

Officer Involved Shooting of Rammy Jaradat

Los Angeles Police Department

Officer Derek Leiphardt #41474

J.S.I.D. File #16-0063



JACKIE LACEY

District Attorney

Justice System Integrity Division

April 15, 2020

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of Rammy Jaradat
J.S.I.D. File #16-0063
L.A.P.D. File #F010-16

DATE: April 15, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 14, 2016, fatal shooting of Rammy Jaradat by Los Angeles Police Department (LAPD) Officer Derek Leiphardt. We have concluded Officer Leiphardt acted lawfully in self-defense, the defense of others and to stop a fleeing felon.

The District Attorney's Command Center was notified of the shooting at approximately 2:22 p.m., on February 14, 2016. The District Attorney Response Team responded to the location. They were 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 of interviews, firearm analysis reports, crime scene diagrams, photographs, video evidence, autopsy report and witness statements submitted to this office by LAPD Force Investigation Division (FID). Officer Leiphardt's compelled statements were considered as part of this analysis.

FACTUAL ANALYSIS

On Sunday, February 14, 2016, at approximately 12:49 p.m., Heather P. called 9-1-1. No information was communicated during the call but grunting and screaming was heard before the call was disconnected. The call originated from a multi-unit apartment complex located on Kester Avenue within the City of Los Angeles. No specific apartment number was identified for the call. Subsequent investigation determined that the call originated from apartment number [REDACTED].¹

¹ Heather P. resided at that location with her boyfriend, James E. Heather called 9-1-1 after she and James were unable to get Jaradat, an acquaintance, to leave their residence. Jaradat had been there since the previous day and had exhibited signs of mental illness and/or drug intoxication. Jaradat became paranoid, accusing the couple of looking "like snakes," and saying, "I think you guys are evil." Jaradat also became convinced the couple had stolen his cellphone. Jaradat expressed suicidal ideations after admitting to being addicted to heroin. Heather observed a

At approximately 12:51 p.m., Communications Division (CD) generated an “unknown trouble” radio call and assigned it a Code Three response.² The call was assigned to Van Nuys Patrol Division Officers Derek Leiphardt and Matthew Marsh. Leiphardt was driving their black and white police vehicle, with Marsh as the passenger. While en route to the location, they were advised that the call was now a “screaming woman” call. CD advised that the suspect was described as a “male, white, slender, wearing a black and gray shirt, and blue jeans.” CD further advised that the suspect was armed with a knife. The officers were also informed that a female was heard screaming at the location and the suspect had possibly forced entry into another residence.³ The call was upgraded to a possible “hot prowler burglary” by CD at 12:55 p.m.⁴ CD advised the suspect had reportedly forced his way into apartment number [REDACTED], causing a woman inside the location to climb out a window to escape. Marsh requested a description of the suspect and was given the additional detail that he had scratches on his face. A minute later, the call information was updated to reflect that the suspect had run out the front gate of the apartment complex and was running southbound on Kester Avenue.

As the officers approached the original call location, Marsh observed Jaradat on the roof of a motorhome parked on Kester Avenue one building south of the original call location. Marsh noted that Jaradat matched the description of the suspect and advised Leiphardt of his observations.

[REDACTED]
[REDACTED]. Marsh requested back-up and a supervisor respond to the location.⁵

knife in Jaradat’s pocket at one point. Jaradat also took a knife that was hanging on the wall, which he later brandished when Heather and James told him he had to leave the location. Jaradat began reciting the Lord’s prayer and then told Heather and James he could not give them the knife back because, “I have to cut your head off with it.” Jaradat lunged at James and tried to stab him with the knife and a physical altercation ensued, resulting in Jaradat striking James in the head multiple times with a baseball bat. Jaradat then lunged at Heather with the knife. Heather called 9-1-1 but was unable to talk to the dispatcher due to Jaradat attempting to stab her and then striking James again with the bat. Heather dropped the phone on the bed as she and James attempted to stop Jaradat’s assaults. During the altercation, Heather was struck in the back with a chair and James was struck in the head with a propane tank. Heather attempted to gouge Jaradat’s eyes and scratched his face. Jaradat then bit Heather on her shoulder. Heather screamed. A neighbor knocked on their door, after which Jaradat struck Heather in the head before exiting their apartment.

² A Code Three response indicates that officers should respond to an emergency call using their lights and sirens.

³ Heather’s neighbor David M. later advised investigators he heard screaming coming from her apartment as he was walking up the stairs in the complex. He then observed Jaradat exiting the apartment and asked him, “Who the fuck are you?” Jaradat began “talking about redemption” and repenting. David told him to, “Get the fuck away from me because you do not want me to beat your ass.” Jaradat moved to the middle of the complex still saying things that made no sense to David. Jaradat then turned and lunged at David wielding a sharp object with a red handle and a silver blade in his hand, getting within two to three feet of David as he tried to stab him. Another neighbor had her door open nearby. Jaradat ran inside her residence and slammed the door. David then heard the neighbor yelling at him to get out, before seeing her climb out a window to escape the apartment. David opened the door to the apartment and saw Jaradat inside. Jaradat was ranting, but David was able to convince him to leave the apartment. David called 9-1-1 and pointed responding officers to Jaradat’s location on top of the motor home. David later learned Jaradat had stabbed a man inside the apartment before David was able to get him to leave.

⁴ A “hot prowler burglary” is used to describe a suspect breaking into an inhabited residence when the occupant(s) are inside of the location.

⁵ Multiple units responded to the location including Officers Arturo Vela, Julio De Leon, Lawrence Schwartz, Hunter Kardinaal, Eugene Damiano, David Alvarez, Joshua Bohm, and Michael Keith. All responding units arrived in marked black and white police vehicles and all officers were in full LAPD uniform.

Leiphardt parked their vehicle approximately 28 feet north of the motorhome. [REDACTED] [REDACTED]. Both officers positioned themselves on the east sidewalk next to the motorhome and observed Jaradat pacing back and forth on top of the motorhome.



Sidewalk view of the motorhome

Marsh then observed a woman exit the apartment complex where the call originated pointing at Jaradat yelling, "That's him! That's him! He just stabbed someone inside! We need an ambulance right now!" Leiphardt received the same information from a group of individuals standing in front of the apartment complex and advised CD that they possibly had a victim injured at the location and needed a Rescue Ambulance (RA) to respond. Both officers now believed Jaradat was possibly an attempted murder suspect.

Marsh noted that Jaradat was sweating profusely, with blood on his face and hands. Marsh believed Jaradat was possibly under the influence of an unknown narcotic. Marsh saw Jaradat was holding a knife with a red handle in his right hand. Prior to any additional units arriving, Marsh and Leiphardt repeatedly ordered Jaradat to drop the knife and come down off the motorhome. Jaradat did not acknowledge any of these commands.

Marsh and Leiphardt constantly repositioned around the motorhome to be able to see Jaradat as he paced on the roof. The officers continued to order Jaradat to drop the knife and come down.

Jaradat never responded to any of their commands. Jaradat moved to the rear of the motorhome and began pulling on an affixed ladder, apparently trying to remove it.



Rear of motorhome with affixed ladder Jaradat attempted to remove

██████████. Both officers discussed less-lethal options to prevent Jaradat from harming himself but feared using a TASER could cause Jaradat to fall off the motorhome resulting in further injury. The officers' beanbag shotgun was in their vehicle, and the officers did not think it was safe for one of them to leave the location to retrieve it. Leiphardt requested a second RA for Jaradat based upon his self-inflicted injuries.

Marsh observed Jaradat ripping at a roof vent on the motorhome. Marsh yelled out and advised Leiphardt of his observations. ██████████

██████████. Leiphardt moved to the rear of the motorhome

⁶ Deandrae S. was walking northbound on Kester Avenue when he observed Jaradat on the roof of motorhome which belonged to his father, Steven H. He ran towards the motorhome while yelling for his father to come out front. Deandrae saw the officers arrive, and both he and Steven stood approximately 15 feet southwest of Leiphardt as the incident unfolded. Both men heard the officers yelling for Jaradat to come down. Deandrae believed he heard Jaradat say something like, "He was ready to go to heaven." Deandrae also observed Jaradat cutting his own neck.

and tried to open the rear side door. The door was locked. Steven yelled to Leiphardt that he had the keys and moved forward to hand them to Leiphardt.⁷

Both officers then observed Jaradat pulling and ripping at the plastic 14 by 14-inch vent cover that was directly over the motorhome bathroom. Jaradat removed his pants as he attempted to fit through the vent into the motorhome.



Plastic vent where Jaradat removed his pants while attempting to enter the motorhome

Additional units began arriving at the location, positioning themselves around the motorhome. Multiple officers observed that Jaradat was armed with a knife and bleeding from various parts of his body.

Leiphardt opened the rear side door of the motorhome using the key Steven had provided. As he did so, Kardinaal positioned himself near Leiphardt. [REDACTED]

⁷ Steven and Leiphardt did not have any discussion regarding the ownership or occupancy of the motorhome. Steven was subsequently interviewed and indicated Jaradat did not have permission to be on or inside the motorhome. Marsh was not aware that Steven had provided the keys to Leiphardt.



Rear side entrance of motorhome with generator blocking the entryway



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Marsh redeployed to the driver's side door area and yelled out that he needed "less than lethal." In response, Alvarez unholstered his TASER.

De Leon responded to the driver's side of the motorhome, having observed Jaradat making entry through the roof vent. Leiphardt was still positioned at the passenger side of the motorhome where he attempted to open the door. Finding it was locked, he and other officers issued commands to Jaradat to open the door. Jaradat did not comply. Marsh moved to the passenger side and stood next to Leiphardt on the east sidewalk. Alvarez, De Leon, Keith and Schwartz remained standing in the street near the driver's side door.

Marsh and [REDACTED] believed they were dealing with a possible attempted murder suspect. They did not want Jaradat to drive away in a large vehicle, for fear he could harm members of the public. Marsh yelled out for someone to break the driver's side window so they could gain access to the motorhome and apprehend Jaradat.

Damiano saw Jaradat seated in the driver's seat of the motorhome and saw what he believed were keys in his hand. Alvarez was yelling commands for Jaradat to exit the vehicle when he observed Jaradat fiddling in the area underneath the steering column. Alvarez believed Jaradat was attempting to drive away.⁸ Alvarez heard someone yell for him to break the window. Believing they needed to apprehend Jaradat before he could flee the location and possibly strike officers in the vicinity or members of the public, Alvarez broke the driver's side window, reached in and unlocked the driver's side door.⁹

[REDACTED]
[REDACTED]
[REDACTED]

As Alvarez began to open the driver's side door, Jaradat moved towards the passenger seat. Jaradat fell between the two bucket seats onto his back. Alvarez opened the door and observed Jaradat wedged between the two seats facing him. Alvarez saw a knife with a three-inch blade in one of Jaradat's bloody hands. Alvarez ordered Jaradat to drop the knife twice, but Jaradat did not do so. Alvarez did not feel it was safe to approach Jaradat while he was armed with the knife and believed he was a danger to himself and others. Alvarez deployed his TASER at Jaradat from outside the

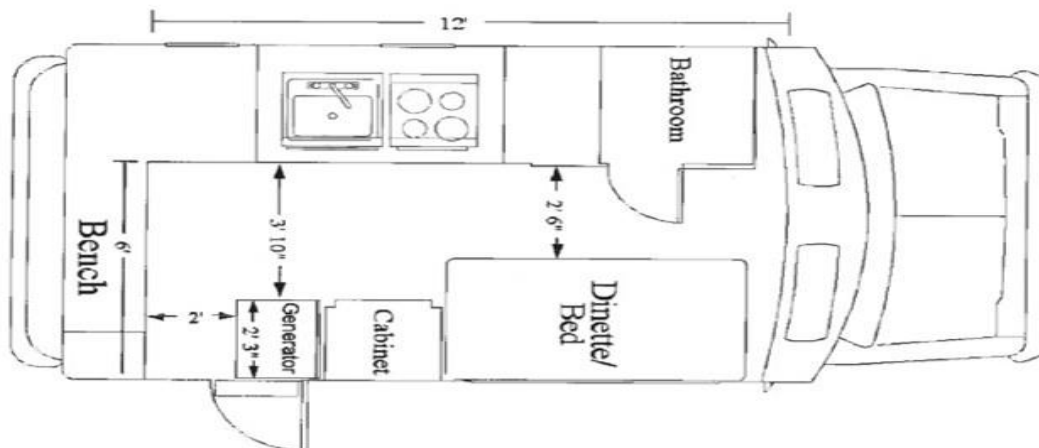
⁸ Marsh also observed keys in Jaradat's hands, which Jaradat appeared to be attempting to insert into the ignition. Schwartz also observed Jaradat attempting to get a key into the ignition while holding the knife in his left hand, as did Leiphardt. Multiple witnesses who were watching from their homes or the street also reported seeing Jaradat attempting to start the vehicle. A set of keys was later recovered from the rear portion of the motorhome. They were covered in blood, consistent with someone holding them and transferring blood from their hands on to the keys.

⁹ At the time this incident was unfolding, there were several families out in the area due to it being Valentine's Day. Officers feared that if Jaradat were to start the vehicle, there were many people on the street who could be struck or otherwise injured.

A photograph showing the interior of a 1978 Dodge Ram truck cab. The dashboard and center console are dark brown plastic. The steering wheel is black with a silver horn. The seats are upholstered in a grey and black patterned fabric. The floor is covered with a dark, patterned carpet. A wooden panel is visible on the right side of the cab. A black plastic component, possibly a fuse block or battery terminal, is visible in the foreground.

Jaradat's location as Alvarez opened the driver's side door

¹⁰ Keith, who was behind Alvarez, d



Both Marsh and [REDACTED] observed Jaradat crawling to the back of the motorhome out of view. While Marsh and Alvarez maintained their position west of the open driver's side door, Leiphardt moved to the rear door of the motorhome, [REDACTED]. De Leon, Keith, Kardinaal and Schwartz followed him to the rear of the motorhome.¹¹

Leiphardt positioned himself at the side rear door, standing on the sidewalk leaning over the generator on the floor in the entryway to the motorhome which was blocking his entry. [REDACTED]

Sergeant Richey arrived at the location and positioned himself behind Leiphardt. He asked Leiphardt whether he could see Jaradat, and Leiphardt advised he could. Based upon the original

¹¹ During this same time, Damiano was flagged down by a man who advised him there was a stabbing victim inside the apartment complex. Damiano responded to apartment [REDACTED] with Vela, who had arrived at the location with his partner De Leon. Both officers advised CD that they urgently needed a RA for the stabbing victim, who appeared to be at risk of “bleeding out.”

¹² A video obtained from one of the neighbors captured this sequence of actions and the noises coming from the motorhome.

call comments, Richey was concerned there could be another victim injured inside the motorhome. Richey also feared Jaradat could have access to additional weapons inside the motorhome, and believed Jaradat needed immediate medical attention, having cut his own throat with the knife earlier. Richey ordered the officers to make entry into the motorhome.

[REDACTED]



View of cabinet (in right side of photograph) which obstructed the view from rear of motorhome



View of bench seat and cabinet which obstructed view from rear of motorhome

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. De Leon was standing next to Leiphardt as he moved further into the motorhome. De Leon advised Leiphardt that he was armed with a less than lethal weapon and unholstered his TASER.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

De Leon, who had entered behind Leiphardt observed Jaradat letting go of the knife in his stomach, but then moving his hands back toward the knife. De Leon yelled out commands for Jaradat to keep his hands up, but Jaradat continued to move his hands toward the knife. De Leon deployed his TASER at Jaradat to prevent him from grabbing the knife. The prongs appeared to strike Jaradat on

his left side, and De Leon observed that Jaradat appeared to be energized by the TASER. De Leon saw Jaradat's eyes get bigger before he stood up, pulled out the TASER prongs and removed the knife from his abdomen. Jaradat pointed the knife at Leiphardt and began charging towards him.

[REDACTED]

[REDACTED]

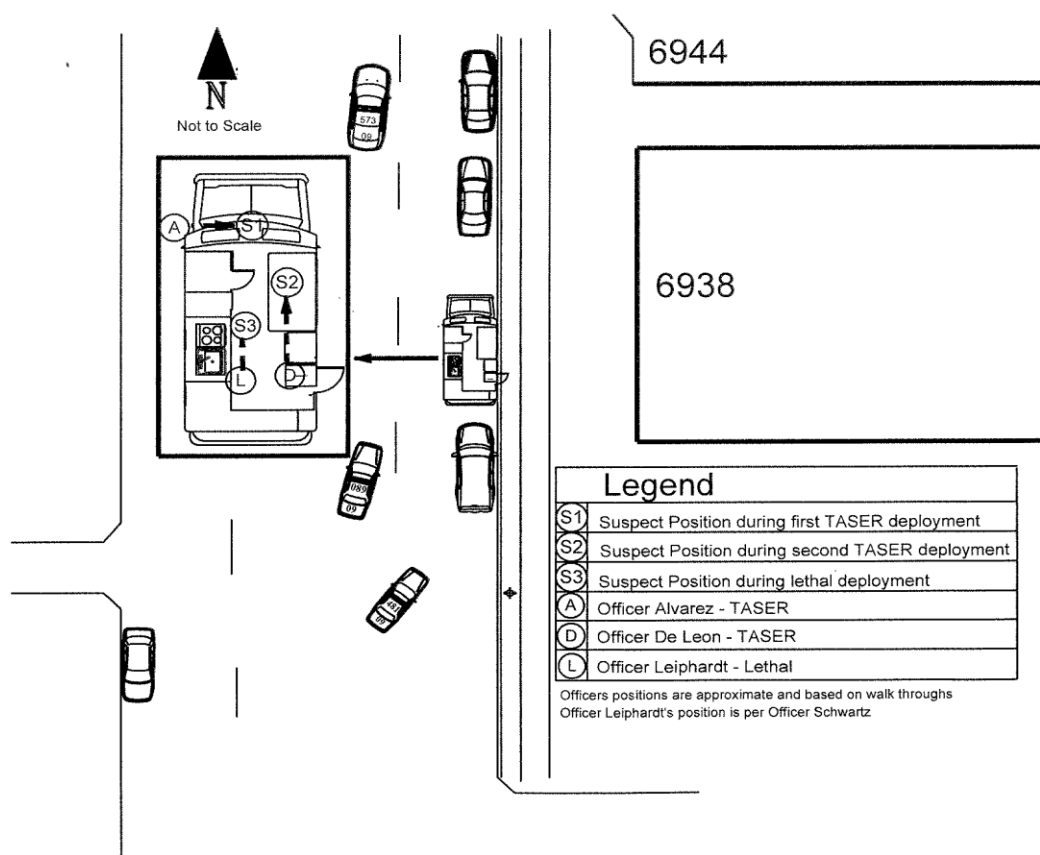
¹⁵

¹³ Multiple witnesses, both law enforcement and non-law enforcement, reported hearing officers ordering Jaradat to drop the knife multiple times prior to hearing gunshots.

¹⁴ Keith had pulled the blanket down to provide better visibility for all the officers as they attempted to see inside the motorhome from various positions.

¹⁵ The number of shots fired was determined by a review of the number of bullets remaining in Leiphardt's service weapon, as well as the recovery of six casings near where Leiphardt fired his weapon.

SCENE DIAGRAM



Richey, who was still outside the motorhome, heard Leiphardt yelling for Jaradat to drop the knife multiple times. He then heard what sounded like footsteps, followed by shots being fired. De Leon had attempted to move backwards after deploying the TASER and stumbled over the generator, losing sight of both Leiphardt and Jaradat before regaining his balance and seeing Leiphardt fire at Jaradat. Schwartz, who was standing outside the rear door of the motorhome advanced inside the motorhome as De Leon stumbled. Schwartz observed Jaradat charging at Leiphardt with the knife. Schwartz was bringing his service weapon up to fire at Jaradat in defense of Leiphardt when Leiphardt fired his service weapon. Schwartz estimated that Jaradat got within one to two feet of Leiphardt before Leiphardt fired his service weapon.¹⁶

¹⁶ The relative positions of the various officers are captured on video obtained from an onlooker. Additionally, commands and gunfire can be heard. The interior of the motorhome is not visible on the video.

[REDACTED]



Schwartz saw Jaradat lying on the floor after the shooting with the knife still in his hand. Jaradat made eye contact with him as he moved his hand still holding the knife. Schwartz kicked the knife away from Jaradat prior to handcuffing Jaradat with the assistance of Alvarez.



Photo of Jaradat's Knife

RA paramedics transported Jaradat to Valley Presbyterian Hospital where he was subsequently pronounced dead. An autopsy was conducted on February 17, 2016. Deputy Medical Examiner Ortiz performed the post-mortem examination. Doctor Ortiz noted nine gunshot wounds, four of which were fatal.¹⁷ The cause of death was determined to be multiple gunshot wounds, though Doctor Ortiz also noted injuries consistent with Jaradat being tased as well as cutting and stabbing himself.¹⁸ A toxicology screen completed as part of the autopsy revealed Cocaine, Marijuana, Methamphetamine, THC, Ephedrine, Phenylpropanolamine, and Amphetamine in his system at the time of his death.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 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 § 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.

¹⁷ Based upon other evidence collected in the investigation, some of the gunshot wounds were misidentified as entry wounds rather than exit wounds.

¹⁸ Doctor Ortiz opined that the use of the TASER was not a contributing cause of Jaradat's death.

¹⁹ Phenylpropanolamine is a decongestant and appetite suppressant.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

California law also permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Ceballos, supra*, 12 Cal.3d at 479. "An officer may use reasonable force to make an arrest, prevent escape or overcome resistance." *Brown v. Ransweiler* (2009) 171 Cal.App.4th 516. When protecting the public peace, a police officer "is entitled to even greater use of force than might be in the same circumstances required for self-defense." *Id.*

In this matter, officers responded to the location based upon a screaming woman call which was subsequently upgraded to a hot prowl burglary by a man armed with a knife. Upon identifying Jaradat, officers observed he was acting erratically, bleeding, harming himself and unresponsive to commands. Once Jaradat made entry into the motorhome, officers were aware that he had potentially stabbed a victim, making him a fleeing felon. Further, the potential that Jaradat would flee using the motorhome put officers in the vicinity as well as individuals outside in the area at risk. For those reasons, as well as to ensure there were no other victims inside the motorhome, officers

attempted to apprehend Jaradat. In doing so, less than lethal force was used, which only resulted in Jaradat moving to the rear of the motor home out of view. In order to prevent his escape and to determine if there were other potential victims inside, Leiphardt made limited entry into the motorhome. [REDACTED]

[REDACTED]. Ultimately, after seeing the extent of Jaradat's injuries, it was determined that officers must apprehend him not only to protect the public, but to obtain medical treatment for Jaradat.

Leiphardt entered the home and once again less than lethal force was used, this time by De Leon. Rather than subdue Jaradat, it seemed to energize him. Jaradat pulled the knife from his stomach and charged at Leiphardt from approximately five feet away. Leiphardt was in a confined space with very little ability to retreat. Given the circumstances [REDACTED]

[REDACTED] it was reasonable for him to conclude that Jaradat had the intention and ability to cause him great bodily injury or death. As such, his use of deadly force was justified to stop the imminent threat Jaradat posed.

CONCLUSION

We find that Officer Leiphardt acted lawfully in self-defense, the defense of others and to stop a fleeing felon when he used deadly force against Rammy Jaradat. We are closing our file and will take no further action in this matter.