

**In-Custody Death of Oscar Ruiz
Baldwin Park Police Department**

**Officer Esteban Manjarrez, #2878
Officer Kiyotake Isagawa, #4414
Officer Edwin Parra, #4339**

J.S.I.D. File #15-0421



JACKIE LACEY

District Attorney

Justice System Integrity Division

January 13, 2020

MEMORANDUM

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

SUBJECT: In-Custody Death of Oscar Ruiz
J.S.I.D. File # 15-0421
B.P.P.D. File #15-27690
L.A.S.D. File # 015-00055-3199-499

DATE: January 13, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 15, 2015, in-custody death of Oscar Ruiz involving Baldwin Park Police Department (BPPD) Officers Esteban Manjarrez, Kiyotake Isagawa, and Edwin Parra. We have determined that there is insufficient evidence to prove beyond a reasonable doubt that the officers' use of force was unreasonable. We further find that the officers' use of force did not cause Ruiz's death.

The District Attorney's Command Center was notified of this in-custody death on August 15, 2015, at approximately 8:25 p.m. The District Attorney Response Team responded to the location of the incident, where they received a briefing and walk-through of the scene.

The following analysis is based on reports, interviews, 9-1-1 calls, radio transmissions and call detail reports, photographs, body camera and surveillance videos, and autopsy and toxicology reports submitted to this office by the Los Angeles County Sheriff's Department (LASD) Homicide Bureau. The compelled statements of Officers Manjarrez, Isagawa and Parra were considered for this analysis.¹

¹ BPPD was unable to locate a copy of the audio recording of Parra's compelled statement but provided a summary of his statement for this review.

FACTUAL ANALYSIS

On August 15, 2015, at approximately 3:37 p.m., BPPD dispatch received a call from the El Monte Police Department (EMPD), informing them that someone had reported a “person down,” described as a “male on top of a bicycle,” on Ramona Boulevard near the 605 freeway off-ramp. Dispatch broadcast to officers that there was a “male on top of a bike near off ramp of 605.”

Two individuals called 9-1-1, reporting a man walking around with a pole threatening people and “going crazy.” One 9-1-1 caller said the man appeared to be drunk or high on drugs.² Officers arrived at the location as the two individuals were speaking with the 9-1-1 operator.

At approximately 3:43 p.m., Officer Esteban Manjarrez, his trainee partner, Officer Kiyotake Isagawa, and Officer Edwin Parra, who were each wearing full police uniform, responded to the call at the Mobil gas station, located at 12760 Ramona Boulevard, in the City of Baldwin Park.³ Parra spoke with the Mobil gas station owner, Sam L., who told him that a man had taken a promotional flag attached to a twelve foot metal pole from the gas station and ran away, leaving his bicycle behind.⁴ [REDACTED]

At approximately 4:02 p.m., Manjarrez located Oscar Ruiz nearby in the parking lot of the Southern California Edison (SCE) Credit Union, located at 12701 Schabarum Avenue, in the City of Irwindale. Ruiz was kneeling next to some bushes in a grassy planter area with a seven-and-a-half foot metal flagpole lying next to him. Parra and Isagawa drove their police vehicles to the location.⁵ Officers announced they were from BPPD and repeatedly gave Ruiz commands in both English and Spanish to show his hands for more than a minute. Ruiz did not respond or follow their commands.

As Parra and Isagawa approached him, Ruiz made a sudden movement, as if trying to stand up. Parra pushed Ruiz back down on the grass with his foot. Parra backed away, ordering Ruiz to stay down, turn around and lay on his stomach, and show his hands. Ruiz responded to them in English, saying, “Eh, eh, that’s fucked up, man.” Officers continued to order Ruiz to lay on his stomach and show them his hands. Ruiz sat up, facing the officers as they approached him again. Ruiz suddenly turned around, jumped through the bushes behind him, and ran westbound across the parking lot.⁶ Parra deployed his Taser at Ruiz, but the Taser did not have any effect.⁷ Officers broadcast they were in a foot pursuit. Additional officers were dispatched.

² The 9-1-1 call information is not contained in the Call Detail Report or radio traffic. The LASD investigation report states, “While checking the area in an attempt to locate the suspect, officers were provided additional information that the suspect had been seen swinging a flagpole at passing motorists.”

³ The Mobil gas station is at the corner of Ramona Boulevard and Syracuse Avenue.

⁴ Parra reported to dispatch that the reporting party said, “The male was possibly 647f.”

⁵ At the SCE Credit Union, Parra reported that Ruiz was “Possibly 11550.”

⁶ Ruiz left the flagpole on the grass when he ran through the bushes.

⁷ Two Taser darts must make contact with a person in order for the electrical current to flow. It is unclear whether both Taser darts ever made contact with Ruiz.

After a brief chase through the parking lot, Parra and Isagawa grabbed Ruiz by the upper torso. Ruiz struggled to break free from them. Parra struck Ruiz once with his fist on his head or upper torso.⁸ Ruiz swung his body around, broke free from the officers' grasp and ran directly into Manjarrez, knocking the body camera off his uniform and onto the ground. Parra and Isagawa grabbed Ruiz by the upper torso again. As Ruiz continued to struggle with all three officers, Parra struck Ruiz twice with his fist in the head area or upper torso. The three officers were finally able to take Ruiz to the ground and tried to subdue him with their body weight. Ruiz continued to resist, flailing his body and kicking his feet, as officers handcuffed him.⁹

Once Ruiz was handcuffed, Parra tried to lift him to his feet. Ruiz moved his lower body in the opposite direction and got onto his knees. The three officers took Ruiz back down to the ground and held him down with their body weight. Ruiz continued to flail his body and kick his feet while officers searched his pockets. Ruiz was able to free his legs several times, despite being held down by all three officers. Parra left to retrieve a hobble device from his patrol vehicle. Manjarrez held Ruiz down by his torso while Isagawa held Ruiz's legs. Manjarrez reported that Ruiz complained of chest pains, informed dispatch that a Taser had been deployed, and requested an ambulance. Ruiz continued to move his torso and legs as Manjarrez and Isagawa held him down, waiting for back up officers to arrive.

Officer Shawn Blackburn and Officer Gonzalo Cetina arrived to assist and observed that Ruiz was handcuffed but still resisting by moving his feet and upper torso. Parra returned in his patrol vehicle with a hobble device, which he placed on Ruiz's legs and hooked loosely to Ruiz's belt loop.¹⁰ Lieutenant Chris Hofford arrived as officers were placing the hobble device on Ruiz. Once the hobble device was secure, Hofford instructed officers to move Ruiz into the shade. After officers moved Ruiz and realized he was unresponsive, they removed the handcuffs and hobble device, performed CPR and made efforts to revive him until the paramedics arrived. Blackburn and Cetina requested the ambulance be expedited. Paramedics arrived and transported Ruiz to Kaiser Permanente Hospital in Baldwin Park, where he was pronounced dead at 4:51 p.m.

Witness Statements

Statement of Sergeant Shawn Blackburn

Investigators interviewed Blackburn on August 15, 2015. Blackburn was on patrol when he heard a radio call of a "man down" near Ramona Boulevard and the 605 freeway. He was aware that Manjarrez, Isagawa and Parra responded to the call. Blackburn heard the officers announce via radio they were in a foot pursuit, so he drove towards their location to assist. While en route, Blackburn heard radio calls stating that Ruiz was combative and not in custody, then heard Manjarrez announce Code 4, which meant the suspect was in custody.

When Blackburn arrived at the scene, Ruiz was lying handcuffed, face down on the asphalt. Ruiz was still combative, flailing his feet and trying to lift himself up off the ground. Manjarrez

⁸ It is difficult to determine from video evidence which part of Ruiz's body Parra struck.

⁹ During the struggle with Ruiz, Parra's white undershirt collar was torn.

¹⁰ A "hobble" is a device used to secure a suspect's legs.

had his knee across Ruiz's lower back and was holding onto Ruiz's elbows. Ruiz was trying to push off the ground to get back on his feet. Officers attached a hobble to Ruiz's legs and to his belt loop. As the hobble was being applied, Hofford arrived and told officers to move Ruiz into the shade. When officers moved Ruiz to the shade, Ruiz was unresponsive, and his eyes were glassed over. Officers removed the handcuffs and hobble device and started CPR. The paramedics arrived and continued CPR.

Blackburn did not observe any officer use force against Ruiz, other than holding him down with their body weight and applying and securing the hobble device. Blackburn said the hobble was applied very loosely. Blackburn was informed that a Taser was deployed, but he did not observe a Taser at the scene.

Statement of Officer Gonzalo Cetina

Investigators interviewed Cetina on August 15, 2015. When Cetina arrived on the scene, Ruiz was handcuffed face down on the ground but still moving and kicking his feet and being uncooperative. Cetina saw Manjarrez holding Ruiz's upper body down while Isagawa tried to control his legs. Cetina told Ruiz to relax and calm down. Cetina did not remember hearing Ruiz say anything. Parra retrieved a hobble and placed it on Ruiz's legs. When officers turned Ruiz onto his side to move him into the shade, Cetina saw that Ruiz was unresponsive with his eyes rolled back. Officers moved Ruiz into the shade, removed the handcuffs and hobble and performed CPR until LAFD arrived a few minutes later.

Cetina did not observe any force used against Ruiz, other than officers holding him down to control him until Parra placed the hobble. Cetina saw Taser wires near Ruiz but was not aware if he had been tased.

Statement of Lieutenant Chris Hofford

Investigators interviewed Hofford on August 15, 2015. On the date of the incident, Hofford was working as the watch commander. When Hofford arrived at the scene, Ruiz was handcuffed on the ground. Hofford observed officers apply the hobble restraint on Ruiz, who was still moving. Once the hobble was in place, Hofford directed the officers to move Ruiz from the pavement into the shade, since it was about 104 degrees outside. Hofford realized that Ruiz was unresponsive. Officers removed the handcuffs and hobble and performed CPR until LAFD arrived. Hofford observed Taser wires on Ruiz. Hofford did not hear Ruiz say anything.

Statement of Magdalena A.

On August 17, 2015, investigators spoke with Magdalena A., Ruiz's sister. Magdalena A. told investigators that Ruiz had some type of medical condition that affected him in hot weather. She said if he had taken narcotics, it could have made his condition worse. Magdalena A. said that Ruiz had other health problems and had previously been in a bad car accident where he almost died. Magdalena A. told investigators that Ruiz had a drug problem and lived on the streets.

Compelled Statements

Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. Manjarrez, Isagawa and Parra were interviewed by BPPD Internal Affairs regarding this incident. Manjarrez, Isagawa, and Parra were ordered to answer questions regarding the incident and the use of force against Ruiz.

Manjarrez, Isagawa and Parra, like any individual, possess a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against themselves. *Uniformed Sanitation v. City of New York, supra, at 284-285*. Because BPPD ordered Manjarrez, Isagawa and Parra to answer questions which might expose them to criminal liability, BPPD compelled Manjarrez, Isagawa and Parra to participate in the interviews. The effect of this legal compulsion is that Manjarrez and Isagawa's statements cannot be used against them in a criminal proceeding, nor can any material derived from the compelled interviews be used against them. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal. 4th 704, 715. Further, because these compelled statements are part of Manjarrez, Isagawa and Parra's police personnel files, the statements are confidential and may not be disclosed absent an evidentiary showing and court order. Penal Code section 832.7.

Compelled Statement of Officer Esteban Manjarrez

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Compelled Statement of Officer Kiyotake Isagawa

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Compelled Statement of Officer Edwin Parra

[REDACTED]

[REDACTED]

[REDACTED]

Video Evidence

Manjarrez Body Camera Video¹¹

When the body camera video begins, Manjarrez is running northwest through the SCE Credit Union parking lot. Manjarrez stands behind the driver’s side of the car and draws his handgun. On the passenger side of the car, Ruiz is bent over, kneeling with his hands on the grass in front of him.

¹¹ The timestamp on Manjarrez body cam is 8-15-15 15:20-15:23 and is 3:21 minutes in length. However, there appears to be a discrepancy between the timestamp of the body camera and the actual time of the incident. The Call Detail Report shows dispatch informing officers of the initial call at 15:37:53. The Call Detail Report shows Parra reported being at the SCE Credit Union at 16:02:21.



Manjarrez's body camera initial view of Ruiz in the SCE Credit Union parking lot.

Manjarrez's body camera turns towards the east entrance of the parking lot, and Ruiz is no longer in view. Two marked black and white BPPD vehicles enter the east entrance of the parking lot and park behind Ruiz. Manjarrez announces that they are from the Baldwin Park Police Department and orders Ruiz to show his hands. Two uniformed officers, Parra and Isagawa, walk towards Manjarrez. Manjarrez informs them that Ruiz has the pole in his possession. Officers repeatedly command Ruiz in both English and Spanish to show his hands. A sound resembling metal hitting concrete is heard in the background. All three officers have their handguns drawn.

Manjarrez's body camera briefly turns back towards Ruiz, who is bent over in the bushes with both of his hands concealed. The metal clinking sound is heard again. Officers continue to give Ruiz commands in English and Spanish to show them his hands. Manjarrez tells the officers that he cannot see Ruiz's right hand behind the plant. Officers continue to order Ruiz to show his hands.

Manjarrez tells the officers to approach Ruiz. Parra suddenly yells, "Stay down! Stay the fuck down!" The body camera turns towards Parra and Isagawa as they are retreating backwards away from Ruiz. Ruiz is sitting up, facing Parra and Isagawa. Parra repeatedly orders Ruiz to stay down and turn around. Parra and Isagawa holster their duty weapons. Parra points his Taser at Ruiz, as officers repeatedly give him commands to turn around and lay on his stomach. Ruiz says, "Eh, Eh," but does not comply. Parra continues to order him to turn around. Officers also give him commands in Spanish. Ruiz finally responds, "That's fucked up, man!" Officers order Ruiz to show his hands and lay on his stomach. Ruiz again says, "That's fucked up, man!" Ruiz suddenly jumps through the bushes and runs northwest through the parking lot with the three officers chasing him.¹² Parra, who is directly behind Ruiz, points his Taser at Ruiz as he runs away.¹³

¹² Ruiz left the flagpole on the grass when he ran through the bushes.

¹³ It is unclear from the video at what point Parra deployed the Taser, or whether the Taser darts made contact with Ruiz. Ruiz does not appear to have any reaction.

As they catch up to Ruiz, Manjarrez says, “Push him down!” Parra and Isagawa grab Ruiz by his shirt, upper torso and left arm. Ruiz, who is still standing, swings around towards Parra and Isagawa with his right hand free, saying, “What’s going on, man?” Parra appears to make contact with Ruiz’s upper torso or neck area with his right fist. Ruiz breaks free from Parra and Isagawa and runs directly towards Manjarrez with his right arm stretched out in front of him. Ruiz grabs Manjarrez’s uniform, and Manjarrez’s body camera falls to the ground.



Manjarrez’s body camera showing Ruiz running towards him after breaking free from Parra.

From the ground, the body camera briefly captures video of the three officers struggling with Ruiz, who is still standing. An officer yells, “Stay the fuck down!”¹⁴ Someone kicks the body camera, and the video turns black and then green but continues to record audio. Ruiz says, “Hey, what’s going on, man?” An officer yells, “Give me your right hand!” several times. Officers tell Ruiz to stop resisting several more times. The sound of a handcuff closing is followed by an officer saying, “Code 4.”¹⁵ Officers order Ruiz to stop resisting two more times, followed by the sound of another handcuff closing. Ruiz groans and then clearly says, “Okay, okay, okay, okay, okay. Okay, guys.” An officer says, “Pat him down.” Ruiz says, “Fuck, eh.” The video ends.¹⁶

Surveillance Video

Investigators obtained four surveillance videos from the SCE Credit Union.¹⁷ One video shows a portion of the northeast parking lot in front of the main entrance to the building. About two minutes into the video, Ruiz stumbles through the parking lot, holding a flagpole and tripping over the flag dragging on the ground. Ruiz stumbles back around and falls over a curb into the

¹⁴ Although Parra tells him to “stay down,” Ruiz is still standing.

¹⁵ “Code 4” means that officers have the situation under control. Manjarrez initially reports, “Code 4,” which is quickly followed by Parra saying, “Resisting.” Manjarrez reports the subject is resisting. Manjarrez reports, “Subject is in custody, but still COC.” The Call Detail Report shows Manjarrez reported “subject in custody” at 16:05:59.

¹⁶ LASD investigators collected Manjarrez’s body camera at the BPPD station. The body camera’s connection port was damaged, so investigators sent the body camera video to the manufacturer who was able to extract the video.

¹⁷ None of the SCE Credit Union video surveillance has audio. The fourth video, labeled Channel 27, mainly shows police vehicles and ambulances arriving and leaving the parking lot.

grass next to some bushes, where he lays motionless for approximately 18 minutes. A grey, four door sedan parks next to Ruiz. The driver gets out and walks towards the building. A few seconds later, Ruiz struggles to sit up, waives the flagpole around, and lays back down.

A few minutes later, Ruiz tries to get up on his hands and knees as Manjarrez approaches the driver's side of the grey sedan. A black and white police SUV and a black and white police sedan enter the east entrance of parking lot and park behind Ruiz. Isagawa and Parra get out of their vehicles and join Manjarrez on the driver's side of the grey sedan. Parra approaches Ruiz from behind and holsters his duty weapon. Ruiz suddenly tries to stand up, and Parra kicks him from behind, knocking him back down on the grass. Ruiz sits on the grass next to the bushes facing the officers. Isagawa and Manjarrez move in closer and surround Ruiz.



Surveillance video of Parra pointing at Ruiz as Manjarrez and Isagawa close in.

Suddenly, Ruiz jumps through the bushes behind him and runs northwest through the parking lot, leaving the flagpole behind on the grass. Parra, who appears to be holding a Taser in his left hand, follows closely behind as all three officers chase Ruiz out of the frame of the video.

The second video shows the parking lot on the northwest side of the SCE building. At about the 24 minute mark, Ruiz runs across the parking lot west and then south, followed closely by all three officers. Parra and Isagawa grab Ruiz by the torso as Manjarrez, holding a baton, tries to catch up. Parra tries to strike Ruiz on the torso with his fist, but Ruiz breaks free and runs into Manjarrez. A black object, possibly Manjarrez's body camera, falls onto the ground. Manjarrez places his baton back in its holster and tries to assist Parra and Isagawa detain Ruiz.¹⁸ Ruiz, who is still standing upright, tries to break free from the officers. Parra strikes Ruiz in the head or upper torso with his right fist as Ruiz continues to try to escape. Parra appears to strike Ruiz with his fist a second time in the head or upper torso as the three officers wrestle Ruiz to the ground. Parra and Isagawa hold Ruiz down on the ground with their body weight as Manjarrez tries to handcuff Ruiz's hands behind his back.

After handcuffing Ruiz, Parra and Manjarrez stand up while Isagawa continues to hold Ruiz down on the ground. Manjarrez kicks a black object away from Ruiz's feet.¹⁹ Parra tries to lift

¹⁸ The video does not show whether Manjarrez made contact with Ruiz with the baton.

¹⁹ The black object may have been Manjarrez's body camera.

Ruiz up, but instead of standing, Ruiz walks his feet along the ground and pushes up onto his knees, as if trying to get away.



Surveillance video showing Ruiz after Parra tries to stand him up.

All three officers struggle with Ruiz in order to get him back on the ground. Ruiz continues to kick his feet as the three officers try to hold him down. Officers pat down Ruiz's pants' pockets. Ruiz kicks his legs and feet while all three officers try to hold him down.

As Manjarrez and Isagawa continue to hold Ruiz down, Parra walks westbound, picks something off the ground, holsters his Taser, and reels in the Taser wires as he walks eastbound out of the video frame.²⁰ Manjarrez leans on Ruiz's torso with his knee while Isagawa tries to hold onto Ruiz's legs. Ruiz continues to lift his upper body and move his feet. A black and white police SUV, driven by Blackburn, arrives and parks next to Isagawa and Manjarrez. A black and white police sedan, driven by Cetina, arrives and parks to the left of the SUV. When they arrive, Ruiz is still moving.

Blackburn and Cetina exit their vehicles and approach, as Manjarrez and Isagawa are trying to hold Ruiz down by the shoulder and legs. Ruiz lifts his upper torso.

²⁰ Parra appears to be dragging Taser wires behind as he walks. At the 27 minute mark, the fourth video shows Parra rolling up wires as he walks east through the parking lot.



Surveillance video showing Ruiz lifting his upper torso as Cetina and Blackburn approach.

Another police sedan arrives and parks to the left of where Ruiz is being detained.²¹ Parra gets out of the police sedan, walks around to the passenger side, picks something up off the ground and has a brief conversation with Manjarrez. Parra places the object on the hood of Cetina's vehicle.²² Parra retrieves a hobble from the trunk and applies the hobble to Ruiz's legs as Hofford and Officer Ted Espanto arrive and approach.²³ Less than a minute passes after the hobble is applied until officers roll Ruiz over, sit him up and carry him into the shade.²⁴

The third video shows the northwest corner of the building. At about the 30 minute mark, officers carry Ruiz into the shade and lay him down on the ground. Officers remove the handcuffs and hobble device and begin CPR. Officers take turns performing CPR until paramedics arrive about seven minutes later and continue CPR.

9-1-1 Calls

Two individuals called 9-1-1 to report a man making threats near the Mobil station. A male caller reported that there was a guy "walking around with a pole threatening people" near Ramona Boulevard and Syracuse Avenue. The male caller said the man appeared to be drunk or high on drugs. Police arrived at the location as the male caller was speaking to dispatch. A woman also called 9-1-1. The woman can be heard telling someone in the background "he was going crazy" and "he's got flags and everything."²⁵ A police siren sounds in the background. The woman told dispatch she was okay since the police had arrived.

²¹ The police sedan appears to drive over Manjarrez's body camera lying on the ground.

²² Investigators noted in their report that the object appears to be Manjarrez's body camera.

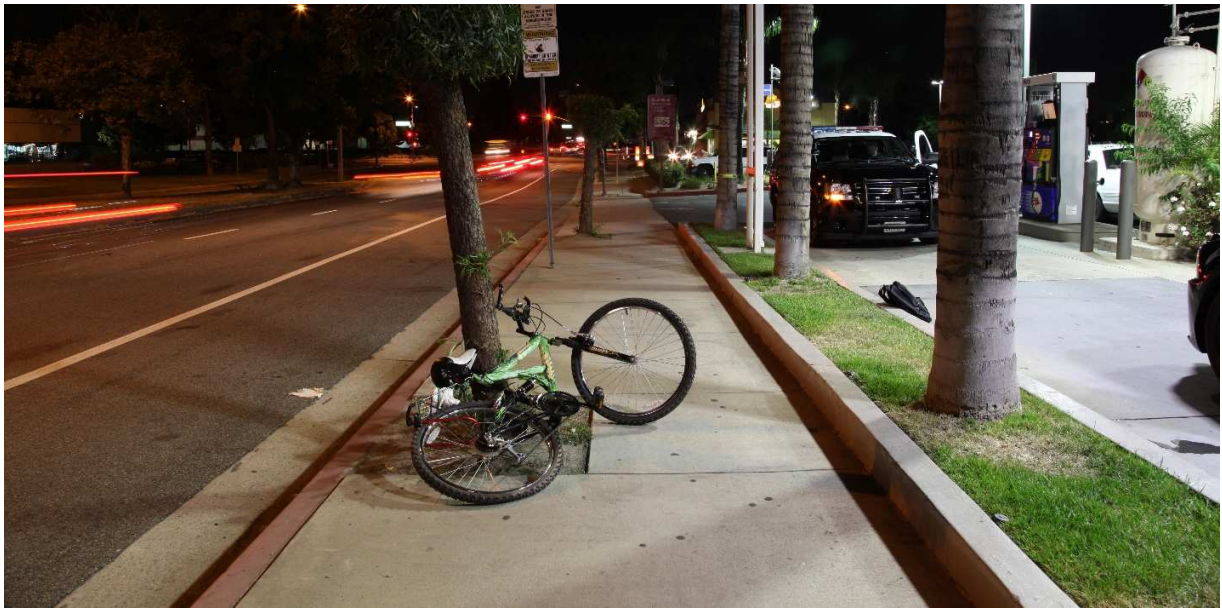
²³ It is difficult to determine from the video if Ruiz is still moving, since his legs are being held by Isagawa and his torso is being held by Manjarrez.

²⁴ Fewer than six minutes elapse from when Manjarrez, Isagawa and Parra initially take Ruiz to the ground to when officers move him into the shade.

²⁵ Dispatch did not broadcast the information from the 9-1-1 callers.

Other Evidence

The metal pole and flag that were taken from the gas station were recovered on the grassy planter area outside the SCE Credit Union where officers initially encountered Ruiz. The metal flagpole was seven-and-one-half-feet long. Ruiz's bicycle and backpack were recovered at the Mobil gas station.



Ruiz's bicycle and backpack recovered at the Mobil gas station.



Flagpole and flag recovered in the planter outside the SCE Credit Union.

Taser

At the BPPD station, LASD investigators collected a Taser X26 and an expended Taser cartridge with two wires and one barb attached to a wire.²⁶ Investigators obtained the Taser log, which showed that the Taser was deployed once on August 15, 2015 for four seconds.²⁷

Postmortem Examination

On August 21, 2015, Los Angeles County Deputy Medical Examiner Pedro M. Ortiz-Colom performed a postmortem examination of Ruiz. Dr. Ortiz-Colom found that Ruiz suffered from cardiomegaly (enlarged heart), atherosclerosis of the aorta, visceral congestion, and congestion in several other organs. Dr. Ortiz-Colom noted that Ruiz also had Hepatitis C, diabetes, hypertension, psychiatric illness, and a twenty-five year history of drug abuse.

Dr. Ortiz-Colom documented blunt force injuries consisting of external abrasions and contusions to the head, abdomen, the right upper and both lower extremities.²⁸ Dr. Ortiz-Colom described that the external injuries as superficial and “self-inflicted as the deceased was agitated.” Dr. Ortiz-Colom found that these superficial injuries did not contribute to Ruiz’s death. Dr. Ortiz-Colom did not find any evidence of internal injuries, other than rib fractures, which are consistent with resuscitative efforts. Dr. Ortiz-Colom did not identify any evidence of Taser contact on Ruiz’s body. The toxicology report revealed that Ruiz had opiates, methamphetamine, and marijuana in his system at the time of his death.

Investigators provided Dr. Ortiz-Colom with Manjarrez’s body camera video and the surveillance videos of the incident. Dr. Ortiz-Colom found, “[a]t the time of the interaction with law enforcement, the decedent was showing the symptoms of excited delirium and their interaction in exacerbating the problem, if anything, was minimal.”

Dr. Ortiz-Colom ruled that Ruiz’s immediate cause of death was acute cardiac dysfunction, due to, or as a consequence of, drug induced excited delirium, listing his history of hypertension, diabetic mellitus, Hepatitis C, and psychiatric illness as contributing conditions. In Dr. Ortiz-Colom’s opinion, “[t]he demise of this 44-year old male is the result of the extreme effects produced by the drugs he took.”

LEGAL ANALYSIS

A police officer may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime. Penal Code section 835a. The officer may use no more force than would appear necessary to him as a reasonable person. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147.

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

²⁶ The second Taser barb remained attached to the left collar of Ruiz’s shirt.

²⁷ The log showed the Taser was deployed at 16:11:31 hours. However, the investigators noted in their report that when the Taser was synced with the computer, the Taser’s clock was approximately seven minutes fast.

²⁸ Dr. Ortiz-Colom noted Ruiz was wearing a short-sleeved shirt and shorts.

alleging Fourth Amendment violations. The evaluation of reasonableness should look to “the facts and circumstances of each case, including the severity of the crime, the threat posed by the suspect, and whether the suspect is resisting or attempting to evade arrest.” *Graham v. Connor* (1989) 490 U.S. 386, 396. “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 use of a Taser constitutes an intermediate, significant level of force that must be justified by the governmental interest involved. *Bryan v. McPherson* (2010) 620 F.3d 805, 826. The use of a Taser falls within the category of non-lethal force. *Id.* at 825.

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.

There is insufficient evidence to prove beyond a reasonable doubt that the officers used unreasonable force to take Ruiz into custody. At the time officers initially encountered Ruiz, they believed he committed misdemeanor theft and was under the influence of a controlled substance or intoxicated.²⁹ When officers located Ruiz in the parking lot across the street from the Mobil station, they observed the seven-and-a-half foot metal pole lying next to him. The sound of metal scraping against concrete can be heard several times in the body camera video. Manjarrez, Isagawa and Parra repeatedly gave Ruiz commands in both English and Spanish to show his hands and to lay on his stomach. After Ruiz attempted to stand up, ignoring officers’ orders to lay on his stomach, Parra drew his Taser. Ruiz continued to ignore officers’ commands to turn around and show them his hands.

As officers moved in closer to detain him, Ruiz suddenly jumped up, broke through the bushes behind him and ran across the parking lot. Parra deployed his Taser towards Ruiz, but it did not make contact with Ruiz’s body or have any effect on Ruiz.³⁰ There is insufficient evidence to prove that Parra’s deployment of the Taser at Ruiz as he fled was unreasonable.

When Parra and Isagawa finally caught up to Ruiz and grabbed him by the torso, Ruiz struggled with both officers. In response, Parra struck Ruiz once with his fist. Ruiz was able to break free from the officers grasp and ran directly into Manjarrez’s chest, knocking his body camera to the ground. As Ruiz continued to resist the efforts of the three officers attempting to physically subdue him, Parra struck Ruiz twice more with his fist. The three officers were finally able to take Ruiz to the ground. In light of Ruiz’s attempt to escape, his continuing physical resistance, and the fact that the three officers were unable to subdue Ruiz, Parra’s fist-strikes to Ruiz during the struggle appear to have been reasonable.

²⁹ It is unclear whether Manjarrez, Isagawa and Parra were aware that two 9-1-1 callers reported Ruiz had been threatening people with the flagpole. The 9-1-1 calls show that officers arrived at the Mobil station while the two callers were speaking to 9-1-1.

³⁰ It is unclear from the video [REDACTED] exactly when Parra deployed the Taser.

After being handcuffed and held down by two officers, Ruiz continued to resist by moving his body and kicking his legs, until officers restrained his feet with a hobble device. Blackburn stated that when he arrived, Ruiz was handcuffed but still combative, flailing his feet and trying to lift himself up off the ground. Blackburn stated that although Manjarrez was holding Ruiz's torso down, Ruiz was still trying to push off the ground. Cetina also stated that when he arrived, Ruiz was handcuffed but still moving and kicking his feet and being uncooperative. Officers then attached a hobble to Ruiz's legs, which was in place less than a minute before officers realized Ruiz had become unresponsive. Officers immediately removed the restraints and performed CPR until the paramedics arrived. In light of the fact that other officers observed Ruiz continue to kick his legs and move his torso despite being handcuffed and held down by several officers, there is insufficient evidence that the use of the hobble device was unreasonable.

Autopsy and toxicology reports revealed that Ruiz had opiates, methamphetamine and marijuana in his system at the time of his death. Ruiz suffered from several underlying health conditions, including an enlarged heart and hypertension. In forming his opinion as to Ruiz's cause of death, Dr. Ortiz-Colom reviewed the body camera video and surveillance videos in conjunction with the autopsy and toxicology reports. Dr. Ortiz-Colom ruled that Ruiz's immediate cause of death was acute cardiac disfunction, due to, or as a consequence of, drug induced excited delirium. Therefore, there is insufficient evidence to conclude that the officers caused his death.

CONCLUSION

Based upon the foregoing analysis, we are closing the file and will take no further action.