

MIKE BUMCROT CONSULTING

REPORT OF INVESTIGATION

DATE: November 6, 2015

SUBJECT: Officer Involved Shooting Death of Adolfo Ramirez, which occurred on November 22, 2013 at 2327 Hours

CASE: Riverside Police Department File #P13-169168, CPRC #13-039

LOCATION: Parking lot located at 3020 E. La Cadena, Riverside, Poma Automatic Self Fueling Station

On October 31, 2015, I was asked by Frank Hauptmann, Manager of the Community Police Review Commission, to review the circumstances surrounding the officer involved shooting death of Adolfo Ramirez by Riverside Police Officer Shadee Hunt. I was also asked to provide my expert opinion in a written report on the manner in which Riverside Police Department Detectives investigated the case. I reviewed several hundred pages of police reports, photographs and other documents contained in the presentation by Riverside Police Detectives to the Community Police Review Commission. It should be noted that I also viewed the COBAN video of the incident during the executive briefing that I attended on November 26, 2013. This video had been removed from Officer Hunt's marked police car after the incident. I also researched legal issues and officer involved shooting incidents involving suspects shooting at police officers. I had earlier responded to the location to canvass the area for possible witnesses and to better understand the police reports. I also took photographs of the scene and surrounding neighborhood, which are included in this report, which will assist the reader.



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It is my conclusion that Officer Hunt acted in lawful self defense at the time he fired his pistol. Officer Hunt provided a detailed statement to investigators, which was considered as part of my analysis.

FACTUAL ANALYSIS

On November 22, 2013, just before 11:30 PM, Riverside Police Officer Shadee Hunt, wearing a complete police uniform and driving a marked police vehicle, was on routine patrol southbound on La Cadena approaching 1st Street. This area has single-family dwellings on the west side of the street (Officer Hunt's right side) and closed businesses on the east side of the street (Officer Hunt's left side). See photo below.



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As Officer Hunt drove south, he observed a male to suddenly run from a residence, directly in front of him. This male ran towards a vehicle that was parked in a darkened parking area for the Poma Automatic Fueling Station. Officer Hunt would later tell detectives that the area is not very well lit and he had made arrests in the vicinity. Officer Hunt said that due to his “Beat Knowledge” and the actions of the male running from a residence into a darkened parking lot, towards a darkened, idling vehicle, it raised his level of suspicion and he thought, “There’s some type of criminal activity”. Officer Hunt drove his police car towards the male, later identified as Adolfo Ramirez, who was now standing on the passenger side of a vehicle that was parked in the dark lot and facing north. See photo below.



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Officer Hunt turned his police vehicle spotlight on and pointed it at Mr. Ramirez and asked what he was doing. Officer Hunt observed someone sitting in the driver's seat but his attention was drawn to Mr. Ramirez, who appeared to be acting suspiciously. Mr. Ramirez' response to Officer Hunt's query was, "I'm good". Officer Hunt stopped his vehicle and began to exit, once again asking Mr. Ramirez what he was doing. Mr. Ramirez answered, "We're good officer" and suddenly Officer Hunt saw muzzle flashes and heard gunshots coming from the direction of Mr. Ramirez. Officer Hunt would later tell detectives "Instantly, I thought he was trying to kill me". He also said he thought, "Maybe he robbed the house he was running from". Officer Hunt ran around the front of his police vehicle and, while using it for cover, fired two shots towards the area he had last seen Mr. Ramirez. When detectives later asked him why he stopped firing his weapon after only two shots, Officer Hunt responded that the suspect had stopped shooting. This is evidence of gunfire discipline.

Assisting officers arrived and it was determined that Mr. Ramirez was on his knees, next to his vehicle, and his upper body was lying inside the car. Officers ordered the driver, Jose De La Luz Estrada, and rear passenger Stephanie Suarez, out of the vehicle and they were detained. Mr. Ramirez was given commands to show his hands and when there was no response, K-9 "Sando" was deployed. Sando pulled Mr. Ramirez, by his jacket, completely out of the vehicle. As Mr. Ramirez was pulled from the vehicle, a revolver fell to the ground.

Mr. Estrada and Ms. Suarez were interviewed and it was determined that they were witnesses only. Although they told differing accounts of how they had earlier met up with Mr. Ramirez, both of them stated that Mr. Estrada was asked by Mr. Ramirez to drive him to an address on E. La Cadena and wait for him while he visited someone. Ms. Suarez went along just for the ride. Both denied any knowledge of Mr. Ramirez being armed. Investigators received information that one of the houses on E. La Cadena was a known drug-dealing house and a small amount of heroin was recovered under the front passenger seat of the suspect vehicle. A hypodermic syringe was also found in a pants pocket of Mr. Ramirez. Investigators interviewed the occupants of the known drug selling house and they were uncooperative and denied knowing Mr. Ramirez.



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Investigators interviewed numerous witnesses who were in a front yard across from the incident. Many of these witnesses saw Mr. Ramirez fire a weapon at a police officer. Investigators also interviewed the cleaning crew at Poma Fuel Station, Mauricio and Lorena Rodriguez. Mr. Rodriguez stated that they had just completed cleaning the location offices and were putting supplies in the back of their truck. He saw a male walk across E. La Cadena towards a car that was parked in the darkened lot. Mauricio said he could clearly see this male carrying a handgun along his right leg and feared they were about to get robbed. He told his wife that if the suspect approached them she was to speed away in the truck and he would run east towards the railroad tracks. Mr. Rodriguez then saw a police car driving south on E. La Cadena, which stopped next to the car the male had walked to. This male was then illuminated with a spot light and he saw a uniformed police officer begin to exit the police car. He saw the male raise his handgun and fire 2–3 gunshots at the policeman. The policeman ran around to the other side of the police car and returned fire, apparently striking the suspect who then slumped over.

EVIDENCE

Charting of Officer Hunt's pistol revealed he had fired two gunshots. One shot entered the driver's door window of the suspect's vehicle and exited the passenger door window. When assisting officers arrived on scene, they ordered Mr. Estrada to roll down the driver's window and throw out his keys. This action caused the driver's door window to shatter inside the door. The second shot entered the left rear door window and exited the right rear door window. One of these bullets also struck Mr. Ramirez in the left chest, just above the nipple. The bullet traveled front to back, left to right, and downward. The projectile struck the suspects heart, diaphragm and liver. Mr. Ramirez' toxicological results at the time of autopsy was positive for the presence of alcohol, amphetamine, methamphetamine, opiates and marijuana.

Charting of Mr. Ramirez' .38 revolver revealed three empty casings, one live round, and two empty cylinders. It is evident that the three empty casings were fired at Officer Hunt because two bullets struck the driver's door of the police unit as the officer got out of his car, and one round struck the roof of the suspect car as Mr. Ramirez leaned across the



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roof, using it as a rest. This round ricocheted off the roof and struck a parked pickup truck behind and south of Officer Hunt.

Gang expert Officer C. Collopy stated that Mr. Ramirez was an active eastside Riva Gang member based on his association with other Eastside Riva Gang members, being contacted by police in areas claimed by Eastside Riva, his tattoo's, his arrests for crimes other Eastside Riva members were involved in, Eastside Riva Gang members held a car wash to pay for Mr. Ramirez' funeral, and Eastside Riva Gang members attended his funeral. It should also be noted that at the time of the incident, Mr. Ramirez was being sought for a parole violation.

EXPERT QUALIFICATIONS

I was employed as a peace officer for the Los Angeles Sheriff's Department for 34 years. I worked as a jail deputy, 18 months as a patrol officer, and four years assigned to the Special Enforcement Bureau (SWAT team). My last 27 years on the department, I was assigned to the Detective Division, including over 22 years assigned to the Homicide Bureau. I investigated over 450 homicides and suspicious deaths and over 100 Officer Involved Shootings, including the murders of ten police officers.

In 1994, I assisted in writing the LASD Homicide Bureau Investigative Manual. I was also selected to be a member of the Joint LASD/LAPD Crime Lab Development Committee as well as the JET Committee to develop Homicide Bureau job standards and selection criteria. In 1995, I was selected as California's Deputy Sheriff of the Year by the California Organization of Police and Sheriffs (COPS) for the investigation, arrest, and conviction of a suspect in the murders of two local policemen.

For over 15 years, I have taught "High Profile Murder Investigations", "Homicide Scene Management", and Officer Involved Shooting Investigations" for the Robert Presley Institute of Criminal Investigation, police academies, advanced training classes, supervisor training, college classes, Homicide School, and in-service training. I am currently on staff with the Police Policy Studies Council where I teach and consult



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nationally on officer involved shooting, homicide, and suspicious death investigations. I am currently the investigator for the Riverside Police Review Commission. Although I retired from LASD in 2002, I was immediately signed to a contract to train newly assigned homicide detectives. In 2006, I was also assigned to the LASD Cold Case team where I have reviewed over one thousand unsolved murders and specifically work the unsolved DNA and latent print cases.

INVESTIGATION AND REVIEW

The investigation into the officer involved shooting death of Adolfo Ramirez was conducted by the Riverside Police Department and the Riverside County District Attorney's Office. I reviewed all the reports submitted to the Community Police Review Commission and researched deadly force legal issues. The District Attorney found there was no criminal liability.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonable appears to the person claiming the right of self-defense that he actually and reasonably believed he was in imminent danger of great bodily injury or death. (Penal Code Section 197; People v. Randle (2005) 35 Cal. 4th 987, 994; People v. Humphrey (1996) 13 Cal. 4th 1073, 1082; CALCRIM No. 505.

In protecting himself or another, a person may use all the force, which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury, which appears to be imminent. CALCRIM No. 3470.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App.2nd 575, 589.



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California Penal code Section 3067(a) requires every prisoner eligible for release on state parole "Shall agree in writing to be subject to search and seizure by a parole officer or other peace officer at any time of the night or day, with or without a search warrant or with or without cause".

Officers do not need probable cause nor reasonable suspicion to conduct a parole search. This type of search is not a violation of the parolee's Fourth Amendment rights. *Samson v. California* (2006) 547 U.S. 843 and *People v. Reyes* (1998) 19 Cal. 4th 743, 753.

CONCLUSION

The evidence examined in this investigation reveals that Mr. Ramirez, a wanted parole violator, was obviously armed when he encountered Officer Hunt. His choices were to submit to questioning by the officer and perhaps being released or even running from the location. Mr. Ramirez chose to attempt to murder a police officer in the performance of his duties.

I find that the actions of Mr. Ramirez, the evidence found at the scene, and the statements of civilian witnesses, as well as Officer Hunt, strongly suggest that Officer Hunt had a reasonable fear of imminent death and feared Mr. Ramirez posed a lethal threat and his response with deadly force was justified. I conclude that Officer Hunt acted lawfully in self-defense. The fact that Mr. Ramirez fired 3 shots at Officer Hunt, two striking the police car door that the officer was exiting from, and a parked vehicle behind the officer's position, leaves little doubt of Mr. Ramirez' intentions.

I find that the investigation into the officer involved shooting death of Alfonso Ramirez by Riverside Police Detectives was completed in a fair and impartial manner and met or exceeded POST standards of practice.



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