

**Non-Fatal Officer Involved Shooting of Ralph Slover
Los Angeles County Sheriff's Department**

Deputy Pascual Olmos, #635682

Deputy Diego Escobar, #625435

Deputy Blake Runge, #626632

Deputy Thomas Onda, #637294

J.S.I.D. File #21-0454



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

September 8, 2022

MEMORANDUM

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

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

SUBJECT: Non-Fatal Officer Involved Shooting of Ralph Slover
J.S.I.D. File #21-0454
L.A.S.D. File #021-13745-2607-055

DATE: September 8, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 23, 2021, non-fatal shooting involving Ralph Slover by Los Angeles County Sheriff's Department (LASD) Deputies Pascual Olmos, Diego Escobar, Blake Runge, and Thomas Onda. We have concluded that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on October 24, 2021, at 1:05 a.m. The District Attorney Response Team responded and was provided a walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Charles Calderon.

The following analysis is based on investigative reports, audio recordings of witness interviews, photographs, radio traffic, and Body Worn Video (BWV), submitted to this office by LASD Detectives Kasey Woodruff and Christian Mezzano.

Voluntary statements from the involved deputies were also considered.

FACTUAL ANALYSIS

Summary

On October 23, 2021, at approximately 11:39 p.m., Ralph Slover had been consuming alcoholic beverages, was depressed, made suicidal statements to a friend, armed himself with a 9mm semiautomatic handgun, and concealed himself in a windowed second-floor closet in a bedroom in his residence. A photograph of the exterior of Slover's residence, with the closet window circled in red, is shown below:

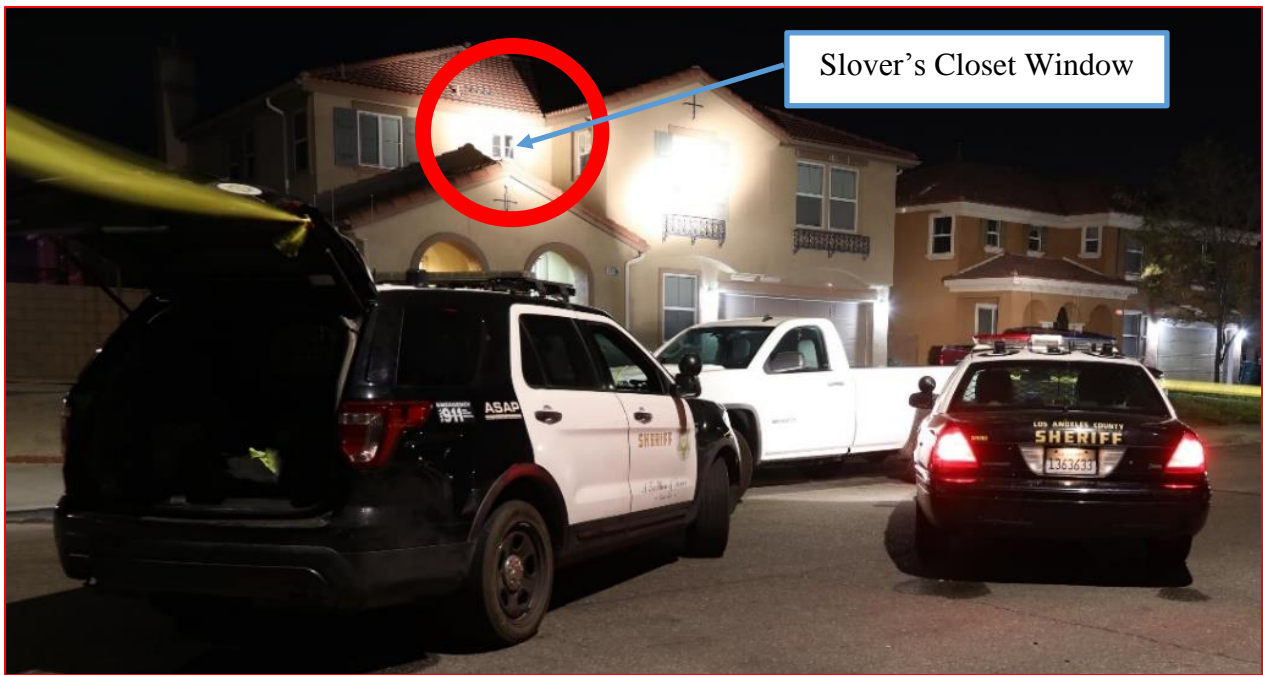


Figure 1- Photo of Exterior View of Slover's closet window.

When Slover's friend, ██████████, heard a gunshot from Slover's bedroom, he forced his way into the bedroom and saw Slover with a gun. ██████████ ran from the residence, heard another gunshot, and asked a neighbor to call 9-1-1.

Deputies responded, observed Slover brandish a handgun through the closet window, heard gunshots coming from the residence, and observed muzzle flash from the closet window. The deputies said they believed that Slover was shooting at them. In response, Olmos, Escobar, Runge, and Onda fired their service weapons at Slover.

An interior photograph of Slover's closet and window damaged by gunfire is shown in the photo below:



Figure 2- Photo of interior of Slover's closet showing bullet damage to the window and a 9mm cartridge casing on the floor.

Slover eventually surrendered, was taken into custody, and was treated for a minor injury to his hand. No deputies were injured. Four expended cartridge casings were in Slover's closet, consistent with him firing four rounds during the incident.

Damage to the closet and closet window was consistent with projectiles exiting and entering the window.

Slover was uninjured by the deputies' bullets but may have been cut on the hand by fragmented glass from the deputies' gunfire. The deputies were not injured.

Slover told investigators he fired from the closet into the nearby desert and did not intend to shoot at the deputies. He was charged with negligently discharging a firearm and he pled no contest to that charge in case number MA082194, before a preliminary hearing, and was placed on diversion.

Body Worn Video

Body worn video captured the incident. The view of Slover's window is obstructed in the video by patrol cars and deputies and is overexposed due to illumination from the deputies' spotlights, as shown in the photo below.



Figure 3- BWV of Slover' residence and a deputy taking cover after seeing Slover brandish a gun.

However, in the audio portion of the video, a deputy can be heard exclaiming that he saw a gun, and the deputies are shown taking cover. A gunshot is then heard, and the sound appears to come from the residence. A second gunshot is heard, also appearing to come from the residence, and a volley of gunshots from the deputies follows.

Firearms Evidence

Slover was armed with a 9mm Taurus semiautomatic handgun, shown in the photo below:



Figure 4-Slover's 9mm semiautomatic handgun.

Four 9mm expended cartridge casings were located in Slover's closet.

Twelve expended 9mm cartridge casings and one expended .223 caliber cartridge casing from the deputies' service weapons were located outside of the residence. A "round count" from the deputies' duty weapons is consistent with Olmos firing five rounds, Onda firing four rounds, Escobar firing three rounds, and Runge firing one round.

Slover's Injury

Paramedics treated Slover at the scene for a one-half-inch laceration to his right knuckle. Slover stated he was cut by glass from a broken window during the shooting. Slover refused medical treatment at the hospital, and it cannot be determined with certainty what caused Slover's injury.

██████████'s Statement

██████████ stated he is Slover's longtime friend, and he was staying at Slover's residence. On the night of the shooting, they went to a wedding and Slover, who rarely drinks alcoholic beverages, was drinking wine. ██████████ and Slover departed the wedding, went home, and Slover went upstairs. ██████████ heard a gunshot coming from Slover's upstairs bedroom. He went upstairs and forced his way into Slover's bedroom. ██████████ saw Slover in the closet with a gun. Slover appeared to be upset, sad, and intoxicated. Slover said, "Get out of here." ██████████ exited the residence and heard a second gunshot coming from upstairs in the residence. He ran and asked a neighbor to call 9-1-1. ██████████ did not witness the subsequent deputy involved shooting.

██████████'s Statement

██████████ is Slover's wife. She stated Slover and his brother argued at a wedding and Slover left. Later, ██████████ called and said Slover locked himself inside a closet in the house and fired a gun. Slover called ██████████ on the telephone and said, "I'm sorry. I'm tired. I'm done. I'm done." ██████████ said Slover has a history, when he is intoxicated, of being defensive, emotional, and making suicidal statements such as "I just want to die."

Ralph Slover's Statement

Slover stated he went to a wedding and was "pissed off and stressed." He drank a bottle of wine, went home, and went into his bedroom closet. He fired two or three shots from his 9mm handgun out of his open closet window into an empty dirt lot adjacent to his home. After he fired his second or third shot, deputies shot at him. Rounds came through the closet window and broken glass injured his hand. Slover said he was having a "real bad day" and was "fucked up in his head" and was going to shoot himself. After the deputies shot at him, he changed his mind. Slover said when he fired his gun the deputies may have possibly seen muzzle flash from his gun. He said he would never shoot at anyone.

Deputy Jonathan Torsney's Statement

Torsney provided a voluntary statement.

Torsney said he was partnered with Deputy Jose Lainez, was in uniform and in a marked patrol car, and responded to an assault with a firearm call.

Enroute to the location they met with other deputies, learned that Slover was suicidal, and formed a tactical plan.

They arrived at Slover's residence and used the public address system in their patrol car to order Slover to exit the house. Slover did not comply at they heard Slover yell from the house, "Go away!"

A small second story window appeared to be open. While Torsney and Lainez conversed with Slover's family members, they heard a gunshot come from the house. Torsney took cover behind a patrol vehicle and heard more gunshots. He did not know if it was Slover or deputies firing.

Slover eventually surrendered, did not appear intoxicated, was cooperative, and seemed to have difficulty hearing (Slover wears hearing aids). Slover said he was injured by glass fragments from the house window being shot.

Deputy Jose Lainez's Statement

Lainez provided a voluntary statement.

Lainez said he arrived at Slover's residence with Torsney and other deputies and was responding to an assault with a deadly weapon call. Slover's wife said she had an argument with Slover at a wedding. A friend, ██████████, took Slover home and called her later to tell her Slover was threatening suicide. Lainez spoke with ██████████ on the telephone. ██████████ stated Slover stated "It's over" and he wanted to kill himself. ██████████ heard a gunshot come from upstairs, so he went to check on Slover. He forced his way into Slover's bedroom and saw Slover holding a gun. Slover told ██████████ to leave him alone. ██████████ went downstairs and heard another gunshot. He ran out of the house and asked a neighbor to call 9-1-1.

Lainez and Torsney used their public address system and ordered Slover to surrender. Lainez saw movement from an upstairs window and heard Slover yell from the house, "Fuck you. Leave me alone!" Despite numerous callouts to the house, Slover did not exit the residence as ordered.

Lainez said he was on a three-way telephone call with Slover and his daughter when he heard three gunshots and what sounded like deputies returning fire. From his position he did not see muzzle flash coming from the house, but the gunshots sounded like they were coming from the residence.

The gunfire stopped and Lainez resumed his telephone call with Slover's daughter who said that Slover sounded "drunk." Slover told his daughter, which was relayed to Lainez, that he was "locking and loading" (loading a firearm) but he could not find the "clip" (magazine). Slover said he was injured on the hand by glass or shrapnel after he was shot at.

Eventually, a retired Los Angeles Police Department detective, a friend of Slover's, arrived at the scene and convinced Slover to unarm himself and surrender.

Lainez stated he was "scared" and believed Slover was shooting at the deputies.

Sergeant Luis Cabrera's Statement

Cabrera provided a voluntary statement.

Cabrera said he was in uniform and in a marked patrol car and responded "Code 3" to an assault and "shots fired" call. Cabrera met with other deputies and formed a tactical plan and received detailed information about the nature of the call.

Cabrera arrived at the residence with the other deputies and was seated in his patrol car and on the telephone with the LASD Mental Evaluation Team when he heard a gunshot. Cabrera exited his patrol car, took cover, and heard a volley of gunshots. He heard another deputy broadcast "shots fired." Cabrera spoke with other deputies, and they believed Slover was shooting at them from a small upstairs window (later determined to be the closet window).

Slover eventually surrendered and was taken into custody. Cabrera did not see any injuries on Slover's body, nor did Cabrera hear Slover complain that he was injured. Cabrera said when he heard the gunshot, he believed Slover was shooting at him.

Deputy Pascual Olmos' Statement

Olmos provided a voluntary statement to investigators.

Olmos was in uniform and in a marked patrol car with his partner, Deputy Blake Runge. They responded to an assault with a deadly weapon and attempted suicide call. They met with other deputies, learned that Slover had fired gunshots in the residence, and they formed a tactical plan. Slover's wife also relayed to them that Slover had guns in the house.

Olmos and Runge drove their patrol car to the front of Slover's residence and stopped. Olmos exited and took cover.

Olmos said he saw movement in the upstairs small window (closet window) and saw a hand holding a gun emerge from the window and point in the direction of the deputies and fire a round. In response, Olmos fired approximately eight rounds from his service weapon. Olmos stopped shooting once he no longer saw the gun.

Lainez relayed, from Slover's daughter, that Slover was going to "take out" the deputies and was reloading.

Eventually, Slover surrendered.

Olmos stated he was scared when Slover fired at them and he was concerned for himself, his family, and the other deputies and their families.

Deputy Diego Escobar's Statement

Escobar provided a voluntary statement.

Escobar stated he was in uniform and driving a marked patrol car and responded to the "shots fired" call. He conversed with other deputies and learned that the call involved a possible attempted suicide.

Escobar arrived at Slover's residence, stopped near the front of the residence, exited, and took cover behind his patrol car.

Deputies attempted "call outs" on their public address system and could see Slover's head through a small open window on the second floor (closet window).

Escobar saw Slover raise a handgun through the window and point it directly at him (Escobar). Escobar yelled, "He's got a gun!" Escobar then heard a gunshot coming from Slover's direction and believed he was firing at him and the other deputies.

Escobar fired approximately four rounds at Slover. Escobar feared that he or the other deputies could have been shot in the head, as the deputies were illuminated and exposed and Slover had a position of advantage from his second-floor window.

Deputy Blake Runge's Statement

Runge provided a voluntary statement to investigators.

Runge said he was in uniform and in a marked patrol car with Olmos. They responded to an attempted suicide call and met with other deputies to form a tactical plan. Slover's wife came to the staging area and reported that Slover was alone in the house and had fired gunshots in the house.

Runge was positioned in front of Slover's residence when he heard gunshots coming from the residence. Runge believed Slover was shooting at them, so he fired one round from his rifle.

Deputy Thomas Onda's Statement

Onda provided a voluntary statement to investigators.

Onda stated he was in uniform and on patrol in a marked police car and responded to an assault with a deadly weapon call. Onda met with other deputies and formed a tactical plan.

Onda drove to Slover's residence, parked, exited, and took cover behind a patrol car. Another deputy alerted him that there was movement in an upstairs window. Onda looked at saw an arm coming from the small upstairs window and he saw a gun being aimed upward. Onda yelled, "Gun! Gun!" He heard one gunshot, saw muzzle flash coming from the window, and the sound of a projectile "whizzing" overhead. In response, Onda fired approximately four rounds into the window where he saw the muzzle flash.

Slover then surrendered.

Onda stated it was one of the scariest moments of his life.

LEGAL ANALYSIS

The 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.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 believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) and (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) and (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 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.

Analysis

The evidence reviewed in this investigation shows that Slover was suicidal, armed himself with a handgun, barricaded himself in his bedroom closet, and fired two rounds from his gun, causing a friend to call 9-1-1.

Deputies responded, knew that Slover was armed and had already fired a gun, and was suicidal. They positioned themselves in front of Slover's residence and ordered him to surrender. Slover did not comply.

While deputies were communicating with Slover's family members to negotiate his surrender, the deputies saw movement in Slover's closet window, and saw that Slover was brandishing a handgun.

When deputies heard a gunshot come from Slover, they took cover. When Slover fired a second round from the window, the deputies returned fire.

Under these circumstances, it was reasonable for the deputies to believe that Slover was shooting at them, and deadly force was necessary to defend against an imminent threat of death or serious bodily injury.

CONCLUSION

Based on a review of the totality of the circumstances in this case, there is compelling evidence, including video evidence, that Slover presented a threat of death or serious bodily injury to the deputies by firing two rounds from his closet window. It was therefore reasonable for the deputies to believe it was necessary to fire their service weapons at Slover. We have concluded that the deputies acted in lawful self-defense and defense of others.