

**Fatal Officer Involved Shooting of
Jaime Ruiz**

South Gate Police Department

Officer Isaac Beteta #10209

J.S.I.D. File #21-0082



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 23, 2022

MEMORANDUM

TO: CHIEF DARREN ARAKAWA
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Jaime Ruiz
J.S.I.D. File #21-0082
L.A.S.D. File #021-00026-3199-013

DATE: March 23, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 3, 2021, fatal shooting of Jaime Ruiz by South Gate Police Department (SGPD) Officer Isaac Beteta. We have concluded that there is insufficient evidence to controvert a claim of lawful self-defense in the use of deadly force against Jaime Ruiz.

The District Attorney's Command Center was notified of the shooting at approximately 9:37 p.m., on March 3, 2021. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, the autopsy report, photographic evidence, and witness statements submitted by the Los Angeles County Sheriff's Department (LASD) Homicide Detectives Gordon Lukehart and Domenick Recchia. The report furnished to this office did not include any compelled statements. On advice of counsel, Officer Beteta declined to make a voluntary statement about the events being investigated. There was no body worn video of the incident.

FACTUAL ANALYSIS

On March 3, 2021 at approximately 8:06 p.m., SGPd received a 9-1-1 call of a man causing a disturbance in the area of 8600 South Gate Avenue.¹ SGPd Officers Beteta, Michael Cardenas, and Nicholas Vasquez responded in separate black and white marked police vehicles.

Arriving at the scene in the 8600 block of South Gate Avenue, Vasquez heard something strike the roof of his Ford Explorer patrol vehicle. Vasquez looked to his right and saw Ruiz standing on the east sidewalk by some trash cans. Vasquez exited and walked around behind his vehicle toward the sidewalk. Ruiz walked away traveling northbound. Vasquez observed a tall can of malt liquor left on the sidewalk.

Steven D., a resident in the area, exited his house. Steven D. heard Vasquez say to Ruiz, "Where are you going?" Ruiz ignored the question and continued walking. Vasquez asked Steven D. if he knew Ruiz. Steven D. responded that he did not.

Cardenas arrived on scene and drove southbound on South Gate Avenue. Cardenas saw Vasquez's vehicle approach from the opposite direction. As Vasquez stopped and exited his car, Cardenas saw Ruiz walking northbound on the east sidewalk. Cardenas illuminated Ruiz using his vehicle spotlight and yelled at him to stop. Ruiz continued walking northbound. Cardenas backed up parallel with Ruiz for a space but stopped when he saw Beteta's vehicle behind him. Cardenas exited his car. Beteta likewise exited his vehicle and the two officers approached Ruiz on foot. Cardenas heard Beteta order Ruiz to stop. Cardenas was approximately 25 feet southwest of Ruiz; Beteta was approximately ten feet southwest of Ruiz.

Steven D. heard Beteta say, "Hey, come here." Per Vasquez, Ruiz reached into his side waistband area, simulated the drawing of a firearm with his right arm, and pointed towards Beteta and Cardenas.² Cardenas noted that Ruiz used his right hand to simulate pointing a handgun toward Beteta. Per Cardenas, Beteta then said, "Don't do that. Don't reach."³ As indicated by Beteta's written report, Ruiz then reached behind his back towards his rear waistband area.⁴ Cardenas described the motion as Ruiz reaching rapidly for his waistband and then pulling quickly back around towards Beteta. Although Cardenas could not see Ruiz's right hand, Cardenas believed that Ruiz was drawing a weapon.⁵ Steven D. likewise said that it looked to him as though Ruiz was reaching for a gun.⁶ Beteta then fired three rounds from his department issued service weapon, striking Ruiz who collapsed.⁷ Evidence of the shooting was visible on the sidewalk and grass parkway in front of a residence on the east side of the street.

¹ The reporting party indicated that someone was walking up and down the street screaming.

² Vasquez stated that he could not see if Ruiz had any object in his hand because he was too far away.

³ Steven D. reported hearing an officer say, "Hey, stop!" immediately prior to the shooting.

⁴ Vasquez stated that after Ruiz made the pointing motion, he heard Beteta and Cardenas shouting at Ruiz and that Ruiz then repeated the pointing motion.

⁵ Cardenas also noted that at the same moment that Ruiz made the movement toward his waistband, Cardenas was reaching for his radio in order to broadcast that Ruiz was being uncooperative. Ruiz's movement was so rapid that Cardenas did not have time to respond, even though he perceived Ruiz's movement as a threat toward Beteta.

⁶ Steven D. was approximately four houses away from the shooting.

⁷ The call history indicates that shots were fired approximately one minute and 37 seconds after Beteta arrived.



Figure 1: The square box in the photograph above indicates the general area where the shooting took place.

Fire Engine #165 and Paramedic Unit #16 responded to the scene and treated Ruiz for his injuries. Ruiz was transported to St. Francis Medical Center by McCormick Ambulance, where he underwent surgery to address trauma caused by the gunshot wounds.

Following the shooting, Beteta’s department-issued Heckler & Koch VP-9 9mm semiautomatic pistol was inventoried and found to contain one round in the chamber and 17 live rounds in an affixed 20 round magazine. Beteta confirmed that he began the shift with a round in the chamber and a fully loaded magazine. A total of three 9mm shell casings bearing “WIN 9MM Luger” headstamps were found in the grass parkway between the curb line and the sidewalk in front of the nearby residence. The evidence establishes that one officer fired a total of three rounds during the engagement.



Figure 2: Evidence markers one through three shown in photograph above depict the location of the shell casings. Evidence marker four shows Ruiz’s shirt (removed in order to treat his wounds).

No ballistics reports were furnished in the report provided by LASD investigating officers. A Firearms Examination Section report was submitted concerning a test-fire and functions test of Beteta’s service weapon. The report concluded that the weapon was fully functional.

On September 29, 2021, Beteta’s legal counsel communicated that her client would not submit to a voluntary interview.

On March 9, 2021, detectives interviewed Ruiz at the hospital. Ruiz stated that he only remembered walking down the street and then waking up in the hospital. He stated he could not recall what happened because he was drinking a lot. Pressed for details, Ruiz said that he drank eight to ten tall cans of 211 Malt Liquor over a couple of hours.⁸ When interviewed, Ruiz was also asked about his mental health history and any associated medications. Ruiz, who could not recall when he last took the medication, reported that he had not been taking it because it made him “act weird.”⁹

On March 12, 2021, Ruiz succumbed to his wounds and was pronounced deceased.

On April 24, 2021, Deputy Medical Examiner Juan M. Carrillo, M.D., performed an autopsy on Ruiz’s body. Carrillo concluded that death resulted from multiple gunshot wounds. The autopsy report documented three gunshot wounds. The first of these resulted from a round entering the left side of the lower chest, traveling front to back, left to right and downward, and damaging internal organs in its path. The projectile exited the abdominal cavity by fracturing the right lateral 9th rib. No projectile was recovered in connection with this wound; the autopsy report noted that if one were present, it likely would have been located and removed during surgery. The round causing the second wound entered the left upper leg and traveled front to back, left to right, and upward. A deformed bullet with a copper jacket was recovered from the hip. The round causing the third wound entered the left posterior shoulder, traveled back to front, left to right, entered the chest cavity through the seventh intercostal space and perforated several internal organs. A copper jacketed bullet was recovered in connection with the wound. The examiner denoted the gunshot wounds to the chest and shoulder as fatal. Dr. Carrillo also noted that Ruiz had undergone multiple operations, suffered from complications (including pneumonia and empyema), and tested positive for COVID-19.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 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

⁸ Tall cans are 24 ounces. 211 Malt Liquor has an alcohol content of 8.1%. The Coroner Investigator’s Case Report states that Ruiz was 5 foot 11 inches tall and weighed 336 pounds.

⁹ A close relative of Ruiz disclosed that Ruiz suffered from schizophrenia characterized by audio hallucinations. The relative noted that Ruiz had been prescribed medication for his condition, but that he had not taken it for the last three months.

believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code § 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 § 835a (e)(2).

In assessing 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, is taken into consideration. Penal Code § 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 § 835a (a)(4).

In evaluating whether a police officer's use of force was reasonable, 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 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.

While the evidence in this matter is limited, the totality of available evidence (primarily eyewitness accounts) reveals that Ruiz created a public disturbance, acted erratically when confronted, and disregarded directions when law enforcement attempted to communicate with him. When confronted, Ruiz made a threatening gesture toward Beteta. Ruiz was warned not to repeat such behavior. Ruiz disregarded the warning and made an accelerated movement from his rear waistband that simulated the drawing of a firearm. Ruiz's second motion left three separate witnesses with the same distinct impression that Ruiz was in fact drawing a firearm.

Given the close proximity of the subject, the nocturnal lighting conditions, Ruiz's refusal to cooperate, and his menacing gesture that left little room for hesitation or reflection, an objectively reasonable officer could conclude that Ruiz's actions were a prelude to a deadly assault that posed an immediate threat of serious physical harm. Ruiz made a sudden and successive movement after being warned. The peril can accordingly be described as swift, imminent, and demanding of a "split-second judgment." A reasonable officer could conclude that shooting Ruiz under these circumstances was a reasonable means of self-defense and defense of others.

CONCLUSION

We find that the evidence is insufficient to controvert a claim to lawful self-defense in the use of deadly force against Jaime Ruiz.