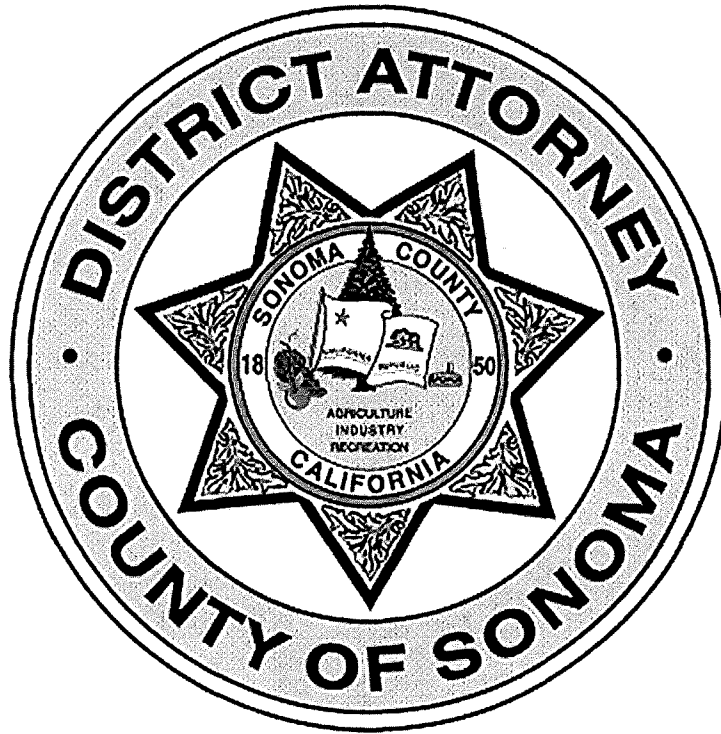


LAW ENFORCEMENT EMPLOYEE-INVOLVED FATAL INCIDENT REPORT



Employer Agency: Sonoma County Sheriff's Department

Lead Agency: Petaluma Police Department

Individual Shot: Jeffrey Singleton

Date of Incident: 4/29/2015

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

FOR PUBLIC DISSEMINATION

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	SCOPE OF REVIEW	1
III.	STANDARD OF REVIEW	2
IV.	SUMMARY OF FACTS	2
V.	STATEMENT OF THE LAW	14
VI.	LEGAL ANALYSIS	16
VII.	CONCLUSION.....	17

I. INTRODUCTION

On April 29th, 2015, Jeffrey Singleton was shot by an on-duty deputy sheriff employed by the Sonoma County Sheriff's Office. The shooting event occurred at the conclusion of a dispatch call out for a report of a male subject having brandished and threatened another male subject with a knife. The Sheriff's Deputy fired his weapon after Singleton came out onto his residence's 2nd floor balcony with a shotgun, cycled the action of the shotgun (as if he was racking a round into the chamber to enable the gun to fire) and began bringing the barrel of the shotgun down and placing the butt of the gun into his shoulder as if he was preparing to fire at the deputies down below his apartment. Singleton was 46 years old at the time of the incident.

The Sonoma County Sheriff's Office invoked the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol. The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol, an outside law enforcement agency is to investigate officer involved fatalities. Although this case does not involve a fatality, under the circumstances the Sonoma County Sheriff's Department did invoke the protocol. Accordingly, members of the Petaluma Police Department assumed responsibility for the investigation of this shooting incident. Members of the Sonoma County District Attorney's Office were also assigned to participate in the investigation and ultimately agreed to review the investigation under the protocol.

The role of the Sonoma County District Attorney's Office in a law enforcement employee-involved shooting incident is to review the investigation in light of relevant statutes to determine if there exists any criminal liability on the part of the involved party(s), including the law enforcement employee(s); to provide assistance to the investigating agency regarding relevant criminal law issues; to supplement the investigation when necessary; and, when appropriate, prosecute those persons believed to have violated the criminal law.

Once the investigation is complete, the District Attorney is required to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is provided to the foreman of the Sonoma County Grand Jury. A redacted copy is made available to the public.

The following report has been prepared by the Sonoma County District Attorney. It includes a summary of facts surrounding the shooting and wounding of Jeffrey David Singleton, statement of applicable law, legal analysis, and specific conclusions.

II. SCOPE OF REVIEW

The sole purpose of this criminal investigation and review is to establish the presence or absence of any criminal liability on the part of any involved party, including the involved law enforcement employee(s).

III. STANDARD OF REVIEW

The District Attorney, as the chief law enforcement official in Sonoma County, and as the person responsible for deciding what cases to prosecute, has the responsibility to review and approve the filing of all criminal cases. The discretion to exercise this function, i.e., to charge a person with a crime, is not without limit.

The standard to be applied by the District Attorney in filing criminal charges is accurately expressed in a publication of California District Attorneys Association entitled, *Uniform Crime Charging Standards*.¹ It provides:

The prosecutor should consider the probability of conviction by an objective fact-finder hearing the admissible evidence. The admissible evidence should be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact-finder after hearing all of the evidence available to the prosecutor at the time of charging and after hearing the most plausible, reasonably foreseeable defense that could be raised under the evidence presented to the prosecutor.

Additional restraint on the charging authority is found in *The California Rules of Professional Conduct, Rule 5-110*, which provides that an attorney in government service (this definition includes prosecutors) shall not institute or cause to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause.

Simply put, the standard for charging a crime is high because the burden of proof required at trial is quite high, i.e., proof beyond a reasonable doubt.

IV. SUMMARY OF FACTS

The following is a brief summary of facts intended to assist the reader in understanding and applying the legal standards explained herein. In no way is it intended to replace the exhaustive investigative reports submitted by the Petaluma Police Department. It is, however, an accurate statement of what the District Attorney believes the material facts in this case to be.

Background

After the incident Jane Doe #1 was interviewed and provided the following information to detectives. Jane Doe #1 is the mother of Jeffrey Singleton's two children, who were present at the apartment complex at the time of the shooting. Jane Doe #1 said that she and Singleton were married for four years and separated in 2007 and they divorced in 2010. She shares physical custody of their two children, Minor Son and Minor Daughter, but does not live with him.

¹ California District Attorneys Association, *Uniform Crime Charging Standards* (1996) p. 12.

On the date of the incident, Jeffery Singleton had picked up the children from school and brought them back to his home at an apartment complex in Guerneville. Jane Doe #1 said that later on that day, she received a phone call from an unknown deputy who told her to come to Guerneville to pick up her children. Jane Doe #1 described Singleton as having mental health issues and anger issues, including a drinking problem and issues with drug use.

Jeffrey Singleton's mother, was interviewed after the incident. She knew nothing about the shooting nor what lead to it, beyond what she read in the newspaper. However, when asked if Singleton had ever expressed thoughts of suicide in the past she said, "two weeks ago." She said that Singleton called her asking for money and when she refused, he told her he would "kill himself." She said her response was, "Well, go ahead." She did not provide any other details (i.e. method) concerning this exchange, other than to say such threats were not common for him to make.

Events Leading Up to the Dispatch

On Wednesday, April 29th, 2015, at approximately 2:40 p.m., the Sonoma County Sheriff's Office received a call about a subject who had reportedly brandished a knife and confronted another subject while armed with a knife. The incident occurred at in Guerneville at an apartment complex. It was later learned that involved subjects were Jeffrey Singleton and John Doe #1. Singleton was a resident of the complex and John Doe #1's mother, Jane Doe #2, was the property manager for the complex.

Shortly after the call was received by the Sheriff's Office dispatch center, deputies were sent to the apartment complex to investigate the alleged crime. A total of three deputies arrived at the complex. The deputies were Theodore Van Bebber, Matthew Lupton, and John Littrell.

John Doe #1 was interviewed by Sonoma County Sheriff's Detective Jayson Fowler. (The Sheriff's Office investigated the incident between John Doe #1 and Singleton prior to the shooting.) John Doe #1 lives at the apartment complex with his mother. John Doe #1 explained that around 12:30-1 p.m. he heard what he thought was someone revving a Harley-Davidson motorcycle, but then believed it could have been his father revving his truck engine. The apartment parking lot is below the apartments. John Doe #1 went down to the parking garage to tell his father that they were leaving for the beach and found Singleton's Harley-Davidson motorcycle, parked in a parking space, running with no one around it. John Doe #1 went back upstairs to tell his mother, and then went back downstairs. John Doe #1 said that when he got back downstairs he noticed Singleton "flipping off" and screaming at the resident in another apartment which he found odd, because that resident is deaf.

John Doe #1 went on to say that he approached Singleton with his hands in the air and asked him, "Do you need help Jeff? What's going on?" John Doe #1 said that Singleton came straight at him, flipping him off saying, "You too mother fucker." John Doe #1 said at that point Singleton shoved his right hand into his right front pocket and pulled out a pocket knife and with the blade extended made an upward stabbing motion at John Doe #1. John Doe #1 described the knife as being a black handled folding knife with a serrated blade and estimated the handle at 2-3 inches,

stating it would fit in the palm of a hand. (It should be noted that during this investigation no knife matching this description was ever located.) John Doe #1 said he backed up and Singleton continued to come at him and made another stabbing motion at him while John Doe #1 retreated to the stairwell in the garage. He ended up with his back against the wall as Singleton continued to advance. Singleton made one more stabbing motion with an audible grunt and John Doe #1 ran up the stairs.

John Doe #1 described that at some point after this exchange, his mother went down to the garage. He stated he was going to go back downstairs but a neighbor, Jane Doe #3, stopped him at the top of the stairs. He stated he then heard brakes squeal in the garage and ran downstairs and saw that Singleton was on his Harley and was also trying to steer his BMW vehicle, through the open driver's door, at the same time. John Doe #1 said Singleton's BMW, however, then ran into a pole in the garage and stopped. Singleton rode his Harley through the garage until he ultimately crashed it while attempting to spin it around. He said that Singleton then got into the BMW and drove it to the end of the garage and parked. John Doe #1 remembered that at one point after Singleton parked his BMW, Singleton was yelling at him about a gun. He couldn't describe the exact words Singleton used, but was sure he heard "get" and "gun." He then saw Singleton run upstairs. SCSO deputies arrived on scene shortly after.

Jane Doe #2 stated earlier that day, at approximately 1:15 p.m., Singleton came into her office to complain that someone had stolen his car a week and a half prior. There was talk about video surveillance and Jane Doe #2 indicated that she didn't believe the complaint had merit, stating that she has had problems with Singleton for the past six months. Ultimately Singleton left the office.

At about 2:15 p.m. Jane Doe #2 described that she was taking a late lunch and was in the apartment with her son, John Doe #1, when she heard the repeated sounds of a motorcycle engine revving. Her son suggested he would check it out. Jane Doe #2 said her son returned and said that Singleton's Harley was running, but that he wasn't around. Knowing that Singleton had just made a prior complaint about his car being stolen, John Doe #1 told Jane Doe #2 that he would go back down and stand by the motorcycle to ensure that it didn't get stolen. Jane Doe #2 said her son left and when he came back he told her that Singleton tried to stab him. Jane Doe #2 said she didn't see the knife assault by Singleton but called 9-1-1.²

Jane Doe #2 then went downstairs to confront Singleton about trying to stab her son. On her way down she was contacted by her neighbor, Jane Doe #3, who told her that she saw Singleton brandish something from his pocket. When Jane Doe #2 got to the parking garage, Singleton was in the BMW with his Harley still running. According to Jane Doe #2, Singleton had just been in a confrontation with the tenant who is deaf, and she saw the tenant walking away.

Jane Doe #2 confronted Singleton, who opened his car door and began to accuse her of stealing his BMW and stealing his bike. He also told her she needed to "watch her back." Jane Doe #2 said that she saw Singleton put his foot on the accelerator and abruptly move his BMW in reverse, pulling her body backwards as she let go of the car. Jane Doe #2 began walking upstairs and

2 According to CAD log this call was received at 2:44 p.m.

heard the engine revving from Singleton's motorcycle and looked back as Singleton sped through the parking garage and slammed on the brakes, causing him to crash the motorcycle.

Jane Doe #2 said she placed a second call to 9-1-1 but this time she called the Sheriff's River Substation directly, since there had been no response as of yet from the first call. Jane Doe #2 said that within a few minutes she saw Singleton return on foot and walk upstairs toward his apartment as the Sheriff's deputies arrived.

Jane Doe #2 explained that Singleton became a tenant in April 2012 but was a completely different person now, describing him as erratic, paranoid and angry. She described that two months prior he came to her apartment and complained that someone was trying to break into his apartment from the roof.

Jane Doe #3 was also interviewed and described hearing John Doe #1 yelling downstairs. She went downstairs and she observed Jane Doe #2 pushing John Doe #1 and telling him to "get the fuck upstairs." Jane Doe #3 said John Doe #1 was extremely upset. She said she turned and saw Singleton standing by his BMW, hiding something in his pants. Jane Doe #3 said she saw Jane Doe #2 lean into the open window of Singleton's vehicle and say, "you can't pull a fucking knife on my kid, you are done." Jane Doe #3 also described seeing Singleton "wreck" his motorcycle and described him as looking "like there was nobody home." She also described seeing Singleton eventually leave in his car. Jane Doe #3 confirmed that she never saw Singleton with a knife, only that he was pulling his shirt down and appeared to be shoving something in his pants.

Jane Doe #3 said that she has known Singleton for approximately three years, but has seen a change in his behavior over the last year, describing him as becoming paranoid and that he had recently started hanging around people whom she knows use drugs.

Sheriff's Office Initial Response

Deputy Matthew Lupton stated that he was at the substation in Guerneville when he was dispatched to an apartment complex in Guerneville for a report of a 911 disconnected call. Deputy Lupton said the dispatch center was unable to reach anyone on the line, so he was sent there to check the area. Deputy Lupton said before he left, he received more information that there was actually some type of disturbance at the complex. Deputy Littrell was also at the substation. The two of them responded together, in separate vehicles. Deputy Lupton was wearing a standard Sheriff's deputy uniform and was the first to arrive on scene.

Deputy Lupton said that when he arrived at the apartment complex he could see people out in front who appeared to be trying to get his attention. Deputy Lupton approached the subjects and spoke with a female subject who stated she was the property manager of the apartment complex.³ The female subject told him that a subject had pulled a knife on someone. Deputy Lupton then spoke with a male subject who he believed was the person who had the knife pulled on him. The male told him that another person had tried to cut him with a knife. As Deputy Lupton spoke with the

3 According to the CAD log Lupton arrived on scene and was in contact with "Jane Doe #2" at 2:47 p.m.

group of people in front of the apartment complex the name Jeff Singleton was relayed to him as being the responsible person (i.e. the suspect) and a clothing description of Singleton was also provided. Deputy Lupton said that the subjects who waived him down said that Singleton had been seen going back to his apartment. Deputy Lupton also recalled someone telling him that Singleton's kids could be in the apartment with him.

Deputy Lupton was familiar with Singleton from prior recent law enforcement encounters. Deputy Lupton said he recalled another deputy had told him some time ago that Singleton made a comment that he (Singleton) was going to be carrying a firearm because he was unhappy with the interaction that he has had in the past with the Sheriff's office. Additionally, Deputy Lupton said he had knowledge about a prior incident where Singleton was arrested by a Sheriff's deputy and had made comments that he was displeased with the Sheriff's office and that he would be carrying a firearm in the future.

Deputy Lupton also described some personal interactions with Singleton where Singleton had come into the Sheriff's substation in Guerneville, to report an issue involving a vehicle which was (repeatedly) deemed to be a civil issue and not a criminal issue. Deputy Lupton described Singleton as being unhappy with the Sheriff's Office's determinations. Deputy Lupton said that in recent weeks Singleton has come into the substation and spoken to a variety of deputies who were on duty and who described him as acting bizarre and agitated. Deputy Lupton also described two recent contacts he personally had with Singleton involving Singleton's bizarre behavior.

Deputy Lupton said that once Deputy Littrell arrived on scene, he met with Littrell and briefed him on what he had learned. Deputy Lupton said that the decision was then made that Singleton would need to be located, contacted and potentially interviewed in an effort to further investigate the alleged assault that had been reported.

Deputy Lupton said that he responded to Singleton's apartment and knocked on the downstairs front door several times with no response. Deputy Lupton said he announced himself ("Sheriff's Office") while knocking for approximately five to ten minutes. Deputy Lupton said that during this time Deputy Van Bebber arrived on scene as a third deputy.

Deputy Theodore Van Bebber stated that he was working the day shift at the Guerneville substation on Wednesday, April 29th, 2015, and was responding to Cazadero (on an unrelated call for service) when he heard the dispatch regarding a subject who was armed with a knife and who had been involved in a confrontation with another subject. Deputy Van Bebber said that based on the nature of the dispatch information he heard, he decided to divert from responding to the call in Cazadero and respond to the address of where the subject with the knife was being reported.

Deputy Van Bebber said that upon arriving on scene, he met and spoke with Deputy Lupton and Deputy Littrell. Deputy Van Bebber learned that the suspect (i.e. the subject who had been armed with a knife) was named Jeff Singleton. Deputy Van Bebber said that he was also told that Singleton made some type of threats when he was armed with the knife and involved in the altercation. Additionally, Deputy Van Bebber said he thought that he had been told that Singleton had also tried to swing the knife and cut someone with the knife during the altercation. He was

unsure of which deputy relayed that information to him.

Deputy Van Bebber also described being familiar with Singleton. He described an incident a few months prior when Singleton was arrested by another deputy and Deputy Van Bebber was assigned to transport Singleton to jail. During the transport to the jail, Singleton made comments that he would be carrying a firearm in the future to protect himself from law enforcement, and that he would, "shoot it out with the cops," or something similar. Deputy Van Bebber said on the date of the shooting that he had Singleton's statements, "playing in the back of my mind."

Deputy Van Bebber said that based on this prior encounter with Singleton and Singleton's comments regarding arming himself with a gun and having a shootout with the police, the fact that Singleton was currently being accused of being armed with a knife and having been confrontational with another person, made him concerned for the safety of his fellow deputies. He stated the fact that Singleton's young children may also be in the apartment made him concerned for their safety as well. He stated based on his knowledge of the situation and Singleton's background, he was very concerned for his safety, the safety of his fellow deputies, the safety of the children, and the safety of other citizens that were on scene at the apartment complex.

Deputy Littrell then stepped away to try and obtain additional information regarding the incident involving the knife, while Deputy Lupton and Deputy Van Bebber remained in front of Singleton's apartment. Deputy Lupton and Deputy Van Bebber continued to try and make contact with Singleton.

Sheriff's Deputies Make Contact with Singleton

Deputy Lupton said at some point Singleton stepped out onto the small second story balcony that was connected with his unit. Deputy Lupton said that at that point he began trying to explain to Singleton that he was there to investigate the incident involving the knife. Deputy Lupton said that Singleton was denying the accusations and that he kept trying to explain to Singleton that it was important for him to cooperate so they could get Singleton's side of the story. Deputy Lupton repeatedly asked Singleton to come downstairs so they could discuss the matter. Ultimately Singleton refused to come out of his apartment and would not meet with any of the deputies on the scene. Singleton said that he was reluctant to come outside because he had his 13 year old and 7 year old children with him.

According to Deputy Lupton, Singleton told him that his son could corroborate that Singleton had not left his apartment that day. Deputy Lupton asked if Singleton would allow his 13 year old son to come outside and speak with him and eventually the boy exited the apartment front door and met with deputies. He was then removed from the immediate area for safety reasons by Deputy Van Bebber. (Deputy Van Bebber told Detectives that although he had built a rapport with the boy, he had Deputy Littrell stay with him because he felt he needed to get back in support of Deputy Lupton. Deputy Van Bebber was unable to determine whether Singleton's daughter was still in the apartment.)

Deputy Lupton said that Singleton, who was still out on the balcony, then began asking questions about getting arrested and having to post bail etc. Deputy Lupton said he started to form the opinion that Singleton was becoming aware that if he exited the apartment, the likelihood of him getting arrested was great, and therefore Singleton was trying to avoid leaving his apartment. At one point Singleton invited Lupton and other deputies to come inside his apartment to meet with him. Due to safety reasons they declined.

Deputy Lupton said that suddenly, Singleton's demeanor changed and he was adamantly refusing to come downstairs. Deputy Lupton advised him that they would not leave, the investigation would not go away, and the SWAT team may have to respond and he (Singleton) would then definitely be arrested and an increased likelihood that his children would be taken away from him. Singleton responded that he would not be coming out nor providing a statement, other than making a statement similar to, "Fuck you guys." Deputy Lupton said Singleton began repeatedly stepping back into his apartment and then coming out on the balcony while making comments about how the Sheriff's office had treated him. Singleton then made a comment, "Fuck you come and get me." Deputy Lupton said as Singleton's behavior became increasingly more agitated and upset, he decided to move from standing near the front door of the apartment to standing slightly to the west and utilizing a metal arbor type structure for cover.

Deputy Van Bebber described observing the conversation between Deputy Lupton and Singleton and said that he decided to position himself across and slightly away from Singleton's apartment so he could monitor Singleton's actions and to provide cover for Deputy Lupton. Deputy Van Bebber also described seeing Singleton's mood become more agitated.

Deputy Van Bebber said while he remained in a position of cover, he briefly saw what appeared to be Singleton's daughter through a glass portion of the door that led to the balcony. Deputy Lupton said at that point he had done everything within his power to try and handle the situation at his level and felt it would now be necessary to "go to the next level" and get the hostage negotiation team and sergeants on scene.

Deputy Lupton said he recalled that at this point Singleton mentioned something about going and getting a gun. Singleton then left his sight and went back into the apartment. Deputy Lupton said he then began to move toward a more favorable cover protection near Deputy Van Bebber.

Deputy Van Bebber recalled Singleton making a comment about how he was going back inside his apartment and "arming" himself." He could not remember the exact words that Singleton used. However, after Singleton made the comment he went back inside his apartment. Deputy Van Bebber said that he then took a kneeling position behind some planter boxes that were in front of another apartment that was directly across the courtyard from Singleton's apartment. Deputy Van Bebber said his pistol was drawn from its holster and he held his firearm in the low ready position. Deputy Van Bebber estimated his distance from where he was and the balcony of Singleton's apartment to be approximately 20 yards away. Deputy Van Bebber said that Deputy Lupton also took a kneeling position behind another set of planter boxes nearby.

Sheriff's Deputies Engage Singleton

Deputy Lupton said as he began moving from the steel arbor structure to go over to where Deputy Van Bebber was located by the planters, Singleton emerged back out onto the balcony and was armed with a shotgun. Deputy Lupton said as he was moving, he heard Singleton rack the shotgun and then out of the corner of his eye (while he was fluidly moving to get to where Deputy Van Bebber was), he could see Singleton beginning to lower the muzzle (barrel) of the shotgun down in the direction of where Deputy Van Bebber was located.

Deputy Lupton said he felt like Singleton was planning on killing him at that point, especially when Singleton began to bring the muzzle down toward their location. Deputy Lupton estimated his distance (and Van Bebber's distance) away from Singleton then was only between 15-20 feet away.

Deputy Lupton said as he was still fluidly moving toward Deputy Van Bebber's location of cover, he heard three shots ring out in short succession. Deputy Lupton said after hearing the shots, Singleton fell to the floor. Deputy Lupton said at first he thought the shots were from Singleton shooting at him (or Deputy Van Bebber), but he discovered that Deputy Van Bebber had fired at Singleton.

Deputy Van Bebber said as he was kneeling behind the planter boxes watching the front of Singleton's apartment when he saw the door that leads out onto the balcony from Singleton's apartment suddenly swing open. Singleton then stepped out onto the balcony, armed with a shotgun. Deputy Van Bebber said he observed Singleton begin to lower the shotgun and point it in his direction. Deputy Van Bebber did not describe seeing Singleton "pump" the shotgun. He described that Singleton came out of the door and in "one fluid motion" pointed the shotgun at him. Deputy Van Bebber said he feared for his life and thought Singleton was going to shoot him and his fellow deputies. Deputy Van Bebber said he realized that he could be seriously injured or killed by Singleton shooting him with a shotgun if Deputy Van Bebber didn't "stop this threat." Deputy Van Bebber said that he didn't have time to give Singleton orders.

Deputy Van Bebber said he pointed his 9mm Glock handgun at Singleton and fired. Deputy Van Bebber was unsure of the number of shots he fired. After firing his gun, he saw Singleton fall back into the apartment. He then conducted a "tactical reload" and removed the magazine that had been inserted into the gun at the time of the shooting and replaced it with a fully loaded magazine. Deputy Van Bebber said after firing his weapon at Singleton, he advised dispatch that shots had been fired.⁴ Deputy Van Bebber also said that the incident unfolded so fast that he didn't have time to give any commands to Singleton to drop his weapon.

Deputy Littrell said that as he was interviewing John Doe #1 he heard a series of gunshots and immediately terminated his interview. Deputy Littrell then approached the apartment and Deputy Van Bebber's location. Deputy Littrell did not observe the shooting.

A number of other witnesses also saw Singleton's interactions with the deputies on April 29th, 2015. Many reported hearing arguing or yelling and multiple gunshots. A few observed the

4 According to CAD log at 3:24 p.m., Deputy Van Bebber dispatched "Shots fired"

gunfire.

Jane Doe #4 was visiting a friend, Jane Doe #5, and went out onto her balcony to have a cigarette. The balcony is across the street and southwest from the complex and, according to Jane Doe #4, has an unobstructed view of the northwest section of the apartment complex. Jane Doe #4 saw and heard Singleton yelling from his upstairs balcony at "two police officers" who were standing on the first/ground level. Singleton was yelling, "I see you Mr. Lipton, you're that ice tea." Jane Doe #4 thought Singleton was acting "nuts" and then heard him say, "I am armed to the T, I'll show you." Singleton then went into his residence and returned to the balcony holding a "big gun" which she thought was a shotgun. Singleton then "pumped" the shotgun and that's when Jane Doe #4 heard four (4) gun shots. She then heard deputies yelling at Singleton to crawl down the stairs. Jane Doe #4 went on to say that Singleton did not point the gun at anyone, but did pump the shotgun.

Jane Doe #5 also described seeing Singleton yelling at two uniformed deputies, saying Singleton was "outraged" and "something was not right with him." She also described hearing Singleton state, "My house is armed to the T, do you want to see?" Jane Doe #5 described that after he made that statement he went inside his residence and immediately came back out to the balcony holding a shotgun. Jane Doe #5 then described that Singleton "cocked" the gun up in the air and she demonstrated the cycling action of a shotgun. At that time, Jane Doe #5 heard 4-5 gunshots and saw Singleton fall to the ground near the balcony doorway. She then heard deputies telling Singleton to get on his hands and knees and crawl down the stairs.

Jane Doe #3 was interviewed and told Sheriff's Detectives that she was in the community room with Singleton's son while Deputies were trying to speak with Singleton. She saw Singleton standing outside his balcony door holding what she thought was a black gun. She said she thought she heard him say, "I've got more ammo mother fuckers." Jane Doe #3 said she saw Singleton push his arm out the window with the gun and move quickly, then she heard three gun shots, a short pause, and then a fourth shot. She was unable to see where the deputies were standing, however, she saw Singleton point the gun out the door where she assumed the deputies were standing.

During the course of the investigation, no witnesses described seeing any deputies other than Deputy Van Bebber fire his weapon during this incident, nor did any other deputy indicate that they fired their weapon during this incident.

Post-Shooting Conduct of Deputies

Deputy Van Bebber said after firing his weapon at Singleton he started to give Singleton verbal commands to let his daughter out of the apartment. After yelling this, a young girl suddenly emerged out of the front door of Singleton's apartment. The young girl was identified as being Singleton's daughter, who was 7 years old. Deputy Van Bebber said after Singleton's daughter exited the apartment, she ran to him and he directed the girl to go to Deputy Littrell.

Deputy Van Bebber maintained his position of cover and verbally told Singleton to exit the apartment. He said he was hesitant to advance or to enter Singleton's apartment because he was unsure if Singleton was still a threat. Deputy Van Bebber said at some point Deputy Littrell came up to him and Deputy Littrell made the decision that they (Littrell and Van Bebber) would enter the apartment. Deputy Van Bebber said Deputy Littrell went first and he followed immediately behind him. As they entered the apartment he could see Singleton lying in a fetal position on the floor near the doorway. Deputy Van Bebber said after quickly clearing the apartment of any other threats and safety concerns, he and Deputy Littrell approached Singleton and handcuffed him. He saw a shotgun lying next to where Singleton was located on the floor.

Deputy Van Bebber said medical personnel were then summoned to respond into the apartment to begin assessing and treating Singleton. Deputy Van Bebber moved the shotgun as Singleton was being treated. He said that he saw that the weapon's safety was off because he could see the red dot that was visible on the top portion of the weapon.

Post Incident Evidence Collection from Involved Deputies

Deputy Van Bebber was cooperative both at the scene, and later during an investigative interview with Detective Joel Stemmer of the Petaluma Police Department.

Deputy Van Bebber was wearing a standard issue uniform with green pants and tan shirt with Sonoma County Sheriff's Office patches on the sleeves and a cloth badge on the left chest. Deputy Van Bebber was armed with a 9mm caliber Glock model 17 (duty weapon) that holds 17 rounds and a Smith and Wesson .38 special revolver (back up weapon). Deputy Van Bebber was not wearing any type of recording device.

Petaluma Police Detective Michael Pierre confirmed that Deputy Van Bebber's duty pistol was loaded (one unexpended cartridge in the chamber) and the magazine contained sixteen (16) 9mm rounds. Two spare pistol magazines were inventoried from his duty belt. One magazine contained seventeen (17) 9mm rounds cartridges and the other contained fourteen (14) 9mm rounds.⁵ Deputy Van Bebber's back-up Smith and Wesson 5-shot revolver contained five loaded cartridges.

Petaluma Police Detectives also inventoried Deputy Lupton and Deputy Littrell's firearms. Each of their firearms, including Deputy Lupton's backup weapon were fully loaded and neither deputy had any cartridges missing from their firearms. Deputy Littrell was wearing a body camera (audio and video) during the incident which footage was booked into evidence and is 17 minutes and 15 seconds in length. It captures raised voices and statements consistent with statements attributed to Singleton. Since Deputy Littrell was in the process of interviewing John Doe #1 when the gun shots rang out, the video did not capture the actual shooting and was shut off or deactivated when

⁵ Deputy Van Bebber explained that the Glock 9 mm magazine holds 17 rounds and that sometimes after he inserts a magazine and racks (loads) a round, he will then reload an additional round into the magazine (17 rounds in the magazine and one in the firearm's chamber). That would account for the magazine holding 14 rounds after 4 had been fired.

Singleton's body was moved.

Deputy Lupton was wearing an audio recorder during his interaction with Singleton. The audio recording captures the conversation between Singleton and Deputy Lupton. At one point Singleton becomes more agitated and angrily asks Deputy Lupton, "you wanna see something, motherfucker?" Deputy Lupton told Singleton in a calm voice to "be smart about this." Singleton replied, "You had your chance", and then said something that sounded like, "I'm protecting myself." Lupton directed some residents of the apartment complex to go inside their homes, and the recording ended.

Additional Evidence Located at the Scene

California Highway Patrol Officer Ron Cincera said that he was on duty and responded to the apartment complex to assist the S.C.S.O. He stated he taped off a crime scene area and assisted with placing evidence placards on the known shell casings that were discovered on the ground within the crime scene. Officer Cincera described locating a total of four (4) empty shell casings on the ground in the areas near two apartments. (Per the apartment complex map, these apartments are across the courtyard and just east of Singleton's apartment.)

A search of Singleton's residence was conducted and a black pump action shotgun was located on the carpeted floor between the coffee table and couch.⁶ The shotgun was determined to be unloaded. However, a total of forty-nine (49) live 12 gauge shotgun shells and another ten (10) live slugged shotgun shells were located in the closet. The shotgun had been modified, the barrel had been shortened, and measured well under the legal requirement of 18 inches (Penal Code Section 17180).

Additionally multiple partially filled and empty vodka bottles were located around the kitchen. In the main closet two glass smoking pipes, consistent with devices commonly used to smoke controlled substances (most likely methamphetamine) were located.

Petaluma Police Detective Lance Novello noted that the small entryway to the balcony and the metal grated balcony floor had evidence of what appeared to be both wet and dry blood. He also observed a "significant" puddle of what appeared to be coagulated blood on an area of carpet just near the couch. He stated that the location of the blood evidence was consistent with Singleton being located on the balcony or within the threshold of the balcony when he was injured, and then subsequently travelling into the family room.

Detective Novello noted damage consistent with bullet strikes located around the balcony. An east facing vertical metal balcony rail was damaged with what appeared to be a penetrating bullet strike from the west. There were two small round holes in the right (facing outside) exterior door

⁶ When Deputies Van Bebbber and Littrell first entered the apartment they saw the shotgun lying next to Singleton. Deputy Littrell described "discarding" the shotgun behind them just before placing Singleton in handcuffs. When the medical team arrived they needed to move Singleton, so the shotgun was moved further into the room so that Singleton could be loaded onto the gurney and carried out. This is where it was when it was placed in evidence.

trim on the balcony, which were consistent with penetrating bullet strikes. A metal probe found the holes consistent with objects moving west, or from the courtyard to the balcony.

Detective Novello noted that there were also two small round holes, consistent with what appeared to be bullet strikes on the exterior side of the open balcony door. The damage was consistent with the objects entering the exterior side. There was one small hole in the south facing interior wall, to the right (facing outside) of the balcony door. According to Detective Novello this appeared to be consistent with the trajectory of one of the exterior door trim holes and appeared to be where the object exited. There were three small holes, which appeared to be consistent with penetrating bullet strikes, on the west interior wall, just behind the open balcony door. The trajectory of these holes was consistent with the objects that struck and passed through the balcony rail, trim, and door. Detective Novello stated that based on the locations and appearance of the aforementioned damage, he believed that they were consistent with bullets shot from the deputy's location in the courtyard toward the balcony where Singleton was standing.

There were a total of five (5) areas of penetrating damage penetrations, (the fifth is believed to possibly be shrapnel penetration rather than an actual round.) From these areas Detective Novello recovered three suspected 9mm bullets and one piece of suspected copper jacketing. Detective Novello believed that the copper jacket shrapnel was caused when the bullet that struck the metal balcony rail split. Detective Novello also located a fourth hole which appeared to be caused by a bullet exiting the exterior wall.⁷ Novello determined that his findings were consistent with the direction and trajectory of the four (4) spent 9mm casings found at Deputy Van Bebber's reported location in the courtyard. Thus, it appears that Deputy Van Bebber was the only law enforcement employee to discharge his weapon, and he discharged it four times.

Singleton's Injuries

Singleton was transported to Santa Rosa Memorial Hospital and treated for his injuries. He suffered a single through-and-through gunshot wound to his left shoulder from a bullet that entered just above his left clavicle.

A tube of Singleton's blood was drawn tested for alcohol which showed that his blood contained 0.09% alcohol.⁸ His blood was also tested for drugs and the results for drugs were negative.

Singleton's Statements

On May 1, 2015, Singleton was placed under arrest for assault with a deadly weapon against John Doe #1. On May 4, 2015, Singleton was advised of his *Miranda* rights and interviewed regarding the incident.

Singleton said that on the day of the incident he left his motorcycle running in the covered carport area and was going back to his apartment to check on his kids when "John Doe #1" said something

⁷ This accounts for the likely reason of not finding the 4th bullet, i.e. it went through the wall and kept going.

⁸ 0.08% is the legal limit to drive a motor vehicle in California.

to him like, "I am going to kill you." Singleton said that he then continued on his way back to his apartment and checked on his children and played with his daughter.

Singleton denied that he was ever in possession of a knife, displayed a knife or did anything with a knife that could be considered a criminal act. Singleton acknowledged hearing knocking on his front door, but explained that he thought it could have been "John Doe #1 or Jane Doe #2" or someone else associated with the altercation between himself and John Doe #1 so he chose to ignore the knocking.

Singleton said that after ten minutes the knocking was still continuing so he went to the balcony to see who was knocking at his door. At that time he saw that there were one or two deputies standing below and in front of his apartment. Singleton said that he decided not to go downstairs to talk with the deputies because he had done nothing wrong. He did say that he sent his son downstairs to talk with the deputies to tell them that he (Singleton) had done nothing wrong.

Singleton said that after his son went outside he remained inside with his daughter at his side. Singleton said that he was then suddenly shot. Detectives tried to get more specific information about being shot but Singleton claimed his memory was very foggy and he was having difficulty with recalling specific details from being shot (i.e., the events leading up to him being shot). Singleton adamantly denied that he ever exited his apartment while armed with a shotgun.

The Sonoma County District Attorney's office filed a felony complaint (SCR-665681) charging Singleton with the above charges. On August 5, 2015, Singleton pled no contest to P.C. 417(c) – Brandishing a weapon at a law enforcement officer in a rude/threatening manner, a felony, P.C. 29800(a)(1) – Felon in possession of a firearm, a felony, and P.C. 273a – child endangerment, a misdemeanor.

Singleton was interviewed by the Sonoma County Probation Department in preparation for a presentence report. According to the report, Singleton took full responsibility for what happened and commented, "This was all my fault...I made some poor choices...I wasn't myself." According to the report Singleton further commented that he does not hold the (deputies) responsible for what happened and even provided an apology letter to the Sheriff's Office and the deputies involved. A copy was attached to the probation report. On September 18, 2015, Singleton was sentenced to 3 years in prison.

V. STATEMENT OF THE LAW

The sole issue to be resolved by the Sonoma County District Attorney is whether the shooting of Jeffery Singleton was unlawful because the force used by the deputy *was not* reasonably necessary under the circumstances to accomplish a lawful law enforcement purpose; or, stated another way, whether the shooting *was* lawful because the force used by the deputy was reasonably necessary under the circumstances to accomplish a lawful law enforcement purpose.

Deciding this issue involves analyzing several key principles of law. A brief legal summary is

included to assist the reader in understanding this report and its conclusions. While it is by no means an exhaustive explication of the controlling principles of law to be applied to this case, it is a correct statement of the law to be applied.

A peace officer who has reasonable cause to believe that a person has committed a public offense may use reasonable force to effectuate an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose the right to self-defense by the use of reasonable force to effect the arrest, to prevent escape, or to overcome resistance.⁹

Any person, including a peace officer, has a right to use reasonable force in self-defense or for the defense-of-others.¹⁰ A person can be said to have acted in lawful self-defense or for the defense of others if all of the following exist: the person reasonably believed that he or someone else was in imminent danger of suffering bodily injury; the person reasonably believed that the immediate use of force was necessary to defend against that danger; the person used no more force than was reasonably necessary to defend against that danger.¹¹

When deciding whether the person's beliefs were reasonable, one must consider all of the circumstances as they were known and appeared to the person at the time, as well as what a reasonable person in a similar situation with similar knowledge would have believed. If the person's beliefs were reasonable, the danger does not need to have actually existed.¹² When the shooting occurs in self-defense, or in defense of another, it is not an unlawful act.¹³ Both self-defense and defense-of-others are complete defenses and make the shooting justifiable.¹⁴

In a leading California Appellate decision, *People v. Aris* (1989) 215 Cal.App.3d 1178, 1188, the Court defines what is meant by *imminent harm* as applied to the law of self-defense:

“The definition of imminence in California has long been settled. ‘A person whose life has been threatened by another, whom he knows or has reason to believe has armed himself with a deadly weapon for the avowed purpose of taking his life or inflicting great personal injury upon him, may reasonably infer, when a hostile meeting occurs, that his adversary intends to carry his threats into execution. The previous threats alone, however, unless coupled at the time with an apparent design then and there to carry them into effect, will not justify a deadly assault by the other party. There must be such a demonstration of an immediate intention to execute the threat as to induce a reasonable belief that the party threatened will lose his life or suffer serious bodily injury unless he immediately defends himself against the attack of his adversary.

9 See Penal Code Section 835a.

10 See Penal Code Sections 692-694.

11 See CALCRIM 3470.

12 See CALCRIM 3470.

13 See CALCRIM 3470.

14 See CALCRIM 3470.

... if there be at the time such a demonstration of force ... [indicating] that his adversary as on the eve of executing the threat, and that his only means of escape from death or great bodily injury was immediately to defend himself against impending danger” (Citations omitted.)

VI. LEGAL ANALYSIS

At the time the deputies became involved in this incident, Singleton was ostensibly engaged in the commission of a number of dangerous crimes; including but not limited to: assault with a deadly weapon and criminal threats. Therefore, they had probable cause to detain Singleton to investigate a serious crime (assault with a deadly weapon, criminal threats against the neighbor).

Deputy Lupton repeatedly attempted to speak with Singleton and Singleton not only continued to delay the deputies in their investigation but became increasingly hostile. He presented a danger to himself, his children, and others because of his demeanor, conduct, and mental state. The deputies were justified in ordering him out of the house and detaining him at that point in order to further investigate what, if any, crimes had been committed. Since the deputies were justified in detaining him they had a right to use reasonable force in doing so.

Singleton's behavior before and during the incident was exceedingly irrational and imminently dangerous to the lives of those he assaulted prior to the deputies' arrival, the deputies attempting to speak with him, and ultimately his daughter who was inside the apartment when Singleton racked his shotgun and then aimed it at the deputies. An action he should have known would certainly result in shots being fired in response.

Given Deputy Van Bebber's knowledge of Singleton's prior threats, Singleton's actions earlier in the day, his demeanor while speaking with Deputy Lupton and then his observation of Singleton racking and pointing a shotgun at deputies, it was manifestly reasonable for Deputy Van Bebber to believe that any person in Singleton's line of fire was in imminent danger of suffering bodily injury or death. Furthermore, it was reasonable for Deputy Van Bebber to believe that Singleton was using lethal force and that immediate use of force was necessary to defend against that danger. Therefore, Deputy Van Bebber was justified in shooting Singleton in self-defense by firing four shots from his handgun.

A law enforcement response to such a dangerous and dynamic situation is not predicated on the development and execution of a "perfect" response, but rather a response which is reasonable under the circumstances; circumstances that are very fluid, rapidly evolving, and require decisions to be made very quickly. It bears noting, however, that the law enforcement response in this case was at all times professional, thoughtful, and proportionate to the evolving situation. The deputies were under a legal obligation to apprehend Singleton and to investigate the crimes he had potentially committed.

The deputies responded quickly in dealing with the dynamic situation; yet still in a planned, coordinated fashion. Deputy Van Bebber's paramount concern when he fired his weapon was for

the safety of himself and his fellow deputy and other civilians who might have been in the line of fire as Singleton lowered his shotgun in what Van Bebber thought was in preparation of firing it. Given the seemingly perilous situation with which Deputy Van Bebber was faced, and the reasonable concern of imminent danger, the use of deadly force was reasonably justified.

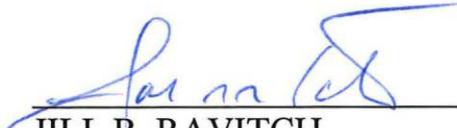
VII. CONCLUSION

It is a well-established community expectation that peace officers will respond when summoned at a time of crisis and not retreat in the face of adversity. Having been dispatched to an emergency situation not of their creation, Sonoma County Deputies Theodore Van Bebber and Matthew Lupton were legally obligated to detain and possibly arrest Singleton for his actions earlier that day. Their law enforcement objective was to do everything reasonably within their power to apprehend Singleton and to safeguard members of the Guerneville community.

The deputies never had an opportunity to carry out their law enforcement objective with non-lethal force options. Under the totality of the circumstances, Singleton presented an imminent threat to the deputies' safety and the situation was rapidly deteriorating. When less than lethal force options are not an option, lethal force becomes a reasonable and necessary measure of force to be employed. Deputy Van Bebber was in a position to observe this situation unfold and to appreciate the potential dangers that Singleton posed. His decision to fire his weapon at Singleton was reasonable and appropriate under the circumstances with which he was faced.

Based on all of the facts and circumstances as explained above, the actions of Deputy Theodore Van Bebber were legally justified, and therefore no criminal charges are warranted.

Nov 4, 2015
Date


JILL R. RAVITCH
District Attorney, County of Sonoma