

**Non-Fatal Officer Involved Shooting and In-Custody Death of**

**Luis Ramirez**

**Long Beach Police Department**

**Officer Robert Cruz #10009  
Officer Ernesto Perez #10008**

**J.S.I.D. File #20-0056**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**January 25, 2021**

**MEMORANDUM**

TO: CHIEF ROBERT LUNA  
Long Beach Police Department  
400 W. Broadway  
Long Beach, California 90802

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

SUBJECT: Non-fatal Officer Involved Shooting and In-Custody Death of Luis Ramirez  
J.S.I.D. File #20-0056  
L.B.P.D. File #200010062

DATE: January 25, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 20, 2020, non-fatal shooting of Luis Ramirez by Long Beach Police Department (LBPd) Officer Robert Cruz, and the in-custody death of Luis Ramirez by LBPd Officer Ernesto Perez. We have determined that Officers Cruz and Perez acted in lawful self-defense and in the defense of others.

The District Attorney's Command Center was notified of the shooting on February 20, 2020, at 11:28 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene by LBPd Sergeant Dominick Scaccia.

The following analysis is based on investigative reports, audio and video recordings, photographs, crime scene diagrams, forensic reports, witness statements, and the autopsy report submitted to this office by LBPd Homicide Detail Detectives Michael Hubbard and Leticia Gamboa. The voluntary statements of Officers Perez and Cruz were considered in this analysis.

**FACTUAL ANALYSIS**

On February 20, 2020, at approximately 9:17 p.m., Luis Ramirez exited his apartment located on Atlantic Avenue in the City of Long Beach, armed with a shotgun. Ramirez walked on the sidewalk located on the west side of Atlantic Avenue and traveled south toward Market Street. John V. was on the sidewalk when he saw Ramirez carrying the shotgun and talking to himself. John V. began running away from Ramirez, and Ramirez raised the shotgun and fired multiple times in John V.'s direction. John V. was struck in the left hip and right upper back and fell to the ground. John V. then stood up and ran into a nearby store. Shotgun pellets from the shots Ramirez fired also struck a car parked nearby and a Taco Bell Restaurant located on the southwest corner of Atlantic Avenue and Market Street.

Ramirez walked back to his apartment building where he confronted multiple tenants and pointed the shotgun at them. LBPd dispatch began receiving numerous 9-1-1 calls regarding the

shooting of John V. LBPD dispatch broadcasted a call for service, stating, “245 hit shooting, 5400 Atlantic Avenue.” LBPD Officers Cruz and Perez responded from the LBPD North Substation. Both officers wore distinctive LBPD uniforms and drove in separate marked black and white police vehicles. Dispatch updated the call for service, stating, “Victim got shot three times and suspect went into a liquor store.” An additional update informed the officers that there may now be two shooting victims and that, “Shots [were fired] into the Taco Bell. There is a broken window, but nobody [was] seen.”<sup>1</sup>

While Cruz and Perez were en route, Ramirez again exited his apartment building carrying the shotgun. He again walked south on Atlantic Avenue toward Market Street. Ramirez entered a strip mall parking lot on the west side of Atlantic Avenue and continued walking south through the parking lot of Popeyes Restaurant.



*Figure 1 – Photograph facing south on Atlantic Avenue toward Market Street. The intersection has a Shell Gas Station on the northeast corner, a Taco Bell Restaurant on the southwest corner, and a Popeyes Restaurant on the northwest corner.*



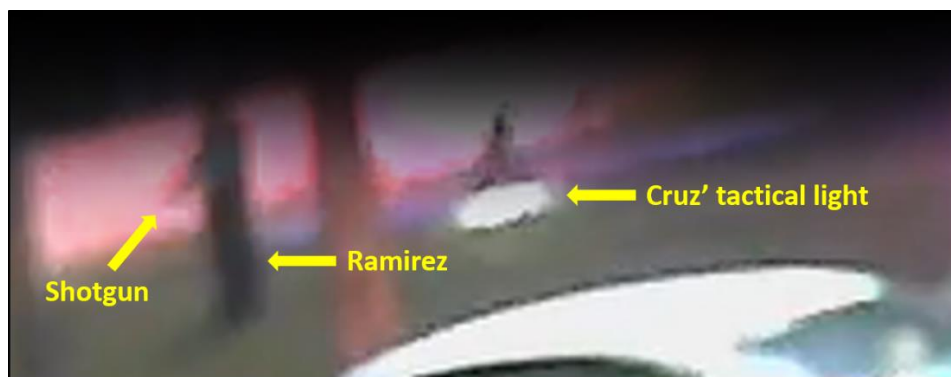
*Figures 2 & 3 – Surveillance video from Popeyes Restaurant shows Ramirez walking through the parking lot holding a shotgun.*

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<sup>1</sup> One 9-1-1 caller mistakenly informed dispatch that a child had been shot.

Ramirez walked to the middle of the Atlantic Avenue and Market Street intersection holding the shotgun by his right side with the barrel facing down.<sup>2</sup> Based on additional incoming 9-1-1 calls, LBPD dispatch updated the officers with the following description of Ramirez, “Male Hispanic, 20’s with a blue shirt. He had a rifle, towards the Popeyes.” Shortly thereafter, dispatch added, “Black pants. He’s in the middle of the street at Market and Atlantic, going northbound on Atlantic.” Ramirez then walked and stood at the southwest corner of the intersection.

Cruz and Perez were traveling northbound on Atlantic Avenue. Cruz arrived first and pulled his police vehicle to the eastern curb of Atlantic Avenue, just south of Market Street. Ramirez walked back to the middle of the intersection and faced away from Cruz, looking north on Atlantic Avenue. Ramirez was still holding the shotgun by his side. Cruz exited his vehicle and drew his service weapon. Cruz broadcasted over his radio, “He’s in the middle of the intersection with a gun!” Cruz pointed his service weapon at Ramirez and yelled, “Drop the weapon!” several times as he walked to the southeast corner of the intersection and stood behind a traffic signal pole.



*Figure 4 – Surveillance video from Popeyes Restaurant shows Ramirez with his back to Cruz while standing in the middle of the intersection, holding a shotgun.*

Ramirez raised the shotgun barrel and turned toward Cruz. Ramirez then quickly turned and faced south on Atlantic Avenue and pointed the shotgun straight ahead toward Perez, who was traveling northbound on Atlantic Avenue with his police vehicle’s lights and sirens activated. Cruz then fired six rounds in rapid succession at Ramirez. Ramirez was struck by two of Cruz’ rounds, one in his left buttocks and the other in his right arm. Simultaneously, Ramirez fired four rounds from his shotgun at Perez and his patrol vehicle. One of Ramirez’ pellets struck pedestrian Tanquisha G. in her lower left leg as she walked on the east side of Atlantic Avenue, south of Market Street. Other shotgun pellets struck the grille of Perez’ police vehicle as Perez entered the intersection and struck Ramirez with the front end of the vehicle. Ramirez impacted the grill, hood, and windshield of Perez’ police vehicle before rolling over the hood and coming to rest in the middle of Atlantic Avenue.

Cruz radioed that an officer-involved shooting had occurred and requested that paramedics respond to the location. Perez stopped his vehicle, retrieved his medical kit, and entered a nearby business to provide medical aid to John V. Long Beach Fire Department arrived at the scene and pronounced Ramirez dead at approximately 9:28 p.m.

<sup>2</sup> At this time, the intersection and surrounding commercial area had moderate vehicular and foot traffic.

## Incident Location

Ramirez' Browning Auto-5 12 GA model Light Twelve shotgun was recovered from the roadway on Atlantic Avenue. The shotgun was broken during the impact with Perez' vehicle, and the barrel, stock, and several other parts were recovered from Atlantic Avenue.



*Figures 5 & 6 – Photographs of the shotgun barrel and stock recovered from the scene.*

A total of nine shotshell hulls head stamped “12★” were recovered from the area. Four shotshell hulls were located near Ramirez' apartment building, two on the west sidewalk of Atlantic Avenue and two slightly further west in a small pathway adjacent to the apartment building. One shotshell hull was recovered from the southbound lane of Atlantic Avenue, just north of the Atlantic Avenue and Market Street intersection. Four shotshell hulls were recovered from the middle of the Atlantic Avenue and Market Street intersection. LBPD conducted a forensic examination of the shotshell hulls recovered and concluded that they were all fired from the same gun.<sup>3</sup> Six cartridge casings head stamped “WINCHESTER 45 AUTO” were recovered in the vicinity of the southeast corner of the Atlantic Avenue and Market Street intersection. These casings matched those found in Cruz' Springfield Armory, model Operator, .45 caliber semiautomatic service weapon.

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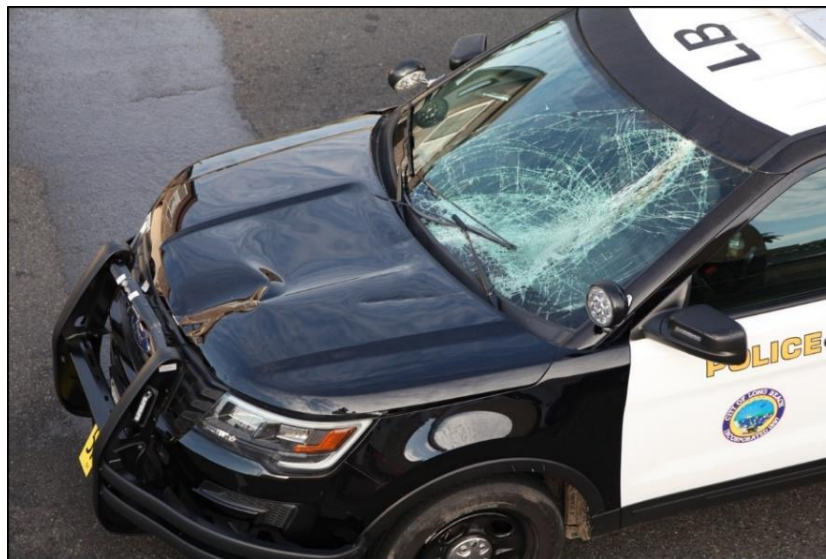
<sup>3</sup> Due to the broken condition of the recovered shotgun, it was unable to be test fired. Therefore, a comparison could not be made between the recovered shotshell hulls and one known to be fired from the recovered shotgun.





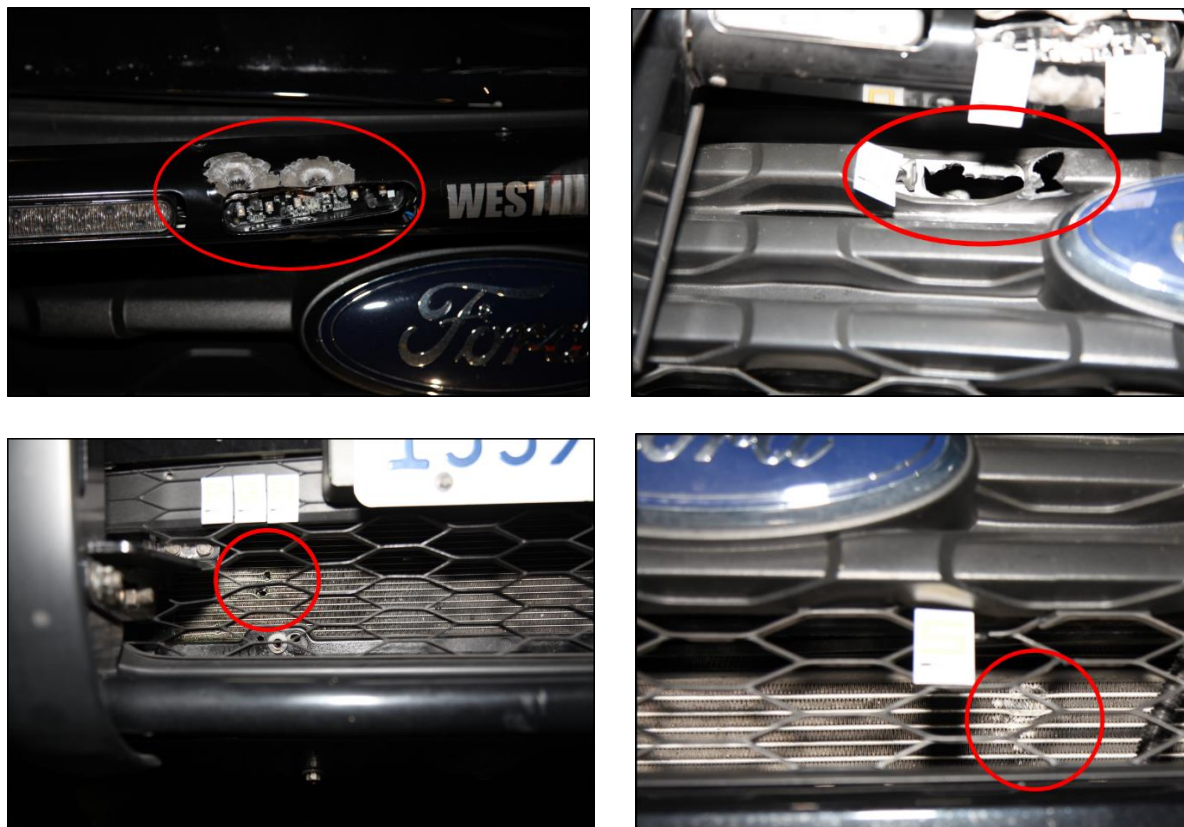
*Figure 7 – Photograph of the Atlantic Avenue and Market Street intersection following the incident. (C) and (R) approximates Cruz' and Ramirez' positions at the time of the shooting.*

The front push bar and hood of Perez' police vehicle was dented, and the front windshield was shattered.



*Figure 8 – Photograph of Perez' police vehicle following the incident.*

Impact and strike marks consistent with shotgun pellets were located on Perez' police vehicle's front push bar and grille.



*Figures 9 through 12 – Photographs of damage consistent with pellet impacts to the front push bar and grille of Perez' police vehicle.*

Investigators documented and collected significant amounts of physical evidence related to Ramirez' initial shotgun discharges, the shooting of John V., and the events involving Perez and Cruz. The evidence recovered included shotgun shot cups, shotgun shell pellets, and bullet fragments. Investigators observed multiple shotgun pellet impact holes in a car parked in the strip mall parking lot, slightly north of the Popeyes Restaurant. Shotgun pellets were recovered from the Taco Bell Restaurant parking lot. Investigators observed what appeared to be shotgun pellet strike marks on the exterior wall and window of the Taco Bell, and one of Taco Bell's windows was shattered.

### Video Recordings

Investigators recovered surveillance video from the Popeyes Restaurant located on the northwest corner of the Atlantic Avenue and Market Street intersection. The recording shows Ramirez walking through the Popeyes' parking lot while holding a shotgun. The incident involving Cruz, Perez, and Ramirez can also be seen in the video.<sup>4</sup> The recording of the incident is consistent with the statements of Perez, Cruz, and numerous civilian witnesses. Surveillance video was

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<sup>4</sup> The intersection where the incident took place is barely within the surveillance camera's field of view, and the video quality is poor.

also obtained from the Shell Gas Station located on the northeast corner of the Atlantic Avenue and Market Street intersection. The Shell Gas Station had multiple surveillance cameras recording in different directions. However, all the camera recordings provided have sporadic gaps where the camera either shuts off or fails to record.<sup>5</sup> The camera facing the Atlantic Avenue and Market Street intersection did not record the incident.

Samantha C. was working in the Popeyes Restaurant on the night of the incident. She began video recording on her cell phone from inside the restaurant when Cruz arrived on scene.<sup>6</sup> The video shows Cruz walking toward the southeast corner of the intersection with his service weapon drawn. Cruz is pointing his firearm toward the middle of the intersection.<sup>7</sup> Ramirez cannot be seen, as he is obstructed by the roof of a parked vehicle in the Popeyes' parking lot. Gunshots can then be heard, and a muzzle flash can be seen slightly above the parked car's roof. Simultaneously, the tactical light on Cruz' service weapon is moving up and down, consistent with the recoil that occurs when a firearm is discharged. A second muzzle flash from Ramirez' shotgun can be seen as the headlights of Perez' police vehicle enters the cell phone camera's field of view. People in the Popeyes restaurant begin screaming, and the camera is quickly lowered or dropped, and the recording ends.

Perez wore a Body Worn Camera (BWC) mounted to his chest plate during the incident. Due to Perez' seated position in the vehicle and the location of the BWC, the front hood of the police vehicle and beyond cannot be seen. The BWC recorded the interior dashboard, steering wheel, and front windshield of Perez' police vehicle. On the recording, Perez can be seen steering the vehicle, and the sound of the engine and siren can be heard. Following Cruz' radio broadcast that Ramirez was in the middle of the intersection with a gun, Perez accelerated the vehicle, and the BWC angle becomes lower as Perez ducked his upper body to the right and below the vehicle's dashboard. The sound of multiple gunshots can be heard, immediately followed by the vehicle's windshield shattering from the impact with Ramirez.

### Autopsy

An autopsy was performed on February 25, 2020, by Deputy Medical Examiner Jacquelyn Morhaime. The cause of death was determined to be blunt force injuries of the head and torso. Additionally, Ramirez sustained two gunshot wounds. One bullet entered and exited his left buttock before entering and exiting his right buttock. The other bullet entered and exited Ramirez' right elbow area. Both gunshot wounds were superficial soft tissue injuries and not life-threatening. Toxicology results indicated the presence of methamphetamine and marijuana in Ramirez' blood at the time of the incident.

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<sup>5</sup> LBPD documented that this was the case when they downloaded the recordings from the Shell Gas Station.

<sup>6</sup> The video was recorded from a considerable distance. In the video, the incident is partially obstructed by a vehicle in the parking lot, a traffic signal post, and a poster on the restaurant window. The recording is 12 seconds long.

<sup>7</sup> Cruz' service weapon had a tactical light attached. The light can be seen pointing toward the middle of the intersection.



### Statement of Officer Cruz

Cruz authored a supplemental report that detailed his involvement in the incident. According to the report, Cruz responded to the shooting call from the LBP North Substation. He was driving his police vehicle with the lights and siren activated. Perez was traveling in a separate police vehicle behind him. While driving to the location, dispatch advised that Ramirez had shot multiple victims. According to Cruz, he forgot to activate his BWC because he was focused on driving at a high rate of speed with his lights and siren activated, while also monitoring his radio and vehicle computer for updates on what was occurring at the scene.

While en route, Cruz received an update from dispatch that the suspect had fired shots at the Taco Bell and “was still shooting.” Cruz believed that this was a situation involving an active shooter. As Cruz traveled north on Atlantic Avenue approaching Market Street, he observed Ramirez walking northbound in the middle of Atlantic Avenue, just south of Market Street. Cruz noticed Ramirez was holding a rifle down by his side. Cruz pulled his police vehicle over and stopped in the number two lane of Atlantic Avenue. Ramirez continued walking north and entered the Atlantic Avenue and Market Street intersection. Cruz exited his vehicle, drew his service weapon, and pointed it at Ramirez while ordering him to drop the weapon and “Stop!” Ramirez was walking away from Cruz, so Cruz walked to the southeast corner of the intersection and took cover behind a traffic signal pole.

Cruz continued to yell at Ramirez to stop and drop his weapon. Ramirez stopped walking away from Cruz and stood facing north in the intersection. Cruz explained what happened next:

He [Ramirez] turned to his right and as he was turning, he was holding the buttstock end with either his right or left hand. He began to raise the muzzle end of the rifle with his free hand towards me. I believed the suspect was about to shoot and attempt to kill me. As the suspect began to raise the rifle, he turned his head towards southbound Atlantic Avenue... I then heard the very distinct sound of a Police Ford Explorer engine revving up and getting louder... [Ramirez] continued to raise his rifle up and towards southbound Atlantic Avenue. I believed the suspect was now going to shoot at and attempt to kill Officer Perez.”

According to Cruz, the speed at which the events were occurring prevented him from warning Ramirez that he was about to use deadly force. Cruz feared for Perez’ life and discharged his duty weapon at Ramirez approximately three to four times. Officer Perez then struck Ramirez with his police vehicle while traveling approximately 40 miles per hour. The impact caused Ramirez to be thrown over the top of Perez’ vehicle and in the middle of Atlantic Avenue. Cruz radioed that an officer-involved shooting had occurred and ran to where Ramirez lay. Ramirez was not conscious and not breathing. Cruz requested that paramedics respond to the location.

### Statement of Officer Perez

Perez authored a supplemental report that detailed his involvement in the incident. According to the report, Perez responded to a call of a shooting that had just occurred near the Popeyes Restaurant. Perez drove his police vehicle from the LBP North Substation toward the incident

location with his lights and siren activated. Perez was familiar with the area where the shooting had occurred and believed innocent people were in danger. While en route, dispatch advised officers that a second victim had been shot, and the suspect was now walking northbound on Atlantic Avenue.<sup>8</sup>

Perez traveled northbound on Atlantic Avenue toward the incident location. Perez was cut off by another vehicle and fell behind Cruz' vehicle. Perez heard Cruz radio that Ramirez was in the middle of the intersection with a gun. Based on the sound of Cruz' voice, Perez believed Cruz was in danger. As Perez approached Atlantic Avenue and Market Street, he saw Ramirez standing in the middle of intersection, facing eastbound, and holding a rifle down by his side. Perez also saw Cruz' police vehicle on the side of the road but did not see Cruz. Perez thought Cruz may have been "pinned down" inside or outside of the vehicle, or had possibly been shot by Ramirez. Perez explained what happened next:

I continued driving Code-3 to the intersection when the suspect turned his entire body towards me.<sup>9</sup> With both hands, he raised the rifle directly at me and began firing at me, at which time I believed he was trying to kill me. I observed multiple muzzle flashes from his rifle's barrel and heard the impact of his bullets striking my patrol vehicle.

According to Perez, he feared for his life, along with the lives of Cruz, the victims of the earlier shooting, and any innocent bystanders in the area. Perez stated, "As he [Ramirez] attempted to kill me, I accelerated my vehicle and increased my vehicle's speed." Ramirez continued to fire at Perez as he entered the intersection. Perez lowered his head and upper body to the right side to avoid being struck by bullets. Perez then struck Ramirez with the front end of his patrol vehicle and drove a short distance down Atlantic Avenue before conducting a U-turn and stopping his vehicle. Perez retrieved a medical kit from the trunk and entered a nearby business to provide medical assistance to John V.

#### Statement of John V.

Investigators interviewed John V. on February 27, 2020, at the Long Beach Memorial Hospital. During the incident, John V. suffered 11 gunshot wounds to his left hip and nine wounds to his right upper back. John V. told investigators that on the night of the incident, he was smoking marijuana on a bus stop bench on Atlantic Avenue when he saw Ramirez exit from an apartment complex north of his location. Ramirez was armed with a shotgun and appeared to be "trippin" and talking to himself. John V. recalls being shot but was unsure if Ramirez was specifically targeting him. After being shot, John V. ran into a nearby business.

#### Statement of Tanquisha G.

Tanquisha G. told investigators that she and her boyfriend were walking home from a smoke shop located in the strip mall adjacent to Popeyes Restaurant. As they waited to cross the street on the northwest corner of Atlantic Avenue and Market Street, Tanquisha G. heard five to six gunshots. She dropped to the ground to avoid being struck by bullets and her boyfriend called

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<sup>8</sup> At this point, Perez activated his BWC.

<sup>9</sup> Code-3 is used to describe a mode of response in which an emergency vehicle's lights and siren are activated.

9-1-1. Once the gunshots stopped, Tanquisha G. and her boyfriend crossed Market Street and then crossed Atlantic Avenue and began walking south.

As Tanquisha G. walked south on Atlantic Avenue, she looked back toward Market Street and saw Ramirez pacing back and forth within the intersection. Ramirez was holding what appeared to be a long rifle in his hands. Two police cars traveling north on Atlantic Avenue passed her, and she did not look back. Tanquisha G. then heard five to six gunshots, and she tried to hide behind a vehicle parked on the side of the road. Tanquisha G. felt her lower left leg burn and realized she had been shot. She did not see the shooting and did not see what happened to Ramirez.

#### Statement of Latasha J.

Latasha J. parked her car in front of a tobacco store located adjacent to the Popeyes Restaurant. When she exited her vehicle, she saw Ramirez carrying a rifle as he walked southbound on the west curb of Atlantic Avenue. Ramirez then raised the shotgun and shot John V. in his back. John V. fell to the ground before getting back on his feet and running into a store in the strip mall. Latasha J. went into the store to help John V. A short time later, Latasha J. saw Ramirez walking in the middle of the Atlantic Avenue and Market Street intersection. Cruz arrived and ordered Ramirez to drop his weapon. A second police vehicle was approaching, and Ramirez turned toward the vehicle and fired two rounds from his shotgun. The police vehicle did not slow down and struck Ramirez. Latasha J. was unsure if Cruz fired his weapon.

#### Other Witnesses

Due to the amount of pedestrian and vehicular traffic in the area when the incident occurred, a large number of witnesses were contacted and interviewed by LBPD. While discrepancies in their recollections and perceptions of the events existed, the witnesses were consistent in their descriptions of the incident's most material aspects. No witnesses materially contradicted the video and forensic evidence available in the case, or Cruz' and Perez' descriptions of the events.

### **LEGAL ANALYSIS**

On August 19, 2019, Governor Gavin Newsom signed California Assembly Bill 392. Assembly Bill 392 modified California use of force law, Penal Code sections 196 and 835a, and became operative on January 1, 2020. This case is being analyzed pursuant to the new law.

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

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 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).

Under the new use of force law, the reasonableness of an officer's use of deadly force is analyzed using a reasonable officer standard, not the reasonable person standard that was previously applied and articulated in *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. In evaluating whether a police officer's use of deadly 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.

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

In this matter, Cruz and Perez responded to a call that a shooting had just occurred. While responding, dispatch informed them that a second person may have been shot and that Ramirez was in the middle of the Atlantic Avenue and Market Street intersection armed with a rifle. Cruz arrived first and observed Ramirez walking in the middle of the street and holding a shotgun. Perez then heard Cruz' broadcast that Ramirez was, "In the middle of the intersection with a gun!" Based on the information Cruz and Perez had, they reasonably believed Ramirez was an active shooter.

Cruz exited his police vehicle and ordered Ramirez to drop his weapon numerous times. Ramirez failed to drop the shotgun and showed no intention of complying with orders or



surrendering. Due to the danger that Ramirez posed and the exigency of the situation, any further efforts by Cruz or Perez to de-escalate the situation would have been unsafe. Ramirez turned and raised his shotgun toward Cruz, reasonably causing Cruz to fear for his life. Ramirez then redirected his shotgun towards Perez' police vehicle and fired several rounds at Perez. Cruz simultaneously discharged his duty weapon at Ramirez in reasonable fear for his fellow officer's life. Believing Ramirez was an active shooter, Perez reasonably believed he needed to use deadly force on Ramirez to protect the lives of others. When Ramirez pointed the shotgun at Perez, Perez reasonably believed he needed to use deadly force to defend himself and struck Ramirez with his police vehicle.

Based on the totality of the circumstances, Cruz and Perez acted as reasonable police officers would in the same situation. Ramirez had shot a person, continued to carry a shotgun in a busy public area, and failed to surrender when given the opportunity. Ramirez' actions evidenced that he had the ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to Cruz, Perez, and innocent bystanders. At the time Cruz discharged his service weapon and Perez struck Ramirez with his police vehicle, Ramirez was firing a shotgun at Perez. As such, Cruz' and Perez' use of deadly force was necessary and reasonable.

## **CONCLUSION**

We find that Officers Cruz and Perez acted lawfully in self-defense and in the defense of others when they used deadly force against Luis Ramirez. We are closing our file and will take no further action in this matter.