

**In-Custody Death of Alan Ramos**  
**Long Beach Police Department**

**Officer Michael Hill, #10710**  
**Officer Edwin Guerra, #10807**  
**Officer Deryl Jackson, #10948**  
**Officer Nathan Albert, #10567**

**J.S.I.D. File #18-0475**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**July 26, 2022**

## MEMORANDUM

TO: CHIEF WALLY HEBEISH  
Long Beach Police Department  
400 West Broadway  
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: In-Custody Death of Alan Ramos  
J.S.I.D. File #18-0475  
L.B.P.D. File #18-66756

DATE: July 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 11, 2018, in-custody death Alan Ramos involving Long Beach Police Department (LBPD) Officers Michael Hill, Edwin Guerra, Deryl Jackson, and Nathan Albert. It is our conclusion that the deputies used reasonable force under the circumstances and are not criminally responsible for Ramos' death.

The District Attorney's Command Center was notified of this in-custody death on November 11, 2018, at approximately 4:47 p.m. The District Attorney Response Team responded to the location.

The following analysis is based on reports, surveillance videos, photos and recorded interviews submitted to this Office by LBPD Detective Donald Collier.

### FACTUAL ANALYSIS

On November 10, 2018, Alan Ramos was arrested and booked at the Long Beach Police Department's jail on a no-bail warrant for an assault charge.<sup>1</sup> On November 11, 2018, at approximately 3:00 p.m., Ramos was being held in a holding cell with several other inmates, including [REDACTED], who was sleeping in the corner of the cell.



Figure 1: Several inmates including Ramos and [REDACTED], being held in Tank 1.

<sup>1</sup> Portions of the incident were captured by the jail's video surveillance cameras. The cameras were motion activated. As such, there were periods of time the cameras did not record activity.

Suddenly, without provocation, Ramos attacked ██████, by laying on top of him and punching him multiple times.



*Figure 2: At 2:55 p.m., Ramos approached ██████, and cocked his right hand back to start his assault.*



*Figure 3: At 2:55 p.m., Ramos follows through with his first punch on ██████, as other inmates sleep.*

Detention Service Officer Nathan Albert was sitting at the 6<sup>th</sup> floor men's jail control counter when he heard a commotion coming from the holding tank. He ran to the tank and observed Ramos lying on top of ██████, with ██████'s head facing the bars and both Ramos' and ██████'s arms and feet flailing about. Albert opened the holding cell door and ordered all the other inmates to move to an adjacent holding tank. The other inmates complied.



Figure 4: At 2:56 p.m., the inmates move to a new holding cell as Ramos continues attacking [REDACTED].

Albert and his partner Officer Deryl Jackson entered the holding tank to stop the assault. [REDACTED] immediately yelled, “Ouch! Ouch! Get him off me! He’s biting me!” Albert and Jackson gave commands to Ramos, which he ignored. Jackson drew his Taser and pointed it towards Ramos’ upper rear left shoulder area and ordered Ramos to comply. Ramos ignored the commands and Jackson observed Ramos continue to bite [REDACTED]. Jackson deployed his Taser and struck [REDACTED] in the shoulder. The Taser was ineffective. Albert told Ramos to comply, which Ramos again ignored. Albert observed Ramos biting [REDACTED] so Albert deployed his Taser striking Ramos center mass. Ramos yelled, but still did not stop his assault.

Officer Edwin Guerra entered the holding tank and attempted to handcuff Ramos, but was unable to do so due to Ramos’ resistance. [REDACTED] stated, “You guys need to get him off of me. He is still biting me.” In response, Albert cycled his Taser for three more seconds, but Ramos still did not comply.

At this point, Guerra was able to control Ramos’ hands and cuff him behind his back. Guerra then placed a hobble around Ramos’ feet and connected it to the handcuffs. After approximately two seconds, jail Sergeant Rory Willeford instructed the officers to remove the hook from the handcuffs and to place the hobble around Ramos’ feet. Albert then reapplied the hobble as Willeford instructed.

Officers lifted Ramos by his arms and legs and carried him into an open space in the holding tank.





*Figure 5: At 3:03 p.m., Ramos is moved to an open space in the cell as shown from a different camera angle.*

Albert, Jackson, Guerra, and Hill placed Ramos on a blanket.



*Figure 6: At approximately 3:08 p.m., the officers place Ramos on a blanket.*

Albert dragged Ramos out of the tank into the hallway utilizing the blanket.



*Figure 7: At approximately 3:09 p.m., Albert drags Ramos out of the holding cell.*

Once moved into the hallway, Ramos moved his head back and forth as his hands were handcuffed behind him.



*Figure 8: At 3:09 p.m., Ramos is moving his head back and forth as he is detained on the floor.*

At approximately 3:10 p.m., the officers move Ramos to the side of the room.



Figure 9: At 3:10 p.m., Ramos is repositioned to the side of the room.

At approximately 3:10 p.m., [REDACTED], a jail nurse, enters the frame and Ramos' head can be seen moving back and forth.



Figure 10: At 3:10 p.m., [REDACTED] enters the room and Ramos' head is still moving around.

At approximately 3:15 p.m., [REDACTED] took Ramos' vitals. Ramos was still breathing, but he was not moving. [REDACTED] then took Ramos' oxygen levels and blood pressure and requested the paramedics respond. She also requested that the handcuffs be removed from Ramos' wrists.



Figure 11: [REDACTED] checks Ramos' vitals.

[REDACTED] treated Ramos until the paramedics arrived. They arrived around 3:19 p.m. and began performing CPR on Ramos.



Figure 12: Paramedics perform CPR on Ramos.

Ramos was transported to Saint Mary's Hospital. At the hospital, Emergency Room Technician's [REDACTED] and [REDACTED] continued performing CPR on Ramos. [REDACTED]



also used a defibrillator on Ramos. At approximately 3:55 p.m. [REDACTED] pronounced Ramos dead.

### **[REDACTED].’s statements**

[REDACTED]. stated he was asleep in a holding cell when he was awoken by Ramos slamming his head on the floor. [REDACTED]. stated that Ramos sat on [REDACTED]’s back and that Ramos grabbed [REDACTED].’s head and slammed it on the floor three to four times.

[REDACTED]. was able to do a pushup and slid out from under Ramos. As he did this, Ramos bit the back of [REDACTED]’s right arm several times. Both men were then in a seated position and [REDACTED]. turned around to face Ramos. [REDACTED]. stated he began to strangle Ramos, however, Ramos was able to push [REDACTED]’s hand away. [REDACTED]. then slid his right arm behind Ramos’ head and placed his forearm on top of Ramos’ throat and began to apply vertical pressure to his neck.

While [REDACTED] had his arm pressed against Ramos’ neck, Ramos’ head was positioned near the right side of [REDACTED].’s abdomen and Ramos bit him again multiple times. [REDACTED]. yelled out, “Police officer!” several times. Several officers ran into the holding cell and commanded, “Release him!,” “Get off of him!,” “Let him go!,” and “You’re going to be Tased!” [REDACTED]. released Ramos immediately and [REDACTED]. heard approximately six “pops” coming from the officers’ Tasers.

[REDACTED] stated he also heard an officer yell, “Dry tase!” While Ramos was being tased, [REDACTED]. stated that Ramos fell onto [REDACTED]’s body with Ramos’ face near [REDACTED].’s knees. Ramos then bit [REDACTED]. in the right knee several times.

[REDACTED]. stated that while Ramos was being tased, [REDACTED]. felt it. [REDACTED]. stated that while he was under Ramos, some of the prongs touched [REDACTED]. and tased him too.

[REDACTED]. stated that the officers were able to handcuff Ramos and put a hobble on him. Two unknown officers lifted Ramos and took him out of the cell. [REDACTED]. stated that Ramos was continuing to move, grunt, and growl as the officers took control of him.

### **[REDACTED]s injuries**

After the altercation was over, [REDACTED] examined all the injuries on [REDACTED]’s body. She noted that his right torso had approximately “2-3 human bite marks” that were open and bleeding. She also noted [REDACTED]. had abrasions to the following areas: right triceps, right hand, right ankle, and right upper lip.



*Figure 13: Bite mark to [REDACTED]'s right side of his stomach.*



*Figure 14: Bite mark to [REDACTED]'s right knee.*



Figure 15: Bite mark to ██████'s right elbow.

### ████████ statement

At approximately 3:00 p.m., ██████, was working as a nurse on the 6<sup>th</sup> floor of the Long Beach jail when she heard an officer state that an inmate had been tased. ██████ went to see what had happened and she observed an unknown number of officers attempting to control inmate Ramos who was kicking at them inside a holding cell.

████████ briefly left the area to get her “vitals equipment” so she could check on Ramos. When she returned, she observed officers pull Ramos out of the cell face down on a blanket. Ramos was grunting and still kicking at the officers.

████████ examined ██████, who had been bitten by Ramos. She described ██████'s injuries as two to three bite marks on his right torso. She stated she additionally observed swelling to the left side of his head, bites on his right hand, an abrasion to his right knee and an abrasion on his foot. ██████ stated that ██████ also complained of pain to his right shoulder, right bicep, and back area.

████████ heard officers telling Ramos to, “Calm down.” ██████ asked officers to roll Ramos onto his side so she could check his blood pressure. ██████ noted that Ramos was breathing at this time, but he was unresponsive to any questions or verbal cues. ██████ “popped an ammonia inhalant” to try and get a response from Ramos.

██████████ checked Ramos' carotid artery and felt a pulse. She additionally felt him swallow.

██████████ stated, however, that the vitals equipment was not processing the data as she expected, so she checked Ramos' carotid artery a second time for a pulse, and this time she did not feel one. Long Beach Fire Personnel arrived and took over. They began chest compressions on Ramos before placing him on a stretcher and transporting him to the hospital.

### **Autopsy**

On November 15, 2018, Deputy Medical Examiner J. Daniel Augustine performed a postmortem examination of Ramos' remains. Dr. Augustine observed multiple abrasions throughout his body located on his head, upper, and lower extremities. He noted puncture marks to Ramos' back and left side consistent with being tased. Ramos' toxicology revealed he had 1.1 microgram per milliliter of methamphetamine in his urine. However, no methamphetamine was found in Ramos' blood, and thus Dr. Augustine noted that "no definitive conclusions regarding the effects the drug may have played at the time of death can be made."

Dr. Augustine stated that there was no evidence of fatal trauma in the brain or other internal organs. Examination of the eyes revealed no petechiae, "which are often used as markers for an asphyxia-related death." The autopsy revealed that Ramos had a cardiomegaly, an enlarged heart, which is a "known risk factor for sudden death."

Dr. Augustine ascribed Ramos' death as an acute cardiac dysfunction due to a non-specific cardiomyopathy. Dr. Augustine included other conditions contributing, but not related to the immediate cause of death, to be Ramos' recent methamphetamine use, history of physical struggles, conductive electrical device use, and prone restraint. Dr. Augustine clarified, however, "the autopsy cannot determine the relative contributory role of any of the other listed conditions to the death, and their inclusion merely reflects the circumstances under which the death occurred." As such, the manner of death was undetermined, however, Dr. Augustine opined that "these findings indicate the death is most likely cardiac related."

### **LEGAL ANALYSIS**

A public officer in a custodial setting may use force to detain a person, prevent escape or overcome resistance. In deciding the reasonableness of a particular use of force, the legitimate interests stemming from the need to manage the facility in which the inmate is detained must be considered, as must the need to restore and maintain discipline. Factors to be considered include: the relationship between the need for the use of force and the amount of force used; the extent of the inmate's injury (if any); any effort made by the officer to temper or limit the amount of force used; the severity of the security problem at issue; the threat reasonably perceived by the officer; whether the inmate was actively resisting; and whether or not the inmate committed a crime prior to or during the use of force. *Kingsley v. Hendrickson* (2015) 135 S.Ct 2466, 2473-74; *Turner v. Safley* (1987) 482 U.S. 78, 84-85.



A legal duty to render aid is imposed when a special relationship exists between the decedent and the defendant. *People v. Oliver* (1989) 210 Cal.App.3d 138; *People v. Montecino* (1944) 66 Cal.App.2d 85. Such a special relationship exists, and a duty is imposed, when a jailer takes custody of a suspect. *Girardo v. California Department of Corrections and Rehabilitation* (2008) 168 Cal.App.4<sup>th</sup> 231. This duty is codified in Government Code section 845.6.

Moreover, an on-duty officer does not lose the right to defend another while on duty in a jail facility. An officer is lawfully allowed to use force to defend another if:

- 1) The officer reasonably believed that someone else was in imminent danger of suffering bodily injury; and
- 2) The officer reasonably believed that the immediate use of force was necessary to defend against that danger.

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The evidence examined in this investigation shows the officers used only the force necessary to stop Ramos from attacking [REDACTED]. At the time the officers deployed their Tasers, Ramos was attacking and biting [REDACTED]. The physical force used in this case was carried out for the narrow purpose of getting Ramos to stop assaulting [REDACTED]. Each activation of a Taser was preceded with numerous verbal commands, which Ramos ignored. Even after Ramos was handcuffed, he kept resisting. The use of the Tasers was reasonable in this situation.

Furthermore, the People cannot prove that the officers' actions caused Ramos' death. The autopsy revealed Ramos suffered no fatal physical trauma. The autopsy revealed no evidence that Ramos died from asphyxiation caused by the hobble restraint and subsequent prone position. In fact, Dr. Augustine opined that the autopsy findings "indicate the death is most likely cardiac related."

Since Ramos' death was most likely cardiac related, and not caused by physical trauma or asphyxiation, we cannot prove beyond a reasonable doubt that the deputies are criminally liable for his death.

## **CONCLUSION**

Based upon the foregoing analysis, we find Officers Albert, Jackson, Guerra, and Hill acted lawfully and are not criminally responsible for Ramos' death. We further find that the evidence is insufficient to prove beyond a reasonable doubt that their actions caused Ramos' death.