

In-Custody Death of Ramiro Villegas
California Highway Patrol

Officer Matthew Mitchell, #21792

J.S.I.D. File #21-0097



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 5, 2022

MEMORANDUM

TO: CHIEF CHRIS MARGARIS
California Highway Patrol – Southern Division
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: In-Custody Death of Ramiro Villegas
J.S.I.D. File #21-0097
C.H.P. File #MCU-0017-509-21

DATE: December 5, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 13, 2021, in-custody death of Ramiro Villegas. We have concluded that the force used by California Highway Patrol (CHP) Officer Matthew Mitchell was reasonable. We further find that Mitchell attempted to prevent Villegas' suicide and did not cause Villegas' death.

The District Attorney's Command Center was notified of the in-custody death on March 13, 2021, at 12:28 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, dash camera video (DCV), audio recordings of interviews, the autopsy report, photographic evidence, and witness statements submitted to this office by CHP Investigator Stephen Kimble. Mitchell's voluntary statement was considered in this analysis.¹

FACTUAL ANALYSIS

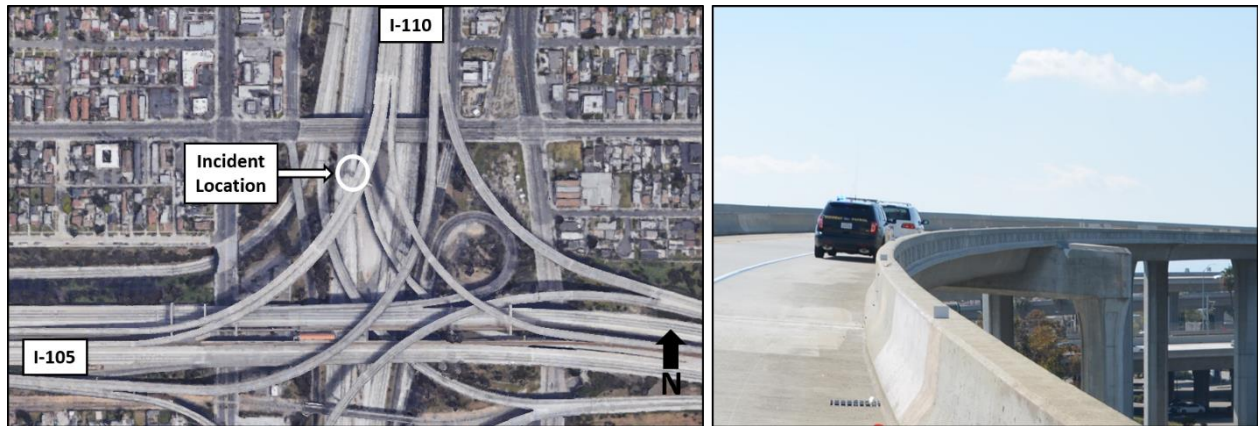
On March 13, 2021, at 7:00 a.m., CHP Officer Mitchell was dispatched to the area of the I-110 Freeway southbound express lane access to the I-105 Freeway westbound regarding a white minivan facing the wrong way. Mitchell was wearing a distinctive CHP uniform and was driving a marked CHP patrol vehicle equipped with DCV.²

When Mitchell arrived at the location, a white Toyota Sienna was stopped and facing the correct direction on the right shoulder of the I-110 southbound express lane access to the I-105 westbound. As Mitchell approached in his patrol vehicle, the Sienna quickly accelerated into the

¹ Immediately following the incident and without being prompted, Mitchell gave a responding sergeant a brief summary of what occurred. This conversation was recorded on Mitchell's DCV camera and reviewed for this analysis. Later, Mitchell declined to give a voluntary statement to investigators. If a statement was later compelled, it was not reviewed for this analysis.

² The incident was captured on DCV. Mitchell was not equipped with body worn video.

traffic lane and traveled to an elevated point in the roadway before abruptly moving onto the right shoulder and stopping. Mitchell parked his patrol vehicle slightly behind the Sienna.



Figures 1 & 2 – Figure 1 is a stock satellite image of the area where the I-110 and I-105 Freeways intersect. Figure 2 is a photograph depicting the positions of the Sienna and patrol vehicle at the time of the incident.

The driver of the Sienna, later identified as Ramiro Villegas, exited his vehicle and said something to Mitchell.³ According to Mitchell, Villegas said, “I can’t do it anymore.” Villegas then walked directly toward the concrete divider separating the transition road from the I-110 below and began to lean over the wall. Mitchell exited his patrol vehicle, ran toward Villegas, and said, “Woah! Woah! Woah! Woah! Woah! What’s going on? What’s going on?”



Figure 3 – Still image from Mitchell’s DCV depicting Mitchell reaching out toward Villegas as he leans over the concrete wall.

Villegas turned toward Mitchell, who placed his left hand on Villegas’ back and pointed his right hand at the ground and said, “Sit down” multiple times. Villegas looked toward the ground but did not sit. Mitchell said, “Have a seat. We’ll talk about it, okay? Have a seat, and we’ll talk about it, alright?” Villegas responded by saying, “I can’t” multiple times. Using his remote radio located near his jacket’s lapel, Mitchell requested backup respond Code-3 to his location.⁴

³ Villegas can be seen talking, but the statement cannot be heard on the DCV.

⁴ “Code-3” is the radio code used to describe a mode of response in which an emergency vehicle’s lights and siren are activated.

Villegas leaned toward the concrete wall, and Mitchell grabbed his waist and told him, “You don’t want to throw yourself over the bridge, okay?” Mitchell attempted to move Villegas away from the wall, and when Villegas resisted, Mitchell took him to the ground.



Figure 4 – Still image from Mitchell's DCV depicting Mitchell moving Villegas away from the wall and taking him to the ground.

Villegas landed on his left side, and Mitchell took a mounted position on top of him. Mitchell repeatedly ordered Villegas to put his hands behind his back, but Villegas failed to comply and struggled to break free. While trying to maintain control of Villegas, Mitchell requested emergency backup via his remote radio two additional times.

Villegas and Mitchell continued to struggle, and Villegas rolled onto his back as Mitchell continued to maintain his mounted position. Approximately 50 seconds after taking Villegas to the ground, Villegas reached up and wrapped his arms around Mitchell's waist and duty belt.



Figures 5 & 6 – Still images from Mitchell's DCV depicting Villegas kicking and struggling to break free (figure 5) and wrapping his arm around Mitchell's waist (figure 6).

Mitchell moved his right hand to his right hip and stated, “Don’t touch my gun!” Villegas responded, “I’m not.” Mitchell again ordered Villegas not to touch his gun and struck him one time in the face with his right fist.

Mitchell ordered Villegas to roll over and put his hands behind his back. Villegas rolled onto his left side, and Mitchell took control of Villegas' left arm. Mitchell then rose from his mounted position, moved his left leg in front of Villegas' chest, placed Villegas' left arm between his legs, and rolled onto his back while maintaining control of Villegas' arm.⁵ Villegas continued to kick

⁵ This control hold is commonly known as an “armbar.”

his legs and feet, and Mitchell said, “Stay there. Stop moving!” Mitchell again requested backup via his remote radio. Mitchell maintained control of Villegas’ arm with his right hand and drew his Taser with his left hand. Simultaneously, Villegas broke free of Mitchell’s grasp, got to his feet, pushed Mitchell away from him, and ran toward the concrete wall.



Figure 7 – Still image from Mitchell's DCV depicting Villegas running toward the concrete wall after pushing Mitchell.

Villegas fell to his knees with his chest level with the top of the concrete wall as Mitchell got to his feet and pointed the Taser at Villegas while moving toward him. As Villegas began scaling the wall, Mitchell discharged the Taser, striking the back of Villegas’ jacket.⁶



Figure 8 – Still image from Mitchell's DCV depicting Mitchell tasing Villegas as he begins to climb the concrete barrier.

Villegas lifted his left leg over the barrier and began to roll over the wall. Mitchell continued toward Villegas and grabbed Villegas’ jacket with his left hand. Mitchell said, “No! No! No!” as Villegas’ right leg and body rolled over the concrete barrier.

⁶ It is unclear if both Taser darts attached to Villegas’ jacket. No darts penetrated Villegas’ skin, and the Taser did not appear to affect Villegas.



Figure 9 – Still image from Mitchell’s DCV depicting Mitchell grabbing Villegas’ jacket as Villegas goes over the barrier.

Mitchell lost his grip on Villegas’s jacket, and Villegas fell approximately 110 feet before landing on the high occupancy vehicle (HOV) lane of the I-110 Freeway. Mitchell radioed, “The party just jumped off the transition.” Los Angeles City Fire Department paramedics responded to the scene and pronounced Villegas deceased on arrival.

On March 15, 2021, a postmortem examination was conducted by Deputy Medical Examiner Dr. J. Daniel Augustin. The cause of death was attributed to multiple blunt force trauma, and the manner of death was determined to be suicide.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that a person has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Penal Code section 835a(b). The decision by a peace officer to use force shall be evaluated from the perspective of the reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)4.

In evaluating whether a police officer’s use of force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

An act causes death if the death is the direct, natural, and probable consequence of the act, and the death would not have happened without the act. CALCRIM No. 582.

In this case, Mitchell saw that Villegas appeared to be contemplating suicide and directed him to step away from the wall and sit down. When Villegas would not sit down and leaned toward the concrete barrier, Mitchell took him to the ground to prevent him from going over the wall. Mitchell employed a control hold, called for backup, and attempted to tase Villegas to prevent him from climbing over the barrier. However, Villegas managed to thwart Mitchell's efforts, climbed over the wall, and ended his own life. The force used by Mitchell was done in an attempt to prevent Villegas from committing suicide, was reasonable, and did not cause Villegas' death.

CONCLUSION

We conclude that Officer Matthew Mitchell used reasonable force while trying to prevent Ramiro Villegas from committing suicide, and his actions did not cause Villegas' death.