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August 24, 2022

Sheriff Donny Youngblood
Kern County Sheriff's Office
1350 Norris Road
Bakersfield, CA. 93308

**Re: KCSO Officer-Involved Shooting of Michael Ramos on March 4, 2022;
Sergeants Michael Dorkin, Jay Heisey, Sean Mountjoy, Christian Melero,
and Senior Deputy Eric Vollmer;
26599 Nudgent Street, Boron, CA. KCSO Report 2022-00025279**

Dear Sheriff Youngblood,

The Kern County District Attorney's Office, Officer Involved Shooting (OIS) Review Committee has reviewed reports, body worn camera Footage, audio recordings, and other materials submitted by your agency regarding the shooting noted above. The OIS Review Committee reviews cases for criminal liability under state law. The OIS Review Committee has completed its review and the findings are noted below.

Summary

On the evening of Thursday, March 3, 2022, Kern County Sheriff's Office received reports of Michael Ramos vandalizing his neighbors' property and causing a disturbance. KCSO patrol deputies arrived and knocked on Ramos' trailer but received no response. Deputies left but later returned to the area around 10:30 p.m., for another report of vandalism involving Ramos as the suspect. A record check revealed there was an active felony warrant for Ramos from another report of vandalism committed by Ramos at the trailer park, on February 21, 2022.

Deputies ordered Ramos to exit the trailer and to come outside as he was under arrest due to the active arrest warrant. Ramos did not comply and began to yell incoherently from inside his trailer. Deputies then saw Ramos pull back one of the trailer's window curtains and noticed that he was pointing a bow and arrow at them with the string pulled back and an arrow nocked. Deputies maintained visual on the trailer and ordered Ramos to come out, but Ramos refused. A SWAT callout was initiated after about two hours.

The KCSO SWAT team arrived at Ramos's trailer at about 2:30 a.m. The SWAT team consisted of twenty-five deputies and included Sergeants Michael Dorkin, Jay Heisey, Sean Mountjoy, Christian

Melero, and Senior Deputy Eric Vollmer. SWAT set up a perimeter, gave orders via a public-address system for Ramos to exit, used a Crisis Negotiator to attempt to get Ramos to peacefully surrender, and used less-lethal force options over the course of two and a half hours in an unsuccessful attempt to gain control of Ramos. During this time period, Ramos continuously refused to obey commands, stayed at his trailer, shot three arrows at the SWAT team, and fired rounds from a silver revolver style handgun. This revolver style handgun was thought to be real by the SWAT team based on its appearance, size, weight, and the sound it made when shooting, but ultimately was identified after the incident and upon closer inspection to be a Co2 revolver style BB gun.

Around about 5:00 a.m., Ramos was standing just outside of his trailer in the front yard/patio area, behind a three to four feet tall chain-link fence as Sgt. Mountjoy was continuing his attempt to negotiate with him. Ramos was repeatedly ignoring commands to surrender peacefully and approach the deputies. At this time, Sergeants Mountjoy, Dorkin, Heisey, Melero, and Senior Deputy Vollmer were standing in close proximity to Ramos, but on the other side of the chain link fence. While standing in the front yard/patio area, Ramos was holding the silver replica firearm that was still believed by the deputies to be a genuine firearm. Sgt. Mountjoy told Ramos to put the gun down and Ramos tossed the handgun to ground but within a few feet of him. However, Ramos still refused to surrender and exit the patio. As Sgt. Mountjoy continued negotiations, Ramos remained in the patio area, was carrying a large black machete, and was standing next to the replica firearm that was on the ground.

Suddenly, Ramos kneeled in the front yard/patio area and picked the replica firearm back up. Sgt. Mountjoy told Ramos to put the gun down, but Ramos ignored his commands. Sgt. Mountjoy warned Ramos that other SWAT officers had their service weapons pointed at him and that he needed to put the gun down. Ramos then raised the firearm slowly and had it level with his body. Ramos began talking about his mother and was making statements apologizing to his mother. While still holding the replica firearm, Ramos said, "Let's do this cop suicide bullshit."

Ramos then raised the replica firearm up farther, pointing it directly at Sergeants Dorkin, Heisey, and Mountjoy. Sergeant Melero and Senior Deputy Vollmer were located to the side of Dorkin, Heisey, and Mountjoy, and saw Ramos pointing what was still believed to be a real firearm at them. Believing that Ramos posed an imminent danger of causing death or great bodily injury to them or their partners, Sergeants Dorkin, Heisey, Mountjoy, Melero, and Senior Deputy Vollmer all fired multiple rounds at Ramos, striking his body, and killing him. KCSO searched the front yard/patio area after Ramos was shot and located a black machete and the silver firearm which upon closer inspection, was only then determined to be a replica revolver, Co2 BB gun. Both items were on the ground next to Ramos' body.

Legal Principles and Analysis

Ramos' actions demonstrated a clear threat to the lives of Sergeants Dorkin, Heisey, Mountjoy, Melero, and Senior Deputy Vollmer. At the time SWAT members fired their service weapons, Ramos was in possession of a machete and had raised the replica firearm that was believed to be real and was pointing it directly at three of the SWAT team members. Prior to the shooting, Ramos had also refused to surrender after hours of negotiating, had shot arrows at the SWAT team, and had fired the silver revolver that was believed to be real while he was inside his trailer. A firearm used in this manner is a deadly weapon capable of inflicting great bodily injury or death. Although the "firearm" turned out to be a BB gun, the SWAT team members reasonably believed it was real. The reasonableness of this belief was based on the realistic looking and sounding nature of the firearm, as well as the conduct of Ramos, who never suggested the "gun" he was repeatedly ordered to put down was not real, as it was obviously presumed to be by the officers on the scene.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. (PC § 835a(b)). California Penal Code (PC) §§ 196 and 835a outline the circumstances under which a peace officer is authorized to use force, including deadly force.

Peace officers may use deadly force when necessary in defense of human life. (PC 835a(a)(2)). When determining whether deadly force is necessary, a peace officer must evaluate each situation in light of the particular circumstance of each case and shall use other available resources and techniques if reasonably safe and reasonable to an objectively reasonable officer (PC § 835a(a)(2)). The California Legislature has mandated that officers shall use de-escalation tactics if objectively reasonable based on the particular circumstances of the case. (PC § 835a(a)(2)).

California law permits the use of deadly force by any person in self-defense or defense of others, if (1) the individual reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) the individual reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) the individual used no more force that was reasonable necessary to defend against that danger. (California Jury Instruction Criminal #505)

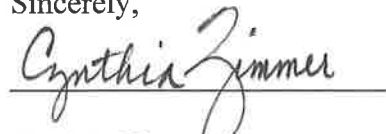
The SWAT team members who fired their weapons were aware that Ramos had assaulted their team with a bow and arrow, had shot his replica firearm during the standoff, was wielding a machete, and was in possession of a revolver that was believed to be real. Sergeant Mountjoy spent hours trying to negotiate with Ramos, however, that was ineffective and Ramos continued to resist. Throughout the standoff, SWAT unsuccessfully used gas cannisters, non-lethal impact rounds, verbal commands, and the threat of sending in a K9 officer as non-lethal attempts to gain control of Ramos. Additionally, before the final shooting occurred, Ramos expressed an intent to do what was necessary to trigger the officer-involved shooting when he announced, "Let's do this cop suicide bullshit."

At the time of the shooting, Ramos was pointing a replica revolver that was believed to be real at Sergeants Dorkin, Heisey, and Mountjoy, which caused them as well as Sergeant Melero and Senior Deputy Vollmer to exercise the right of self-defense and defense of others. These deputies were not under any obligation to retreat, nor were they under any obligation to wait for Ramos to begin shooting before taking defensive action. Ramos' actions presented a clear, immediate threat to the lives of involved SWAT team members, and the employment of deadly force to address the threat and defend the lives of themselves and their partners was both a subjective and objectively reasonable use of deadly force employed to address the imminent threat posed by Ramos' actions.

Conclusion

Based on a review of the evidence submitted by Kern County Sheriff's Department, Sergeants Dorkin, Heisey, Mountjoy, Melero, and Senior Deputy Vollmer responded reasonably to a lethal threat in self-defense and defense of others. There is no state criminal liability for their use of deadly force under the circumstances of this case because the shooting is legally justified.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Zimmer". The signature is written in dark ink and is positioned above a horizontal line.

Cynthia Zimmer
Kern County District Attorney