he turned off his BWC.

Officer Sacba's BWC

Officer Sacba activated his BWC while driving to the call. The BWC was affixed on his left shoulder area. Footage showed officers arrive outside the complex and eventually locate building one and park their vehicles. Both officers walked southbound through the courtyard toward apartment 264.

Officer Belmonte walked in front of Officer Sacba as they approached the apartment. Officer Belmonte turned on his handheld flashlight as he approached and began speaking with T.L. at 09:46:10Z. Officer Sacba approached the stairwell and began speaking with G.O. in Spanish. The conversation lasted approximately three minutes. The following is a summary of the conversation, and it is not verbatim.

Officer Sacba asked G.O. what happened today. G.O. stated that Decedent grabbed T.L. and threw him onto the ground of the apartment. Decedent then choked and squeezed T.L. by the throat. G.O. added that T.L. never hit Decedent during the altercation. G.O. stated that she had picked up items that had fallen on the floor due to the altercation.

Officer Sacba stood by until Officer Belmonte finished speaking with T.L. At 09:51:38Z Officer Sacba turned off his BWC.

At 09:53:14Z, Officer Sacba turned his BWC back on. There was no sound for the first thirty seconds of the footage. Thirty seconds into the footage, the sound came back on and both officers were observed approaching T.L. and G.O. who were sitting on the stairwell leading up to apartment 264. T.L. got up and walked south of the stairwell and began speaking with Officer Belmonte. Officer Sacba began speaking with G.O. in Spanish as she sat on the stairwell.

Officer Sacba asked G.O. if she had previously stated that Decedent held T.L. by his neck area. G.O. stated that Decedent held T.L. for a little while with both hands and if she had not intervened Decedent would have strangled T.L. G.O. added that she grabbed Decedent from the back of her shirt to pull her off T.L.

At 10:06:48Z, Officer Belmonte was observed walking up the stairs. He passed by G.O. as she sat on the staircase and was followed by Officer Sacba. Officer Belmonte entered the apartment. Both the black screen door and the front door were wide open. Officer Belmonte asked Decedent how she was doing as he walked through the living room and stood adjacent to the couch where Decedent was sitting. Officer Sacba stood near the front door as Officer Belmonte spoke with Decedent.

Decedent explained that she had not called the police and that she had somebody else call for her. Decedent stated that T.L. had been lying the whole time and they did get into a physical altercation where both were hitting each other. Officer Belmonte asked if she had any injuries and if she needed medical attention, to which she replied, that she did not and that is why she had not called "4-1-1."

At 10:08:56Z, Decedent turned towards Officer Sacba, raised her right arm, and pointed her index finger towards him and stated, "Oh I'm sorry can you just like, not, like touch your gun, or something. Like yeah, just keep your hands..." Officer Belmonte stated, "He's, it's actually on his holster. It's, it's something that we do, it's nothing it's not like we're gonna.."

Decedent pointed her right index finger towards Officer Sacba again and stated, "no I'm asking you that..." Officer Sacba stated, "I'm-a keep it here, I'm just resting my hand, I'm not holding my gun. It's not even on the gun, I'm just holding it on my.."

At 10:09:13Z, Decedent placed her right hand on the center compartment of the couch as she stood up. Officer Belmonte reached and grabbed her left wrist and stated, "do me a favor put your hands behind your back, ok." Decedent turned away from Officer Belmonte, turned her head and looked down towards the center compartment on the couch. She reached down with her right hand, then swung her right arm over her head. The footage showed Decedent holding an object, consistent with a knife, in her right hand as she swung.



Above: Officer Sacba's BWC showed Decedent swinging the knife (circled) overhead before she struck Officer Belmonte.

Officer Belmonte raised his left arm, to block Decedent's attack as she slashed downward at him. Decedent then turned toward Officer Sacba as he lifted his firearm with his right hand. Officer Sacba's left hand then met the right hand and he utilized a two-handed firearm grip. Officer Sacba fired five rounds towards Decedent as she was closing the distance on him. Decedent was observed falling to the ground in front of Officer Sacba.

Officer Sacba stepped outside the apartment and got on his radio and advised that shots were fired. Officer Sacba then asked Officer Belmonte if he was good and if he was stabbed. Officer Belmonte responded that he was good and that he had been stabbed. Officer Sacba then requested medical to respond to the location.

Officer Sacba walked into the apartment to check on Officer Belmonte's head. Officer Belmonte had his left gloved hand on his head. He removed his hand from his head and footage showed his glove with apparent blood on it as he showed Officer Sacba.

Officer Belmonte walked out of the apartment at 10:10:34Z and began walking down the stairs. Officer Sacba stood outside the apartment door as he notified dispatch that the suspect was down.

Officer Sacba walked down the stairs at 10:13:23Z. Once he got to the courtyard, he flashed his flashlight on Officer Belmonte's bloodied head. Officer Sacba asked Officer Belmonte what she used to stab him. Officer Belmonte stated he had no idea, and he didn't know she had anything in her hand.

At 10:16:57Z, Officers L.T.1 and L.T.2 arrived at the location. Officer Belmonte was observed walking away northbound with Officer L.T.2 as Officer L.T.1 remained with Officer Sacba. Officers Sacba and Officer L.T.1 walked back upstairs and stood outside the door to the apartment. Officer L.T.1 asked Officer Sacba if the home had been cleared. Officer Sacba replied that the apartment had not been cleared and began to explain how the female had stabbed Officer Belmonte. Officer L.T.1 then instructed Officer Sacba to walk back downstairs away from the apartment.

Detective J.S. arrived and asked Officer Sacba if the apartment had been cleared, he replied that it had not been cleared. Sergeant C.A. had also arrived at the courtyard and asked Detective J.S. to go upstairs to assist Officer L.T.1

Detective J.S. walked up the stairs where she met with Officer L.T.1. Officer L.T.1 announced that he was Metro Police before he and Detective J.S. entered to clear the apartment. At 10:21:58Z, Officer Sacba turned off his BWC as he and Sergeant C.A. walked northbound through the courtyard.

Officer L.T.1's BWC

Officer L.T.1 activated his BWC at 10:10:08Z as he was driving toward 3650 East Lake Mead. He arrived at the complex and parked his patrol vehicle on Sandy Lane. He jumped over a cinder block wall and into the parking lot of 3650 East Lake Mead. Officer L.T.1 then ran towards the apartment and contacted Officer Belmonte at the bottom of the stairs in the courtyard. Officer Belmonte began walking northbound as Officer L.T.1 asked him if he was ok. Officer Belmonte replied that he did not want to leave his partner alone. Officer L.T.2 arrived, then she and Officer Belmonte began walking away from the apartment.

Officer L.T.1 continued up the stairs and asked Officer Sacba if he had cleared the house. Both officers stood outside the front door as Officer Sacba explained what happened. Other officers arrived and Officer L.T.1 asked them to bring yellow tape to secure the crime scene. Officer L.T.1 instructed Officer Sacba to walk downstairs away from the apartment.

At 10:18:23Z, Detective J.S. arrived at the bottom of the stairs and began walking upstairs where she met Officer L.T.1. Detective J.S. walked upstairs to assist Officer L.T.1 in clearing the apartment to make sure no other persons were inside. Officer L.T.1 announced that he was with Metro Police and that if there's anybody else inside to come out with their hands up. Officer L.T.1 stepped over Decedent's body as he entered the apartment so they could clear it. Once the apartment was cleared Officer L.T.1 and Detective J.S. exited at 10:20:59Z.

Officer L.T.1 remained outside the front door of the apartment as Detective J.S. walked back downstairs. At 10:27:53Z, Medic West and North Las Vegas Fire Department

personnel arrived at the apartment. At 10:31:20Z, personnel from North Las Vegas Fire Department advised Officer L.T.1 that Decedent was deceased.

SUBJECT OFFICER'S STATEMENT AND SCENE WALK-THROUGH

A subject officer is a peace officer or supervisor who participated in, directed, or influenced the application of the use of force. Here, Officer Sacba is the subject officer.

After an OIS, a law enforcement supervisor will obtain a public safety statement ("PSS") from the subject officer. The PSS consists of a series of questions which are asked to determine if the officer fired their weapon, how many times they believe they fired, where they were located when they fired, if anyone is injured, whether any other officers fired, whether a suspect fired, and whether any witnesses have been identified.

Thereafter, during the initial phase of the investigation, a subject officer conducts a scene walk-through with FIT investigators and CSA personnel. The purpose of the scene walk-through is to help investigators develop an understanding of the scene, including identifying officer locations at the time deadly force was used, identifying potential physical evidence, and re-creating a timeline of the incident.

Following the scene walk-through, a subject officer may provide a recorded or written statement to FIT investigators; however, since the statement is voluntary, a subject officer has the right to decline providing a statement to FIT investigators. If a statement, verbal or written, is provided to FIT investigators, it should be obtained from the subject officers at least 48 hours after the incident; however, the 48-hour waiting period may be waived by the subject officer. Here, Officer Sacba elected not to provide a voluntary statement.

Officer Sacba's Public Safety Statement

Sergeant C.A. obtained the Public Safety Statement (PSS) from Officer Sacba, which he recounted to FIT Detective Colon as follows:

Okay, umm, the questions I asked were first one, did you discharge your firearm? Umm, his answer was yes. Umm, if so, what direction, his answer was uhh Northwest direction. Appro-- next question was, approximately where were you located when you fired? And he stated in the doorway. And next question was how many shots do you think you fired? He stated five shots fired. Question two, is anyone injured? If so, what was the description of[?] [T]he larger female suspect, shot alone in the apartment. Question 3 was are there any outstanding suspects? No, just the suspect. Umm, question 4. Is it possible the suspect-- fired rounds, I'm sorry, is the sub—is it possible the suspect fired rounds at you? Umm, no, no fires—no shots fired by the suspect. And next question was uhh, umm, do you know if any other officers discharged their firearms? And he said no other officers fired. Umm, question 6, were there any weapons or evidence that needs to be

secured or protected? Umm, possible weapons near the couch, he said knife, possibly under the female. Question 7, umm, are you aware of any other witnesses? He answered umm, the other officer, Belmonte.

Officer Sacba's Scene Walk-Through

On August 25, 2023, at approximately 7:24 A.M., Officer Sacba provided a walk-through of the scene and relayed the following information to FIT detectives:

He was dispatched to a domestic violence call. Officers arrived and spoke with the mother (G.O.) and brother (T.L.). They learned that the sister (Decedent) had jumped on T.L. then got on top of him and choked him. Officers established probable cause to arrest Decedent.

Officer Sacba stood by the threshold of the entryway as his partner (Officer Belmonte) spoke with Decedent. Decedent then stood up, reached into a compartment, and pulled out a knife. Decedent struck his partner with the knife making an overhead slashing movement. He fired in self-defense and to save his partner's life as Decedent closed the distance on him. He fired due to being in imminent danger of substantial bodily harm or death.



Above left: Cone signifies where Officer Sacba was standing at the time he fired his firearm.

Above right: Officer Sacba's perspective at the time he fired the first gunshot from his firearm. The cone signifies where Decedent was standing.

SUMMARY OF RELEVANT WITNESS STATEMENTS

Victim Officer Belmonte

On August 25, 2023, at approximately 6:16 A.M., FIT Detective Leavitt conducted an audio-recorded interview with Officer Belmonte at the LVMPD Northeast Area Command. Below is a summary of the interview.

Officer Belmonte responded to a battery call with Officer Sacba at 3650 East Lake Mead. They met with the victim, T.L., in front of his residence who stated he had been battered

and strangled by his sister Decedent while inside their residence. The story was corroborated by his mother G.O. who was outside with T.L. Officers went upstairs to T.L.'s residence where Officer Belmonte observed Decedent seated on a couch. Officer Belmonte planned to question Decedent about the battery but knew he had probable cause to make an arrest. As Officer Belmonte spoke with Decedent, he believed there may be some mental deficiencies, due to her responses to his questions. Officer Belmonte read Decedent her Miranda Rights and attempted to ask her about the battery. Decedent became fixated upon Officer Sacba and the way he rested his hand on the holster of his firearm.

Decedent stood from the couch and Officer Belmonte attempted to take control of one of her hands and told her to place her hands behind her back. Decedent did not comply and instead leaned back and reached toward the couch with her free hand. Decedent then immediately swung her arm in an overhead motion toward Officer Belmonte. Officer Belmonte raised his left hand to attempt to block Decedent as she struck him. He felt a stinging sensation as he was struck in the top of the head by Decedent. As Officer Belmonte was struck, he heard several popping sounds he later realized were gunshots. Officer Belmonte backed away and observed blood on his hand as he pulled it away from his head, then saw blood dripping down his face from the top of his head and realized he had been hit with some object.

Officer Belmonte observed Decedent and believed she was beyond medical intervention. Officer Belmonte was then transported to the hospital.

Civilian Victim T.L.

On August 25, 2023, at approximately 5:49 A.M., FIT Detective Mendoza conducted an audio recorded interview with T.L. at the intersection of East Lake Mead Boulevard and Sandy Lane. Below is a summary of the interview.

T.L.'s mother, G.O., arrived home with some food for T.L. and his sister, Decedent. During the meal, T.L. and Decedent began arguing. Decedent left the living room area and went to her bedroom. As T.L. and G.O. were talking about the argument, Decedent returned to the living room and began physically assaulting T.L. He stated that Decedent threw him around and slammed him onto the tables in the living room. As T.L. fell to the ground, he dislocated his shoulder. Decedent then put all her weight on top of him and began choking him. T.L. described Decedent's physical characteristics as her being approximately 5'10" in height and over 400 pounds.

T.L. was angry and called 911. T.L. described the incident to the dispatcher, and he waited for the police to arrive. After approximately 30 minutes, Decedent said she was calling the police to give her details. Two officers finally arrived, and they spoke to T.L. and G.O. outside of the apartment. T.L. explained to the officer the details of how Decedent had committed the battery against him. After the officers spoke to T.L. and G.O., they entered the apartment to speak with Decedent as he and his mother waited

outside. After a few minutes had passed, T.L. stated he heard approximately two to three gunshots from within the apartment. T.L. saw one of the officers exit the residence while holding his head. T.L. said he did not witness the shooting that occurred inside of his apartment.

T.L. stated that although Decedent had not been officially diagnosed with any form of mental illness, he said that his sister was “not right.” When asked what he meant by that, he said he felt she had a mental illness and was probably depressed. T.L. stated that Decedent did not use illicit drugs or drink alcohol.

Civilian Witnesses

J.H.

On August 25, 2023, at approximately 6:46 A.M., FIT Detective Chavez conducted an audio recorded interview with J.H. at 3650 East Lake Mead Boulevard. Below is a summary of the interview.

J.H. advised he was inside of his residence, an apartment neighboring the scene, at approximately 12:30 A.M. He could hear the brother (T.L.) outside yelling for someone to get off him or that he was going to call the police. J.H. left his residence at approximately 2:00 A.M. and observed T.L. and his mother (G.O.) outside. J.H. returned to the house a short time later and saw that the police had arrived at his neighbor’s residence. He could see the police were talking to the sister (Decedent), whom he described as a heavyset female, while she was sitting on the couch. J.H. stated that both officers were in uniform, and that one officer was by the door and another officer about two to three feet away from Decedent. J.H. walked into his residence, closed the door behind him and heard multiple shots being fired, shortly thereafter.

G.O.

On August 25, 2023, at approximately 5:55 A.M., FIT Detective Chavez conducted an audio recorded interview in Spanish with G.O. at Lake Mead Boulevard and Sandy Lane. Below is a summary of the interview.

G.O. stated her son T.L. and daughter Decedent were in the living room when they got into an argument that escalated and turned physical. G.O. said the argument began over a disagreement about the expiration date of the sauce for the McDonald’s chicken nuggets she brought home.

As the argument escalated and turned physical, Decedent grabbed T.L., threw him against a wall in the kitchen area, then threw him to the ground. While T.L. was on the ground, Decedent got on top of him and began to choke him (G.O. visually described how

Decedent was choking T.L. by using her two hands and making a choking motion). Decedent initiated the fight and T.L. never hit her back.

G.O. tried to pull Decedent away from T.L., but Decedent was too heavy. G.O. said Decedent weighed approximately 500 pounds and that she put the weight on because of previously contracting COVID-19. With the help of G.O., T.L. was eventually able to free himself from Decedent. G.O. and T.L. then went outside to call the police.

G.O. and T.L. waited outside for the police and Decedent stayed inside the apartment in the living room. When the police arrived, they spoke with her and T.L. outside of the apartment. The officers then walked upstairs to talk to Decedent. A short time later, G.O. heard two to three gunshots.

G.O. said Decedent normally kept a small silver knife on her for protection and thinks Decedent may have kept the knife hidden in the couch storage compartment.

G.O. did not see the actual shooting take place and only heard the gunshots. G.O. was unable to hear if the officers gave Decedent any verbal commands prior to the shooting.

AUTOPSY

On August 26, 2023, at approximately 6:57 A.M., CCOCME Doctor Lisa Gavin conducted an autopsy on the body of Decedent at the CCOCME. Among the items of evidence impounded were four bullets as well as bullet fragments. The following wounds and injuries were noted:

- 1) Gunshot wound of the head, left posterior parietal scalp
- 2) Gunshot wound of top of left shoulder, associated with a tangential gunshot wound of the left parietal scalp
- 3) Gunshot wound of right upper arm/shoulder
- 4) Gunshot wound of right upper arm
- 5) Gunshot wound of lateral upper aspect of right breast
- 6) Bruises to upper right arm, lower right arm and wrist, and lower left arm and hand

The results of toxicology testing were generally unremarkable. Decedent had a blood alcohol concentration (“BAC”) of 0.022.

Doctor Gavin concluded Decedent died as a result of multiple gunshot wounds and that Decedent’s manner of death was homicide.

LEGAL ANALYSIS

The District Attorney's Office is tasked with assessing the conduct of officers involved in any lethal use of force which occurred during the course of their duties. That assessment includes determining whether any criminality on the part of the officers existed at the time of the incident.

In Nevada, there are a variety of statutes that define the various types of justifiable homicide (NRS 200.120 – Justifiable homicide defined; NRS 200.140 – Justifiable homicide by a public officer; NRS 200.160 – Additional cases of justifiable homicide). The shooting of Decedent could be justifiable under one or both of two theories related to the concept of self-defense: (1) the killing of a human being in self-defense or defense of others; and (2) justifiable homicide by a public officer. Both theories will be discussed below.

A. The Use of Deadly Force in Defense of Self or Defense of Another

The authority to kill another in self-defense or defense of others is contained in NRS 200.120 and 200.160. "Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ... another person, against one who manifestly intends or endeavors to commit a crime of violence ..." against the person or other person.² NRS 200.120(1). Homicide is also lawful when committed:

[i]n the lawful defense of the slayer, ... or of any other person in his or her presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished.

See NRS 200.160(1).

The Nevada Supreme Court has refined the analysis of self-defense and, by implication, defense of others, in Runion v. State, 116 Nev. 1041 (2000). The relevant jury instructions as articulated in Runion and modified for defense of others are as follows:

The killing of [a] person in self-defense [or defense of another] is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill himself [or the other person] or cause himself [or the other person] great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in [self-defense or defense of another] force or means that might cause the

² NRS 200.120(3)(a) defines a crime of violence: "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

death of the other person, for the purpose of avoiding death or great bodily injury to [himself or the person(s) being defended].

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense [or defense of another], the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

Actual danger is not necessary to justify a killing in self-defense [or defense of another]. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he [or the other person] is about to be killed or suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and,
3. A reasonable person in a similar situation would believe himself [or the other person] to be in like danger.

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

If evidence exists that a killing was in defense of self [or defense of another], the State must prove beyond a reasonable doubt that the person killing did not act in self-defense [or defense of another]. Id. at 1051-52.

Therefore, under Nevada law, if there is evidence that the killing was committed in self-defense or defense of another, the State at trial, must prove beyond a reasonable doubt that the slayer was not acting in self-defense or defense of another.

The known facts and circumstances surrounding this incident indicate that Decedent posed an apparent imminent danger to Officer Belmonte and Officer Sacba. Decedent suddenly and without warning stabbed Officer Belmonte in the head and then turned toward Officer Sacba, who was mere feet away from her, while she was still holding the knife and appearing to aggressively advance toward Officer Sacba. Officer Sacba reasonably believed that he and Officer Belmonte would be at risk of great bodily harm or death if Decedent continued her violent knife attack. It was in that moment that Officer Sacba shot Decedent, killing her.

The totality of the evidence, to include BWC video, visible evidence on scene, the officers' statements, and witness statements, illustrates that Officer Sacba was reasonable in believing that Decedent would cause great bodily harm or death to himself and Officer Belmonte. Officer Sacba was confronted with the appearance of imminent danger to himself and Officer Belmonte and had an honest belief and fear that he and his fellow officer were about to be killed or suffer great bodily injury at the hands of Decedent. The

evidence further illustrates that Officer Sacba acted reasonably in his reaction to the apparent danger posed by Decedent.

Here, Officer Sacba reasonably acted in defense of others, specifically Officer Belmonte. Consequently, the shooting of Decedent is justifiable under this legal theory.

Furthermore, Decedent was aggressively approaching Officer Sacba with a knife after having just stabbed his partner, Officer Belmonte, in the head. As such, Officer Sacba was confronted with the appearance of imminent danger to himself and had an honest belief and fear that he was about to be killed or suffer great bodily injury at the hands of the decedent. Thus, Officer Sacba reasonably acted in self-defense at the time he used deadly force against Decedent. Consequently, the shooting of Decedent is also justifiable under this legal theory.

B. Justifiable Homicide by a Public Officer

“Homicide is justifiable when committed by a public officer ... [w]hen necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty.” NRS 200.140(2). This statutory provision has been interpreted as limiting a police officer’s use of deadly force to situations when the officer has probable cause to believe that the suspect poses a threat of serious physical harm to either the officer or another person. See 1985 Nev. Op. Att’y Gen. 47 (1985).

In this case, the known evidence illustrates that Officer Sacba had probable cause to believe that Decedent posed a threat of serious physical harm to himself and Officer Belmonte. Again, Decedent was aggressively approaching Officer Sacba with a knife while at close range in a confined space after having just stabbed Officer Belmonte in the head. Thus, the use of deadly force by Officer Sacba was legally justified and appropriate under NRS 200.140(2). Therefore, the killing of Decedent by Officer Sacba was justified.

CONCLUSION

Based on the review of the available materials and application of Nevada law to the known facts and circumstances, we conclude that the actions of Officer Rudy Sacba were reasonable and legally justified. The law in Nevada clearly states that homicides which are justifiable or excusable are not punishable. See NRS 200.190. A homicide which is determined to be justifiable shall be “fully acquitted and discharged.” See NRS 200.190.

As there is no factual or legal basis upon which to charge, unless new circumstances come to light which contradict the factual foundation upon which this decision is made, no charges will be forthcoming against Officer Rudy Sacba.