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PRESS RELEASE

For Immediate Release

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Re: Officer Involved Shooting

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Modesto, California - At the request of local media, the District Attorney is announcing that a review of an April 2012 officer involved shooting was completed and submitted to the Sheriff's Department in November 2012.

The investigation established that the following events took place:

On April 16, 2012 at approximately 4:35 p.m. (1635 hours) Jorge Ramirez Sr., called 911 to report that his adult son, Jorge Ramirez, Jr. (DOB 2/17/80), had threatened his mother and needed to be taken to the Behavioral Health Center. County 911 dispatched deputies to the family home at 4:38 p.m. (1638). The deputies were advised that Jorge Ramirez, Jr. was "5150" and was making threats to his mother.

At around 4:52 (1652), Deputy Arthur Parra arrived on scene. He was alone and the only unit in the area. At 4:56 (1656), he calls for additional units to be sent to his location. At 4:57 (1657), he reports that he has "one tased." At 4:58 (1658) and 35 seconds, the deputy reports that shots are fired. In the 911 recording, a great deal of commotion can be heard. At 5:00 (1700), attempts to raise the deputy are unsuccessful. At 5:01 (1701) and 37 seconds he reports he is Code 4, one subject down and the family was hysterical.

Nine minutes had elapsed from the time Deputy Parra arrived until he was able to radio that he was Code 4. When back-up deputies arrived, they found Jorge Ramirez, Jr. had been shot but he was still attempting to get up off the floor. Jorge Ramirez, Jr. was placed on a gurney to be transported to the hospital. During that time, he became combative again. Jorge Ramirez, Jr. attempted to kick EMS personnel and had to be restrained. He did not survive his wounds. Pursuant to the countywide Officer Involved Shooting protocol, an investigation was commenced to ascertain what happened during those nine minutes. Physical evidence was collected and the witnesses were interviewed.

Dep. Parra explained the events to the investigators. He had self-dispatched to the call after it was broadcast and arrived on scene. He was aware the call involved a "5150" who had threatened someone. Deputy Parra said he had talked to the "father" outside of the house. He was told by the father that the suspect he was looking for, Jorge Ramirez, Jr., was inside the house.

The father told Dep. Parra that the suspect was acting up and had threatened his mother. The father then escorted Dep. Parra into the front room of the house. Dep. Parra saw the "mother" was sitting and appeared scared. The father and the mother spoke quietly to each other. Dep. Parra thought this was odd. The suspect was standing in the living room/dining room area. Deputy Parra said the suspect was standing and facing him when he stepped into the room where the suspect was. The suspect had his arms to his sides and his hands clenched very tight, so tight he could see the muscles tense. Dep. Parra told the suspect that he needed to talk to him. The suspect asked why and then walked towards him. Dep. Parra told the suspect to turn around so he could make sure he had no weapons. The suspect walked slowly towards him and turned around. Dep. Parra observed that the suspect had "defecated himself" he therefore knew something was not right.

Dep. Parra then told the suspect to put his hands behind his back. The suspect did not comply at first, and only put his arms part way behind his back. Dep. Parra said the "mother" started talking louder and was making the situation worse. Dep. Parra told the father to get her away. The suspect turned around and faced Dep. Parra. Dep. Parra pulled his Taser and pointed it at the suspect due to his aggressive stance, clenched fists, failure to comply with orders and the threat against the mother. Deputy Parra said he keyed his mic to ask for help, but Dep. Parra explained that his radio did not work. [The radio traffic tapes corroborates that at least some of the transmissions to dispatch did not work.] Dep. Parra would later tell investigators that his radio failure left him isolated with no certainty that help was going to come.

Dep. Parra said that when he pulled his Taser the mother started screaming, telling the deputy not to hurt her son. The mother and father began to struggle with each other and were bumping into Dep. Parra. The suspect told Dep. Parra to "shoot him" and then stepped towards the deputy. Dep. Parra said he tasered the suspect at this point. The suspect tried to fight the effects but fell to the ground. The suspect tried to roll away and reached for the darts as if to pull them out. The mother tried to move to the suspect and Dep. Parra had to push her back. Dep. Parra radioed that he had tasered the suspect. The suspect was then able to pull the dart out while it was being discharged again.

Dep. Parra bent over the suspect to "drive stun" him since one of the darts had been pulled out. The suspect fought through the effects of the Taser and actually grabbed it from Dep. Parra. Dep. Parra struggled with the suspect for control of the Taser. Dep. Parra was yelling for the suspect to let go but the suspect would not. Dep. Parra then backed up until he bumped into an obstacle. As that was happening, the suspect maintained his hold on the Taser and regained his footing. The suspect was within one to two feet of Dep. Parra and was about to get control of the Taser. Dep. Parra was convinced that the suspect was about to overpower him. He had never seen or heard of a suspect being able to fight through a Taser as this suspect had. Dep. Parra said he had no choice because the suspect was not going to stop. Dep. Parra pulled his gun and shot the suspect. The suspect eventually fell to the ground. Dep. Parra radioed, "shots fired" and waited for help. He said he held the suspect at gunpoint for several minutes. When a cover unit arrived, Dep. Parra was

finally able to handcuff the suspect. Dep. Parra stated that at the time he fired his gun he felt he was in "grave danger."

Mercedes Ramirez, the mother of Jorge Ramirez, Jr., was interviewed. She told the investigators that her son had mental problems and had been acting weird. Her son was supposed to be taking medication but he refused to do so. Her son had told her about things that had happened and she said it was like there "was a demon in him." She related that they were afraid of him. On the day of the shooting, she had asked her son why he didn't take medication. Her son then asked her if she wanted him to "cut her." He then asked her if she wanted to be "raped." Mrs. Ramirez said she then went away (left the house) to call her husband. Mrs. Ramirez said that when the deputy walked in he told Jorge Ramirez, Jr. to put his hands behind his back. Jorge Ramirez, Jr. refused to comply, but eventually turned around with his hands clenched in fists. Mrs. Ramirez then said the deputy shot her son. [This version of the events is not borne out by the physical evidence at the scene.] Mrs. Ramirez confirmed that she and her husband were yelling at the deputy during the time he was trying to handcuff Jorge Ramirez, Jr. She also admitted that her son had previously attacked her husband with a baseball bat and had been committed to a hospital.

Mrs. Ramirez was interviewed again and it was discovered that the deputy was holding a Taser and not a gun. The deputy was pointing a Taser at Jorge Ramirez, Jr. and Jorge was saying, "shoot me, shoot me." Mrs. Ramirez said the deputy shot him. She was unable to explain how it occurred but somehow the deputy and her son ended up in the kitchen.

Jorge Ramirez, Sr. was also interviewed. He confirmed that his son had mental problems he described as a psychosis. He said his son had been violent once before and had attacked him with a baseball bat. The family dealt with the problem by trying to ignore it, according to the father. Jorge Ramirez, Sr. said that when the deputy arrived, he escorted the deputy inside of the house. Jorge Ramirez, Sr. said his son was "in that mental state" and that when his son is like that he "doesn't reason."

Jorge Ramirez, Sr. said his son would not listen to the deputy and would not follow his commands. Jorge Ramirez, Sr. said his son became more aggressive with the deputy. He said at that point the deputy tasered his son. Jorge Ramirez, Sr. said his son then fell down but was able to get up. Jorge Ramirez, Sr. thought the deputy had picked his son up off the floor. Jorge Ramirez, Sr. stated that the deputy then shot his son and that his son had no weapons in his hands.

Jorge Ramirez, Sr. also told investigators that his son, Jorge Ramirez, Jr., had threatened to rape his wife (Sr.'s wife) and that had never happened before. Jorge Ramirez, Sr. said that his wife had told him about the threat and said that, after their son had made it, he (Jr.) started counting backwards, 5,4,3,2, 1.

Background investigation determined that Jorge Ramirez, Jr. had a spiraling downward history of mental issues. Jorge Ramirez, Jr. had called 911 on November 7, 2010 to report a crime. The Sheriff's deputy who handled the call discovered that Jorge Ramirez, Jr. was "not all there mentally" and that the family "couldn't take it any more (sic)."

In reviewing the "baseball bat" assault by Jorge Ramirez, Jr. on his father in 2010, it was reported that Jorge Ramirez, Jr. told the deputies that he had gotten into a fight with his father over paternity of one of the younger brothers in the family. Jorge Ramirez, Jr. claimed that his younger brother was actually his son that he had fathered with his (Jorge Ramirez, Jr.) own mother. Jorge Ramirez, Jr. also claimed that there were "wires inside of his brain and demons causing him to do the things" that he had done.

Any application of deadly force is unlawful, unless it is either justified or excused. A legal justification for using deadly force is the law of self-defense. Peace officers have both the right to use deadly force to perform their jobs and the right of self-defense.

This right is codified in the Penal Code Penal Code § 196 states:

"Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either-

1. In obedience to any judgment of a competent Court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest."

It is clear from the objective facts that Dep. Parra reasonably believed he was in danger - Jorge Ramirez, Jr. was not in his right mind, had overcome the power of the Taser, was within two feet of him and was about to disarm him. Dep. Parra also retreated, backing away from Jorge Ramirez, Jr. until he hit an obstruction (the kitchen wall), objectively demonstrating that he actually feared Jorge Ramirez. Therefore, the elements of §196 have been met and the shooting that occurred was justifiable under the law.

In situations like this, some people try to blame the officer for a perceived lack of training in how to deal with the mentally ill. This is an extremely tragic situation, but it must be remembered that Jorge Ramirez, Jr.'s own family was unable to deal with him on the day of the shooting and his behavior had escalated out of control. Dep. Parra, when confronted with this situation, tried to talk to Jorge Ramirez, Jr. but his attempt was unsuccessful. When Jorge Ramirez, Jr. grabbed onto the Taser, Dep. Parra had no other weapons to use except for his handgun and he could not wait for help to arrive. Dep. Parra was the only law enforcement officer on scene and was dealing with an individual who did not respond to pain or fear. Dep. Parra believed that if Jorge Ramirez, Jr. obtained exclusive possession of the Taser, he (Parra) would be killed. Confronted with this imminent threat, Dep. Parra pulled his handgun and fired. The only question that this office must answer is, did the deputy reasonably fear for his life and was that fear objectively reasonable. The answer to this question is unarguably yes, allowing Dep. Parra to use deadly force.

The evidence leads to the conclusion Dep. Arthur Parra acted reasonably when confronted by Jorge Ramirez, Jr. The deputy tried to stop Jorge Ramirez by less than deadly means, but Jorge Ramirez, Jr. would not stop. The deputy had no choice but to use deadly force and he was justified in doing so. Under any analysis of the law, the deputy's conduct was legally justified and he used no more force than was necessary to stop Jorge Ramirez, Jr.