

Fatal Officer Involved Shooting of Phillip Lopez
Signal Hill Police Department

Officer Jorge Ramirez, #153

J.S.I.D. File #21-0388



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

August 18, 2023

MEMORANDUM

TO: CHIEF WAYNE BYERLEY
Signal Hill Police Department
2745 Walnut Avenue
Signal Hill, California 90755

CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Phillip Lopez
J.S.I.D. File #21-0388
S.H.P.D. File #21S-01861
L.A.S.D. File #021-00101-3199-013

DATE: August 18, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 20, 2021, fatal shooting of Phillip Lopez by Signal Hill Police Department (SHPD) Officer Jorge Ramirez. Based on the totality of the circumstances, we find that it was reasonable for Officer Ramirez to believe the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury.

The District Attorney's Command Center was notified of the shooting on September 20, 2021, at 2:34 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, body worn camera video evidence, surveillance video evidence, crime scene diagrams, photographic evidence, a DNA report, an autopsy report, and witness statements submitted to this office on May 6, 2022, by Los Angeles County Sheriff's Department (LASD) Sergeant Michael Austin and Detective Timothy Ruggiero. Ramirez declined to provide a voluntary statement following the incident, and no compelled statements, if any were given, were considered in this analysis.

FACTUAL ANALYSIS

On September 20, 2021, at approximately 12:55 p.m., Phillip Lopez got into a physical altercation with [REDACTED] near the loading dock outside the Food 4 Less grocery store in the

City of Signal Hill. During the fight, Lopez stabbed ██████ in the back with a knife.¹ Lopez left the scene, walking west on the north sidewalk of Willow Street. ██████ called 9-1-1 and reported he had been stabbed. Dispatch informed officers, “417a, person stabbed at Food 4 Less.”² SHPD Sergeant Russell Hefte, Officer Delia Martinez, and Officer Jorge Ramirez responded to the Food 4 Less in separate marked black and white police vehicles, each wearing distinctive SHPD uniforms.³

As Martinez contacted ██████, Hefte and Ramirez drove west on Willow Street looking for the person who had stabbed him. After briefly speaking with ██████, Martinez radioed a description of Lopez and his clothing.⁴ Ramirez drove west on Willow Street and pulled up next to Lopez, who was walking west on the north sidewalk. Hefte drove slightly behind Ramirez. As Ramirez pulled up next to Lopez, he yelled for him to “Stop!” Ramirez stopped his patrol vehicle, opened the driver’s side door, and again ordered Lopez to “Stop!” Lopez continued walking down the sidewalk, and Ramirez closed his door, drove a short distance to catch up to Lopez, and ordered him to stop several more times as he exited his patrol vehicle. Lopez turned and looked toward Ramirez while continuing to walk down the sidewalk with a hooded sweatshirt draped over his right hand.

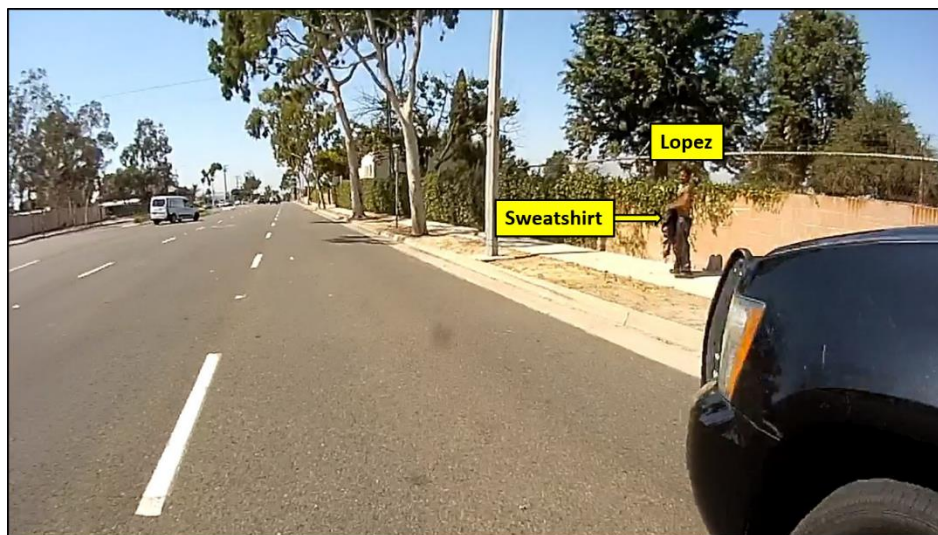


Figure 1 – Still image from Ramirez’ BWV depicting Lopez walking down the sidewalk with a sweatshirt covering his right hand.

As Ramirez approached Lopez, he continued ordering him to stop walking. Lopez ignored Ramirez and began running west on Willow Street. Ramirez drew his Taser, ran behind Lopez, and told him he would tase him if he did not stop. Lopez slowed down and briefly turned toward Ramirez and asked, “Why?” as he continued to walk away. Simultaneously, Ramirez ordered

¹ The assault was recorded by a Food 4 Less surveillance camera and the cellphone of a nearby witness.

² “417a” is the police radio code for a person with a knife.

³ Martinez, Hefte, and Ramirez each wore a body worn video camera (BWV), and the incident was captured on video. Hefte’s patrol vehicle was equipped with a forward-facing dash camera (DCV). According to the SHPD, the DCV in Hefte’s vehicle was not working on the day of the incident.

⁴ ██████ was later transported to a local hospital, where he was provided medical treatment for his one-and-a-half-inch stab wound and discharged.

him to “put the sweater down” multiple times and told him he would be tased if he did not comply. Lopez replied, “Why?” and slowly ran away from Ramirez.

As Ramirez followed Lopez down the sidewalk, Hefte drove west on Willow Street next to them. Hefte’s passenger side window was rolled down, and he told Ramirez, “tase him, he’s a threat.” According to Hefte, he told Ramirez to tase Lopez because Lopez was “noncompliant, [a] stabbing suspect, [and] potentially still armed.”⁵ Ramirez briefly looked toward Hefte before telling Lopez again that he would tase him if he continued to run. Lopez repeatedly looked back at Ramirez and asked, “Why?” as he jogged away.⁶ Ramirez discharged his Taser, which appeared to strike Lopez but did not incapacitate him, and he continued to run away.⁷

Ramirez ran faster, caught up to Lopez from behind, and at approximately 1:02:16 p.m., knocked him to the ground by tripping him.⁸ As Lopez fell to the ground, the sweatshirt that had been covering his right hand came off, exposing a large kitchen knife in his right hand.



Figure 2 – Still image from Ramirez’ BWV depicting Lopez on the ground with a knife in his right hand.

Lopez rolled to his right side and quickly stood up while maintaining possession of the knife in his right hand. Simultaneously, Hefte placed his patrol vehicle in park and quickly exited. According to Hefte, “[Lopez] sprung up very quick from a kneeling—I don’t know if he fell all the way on the ground, but he—he went down, and he sprung up very quickly.” Ramirez stepped toward Lopez and appeared to push him forward with his left hand.

⁵ LASD investigators interviewed Hefte on the day of the incident. The interview was recorded.

⁶ At this point, at approximately 1:02:06 p.m., the audio on Ramirez’ BWV turned off. All times are based on the metadata contained on the officers’ BWVs.

⁷ Ramirez’ BWV shows Lopez quickly reaching toward his back after Ramirez deployed his Taser. One Taser barb and wire was recovered near where Ramirez deployed his Taser, and the other was recovered further west on Willow Street, where the officer-involved shooting occurred. The medical examiner did not note any Taser barb puncture wounds on Lopez’ body in the autopsy report.

⁸ Ramirez dropped his Taser while tripping Lopez.



Figure 3 – Still image from Ramirez' BWV depicting Ramirez' hand pushing Lopez forward.

Lopez managed to stay on his feet and quickly turned toward Ramirez, who fell to the ground onto his back. Lopez aggressively approached Ramirez with the knife in his hand.

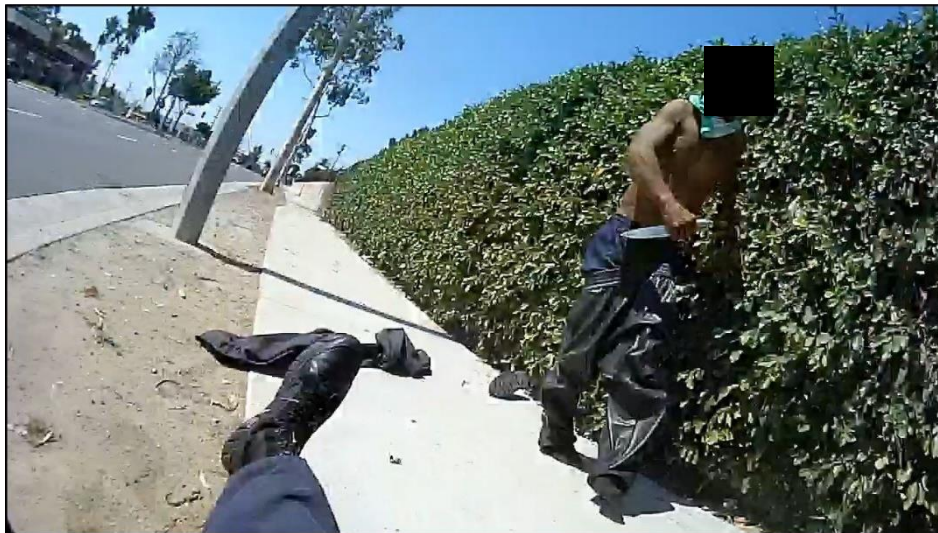


Figure 4 – Still image from Ramirez' BWV depicting Lopez coming toward Ramirez after he fell to the ground.

Ramirez attempted to keep Lopez away from him by kicking his legs toward him multiple times.⁹ Lopez avoided the kicks by briefly jumping away from and then jumping toward Ramirez multiple times while holding the knife above his head in a pre-stabbing position.

⁹ Ramirez' BWV's field of view did not clearly capture him kicking toward Lopez while on his back. These actions were recorded on a business' surveillance camera located west of the incident location and on the other side of Willow Street. The video is generally clear and in focus. However, the distance between the camera and the incident caused Ramirez and Lopez to become considerably blurred. While Ramirez and Lopez' actions can generally be deciphered while watching the video, the quality is insufficient to produce still images that would be helpful in this memorandum.



Figure 5 – Still image from Hefte's BWV depicting Lopez looking down toward Ramirez (not pictured) with the knife raised above his head.

Lopez briefly looked over at Hefte as Hefte ran around the front of his patrol vehicle. Simultaneously, Ramirez drew his duty weapon and discharged six rounds at Lopez.¹⁰



Figures 6 & 7 – Cropped and enlarged still images from Hefte's (figure 6) and Ramirez' (figure 7) BWVs depicting Lopez standing over Ramirez with the knife in his hand when Ramirez discharged his service weapon.

Multiple rounds struck Lopez, and he fell to the ground. Hefte immediately used his handheld radio to advise dispatch that shots had been fired and shortly thereafter requested a rescue ambulance respond. At approximately 1:03:21 p.m., Hefte obtained gloves from Ramirez, took Lopez' pulse, and began CPR until he was relieved by another officer. At approximately 1:08 p.m., a rescue ambulance arrived, followed by Long Beach Fire Department and Los Angeles County Fire Department personnel. Lopez was transported to Long Beach Memorial Hospital, where he was pronounced deceased at 1:31 p.m. by Doctor [REDACTED].

¹⁰ Ramirez discharged his duty weapon at 1:02:21 p.m. Approximately 51 seconds elapsed between Ramirez' first contact with Lopez and shots being fired. Approximately three seconds elapsed between Ramirez falling to the ground and him discharging his duty weapon. While only five discharged cartridge casings were recovered from the scene, Ramirez' BWV clearly shows six casings being ejected from his duty weapon. Additionally, six gunshots can be heard on Hefte's BWV.

LASD investigators recovered a large metal kitchen knife with a stainless-steel blade and a metal handle from the north concrete sidewalk of Willow Street. Subsequent laboratory testing located the presence of Lopez' DNA on the knife's handle.



Figure 8 – Photograph of the knife Lopez had in his hand during the officer-involved shooting.

Investigators also recovered five cartridge casings headstamped “Win 9mm Luger” that had been discharged from Ramirez’ 9mm Glock 17 semiautomatic firearm from the Willow Street sidewalk.¹¹ Ramirez’ Taser and two discharged barbs and wires were also recovered from the area.

Deputy Medical Examiner Lawrence Nguyen performed an autopsy on September 24, 2021. The cause of death was determined to be a gunshot wound to the torso. Nguyen located two gunshot wounds and two gunshot graze injuries that occurred during the officer-involved shooting.¹² One wound to the left chest penetrated through soft tissue and was deemed non-life-threatening. The other gunshot wound entered and exited the left arm before entering the left lateral chest. That projectile was determined to be immediately life-threatening as it penetrated the left lung, aorta, and right lung. The two graze injuries were on the left shoulder and left posterior scalp. Toxicology results indicated the presence of alcohol, marijuana, amphetamine, and methamphetamine in Lopez’ blood at the time of the incident.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, 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

¹¹ One discharged 9mm cartridge casing was not recovered from the scene.

¹² One additional gunshot wound to the left buttock was determined to be from a prior incident.

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).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

In this case, Ramirez attempted to detain Lopez following an altercation in which Lopez stabbed [REDACTED]. After Lopez refused to drop the sweatshirt concealing his right hand, fled, and ignored repeated orders and warnings, Ramirez unsuccessfully attempted to tase him. When Lopez fell to the ground after being tripped by Ramirez, he was holding a large knife in his right hand and quickly got to his feet. In an apparent attempt to create space between himself and Lopez, Ramirez pushed Lopez from behind but fell to the ground and onto his back in the process.

When Lopez aggressively approached Ramirez with a knife in his hand, Ramirez was lying on the ground in a particularly vulnerable position, and Lopez had the present ability, opportunity, and apparent intent to immediately inflict serious bodily injury or death upon Ramirez. Given the immediacy of the threat posed to Ramirez, any further attempts to use less lethal alternatives or deescalate the situation were not reasonably feasible. As such, it was reasonable for Ramirez to believe it was necessary to respond with deadly force.

CONCLUSION

Based on the totality of the circumstances, we find that it was reasonable for Officer Jorge Ramirez to believe his use of deadly force against Phillip Lopez was necessary to defend against an imminent threat of death or serious bodily injury.