

**INTRADEPARTMENTAL CORRESPONDENCE**

November 16, 2017  
3.2

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 005-17

Honorable Members:

The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 005-17. A Use of Force Review Board (UOFRB) was convened on this matter on October 30, 2017. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY**

On September 1, 2016, a homicide involving a handgun occurred in Las Vegas, Nevada. The suspect in the murder was identified as O. Ramirez, which resulted in the issuance of a felony warrant for his arrest.

Las Vegas Federal Bureau of Investigation (FBI) agents utilized a “ping” on the suspect’s cellular phone in an attempt to locate him. The ping returned to the Anaheim, California area and the agents contacted FBI Special Agent (SA [REDACTED], Serial No. [REDACTED], Los Angeles, FBI Fugitive Task Force, for [REDACTED] assistance in locating Ramirez.

According to [REDACTED] on the evening of January 16, 2017, [REDACTED] was advised that Las Vegas FBI agents had received a “ping” on Ramirez’ phone to a location on the [REDACTED] *block of Laxore Street*, in Anaheim, California.

[REDACTED] then sent text messages to members of the Los Angeles Police Department (LAPD), FBI Fugitive Task Force and scheduled a briefing for the following morning at [REDACTED] North Euclid Street in Anaheim to plan how they would locate and arrest Ramirez.

[REDACTED]

[REDACTED]

On January 17, 2017, at approximately 0630 hours, Detective [REDACTED] Serial No. [REDACTED] and [REDACTED] met with Task Force personnel to brief assignments. Present at the brief were: Gangs and Narcotics (GND) Detectives [REDACTED] Serial No. [REDACTED] [REDACTED] Serial No. [REDACTED] [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED] along with [REDACTED] Serial No. [REDACTED] Parole Agents [REDACTED] [REDACTED] and Probation Officer [REDACTED] Serial No. [REDACTED]

**Note:** The briefing included the distribution of Ramirez' photograph, criminal history, as well as that he could possibly be armed, and may suffer from a mental illness. Additionally, [REDACTED] primary function was to be the real-time liaison with the FBI agents in Las Vegas to track Ramirez' cellular telephone location.

Detective [REDACTED] was the LAPD supervisor in charge of the operation. Detective [REDACTED] completed an Operational Plan, ensured the required notifications were made, and designated personnel assignments.

According to Detective [REDACTED] assigned Parole Agents [REDACTED] and [REDACTED] as less-lethal with the TASER and Detective [REDACTED] to the *beanbag* (Debriefing Point No. 1).

According to Detective [REDACTED] their surveillance commenced at [REDACTED] *South Laxore* based on the cellular "ping" that was received early that morning before Ramirez' phone had been turned off. While they were conducting their surveillance, Ramirez' *phone turned on, and it was now hitting somewhere else. It was hitting at [REDACTED] West Broadway in the city of Anaheim.*

According to [REDACTED] at approximately 0900 hours [REDACTED] received information that *the phone came back on and got a single digit hit at the Garden Grove Nursery and Flower Shop at [REDACTED] West Broadway. So, we sent about three guys over there. Detective [REDACTED] who is our Spanish speaker, then went inside the location under a ruse to see if he could locate the suspect.*

According to Detective [REDACTED] decided that [REDACTED] would go there with Detective [REDACTED] and Probation Officer [REDACTED] *just to try to verify if, in fact, this phone was being used by the suspect.* The rest of the task force personnel remained on Laxore *just in case the suspect was there, but didn't have the phone with him.* Once he left the Laxore location, Detective [REDACTED] took over the supervisory responsibilities on [REDACTED]

Detective [REDACTED] transitioned into an undercover role and entered the nursery dressed in a red flannel shirt completely covering [REDACTED] ballistic vest, armed with [REDACTED] concealed service pistol and [REDACTED] badge was in [REDACTED] front pocket. [REDACTED] *posed as a customer looking to buy some palm trees, while Detective [REDACTED] kept a visual on him from outside of the nursery.*

[REDACTED]

According to Detective [REDACTED] [REDACTED] walked into the nursery and made contact with [REDACTED] an employee at the nursery. [REDACTED] told [REDACTED] that [REDACTED] wanted to buy some Palm trees. As he was talking to [REDACTED] noticed a guy that resembled the suspect. Based on what he looked like, [REDACTED] believed [REDACTED] was the suspect. [REDACTED] then went back to [REDACTED] truck and advised the team that [REDACTED] had observed the suspect in the back.

According to Detective [REDACTED] then advised the rest of the team over the radio that Detective [REDACTED] made it back to the truck, and said the suspect is here.

According to [REDACTED] when Detective [REDACTED] identified the suspect, they ended their surveillance on Laxore and the remaining Task Force members responded to the nursery, which was less than a mile east of Laxore.

**Note:** The investigation revealed that Detective [REDACTED] contacted the Anaheim Police Department and advised them of their updated location.

According to Detective [REDACTED] as the rest of the team responded to the nursery on Broadway, they came up with a plan over the radio to take Ramirez into custody. [REDACTED] decided to utilize a van as a Trojan Horse. [REDACTED] The van would enter the nursery parking area and the rest of the unit was going to be just outside of the gate. [REDACTED] would then go back into the nursery, get the suspect all the way to the front, and give the order to do the takedown.

According to Detective [REDACTED] the plan was to use a Trojan Horse. Detective [REDACTED] was then going to walk back in and put eyes on the suspect. [REDACTED] would then communicate with Detective [REDACTED] via an open cellular telephone call which was muted. As Detective [REDACTED] described [REDACTED] observations, [REDACTED] would relay the information to the team on the FBI frequency.

According to Detective [REDACTED] the team got set up in their vehicles just outside the gate. [REDACTED] went back in the nursery to locate Ramirez, proceeded to the back of the property and observed [REDACTED] but not Ramirez. Hoping to use [REDACTED] to lure Ramirez to the front of the nursery, [REDACTED] advised [REDACTED] that [REDACTED] was looking for some big plants. [REDACTED] then directed [REDACTED] to the front of the nursery to make arrangements with [REDACTED], the owner.

According to Detective [REDACTED] responded to the front of the nursery, located the owner and asked for assistance with buying some palm trees. [REDACTED] used [REDACTED] walkie-talkie to call for some help. As [REDACTED] waited for Ramirez to come to the front, [REDACTED] decided to have the Trojan Horse van containing Detective [REDACTED] Detective [REDACTED] and Special Agent [REDACTED], move into the nursery and park in the front parking lot, while the rest of the guys set up just south of the gate, just outside the nursery.

According to Detective [REDACTED] observed [REDACTED] driving a forklift towards [REDACTED] directed [REDACTED] to the palm trees, and asked for help with them [REDACTED] then observed Ramirez walking slowly

[REDACTED]

to the front from the back of the nursery with something in his hand. [REDACTED] advised Detective [REDACTED] that [REDACTED] thought Ramirez had a *shovel in his hand* and advised [REDACTED] to *wait for [REDACTED] command to do the takedown.*

As Ramirez got closer, [REDACTED] observed that [REDACTED] was holding a long tool with a blade on the end and again advised Detective [REDACTED] that Ramirez had *something in his hand.* According to Detective [REDACTED] advised Detective [REDACTED] that it was some *kind of blade* and advised [REDACTED] to *hold on a second.*

According to Detective [REDACTED] asked Ramirez to help with the palm trees in an effort to disarm him. [REDACTED] asked Ramirez to *just put the tool down and help [REDACTED]* Ramirez was hesitant to put the tool down and help, and they had a conversation that went *back and forth.* At that point, [REDACTED] believed [REDACTED] *cover was going to be blown* and communicated to the team to *do the takedown* (Debriefing Point No. 2).

According to Detective [REDACTED] Detective [REDACTED] was communicating with Detective [REDACTED] and directed them to pull into the lot. They *kept receiving information from Detective [REDACTED] over the radio that the suspect was now moving slowly and was walking towards the front of the location.* When the suspect reached a certain distance, *we were told to come out of the vehicle to take him into custody.*

According to [REDACTED] sat in [REDACTED] vehicle while Detective [REDACTED] attempted to *lure the suspect to the front,* [REDACTED] then heard Detective [REDACTED] direct the units to *roll in.* [REDACTED] drove [REDACTED] vehicle inside the nursery, but was forced to stop next to the nursery office because there was a tractor in the middle of the road.

According to Detective [REDACTED] Detective [REDACTED] all *deployed from the van.* [REDACTED] exited with [REDACTED] Department shotgun and Detective [REDACTED] and [REDACTED] drew their service pistols (Drawing/Exhibiting).

**Note:** According to Detective [REDACTED] drew [REDACTED] service pistol after exiting the van (Drawing/Exhibiting)

According to Detective [REDACTED], Detectives [REDACTED] and [REDACTED] exited the van, identified themselves as police officers and began to give Ramirez orders to get on the ground. [REDACTED] also ordered Ramirez to *get down on the ground and drop the weapon.* Ramirez refused to drop the weapon and began to back away on the dirt path towards the rear of the nursery.

According to [REDACTED] broadcast that they needed a beanbag before [REDACTED] ran up and joined the team. As [REDACTED] made [REDACTED] way towards the arrest team, [REDACTED] observed Ramirez *back peddling with a sharpened garden tool* and directed the parole agents to deploy the TASER.

According to Detective [REDACTED] ordered Ramirez to *put his hands up and get down on his knees.* Ramirez refused to comply and *kept screaming kill me and I want to talk to my mom.*

Ramirez walked backwards as they continued to give him commands. Ramirez started to run then stopped and stated, *kill me I'm not going to jail.*

According to Detective [REDACTED] continued to verbalize with Ramirez and maintained [REDACTED] position as *the point officer with the shotgun* as [REDACTED] heard fellow officers behind [REDACTED] asking for a TASER and a beanbag.

According to Detective [REDACTED] parked [REDACTED] vehicle on the street by the gate and ran into the nursery. [REDACTED] observed that Ramirez was *backing up, not cooperating*, and heard *someone yelling out Beanbag.* [REDACTED] then returned to [REDACTED] vehicle to retrieve the Bean Bag shotgun.

According to Parole Agent [REDACTED] gave Ramirez *commands to drop the pipe.* [REDACTED] heard Ramirez scream *I'm not dropping it* and then observed Ramirez *raise* the weapon. [REDACTED] yelled out loud *Taser, Taser, Taser* to warn Task Force members *and* then conducted his *first TASER* activation.

According to Parole Agent [REDACTED] *knew* the darts *struck* Ramirez [REDACTED] *heard him scream, but there was no effect at all to him.* [REDACTED] then observed Ramirez remove the darts, take a step to the side and raised the pipe like *a baseball swing.* Ramirez then turned towards [REDACTED] and began screaming with an angry look on his face. [REDACTED] then applied a *second TASER* activation, *and at that point* Ramirez screamed *like this battle cry* and then *turned and charged* towards the officers.

According to Detective [REDACTED], Ramirez *then raised the shovel and actually came at me with the shovel like he was going to hit me over the head with it.* Fearing for [REDACTED] life, [REDACTED] fired one round from [REDACTED] Department shotgun at Ramirez to stop the lethal threat (Lethal Use of Force).

**Note:** According to Detective [REDACTED] Ramirez was approximately eight to ten feet from [REDACTED] when [REDACTED] fired [REDACTED] weapon. According to [REDACTED] and Parole Agent [REDACTED] Ramirez came within a *few feet* of Detective [REDACTED]

According to [REDACTED] [REDACTED] *saw the suspect lunge at Officer [REDACTED] with the shovel.* [REDACTED] *heard a pop, and saw the suspect begin to stumble to the ground and then roll over on to his side.* [REDACTED] verified that an OIS had occurred, and then had *them call an ambulance.*

According to Parole Agent [REDACTED] as the team approached Ramirez, [REDACTED] ordered him to *turn around and place his hands behind his back.* He then picked up the *metal pipe* and *threw it to the right because [REDACTED] didn't want Ramirez to be able to grab it again.* Parole Agent [REDACTED] and Detective [REDACTED] then handcuffed Ramirez without incident.

According to Detective [REDACTED] returned to [REDACTED] vehicle to retrieve [REDACTED] cellular phone and advised Anaheim Police Department (APD) that an OIS had occurred, then requested a Rescue Ambulance (RA).

Anaheim Fire Department personnel responded and transported Ramirez to the University of California Irvine Medical Center where he was treated and admitted for a single shotgun wound to his upper chest.

Detective [REDACTED] obtained a Public Safety Statement (PSS) from Detective [REDACTED] and ensured none of the personnel at scene discussed the incident.

### FINDINGS

**Tactics** – Tactical Debrief, Detectives [REDACTED] and [REDACTED]

**Drawing/Exhibiting** – In Policy, No Further Action, Detectives [REDACTED] and [REDACTED]

**Lethal Use of Force** – In Policy, No Further Action, Detective [REDACTED]

### ANALYSIS

#### **Detention**

Detectives assigned to the FBI Task Force located a felony warrant suspect wanted for a murder committed in Las Vegas and then attempted to take him into custody. The officers' actions were appropriate and within Department policies and procedures.

#### **Tactics**

*Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

#### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

[REDACTED]

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, personnel assigned to the FBI Task Force located a felony warrant suspect who was wanted for a murder. While working in an undercover capacity, one of the detectives used a ruse in an effort to get the suspect to put down a tool that could be used as a weapon, before directing the other members of the Task Force in to take him into custody.

**Note:** Prior to the incident, the involved personnel also had a *plan* that included designated less-lethal and lethal officers.

However, the suspect became suspicious, would not discard the tool and when it appeared to the detective that his cover was about to be compromised, the detective directed the other members of the team into the nursery to take the suspect in custody.

Upon making contact with the suspect, they identified themselves as police officers and gave the suspect repeated commands to drop the tool in an effort to disarm the suspect so they could take him into custody without a use of force. The officers also communicated to the suspect that they would let him call his [REDACTED] as he had requested, in an attempt to calm the suspect and get him to comply with their commands.

As the incident unfolded, the suspect refused to drop the weapon or comply with the officers' commands. In an effort to disarm the suspect and gain compliance, one of the members of the Task Force utilized a less-lethal force option, TASER, which appeared to have no effect. The suspect then raised the weapon and charged at one of the officers.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat and take the suspect into custody.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1      Tactical Planning/Communication**

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain No. 22).*

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers when faced with an ongoing tactical situation must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, the involved personnel were assigned to an FBI Task Force, attempting to locate a murder suspect and had received information he may be at a residence in Anaheim. A plan was developed and the team began a surveillance at the residence.

During the surveillance, the team received new information indicating that the suspect may be at a Nursery, approximately a mile away from the residence where they were conducting their surveillance. As a result, a new plan was developed to send three team members to the Nursery to see if the suspect was there, while the remaining members of the team remained at the residence in case the suspect was at the location.

The suspect was located working at the Nursery and a new plan was quickly devised based on the circumstances that they were presented with at the time, thus creating some confusion in roles as the incident rapidly unfolded.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that although identified as an area for improvement, Detectives [REDACTED] and [REDACTED] actions were reasonable and not a substantial deviation from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

## **Debriefing Point No. 2      Approaching an Armed Suspect**

*There is an equation that saves lives, "Distance + Cover = Time." Time allows officers the opportunity to communicate with the suspect, plan tactics, and if necessary call for additional resources. Once the suspect is contained, time is on the side of the officers. Entering the suspect's space prematurely or forcing a suspect to take action may only escalate the situation.*

*When confronting a suspect armed with a weapon other than a firearm, officers must assess the type of weapon and determine the suspect's ability to inflict serious bodily injury or death with that weapon.*

*The urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated, due to "lag time." Lag time is the time it takes a person to react to an action. Officers should not close the distance too quickly before they have assessed the situation or lag time could put them in danger.*

*Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar*



*object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/ herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9 May 2003).*

Task Force personnel were directed to approach the suspect who was armed with a four foot, bladed spade.

When officers encounter a suspect, whom they believe is armed with a weapon, they are trained to conduct a high-risk prone to safely take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, give commands and approach the suspect from a position of advantage.

In this case, Detective [REDACTED] believed that his UC capacity was about to be compromised and made the decision to initiate the arrest of a wanted murder suspect, knowing the suspect was armed with a long metal spade.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that although identified as an area for improvement, Detective [REDACTED] actions were reasonable and not a substantial deviation from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

### Additional Tactical Debrief Topics

**Agitated Delirium** – The investigation revealed that the Task Force personnel had been given information the suspect might possibly suffer from mental illness. Although the investigation revealed no documented history of mental illness, often law enforcement personnel must rely on information given by family and friends as a possible source of the mental state of an individual, and then approach an incident accordingly. In an effort to enhance future performance, I will direct this be topic of discussion during the Tactical Debrief.

**Simultaneous Commands (Non-Conflicting)** – The investigation revealed that several officers gave simultaneous commands to Ramirez during the incident. Although the commands were non-conflicting, the officers are reminded simultaneous commands can sometimes lead to confusion and non-compliance. In an effort to enhance future performance, I will direct this be topic of discussion during the Tactical Debrief.

### **Command and Control**

The UOFRB was critical of Detective [REDACTED] and [REDACTED] supervisory oversight of this incident, understanding the operation plan had changed when they received information that the suspect's phone was indicating that he could be at a different location. The UOFRB noted several areas where improvements could be made in regards to tactical communication, planning and control of the tactical operation.

In this case, the UOFRB concluded, although improvements could be made, Detectives [REDACTED] and [REDACTED] overall command and control of the incident was reasonable and did not rise to the level of a substantial deviation.

In an effort to enhance future performance, I will direct that the topic of Command and Control, and my expectations of supervisors during critical incidents, be specifically addressed with Detectives [REDACTED] and [REDACTED] during the Tactical Debrief.

### **Tactical Debrief**

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Detectives [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed. In addition, the remainder of the GND Task Force present at the OIS will be invited to attend the Tactical Debrief. This includes [REDACTED] and [REDACTED] Parole Agents [REDACTED] and [REDACTED] and Probation Officer [REDACTED]

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On January 30, 2017, Detectives [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including Beanbag Shotgun and Outside Agencies.

### **Drawing/Exhibiting**

*Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).*

According to Detective [REDACTED] as [REDACTED] exited the van, [REDACTED] observed Ramirez approximately 15 feet away from [REDACTED] holding a bladed shovel. [REDACTED] was the designated point officer and was armed with a Department 870 shotgun which he held in a two-hand low ready position.

Detective [REDACTED] recalled,

*“And I was, you know, the point officer with the shotgun.”* [REDACTED]

*“You know, this particular individual was armed with a, you know, a deadly weapon...and it’s a murder suspect who had already killed someone with a firearm. So, we always had – you know, who knows if he’s armed, you know, if he had a gun in his waistband? So, we’re always, you know, there’s always got to be someone with, you know, with lethal based on, you know, the suspect’s background and what kind of, you know, crime he committed in - in Las Vegas.”* [REDACTED]

According to Detective [REDACTED], because the Task Force was *dealing with a murder suspect* who was also armed with a *shovel*, [REDACTED] believed the situation could rise to the level of *deadly force*. As [REDACTED] exited the van, [REDACTED] drew [REDACTED] service pistol and held it in a two-hand low ready position.

Detective [REDACTED] recalled,

*“Just the fact we’re dealing with a murder suspect. And I forgot one thing. Cox told us he was – I think Cox said he was holding a – a stick or something, if I’m not mistaken. Or maybe when I came out I saw him with the – with the shovel. But I know that when I saw the shovel, it led me to believe that it could rise to the use of deadly force.”* [REDACTED]  
*“I had it at the low-ready most of the time.”* [REDACTED]

Based on the totality of the circumstances, I have determined an officer with similar training and experience as Detectives [REDACTED] and [REDACTED] while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Detectives [REDACTED] and [REDACTED] Drawing/Exhibiting to be In-Policy, No Further Action.

### **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*

[REDACTED]

- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Detective [REDACTED] = 12-gauge Remington Shotgun, one round in a northeasterly direction from an approximate distance of eight to ten feet.

According to Detective [REDACTED] heard a TASER being deployed and observed the wires and darts go into Ramirez. The TASER had no effect on Ramirez. Ramirez then raised the shovel and lunged towards [REDACTED] *with the shovel like he was going to hit [REDACTED] over the head with it.* In fear of serious bodily injury, [REDACTED] fired one round at Ramirez to stop his attack.

Detective [REDACTED] recalled,

*"And at that point, he raised the shovel in a – and actually came at me with the shovel like he was going to hit me over the head with it. And at that time, fearing for my safety and fearing that he would possibly split my head open or decapitate me is when I fired a round where I struck the suspect and he – he went down at that point."* [REDACTED]

*"If he continued in my direction, he was going to hit me over the head with the bladed shovel that could possibly split my head open. You know, cut my eye out, slice my neck. That's what I was thinking."* [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Detective [REDACTED] would reasonably believe that Ramirez' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Detective [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

#### ADDITIONAL

**Discontinued Ammunition** – The FID investigation revealed that Detective [REDACTED] Remington 870 shotgun was loaded with two rounds of 12-gauge ammunition that was no longer being used by the Department. This was brought to the attention of Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, GND and addressed through a divisional inspection and training. As such, I deemed no further action necessary.

[REDACTED]

**Audio/Video Recordings**

**Digital In-Car Video System (DICVS) / Body Worn Video (BWV)** – GND was not equipped with DICVS or BWV at the time of this incident.

**Outside Video** – Anaheim Police Department officers responded to the scene after the OIS with their BWV cameras activated. The body worn video footage captured Ramirez after he had been handcuffed while receiving medical assistance from the officers prior to the arrival of Anaheim Fire Department.

Respectfully,



CHARLIE BECK  
Chief of Police

Date: 11-16-17