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**THE DISTRICT ATTORNEY**  
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May 08, 2023

Chief David Nisleit  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

Sheriff Kelly Martinez  
San Diego Sheriff's Department  
9621 Ridgeway Ct.  
San Diego, CA 92123

**Re: Discharging of Firearms at Ronald Rios by San Diego Police Officers Austin Thomas, Cassie Louret and Jason Langley on June 4, 2022; San Diego Sheriff Case No. 22124525; DA Special Operations Case No. 22-074PS; Deputy District Attorney assigned: Carlos Campbell.**

Dear Chief Nisleit and Sheriff Martinez,

We have reviewed the materials compiled by the San Diego Sheriff's Department's Homicide Unit concerning the circumstances leading to the discharging of firearms by San Diego Police Officers Austin Thomas, Cassie Louret, and Jason Langley at Ronald Rios and Rios' subsequent suicide. A District Attorney Investigator responded to the scene and was briefed about the incident. This case was submitted to the District Attorney's Office for review on September 2, 2022, and additional materials were received from the San Diego Sheriff's Department on November 14, 2022. On April 5, 2023, we received the Medical Examiner's report.

***Summary***

On June 4, 2022, the San Diego Police Department received a request for assistance from the San Diego Fire Department at a condominium in Tierrasanta. Firefighters had been called to the complex to investigate the source of smoke coming from the residence. After knocking and receiving no response at the door, the firefighters forced entry into the condominium. They encountered Rios, who pointed a gun at them but did not shoot. The firefighters retreated and requested police assistance.

Officers Louret, Langley, and Thomas arrived and took positions in the hallway on opposing sides of Rios' front door. Louret and Langley were positioned near one another while Thomas was down the hall on the opposite side. While the officers were waiting for additional resources to arrive, Rios stepped out of his condominium and pointed a handgun at Langley and Louret. Langley, Louret, and Thomas fired several rounds at Rios and Rios retreated into his condominium. Seconds later, Rios again pointed a handgun at Langley and Louret. Langley and Louret fired additional shots at Rios before Rios closed his condominium door. Rios did not fire his firearm during these interactions.

Louret, Langley, and Thomas continued to cover Rios' condominium door and were notified by other law enforcement on scene that Rios has exited the back of his condominium. An ABLE pilot saw Rios against an exterior wall along a walkway at the back of the building. Officers went to Rios' location and discovered he had shot himself once in the chest with his gun. Rios had not been hit by the shots fired by Langley, Louret, or Thomas. An autopsy was conducted the following day. The cause of death was a gunshot wound, and the manner of death was suicide. Toxicology results showed a blood alcohol level in excess of 0.4%.

***Persons Involved***

Ronald Rios was a 62-year-old resident of San Diego. All officers involved in this incident are employed by the San Diego Police Department. At the time of this incident, Langley had been employed for eight years, Louret for 17 years, and Thomas for 18 months. All officers were in full uniform during this incident.

***Statement of Civilian Witness One (CW1)***

CW1 is a San Diego firefighter. His engine was dispatched to the building because of a reported structure fire. CW1 saw some light smoke as they approached the unit. He knocked twice on the door and announced they were with the Fire Department. Receiving no response, CW2 used a pry bar to open the door. CW2 entered with CW1 behind him. CW1 was looking over CW2's shoulder and saw Rios seated on a couch about 15 feet away. Rios immediately pointed a black pistol directly at CW1 and CW2 so they both backed out of the condominium. CW1 exited the building telling residents he saw along the way to get out as well. CW1 reported what happened to his captain and waited for police.

***Statement of Civilian Witness Two (CW2)***

CW2 is a San Diego firefighter. CW2 was assigned to go inside the building and investigate the source of the reported fire or smoke. CW2 obtained some equipment, which included a large pry bar. CW2 and CW1 went to unit and saw some light hazy smoke. They knocked on the door and announced their presence two times. After receiving no response, CW2 used the pry tool to force the door open. CW2 took a couple steps inside and CW1 yelled for him to get out. CW2 looked up and saw Rios seated on the sofa. Rios had a gun in his right hand and was pointing it at CW2 over his left shoulder. CW2 estimated he was about 10 feet from Rios and could see he was holding a handgun. CW2 and CW1 backed out of the condominium and made their way out of the building. Along the way CW2 encountered other residents and told them to go back inside their units and lock the door.

***Statement of Law Enforcement Witness One (LE1)***

LE1 took a position with Thomas as he watched the door of Rios' condominium. LE1 heard someone say something about a gun but was not able to see down the hallway. LE1 was standing behind Thomas and heard shots being fired in the hallway and then saw Thomas fire two to three rounds down the hallway. LE1 never saw the subject Thomas was shooting at. After the shooting stopped, LE1 and Thomas held their position in the hallway until the SWAT team arrived.

***Statement of Law Enforcement Witness Two (LE2)***

LE2 was assigned to assist Thomas, who was watching the door to Rios' unit. LE2 took a position on the opposite side of the hallway from Thomas and used a ballistic shield to protect himself. LE2 and the other officers on scene waited while the sergeants assigned to the call determined what the next

steps would be. LE2 heard one of the officers shout something and when he looked down the hallway, he saw someone in a white shirt. LE2 did not get a good look at the person and could provide no other description. LE2 stepped back behind a wall for concealment and heard two gunshots. LE2 then saw Thomas fire two shots down the hallway. After the shooting stopped, LE2 looked around the corner and the person in the white shirt was gone. LE2 ran to his vehicle to get a rifle and an additional ballistic vest. He heard on the radio the suspect had run out the back of the condominium. The police helicopter arrived overhead and LE2 heard the pilot report seeing a subject on the ground outside the building who appeared to be deceased.

***Statement of Law Enforcement Witness Three (LE3)***

LE3 received information from the other officers that the subject involved in the shooting may have fled the area on foot. While conducting a search of the perimeter of the building, LE3 heard a single gunshot. ABL broadcast that a subject was on the ground on the south side of the building. LE3 found Rios deceased from a gunshot wound. LE3 found a handgun on the ground next to Rios.

***Statement of Officer Langley***

When Langley arrived he spoke to the firefighters. Langley wanted to determine if the subject merely showed the gun to the firefighters or if he pointed it at them. The firefighters told him the subject pointed the gun directly at them when they entered the condominium. In Langley's mind, this elevated the significance of the incident from a person brandishing a gun, a misdemeanor, to an assault with a deadly weapon, a felony.

Langley directed other officers to establish a perimeter around the building and went inside to find the door to Rios' unit. Officer Louret was with Langley watching the door when Rios stepped into the hallway. Rios looked down the hallway away from Langley and then looked back in Langley's direction. Rios immediately pointed a black handgun at Langley. Langley believed Rios was going to kill him or one of the other officers. Langley began firing his gun at Rios and Rios stepped back into his unit. Langley believed Rios may have been seeking cover. Langley called out to Rios and attempted to engage him in conversation and Rios stepped out again. Rios pointed his gun at Langley again. Langley fired a second volley of shots at Rios. Rios stepped back inside and Langley stopped firing. Langley called out to Rios telling him they did not want to hurt him and were there to help him. Langley maintained his position until he heard on the police radio that Rios was outside his condominium and was believed to be deceased. Langley was not certain but believed Rios may have fired his gun at him and Louret. Langley believed he may have seen a muzzle flash, but was also not sure of that.

***Statement of Officer Louret***

Louret obtained a ballistic shield and accompanied Langley inside the building to observe the door to Rios' unit. Langley and Louret concealed themselves in a shallow alcove of an adjacent unit on the opposite side of the hallway. Louret could see other officers down the hallway on the opposite side of Rios' door doing the same thing. Langley, Louret, and the other officers maintained their positions and began to coordinate going to their cars to obtain ballistic helmets and additional ballistic vests.

Langley was standing in front of Louret, and they were both looking around the corner of the alcove at Rios' door. Rios' door opened and Rios stepped into the hallway. Louret first thought Rios might just ask them what was going on, but he suddenly held up a gun and pointed it at her and Langley. Louret began hearing gunfire and knew Langley was firing at Rios, but she could not tell if officers on the opposite end of the hallway were shooting as well. Louret leaned out to see around Langley without stepping completely

out into the hallway. She could see Rios pulling back into the alcove at his door and then leaning back out into the hallway. She believed Rios was shooting at them. Louret thought she or the other officers were going to be shot and hoped it would only be in the lower legs and not the head or arms. Louret leaned into the hallway and fired what she believed to be two to four rounds toward Rios' door to stop him from shooting at them. Langley told Louret he needed to reload so he moved back into the alcove and did so while Louret moved up to watch the door. When Langley was done reloading, he called out to Rios and Rios replied but Louret could not recall what was said.

During the incident, the police radios had difficulty transmitting while officers were inside the building. It became very quiet after the shooting stopped and Louret heard someone say the suspect ran out the back. Another officer who was with Louret and Langley had better radio reception and was providing information about what was going on outside the building. The officer said the SWAT team had been called and the police helicopter was overhead. The pilot advised a possible suspect was on the ground outside the building and appeared to be deceased.

### ***Statement of Officer Thomas***

When Thomas arrived he spoke to firefighters. They told him they had breached the door to one of the condominiums and a male who was seated on a sofa pointed a handgun at them, so they backed out of the unit and called police. Thomas determined an assault with a firearm had occurred. He began assisting with the coordination of additional responding officers. Thomas went inside the building with a canine officer to observe the unit where the firefighters had been. Thomas was in the hallway on the west side of the door and the canine officer went to the east side of the hallway.

Thomas' radio was not receiving transmissions inside the building so one officer was left outside to monitor the radio and relay information to the officers inside the building. Thomas had been told the incident happened in condominium 76 but he saw the firefighter's pry bar sitting in front of condominium 74. Thomas was not sure at that point what the correct condominium was, so he and other officers watched both doors. Thomas was able to confirm that the correct condominium was 76. Thomas saw Rios come out from the front door. Rios had his back to Thomas and was facing the east end of the hallway where the other officers were. Rios was holding a firearm, but Thomas could not see what type of gun it was. Thomas believed it was a rifle with a long barrel. Rios pointed the gun at the other officers and Thomas feared Rios might shoot the officers. Thomas gave one verbal warning and then fired his weapon at Rios an estimated two or three times. Thomas believed that had he not fired at Rios the other officers could have been shot. Thomas could not tell if Rios fired his weapon but could see two shell casings on the ground in front of Rios' condominium doorway. After firing his weapon, Thomas stepped behind the corner he had been using as concealment and lost sight of Rios. Thomas could hear shots being fired from the east side of the hallway and began moving back into a position to see Rios' unit but by this time Rios was gone. Thomas heard over the radio Rios had fled out the back of the condominium. Thomas maintained his position watching the door until he was relieved by a SWAT officer.

### ***Investigation***

The incident took place in a multi-level condominium building. Rios' unit was on the ground floor. The crime scene was secured, photographed, and investigated by the San Diego Sheriff's Homicide Unit. All officers' and detectives' reports, audio and video recorded interviews, along with the Medical Examiner's report, dispatch recordings, ABLE videos, and body worn camera (BWC) recordings were reviewed. The events leading up to and the incident were captured on officers' BWC. All of these items were found to provide evidence that corroborates the officers' statements.

Five civilian witnesses were interviewed. Three of them heard the shots being fired but none of them witnessed the shooting.

Langley was carrying a Glock 41, .45 caliber handgun. The gun was loaded with one round in the chamber and 13 rounds in the seated magazine. Langley carried two additional magazines for the gun loaded with 13 rounds each. Following the shooting incident, a Sheriff's Department Crime Scene Specialist retrieved and examined the handgun and extra magazines from Langley. The gun was loaded with one round in the chamber and 12 rounds in the seated magazine. One of Langley's additional magazines was empty, and one contained 13 rounds. Thirteen expended cartridge casings matching the rounds in Langley's firearm were collected from the floor near Langley's shooting position, indicating Langley had fired 13 times.

Louret was carrying a department-issued Glock 17, 9mm handgun. Louret believed the gun was loaded with 15 rounds in the seated magazine and one round in the chamber. Louret had three additional handgun magazines loaded with 16 rounds each. Following the shooting incident, a Sheriff's Department Crime Scene Specialist retrieved and examined Louret's handgun and extra magazines. Louret's gun had 13 rounds remaining. One round was in the chamber and 12 rounds were in the seated magazine. Four expended cartridge casings matching the type of rounds remaining in Louret's firearm were collected from the floor near Louret's shooting position, indicating Louret had fired four times.

Thomas was carrying a department-issued Glock 17, 9mm handgun. The gun was loaded with 17 rounds in the seated magazine and one round in the chamber. Thomas had two additional handgun magazines loaded with 17 rounds each. Following the shooting incident, a Sheriff's Department Crime Scene Specialist retrieved and examined the handgun and extra magazines from Thomas. Thomas' gun contained one round in the chamber and 17 rounds in the seated magazine. One of Thomas' additional magazines contained 14 rounds and the other magazine contained 17 rounds. The cartridge casings collected from Thomas' shooting position were consistent with him firing three rounds.

The gun found lying next to Rios' body was collected and examined by the San Diego Sheriff's Crime Laboratory. A firearm records check revealed the gun was purchased by Rios in 1990 and registered to him. The gun was found with one expended cartridge in the chamber and 16 rounds in the seated magazine.

The investigation revealed Rios was not hit by the officers' gunfire. After Louret, Langley, and Thomas fired shots at Rios, Rios retreated into his condominium. Rios then exited his condominium via a rear sliding patio door that led to a common walkway shared by the other residents. As officers were beginning to search for Rios, he fatally shot himself once in the chest and died at the scene. This was likely the shot heard by LE3.

The investigation confirmed Rios did not fire his weapon. This was determined by the absence of cartridge casings near Rios' front door. Additionally, an examination of Rios' weapon and injury showed Rios fired a single round, resulting in the self-inflicted fatal wound.

### ***Body Worn Camera***

Langley's BWC at timestamp 0:31:21 shows Rios exiting his front door. Rios first looks down the hall, away from Langley toward Thomas' position. Langley calls out to Rios to get down on the ground and Rios looks toward Langley and Louret's location. Rios immediately raises his right hand and points it toward Langley. Rios is holding a dark object in his right hand as he points it toward Langley and Louret. Langley tells Rios to get on the ground and fires one volley of shots as Rios steps back into the alcove of his front door out of view. Langley tells Rios again to get on the ground and Rios leans out into the hallway and points the object in his hand toward Langley. Langley fires another volley of shots at Rios and calls out to Rios, telling him to drop his gun and they do not want to hurt him.

Louret's BWC at timestamp 0:21:16 shows her standing behind Langley looking toward Rios' unit when Rios steps out of the alcove of his front door. Rios is briefly seen raising his right hand holding a dark object and pointing it at Louret and Langley. Langley begins firing his first volley of shots followed by Louret who also fires at Rios. When Louret fires her first volley of shots, her BWC is pointed to the ground and only captures the back of Langley's uniform since she is behind him. Langley is heard telling Rios to get on the ground and then the sounds of a second volley of shots from Langley and Louret are heard.

Thomas' BWC at timestamp 0:42:11 shows him at the corner of two intersecting hallways looking toward Rios' door. Because Thomas uses the corner to conceal his location, his BWC is pointed at the wall and does not capture the shooting. The BWC captures the sound of gunfire coming from the other end of the hallway and then Thomas fires a volley of gunfire around the corner. Rios is never seen on Thomas' BWC.

### ***Autopsy***

An autopsy was conducted on June 5, 2022. The findings included a contact gunshot wound to the chest that damaged the heart. A metal projectile was recovered within the subcutaneous tissue of the back. The cause of death was determined as a gunshot wound to the chest and the manner of death was suicide. A series of puncture wounds on the left thigh and various abrasions were noted. These wounds appear to have been inflicted by the police canine after Rios self-inflicted the fatal gunshot wound. Two blood samples taken from Rios at the time of the autopsy showed blood alcohol levels more than 0.4%.

### ***Legal Standards of Criminal Liability***

Penal Code section 835a(c) sets forth the circumstances in which a peace officer may use deadly force and the standard to evaluate the use of such force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

The statute defines "deadly force" as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

An imminent threat of death or serious bodily injury is one where "based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present

ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

The statute defines totality of the circumstances as “all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

The statute further states, “In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2). “[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

Additionally, a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

### ***Conclusion***

The San Diego Fire Department responded to Rios’ condominium after neighbors reported smoke coming from the condominium. When firefighters knocked on the door, announced who they were, and received no response, they forced the door open. Rios was seated on the sofa and pointed a handgun at the firefighters who were dressed in their full firefighting gear.

Thomas, Langley, and Louret were among the officers who responded to the call. They took up positions in the hallway outside Rios’ unit keeping watch on Rios’ door before attempting to contact him. When Rios exited Langley began to call out to Rios and ordered him to get down on the ground. Rios pointed a handgun at Langley. Langley and Louret fired at Rios believing he was about to shoot them. Langley and Louret stopped shooting when Rios stepped out of view. Langley called out to Rios again and ordered him to get on the ground. Rios leaned out of the alcove and pointed his gun at Langley and Louret again. Langley and Louret again believed Rios was about to shoot them so they each fired a second volley of shots before Rios disappeared back into his condominium.

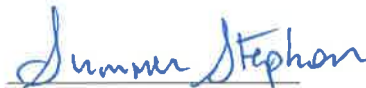
Thomas was watching Rios’ door from the opposite end of the hallway from Langley and Louret. Thomas saw Rios step out of his condominium and point a firearm at Louret and Langley. Thomas believed Rios was about to shoot the officers. Thomas fired a volley of shots at Rios to protect Langley and Louret’s lives.

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During this rapidly evolving incident, Rios posed an imminent threat of death or serious bodily injury to the officers. Less-lethal options would not have been effective in this deadly force situation during which officers were suddenly confronted by an armed individual pointing a firearm directly at them. A later examination of Rios' gun showed it had been fully loaded at the time of the incident. Rios was not hit by any of the officers' gunfire. He fled his condominium and unfortunately used his gun to take his own life.

Based on the totality of circumstances, Officers Langley, Louret and Thomas reasonably believed Rios presented an imminent threat of death or serious bodily injury to those on scene and that deadly force was necessary to defend against that threat. As a result, the officers bear no state criminal liability for their actions. A copy of this letter, along with the materials submitted for review, will be retained in our files.

Sincerely,



SUMMER STEPHAN  
District Attorney

Cc: Captain Richard Freedman, SDPD  
: Captain James Emig, Jr., SDS