# PROGRESS REPORT

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# PROGRESS REPORT

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	PROGRESS REPORT
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# OFFICE OF THE DISTRICT ATTORNEY COUNTY OF VENTURA

#### MEMORANDUM

February 11, 2000

TO:

SERGEANT TIM LORENZEN

FROM:

JAMES D. ELLISON

SENIOR DEPUTY DISTRICT ATTORNEY

SUBJECT:

OFFICER INVOLVED SHOOTING OF JOSE JARAMILLO

The District Attorney's Office has completed the review of the circumstances surrounding the shooting of Jose Jaramillo on September 7, 1999, by Sr. Dep. Carlos Macias and Dep. Marty Pettit and has concluded that the shooting was justified.

Please consider the attached memorandum as a confidential document. It is not a public report and should not be disseminated beyond your department. Mr. Jaramillo still has criminal charges pending and every effort should be made to ensure that his right to a fair trial is not compromised.

# OFFICE OF THE DISTRICT ATTORNEY COUNTY OF VENTURA

MEMORANDUM
February 1, 2000

TO:

RICHARD E. HOLMES

SUPERVISOR, MAJOR CRIMES UNIT

FROM:

JAMES D. ELLISON

SENIOR DEPUTY DISTRICT ATTORNEY

SUBJECT:

OFFICER INVOLVED SHOOTING OF JOSE JARAMILLO (9-7-99)

On September 7, 1999, 48 year old Jose Luis Jaramillo contacted the Ventura County Sheriff's

Department dispatch and reported that he wanted to turn himself in on an outstanding arrest warrant
for 459PC and 220PC charges. The charges arose out of a July 1999 sexual assault on an elderly
woman in Oxnard. Jaramillo, a previously convicted felon, had been charged for the assault in a
third strike felony complaint. Prior to talking with a Sheriff's dispatcher, Jaramillo had told his
brother that he was not guilty of the charges, but added that he was not going to go back to prison
"no matter what" and stated that he would have a shoot out before he went back to prison.

When Sheriff's deputies contacted Jaramillo near a shopping center in Fillmore, he refused to submit to arrest. During a two hour standoff Jaramillo kept his right arm wrapped in a jacket and told deputies that he had a gun. The Sheriff's S.W.A.T. team was called and an attempt to take Jaramillo into custody was eventually made with the use of "non-lethal" weapons. During that attempt, Jaramillo rushed at one of the deputies and Sr. Dep. Carlos Macias and Dep. Marty Pettit

fired a 9mm MP-5 and a shotgun, respectively, wounding Mr. Jaramillo in the abdomen. Mr. Jaramillo was treated for his wounds at Santa Paula Memorial Hospital. He was eventually released from the hospital and is presently at the Ventura County Jail awaiting trial on the sexual assault charges.

The Ventura County Sheriff's Department conducted a detailed investigation of the shooting, which included: interviewing all known witnesses, documenting and collecting all physical evidence, and conducting reenactments of the shooting with the involved parties (excluding Mr. Jaramillo). The Sheriff's Department notified the District Attorney's Office of the shooting and I responded to the scene at approximately 9:00 a.m. on 9-7-99. I was present when several of the reenactments were conducted. Deputies Macias and Pettit cooperated in the investigation and gave complete statements regarding their actions.

I have since reviewed all of the police reports and witness statements, including the statements by Deputies Macias and Pettit and an independent civilian witness, which was Mr. Jaramillo get shot. It appears from all the evidence that Deputies Macias and Pettit reasonably believed that Mr. Jaramillo posed an imminent threat of great bodily injury or death to their fellow officers and acted lawfully when they shot Mr. Jaramillo.

## STATEMENT OF FACTS

## **Background of Jose Jaramillo**

On September 30, 1986, 23 year old was a was kidnapped from her brother's house in San Jose and was raped. Jaramillo had entered the house uninvited, grabbed was a, grabbed a kitchen

knife off a counter, and then tied with a up with a belt and some nylons taken out of bedroom. Jaramillo then took some money from the residence, put into the trunk of his car, and drove her to an abandoned residence approximately twenty minutes away. He then forced her to orally copulate him twice and then he raped her twice. He threatened to stab her if she struggled. When Jaramillo was finished with he asked her to forgive him and then he left. In managed to until herself and then fled down a dirt road until she met a woman who gave her some assistance.

Jaramillo was eventually arrested and was convicted of Residential Burglary, Robbery, False Imprisonment, Assault w/a Deadly Weapon, and two counts each of Rape and Forcible Oral Copulation, along with special allegations of using a deadly weapon and kidnapping for the purpose of rape. On 8-26-87 he was sentenced to 23 years in state prison. He was paroled on 5-9-98.

On 7-10-99, 69 year old was a was in her Oxnard home when Jaramillo, the son of her neighbor, knocked on her door and told her that her garden hose was left running.

a went outside to turn off the water and when she returned she found Jaramillo sitting on her couch. As soon as a entered the house, Jaramillo got up and started pushing her with both hands on her chest. Jaramillo pushed her into the bedroom and then onto the bed, where he jumped on top of her. Jaramillo grabbed her arms and then forced her legs open with his legs. He told that he had desired her all of his life, even when she was with her husband.

a later told police that she managed to get one of her arms free and she hit Jaramillo in the face, all the while screaming and calling for Jaramillo's mother,

then punched her in the face. As she continued to scream, Jaramillo put his hand over her mouth and she bit Jaramillo's finger. Jaramillo then grabbed her around the neck and started choking her.

The a managed to grab a basket from the top of the headboard and threw it at Jaramillo's face.

Jaramillo removed his hand from her throat to block the basket and then told her again that he desired her very much.

The a managed to move her leg out from underneath Jaramillo and then kneed him in the groin. Jaramillo appeared to be in pain and managed to get away from him. Jaramillo stood up and pulled his pants down, exposing his penis. He then told "See what you've done to me?" The telephone started to ring and Jaramillo left the residence.

(A warrant for Jaramillo's arrest on charges of Residential Burglary, Assault with Intent to Commit Rape, Sexual Battery By Restraint, Indecent Exposure with Prior 288, and third strike allegations was issued on 7-20-99.)

# Statement of Jaramillo

received a phone call from Jose at approximately 3:00 a.m. on 9-7-99. Jose told him that he wasn't guilty of what they accused him of, but that,no matter what, he wasn't going to go back to prison. Jose told him that "either way, they're going to kill (him) in prison, either way." stated that he pleaded with his brother to not get involved in a shoot-out, but his brother responded by again stating that he wasn't going to go back to prison. Jose told him that he was calling from Fillmore and that he "loved everybody" and "to tell everybody (he) loved them." Jose hung up after about a minute and have into Fillmore to look for his brother. He arrived in Fillmore shortly after his brother had been shot.

# Statement of

that he reported for work at 9:00 p.m. on 9-6-99 and his shift ended at 5:00 a.m. on 9-7-99. At approximately 3:00 a.m. on 9-7-99, Jaramillo walked into the Ultra Mart and told that he wanted him to call the police. Jaramillo appeared nervous and had a jacket draped over his right shoulder. The jacket covered Jaramillo's entire right arm and hand.

Jaramillo told to tell the police that he wanted Dep. Max Pina and parole officer Boris

Romanowski to meet him at the Von's shopping center. Jaramillo told to tell the police that he had a gun and that he just wanted to talk. Jaramillo wanted the police to know that "if they got crazy, (he) could get crazy." It told Dep. Rivera that he never saw Jaramillo with a gun, but that Jaramillo always kept his right arm covered. It is stated that Jaramillo looked nervous and scared while he was in the Ultra Mart. Jaramillo told him to have the police meet him in the parking lot and then walked out the door.

# Statement of

the shooting occurred. He was working at the station on the morning of 9-7-99. It shift had started at 11:00 p.m. on 9-6-99 and ended at 6:00 a.m. on 9-7-99. It told Dep. Rivera that Jaramillo walked into the Cvevron station at approximately 3:30 a.m. while the coffee machine. Jaramillo told that he had a problem and that the police were looking for him. Jaramillo also told that he had a gun. It stated that this worried him and that he moved behind the counter and got ready to push the alarm button if Jaramillo did anything. Jaramillo told

being chased by the police because of a rape that he didn't do. He told that he wanted him to call the police dispatcher and let them know that he was at the gas station. Jaramillo also told to let them know that he had a gun. It stated that he could not see the gun because Jaramillo kept his hand under his jacket. At one point, Jaramillo took the phone from that he wanted to talk to Max Pina and Boris Romanowski. He then hung up the phone.

A few moments after the phone call, Jaramillo walked outside and three patrol cars drove into the station. Officers got out of the cars with their guns drawn and ordered Jaramillo to stop and put his hands up. Jaramillo ignored the deputies commands, said something which locally could not understand, and then walked across the roadway to a grassy knoll at the Von's shopping center. watched the deputies follow Jaramillo to the parking lot and then position their patrol cars a distance away from him. All the while deputies were following Jaramillo they kept ordering him to drop his coat and put his hands up.

I stated that after a while a police officer came to his station and asked for a soda for Jaramillo. Some time later, lobserved some S.W.A.T. team members moving through the station and he asked them if they wanted him to turn off the station lights. A S.W.A.T. team member told him "yes" so locally a walked back inside and turned off the lights.

Jaramillo appeared to be talking constantly to the deputies, but could not hear what was being said because he was so far away. Jaramillo appeared to be "ranting and raving" and would throw his left arm up in the air. It told Dep. Rivera that he kept his right arm "always covered like he had the gun in his hand." It stated that the deputies "were keeping their cool and did a really good job."

dropped to the ground and rolled over a few times before jumping back on his feet. It told

Dep. Rivera that he saw Jaramillo run towards one of the deputies and extend his covered right arm,

"like he was armed and ready to shoot" and then stated "Why they didn't drop him dead then, I don't
know, but they decided they were not going to." It told Rivera that he then heard what he
thought were additional percussion devices and saw Jaramillo fall to the ground. S.W.A.T. team

members quickly surrounded Jaramillo and subdued him. (At the time of the interview It did
not know that Jaramillo had been shot with live rounds.)

I stated that he thought that Jaramillo was suicidal because of the way he was dragging things out.

# Statement of Deputy R. Arnold

Deputy Arnold stated that he was on patrol with Dep. Wiggins when he was advised by dispatch that Jaramillo had walked into the Ultra Mart gas station and stated he had a gun and wanted to talk to his parole agent. A short time later, Fillmore patrol units searched the Ultra Mart and Von's

parking lots, but could not locate Jaramillo. A few minutes later, dispatch advised that Jaramillo was at the Chevron gas station on Ventura Street.

Deputy Arnold stated that he and Dep. Wiggins arrived at the Chevron station just as Jaramillo was walking out of the front door of the gas station. Dep. Arnold recognized Jaramillo from a wanted flier regarding the Oxnard sexual assault charges. Deps. Arnold and Wiggins took cover behind their patrol unit's doors and ordered Jaramillo to stop and put his hands in the air. Jaramillo kept his right hand covered with his jacket and yelled, "I have a gun. I want to talk to Max Pina."

Additional units arrived at the scene and other deputies also ordered Jaramillo to stop and show his hands. Jaramillo ignored the deputies' commands and kept yelling that he wanted to talk to Max Pina. He then walked across the street to the Von's parking lot.

Deps. Arnold, Wiggins, and Hendren followed Jaramillo to the west side of the Von's parking lot with their guns drawn. They took a position of cover behind two electrical boxes on the south side of a USA gas station on the northwest side of the parking lot. Sgt. Larson arrived and parked his unit on the south side of the lot and Deps. Stephens and Pettit covered the west side of the lot. Jaramillo stopped near a grassy knoll on the west side of the lot and continued telling the deputies that he wanted to speak to Max Pina and Boris Romanowski. He then told the deputies that when he finished talking he would point his gun in the air and the deputies could kill him. He said he did not want to go back to prison, but did want to "clear the air" and tell his side of the Oxnard story.

Dep. Arnold stated that Dep. Max Pina arrived and began talking to Jaramillo. Jaramillo told Pina that he did not commit the Oxnard sexual assault and then went into great detail regarding how he

had been set up by "that old lady." Jaramillo asked for a pen and paper and Dep. Pina provided them. Jaramillo later asked for a soda and one of the deputies obtained a soda from the Chevron gas station and gave it to Dep. Pina, who gave it to him. Jaramillo wrote something on the paper and then handed it to Dep. Pina.

Deputies waited with Jaramillo approximately two hours for Romanowski to arrive. While waiting for Romanowski, Jaramillo became agitated and told the deputies that if Romanowski did not show up he was going to start shooting. He stated that he really didn't want to hurt anyone, but he wanted deputies to kill him. S.W.A.T. team members arrived and took positions around Jaramillo. When Romanowski finally arrived, he asked Jaramillo to show his hands and put his gun down, but Jaramillo refused. He asked Romanowski what charges were against him and Romanowski told him that the only thing he had at that time was a parole violation. Dep. Arnold stated that at about that time an announcement was made over the deputies' radios that "less than lethal" force was going to be used to subdue Jaramillo.

Dep. Arnold stated that the S.W.A.T. team fired several non lethal rounds and a few "flash-bang" devices. After initially falling down, Jaramillo got back up and staggered toward the south side of the parking lot where deputies were positioned. Dep. Arnold heard an additional shot or shots and saw Jaramillo fall to the ground, yelling "Fuck you! Fuck you!" He was surrounded by several S.W.A.T. team members and was taken into custody.

# Statement of Deputy J. Hendren

Dep. Hendren stated that he responded to the Von's shopping center at approximately 3:04 a.m. reference a man with a gun. Radio traffic (both dispatch and other deputies) advised that the man was Jaramillo and that he was wanted and was desperate. After searching for Jaramillo at the Von's parking lot, Hendren heard dispatch advise that Jaramillo was at the Chevron gas station across the street. Dep. Hendren drove North on "A" Street and stopped his patrol car on the West side of "A" Street South of the Chevron gas station behind Deputy Stephens' patrol car. Deputies Wiggins, Arnold, Stephens, and Sgt. Larson were already at the Chevron Station with their guns pointed at Jaramillo.

Dep. Hendren could see Jaramillo was wearing a black jacket and had his right arm through the right sleeve of the jacket and the collar of the jacket was over his right shoulder. Jaramillo's left shoulder and arm were exposed and not covered by the jacket. Jaramillo had his right hand in the right jacket pocket. Dep. Hendren took cover behind a patrol car that was parked on "A" Street and drew his gun and pointed at Jaramillo. He started yelling along with the other deputies for Jaramillo to get down. Although Dep Hendren was unable to see Jaramillo's right hand, Jaramillo was yelling, "I have a gun, I just want to talk". Jaramillo then walked from the Chevron gas station across "A" street onto the Vons shopping Center grass area.

Dep. Hendren stated that during the entire time he followed alongside Jaramillo, he yelled for Jaramillo to "get down and stop walking". Jaramillo stopped walking when he arrived at the edge of the grass area and the paved parking lot of the Vons shopping center located directly south of the USA gas station. Dep. Hendren positioned himself behind an electrical service box behind the USA gas station and kept Jaramillo covered at gun point.

Dep. Hendren stated that Jaramillo began demanding to speak to Deputy Pina and later asked for his parole officer. Deputy Arnold advised Sheriff's dispatch of Jaramillo's requests and dispatch later advised that Deputy Pina was on his way to the scene from his residence. While the deputies were waiting for Deputy Pina to arrive, Jaramillo began to smoke a cigarette. Jaramillo continued to hold his right hand in his jackets right pocket. Jaramillo lit the cigarette with a match using his left hand. Jaramillo did not use his right hand and kept it in his jacket pocket as if he was holding a gun.

Deputy Arnold spoke to Jaramillo in an effort to calm him. When Deputy Pina arrived, he positioned himself next to Dep. Hendren behind the electrical service box. Deputy Pina began talking to Jaramillo which made Jaramillo seem less hostile. Jaramillo asked for a pen and piece of paper so he could write something down. Deputy Pina walked away from the electrical service box and gave Jaramillo a pencil and piece of paper. Jaramillo wrote something on the paper and gave it to Deputy Pina.

Dep. Hendren stated that because vehicle traffic was entering the Vons shopping center from "A" Street, he left his position behind the USA gas station and moved a patrol car to the entrance of the Shopping center to prevent any other traffic from entering the area, preventing possible injuries to citizens. He then returned to the electrical service box next to Deputy Pina. A short time later, Dep. Hendren took Deputy Arnold's micro cassette tape recorder, turned it on, and placed it next to his tape recorder on the electrical service box. The tape recorders were placed on the electrical service

box together to record the incident uninterrupted. Later, Deputy Wiggins placed his micro cassette tape recorder on the electrical service box after one of the recorders turned off.

Sgt. Larson advised Dep. Hendren to meet with Sgt. De Los Santos to brief him of the situation.

Dep. Hendren left his position, walked South on "A" Street to River Street where Sgt. De Los Santos was waiting. Sgt. De Los Santos then drove Dep. Hendren to the Carls Jr. where the "Less Than Lethal" team was staging. Dep. Hendren stated that he drew a rough sketch of the area and showed the positions of the deputies on scene and Jaramillo's location. He advised the "Less Than Lethal" team of Jaramillo's clothing, his threats with the gun and the position of his right hand. A short time later, the Less Than Lethal Team was deployed. Sgt. De Los Santos then drove Dep. Hendren back to River Street and "A" Street.

Dep. Hendren stated that he walked North on "A" Street to a position behind an electrical service box adjacent to "A" Street, south of his original location. At that location he joined Deps. Stephens and Pettit. Deputy Pettit was standing on the south side of the electrical service box and was holding a shotgun, which was pointed at Jaramillo. Deputy Stephens was standing next to Deputy Pettit and was pointing a handgun at Jaramillo. Dep. Hendren drew his handgun and took up a position behind the electrical service box. A short time later, members of the Less Than Lethal Team arrived at Dep. Hendren's location and he gave up his position to a Less Than Lethal Team member. Dep. Hendren then moved over next to Deputy Pettit.

Dep Hendren stated that an unknown person announced on the radio that the Less Than Lethal Team would be deploying and would handle all lethal and non lethal force. A roll call was completed to

confirm the units on the perimeter heard this announcement. Dep. Hendren then brought his handgun down to the "ready" position.

Dep. Hendren stated that he watched as the Less Than Lethal Team deployed a 37 MM less than lethal round and hit Jaramillo. Jaramillo fell to the ground and then got up and began running in a southerly direction. Two "Flash/Bang" Light/Sound diversionary devices were deployed and Jaramillo changed his direction while running several times. Jaramillo was then hit several more times with 37 MM rounds. Jaramillo stumbled and then began running south again. Dep. Hendren watched as Jaramillo raised his right arm and extended it towards Sgt. Larson and some Less Than Lethal team members that were approaching Jaramillo from the south. Dep. Hendren thought that Jaramillo was going to shoot the deputies, so he raised his handgun and pointed it towards Jaramillo at the same moment that he heard a loud "bang" from his left. Dep. Hendren saw Jaramillo fall to the ground and then yell "I'm going to shoot myself' several times as the Less Than Lethal team approached Jaramillo.

Dep. Hendren heard members of the Less Than Lethal Team order Jaramillo to show his hands as Jaramillo was rolling around on the ground. Jaramillo would not comply with the orders to show his hands and began kicking at the Less Than Lethal Team members. Jaramillo was repeatedly yelling, "fuck you" as members of the team struggled with Jaramillo in an attempt to secure him. After a brief struggle, members of the Less Than Lethal Team were able to secure Jaramillo's hands behind his back.

Dep. Hendren observed Deputy Pettit moved ahead of him with his shotgun in hand. He saw

Deputy Pettit charge the shotgun and observed a spent shell fall from the shotgun. Dep. Hendren
then realized that Deputy Pettit had fired at Jarainillo.

# Statement of Deputy Wiggins

Dep. Wiggins stated that on 9-7-99, at about 0301 hours, he and Deputy Arnold were asked to call dispatch to receive a call for service. When Dep. Wiggins called, the dispatcher told him that Jose Jaramillo was at the Ultramar Gas Station with a gun and wanted to meet deputies at the Vons Shopping Center to talk. Dep. Wiggins was advised that Jaramillo was a wanted parole violator and was also wanted by the Oxnard Police Department.

Dep. Wiggins stated that he and Dep. Arnold arrived at the shopping center a few minutes later and were not able to locate Jaramillo. While they were searching the area for Jaramillo, dispatch advised them that Jaramillo was at the Chevron Gas Station. Deps. Wiggins and Arnold then drove to the Chevron Gas Station and, as they pulled into the driveway, saw Jaramillo exiting the door of the mini-mart. Dep. Wiggins exited his patrol unit, drew his service weapon, and ordered Jaramillo several times to show both his hands. Jaramillo's left hand was visible; however, the right side of his body was covered by a windbreaker. Jaramillo ignored Dep. Wiggins' repeated orders and continued walking E/B across "A" Street. Dep. Wiggins stated that Deps. Arnold and Hendren were also yelling at Jaramillo to stop, but Jaramillo continued walking towards the Vons parking lot, yelling "I've got a gun. You guys need to listen to me, just listen to me". Jaramillo's right hand was concealed inside his jacket and it appeared he had a weapon.

Dep. Wiggins stated that Jaramillo walked across the grass area on the northwest corner of the Vons parking lot and stopped at the curb of the northwestern most row of parking stalls. Deputies Hendren and Arnold took cover behind the electric utility boxes directly behind the U.S.A. gas station and Dep. Wiggins took cover behind his patrol car's drivers door. Jaramillo's right side of his body remained covered by the windbreaker, which hung down covering his waistband area. Deputy Arnold began talking with Jaramillo in an attempt to get him to surrender, but Jaramillo refused to surrender and demanded to speak with Deputy Pina and his parole officer, Boris Romanowski. Dep. Wiggins stated that Dep. Arnold notified dispatch of Jaramillo's demands and the deputies waited for Pina to arrive. While waiting, Jaramillo began smoking a cigarette and advised the deputies of every move he made, but he refused to uncover the right side of his body where Dep. Wiggins believed the gun was concealed. Jaramillo told the deputies his plan was to pull the gun out and waive it in the deputies' direction, forcing the deputies to "end it".

When Dep. Pina arrived, he began talking with Jaramillo about old times. Jaramillo told Dep. Pina he had requested him because Pina had always "done him right." Jaramillo told Pina he was at the end of the road and had no other way to end it. Deps. Pina and Arnold both told Jaramillo the charges he was facing in Oxnard had been reduced and, if he surrendered, he could fight the charges in court. Jaramillo replied that he did not believe what Pina and Arnold were saying and began to explain what had happened in Oxnard. Jaramillo stated that the victim tried to seduce him into having sex with her and he turned her down. Jaramillo said the woman became angry over being turned down and battered him. He defended himself and made his way to the door. Jaramillo said the woman then scratched her own face and smeared the blood on his T-shirt.

Dep. Wiggins stated that he heard Jaramillo tell Dep. Pina that he had a hard time finding a gun and had to go as far as Riverside and San Diego to finally find one. Wiggins also described Jaramillo becoming agitated over the fact that Romanowski had not arrived.

At about 4:55 a.m., the Less Than Lethal Team arrived at the area and took control of the scene. Dep. Wiggins re-positioned himself behind a trash dumpster next to the utility boxes. An announcement was made that the Less Than Lethal team was preparing to deploy less-than-lethal weapons and Dep. Wiggins heard someone say, "If you have a shot, take it". Boris Romanowski was talking with Jaramillo, trying to persuade him to surrender, when Jaramillo was shot in the chest with a 37mm less-than-lethal round. Dep. Wiggins watched as the shot dropped Jaramillo to the ground, but Jaramillo regained his feet and began running S/B towards the strip mall. Dep. Wiggins stated that two "Flash-Bang" devices were deployed and then he heard several shots ring out. Jaramillo again dropped to the ground and began screaming "Fuck you, Fuck you." With Jaramillo lying on the ground, the Less Than Lethal team moved in and subdued and handcuffed Jaramillo.

After Jaramillo was secured, deputies determined that Jaramillo had sustained gun shot wounds and the fire department and paramedics were called in. Dep. Wiggins stated that he grabbed a roll of crime scene tape from the trunk of his patrol car and established a perimeter line.

# Statement of Deputy K. Booker

Deputy Booker stated that he and Deps. Pettit and Hendren were on a possible burglary in progress call near Third Street and Saratoga Street when he heard dispatch broadcast that Jose Jaramillo was at the Ultra Mart in Fillmore. Dep. Booker knew that Jaramillo was wanted on a felony warrant and for a parole violation. When the broadcast was made, Deps. Booker and Pettit responded to the call in one vehicle and Dep. Hendren responded in a second patrol unit.

While looking for Jaramillo, the deputies heard dispatch broadcast that Jaramillo was at the Chevron gas station across the street from the shopping center. Dep. Booker ran toward the Chevron station and saw that Deputies Arnold, Wiggins, Pettit, and Stephens had Jaramillo stopped on the west side of the Von's parking lot. Based on the radio traffic that he heard, Dep. Booker knew that the other deputies had Jaramillo at gunpoint. Dep. Booker stated that he took up a position in the parking lot approximately 50 yards east of Jaramillo behind a light standard. He stayed in this position, maintaining the perimeter of the scene with Dep. Benevides throughout the incident. He watched the confrontation with deputies with binoculars from this position.

Dep. Booker stated that he watched as Jaramillo kept his right arm underneath a jacket that was hanging from his right shoulder. During the entire time he watched Jaramillo, Dep. Booker was never able to see Jaramillo's right hand. From his position, Dep. Booker could see other deputies interact with Jaramillo, but could not tell what was being said.

Dep. Booker stated that he saw the Less Than Lethal team arrive and begin to move in on Jaramillo.

He saw one less than lethal round knock Jaramillo down and then watched as Jaramillo got up and started running southeast in the parking lot. He heard another shot fired and then saw several

"flash-bang" devices go off at about the same time. Dep. Booker stated that he saw Jaramillo fall to the ground and then heard several Less Than Lethal Team members yelling "Show your hands!"

Jaramillo yelled back several times "Fuck You!"

Dep. Booker stated that he heard several more shots fired by the Less Than Lethal Team at about the time that they surrounded Jaramillo. He saw Jaramillo kicking at deputies before they were able to control him. Once the Less Than Lethal Team had Jaramillo under control, Dep. Booker heard Dep. Pettit advise dispatch that he had fired a round. Dep. Booker went over to Dep. Pettit's location and stayed with him until the Sheriff's Shooting Team investigators arrived. While Booker was with Pettit, Pettit handed Booker the shotgun he had used and an additional shotgun round he had in his pocket.

# **Statement of Deputy Stephens**

Deputy Stephens stated that he was working in the city of Fillmore on 9-7-99, at approx. 0300 hrs. when he received information that a subject that was wanted for 261 PC had a gun and was at Vons. Dep. Stephens responded to the call and arrived on River Street on the south side of Vons within a minute or two. There he met with Deputy Hendren. The two deputies searched the area on the south side of Vons for about 5-10 minutes for the subject, but could not locate him. Dep. Hendren went to the east end of the shopping center to watch for Jaramillo, while Dep. Stephens parked on River Street about 20' west of Highway 23 to keep watch for him. A few minutes later dispatch advised that Jaramillo was at the Chevron station about 100 yards north of Dep. Stephens location.

Dep. Stephens stated that he approached the Chevron station along a block wall and stopped near two phone booths. At that time he saw a black and white unit pull into the Chevron station parking lot and saw Jaramillo walking through the Chevron station's parking lot eastbound towards Highway 23. Dep. Stephens could see that Jaramillo was dressed in a gray top with a jacket or sweater covering his right arm and hand. He heard whom he believed to be Deputy Arnold yelling at Jaramillo to drop the gun or let him see his hands. Those commands continued without Jaramillo's compliance as he continued east across highway 23. During that time he also heard other deputies yelling similar commands to no avail.

Dep. Stephens watched Jaramillo stop near the edge of the grass in the parking lot of the Vons shopping center. Stephens then positioned himself on the south side of a large cement trash and pointed his service firearm in the direction of Jaramillo. Dep. Stephens stated that he saw Dep. Pettit position himself about fifteen feet in front of him in a squatting position holding a shotgun.

Dep. Stephens stated that watched as a conversation occurred between Jaramillo and Deputy

Arnold. Because of his distance from Jaramillo, Dep. Stephens could not hear much of the
conversation, but some of the conversation was relayed over the radio. The things that Dep.

Stephens heard over the radio were that Jaramillo was requesting to speak with Deputy Pina and his
parole officer and that he would start shooting if they didn't come. The conversation with Dep.

Arnold went on for about 30 minutes or so. During that time Jaramillo never showed his right arm
or hand. He kept it covered with his jacket or sweater.

Dep. Stephens stated that when Dep. Pina arrived he began to speak with Jaramillo. Stephens watched as Dep. Pina approached the grass area to lay some paper on the grass for Jaramillo to write something on. After Jaramillo wrote on the paper, Pina approached the grass to retrieve it. According to Dep. Stephens, Pina continued his conversation with Jaramillo for an hour or so.

As S.W.A.T. officers arrived, they "staged" at Carl's Jr. and were briefed by Deputy Hendren.

Several minutes later Hendren returned to Dep. Stephens' location and told him that S.W.A.T.'s plan was to shoot Jaramillo with "non-lethal" force and then send the dog in on him.

Dep. Stephens stated that while Jaramillo's parole officer and Dep. Pina talked with Jaramillo S.W.A.T. members got into position. The deputies at the scene were notified by radio to let S.W.A.T. handle the situation from that point forward. A moment later Dep. Stephens heard two loud bangs then a very loud bang. He stated that he was standing behind the trash bin and could not see Jaramillo at that time. A moment later he looked towards the Jaramillo and saw that Jaramillo still had his right hand covered and was moving south towards Sgt. Larson and several other officers. Dep. Stephens stated that he saw Jaramillo lift his right hand in the direction of Larsen and the others, while he continued to move towards them. Dep. Stephens then heard several more bangs. He then heard a loud bang coming from his immediate right and saw Jaramillo fall. Stephens looked to his right and saw Deputy Pettit move about fifteen feet or so in front of him and crouch facing Jaramillo. He stated that he called to Pettit to back up towards him and let S.W.A.T. handle things because they were now in his line of fire. Dep. Pettit came back to Stephens' location while S.W.A.T. members swarmed Jaramillo and placed him in handcuffs.

# Statement of Sergeant M. De Los Santos

Sgt. De Los Santos stated that on 9-7-99, at approximately 3:30 a.m., he received a page from Sergeant Will Howe of the Less Than Lethal Team (LLT) to respond to the Carl's Jr. restaurant in the city of Fillmore. Sgt. De Los Santos arrived at the staging area at approximately 4:10 a.m. and contacted Sgt. Howe, who briefed him on the information he had obtained from the watch commander. A while later, Dep. John Wright briefed the Less Than Lethal Team on Jaramillo's background information, which was obtained from Parole Agent Boris Romanowski, who had also arrived at the staging area. Dep. Hendren then diagramed the scene, including the patrol officers positions, and briefed the Less Than Lethal Team on the situation. Sgt. De Los Santos advised that during that time Captain Leslie Warren, Fillmore Chief of Police, arrived and was briefed regarding S.W.A.T's deployment. Prior to S.W.A.T.'s deployment Sgt. De Los Santos asked Capt. Warren if she wanted to authorize the deployment of the Less Lethal baton immediately prior to its use or did she want that decision to be made by the LLT supervisor. Capt. Warren said the decision should be made by the LLT supervisor, Sgt. Howe.

Sgt. De Los Santos stated that the Less Than Lethal Team was deployed and Captain Warren and he moved to "A" Street just north of River Street. From that position he could partially see the scene and Jaramillo, but could not see the officers. After some time went by, Sr. Dep. Schierman gave an announcement to the deputies on scene that the team had command and control of the scene and that less lethal munitions and "flash bang" munitions would be deployed. The announcement was acknowledged by all patrol deputies on scene and confirmed.

Shortly after the announcement, at approximately 4:55 a.m., Sgt. De Los Santos heard a less lethal weapon fired and observed Jaramillo fall to the ground, apparently from being struck by the "extended range impact baton". Within seconds he heard the sound of a light sound diversionary device ("flash bang"), what sounded like the report of a small caliber weapon, a shotgun blast and several more reports from the less lethal weapon and a second light sound diversionary device.

From his position, which was approximately 100 yards away, he could see Jaramillo intermittently and could not see the location of the Less Lethal Team members.

Once Jaramillo was in custody, Captain Warren and Sgt. De Los Santos moved closer to the scene.

Sgt. De Los Santos was told by Sergeant Howe that there had been a shooting and to make

notifications to Captain Steve Giles. At approximately 5:15 a.m. Sgt. De Los Santos was advised
that Sr. Dep. Mike Macias had been one of the officers who fired at Jaramillo. Sgt. De Los Santos
made arrangements for Macias to be transported to the Fillmore station by Dep. Kevin Clancey. De

Los Santos stated that shortly after that he left the scene and returned to the staging area to await

Captain Giles so he could be briefed.

# Statement of Deputy Nickels

Dep. Nickels stated that on 9-7-99, he received a Less Lethal Team activation by Sgt. Howe via his pager. The advisement by Sgt. Howe was that there was "a man with a gun, threatening to kill himself" in Fillmore and that the team was to stage at the Carl's Jr. When Dep. Nickels arrived at the Carls Jr., Dep. Wright and Sr. Dep. Macias were already in the restaurant's parking lot. The other team members then arrived, as did Jaramillo's parole officer, Boris Romanowski. Dep. Wright obtained background information about Jaramillo from Romanowski and then Dep. Wright

briefed the rest of the team as to what Romanowski had told him. Dep. Nickels stated that Dep. Wright advised the team that Jaramillo was currently wanted for 3056 P.C. and that Jaramillo was on parole for a rape/kidnap and had served twelve years of a twenty-three year sentence. Jaramillo was paroled in either May of 1997 or 1998, and was now a suspect in a sexual battery case. Jaramillo was also a possible suspect in a murder case in which Jaramillo was trying to gain the favor of the Mexican Mafia. Jaramillo thought that he was a third strike candidate and would be going back to prison for a long time if he was caught.

Dep. Hendron arrived and described the layout of the parking lot for the Less than Lethal Team and gave the team the location of the deputies on scene, as well as Jaramillo's location and a description of what Jaramillo was wearing. Sgt. Howe then advised Sr. Dep. Macias and Dep Nickels to take up a position on the south side of the parking lot and prevent Jaramillo from going to the businesses of the shopping center. Dep. Wright was assigned to take a position on the west end of the lot.

When Sr. Dep. Macias and Dep. Nickels arrived at the south side of the parking lot, Sgt. Larsen was already there, standing next to a marked patrol car. The patrol car was facing west and Dep. Nickels knelt near the driver's side front tire and Sr. Dep. Macias positioned himself to Dep. Nickels' right. Sgt. Larsen remained by the driver's door of the car. Dep. Nickels stated that, due to his not having radio contact with the rest of the team, he relied upon Sr. Dep. Macias for information regarding team movement. Dep. Nickels stated that from my position he could hear Parole Officer Romanowski talking with Jaramillo. As he knelt by the patrol car, Dep. Nickels was told by Sr. Dep. Macias that they had been designated as the arrest team and if they had to move toward Jaramillo, they would do so by moving left as well as forward. Dep. Nickels stated that he

understood that this was to avoid any crossfire issues with the team at the north end of the lot.

Dep. Nickels stated that he heard a SL-6 being deployed from the north end of the lot. He then saw Jaramillo fall to the ground. Sr. Dep. Macias told Dep. Nickels to go and Dep. Nickels stood up and walked in front of the patrol car that he had been using for cover. Dep. Nickels saw Jaramillo stand up and walk at a fast pace toward him. Dep. Nickels continued walking slowly forward and to the left, thinking that Sr. Dep. Macias was behind him. He then heard a second round being deployed from an SL-6 and then heard and saw the deployment of a light-sound diversionary device just west of where Jaramillo had been standing. Dep. Nickels stated that he then saw Jaramillo walking quickly toward him with his right hand wrapped in the windbreaker that he had previously kept over his right shoulder. Dep. Nickels stated that he interpreted this as an aggressive move toward himself and Sr. Dep. Macias. Because of the distance between Jaramillo and himself, Dep. Nickels stated that he felt that a round deployed from the SL-6 that he was carrying would not be effective and that the light-sound diversionary device would be a more appropriate force option at that time.

Jaramillo continued running and Nickels deployed the light-sound diversionary device that he was carrying. He tossed the device underhanded with his right hand and tried to place the device in front of where Jaramillo was walking in order to keep him from continuing to advance toward Nickels. Dep. Nickels stated that he watched as the device landed on the small grass strip in front of him. He looked at Jaramillo again and saw that he was still coming toward him and his hands were out in front of him. Dep. Nickels saw Jaramillo bring both of his hands up from his waist to chest level. Dep. Nickels raised his SL-6 to aim and, as he did, he saw that Jararmillo was falling

to the pavement. Dep. Nickels did not know why Jaramillo fell to the ground at that moment. The diversionary device that he had tossed deployed after Jaramillo started falling.

Dep. Nickels stated that as he watched Jaramillo on the ground, Jaramillo brought his hands back to his waist area and then pointed his hands back toward Nickels. Nickels stopped moving to his left in fear of his own safety and started moving to the right. He saw that Sr. Dep. Macias was standing about ten feet to his right and Nickels moved toward him. Dep. Nickels stated that he heard the team from the north side of the lot yelling at Jaramillo to show his hands and then heard Jaramillo yell, "No!" and "Fuck you guys!" Dep. Nickels stated that he heard another SL-6 being deployed by the team on the north side of the lot. As the team from the north got closer to where Jaramillo was lying down, Dep. Nickels and Sr. Dep. Macias also approached Jaramillo. Despite all the repeated commands to show his hands, Jaramillo continued to move his hands under the cover of his windbreaker. Both teams finally got within arms reach of Jaramillo and Dep. Wright placed handcuffs on Jaramillo.

#### Statement of Deputy Max Pina

Dep. Pina stated that on 9-7-99, at approx. 3:10 a.m, he received a telephone call at his residence from the sergeant at the Sheriffs Communication Center. The sergeant advised him that Jose Jaramillo was being held at gun point by some deputies at the Chevron Station. He also advised him that Jaramillo had requested Pina's presence at the scene. Dep. Pina stated that he first met Jaramillo after he came to work for the Fillmore Police Department 28 years ago. He had gotten to know Jaramillo from the numerous contacts that he had with him.

Pina responded to the scene and arrived there at approx. 3:30 a.m.. When he arrived on the scene, he saw Dep. Hendren using an electrical utility box behind the USA gas Station as cover. Dep. Pina made his way to Deputy Hendren's position and Dep. Arnold, who was standing nearby, advise Pina that Jaramillo had said he had a gun.

Pina stated that he talked to Jaramillo from behind the utility box for approximately one hour until the Less than Lethal Team arrived. He added that during his entire contact with Jaramillo, he never saw Jaramillo's right hand. Dep. Pina stated that Jaramillo told him that he wanted Pina present because he respected him and had always done him right. Jaramillo mentioned all of the arguing, and fighting that the two of them had done years ago. They talked about Jaramillo's family and what the current situation would do to them. Jaramillo advised Dep. Pina that there was no other way out of his current situation. Jaramillo told him that he was going to end it there, and that he could not go back to prison. Jaramillo told him that he had gone to Riverside and San Diego, trying to find a gun, but couldn't find one. He stated he returned to Fillmore because he loved it so much. Jaramillo also told Dep. Pina that he was not guilty of the crime that he was being accused of in Oxnard. According to Dep. Pina, it was very difficult at times to understand what Jaramillo was saying because Jaramillo was not talking very loudly and vehicles would pass by on Ventura St. interfering with Pina's ability to hear what Jaramillo was saying.

Dep Pina stated that at one point Jaramillo requested a pen and piece of paper so he could write something. After obtaining a pencil and paper, Dep. Pina had Jaramillo turn around. While Jaramillo was turned, Pina walked over and set the pencil and paper on the curb near where Jaramillo had been standing. He then returned to his position behind the utility box. While Pina

was walking toward Jaramillo, Jaramillo told him that he wasn't going to hurt him. Jaramillo took the pencil and paper, wrote a note, and then had Pina retrieve it. When Pina retrieved the note he took it over to a police unit where he observed that the note read, "Max", "Blame Drugs", "Name Negro", "Crack", "Stop him", "Apts. On right". Pina put the note in his pocket.

At another point in the conversation, Jaramillo requested a drink. Pina then walked across the street to the Chevron Station where he got a Pink Lemonade Snapple for Jaramillo. He walked back to where Jaramillo was and gave him the drink in the same manner that he had given him the pencil and paper.

Dep. Pina stated that a short time later Jaramillo's Parole officer arrived and began talking with Jaramillo. A few minutes later the Less than Lethal Team arrived and took over the scene. Parole Officer Romanowski and Pina stepped back and let the Less than Lethal Team use the utility box as a barricade. Pina stated that he heard two members of the Less than Lethal Team talking about when they "take a shot the guys down below are going to have rush him."

Dep. Pina stated that the members of the Less Than Lethal Team shot Jaramillo with a 37 mm less than lethal round. It appeared to Pina that Jaramillo was hit in the area of his abdomen. Jaramillo put both his arms in front of his abdomen and then staggered backwards until he fell. Jaramillo got up almost immediately and started to run in a westerly direction across the grass. Pina stated that he saw an explosion and flash coming from Jaramillo's direction as Jaramillo ran. He then saw Jaramillo start to run in a southerly direction across the parking lot. Dep. Pina stated that he saw Jaramillo get shot with less than lethal rounds several times. Jaramillo refused to give up, and

continued to struggle until members of the Less Then Lethal Team were able able to subdue him.

# Statement of Deputy Wright

Deputy Wright stated that on 9-7-99, at about 3:30 a.m., he received a message on his pager notifying him that the S.W.A.T. team was being activated. The message requested that members of the Less Than Lethal portion of the SWAT Team respond to Carl's Junior in the City of Fillmore. The message further advised that the reason for the call out was a man with a gun was threatening to kill himself.

Dep. Wright arrived at the Carl's Junior in Filmore at about 3:58 a.m.. Present at Carl's Jr. when he arrived were Sgt. DeLosSantos, Sgt. Howe, Sr. Deputy Norris, Sr. Deputy Scheirman, Sr. Deputy Macias, Deputy Nickels, Deputy Volpe, and Deputy Orr (K-9). At approximately 4:30 a.m., a briefing was held in the Carl's Junior parking lot. State Parole Agent Boris Romanowski advised the deputies that Jaramillo was currently on parole for kidnaping and rape and that Jaramillo had been released from prison in May of 1997 or 1998 after serving a 12 year sentence for his crime. He was currently wanted for a recent sexual battery and a parole violation. Romanowski said that a homicide occurred in Oxnard a few days after the sexual battery and that Jaramillo was a possible suspect in the homicide. Romanowski further advised that there was some speculation that Jaramillo had committed a homicide while he was in prison for the Mexican Mafia. Jaramillo wanted to be in good standing with the Mexican Mafia and that is why he supposedly committed the homicide. Romanowski made it clear that Jaramillo felt that he was going back to prison.

Romanowski was unaware, however, of Jaramillo ever being violent towards the police in the past. Deputy Hendren advised the team that Jaramillo was wearing a black jacket over his right shoulder. He stated that Jaramillo was concealing his right hand in the jacket and claimed to have a gun. The

gun, however, had not been seen by anyone up to that point. Deputy Hendren said that the suspect was standing in the middle of the parking lot near Vons. Deputy Hendren drew a sketch of the parking lot and outlined where the patrol deputies were deployed and where Jaramillo was.

Dep. Wright was told to take a position near one of the utility boxes. He deployed with Sr. Deputy Macias and Deputy Nickels who were to take a position in the parking lot south east of his location. When the deputies got to the Vons shopping center, they split up and moved to their assigned positions.

Dep. Wright stated that as he moved to his location, he could see Jaramillo standing in the middle of the parking lot about 30 yards away from him. Jaramillo was dressed as described and still had his right hand concealed in the jacket. Wright arrived at his assigned location and observed three uniformed deputies were already deployed. One of the deputies was Dep. Hendren, but Wright did not know the other two deputies. Wright stated that Deputy Hendren was armed with his duty pistol, one of the unknown deputies was also armed with his duty pistol and the third was armed with a shotgun. Dep. Wright took a position near the north west corner of the utility box where he had a clear and unobstructed view of Jaramillo. After a few minutes in that position, Dep. Wright could hear someone having a conversation with Jaramillo, but he could not hear what was being said.

Dep. Wright stated that he heard a shot from a 37mm less than lethal gun go off in the area north of Jaramillo. It impacted Jaramillo causing him to yell and fall to the ground. Jaramillo started to get back up and was again shot with a 37mm weapon from the same location. Wright said that he could hear people yelling for Jaramillo to stay on the ground and show deputies his hands.

Jaramillo did not comply and began running south through the lot towards Sr. Deputy Macias and

Deputy Nickels. Jaramillo's right hand was still concealed in his jacket. The orders for Jaramillo to stop, get on the ground, and show us his hands continued and he did not comply. Dep. Wright then heard two shots being fired from a gun other than the 37mm. At almost the same time he heard and saw one light sound diversionary device deploy near Jaramillo. Wright saw Jaramillo fall to the ground and he began to advance towards him. He saw that the rest of the team was also moving towards Jaramillo in an attempt to take him into custody. Jaramillo was still moving his arms around while on the ground. His right hand was still concealed in the jacket. Numerous people were telling Jaramillo to show his hands and he still refused to comply. Jaramillo was shot several more times with a 37mm weapon in an attempt to gain his compliance.

Dep. Wright stated that he continued to move towards Jaramillo and was about ten yards away from Jaramillo when he heard Jaramillo say, "I'm going to kill myself." Jaramillo, however, did not remove his right hand from the jacket. Instead, Jaramillo began asking deputies to kill him and finish the job. Several team members grabbed Jaramillo and pulled his right hand out of the jacket. It was then discovered that Jaramillo did not have a gun in his hand. Jaramillo was quickly rolled onto his stomach and his arms were placed behind his back. Dep Wright then moved into position and handcuffed Jaramillo. After handcuffing Jaramillo, Dep. Wright moved the jacket away and began to pat Jaramillo down. He asked Jaramillo where the gun was and Jaramillo told him that he did not have one. Wright's pat down search revealed no weapons.

# Statement of Deputy Norris

Dep. Norris stated that on 9-7-99 at approx. 3:34 a.m., he received a S.W.A.T. page reference a Less than Lethal Team activation. Sgt. Howe told the team that there was a man with a gun in Fillmore threatening to kill himself and the team should meet at the Carl's Jr.. Dep. Norris responded to the

scene and was briefed by Howe at approx. 4:30 a.m..

Dep. Norris was told by Sgt. Howe that there was an adult male Hispanic in his 40's, named Joseph Jaramillo, armed with a handgun in the parking lot of Vons. Jaramillo was wanted for parole violations and charges of sexual battery. Jaramillo had requested that he be able to speak with Dep. Max Pina and his parole officer, Boris Romanowski. Romanowski was present during the briefing while Pina was at the scene with Jaramillo. Dep. Norris stated that he was informed that even though a gun was supposedly in the possession of Jaramillo, the officers at the scene had not seen it. Jaramillo was described as wearing a white or gray T-shirt, shorts, and a black windbreaker, which was draped over his right shoulder, and his right hand was concealed in the pocket. He was smoking a cigarette in his left hand and it was unknown if he was right or left-handed.

Romanowski briefed the team as far as the background and history of Jaramillo. Jaramillo had been in the state prison system for 12 years behind a kidnap and rape case. He was on parole for that case and had been paroled either in May of 97 or 98. Romanowski did not have his parole file and was relying on memory for the release date. Romanowski also said that Jaramillo had violated his parole terms approximately 60 days ago and was considered a parolee at large. Jaramillo was a suspect in a sexual battery case and there was probable cause for his arrest on that case.

Romanowski also told deputies that he heard a rumor that while Jaramillo was in prison he was supposedly told by the EME organization to commit a murder. Jaramillo never fulfilled that obligation and was therefore in bad standing. Jaramillo was rumored to have been involved in a murder after the recent sexual battery. This was supposedly a way of trying to get back into good

terms with EME before returning to prison. Romanowski told the deputies that he did not have any information on Jaramillo that showed he had a violent history while in custody. Dep. Hendren briefed the team as to the location of the incident, the location of officers on the perimeter and the location of Jaramillo.

Dep. Norris stated that Sgt. Howe made assignments as to who would carry the Less Lethal Weapons and the cover weapons. Dep. Norris was assigned to carry his normally assigned SL-6. Sr.Dep.Macias and Dep.Wright loaded Norris' gun with six standard rounds and put a battery in the light system. When the gun was returned to him, he examined the gun to make sure it was properly functioning, with the batons properly seated into their casings and the cylinder wound to its maximum spring tension. Norris stated that Sr. Dep. Schierman and Sgt. Howe were armed with their MP 5's and the three of them made up one of the three teams.

Schierman, Howe, Romanowski, and Norris then deployed to the scene. Approaching the location, they could see Jaramillo standing in the Vons parking lot. Norris stated that they walked to the USA gas station where they contacted and replaced three deputies who were at the rear of the station conversing with Jaramillo. Deps. Pina, Wiggins, and an unknown deputy had been using an electrical box as cover while they spoke to Jaramillo.

Romanowski began speaking with Jaramillo while Dep. Norris took a position to the right of Sgt.

Howe. The replaced deputies took cover behind their patrol car. Dep. Norris stated that he could hear Romanowski telling Jaramillo that the way he was presently handling the situation was not the way to settle the matter. He told Jaramillo repeatedly to show his hands and take the jacket off so

that the issue could be resolved. Jaramillo did not appear to Norris to be listening to what Romanowski was telling him to do. Jaramillo had his jacket draped over his right shoulder and his right arm was concealed. Sgt. Howe used the light on his MP-5 to illuminate Jaramillo, but Norris could not see a weapon at that time. The light had an effect on Jaramillo in that he turned away from the deputies and yelled out for the deputies to turn off the lights. Romanowski continued to talk with Jaramillo, requesting him to give up and end the showdown.

Dep. Norris stated that he saw Dep. Macias move into a position south of Jaramillo behind a patrol car. Dep. Norris knew that Macias was partnered with Dep. Nickels, but Norris did not see where Nickels had taken cover. He could see Deps. Orr and Volpe, who had been deployed to the east end of the shopping center, walking west through the lot. Norris stated that Orr is a K-9 officer and had his dog, BAR, with him. Deputy Wright was deployed on the West side of the lot along with two patrol officers. They were behind a large dumpster corral.

Dep. Norris stated that while Romanowski was talking to Jaramillo, Sgt. Howe asked Norris if he was ready to use his SL-6. Dep. Norris responded that he was ready and told Howe that he had a clear shot. Howe told Norris that when he was ready to deploy the gun that he should take a shot on Jaramillo. Howe and Norris both shined their flashlights into the face of Jaramillo. This caused him to turn away from their location. When the lights were turned off, Jaramillo turned back towards Norris. Jaramillo was facing Norris with his arm and hand still concealed in his jacket when Norris released the trigger safety on the SL-6 and fired a shot. The baton deployed and struck Jaramillo in the abdomen. Jaramillo immediately buckled over, pivoted to the left and collapsed to the ground. Dep. Norris could hear Jaramillo scream out when he was struck by the baton. Jaramillo was lying

in the fetal position for approx. 3 to 5 seconds and Sgt. Howe yelled out for the arrest team to advance on Jaramillo. Jaramillo jumped up from his position and began moving quickly towards the West side of the lot over a grass lawn. Dep. Norris stated that he brought the SL-6 back up to his shoulder and fired another baton, striking Jaramillo in the right side of his body. Jaramillo's arm and hand were still concealed by the jacket. Dep. Schierman deployed a Light Sound Diversionary Device as soon as Jaramillo jumped off the pavement. The device exploded in the grass near Jaramillo at approximately the same time the baton struck him. Jaramillo did not go to the ground when struck by the baton the second time. He turned to his left and began running south. Jaramillo ran back onto the pavement and ran towards Macias and Nickels.

Dep. Norris stated that Jaramillo was running towards Macias and Nickels in an aggressive manner. Norris saw Jaramillo's right arm move up as if he was pointing an unseen object at them. Norris stated that he thought that Jaramillo was attacking Macias and Nickels. Dep. Norris then heard the distinct sound of two pistol rounds. He did not see who had shot the rounds or where the shots had come from. He watched Jaramillo as he slowed down and then collapsed to the ground. Norris then heard Howe yelling out to cease fire. Dep. Norris jumped the chain link fence that separated him from Jaramillo and ran across the lawn following Schierman.

As he approached Jaramillo, Norris could hear Schierman yelling commands. He was telling

Jaramillo to show us his hands. Jaramillo was not complying and was yelling back at the deputies.

Dep. Norris stated that he feared that Jaramillo still had a weapon in his possession. Jaramillo's arm and hand were still concealed in the jacket and he was pointing his hand in the deputies' direction.

Fearing for deputies' safety, Dep. Norris shot another baton at Jaramillo striking him on the right

side of his body. Norris reported that he could see him wince in pain as the baton struck him.

Jaramillo, however, continued to refuse to comply with Schierman's commands to show his hand.

As Schierman and Norris moved to the right, still in the grass, Norris could see Jaramillo looking at them and could hear him yelling, "Finish me, Finish me!" Norris stated that he thought Jaramillo still had a weapon in his hand as he moved on his back to a position to where his legs were facing the deputies, but were spread apart. Dep. Norris saw Jaramillo's right hand move between his legs and point towards the deputies. Norris shot another baton at Jaramillo, striking him in the buttocks. He again saw him wince in pain and yell. Schierman and Norris then moved quickly to the left to take a better tactical position. Jaramillo rolled back towards them and again tried bringing his hand and arm up to a position to face them. Norris stated that he felt that Jaramillo was under the influence of a controlled substance or alcohol because the baton strikes were not having an effect.

Norris stated that he fired two additional batons at Jaramillo's right side, but neither of the baton strikes had an effect on his mental state. Jaramillo never took his hand out of the jacket and continued to appear to be a threat to all the officers in the area.

Deputies advanced on Jaramillo as he lay on the pavement. Norris could hear Jaramillo saying, "Kill me!" deputies were finally able to take Jaramillo into custody after they managed to grab his arms and place them behind his back. No weapon was found in Jaramillo's possession or in the general area.

### Statement of Deputy William Schierman

Dep. Schierman stated that he was at his residence at 3:30 a.m. on 9-7-99 when he received a voice mail page from Sgt. Howe advising him that there was a less than lethal activation for a suicidal subject with a gun in Fillmore. Sgt. Howe advised that the Less Than Lethal Team was to meet at the Carl's Jr. parking lot in Fillmore. Schierman stated that he drove to the Camarillo Police Department, where he obtained a marked unit and then proceeded to Fillmore. Schierman stated that heavy fog on Highway 23 delayed his arrival and that he arrived at Carl's Jr. at approximately 4:10 a.m.. Once at the parking lot, he was met by other members of the Less Than Lethal team.

While the team members got dressed in their tactical gear, state parole agent Boris Romanowski arrived at the location and briefed deputies on Jaramillo's background. Dep. Hendren then briefed deputies about the scene, including Jaramillo's location and the location of the deputies. Hendren told the deputies that Jaramillo claimed to have a gun and was keeping his right hand covered at all times. He mentioned, however, that no one had actually seen a gun up to that point. After the briefing by Dep. Hendren, Dep. Schierman was informed by Sgt. Howe that his assignment was to be part of a three man less than lethal team made up of Howe, Schierman, and Sr. Dep. Norris. Schierman was to be the cover officer for Norris, whose primary weapon was a 37 mm less than lethal gun. Schierman was to be armed with an MP-5.

Schierman stated that Sgt. Howe deployed a second less than lethal team and additional officers around the perimeter and then his team, accompanied by Romanowski, moved to some transformer boxes south of the Unocal station at the northwest corner of the Von's parking lot. Upon reaching that location, Schierman's team relieved patrol officers who had taken positions behind the

transformers. From that location, Schierman was able to see Jaramillo, who was approximately 20 yards southeast of Schierman. Schierman stated that he saw a very dark windbreaker draped over Jaramillo's right shoulder which prevented Schierman from seeing Jaramillo's right arm or hand. Schierman stated that Jaramillo was standing in a darkened area, where there was only ambient light coming from lights in the parking lot. Schierman stated that he asked Dep. Arnold why Jaramillo was not illuminated with lights and Dep. Arnold replied that Jaramillo had threatened to shoot if deputies shined lights on him. Deputy Schierman stated that because of the extreme risk to officer safety because of not being able to immediately recognize a weapon if Jaramillo produced one, Schierman illuminated Jaramillo with the flashlight that was mounted on his MP-5.

At about the same time, Romanowski began talking with Jaramillo. As Romanowski talked to Jaramillo, Jaramillo began pacing back and forth. Schierman radioed Deps. Macias and Nickels, who were acting as the second less than lethal team. The second team was positioned on the south side of the shopping center parking lot. Schierman told the second team that they were to act as the arresting team when it came time to take Jaramillo into custody. Schierman stated that he also made a general radio announcement to deputies at the scene that the Less Than Lethal Team had tactical control of the situation and that the team would take any steps necessary to control Jaramillo. Schierman also informed deputies that the Less Than Lethal Team would be using less than lethal devices which would give off loud reports.

Dep. Schierman stated that after he made his radio announcements, he heard Romanowski tell

Jaramillo to surrender. Jaramillo refused and Sgt. Howe told Schierman to standby for the

deployment of the 37 mm less than lethal device. As Jaramillo stood facing them, Schierman heard

Dep. Norris' 37 mm gun fire a baton. Immediately after hearing the round fired, Schierman saw Jaramillo grab his abdomen and fall to the ground. Almost immediately, Jaramillo stood back up and began yelling. Schierman could not understand what Jaramillo was yelling, but saw him walking quickly toward Macias' and Nickels' position. As Jaramillo walked away from Schierman's position, Schierman threw a light sound diversionary device at him. The device landed about 10 to 20 feet west of Jaramillo. When the device went off, Jaramillo crouched down and then stood back up and rushed straight toward Macias and Nickels. Although Jaramillo's back was towards him, Schierman stated that he could see Jaramillo's right arm raise and point at Macias and Nickels. Schierman stated that he was unable, however, to see what was in Jaramillo's hand. Schierman heard Jaramillo yell something that Schierman could not understand and then heard heard one small caliber report as Jaramillo continued to run toward the second team. Schierman also heard a second light sound diversionary device go off and then saw Jaramillo fall to the ground.

Schierman stated that he and the other deputies rushed to Jaramillo's position. As Schierman did so, he heard Jaramillo yelling "Shoot me! Finish me off!" When Schierman was within 20 feet of Jaramillo, he saw that Jaramillo had a light colored rag over his right hand. The rag was such that it appeared that Jaramillo had something concealed under the rag besides his hand. Schierman ordered Jaramillo to let him see his hands, but all Jaramillo did was continue to yell and did not comply with Schierman's directive. Dep. Schierman then told Norris to strike Jaramillo with another 37 mm round and heard an additional round fired. Jaramillo yelled out in pain, but still did not release the rag and kept waving his hand around. Jaramillo continued to yell "Shoot me!" Schierman again ordered Jaramillo to show his hands, but Jaramillo refused and continued to move

his right hand back and forth pointing it in the general direction of the deputies and kept his eyes on Schierman as he moved towards him. Still believing that Jaramillo might be holding a gun under the rag and fearing that he might be shot, Dep. Schierman told Dep. Norris to fire another 37 mm round at Jaramillo. Another 37 mm round was fired and Jaramillo yelled out in pain, but Jaramillo did not release the rag. Dep. Schierman told Norris to "Hit him again!" and Schierman heard another round fired. Schierman continued to have Norris fire the 37 mm rounds until he was out of rounds. Schierman then ran to Jaramillo and kicked the hand which still grasped the rag into his chest. Jaramillo immediately turned on his back and grabbed Schierman's leg. Schierman put his MP-5 on safe and grabbed one of Jaramillo's arms. Schierman and Norris were able to place Jaramillo's hands behind his back and he was handcuffed.

Dep. Schierman stated that he then called for fire and ambulance over the radio and they arrived within 45 seconds. Jaramillo was treated by rescue personnel and then was transported to the hospital.

# Statement of Sergeant J. Howe

Sgt. Howe stated that on Tuesday morning, 9/7/99, at approximately 3:15 a.m., he received a telephone call from the watch commander, Capt. Keith Parks, requesting a less than lethal team in the city of Fillmore. Capt. Parks told him that there was a man with a gun at 704 Ventura Street. He stated that officers were already on scene and were talking to the man. Sgt. Howe told Capt. Parks that he would contact the team and would be enroute. Immediately upon hanging up the call from the watch commander, Sgt. Howe put out an All Call page for the Less Than Lethal Team to respond to a staging area at Carl's Jr. Restaurant. Sgt. Howe then drove to the location, arriving at

approximately 3:50 a.m..

Sgt. Howe stated that Sr. Deputy Carlos Macias was already on scene and Sgt. Mike De Los Santos, Sr. Deputy Schierman, Sr. Deputy Norris, Deputies Wright, Volpe, Orr, and Nickels arrived shortly thereafter. Sgt. Howe advised them of the circumstances and then the team was briefed by Deputy Hendren. Hendren told the team where the subject was located. He informed the team that Sgt. Larson was the scene commander and he told them that the subject was a wanted parolee and that he said he had a gun, but no one had seen it. Hendren stated that the subject was talking to Deputy Pina and that he had requested to have his parole agent come to the location.

During the briefing by Deputy Hendren, Parole Agent Romanowski arrived at the location. He told Sgt. Howe that the subject in the parking lot was Jose Jaramillo. He said that Jaramillo had been on parole for approximately one year after serving eleven or twelve years of a twenty-three year prison term for kidnapping and rape. He told the deputies that Jaramillo was a parolee at large and that he was wanted for a recent rape and may have been involved in a homicide in the Oxnard Plains area. While the team was talking to Romanowski, Capt. L. Warren, the Commander of the Fillmore Station, arrived on the scene. Sgt. De Los Santos briefed her on the situation. After receiving what Sgt. Howe felt was all the necessary information on the description of the subject and the scene, he briefed the Less than Lethal Team on his plan.

Sgt. Howe stated that the plan was for Deputy Volpe and Deputy Orr to drive to the east end of the parking lot. Their assignment was to insure that the subject could not escape if he ran eastbound. Deputy Nickels with an SL6 and Sr. Deputy Macias with an MP5 as Nickels' cover officer were to

Position themselves south of the subject. Their assignment was to act as the arrest team. Deputy Wright armed with an AR15 was to position himself west of the subject. His assignment was to insure that the subject did not leave the parking lot by going west. Sr. Deputy Norris carrying an SL6 with Sr. Deputy Schierman carrying an MP5 as Norris's cover officer were to accompany Sgt. Howe, also carrying an MP5, to the north west corner of the parking lot. Norris's assignment was to use the SL6 when appropriate. When the team moved into the area all of the Less than Lethal Team members were to relieve patrol deputies who were currently at those locations.

Deputies' Orr and Volpe drove to their location. Deputies' Nickels, Wright and Macias walked to their assigned location. Deputies Norris, Schierman and Sgt. Howe, accompanied by Parole Officer Romanowski, also walked to their location. To avoid detection by Jaramillo, Deputies Norris, Schierman, Parole Officer Romanowski and Sgt. Howe walked north across Hwy 126, through the parking lot of the Supermarket, behind a Texaco Station and then back across Hwy 126.

Sgt. Howe stated that his team arrived at their assigned location at approximately 4:45 a.m.. They immediately relieved the deputies on scene. One of those deputies was Max Pina who was speaking with Jaramillo upon their arrival. As Howe's team took up their positions, Romanowski began conversing with Jaramillo. Jaramillo recognized Romanowski as his parole officer and Romanowski urged him to surrender. While Romanowski was talking to Jaramillo, Sgt. Howe saw Nickels, Macias and Wright come into the parking lot from the south and move to their positions. Nickels and Macias took cover behind a patrol car, which was parked in the south side of the parking lot. Deputy Wright moved to the west and out of Sgt. Howe's view.

Sgt. Howe stated that, as Romanowski continued talking with Jaramillo, he obtained a sight picture

on the subject and asked Norris if he had a good sight picture. Norris told Howe that he did.

Jaramillo was standing facing in a northwesterly direction so that Howe's team could see his face clearly. He had a lightweight windbreaker draped over his right shoulder and arm. Howe could not see Jaramillo's right hand and when Jaramillo lit a cigarette he used his left hand to hold the cigarette and brought it down to his right hand which remained obscured by the windbreaker.

Sgt. Howe told Schierman to advise the team that they were going to be taking action when appropriate. Sr. Deputy Schierman made a radio announcement that the less than lethal team had control and would be using less than lethal devices which may give off a loud noise. After Schierman made this announcement Sgt. Howe heard Sgt. De Los Santos request a patrol roll call to insure that all officers on scene had heard the announcement. Sgt. Howe stated that because he was focused on Jaramillo he did not monitor patrol response to this roll call. While this activity was occurring, Jaramillo was turning from side to side so that Howe did not always have a full frontal view of him.

Sgt. Howe told Norris to take the shot when he felt it was appropriate. Norris was to Howe's immediate left. Howe stated that at approximately 4:55 a.m. Norris pulled the trigger on the SL6 striking Jaramillo with a projectile in the right abdominal area. Jaramillo immediately went to the ground screaming in obvious pain. Sgt. Howe saw Macias and Nickels leave cover and begin to approach Jaramillo. Jaramillo began to get up off the ground and Norris fired another less than lethal baton round at him. It appeared to Sgt. Howe that the baton struck Jaramillo on the right side of his body. Jaramillo went down again and immediately rose to feet and began moving toward Nickels and Macias. Jaramillo's right hand was still concealed by the jacket. As he moved toward

Nickels and Macias he began to raise his right hand in their direction. When Jaramillo did this Sgt. howe heard the distinct sound of two 9mm shots being fired. Shortly thereafter he heard and saw light sound diversionary devices being deployed. Sgt. Howe stated that he also heard a third report, which he initially thought might have been an AR-15 being fired. Dep. Schierman and Sgt. Howe moved to their right and through a break in a chain link fence and began to approach Jaramillo on foot. Norris climbed over the chain-linked fence and also began to approach Jaramillo. Sgt. Howe stated that he shouted for everyone to cease-fire as they approached Jaramillo. As this was occurring Jaramillo was again rising to his feet. Norris continued to fire his SL6, striking Jaramillo several times. At one point Jaramillo was lying on his back with his feet up in a fetal type position. He had his right hand still covered and brought it under his chin as though to shoot himself in the head. At that point Norris fired one round striking him in the buttocks area. Jaramillo took his hand away from his chin and waved it around at the approaching deputies. Sgt. Howe stated that he was convinced at this point that he did not have a gun in his hand and told the deputies to "take him," indicating that he wanted them to go hands on and take Jaramillo into custody. Jaramillo was subdued and handcuffed even as he continued to struggle.

Sgt. Howe stated that he could see a large laceration on Jaramillo's right forearm elbow area and there appeared to be blood in the area of his right hip. Howe requested emergency services and firemen responded to the scene. Sgt. Howe then radioed that there had been an officer involved shooting and requested investigators respond to the scene.

Sgt. Howe stated that he asked who had fired their weapons and Sr. Deputy Macias told him that he

had fired his MP5 twice. He told Sgt. howe that he had been in the semi automatic mode. Sgt. Howe asked if anyone else had fired and was told that Deputy Pettit, a patrol officer, had fired a shotgun. As firemen and ambulance personnel arrived on scene Sgt. Howe told them that they were at a crime scene and to be careful with their movements. He also told Sgt. Larson to get crime scene perimeter tape around the area.

While Jaramillo was being treated at the scene, Sgt. Howe observed two distinct entry wounds to Jaramillo's right lower hip area. He stated that he could not tell the caliber of the weapon that these wounds came from. After the initial treatment Jaramillo was transported by ambulance to Santa Paula Hospital.

Sgt. Howe instructed Deps. Macias and Pettit to go to the Fillmore Station to await debriefing by investigators. As this was occurring, Capt. Warren and Sgt. De Los Santos arrived. Sgt. Howe briefed them on what had occurred and they told him that investigators were enroute. Sgt. Howe told the rest of his team to respond back to Carl's Jr. for debriefing. A short time later Sgt. Howe joined them at Carl's Jr. The team spoke briefly about the incident and then waited for investigators to arrive.

# Statement of Senior Deputy Carlos "Mike" Macias

Sr. Dep. Macias was interviewed by Det. Dan Thompson and Sgt. Tim Lorenzen in the presence of his attorney at approximately 1:00 p.m. on 9-7-99. After his interview, he walked investigators through a re-enactment of the shooting.

Sr. Dep. Macias told investigators that he was at his residence in

page from Sgt. Howe at approximately 3:33 a.m.. The page notified him that a less than lethal team was needed in Fillmore because of a possibly suicidal man with a gun. The page further notified him that the staging area was to be at the Carl's Jr. restaurant. Macias stated that he grabbed his gear and responded to the staging area. Macias believed that he was the first S.W.A.T. team member to arrive on scene. Approximately 15 minutes later the remainder of the Less Than Lethal Team arrived at the staging area. [Sr. Dep. Macias described the briefings by Boris Romanowski, Dep. Hendren, and Sgt. Howe in the same manner that the other witnesses had described them.]

Macias stated that his assignment was to deploy with Deps. Wright and Nickels. Dep. Nickels was to be armed with the non-lethal SL-6 and Macias was to act as his cover officer. The two of them were to take up a position at Sgt. Larsen's car at the south end of the parking lot. They were to act as an arrest/rescue team. If Jaramillo ran south, Dep. Nickels was to take a less than lethal shot. Dep. Wright was armed with an AR-15 and was to cover the entire incident.

Once Macias arrived at Sgt. Larsen's vehicle he could see Jaramillo standing near a curb bordering the grass in the northwest end of the parking lot. Jaramillo had a jacket draped over his right arm and appeared to be talking to S.W.A.T. officers Norris, Schierman, and Howe, who were behind two electrical boxes. At one point Jaramillo had a cigarette in his mouth and his hands were down by his waist trying to light a match. Jaramillo appeared to be having difficulty doing this due to his right hand being covered with the jacket. Macias stated that because of Jaramillo's actions and the fact that Jaramillo did all of the manipulation of the cigarette and match with his left hand, Macias believed that Jaramillo had the gun in his right hand.

Macias told the investigators that something happened or something was said that caused Jaramillo

to throw down his cigarette. Macias then heard Sr. Dep. Schierman broadcast a warning on the radio advising everyone that flash/bangs might be deployed and that a less than lethal gun might be discharged. After the broadcast, Macias told Dep. Nickels that "they were about to shoot" Jaramillo with the SL-6 and asked Nickels if he was ready. Nickels responded that he was at about the same time that Dep. Schierman transmitted: "Mike, You're arrest/rescue." Macias stated that he acknowledged the transmission.

Sr. Dep. Macias stated that he heard the "pop" from a SL-6 being fired and then saw Jaramillo fall straight back. Macias yelled to Nickels "Let's go! Let's go!" and he and Nickels went around the front of Sgt. Larsen's patrol car and began running toward Jaramillo. Macias was yelling to Jaramillo "Let me see your hands! Let me see your hands!" Jaramillo suddenly got up and started running toward the deputies and Dep. Nickels threw a flash/bang device toward him.

Macias stated that Jaramillo continued toward them and then stopped and assumed an isosceles shooting stance, bringing both arms up to about shoulder level, extended toward the deputies, with his left hand cupped under his right hand. Macias told investigators that he had his MP-5 set on semi-automatic and had it shouldered at the "low ready" position. Believing that Jaramillo was about to shoot at the deputies, Macias elevated the muzzle of his MP-5 and fired one round at Jaramillo. After the first shot, Macias observed Jaramillo spin around. Macias told the investigators that because Jaramillo was still pointing "his weapon" at Macias, Macias fired a second shot at Jaramillo within a second or two of the first. With Jaramillo now down on the ground, Macias stopped and assessed the situation, yelling at Jaramillo to show his hands. Macias stated that Jaramillo was spinning on his back, yelling "Just kill me. Just kill me." Jaramillo's hands were still

in a pointing position when Dep. Norris shot him with one or two non-lethal rounds. Jaramillo reacted to the non-lethal rounds in such a way that Macias was able to see that he did not have a gun in his right hand. Macias put his MP-5 on "safe" and slung it on his shoulder so that he could grab Jaramillo.

Dep. Norris grabbed Jaramillo's jacket off his right hand and yelled to the other deputies "He doesn't have a gun! He doesn't have a gun!" Macias and Schierman then grabbed Jaramillo, turned him onto his stomach, and handcuffed him.

Sr. Dep. Macias told investigators that he did not know where Dep. Nickels was when the shooting occurred, but because of their training, he believed Nickels would always have been on his left.

Macias stated that, because Nickels was carrying the less than lethal weapon, it was Macias' responsibility to protect him. Macias emphasized that his sole responsibility was to protect Dep.

Nickels. Macias stated that he never saw any of the patrol deputies engage Jaramillo.

# Statement of Deputy Marty Pettit

Dep. Pettit was interviewed by Det. Dan Thompson and Sgt. Tim Lorenzen in the presence of his attorney at approximately 11:35 a.m. on 9-7-99. As he was being interviewed, Pettit walked investigators through a re-enactment of the shooting.

Dep. Pettit stated that he was working a county patrol car with his partner, Dep. Booker, in the area of 4<sup>th</sup> and Blaine Streets when he heard Dep. Arnold broadcast that he was on his way to Von's on the call of a man with a gun and was requesting backup. At the time of the call, Pettit and Booker

had left their vehicle and were on foot. When the call came through, Dep. Booker joined Dep. Hendren and responded to Dep. Arnold's location in a Fillmore city car, while Pettit retrieved the county car.

Dep. Pettit stated that he heard Dep. Arnold radio that he was at the Von's shopping center and was unable to locate the subject so Pettit drove to the Ultra Mart, thinking that Jaramillo might have gone back there. At the Ultra Mart Pettit talked to the clerk, he had he told Pettit the same information that has been listed previously in this report. (See Statement of the heard Dep. Arnold radio that he was at the Von's shopping center and was unable to locate the subject so Pettit drove to the Ultra Mart, thinking that Jaramillo might have gone back there. At the Ultra Mart Pettit talked to the clerk, he had he was at the Von's shopping center and was unable to locate the subject so Pettit drove to the Ultra Mart, thinking that Jaramillo might have gone back there. At the Ultra Mart Pettit talked to the clerk, he had he was at the Von's shopping center and was unable to locate the subject so Pettit drove to the Ultra Mart, thinking that Jaramillo might have gone had been listed previously in this report. (See Statement of the locate had been listed previously in this report.

Dep. Pettit stated that he heard dispatch advise that Jaramillo was at the Chevron station and he responded to that location. When he arrived at the Chevron station, Pettit saw Sgt. Larsen and one or two other deputies confronting Jaramillo in front of the station. Sgt. Larsen was telling Jaramillo to stop and put his hands up, but Jaramillo was not complying. Jaramillo walked quickly toward "A" Street and Dep. Pettit stopped his patrol unit in the middle of "A" Street near the driveway to the Chevron station. Jaramillo walked in front of Pettit's unit with Sgt. Larsen and Dep. Stephens following him on foot. Jaramillo would wave his right arm, which was completely covered with a jacket, and yell "I don't want to talk to you. I want Pina."

After Jaramillo and the deputies passed him, Pettit drove forward and parked his patrol car just past the southeast corner of the shopping center parking lot. Pettit got out of his patrol car and immediately chambered a round in his duty shotgun. Pettit stated that he seemed to recall this action causing Jaramillo to turn and look in his direction. Pettit positioned himself to the north of a trash enclosure in the southwest corner of the parking lot. After noticing the possibility of being caught in

a crossfire situation, Pettit moved to the southeast corner of the trash enclosure, where dep. Stephens was. Pettit told investigators that he and Stephens stayed near the southeast corner of the trash enclosure for the duration of the incident, which he believed lasted approximately an hour and a half.

During the subsequent standoff, Dep. Pettit could hear Jaramillo yelling that he wanted to talk to Pina and his parole officer. Deputies were yelling at him to show his hands, but Jaramillo responded that he had a gun and that if he took his hands away the deputies would rush him. Pettit stated that Jaramillo's right hand continually remained covered at his right waist area. Pettit said that Jaramillo was either holding a gun or simulating holding a gun the entire time. On a few occasions, Dep. Pina carried something out to Jaramillo. When Pina did so, Dep. Pettit would move to the south and east to keep Pina out of his line of fire. When Pina moved back to a place of safety, Pettit would return to the southeast corner of the trash enclosure.

Pettit told investigators that he saw Jaramillo move onto the grass several times as Dep. Arnold engaged him in conversation. During the conversations Jaramillo would become agitated and, although Pettit could not hear what was being said, Pettit believed that Jaramillo was getting impatient. At one point Jaramillo threw down a match as if he were very angry. At another point, Jaramillo walked a short distance to the east and began pointing with his left index finger as if counting the deputies in the area.

After the deputies were on scene for about fifteen minutes, Sgt. Larsen radioed Stephens and Pettit

"If he goes, you guys have the angle." Believing that Larsen was telling them they had the shot,

Pettit radioed back to Larsen asking him if he meant by "goes" Jaramillo running or pointing. Sgt.

Larsen radioed back "If he points." Pettit told investigators that was the key; if he had to take a shot,
it would be if and when Jaramillo pointed. Pettit added that for an hour and a half he kept close
watch on Jaramillo's right hand. He stated that he was watching Jaramillo's hand as closely as he
possibly could.

When the S.W.A.T. team arrived, two or three team members were deployed behind Sgt. Larsen's unit, which was parked at the south end of the parking lot. Pettit was told that there was a non-lethal weapon at that location. A S.W.A.T. team member with an AR-15 came to Pettit's location and got behind Pettit. Pettit saw a few others behind the utility boxes near the USA gas station.

Dep. Pettit stated that the S.W.A.T. team member who was deployed near him told him that the team was going to "shoot a non-lethal and then turn the dog on him." After being told this, Pettit heard a radio transmission stating "When you hear the round go off from the non-lethal, don't let it startle you and fire. We're deploying a non-lethal." Following this transmission, everyone on scene radioed back to acknowledge that they had heard the transmission. Shortly after this, the first non-lethal round was fired.

Pettit stated that Jaramillo was on the grass when the first non-lethal round was fired. Pettit did not know where the round came from, but believed that it was fired from close proximity to Jaramillo because Jaramillo reacted to the shot by falling to the ground or stumbling. Pettit wasn't sure, but believed that a second non-lethal round was then fired. Jaramillo turned and began quickly moving

Jaramillo did not stop and Pettit heard more non-lethals going off. As Jaramillo continued going south, Pettit and the S.W.A.T. officer with him moved away from the enclosure wall. Pettit stated that he had his shotgun shouldered and was tracking Jaramillo as he continued to move in a southerly direction. Pettit expected Jaramillo to go down, but, instead, he began moving quicker. Jaramillo leaned forward and raised his right arm straight out from his body. Jaramillo's jacket was still covering his right hand and Pettit could not see what was in his hand. However, Jaramillo's hand was extended in front of him to the point that Pettit "could see light under his right arm." Pettit believed that Jaramillo was aiming at the deputies south of him and Pettit fired one round from his shotgun. Pettit told investigators that he saw Jaramillo go down and he knew that he had hit him. Pettit watched as S.W.A.T. officers moved in to subdue Jaramillo. Pettit stated that the S.W.A.T. team had to fire additional non-lethal rounds before they were able to control Jaramillo and get him handcuffed.

Pettit was not sure, but he thought he heard gunfire before and after he fired his shotgun. He thought those reports could, however, have been non-lethal rounds. After he had fired his shotgun, Pettit ejected his empty casing and charged his shotgun in case he had to fire again. Immediately after that, he heard Dep. Stephens yelling "Marty, let them handle it. Let them handle it."

# Physical Evidence

Bureau of Identification personnel photographed and collected six expended SL-6 baton rounds, two "flash/bang" distraction devices, two spent .9 mm casings, and a spent shotgun shell from the scene. Hospital records indicate that Jaramillo had bruising from the rubber batons in his chest area and two .9mm gunshot wounds to his lower abdomen. He also had shotgun pellet wounds on his right leg, back, and both arms.

The spent shells at the scene were compared to Deps. Macias' and Pettit's firearms and were determined to have come from those guns by

### LEGAL PRINCIPLES

The shooting of another person in self-defense or in the defense of others is justifiable and not unlawful.

The law of self-defense and the defense of others was codified in 1872 and has remained substantially unchanged since then. It is found in Penal Code §§ 197 through 199. It requires that the user of deadly force honestly believes that he or someone else is in imminent and deadly peril, and that a reasonable person in the same circumstances would believe the same and would deem it necessary to use deadly force in order to protect against such peril.

In determining whether a person acting in self-defense, or in the defense of others, acted properly upon the appearance of danger, the law recognizes that a person experiencing a stressful event is not able to reflect upon his actions and the perceived threat against him or others, to the same degree as a person who is not being confronted by an emergency situation. When police officers encounter potential threats of deadly attack, the warning is often instantaneous and the danger immediate. The law recognizes this situation: "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. The officer may and must make his often instantaneous decision based upon appearances of danger and not its actual existence. "He may act upon such appearances with safety and if without default or carelessness, he is misled concerning them and defends himself correctly according to what he supposes the fact to be, his act is justifiable..." People v. Collins, supra, at 588. See also CALJIC 5.51.

The law provides that actual danger is not necessary to justify the exercise of self-defense. Thus, the right to self-defense is the same whether the danger is real or merely apparent. People v.

Jackson (1965) 233 Cal. App. 2d 639, 641-42. The honest and reasonable perceptions of the person utilizing the force are unit - not the facts as later determined by others. See People v. Clark (1982) 130 Cal. App. 3d 371, 377.

### Evaluation

Although Jaramillo did not have a gun, as the result of his own statements and actions, everyone who had contact with him on 9-7-99 believed that he did.

Both deputies state that they fired their weapons when they thought that Jaramillo was about to open fire on deputies. Their description of what happened is corroborated by the other deputies, who were at the scene, and by were at the scene, and by who witnessed the shooting.

It appears clear that the two deputies shot Jaramillo under the resonable belief that it was necessary

# SUMMARY OF EVENTS

- 5/9/98, JARAMILLO PAROLED TO PARENT'S RESIDENCE IN OXNARD.
- 7/10/99 JARAMILLO ATTACKS HIS NEXT DOOR NEIGHBOR (OXPD #99-15538).
- 7/12/99, JARAMILLO BECOMES A "P.A.L."
- 7/20/99, WARRANT ISSUED FOR THE OXPD CASE (99-15538) \$100,000.00 BAIL.
- FILLMORE DEPUTIES HAVE FLYER AND WARRANT INFORMATION. THEY ARE AWARE THAT JARAMILLO HAS TIES TO FILLMORE.
- 0300 HRS. JARAMILLO CONTACTS PARAMO TO USE PHONE TO CALL HIS BROTHER

  JARAMILLO CALLS AND TELLS HIM THAT "HE'S TIRED OF RUNNING, HE SAID HE DOESN'T WANT TO HIDE AND STEAL, AND HE'S NOT GUILTY" HE ALSO TOLD

  "IF I HAVE TO SHOOT IT OUT BEFORE I GO BACK TO PRISON".
- 0300 HRS. JARAMILLO WALKS TO THE "ULTRAMAR" GAS STATION AND TELLS THE ATTENDANT TO CONTACT DEP. PINA AND HIS PAROLE OFFICER. JARAMILLO ALSO TELLS THIS PERSON THAT HE HAS A GUN. INFORMATION WRITTEN DOWN BY THE ATTENDANT WHO CALLS THE POLICE, NOTE RECOVERED.
- DEPUTIES BEGIN THEIR SEARCH FOR JARAMILLO IN THE AREA OF THE VONS SHOPPING CENTER.

- 0330 HRS. JARAMILLO CONTACTS THE ATTENDANT AT THE CHEVRON GAS STATION AND TELLS HIM THAT "THE COPS ARE LOOKING FOR ME AND I GOT A GUN". THERE WAS ALSO TALK BY JARAMILLO THAT "HE WAS NOT GOING TO BE TAKEN EVEN IF HE HAD TO SHOOT HIS WAY OUT". JARAMILLO ALSO TALKS TO OUR DISPATCHER FROM THE STATION PHONE.
- DEPUTIES MAKE CONTACT WITH JARAMILLO AS HE EXITS THE CHEVRON STATION WITH HIS HAND CONCEALED WITHIN A JACKET. DEPUTIES DEMAND THAT HE SHOW HIS HANDS. JARAMILLO IGNORES THE DEPUTIES WITH THEIR GUNS DRAWN AND WALKS ACROSS THE STREET TO THE PARKING LOT OF VONS MARKET. HE ALSO TELLS THE DEPUTIES THAT HE HAS A GUN.
- JARAMILLO MAKES DEMANDS THAT HE WANTS TO TALK TO DEPUTY MAX PINA AND HIS PAROLE OFFICER, BORIS ROMANOWSKY.
- 0450 HRS. THE LESS THAN LETHAL TEAM ARRIVES ON SCENE, AND TAKES OVER. ROMANOWSKY TELLS JARAMILLO THAT HE NEEDS TO SURRENDER.
- 0455 HRS. THE LESS THAT LETHAL TEAMS INITIATES CONTACT BY USING A "SL6" BATON ROUND THAT KNOCKS JARAMILLO TO THE GROUND. WHEN OFFICERS APPROACH TO MAKE THE ARREST, JARAMILLO GETS TO HIS FEET AND COMES AT TWO OFFICERS WITH HIS ARMS EXTENDED IN A COMBAT STANCE. ONE OFFICER SHOOTS JARAMILLO WITH A 9 MM, AND ANOTHER SHOOTS HIM WITH A 12 GA. SHOTGUN. WHEN JARAMILLO GOES TO THE GROUND, HE IS STILL FIGHTING WITH THE DEPUTIES AND IS STRUCK WITH FOUR MORE ROUNDS OF THE "SL6". JARAMILLO YELLS AT THE DEPUTIES TO "FINISH HIM". WHEN HE IS FINALLY SUBDUED, IT IS LATER DISCOVERED THAT HE HAD A 10" BUTCHER KNIFE IN THE SLEEVE OF HIS JACKET.

(TIMES ARE APPROXIMATE)

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of \_\_\_\_\_\_\_\_

1 CONNECTING REPORT NUMBERS	Ti de la constantina		2 R.D. 3	BEAT 4 R	BNUMBER	
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### NARRATIVE REPORT

VENTURA COUNTY SHERIFF'S DEPARTMENT

(Continued) AGENCY IDENTIFIER CA0560000 16 RB NUMBER Page 4 of 7 99-67780 JARAMILLO KEPT YELLING HE JUST WINTED TO TALK TO MAX PINA AS HE IGNORED OUR COMMYTUDS. DEPUTY WIGGINS, HENDREN AND I FOLIONED JARRAMILLO AT GUNPOINT TO THE WEST SIDE OF THE VONS PARKING OT. JARAMIUD STOPPED ON THE WEST CURB AND WIGGINS, HENDREN AND I TOOK CONER BEHIND TWO ELECTRICAL UTILITY BOXES AT THE SOUTH SIDE OF THE U.S.A. GAS STATION, ABOUT SO FEET Aung. SET LARGON PATRICED HIS UNIT AT THE SOUTH SIDE OF THE PARKING LOT AND DEPUTY STEPHENS AND DEPUTY PETTIT WERE IT THE WEST SIDE OF THE PARKING LOT. JARMINO KEPT HIS RIGHT HAND COWERED WITH A DARK JACKET AND HE COUTINUED TO ASK FOR MAX PINA AND HIS PAROLE AGENT, ROMANOWSKI. JARAMIUD ALSO SAID WHEN HE FINISHED TAIKING, HE WOULD POINT HIS GUN IR AND WE COULD KILL HIM. HE SAID HE DID NOT WANT TO GO BACK TO ARISON. HOWEVER, HE WANTED TO CLEAR THE AIR" AND TEU HIS SIDE OF THE STORY Reference THE Crime IN OXNARD TO MAX ANA AND KOMMUOWSKI.

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NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 16 RB NUMBER (Continued) AGENCY IDENTIFIER CA0560000 99-67780 Page \_\_\_of \_\_\_ ROMANOWSKI TOLD JAKAMILLO SEVERAL TIMES TO SHOW US HIS HIMMOS AND RITTHE GUN DOWN, JURAMILLO 16NORED ROMANONSKIS AT ONE POINT, JARROMIUS WANTED TO KNOW THE CHARGES AGAINST HIM. ROMANOWSKI SAID THE ONLY CHARGE AGRINST HIM WAS A AN HONDUNCEMENT WAS MADE OVER THE RADIO THAT "LESS THAN LETHAL" THE HATROL UNITS WAS TAKE SURE WE UNDERSTOOD WHAT WAS ABOUT TO HAPPEN. AFTER THE ROLL CALL, JARRAMILLO WAS SHOT AND HE STAGGARED BACKWARDS AND FEW TO THE GROUND. HE GOT UP AND STAGGARED SOUTHBOUND IN THE TRKING LOT, TWO FLASH BANG DEVICES EXPLODED AND JARRAMILLO WAS SHOT AGAIN. HE FELL TO THE GROUND AND YELLED, "Fuck You, Fuck You" HE ROLLD INTO FETAL POSITION AND YELLED, "I'M GOING TO SHOOT MYSELF" AS HE BROUGHT HIS COVERED RIGHT HOND TO HIS FACE. HE WAS THEN SURROUNDED BY SEVERAL S.W. A.T. TERM MEMBERS WHO TOOK HIM INTO CUSTODY.

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# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

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# NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT

Page 3 of 5 & Continuation AGENCY IDENTIFIER CA0560000 680 680 99-67780

4 5 6 7 ITEM OTY NAME 8 BRAND/MAKE 9 MODEL NAME 10 MISC. 11 IDENTIFICATION/ 12 VALUE MANUFACTURER OR NUMBER DESCRIPTION SERIAL NUMBER 12 VALUE

On 9-7-99 at approximately 0304 hours, I responded to the Vons Shopping Center located at 636 Ventura Street reference a man with a gun. Dispatch advised the Fillmore units (6A11,6B11,3B11,3B12 and 3S15) the man with the gun was Jaramillo. Deputy Arnold (3B11) advised Dispatch via the radio, "Jaramillo was wanted and is desperate". Dispatch advised us the call was received from the Ultramar gas station and Jaramillo was on his way to the Vons shopping center. I responded to the rear of the Vons shopping center and began checking the area for Jaramillo. I completed checking the area and did not locate Jaramillo. I parked my patrol car on the South East corner of the Vons shopping center and continued looking for Jaramillo.

Dispatch then advised us via the radio, Jaramillo was at the Chevron gas station with a gun. I responded from my location West on River Street to "A" Street. I drove North on "A" Street and stopped my patrol car on the West side of "A" Street South of the Chevron gas station. I parked my patrol car behind Deputy Stephens' patrol car. Deputies Wiggins, Arnold, Stephens, and Sgt. Larson were already at the Chevron Station with their guns pointed at Jaramillo. I could see Jaramillo was wearing a black jacket. Jaramillo had his right arm through the right sleeve of the jacket and the collar of the jacket was over his right shoulder. Jaramillo's left shoulder and arm was exposed and not covered by the jacket. Jaramillo had his right hand in the right jacket pocket. I pulled my gun from the holster and pointed at Jaramillo and took cover behind a patrol car that was parked on "A" Street. I was yelling along with the other deputies to "get down". I was unable to see Jaramillo's right hand. Jaramillo was yelling, "I have a gun, I have a gun, I just want to talk". Jaramillo walked from the Chevron gas station East across "A" street onto the Vons shopping Center grass area. The entire time I followed along side Jaramillo and yelled at him to "get down and stop walking". Jaramillo then stopped walking when he arrived at the edge of the grass area and the paved parking lot of the Vons shopping center located directly south of the USA gas station. I positioned myself behind a electrical service box behind the USA gas station and kept Jaramillo at gun point.

Jaramillo began demanding to speak to Deputy Pina and later asked for his Parole officer. Deputy Arnold advised Sheriff's dispatch of Jaramillo's requests. Dispatch later advised Deputy Pina was on his way to the scene from his residence. While we were waiting for Deputy Pina to arrive, Jaramillo began to smoke a cigarette. Jaramillo continued to hold his right hand in the jackets right pocket. Jaramillo lit the cigarette with a match using his left hand. Jaramillo did not use his right hand and kept it in his jacket pocket as if he was holding a gun. Deputy Arnold spoke to Jaramillo in an effort to calm him. Deputy Arnold spoke to Jaramillo about the charges against him. When Deputy Pina arrived, he positioned himself next to me behind the electrical service box. I turned my micro cassette tape recorder on and placed it on top of the electrical service box to tape Jaramillo's conversation with Deputy Pina. Deputy Pina began talking to Jaramillo which made Jaramillo seem less hostile. Jaramillo asked for a pen and piece of paper so he could write something down. Deputy Pina walked away from the electrical service box and gave Jaramillo a pencil and piece of paper. Jaramillo wrote something on the paper and Deputy Pina later retrieved it.

13 DATE/TIME OF REPORT 9-7-99 / 0300

T. HENDREN 3074 WCP 6B11

15 APROVED BY / ED MARROCOMP JET

# NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT

Page 4 of 5

**⊘** Continuation

**AGENCY IDENTIFIER CA0560000** 

1 R.D. 2 BEAT

3 RB NUMBER 99-67780

4 5 6

7 ITEM NAME 8 BRAND/MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

There was vehicle traffic entering the Vons shopping center from "A" Street. I left my position behind the USA gas station and moved a patrol car to the entrance of the Shopping center to prevent any other traffic from entering the area to prevent possible injuries to citizens. I then returned to the electrical service box next to Deputy Pina. A short time later, I took Deputy Arnold's micro cassette tape recorder, turned it on, and placed it next to my tape recorder on the electrical service box. The tape recorders were placed on the electrical service box together to record the incident uninterrupted. Later, Deputy Wiggins placed his micro cassette tape recorder on the electrical service box after one of the recorders turned off.

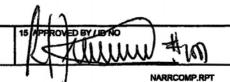
Later Sgt. Larson advised me to meet with Sgt. De Los Santos to brief him of the situation. I left my position, walked South on "A" Street to River Street where Sgt. De Los Santos was waiting. Sgt. De Los Santos drove me to the Carls Jr. where the "Less Than Lethal" team was staging. I drew a rough sketch of the area and showed the positions of the deputies on scene and Jaramillo's location. I advised the Less Than Lethal Team of Jaramillo's clothing, his threats with the gun and the position of his right hand. A short time later, the Less Than Lethal Team was deployed. Sgt. De Los Santos drove me back to River Street and "A" Street.

I walked North on "A" Street to a position behind a electrical service box adjacent to "A" Street South of my original location. I met up with Deputy Stephens and Deputy Pettit. Deputy Pettit had a shotgun and was pointing it at Jaramillo. Deputy Pettit was standing on the South side of the electrical service box. Deputy Stephens was pointing his handgun at Jaramillo. Deputy Stephens was standing next to Deputy Pettit. I pulled my handgun and took up a position behind the electrical service box. A short time later, the Less Than Lethal Team arrived at my location. I gave up my position to a Less Than Lethal Team member. I moved over next to Deputy Pettit. An unknown person announced on the radio, the Less Than Lethal Team will be deploying and will handle lethal and non lethal force. A roll call was completed to confirm the units on the perimeter heard this announcement. I brought my handgun down to the "ready" position.

The Less Than Lethal Team then deployed a 37 MM less than lethal round and hit Jaramillo. Jaramillo fell to the ground. Jaramillo then got up and began running South. Two "Flash/Bang" Light/Sound diversionary devices were deployed. Jaramillo changed his direction while running several times. Jaramillo was then hit several more times with the 37 MM rounds. Jaramillo stumbled and then began running South again. Jaramillo then raised his right arm and extended it towards Sgt. Larson and some Less Than Lethal team members that were approaching Jaramillo. It appeared Jaramillo was going to shoot the Deputies. I raised my handgun and pointed it towards Jaramillo. I then heard a loud "bang" from my left. I saw Jaramillo fall to the ground. The Less Than Lethal team then approached Jaramillo. Jaramillo was yelling, "I'm going to shoot myself' several times. I heard orders from the Less Than Lethal Team for Jaramillo to "show your hands". Jaramillo was on the ground moving around quickly. Jaramillo would not comply with the orders to show his hands. I saw the Less Than Lethal Team arrive at Jaramillo's position. Jaramillo was lying on his back kicking at the Less Than Lethal Team members. Jaramillo was yelling, "fuck you" repeatedly. The members of the team struggled with Jaramillo in an attempt to pull his hands

13 DATE/TIME OF REPORT 9. 7.99/1300 14 REPORTING OFFICER / ID NO / DIV / UNIT

J. HENDREN 3074 WCP 6BII



# NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT

**■** Continuation

AGENCY IDENTIFIER CA0560000

1 R.D. 6030

2 BEAT

3 RB NUMBER 9-67780

NAME

BRAND/MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER

12 VALUE

free. After a brief struggle, the Less Than Lethal Team Members were able to secure Jaramillo's hands behind his back.

Deputy Pettit moved forward ahead of me with the shotgun in hand. Deputy Pettit charged the shotgun and I saw a spent shell fall from the shotgun. I then knew Deputy Pettit fired at Jaramillo. Fillmore Fire Department and American Medical Response arrived on scene to treat Jaramillo for his injuries. The fire department and ambulance were staging at the Carls Jr. Restaurant.

I left Deputy Pettit with Deputy Stephens and went to my patrol car to begin securing the crime scene. Myself along with other unidentified deputies secured the scene with crime scene tape. Jaramillo was later transported to the Santa Paula Hospital Emergency room. Deputies Wiggins and Arnold responded to the hospital with Jaramillo.

I remained at the scene securing the perimeter until Sgt. Lemay relieved me of my duties.

My audio tape was released to S.S.T.

14 REPORTING OFFICER / ID NO / DIV / UNIT

NARROOMP RPT

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of \_2\_

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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 78 RB NUMBER AGENCY IDENTIFIER CA0560000 (CONTINUED) 99-107780 Page 2 of Z ADDITIONAL NAME (Complete Front Page First) DE 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX 84 HT 85 WT 88 HAIR 87 EYES 88 DOB 89 AGE STATE 90 RESIDENCE ADDRESS / ( Same as Box\_\_\_\_ 91 RESIDENCE PHONE ZIP 93 BUSINESS PHONE 92 BUSINESS / SCHOOL NAME ADDRESS / ( 
Same as Box STATE ZIP 94 OCCUPATION ( STUDENT) 95 DAYS OF 96 WORK HRS 97 INTERPRETER 98 OPERATOR'S LIC. NO. / STATE 99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / MAKE / YEAR / MODEL / **BODY STYLE** 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \* COMPLETE #70 & 71 ON FRONT PAGE 103 I RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES Parties involved are described in 13700 (B) PC and ☐ SPOUSES □ FORMER SPOUSES ☐ DATING/ ENGAGED FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed. □ COHABITANTS ☐ FORMER COHABITANT (brief narrative required) or □ PARENTS OF CHILD FROM RELATIONSHIP A misdemeanor ( PC) occurred and no prosecution was desired by any 105 involved party. # OF PRIOR RESPONSES? ☐ A felony ☐ A misdemeanor arrest was made for ( ALCOHOL/DRUG USE BY ABUSER? Yes No □ LOST 108 BICYCLE INFORMATION 107 □ STOLEN (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) GEARS 113 COLOR 110 MAKE / MODEL FRAME SIZE WHEEL SIZE 108 ☐ Boys ☐ ATB ☐ Road ☐ Hybrid 114 SERIAL NUMBER ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser 115 LICENSE NO. / CITY 118 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (establishing elements of crime.) Use Narrative Report for details of crime. List stolen / lost property NARRATIVE (use format below.) Enter total value/dollar loss on #69. All suspect information on Suspect Report. 119 PROPERTY CLASSIFICATION CODES PROPERTY CODES

D - VEHICLE G - FIREARMS A - CURRENCY / NOTES B - JEWELRY / PRECIOUS METALS C - CLOTHING / FURS J - LIVESTOCK K - MISCELLANEOUS SP - STOLEN PROPERTY LP - LOST PROPERTY E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPMENT H - HOUSEHOLD GOODS I - CONSUMABLE GOODS 122 123 ITEM 124 BRAND / MAKE 125 MODEL / NAME 126 MISC. 127 IDENTIFICATION / 128 VALUE 120 121 ITEM QTY. OR NUMBER DESCRIPTION SERIAL NUMBER CODE NAME MANUFACTURER TO NARRATIVE FOR DETAILS

Page / of 2

Continuation

AGENCY IDENTIFIER CA0560000

1 R.D.

2 BEAT 3 RB

99-67780

CODE ITEM OTY

7 ITEM NAME BRAND/MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION

11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

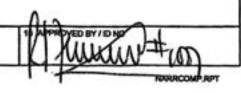
On 9-7-99, at about 0301 hours, Deputy Arnold and I were asked to call dispatch to receive a call for service. When I called, the dispatcher told us (A) Jose Jaramillo was at the Ultramar Gas Station with a gun and wanted to meet at the Vons Shopping Center to talk. Jaramillo was wanted parole violator and is also wanted by the Oxnard Police Department for a battery.

Arnold and I arrived at the shopping center a few minutes later and were not able to locate Jaramillo. While we were searching the area for Jaramillo, dispatch advised us he was at the Chevron Gas Station. We arrived at the Chevron Gas Station and as we pulled into the driveway, saw Jaramillo exiting the door of the mini-mart. I exited our patrol and drew my weapon and ordered Jaramillo several times to show both his hands. Jaramillo's left hand was visible; however, the right side of his body was covered by a windbreaker. Jaramillo ignored my repeated orders and continued walking E/B across "A" Street. Deputies Arnold and Hendren were also yelling at Jaramillo to stop. Jaramillo continued walking towards the Vons parking lot yelling, "I've got a gun", " you guys need to listen to me, just listen to me". Jaramillo's right hand was concealed inside his jacket and it appeared he had a weapon.

Jaramillo walked across the grass area on the Northwest corner of the Vons parking lot and stopped at the curb of the northwestern most row of parking stalls. Deputies Hendren and Arnold took cover behind the electric utility boxes directly behind the U.S.A. gas station and I took cover behind my patrol car's drivers door. Jaramillo's right side of his body was still covered by the windbreaker, which hung down covering his waistband area. Deputy Arnold began talking with Jaramillo in an attempt to get him to surrender. Jaramillo refused to surrender and demanded to speak with Deputy Pina and his Parole officer Agent Romanowski. Arnold notified dispatch of Jaramillo's demands and both Pina and Romanowski were contacted. While we were waiting for Pina to arrive, Jaramillo began smoking a cigarette. Jaramillo advised us of every move he made but refused to uncover the right side of his body where the "gun" was concealed. Jaramillo told us his "plan" was to pull the gun out and "waive" it in our direction and then we would "end it".

When Pina arrived, he began talking with Jaramillo about "old times". Jaramillo told Pina he had requested him because Pina had always done him right. Jaramillo told Pina he was at the end of the road and had no other way to end it. Pina and Arnold told Jaramillo the charges he was facing in Oxnard had been reduced and if he surrendered, he could fight the charges in court. Jaramillo did not believe what Pina and Arnold were saying and started to explain what happened pertaining to the charges. Jaramillo indicated the victim tried to seduce him into having sex with her and he turned her down. Jaramillo said the woman became angry over being turned down and battered him. He defended himself and made his way to the door. Jaramillo said the woman then scratched her own face and smeared the blood on his T-shirt.

13 DATE/TIME OF REPORT 9.7.99 € 6900 WIGHINS #3072 WCP FILLMORE



Page 2 of 2

□ Continuation

**AGENCY IDENTIFIER CA0560000** 

1 R.D. 2 BEAT 3 RB NUMBER (0030 680) 99-67780

CODE ITEM QTY.

7 ITEM NAME 8 BRAND/MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

Jaramillo was becoming agitated over the fact Romanowski had not yet arrived. Jaramillo told Pina he had a hard time finding a gun and had to go as far as Riverside and San Diego to finally find one.

At about 0455 hours, the "Less Than Lethal" Team arrived at our position and took control of the incident. I re-positioned myself behind the trash dumpster next to the utility boxes. An announcement was made that the "L.T.L." team was preparing to deploy the less-than-lethal weapons and I heard someone say, "If you have a shot, take it". Romanowski began to talk with Jaramillo trying to persuade him to surrender. After a few minutes of conversation, Jaramillo was shot in the chest with a 37mm less-than-lethal round. The shot dropped Jaramillo to the ground, however, he regained his feet and began running S/B towards the strip mall. Next, two "Flash-Bang" ordinates were deployed and several shots rang out. Jaramillo again dropped to the ground and began screaming. Jaramillo yelled, "Fuck you, Fuck you." With Jaramillo lying on the ground, the "L.T.L." team moved in and ordered Jaramillo to show his hands. The members of the "L.T.L." team then subdued Jaramillo and handcuffed him.

After Jaramillo was secured, It was determined Jaramillo had sustained gun shot wounds and the fire department and paramedics were called in. I immediately grabbed the roll of crime scene tape from the trunk of my patrol car and established a perimeter line.

At about 0505 hours, I escorted Jaramillo to Santa Paula Memorial Hospital via ambulance. While en-route to the hospital, I assisted paramedics in removing Jaramillo's clothing. At the hospital, I collected Jaramillo's clothing as evidence and took 35mm photographs of Jaramillo's gunshot wounds. Jaramillo was evaluated by doctors and taken to the operating room at about 00655 hours.

At about 0705 hours, S.S.T. arrived at the hospital and I released Jaramillo's clothing and the photographs I took to him to be booked as evidence.

At about 0730 hours I was relived from the hospital and returned to the Fillmore Police Station. My micro cassette tape recording of the incident was given to S.S.T. and booked as evidence.

13 DATE/TIME OF REPORT

9.7.99 € 0900

14 REPORTING OFFICER/ID NO/DIV/UNIT

Frewet

15 APPROVED BY / ID NO
HARCOMP.RPT

**REV 8/97** 

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

CRIN.RPT

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NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT (Continued) AGENCY IDENTIFIER CA0560000 16 RB NUMBER Page 4 9-67780 of Z DEEDING ST. HOWE THE LESS-TUN-LOTTE BOOM FIREYO A RATION ROUND KNOCKUND PIE Suspect TO THE GROWD THEY DEDUCED 4im TO DROP HIS JACKET & WEDGEN, THE SUSPECT ATON STORTED TO GET OFF THE GROWD AND RAISON HIS LLANDS STILL HIDDON IN THE JACKET TOWARDS DO MACIAS & MCHOUS WHO WERE SPREDACHING FROM THE SOUTH S.DE. THAT TIME I HEARD DOD, MACIAG DISCHARGE 2 ROLLIDS FROM HIS WERDIN SUSP FEW BACK TO THE GROWD STILL CONTINUED TO TRY TO GET REFUSED TO all sitt was DATUR TIME FREIT OS INTO THE SURP. TO REFE HIS POINT MANDERS APPROACHES THE XXES REUM His ME GAR IN HOW CALLES FROM THEIR STAGONG THE STROET AND SUSPECTS WYLLS SUSPECT WAS THON TRANSPURDEN DAMES HOSPITA FID TURTHO

**REV 8/97** 

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 2

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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT (CONTINUED) AGENCY IDENTIFIER CA0560000 99-67780 Page 2 of 2 ADDITIONAL NAME (Complete Front Page First) 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX & HT es WT ss HAIR ST EYES se DOB so RESIDENCE ADDRESS / ( Same as Box \_\_\_\_\_) CITY 91 RESIDENCE PHONE STATE ZIP 92 BUSINESS / SCHOOL NAME ADDRESS / ( 
Same as Box CITY STATE ZIP 93 BUSINESS PHONE 94 OCCUPATION ( STUDENT) 96 WORK HRS 95 DAYS OFF 07 INTERPRETER 86 OPERATOR'S LIC. NO. / STATE 99 VEHICLE UC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / BODY STYLE 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \* COMPLETE #70 & 71 ON FRONT PAGE 103 / RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES ☐ FORMER SPOUSES ☐ SPOUSES Parties involved are described in 13700 (B) PC and □ DATING/ENGAGED □ FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed. □ COHABITANTS □ FORMER COHABITANT (brief narrative required) or □ PARENTS OF CHILD FROM RELATIONSHIP ☐ A misdemeanor ( PC Occurred and no prosecution was desired by any 105 involved party. # OF PRIOR RESPONSES? □ A felony □ A misdemention arrest was made for (\_ ALCOHOL/DRUG USE BY ABUSER? Yes No 100 BICYCLE INFORMATION □ STOLEN D LOST (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) 107 COLOR FRAME SIZE WHEEL SIZE GEARS 114 SERIAL NUMBER 108 Boys APS Road Hybrid ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser LIBENSE NO. / CITY 119 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If orime report, include brief description below (establishing elements of crime.) Use Namerove Report for details of crime. List stolan / lost property NARRATIVE (use format below.) Enter total value/dollar loss on #69. All suspect information on Suspect Report. PROPERTY CLASSIFICATION CODES D-VEHICLE PROPERTY GODES A - CURRENCY / NOTES B - JEWELRY / PRECIOUS METALS C - CLOTIENS / FURS E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPMENT H - HOUSEHOLD GOODS I - CONSUMABLE GOODS BP - STOLEN PROPERTY LP - LOST PROPERTY 128 MISC 123 ITEM 127 IDENTIFICATION / 128 VALUE 121 122 124 BRAND / MAKE 125 MODEL / NAME DESCRIPTION SERIAL NUMBER ITEM QTY MANUFACTURER OR NUMBER CODE TO NARRATIVE REPORT

Page 1 of 3

□ Continuation

**AGENCY IDENTIFIER CA0560000** 

1 R.D. 2 BEAT 3 RB NUMBER

19-67780

5 8 7 ITEM QTY. N

8 BRAND/MAKE ME MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

DEPUTY PETTIT AND I WERE WORKING TOGETHER AS 3B12. I HEARD DISPATCH BROADCAST THAT JOSE JARAMILLO WAS AT THE ULTRA MAR STORE IN FILLMORE.

I KNEW JARAMILLO WAS WANTED FOR A FELONY WARRANT AND PAROLE VIOLATION.

WHEN DISPATCH MADE THE BROADCAST ABOUT JOSE JARAMILLO, PETTIT AND I WERE

WITH DEPUTY HENDREN ON A POSSIBLE BURGLARY IN PROGRESS AT

E STREET.

PETTIT, HENDREN, AND I WERE CHECKING THE AREA AND WERE ON THIRD STREET NEAR

SARATOGA STREET WHEN THE BROADCAST CAME OUT.

ONCE WE HEARD THE BROADCAST, I RESPONDED TO THE VON'S SHOPPING CENTER WITH DEPUTY HENDREN. DEPUTY PETTIT RESPONDED TO THE AREA IN A SEPARATE PATROL CAR.

DEPUTY HENDREN AND I RESPONDED TO THE REAR OF THE VON'S SHOPPING AREA FROM RIVER STREET. DEPUTY HENDREN WENT WEST ON FOOT AS I WENT EAST ON FOOT.

AS WE CHECKED THE AREA, THE RADIO TRAFFIC BETWEEN US (THE DEPUTIES ON SCENE) AND DISPATCH WAS THAT JARAMILLO WAS LAST SEEN AT THE ULTRA MAR STORE (117 VENTURA STREET) IN FILLMORE.

I THEN STARTED WALKING TOWARDS THE ULTRA MAR STORE FROM THE VON'S SHOPPING CENTER. WHEN I WAS AT SANTA CLARA AVE WEST OF MOUNTAIN VIEW, I HEARD DISPATCH BROADCAST JARAMILLO WAS AT 704 VENTURA STREET (CHEVRON GAS STATION).

I THEN RAN BACK TO THE VON'S SHOPPING CENTER (APPROXIMATELY 1/2 MILE). I ARRIVED FROM THE EASTSIDE OF THE VON'S SHOPPING CENTER.

UPON ARRIVAL, I SAW DEPUTIES ARNOLD, WIGGINS, HENDREN, PETTIT, AND STEPHENS HAD JARAMILLO STOPPED IN THE WESTSIDE OF THE VON'S PARKING LOT. PER THE RADIO TRAFFIC, I COULD HEAR THE DEPUTIES HAD JARAMILLO AT GUNPOINT.

I TOOK UP A PERIMETER IN THE VON'S PARKING LOT EAST OF JARAMILLO BEHIND A LIGHT STANDARD. I WAS WEST OF THE MOONLIGHT DONUT STORE AND EAST OF THE NORTH ENTRANCE TO THE VON'S SHOPPING CENTER FROM VENTURA STREET. I WAS APPROXIMATELY 50 YARDS EAST OF JARAMILLO.

13 DATE / TIME OF REPORT

14 REPORTING OFFICER / ID NO / DIV / UNI

K.BROOKER#1986 W.C.P. &

VED BY / ID NO

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**REV 8/97** 

Page 2 of 3

□ Continuation

AGENCY IDENTIFIER CA0560000

1 R.D. 2 BEAT 3 RB NUMBER 6030 6801 99-67780

4 5 0 7 ITEM

M 8 BRAND/MAKE ME MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER VALUE

I MAINTAINED MY POSITION UNTIL DEPUTY BENAVIDES ARRIVED AT THE NORTH ENTRANCE TO THE VON'S SHOPPING CENTER. I TEAMED UP WITH BENAVIDES AND WE STAYED AT OUR LOCATION MAINTAINING THE PERIMETER.

FROM THE NORTH ENTRANCE, I WAS WATCHING USING A PAIR OF BINOCULARS THAT BENAVIDES HAD IN HIS PATROL CAR. I COULD SEE JARAMILLO KEPT HIS RIGHT ARM AND HAND UNDERNEATH A JACKET (DARK COLOR WITH A WHITE STRIP) THAT WAS HANGING FROM HIS RIGHT SHOULDER. DURING THE TIME I WAS WATCHING JARAMILLO WITH THE BINOCULARS, HE HAD MOVED AROUND AND TURNED, AND I WAS ONLY ABLE TO SEE HIS LEFT HAND, NEVER HIS RIGHT HAND.

THE LESS THAN LETHAL TEAM HAD ARRIVED AND BEGAN TO MOVE IN ON JARAMILLO. WHILE THE LESS THAN LETHAL TEAM WAS MOVING IN ON JARAMILLO, I WAS WATCHING JARAMILLO USING THE BINOCULARS. I SAW THE FIRST SHOT THAT KNOCKED JARAMILLO DOWN. AS THE LESS THAN LETHAL TEAM MOVED IN, JARAMILLO GOT UP AND STARTED RUNNING SOUTHEAST IN THE PARKING LOT. ANOTHER SHOT WAS FIRED UNKNOWN BY WHO, AND THEN SEVERAL FLASH BANG DEVICES WENT OFF ALL AT ABOUT THE SAME TIME. I SAW JARAMILLO FALL TO THE GROUND. THE LESS THAN LETHAL TEAM MOVE IN. I COULD HEAR THE TEAM MEMBERS YELL AT JARAMILLO TO "SHOW HIS HANDS" SEVERAL TIMES. I COULD HEAR JARAMILLO YELL BACK, "FUCK YOU" SEVERAL TIMES. I COULD HEAR SEVERAL MORE SHOTS BEING FIRED FROM THE LESS THAN LETHAL TEAM THAT HAD SURROUNDED JARAMILLO. I SAW JARAMILLO KICK AT THE LESS THAN LETHAL TEAM MEMBERS AT THEY TRIED TO CONTROL HIM.

ONCE THE LESS THAN LETHAL TEAM HAD JARAMILLO UNDER CONTROL, I HEARD DEPUTY PETTIT VIA THE RADIO ADVISE DISPATCH HE HAD SHOT A ROUND.

I WENT OVER TO SGT. LARSON AND TOLD HIM I WOULD STAY WITH PETTIT UNTIL THE SHOOTING TEAM INVESTIGATORS ARRIVED. I WENT OVER TO PETTIT'S POSITION (WEST END OF THE VON'S CENTER PARKING LOT NEAR "A" STREET). PETTIT TURNED OVER THE SHOTGUN HE HAD USED TO ME. THE SHOTGUN ACTION WAS OPEN. PETTIT HANDED ME ONE SHOTGUN ROUND HE HAD IN HIS POCKET.

13 DATE/TIME OF REPORT

14 REPORTING OFFICER / ID NO / DIV / UNIT

K, BRONKER#1986 111.C.R. "R"

HATTER BY I DING # (00)

DEV 887

NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT

Page 3 of 3 © Continuation AGENCY IDENTIFIER CA0560000

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ONCE A CRIME SCENE WAS SET UP, SGT. LARSON HAD PETTIT AND I GO TO THE FILLMORE POLICE DEPARTMENT. ONCE WE ARRIVED AT THE FILLMORE STATION, WE STAYED MAINLY IN THE DETECTIVE'S OFFICE. THE SHOTGUN WAS KEPT IN THE DETECTIVE'S OFFICE WITH EITHER SGT. BULLINGTON OR ME KEEPING TRACK OF IT. I TURNED CUSTODY OF THE SHOTGUN AND SHOTGUN ROUND OVER TO SGT. ERICKSON.

13 DATE / TIME OF REPORT

9-7-09 1116

14 REPORTING OFFICER / ID NO / DIV / UNIT

KIBROOKER#1986 W.C.R"B"

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**REV 8/97** 

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of <u>2</u>

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On 9-7-99, at approx. 0300 hrs. I was working in the city of Fillmore. My call sign was 6A11. Over my radio I received information that a subject that was wanted for 261 PC (rape) had a gun and was at "Vons" the subject, who's name I did not hear had a \$100,000 Warrant.

I arrived on River Street on the south side of Vons with-in a minute or two. There I met with Deputy Hendren. We searched the area on the south side of Vons for about 5-10 minutes for the subject, but could not locate him. Hendren went to the East End of the shopping center to watch for the subject. I parked on River Street about 20' west of Hwy.23. Also to watch for the subject. A few minutes later dispatch advised that the subject was at the "Chevron" station. (About 100 yds. North of my location)

I drove to the area and parked on the West Side of Hwy. 23. And parked about 100' south of the service station. I approached the station along a block wall and stopped near two phone booths. At that time I saw a black and white unit (unknown who) pull into the station parking lot. And the wanted subject walking in the parking lot eastbound towards Hwy. 23.

The subject was dressed in a gray top with a jacket or sweater covering his right arm and hand. I heard whom I believed to be Deputy Arnold yelling at the subject to drop the gun or let me see your hands. These commands continued without the subject's compliance as he continued east across hwy 23. During this time I also heard other Deputies yelling these commands. I also think I was yelling as well.

The subject stopped near the edge of the grass and the parking lot of the Vons shopping center. I located myself on the south side of a large cement trash bin with my duty side arm pointed in the direction of the subject. Deputy Pettit located himself about 15' in front of me in a squatting position holding a shotgun.

A conversation was occurring between the subject and Deputy Arnold for several minutes. Because of my distance from the subject I could not hear a lot of the conversation, but some of the conversation was relayed over the radio. i.e. subject request to speak with Deputy Pina, his parole officer and the subject will start shooting if they don't come.

This conversation went on for about 30 minutes or so. During that time the subject never showed his right arm or hand. He kept it covered with his jacket or sweater. When Pina arrived he began to speak with the subject. On one of the occasions Pina approached the grass area to lay some paper on the grass for the subject to write something on. After the subject wrote on the paper, Pina approached the grass to retrieve the paper. Pina continued his conversation with the subject for an hour or so.

9-7-99/1030

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Page 2 of Continuation AGENCY IDENTIFIER CA0560000 11 IDENTIFICATION 12 VALUE MANUFACTURER 10 NUMBER 10 MISC. 11 IDENTIFICATION 12 VALUE 11 IDENTIFICATION 12 VALUE 12 VALUE 12 VALUE 13 RB NUMBER 12 VALUE 14 DESCRIPTION 14 DESCRIPTION 15 SERIAL NUMBER 15 RB NUMBER 16 MISC. 15 IDENTIFICATION 16 VALUE 17 VALUE 18 MANUFACTURER 19 MODEL NAME 10 MISC. 17 IDENTIFICATION 17 VALUE 18 MANUFACTURER 19 MODEL NAME 19 MODEL NAME 10 MISC. 18 IDENTIFICATION 18 VALUE 19 VALU

As other officers arrived from SWAT, Parole, Captain Warren etc. they "staged" at Carl's Jr. and were briefed by Deputy Hendren. Several minutes later Hendren returned to my location and told me that SWAT'S plan was to shoot the subject with "non-lethal" force then send the dog in on him.

While the Parole agent, Deputy Pina and others talked with the subject for several minutes' SWAT members got into position. We were notified at that time by radio to let SWAT handle it from here. A moment later I heard two loud bangs then a very loud bang. I was standing behind the trash bin and could not see the subject at that time. A moment later I looked towards the subject. The subject still had his right hand covered and was walking south towards Sgt. Larson and several other officers. Several times the subject started to lift his right hand in the direction of Larsen and the others, while continuing towards them. I heard several more bangs, but he continued towards them. I then heard a loud bang coming from my immediate right and the subject fell.

Deputy Pettit moved about 15' or so in front of me and crouched facing the subject. About four or more SWAT members approached the subject yelling commands for the subject to show his hand, but he would not comply. As they neared him I think more non-lethal rounds were fired, but the subject still would not comply with their demands.

I called to Pettit to back up towards me and let SWAT handle it because they were now in his line of fire. Pettit came back to my location while SWAT members swarmed the subject and placed him in cuffs.

While the subject was being place into the ambulance a medic asked if I could take the handcuffs off the subject so they could work on him. I complied, he was placed into the ambulance and Deputy Wiggins escorted him to the hospital.

13 DATE / TIME OF REPORT

14 REPORTING OFFICER / ID NO / DIV / UNIT

15 APPROVED BY JID NO

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 4

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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 78 RB NUMBER (CONTINUED) AGENCY IDENTIFIER CA0560000 99-67780 Page 2 of 4 ADDITIONAL NAME (Complete Front Page First) DE 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX 84 HT as WT SO HAIR STEYES SO DOB to AGE so RESIDENCE ADDRESS. / ( C) Same as Box \_\_\_\_ 91 RESIDENCE PHONE \_) CITY STATE ZIP 92 BUSINESS / SCHOOL NAME ADBRESS / ( | Same as Box | 83 BUSINESS PHONE CITY STATE ZIP M OCCUPATION ( STUDENT) 95 DAYS OFF 96 WORK HRS 97 INTERPRETER 98 OPERATOR'S LIC. NO. / STATE 99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / BODY STYLE 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \* COMPLETE #70 & 71 ON FRONT PAGE 103 I RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES Parties involved are described in 13700 (B) PC and □ SPOUSES ☐ FORMER SPOUSES □ DATING/ ENGAGED ☐ FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed. ☐ FORMER COHABITANT □ COHABITANTS (brief narrative required) or □ PARENTS OF CHILD FROM RELATIONSHIP ☐ A misdemeanor ( PC) occurred and no prosecution was desired by any involved party. # OF PRIOR RESPONSES? ☐ A felony ☐ A misdemeanor arrest was made for ( PC) ALCOHOL/DRUG USE BY ABUSER? ☐ Yes ☐ No (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) 100 BICYCLE INFORMATION 107 ☐ STOLEN D LOST COLOR 108 D Boys DATB DROAD Thybrid-FRAME SIZE WHEEL SIZE 110 MAKE / MODEL GEARS 114 SERIAL NUMBER ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser HS LICENSE NO. / CITY 118 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (establishing elements of crime.) Use Nevrative Report for details of crime. List stolen / lost property NARRATIVE (use format below.) Enter total value/dollar loss on #69. All suspect Information on Suspect Report. PROPERTY CODES
G - FIREARMS
EQUIPMENT H - HOUSEHOLD GOODS
1 - CONSUMABLE GOODS 119 PROPERTY CLASSIFICATION CODES D - VEHICLE
E - OFFICE EQUIPMENT
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AGENCY IDENTIFIER CA0560000

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7 ITEM NAME BRAND/MAKE MANUFACTURER MODEL NAME
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10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

On 9-7-99, at approx. 0310 hours, I received a telephone call at my residence from the Sgt. at the Sheriff's Communication Center.

The Sgt. advised me that Jose Jaramillo was being held at gun point by some deputies at the Chevron Station. He also advised me that Jaramillo had requested my presence at the scene. I came to know Jaramillo after I came to work for the Fillmore Police Department 28 years ago. I got to know Jaramillo from numerous contacts I had made with him.

I responded to the scene and arrived there at approx. 0330 hours. When I arrived on the scene, I saw Deputy Jason Hendren using an electrical utility box behind the USA gas Station as a barricade. Deputy Bob Arnold was also using another utility box as a barricade. Deputy Jeff Wiggins was behind a police unit using it as a barricade. I made my way to Deputy Hendren's position where he advised me that he had a tape recorder on. I also heard Deputy Arnold advise me that Jaramillo said he had a gun. During my entire contact with Jaramillo I never saw his right hand. I also noticed what appeared to be a white piece of material hanging down his right front side. At first I thought that Jaramillo had on a sling for an injured right arm. I also noticed that Jaramillo tried to light a cigerette, he held the book of matches with his right hand, and struck the match with his left hand.

My conversation with Jaramillo lasted approx. one hour until the "Less than Lethal Team" arrived. It was very difficult to understand what Jaramillo was saying to me because I couldn't hear him that well. The reason I couldn't hear Jaramillo was the distance between us and at times vehicles would pass by on Ventura St., Jaramillo was also not talking loud enough for me to hear him that well. Jaramillo told me that he wanted me present because he respected me and I had always done him right. He mentioned all of the arguing, and fighting that we had done years ago. We talked some about his family and what it would do to them. Jaramillo advised me that

3 DATE / TIME OF REPORT

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there was no other way out. Jaramillo told me that he was going to end it there, and that he could not go back to prison. Jaramillo told me that he had gone to Riverside, and San Diego, in an effort to find a gun, but couldn't find one. But returned to Fillmore because he loved it so much.

Jaramillo also told me that he was not guilty of the crime that he was being accused of in Oxnard. At that point, Deputy Arnold told Jaramillo that the charges were reduced.

At one point Jaramillo requested a pen and piece of paper so he could write on. After obtaining a pencil and paper, we had Jaramillo turn around. As Jaramillo was turned, I walked over and set the pencil and paper on the curb near where Jaramillo had been standing. While I was walking up to Jaramillo I heard him tell me that he wasn't going to hurt me. After Jaramillo wrote a note he was again ordered to turn around. I retreived the note then took it over to a police unit where I read it. The note read, "Max", "Blaine Drugs", "Name Negro", "Crack", "Stop him", "Apts. On right". I folded the note in my left pants pocket. The note and pencil were ultimately placed into evidence. Later while we were still talking Jaramillo requested a Snapple drink. If they didn't have a Snapple, Jaramillo wanted a Coke. I walked across the street to the Chevron Station where I got a Pink Lemonade Snapple for Jaramillo. When I walked back across the street Jaramillo was again ordered to turn away from me as I placed the drink on the curb.

A short time later Jaramillo's Parole officer arrived, and talked with Jaramillo. A few minutes later the "Less Than Lethal Team" arrived and took over the incident. State Parole Officer Romanowski and I stepped back and let the "Less than Lethal Team" use the utility box as a barricade. I could hear the two members of the "Less than Lethal Team" talking. They talked about when they took the shot the guys down below are going to have rush him. The members of the "Less Than Lethal Team" shot Jaramillo with a 37 mm Less Than Lethal round. It appeared that Jaramillo was hit in the area of his abdomen. Jaramillo put both his arms in front

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**AGENCY IDENTIFIER CA0560000** 

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of his abdomen then went backwards until he fell. Jaramillo got up, and started to run in a westerly direction across a lawn. As Jaramillo ran I saw an explosion and flash coming from Jaramillo's direction. I can recall thinking that Jaramillo had just shot at us with a shotgun, I later found out that the flash was a Flash Bang. I also saw Jaramillo start to run in a southerly direction across the parking lot. I saw Jaramillo get shot with "Less Than Lethal Rounds" several times. Jaramillo refused to give up, and continued to struggle until members of the "Less Then Lethal Team" were able able to subdue him.

13 DATE / TIME OF REPORT

9.7.99

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Code: S	Name: J	aramillo, Joseph				

Lethal Team(LLT), to respond to the Carl's Jr. restaurant in the city of Fillmore. I arrived at the staging area at approximately 0410 hrs.. I contacted Sergeant Will Howe who briefed me on the information he had obtained from the watch commander. I advised him that I would make contact with the on-scene supervisor. The on-scene patrol supervisor Sergeant Robert Larsen could not meet with the Less Lethal Team since he was an integral part of the perimeter. I told him that I would meet with him at his location. I attempted to meet with him but was unable to since I could not tactically get to his position. I asked for him to send a patrol deputy to me so that I could be personally briefed on the situation.

Patrol Deputy Hendren contacted me and we returned to the staging area. When we arrived back at the staging area Deputy John Wright(LLT) was briefing the Less Lethal Team on the suspect's background which he had obtained from Parole Agent Romanowsky who had also arrived at the staging area. Deputy Hendren diagramed the scene, the patrol officers positions and a gave us a synopsis of the situation. During this time Captain Leslie Warren, Fillmore Chief of Police, arrived and was briefed regarding our deployment. Prior to our deployment I asked her if she wanted to authorize the deployment of the Less Lethal baton immediately prior to its use or did she want that decision to be made by the LLT supervisor. She said the decision should be made by the LLT supervisor Sergeant Howe.

The team was deployed and Captain Warren and I moved to "A" Street just north of River Street. I could partially see the scene and the suspect but could not see the officers. After some time went by, Senior Deputy

13 DATE/TIME OF REPORT September 9, 1999 1630

14 REPORTING OFFICER/ID NO/DIV/UNIT
M. De Los Santos, Sgt.

15 APPROVED BY / ID NO

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Schierman (LLT) gave an announcement to the deputies on scene that the team had command and control of the scene and that less lethal munitions and "flashbang" munitions would be deployed. The announcement was acknowledged by all patrol deputies on scene and confirmed.

Shortly after the announcement at approximately 0455 hrs. I heard a less lethal weapon fired and observed the suspect immediately fall to the ground, apparently from being struck by the "extended range impact baton" (less lethal baton). Within seconds I heard the sound of a light sound diversionary device ("flashbang"), what sounded like the report of a small caliber weapon, a shotgun blast and several more reports from the less lethal weapon and a second light sound diversionary device. From my position which was approximately 100 yards away I could see the suspect intermittently and could not see the location of the Less Lethal Team members.

Once the suspect was in custody, Captain Warren and I moved closer to the scene. I was told by Sergeant Howe that there had been a shooting and to make notifications to our supervisor Captain Steve Giles. At approximately 0515 hrs. I had been advised that Senior Deputy Mike Macias (LLT) had been one of the officers who fired at the suspect. I made arrangements for him to be transported to the Fillmore station by Deputy Kevin Clancey. Shortly after that I left the scene and returned to the staging area to await Captain Giles so he could be briefed.

Attached is a photocopy of the drawing of the scene completed by Deputy Hendren. The original drawing was given to Detective Sergeant Tim Lorenzen.

13 DATE / TIME OF REPORT

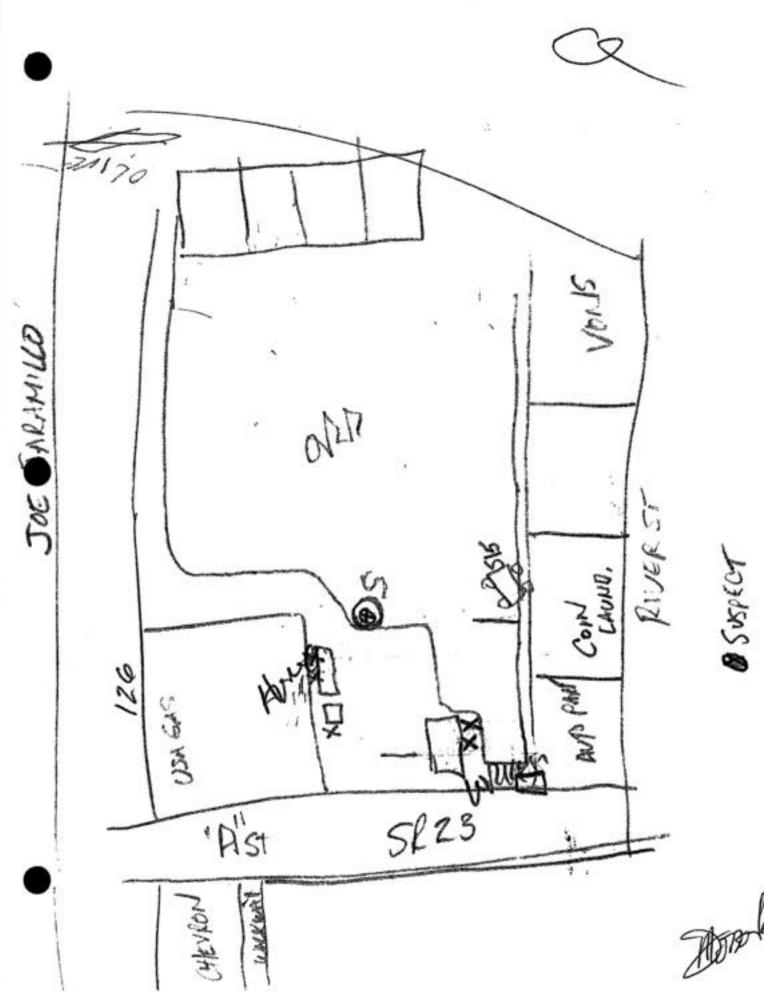
September 9, 1999 1630

14 REPORTING OFFICER / ID NO / DIV / UNIT

M. De Los Santos, Sgt #0730

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# CRIME / INCIDENT REPORT

## VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of Z

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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 76 RB NUMBER (CONTINUED) AGENCY IDENTIFIER CA0560000 99-67780 Page 2 of Z ADDITIONAL NAME (Complete Front Page First) 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX es HT as WT m HAIR IN EYES IN DOB mAGE. 90 RESIDENCE ADDRESS / ( | Same as Box CITY STATE 01 RESIDENCE PHONE 719 ADDRESS / ( D Same as Box. 92 BUSINESS / SCHOOL NAME 83 BUSINESS PHONE CITY STATE ZIP 94 OCCUPATION ([] STUDENT) 95 DAYS OFF 98 WORK HRS 97 INTERPRETER 88 OPERATOR'S LIC. NO. / STATE 99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / BODY STYLE 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) COMPLETE #70 & 71 ON FRONT PAGE 100 | RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES Parties involved are described in 13700 (B) PC and □ SPOUSES ☐ FORMER SPOUSES ☐ DATING/ ENGAGED ☐ FORMER DATING Incident was verbal only, no evidence of crime, physical violence or thumatic condition existed. □ COHABITANTS ☐ FORMER COHABITANT (brief narrative required) or □ PARENTS OF CHILD FROM RELATIONSHIP ☐ A misdemeanor ( PC) occurred and no prosecution was desired by any involved party. # OF PRIOR RESPONSES? □ A felony □ A misdemeanor arrest was made for ( ALCOHOL/DRUG USE BY ABUSER? Yes No **BICYCLE INFORMATION** (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) STOLEN LOST SIZE WHEEL SIZE GEARS 113 COLOR 110 MAKE / MODEL FRAM 114 SERIAL NUMBER 100 D Boys DATB D Road D Hybrid ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser LICENSE NO. / CITY 110 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (establishing elements of crime.) Use Navvative Report for details of crime. List stolen / lost property (use format below.) Enter total value/dollar loss on #69. All suspect information on Suspect Report. NARRATIVE PROPERTY CODES PROPERTY CLASSIFICATION CODES A - CURRENCY / NOTES 8 - JEWILLRY / PRECIOUS METALS C - CLOTHING / PURS D-VEHICLE J-LIVESTOCK K-MISCELLANEOUS SP - STOLEN PROPERTY LP - LOST PROPERTY E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPMENT H - HOUSEHOLD GOODS I - CONSUMABLE GOODS 121 122 ITEM QTY. 123 ITEM 124 BRAND / MAKE 125 MODEL / NAME 126 MISC. 127 IDENTIFICATION / 128 VALUE MANUFACTURER CODE NAME OR NUMBER DESCRIPTION SERIAL NUMBER SEE TYPED NARRATIVE

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Code: A	Name: Jara	millo, Joseph				
On 9-7-99, I recei	ved a Less Lethal T	eam Activation	ı via my pag	er. The a	ctivation	was by S
Howe. The advis	ement by Sgt. How	e was that there	e was "man	with a gr	ın, threate	ening to
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himself in Fillmo	ore and that the team	was to stage at	the Carl's J			
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I drove to the Ca	rls Jr. in Fillmore.	Dep. Wright	and Sr. Dep	. Macias	were alr	eady in
restaurant's parkir	ng lot. The other t	team members	arrived, as	did Jaran	nillo's par	role offic
Romanowsky. De	ep. Wright obtained	information fro	om Romanov	vsky abo	ıt Jaramil	lo, and th
						,
Dep. Wright briefe	ed the rest of the tea	m as to what K	omanowsky	nad told i	ıım.	
Dep. Wright advis	ed us the following	: Jaramillo was	currently wa	anted for	3056 P.C	. Jaram
	r a rape/kidnap an					
Jaramillo was parc	oled in either May o	f 1997 or 1998,	and was no	w a suspe	ect in a se	xual batt

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case. Jaramillo was also a possible suspect in a murder case in which Jaramillo was trying to gain the favor of the Mexican Mafia. Jaramillo thought that he was a third strike candidate and would be going back to prison for a long time if he was caught.

Dep. Hendron arrived and told us the layout of the parking lot. He also told us the location of the deputies on scene, as well as that of Jaramillo. He told us that Jaramillo was wearing a blue windbreaker thrown over his shoulder, a gray shirt, and dark blue pants, and had dark hair.

Sgt. Howe advised Sr. Dep. Macias and I to take up a position on the south side of the parking lot and prevent Jaramillo from going to the businesses of the shopping center. Dep. Wright was assigned to take a position on the west end of the lot, but in order to access that area safely, Dep. Wright joined Sr. Dep. Macias and me as we walked south through the IHOP parking lot. We jumped a six foot high fence into a backyard of a residence on Surrey Way. We ran east on Surrey Way and followed the street's curve to the south. We cut through the yard of another residence and hopped a block wall onto S.R. 23, near the area of the south end of the shopping center.

13 DATE / TIME OF REPORT 09/07/1999 14:29 Nickels 2658 ECPS/SED

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I was wearing my Department-issued S.W.A.T. green shirt and trousers. Over this, I wore my green S.W.A.T. ballistic vest. The vest contains two patches with large black letters saying "SHERIFF." The first patch was over my right pectoral and the second was over my right bicep. I was also wearing a black patch with the insignia of the Sheriff's Star covering my left pectoral. My primary weapon (by assignment) was the SL-6. It had six standard rounds in the cylinder and was completely wound. My secondary weapon was an issued Sig/Sauer P226 (9mm) pistol. On my web belt, I was carrying a folding knife, O.C. spray, flex cuffs, metal handcuffs, and a SureFire flashlight. I was carrying a light-sound diversionary device by placing the pull ring over the pinky finger on my left hand. I had my issued handheld radio on the back of my vest, but it was inoperative.

Dep. Wright went to the west side of the lot by where two patrol deputies were standing. Sr. Dep. Macias and I went to the south side of the lot where Sgt. Larsen was standing next to a marked patrol car. This patrol car was facing west. I knelt near the driver's side front tire and Sr. Dep. Macias was next to me on my right. Sgt. Larsen remained by the driver's door of the car.

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Due to my not having radio contact with the rest of the team, I relied upon Sr. Dep. Macias for information regarding team movement. I could hear from my position that Parole Officer Romanowsky was talking with Jaramillo. It appeared to me that Romanowsky was with the team at the north end of the lot, but I could not be sure as it was dark. I saw that Jaramillo had his back turned to me most of the time during his conversation. As we knelt there, Sr. Dep. Macias told me that we had been designated as the arrest team and if we had to move toward Jaramillo, we would do so by moving left as well as forward. This, I understood, was to avoid any crossfire issues with the team at the north end of the lot.

I heard the SL-6 being deployed from the north end of the lot. I saw Jaramillo fall to the ground. Sr. Dep. Macias said to me, "Go." I stood up and walked in front of the patrol car that I had been using for cover. I saw Jaramillo stand up and walk at a fast pace toward me. I walked slowly forward and to the left, thinking that Sr. Dep. Macias was behind me. I heard a second round being deployed from the SL-6. I heard and saw the deployment of a light-sound diversionary device just west of where Jaramillo had been standing.

I saw that as Jaramillo walked quickly toward me, he had his hands wrapped in the windbreaker that he had previously kept over his right shoulder to hide his right hand. I interpreted this as an

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Page 5 of 6 D Continuation AGENCY IDENTIFIER CA0560000 6030 6B 99-67780

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aggressive move toward Sr. Dep. Macias and me. I could not see what was in Jaramillo's hands because he still had the windbreaker wrapped around them. Based on the distance between Jaramillo and myself, I felt that a round deployed from the SL-6 that I was carrying would not be effective and that the light-sound diversionary device would be a more appropriate force option at this time. Jaramillo continued running and I deployed the light-sound diversionary device that I was carrying. I tossed the device underhanded with my right hand and tried to place the device in front of where Jaramillo was walking in order to keep him from continuing to advance toward me in an aggressive manner.

I watched as the device landed on the small grass strip in front of me. I looked at Jaramillo again and saw that he was still coming toward me and his hands were out in front of him. I saw that he brought both hands up from his waist to chest level. I visually acquired the front sight of my SL-6 again. As I did, I saw that Jaramillo was falling to the pavement. I did not know why Jaramillo fell to the ground. Then, the diversionary device that I had tossed deployed.

I saw that Jaramillo was lying on his back with his legs pointing west. I saw that his hands were still in front of his waistband. He was still moving his hands underneath the windbreaker.

As I continued moving left, I saw that Jaramillo was turning on his left side and his hands came

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7 ITEM NAME 8 BRAND / MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

out away from his body toward me. He then brought his hands back to his waist area. Jaramillo rotated on the ground by moving his legs to the south and I saw his hands pointing toward me through his legs. I stopped moving left for fear of my own safety and started moving right. I saw that Sr. Dep. Macias was standing about ten feet to my right and I moved toward him. I heard the team from the north side of the lot yelling at Jaramillo to show his hands. I heard Jaramillo yell, "No!" and "Fuck you guys!" I heard the SL-6 being deployed again from the team on the north side of the lot. As the team from the north got closer to where Jaramillo was lying down, Sr. Dep. Macias and I also approached Jaramillo. Despite all the repeated commands to show his hands, Jaramillo continued to move his hands under the cover of his windbreaker. Both teams finally got within arms reach of Jaramillo. I held Dep. Wright's AR-15 so that he could place handcuffs on Jaramillo.

The ambulance responded and transported Jaramillo.

13 DATE / TIME OF REPORT 09/07/1999 14:29 14 REPORTING OFFICER / ID NO / DIV / UNIT
NICKELS 2658 ECPS/SED

15 APPROVED BY / ID NO

NARRCOMP.RP

REV 8/97

# **CRIME / INCIDENT REPORT**

### VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of Z

1 CONNECTING REPORT	NUMBERS			2 R		_		
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	RATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT  1 of 2 Continuation AGENCY IDENTIFIER CA0560000 1 R.D. 2 BEAT 3 RB NUMBER 99-67780	0
4 CODE	5 6 7 ITEM 8 BRAND / MAKE 9 MODEL NAME 10 MISC. 11 IDENTIFICATION / 12 VAL ITEM QTY. NAME MANUFACTURER OR NUMBER DESCRIPTION SERIAL NUMBER	.UE
	Supplemental Case Cleared	
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	Names Jaramilla Jaca	
	Code: A Name: Jaramillo, Jose	
	On 09-07-99 at approximately 0330 hours, I was paged by Sergeant Howe. The particle that the Sheriff's Department's less-than-lethal team was being activated. Deage stated for the team to respond to the City of Fillmore in reference to an "are suspect " call. When I arrived, I met with Sergeant Howe, who was briefing respondences on the common of the	The med
	In the briefing, we were told that the suspect's name was (A) Jose Jaramillo. Jaramillo stated that he had a gun and he would "fight his way out." Jaramillo was described wearing a gray shirt, dark pants, and he had a blue jacket draped over his is shoulder. The jacket over his right shoulder was concealing the right part of his boulding his right hand. Jaramillo told Deputies that he did have a gun and that was concealing it under the jacket draped over his shoulder. Jaramillo is on parole he was wanted for a parole violation. We were also told that there was probable can be arrest Jaramillo for a "sexual battery."	d as right ody, t he and
	After we were given the circumstances, Deputy Orr, his K-9 partner "Bar", and I wassigned to take up a position in the parking lot east of the suspect's location. We not necessary equipment. I was wearing my tactical vest, nylon gun belt, nelmet. The primary weapon that I was carrying was an AR-15. We took Deputy Coatrol vehicle and drove to our position. We got out on foot and saw where Jarar was. He was approximately one hundred fifty yards from us. Because we were init too far away, we decided to move closer. We closed the distance to approximately-five yards. We took cover behind a gold-colored vehicle that was parket	e put and Orr's millo tially

13 DATE / TIME OF REPORT 09/07/99 / 14:39

the parking lot.

14 REPORTING OFFICER / ID NO / DIV / UNIT

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NARRCOMP.RPT

RB NUMBER 7780 6030 Page 2 of 7 □ Continuation AGENCY IDENTIFIER CA0560000 4 5 6 CODE ITEM QTY BRAND / MAKE 9 MODEL NAME to MISC. 11 IDENTIFICATION 12 VALUE MANUFACTURER DESCRIPTION OR NUMBER SERIAL NUMBER

I saw Jaramillo standing with his back towards Deputy Orr and I. He was wearing the clothing that was described in our earlier briefing, including the jacket draped over his right shoulder. Deputy Orr and I watched and listened. I heard three, clear commands directed at Jaramillo for him to give up and show his hands. I do not know who was giving the commands.

I then heard the thirty-seven millimeter less-than-lethal weapon being fired. The round from the less-than-lethal weapon hit Jaramillo and caused him to bend at the waist. Jaramillo fell to the ground. After a few seconds, Jaramillo got up. I watched as Jaramillo kept his right hand concealed under the jacket. He was then ordered to give up. Jaramillo ignored the orders and was hit again with the thirty-seven millimeter lessthan-lethal weapon. I did not see where the round impacted on Jaramillo's body. Again, the round caused Jaramillo's body to bend. At the same time, a light/sound diversionary device was then deployed. Jaramillo fell to the ground, I continuously heard commands being yelled at Jaramillo for him to give up. Jaramillo refused.

Jaramillo again got up on his feet. Jaramillo continued to keep his right hand concealed under the jacket. Jaramillo was again shot with the thirty-seven millimeter less-than-lethal weapon. Jaramillo continued to keep his right hand concealed under the jacket even after he had been hit again with the less-than-lethal weapon. turned and started running southbound through the parking lot. I heard another light/sound diversionary device go off. Jaramillo bent over again and fell to the ground.

While Jaramillo was still on the ground, Deputies moved closer to him. Jaramillo was still concealing his right hand. Jaramillo continued to ignore commands to give up and show his hands. I then saw another less-than-lethal round hit Jaramillo, Jaramillo still did not give up. He kept his right hand concealed under his jacket. Jaramillo was again hit with the less-than-lethal weapon. After that round was fired, Deputies moved in even closer. Jaramillo continued to keep his right hand concealed. Deputies were able to move in close enough to gain "hands on" control of Jaramillo. Jaramillo was handcuffed and searched for weapons. When it was safe, Fire Department and Ambulance personnel responded to treat Jaramillo. Jaramillo was then transported for medical treatment.

NARRCOMP.RPT

# **CRIME / INCIDENT REPORT**

# VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 2

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AGENCY IDENTIFIER CA0560000

1 R.D. 2 BEAT 3 RB NUMBER 6030 68 99-67780

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7 ITEM NAME 8 BRAND/MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

## SOURCE OF ACTIVITY:

On 8-7-99, at about 0330 hours, I received a message on my pager activating me as a member of the Ventura County Sheriff's Department SWAT Team. The message requested that members of the Less Than Lethal portion of the SWAT Team respond to Carls Junior in the City of Fillmore, Ventura County. The message advised that the reason for the call out was a man with a gun was threatening to kill himself.

## OBSERVATIONS / ACTIONS:

I arrived at the Carls Junior in Filmore at about 0358 hours. I was wearing my green tactical ballistic vest which has the words Sheriff written in gold letters on the front and back of the vest. I was also wearing my green ballistic helmet which had Sheriff written in gold letters on the front and back of it. I was armed with O.C. Spray, a folding blade knife, my department issued Sig Sauer 9mm pistol and my department issued Colt AR-15, .223 caliber rifle.

Also present as part of our team were; Sgt. DeLosSantos, Sgt. Howe, Sr. Deputy Norris, Sr. Deputy Scheirman, Sr. Deputy Macias, Deputy Nickels, Deputy Volpe, Deputy Orr (K-9) and myself.

At about 0430 hours, a briefing was held in the Carls Junior parking lot. State Parole Agent Romanowski, the suspect's parole agent, arrived and gave us the following information.

Romanowski told us the suspect's name was Joseph Jaramillo, he was about 40 years old and English speaking. Jaramillo was currently on parole for kidnaping and rape. He got out

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Page 2 of 4 □ Continuation AGENCY IDENTIFIER CA0560000 6030 99-67780 S 8 8 BRAND/MAKE 9 MODEL NAME 10 MISC. 11 IDENTIFICATION / 12 VALUE NAME DESCRIPTION MANUFACTURER OR NUMBER SERIAL NUMBER

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of prison in May of 1997 or 1998 after serving a 12 year sentence for his crime. He was currently wanted for a recent sexual battery and a parole violation. Romanowski said that a homicide occurred in Oxnard a few days after the sexual battery. Jaramillo is a possible suspect in the homicide. There is speculation that Jaramillo was supposed to commit a homicide while he was in prison for the Mexican Mafia. He felt that he was going back to prison. He wanted to be in good standing with the Mexican Mafia and that is why he committed this homicide. Romanowski told us that Jaramillo had been living with his parents in Oxnard up until about 60 days ago and they had been unable to locate him since then. Jaramillo has relatives in Fillmore that he was probably staying with in an attempt to

avoid arrest. Romanowski was unaware of Jaramillo being violent towards the police in the

Deputy Hendren was one of the first patrol deputies to arrive on scene at the original call.

Deputy Hendren described the suspect as a male with dark hair, wearing a black jacket over his right shoulder, a gray shirt and dark blue pants. The suspect was concealing his right hand in the jacket and claimed to have a gun that had not been seen up to that point.

Deputy Hendren said that the suspect was standing in the middle of the parking lot near Vons. Deputy Hendren drew a sketch of the parking lot and outlined where the patrol deputies were deployed and where Jaramillo was.

I was told to take a position near the utility box shown in my sketch which is attached to this report. The utility box was a square shaped, stucco enclosure that was about six feet tall with four walls each being about 15 feet long.

9-7-99 1400 HRS.

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I deployed with Sr. Deputy Macias and Deputy Nickels who were to take a position in the parking lot south east of my location. We originally attempted to go through the Chevron Gas Station located on the south west corner of Ventura Street and S.R. 23. When we entered Chevron's lot, which was open for business, we saw the suspect standing in the parking lot south of the USA Gas Station. The suspect also saw us, so we turned around and went back. The three of us went behind IHOP Restaurant which is located next to (east of) Chevron. We jumped the fence in to a residential back yard that led us to Surrey Street. We ran east on Surrey Street to another house and went through the back yard of this house. We jumped the back wall of this house which led us to S.R. 23 south of the Vons shopping center. We split up there and moved to our assigned locations.

As I moved to my location, I could see the suspect standing in the middle of the parking lot about 30 yards away from me. He was dressed as described and still had his right hand concealed in the jacket. I arrived at my assigned location where three uniformed deputies were already deployed, Deputy Hendren and two deputies unknown to me. Deputy Hendren was armed with his duty pistol, one of the unknown deputies was also armed with his duty pistol and the third was armed with a shotgun. I took a position near the north west corner of the utility box where I had a clear and unobstructed view of the suspect. A few minutes went by and I could hear someone having a conversation with Jaramillo, but I could not hear what was being said.

I then heard a shot from the 37mm Less Than Lethal Gun go off in the area north of Jaramillo. It impacted Jaramillo causing him to yell and fall to the ground. Jaramillo started to get back up and was again shot with the 37mm weapon from the same location. I could hear people yelling for Jaramillo to stay on the ground and show us his hands. Jaramillo did

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not comply and began running south through the lot towards Sr. Deputy Macias and Deputy Nickels. Jaramillo's right hand was still concealed in his jacket. The orders for Jaramillo to stop, get on the ground, and show us his hands continued and he did not comply. I heard two shots being fired from a gun other than the 37mm. At almost the same time I heard and saw one light sound diversionary device deploy near Jaramillo. I saw Jaramillo fall to the ground and I began to advance towards him. I saw that the rest of the team was also moving towards Jaramillo in an attempt to take him into custody. Jaramillo was still moving his arms around while on the ground. His right hand was still concealed in the jacket. Numerous people were telling Jaramillo to show us his hands and he failed to comply. Jaramillo was shot several more times with the 37mm weapon in an attempt to gain his compliance. We continued to move towards Jaramillo and were now only about ten yards away. Jaramillo's right hand was still concealed in his jacket. I heard Jaramillo say, "I'm going to kill myself." But he did not remove his right hand from the jacket. Jaramillo then began asking us to kill him and finish the job. We now had moved within about 5 to 10 feet away from Jaramillo. He was still refusing to comply with the commands to show us his hands. Several team members grabbed Jaramillo and pulled his right hand out of the jacket. Jaramillo did not have a gun in his right hand once it was revealed. Jaramillo was quickly rolled onto his stomach and his arms were placed behind his back. I moved into position and handcuffed Jaramillo. The jacket Jaramillo had his hand concealed in was laying on the ground next to and partially under Jaramillo. I moved the jacket away and began to pat Jaramillo down. I asked where the gun was and he told me that he did not have one. I heard another team member calling for fire and ambulance personnel to respond to our location. My pat down search revealed no weapons.

9-7-99 /1400 HRS.

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NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 1 R.D. 2 BEAT 3 RB NUMBER □ Continuation AGENCY IDENTIFIER CA0560000 6030 6B 99-67780 CODE ITEM QTY 7 ITEM BRAND / MAKE 10 MISC. 9 MODEL NAME 11 IDENTIFICATION / 12 VALUE NAME OR NUMBER DESCRIPTION MANUFACTURER SERIAL NUMBER

# EVIDENCE:

During the arrest of Jaramillo, my pants got blood stains on them, primarily on the right knee. I booked the pants into the East County Property Room as evidence.

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1400 HRS

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Jaramillo, Jose Luis

Charges: Felony Warrant/Officer Involved Shooting

Narrative:

On 9-7-99 at approx. 0334 hrs, I received a SWAT page reference a Less than Lethal Team activation. Sgt. Howe told the team that there was a man with a gun in Fillmore threatening to kill himself and the team should meet at the Carl's Jr. I responded to the scene and was briefed by Howe at approx. 0430 hrs.

I was told by Howe that there was an adult male Hispanic in his 40's, named Joseph Jaramillo, armed with a handgun in the parking lot of Vons located at 636 Ventura St. The subject was wanted for parole violations and charges of sexual battery. Jaramillo had requested that he be able to speak with Dep. Max Pena and his parole officer, Boris Romanowsky. Romanowsky was present during the briefing while Pena was at the scene with Jaramillo. I was briefed that even though a gun was supposedly in the possession of Jaramillo, the officers at the scene had not seen it. Jaramillo was described as wearing a white or gray T-shirt, shorts, and a black windbreaker, which was draped over his right shoulder, and his right hand was concealed in the pocket. He was smoking a cigarette in his left hand and it was unknown if he was right or left-handed.

Romanowsky briefed the team as far as the background and history of Jaramillo. Jaramillo had been in the state prison system for 12 years behind a kidnap and rape case. He was on parole for that case and had been paroled either in May of 97 or 98. Romanowsky did not have his parole file and was relying on memory for the release date. Romanowsky also said that Jaramillo had violated his parole term's approx. 60 days ago and was considered a parolee at large. Jaramillo was a suspect in a sexual battery case and there was probable cause for his arrest on that case. Romanowsky said he heard a rumor that while Jaramillo was in prison he (Jaramillo) was supposedly told by the EME organization to commit a murder. Jaramillo never fulfilled that obligation and was therefore in bad standing. Jaramillo was rumored to have been involved in a murder after the recent sexual battery. This was a way in trying to get back into good terms before returning to prison. Romanowski said that he did not have information on Jaramillo that showed he had a violent history while in custody. Dep. Hendren briefed the team as to the location of the incident, the location of officers on the perimeter and the location of Jaramillo.

Howe made assignments as to who would carry the Less Lethal Weapons and the cover weapons. I was assigned to carry my assigned SL-6. Sr.Dep.Macias and Dep.Wright loaded my gun with six standard rounds and put a battery in the light system. When the gun was returned to me, I examined the gun to make sure it was properly functioning and loaded with the proper ammunition. The light was working properly, the safeties were in

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the proper position, the sighting system was not damaged, the baton's were properly seated into their casings, the rounds were all "standard," and the cylinder was wound to its maximum spring tension. Sr. Dep. Schierman and Howe were armed with their MP-5's, together we made up one of the three teams.

Schierman, Howe, Romanowski, and I then deployed to the scene. We walked eastbound on Ventura St. towards the scene. Approaching the location, we could see a subject standing in the parking lot of the Vons. Jaramillo would have been able to see our approach if we had continued walking in the same direction. We decided to cross Ventura St. in the shadows of the super market on the north side. We then walked towards "A" St. where there was a Texaco station. Using the station as cover, we were able to cross Ventura without Jaramillo seeing us.

We walked to the southeast corner of Ventura and SR23. There is a USA gas station located there. We contacted the three Deputies that were at the rear of the station conversing with Jaramillo. Pena, Dep. Wiggins, and an unknown Deputy were using an electrical box as cover while they spoke to Jaramillo.

Romanowski began speaking with Jaramillo while I took a position to the right of Howe. We replaced the patrol officers and they took cover behind their patrol car. I could hear Romanowski telling Jaramillo that the way he was presently handling the situation was not the way to settle the matter. He told Jaramillo repeatedly to show his hands and take the jacket off so that the issue could be resolved. Jaramillo did not appear to me to be listening to what Romanowski was telling him to do. Jaramillo had the jacket draped over his right shoulder and his right arm was concealed. I could not see a weapon at that time. Howe used the light on his MP-5 to illuminate Jaramillo. This had an effect on Jaramillo in that he turned away from us, but stayed in the same general location. Jaramillo would yell out and tell us to turn off the lights. Jaramillo was smoking a cigarette and pacing around. Romanowski continued to talk with Jaramillo requesting him to give up and end the showdown. I was not in a good position at the time and changed to the left side of Howe. This move allowed me to have a clear view of Jaramillo and his location.

I saw Macias move into a position south of Jaramillo behind a patrol car. Macias was partnered with Nickels, but I did not see where Nickels had taken cover. Deputy Orr and Deputy Volpe deployed to the East end of the shopping center and were walking west through the lot. Orr is a K-9 officer and did have his dog, BAR, with him. Deputy Wright was deployed on the West side of the lot along with two patrol officers. They were behind a large dumpster corral.

Howe asked me, while Romanowski was talking to Jaramillo, if I was ready to use my SL-6. I told him that I was ready and that I had a clear shot. Jaramillo lit up another cigarette and began pacing again. Howe told me that when I was ready to deploy the gun that I should take the shot on Jaramillo.

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Howe and I both shined our flashlights into the face of Jaramillo. This caused him to turn away from our location. When the lights were turned off, he turned back towards me. Jaramillo was facing me with his arm and hand still concealed in his jacket. I released the trigger safety on the SL-6, I pressed the trigger half way and felt the cylinder rotate into alignment and then depressed the trigger fully. The baton deployed and struck Jaramillo in the abdomen. Jaramillo immediately buckled over, pivoted to the left and collapsed to the ground. I could hear Jaramillo scream out when he was struck by the baton. Jaramillo was lying in the fetal position for approx. 3 to 5 seconds. Howe yelled out for the arrest team to advance on Jaramillo. Jaramillo jumped up from his position and began moving quickly towards the West side of the lot over a grass lawn. I brought the SL-6 back up to my shoulder and fired another baton, striking Jaramillo in the right side of his body. Jaramillo's arm and hand were still concealed by the jacket. Schierman deployed a Light Sound Diversionary Device as soon as Jaramillo jumped off the pavement. The device exploded in the grass at approximately the same time the baton struck him.

Jaramillo did not go to the ground when struck by the baton the second time. He turned to his left and began running south. Jaramillo ran back onto the pavement and ran towards Macias and Nickels.

Jaramillo was running towards Macias and Nickels in an aggressive manner. I saw his right arm move up as if he was pointing an unseen object at them. I thought that Jaramillo was attacking Macias and Nickels.

I heard the distinct sound of two pistol rounds. I did not see who had shot the rounds or where the shots had come from. I also saw a puff of asphalt behind Jaramillo as he slowed down and then collapsed to the ground. I heard Howe yelling out to cease fire. I jumped the chain link fence that separated me from Jaramillo and ran across the lawn following Schierman.

Approaching Jaramillo, I could hear Schierman yelling commands. He was telling Jaramillo to show us his hands. Jaramillo was not complying and was yelling back at us. I feared that Jaramillo still had a weapon in his possession. His arm and hand were still concealed in the jacket and he was pointing his hand in our direction. Fearing for our safety, I shot another baton at Jaramillo striking him in the right side of his body. I could see him wince in pain as the baton struck him. He refused to comply with Schierman's commands to show his hand.

Schierman and I moved to the right, still in the grass. I could see Jaramillo looking at us, as we were moving. I could hear him yelling, "Finish me, Finish me!" I thought Jaramillo still had a weapon in his hand as he moved on his back to a position to where his legs were facing us, but spread apart. I saw his right hand move between his legs and

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point towards us. I shot another baton at Jaramillo, striking him in the buttocks. I again saw him wince in pain and yell.

Schierman and I began moving quickly to the left to take a better tactical position. Jaramillo rolled back towards us and again tried bringing his hand and arm up to a position to face us. I felt that Jaramillo was obviously under the influence of a controlled substance or alcohol because the gun shots and baton strikes were not having an effect.

I fired two additional batons at Jaramillo's right side. None of the baton strikes had an effect on his mental state. Jaramillo never took his hand or arm out of the jacket and was a threat to all the officers in the area.

We advanced on Jaramillo as he lay on the pavement. I could hear him say, "Kill me!" We were able to take Jaramillo into custody after we were able to grab his arms and place them behind his back. No weapon was found in Jaramillo's possession or in the general area.

The patrol officers established a crime scene. Crime lab personnel secured the SL-6 that I used.

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ON 9-7-99, AT APPROXIMATELY 0330 HRS, I WAS AT MY RESIDENCE WHEN I RECEIVED A VOICE MAIL PAGE FROM SGT. HOWE. SGT. HOWE ADVISED ME THERE WAS A LESS LETHAL ACTIVATION FOR A SUICIDAL SUBJECT WITH A GUN IN FILLMORE. SGT. HOWE ADVISED FOR THE LESS LETHAL TEAM TO MEET AT THE CARL'S JR. RESTAURANT PARKING LOT IN FILLMORE. I DROVE TO THE CAMARILLO POLICE DEPARTMENT WHERE I OBTAINED A MARKED UNIT AND THEN RESPONDED TO FILLMORE VIA HWY 23. THERE WAS HEAVY FOG ON HWY 23 WHICH DELAYED MY ARRIVAL. I ARRIVED AT THE CARL'S JR PARKING LOT AT APPROX. 0410 HRS.

ONCE AT THE PARKING LOT OF CARL'S JR, I WAS MET BY OTHER MEMBERS OF THE LESS LETHAL TEAM. THESE INCLUDED DEPUTY NICKELS, DEPUTY VOLPE, DEPUTY WRIGHT, SR DEPUTY MACIAS, SR DEPUTY NORRIS, SGT. HOWE AND SGT. DE LOS SANTOS. WHILE THE TEAM MEMBERS GOT DRESSED IN THEIR TACTICAL GEAR, CALIFORNIA STATE PAROLE OFFICER BORIS ROMANOWSKY ARRIVED AT OUT LOCATION. DEPUTY WRIGHT INTERVIEWED ROMANOWSKY THEN BRIEFED THE ENTIRE TEAM ON HIS CONVERSATION. DEPUTY WRIGHT TOLD US THAT FROM TALKING TO ROMANOWSKY, HE LEARNED THE FOLLOWING.

THE SUICIDAL SUBJECTS NAME WAS JOSEPH JARAMILLO AND WAS CURRENTLY ON PAROLE FOR RAPE AND KIDNAPPING CHARGES. JARAMILLO SERVED APPROX. 12 OF HIS 22 YEAR SENTENCE AND HAD BEEN OUT ON PAROLE FOR THE LAST ONE OR TWO YEARS. JOSEPH JARAMILLO WAS CURRENTLY WANTED FOR A PAROLE VIOLATION. WRIGHT TOLD US THE PAROLE VIOLATION HAD SOMETHING TO DO WITH A CASE INVOLVING A SEXUAL BATTERY. WRIGHT FURTHER TOLD US THAT JOSEPH JARAMILLO MAY HAVE BEEN

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INVOLVED IN A RECENT OXNARD HOMICIDE AND HAD NO HISTORY OF VIOLENCE AGAINST POLICE OFFICERS.

AT THE END OF WRIGHT'S BRIEFING, ROMANOWSKY APPROACHED THE GROUP AND PROVIDED THE FOLLOWING ADDITIONAL INFORMATION:

ROMANOWSKY STATED JARAMILLO HAS BEEN A MODEL PRISONER ON PAPER UP UNTIL 60 DAYS AGO. FOR THE LAST 60 DAYS, JARAMILLO HAS BEEN ON THE RUN. JOSEPH JARAMILLO HAS RECENTLY CALLED ROMANOWSKY PROMISING TO TURN HIMSELF IN BUT TO DATE, HAS FAILED TO DO SO.

AFTER TALKING WITH ROMANOWSKY, WE WERE BRIEFED BY DEPUTY HENDREN. DEPUTY HENDREN INFORMED US THAT JARAMILLO WAS CURRENTLY ON FOOT NEAR THE UNICAL GAS STATION AT HWY 126 AND "A" ST. HENDREN SHOWED US A DIAGRAM HE PREPARED AND SHOWED US DIFFERENT AREAS OF CONCEALMENT. HENDREN ALSO SHOWED US THE PLACEMENT OF THE PATROL DEPUTIES ALREADY MAINTAINING A PERIMETER.

HENDREN DESCRIBED JARAMILLO AS A HISPANIC MALE, WEARING A GRAY SHIRT, BLACK WINDBREAKER AND DARK PANTS. HENDREN TOLD US THAT JARAMILLO WAS CLAIMING TO HAVE A GUN AND HAD HIS RIGHT HAND STUCK IN HIS RIGHT FRONT PANT POCKET. HENDREN TOLD US THAT UP TO THE POINT OF THE BRIEFING, NO ONE HAS ACTUALLY SEEN A GUN.

ON THE DIAGRAM HENDREN PREPARED, HE SHOWED US WHERE TWO LARGE ELECTRIC TRANSFORMER BOXES WERE JUST SOUTH OF THE UNICAL GAS STATION. HENDREN TOLD US THAT DEPUTY MAX PINA WAS WITH TWO OTHER DEPUTIES AND WERE CURRENTLY TALKING WITH JARAMILLO. JARAMILLO WAS ABOUT 20 TO 30 YARDS SOUTH OF THE TRANSFORMERS.

AFTER THE BRIEFING BY HENDREN, I WAS INFORMED BY SGT. HOWE THAT MY ASSIGNMENT WAS TO BE PART OF A THREE MAN LESS THAN LETHAL TEAM WHICH INCLUDED MYSELF, SGT. HOWE AND SR. DEPUTY NORRIS. MY SPECIFIC ASSIGNMENT WAS A COVER OFFICER FOR SR DEPUTY NORRIS. NORRIS'S PRIMARY WEAPON SYSTEM WAS A 37 MM LESS THAN LETHAL GUN AND MY PRIMARY WEAPON WAS A H&K MP-5. I WAS TOLD BY HOWE THAT PAROLE OFFICER ROMANOWSKY WAS TO ACCOMPANY US TO THE TWO TRANSFORMER BOXES JUST SOUTH OF THE UNICAL GAS STATION. SGT. HOWE DEPLOYED A

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WANTED TO TALK TO HIS PAROLE OFFICER.

Page 3 of 7 © Continuation AGENCY IDENTIFIER CA0560000 6030 6B 99-67780

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SECOND LESS LETHAL TEAM AND ADDITIONAL OFFICERS AROUND THE PERIMETER OF JARAMILLO. DURING THE BRIEFING, WE WERE TOLD VIA THE RADIO THAT JARAMILLO

SGT. HOWE, SR DEPUTY NORRIS, PAROLE OFFICER ROMANOWSKY AND I APPROACHED THE TRANSFORMERS BY CROSSING HWY 126 TO THE NORTH SIDE OF THE STREET THEN RECROSSING HWY 126 AT A ST USING THE UNICAL STATION AS COVER. AS WE APPROACHED THE UNICAL STATION, A PATROL DEPUTY AGAIN ASKED VIA THE RADIO WHAT THE ETA OF THE PAROLE OFFICER WAS, STATING THE "SUBJECT" WANTS TO TALK TO HIM "RIGHT NOW". WE WALKED ALONG THE WEST SIDE OF THE UNICAL STATION THEN WALKED TO THE TWO TRANSFORMERS WHERE THE THREE PATROL DEPUTIES WERE. AS WE APPROACHED THE TRANSFORMERS, I SAW THAT AN APPROX. FOUR FOOT HIGH CHAIN LINK FENCE WAS JUST NORTH OF THE TRANSFORMERS AND SEPARATED US FROM THE TRANSFORMERS. THE CHAIN LINK FENCE SEPARATED THE UNICAL STATION FROM A LARGE GRASSY FIELD SOUTH OF THE CHAIN LINK FENCE. EAST OF THE GRASSY FIELD WAS A LARGE PARKING LOT FOR A SHOPPING MALL COMPLEX. WE RELIEVED THE PATROL DEPUTIES AND TOOK UP POINTS OF COVER BEHIND THE TWO TRANSFORMERS.

AFTER RELIEVING DEPUTY ARNOLD WHO WAS ON THE SOUTH SIDE OF THE CHAIN LINK FENCE AGAINST THE WEST SIDE OF THE TRANSFORMERS, I SAW A SUBJECT WHO WAS LATER IDENTIFIED AS JARAMILLO. JARAMILLO WAS APPROX. 20 YARDS SOUTH EAST OF MY LOCATION STANDING NEAR THE TRANSITION BETWEEN PAVED PARKING LOT AND GRASSY FIELD. I SAW THE SUBJECT WAS WEARING A GRAY SHIRT, DARK PANTS AND HAD A BLACK OR VERY DARK WINDBREAKER DRAPED OVER HIS RIGHT SHOULDER. THE WAY THE WINDBREAKER WAS DRAPED OVER JARAMILLO'S SHOULDER PREVENTED ME FROM SEEING HIS RIGHT ARM OR RIGHT HAND. JARAMILLO WAS STANDING IN DARKENED CONDITIONS WITH THE ONLY AMBIENT LIGHT COMING FROM LIGHTS IN THE PARKING LOT. JARAMILLO WAS FACING US AND HE APPEARED TO BE SMOKING A CIGARETTE USING HIS LEFT HAND. JARAMILLO WAS BACK LIT FROM THE LIGHTS IN THE PARKING LOT PREVENTING ME FROM SEEING THE FRONT OF HIS BODY CLEARLY. I ASKED DEPUTY ARNOLD WHY THE SUBJECT WAS NOT ILLUMINATED WITH LIGHT. DEPUTY ARNOLD TOLD ME THAT JARAMILLO STATED HE WOULD SHOOT IF THEY SHINED LIGHT ON HIM.

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□ Continuation AGENCY IDENTIFIER CA0560000 \_\_\_\_\_ of \_\_\_\_ 6030 **6B** 99-67780 7 ITEM BRAND / MAKE 9 MODEL NAME 10 MISC. 11 IDENTIFICATION / 12 VALUE 5 ITEM 4 CODE QT MANUFACTURER OR NUMBER DESCRIPTION SERIAL NUMBER

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BECAUSE OF THE EXTREME RISK TO OFFICER SAFETY BY NOT BEING ABLE TO IMMEDIATELY RECOGNIZE A WEAPON IF JARAMILLO PRODUCED ONE, I ILLUMINATED HIM WITH THE FLASHLIGHT MOUNTED ON MY MP-5.

ROMANOWSKY BEGAN TALKING TO JARAMILLO WHILE STANDING BEHIND THE TRANSFORMERS. AS JARAMILLO SPOKE TO ROMANOWSKY, JARAMILLO PACED A FEW FEET BACK AND FOURTH. AS JARAMILLO PACED, I SAW THAT HIS RIGHT ARM AND HAND WERE STILL COMPLETELY CONCEALED BY THE JACKET THAT WAS DRAPED OVER HIS SHOULDER. AS ROMANOWSKY CONTINUED TO TALK TO JARAMILLO, I RADIOED DEPUTY MACIAS AND NICKELS. NICKELS AND MACIAS WERE ACTING AS THE SECOND LESS LETHAL TEAM POSITIONED ON THE SOUTH SIDE OF THE SHOPPING CENTER PARKING LOT. PER SGT. HOWE, I TOLD THEM THEY WERE TO ACT AS THE ARRESTING TEAM WHEN IT CAME TIME TO TAKE JARAMILLO INTO CUSTODY. I ALSO MADE A GENERAL RADIO ANNOUNCEMENT TO DEPUTIES AT THE INCIDENT. I TOLD THEM THAT THE LESS THAN LETHAL TEAM HAD TACTICAL CONTROL AND WE WOULD TAKE ANY STEPS NECESSARY TO CONTROL THE SUSPECT. I ALSO TOLD THEM THAT WE MAY USE LESS THAN LETHAL DEVICES WHICH MAY GIVE OFF LOUD RAPPORT'S.

AFTER GIVING THE ANNOUNCEMENT OVER THE RADIO, I HEARD ROMANOWSKY TELL JARAMILLO TO SURRENDER TO US. JARAMILLO REFUSED AND SGT. HOWE TOLD ME TO STANDBY FOR THE DEPLOYMENT OF THE 37 MM LESS THAN LETHAL DEVICE.

AS JARAMILLO STOOD FACING US, I HEARD DEPUTY NORRIS'S 37 MM GUN FIRE A ROUND. IMMEDIATELY AFTER HEARING THE ROUND FIRED, I SAW JARAMILLO GRAB HIS ABDOMEN AND DROP TO THE GROUND. JARAMILLO STOOD UP AND BEGAN YELLING SOMETHING I COULD NOT UNDERSTAND. JARAMILLO BEGAN WALKING QUICKLY SOUTHBOUND TOWARDS MACIAS AND NICKELS. AS JARAMILLO BEGAN WALKING AWAY FROM US, I THREW A LIGHT SOUND DIVERSIONARY DEVICE AT HIM. THE LIGHT SOUND DIVERSIONARY DEVICE LANDED ABOUT 10 TO 20 FEET WEST OF JARAMILLO. WHEN THE LIGHT SOUND DIVERSIONARY DEVICE WENT OFF, JARAMILLO IMMEDIATELY CROUCHED DOWN. JARAMILLO STOOD BACK UP AND RAN STRAIGHT TOWARD MACIAS AND NICKELS. JARAMILLO'S BACK WAS TO ME AND I COULD SEE JARAMILLO'S RIGHT ARM COME UP AND POINT AT MACIAS AND NICHOLS. I WAS UNABLE TO SEE WHAT WAS IN JARAMILLO'S HAND.

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2 BEAT

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JARAMILLO WAS ALSO YELLING SOMETHING THAT I COULD NOT UNDERSTAND. AS
JARAMILLO RAN TOWARD MACIAS AND NICKELS, I HEARD ONE SMALL CALIBER RAPPORT
AND A SECOND LIGHT SOUND DIVERSIONARY DEVICE GO OFF. I DO NOT REMEMBER WHAT
ORDER THEY WENT OFF IN. I SAW JARAMILLO FALL TO THE GROUND ON THE PAVED
PARKING LOT JUST EAST OF THE GRASSY FIELD. I COULD SEE THAT JARAMILLO HAD BOTH
OF HIS HANDS AT HIS ABDOMEN AREA BUT I COULD NOT DISTINGUISH WHAT IF ANYTHING
WAS IN HIS HANDS.

DEPUTY NORRIS. SGT. HOWE AND MYSELF WENT THROUGH A GATE IN THE CHAIN LINK FENCE JUST WEST OF THE TRANSFORMERS AND WALKED TOWARD JARAMILLO. AS WE GOT CLOSER TO JARAMILLO, I COULD HEAR HIM SCREAMING "SHOOT ME" AND "FINISH ME". AS I GOT CLOSER TO HIM, ABOUT 20 FEET, I COULD SEE HE HAD A LIGHT COLORED RAG DRAPED OVER HIS RIGHT HAND. IT APPEARED TO ME THAT JARAMILLO HAD SOMETHING CONCEALED UNDER THE RAG BESIDES HIS HAND. I WAS UNABLE TO TELL WHAT ELSE WAS CONCEALED UNDER THE RAG BUT FROM THE SIZE OF IT I THOUGHT IT OUITE POSSIBLY COULD BE A GUN. I ORDERED JARAMILLO TO LET ME SEE HIS HANDS. JARAMILLO CONTINUED TO YELL AND DID NOT COMPLY WITH MY COMMANDS. I TOLD SR DEPUTY NORRIS TO STRIKE JARAMILLO WITH ANOTHER 37MM LESS LETHAL ROUND BY STATING "HIT HIM AGAIN" I HEARD THE ROUND DISCHARGE FROM NORRIS'S GUN THEN HEARD IT STRIKE JARAMILLO. I HEARD JARAMILLO YELL OUT IN PAIN AS THE ROUND STRUCK HIM. JARAMILLO STILL DID NOT RELEASE THE RAG AND WAS WAVING HIS HAND AROUND. JARAMILLO WAS MOVING HIS RIGHT HAND FROM RIGHT TO LEFT AND WAS MOVING HIS BODY FROM RIGHT TO LEFT AS HE LAID ON HIS BACK. JARAMILLO CONTINUED TO YELL "SHOOT ME". I AGAIN COMMANDED JARAMILLO TO LET ME SEE HIS HANDS. AGAIN JARAMILLO REFUSED TO COMPLY WITH MY COMMANDS AND CONTINUED TO MOVE HIS RIGHT HAND ALONG WITH THE RAG BACK AND FOURTH AND POINTING IT IN OUR GENERAL. DIRECTION. I ADVANCED TO WITHIN 15 FEET OF JARAMILLO BUT WAS AFRAID HE WAS HOLDING A GUN UNDER THE RAG. JARAMILLO WAS SCOOTING ON HIS BACK CHANGING THE DIRECTING HE WAS FACING. JARAMILLO ALSO KEPT EYE CONTACT WITH ME AS I MOVED TOWARD HIM. AS JARAMILLO CHANGED DIRECTION, I MOVED WITH HIM TO KEEP HIS RIGHT HAND IN MY CLEAR VIEW. JARAMILLO QUICKLY TURNED SO HIS BUTTOCKS WAS FACING

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Page 6 of 7 Continuation

AGENCY IDENTIFIER CA0560000

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3 RB NUMBER 99-67780

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11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

ME. JARAMILLO HAD HIS LEGS BENT UP SO BOTH OF HIS HANDS WERE CONCEALED BY HIS LEGS. I TOLD SR DEPUTY NORRIS TO HIT HIM IN THE BUTTOCKS BECAUSE THAT WAS THE ONLY AREA EXPOSED TO US AND I WAS IN IMMEDIATE FEAR OF BEING SHOT AT BY JARAMILLO. I AGAIN HEARD THE 37 MM DISCHARGE A ROUND AND HEARD IT IMPACT JARAMILLO. JARAMILLO AGAIN YELLED OUT IN PAIN BUT REFUSED TO RELEASE THE RAG. I AGAIN TOLD SR DEPUTY NORRIS TO "HIT HIM AGAIN". I AGAIN HEARD THE 37 MM LESS THAN LETHAL ROUND DISCHARGE A ROUND THEN HEARD THE ROUND IMPACT JARAMILLO. JARAMILLO YELLED OUT IN PAIN BUT FAILED TO REMOVE THE RAG FROM HIS HAND. I AGAIN TOLD JARAMILLO TO LET ME SEE HIS HANDS. JARAMILLO REFUSED TO RELEASE THE RAG AND I AGAIN TOLD NORRIS TO "HIT HIM". I AGAIN HEARD THE 37 MM ROUND DISCHARGE FROM THE GUN AND HEARD IT IMPACT JARAMILLO. JARAMILLO AGAIN YELLED OUT IN PAIN BUT FAILED TO UNCOVER HIS HANDS. I YELLED AT JARAMILLO TO LET ME SEE HIS HANDS AGAIN BUT HE FAILED TO COMPLY.

I KNEW SR DEPUTY NORRIS WAS OUT OF LESS THAN LETHAL ROUNDS BUT I AM
UNSURE IF I COUNTED THE ROUNDS OR SR DEPUTY NORRIS TOLD ME THIS. I ADVANCED ON
JARAMILLO FROM HIS RIGHT SIDE. JARAMILLO CONTINUED TO HOLD THE RAG IN HIS HAD
ALONG WITH WHATEVER OBJECT WAS IN HIS HAND. AS I GOT WITHIN ONE FOOT OF
JARAMILLO, I KICKED HIS HAND INTO CHEST. JARAMILLO IMMEDIATELY TURNED ON HIS
BACK SO HIS HEAD WAS BETWEEN MY FEET AND GRABBED ONTO MY RIGHT LEG. I BACKED
AWAY FROM JARAMILLO, PUT MY MP-5 ON SAFE, THEN GRABBED ONTO ONE OF
JARAMILLO'S ARMS. MYSELF AND SR DEPUTY NORRIS WERE ABLE TO PLACE JARAMILLO'S
HANDS BEHIND HIS BACK AND HE WAS HANDCUFFED.

I CALLED FOR FIRE AND AMBULANCE OVER THE RADIO. FIRE AND AMBULANCE WERE STAGED AT CARL'S JR AND ARRIVED WITHIN 45 SECONDS. JARAMILLO WAS TREATING BY RESCUE PERSONNEL AND TRANSPORTED TO THE HOSPITAL.

I WALKED OVER TO THE TWO TRANSFORMERS AND HELD THE AREA AS A CRIME SCENE UNTIL I WAS RELEASED BY SGT. BULLINGTON.

MY SHOES, PANTS, AND SHIRT HAD JARAMILLO'S BLOOD ON IT. I BOOKED ALL THREE ITEMS INTO EVIDENCE.

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NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 2 BEAT 3 RB NUMBER AGENCY IDENTIFIER CA0560000 Page \_\_\_\_\_ of \_\_\_\_ □ Continuation 6030 **6B** 99-67780 CODE ITEM QTY. BRAND/MAKE
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I TAPE RECORDED THE LESS LETHAL CALL OUT I RECEIVED FROM SGT. HOWE. I TURNED THE TAPE OVER TO SGT. LORENZEN.

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# PROPERTY / EVIDENCE REPORT

# VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

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Page	1	of/	

1 CONNECTING REPORT NUMBERS		4 4 4	NUMBER
		6030 613H 9	9-67780
PROPERTY TYPE:	6 ☐ Misde	meanor 7 DATE OF	INCIDENT
	SAFEKEEPING   G Felon	y 9-7-	99
8 ORIGINAL INCIDENT / OFFENSE	9 LOCATION O	FINCIDENT (STREET ADDRES	AND CITY)
Officer INVOLVED SHOOTI	636 1	KNTINGA ST	FILLMARE CA
CODE: V - Victim S - Suspect A - Arm CODE 11 NAME (Last, First, Middle, Gen.) / FIRM NAME		R - Reporting Party (Us	Same Codes in Property Affiliation Box)  15 BUSINESS PHONE
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16 RESIDENCE ADDRESS / (□ Same as Box #	CITY	STATE ZIP	805654.2340
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CODE 19 NAME (Last, First, Middle, Gen) / FIRM NAME	AKA / Moniker	RACE SEX 22 DOB 20 21	23 BUSINESS PHONE
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<b>!</b>			( )
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# CRIME / INCIDENT REPORT

### VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of \_3\_

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1 CONNECTING REPORT NUMBERS		2 R.D. 3 BEAT 4 RB NUMBER
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40 VEH. LIC. NO. / STATE 41 VEH. COLOR / YEAR / MA	AKE / MC	MODEL / BODY STYLE 42 OTHER CHARACTERISTICS / VIN NO.
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63 VEH. COLOR / YEAR / M	AKE / MC	IODEL / BODY STYLE 64 OTHER CHARACTERISTICS / VIN NO.
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	From Bldg. Coin Machine	
L Olorago	From Person	
	From Vehicle	
	Purse Snatch	
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☐ Forest ☐ Gas Station	LUE / DOLL AS	MR ( OSS
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**REV 8/97** 

NARRCOMP.RPT

# **CRIME / INCIDENT REPORT**

## VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 3

1 CONNECTING REPORT	NUMBERS					12	R.D.	3 BEAT	4 RI	D MILIA	DEO	CATHOLIC IN	or the contract
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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 78 RB NUMBER AGENCY IDENTIFIER CA0560000 (CONTINUED) Page 2 of 3 99-600 80 79 ADDITIONAL NAME (Complete Front Page First) DE 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX 84 HT 85 WT 88 HAIR 87 EYES 88 DOB 89 AGE 91 RESIDENCE PHONE 90 RESIDENCE ADDRESS / ( Same as Box \_\_\_\_\_) CITY STATE ZIP 93 BUSINESS PHONE 92 BUSINESS / SCHOOL NAME ADDRESS / ( Same as Box CITY STATE ZIP 94 OCCUPATION ( STUDENT) 95 DAYS OFF 96 WORKHRS 98 OPERATOR'S LIC. NO. / STATE 97 INTERPRETER 99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / **BODY STYLE** 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \*COMPLETE #70 & 71 ON FRONT PAGE 103 I RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES Parties involved are described in 13700 (B) PC and □ SPOUSES FORMER SPOUSES DATING/ ENGAGED FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed. □ COHABITANTS ☐ FORMER COHABITANT (brief narrative required) or □ PARENTS OF CHILD FROM RELATIONSHIP A misdemeanor ( PC) occurred and no prosecution was desired by any involved party. # OF PRIOR RESPONSES? □ A felony □ A misdemeanor arrest was made for ( 100 BICYCLE INFORMATION □ STOLEN D LOST (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) 107 COLOR 110 MAKE / MODEL FRAME SIZE WHEEL SIZE GEARS 113 114 SERIAL NUMBER 108 | Boys | ATB | Road | Hybrid 111 ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser LICENSE NO. / CITY 118 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (establishing elements of crime.) Use Narrative Report for details of crime. List stolen / lost property (use format below.) Enter total value/dollar loss on #69. All suspect information on Suspect Report. NARRATIVE PROPERTY CODES G - FIREARMS PROPERTY CLASSIFICATION CODES A - CURRENCY / NOTES B - JEWELRY / PRECIOUS METALS C - CLOTHING / FURS J - LIVESTOCK K - MISCELLANEOUS D-VEHICLE H - HOUSEHOLD GOODS I - CONSUMABLE GOODS E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPMENT SP - STOLEN PROPERTY LP - LOST PROPERTY **123 ITEM** 128 VALUE 124 BRAND / MAKE 125 MODEL / NAME 128 MISC. 127 IDENTIFICATION / 122 ITEM NAME MANUFACTURER OR NUMBER DESCRIPTION SERIAL NUMBER CODE QTY. SEE NAMPATIVE FOR DETAILS

Page 2 of 3

□ Continuation

AGENCY IDENTIFIER CA0560000

1 R.D. 660,

2 BEAT 3 RB NUMBER

6030

9-67780

TEM QTY CODE

8 BRAND/MAKE MANUFACTURER MODEL NAME OR NUMBER 10 MISC. DESCRIPTION SERIAL NUMBER

12 VALUE

On 9-7-99 at approximately 0230 hrs, I was dispatched to Fillmore to assist with a man with a gun call. I arrived and asked by the Incident Commander, Sgt. Larson to set up an exterior perimeter blocking traffic from coming into the area.

Suspect Jaramillo was in the parking lot of the Vons shopping center located at the corner of Hwy 126 and A Street. I positioned Deputies as follows.

Sr. Dep. Hamilton at 126 west of A street blocking E/B 126 traffic.

Dep. Beauvais at 126 at central blocking W/B 126 traffic.

Dep. Beckett at Hwy 23 south of Vons, blocking N/B 23 traffic.

Sr. Dep. Sanders at Olive and 126 blocking S/B Olive traffic.

Dep. Benavides North perimeter of the Vons Parking lot.

Dep. Mayorga at the east Vons driveway off Central avenue.

I positioned myself on A street north of the 126 blocking traffic S/B on A.

I could not see the suspect in the parking lot. When the less than lethal team arrived I heard Sr. Dep. Schierman give and announcement over the radio advising all personnel that the team would make entry and be using light sound diversionary devices. Moments later I heard the loud bangs and several gun shots.

After the suspect was taken into custody and transported to the hospital I responded to Vons and helped seal the crime scene. I had Dep. Beauvais report to Sgt. Larson and act as a scribe. I opened up the exterior perimeter approximately 30 minutes after the shooting and had the above deputies help contain the interior crime scene.

I responded to the Fillmore substation and contacted Deputy Marty Pettit and Sr. Dep. Carlos Macias who were both involved in the shooting. Dep. Brooker was sitting with Dep. Pettit. Dep. Brooker had Pettit's shotgun with him that Pettit had used in the shooting. Dep. Clancy was sitting with Dep. Macias and had taken Dep. Macias SWAT weapon used in the shooting and secured it in the trunk of his car.

I contacted the Sheriff's Association at both Deputies request to have them get an Attorney for them. I stayed with both Deputies until their weapons were secured by B.I. and left at approximately 1000 hrs.

2100 Hes

14 REPORTING OFFICER / ID NO / DIV / UNIT

# **CRIME / INCIDENT REPORT**

### VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 3

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1 R.D. 2 BEAT 3 RB NUMBER B of B □ Continuation AGENCY IDENTIFIER CA0560000 10 MISC. 7 ITEM BRAND / MAKE 9 MODEL NAME 5 ITEM QTY IDENTIFICATION / 12 VALUE 4 CODE DESCRIPTION NAME MANUFACTURER OR NUMBER SERIAL NUMBER

On 9-7-99 at approximately 0335 hours, Senior Deputy Hamilton and I (3D13) were dispatched to a call of a suicidal subject in the city of Fillmore. We arrived at 0350 hours.

Sergeant Bullington told me to go to the east end of town and block traffic. I positioned myself at the intersection of Ventura Avenue and Central. I routed traffic around the crime scene. Because of my location, I was unable to see any action taking place at the scene.

While routing traffic, I heard, via my hand-held radio, an announcement go out stating the SWAT Team would be using less-than-lethal force and there would be a loud noise occurring. The voice asked for a reply by the perimeter deputies via a roll call. I responded with my call sign. Several minutes later, I heard a loud bang and then a voice announced the scene was contained and the subject was down.

At 0520 hours, Sergeant Bullington dispatched me to the crime scene where I performed the duties of a scribe. I documented all parties at the incident and logged everyone who entered and exited the crime scene. I performed this duty until relieved by Deputy Hackworth of the Fillmore Station at approximately 0820 hours. At that time, I turned over all of my logs to Deputy Hackworth. Senior Deputy Hamilton and I left the scene at 0828 hours.

13 DATE / TIME OF REPORT 9-7-99 / /800 14 REPORTING OFFICER / ID NO / DIV / UNIT

E. BEAUVAIS 3173 WCPHQ 3D13

15 APPROVED BY / ID NO

NARRCOMP.RPT

# **CRIME / INCIDENT REPORT**

### VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 3

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9.7.99 /0300		1830 SAN	ORTING OFFICER/ID NO	JOINJUNIT 78 AP	PROVED BY LID NO. 2622 101199

CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 78 RB NUMBER 99-61780 AGENCY IDENTIFIER CA0560000 (CONTINUED) Page 2 of 3 ADDITIONAL NAME (Complete Front Page First) DE 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX & HT as WT m HAIR # EYES # DOB é AGE so RESIDENCE ADDRESS / ( | Same as Box \_\_\_\_ ) CITY **81 RESIDENCE PHONE** STATE 7P 92 BUSINESS / SCHOOL NAME tO BUSINESS PHONE ADDRESS / ( [] Same as Box\_ CITY STATE ZIP 94 OCCUPATION ([] STUDENT) 95 DAYS OFF 96 WORK HRS 97 INTERPRETER 88 OPERATOR'S LIC. NO. / STATE 100 VEH. COLOR / YEAR / 09 VEHICLE LIC. NO. / STATE MAKE / MODEL / BODY STYLE 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \*COMPLETE #70 & 71 ON FRONT PAGE 103 L RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES Parties involved are described in 13700 (B) PC and □ SPOUSES ☐ FORMER SPOUSES D DATING/ ENGAGED T FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed. ☐ FORMER COHABITANT O COHABITANTS (brief narrative required) or D PARENTS OF CHILD FROM RELATIONSHIP ☐ A misdemeanor ( PC) occurred and no prosecution was desired by any involved party. # OF PRIOR RESPONSES? ☐ A felony ☐ A misdemeanor arrest was made for ( ALCOHOL/DRUG USE BY ABUSER? Yes No **SOLUTION** (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) O STOLEN LOST 107 COLOR FRAME SIZE WHEEL SIZE 110 MAKE / MODEL GEARS 113 114 SERIAL NUMBER to Boys ATB Road Hybrid ☐ Girls ☐ Juv. ☐ BMX\_☐ Cruiser 115 LICENSE NO. / CITY.-116 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (astablishing elements of crime.) Use Navrative Report for details of crime. List stolen / lost property (use format below.) Enter total value/dollar loss on #69. All suspect information on Suspect Report. NARRATIVE PROPERTY CODES

G - FIREARMS

GUARANT H - HOUSEHOLD GOODS

1 - CONSLAMABLE GOODS PROPERTY CLASSIFICATION CODES A - CURRENCY / NOTES 9 - JUNEURY / PRECIOUS METALS C - CLOTHONG / PURS D - VEHICLE E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPME J-LIVESTOCK
K-MISCELLANEOUS SP - STOLEN PROPERTY LP - LOST PROPERTY 128 VALUE 121 122 ITEM QTY. 123 ITEM 124 BRAND / MAKE 126 MISC 125 MODEL / NAME 127 IDENTIFICATION / 120 NAME DESCRIPTION CODE MANUFACTURER SERIAL NUMBER OR NUMBER REFER TO NAMESTONE FOR DETAILS.

Page 3 of 3Continuation

**AGENCY IDENTIFIER CA0560000** 

1 R.D. 60 30 3 RB NUMBER 99-67780

4 CODE

BRAND / MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER

On 9/7/99, at approximately 0300 hrs., Deputy J. Benavides #3027 and I were dispatched to Fillmore in reference to a request for an officer, man with a gun, call. Upon our arrival, Sgt. B. Larson instructed me to block traffic at the T sections of Olive Street and Ventura Road. Benavides was told to block traffic at Orange Grove and Ventura Road (refer to Benavides' report same RB # for details).

From Olive Street, I could not see the incident, but I could hear the officers on scene yelling for Jaramillos to show them his hands. A few minutes later, I heard two or three loud bangs followed by more commands from the officers to Jaramillos to show his hands.

At approximately 0500 hrs., Jaramillos was taken into custody. At Approximately 0545 hrs., I contacted (W-1) , an employee of Vons, and asked him what he saw or heard. Gurrola told me the following: He was in the break room inside of Vons and did not see or hear anything. I then contacted (W-2) n who is also an employee of Vons who told me he was inside of Vons and heard two loud bangs, but did not see anything.

13 DATE / TIME OF REPORT

# CRIME / INCIDENT REPORT

## VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of Z

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# **CRIME / INCIDENT REPORT**

## VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 2

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		REFE HAD JUTE PREVE	RESPONERENCE  A (  ERSEC  ENT	DED E TO GUN. TRA	TO AS	SIST NAS RIVER FROM	FILE TO	LMO	RE TO ND	DEA	HO PO ST.	ISSIBLY THE AN	10
		REFE HAD WITE PREVE ST.	RESPONERENCE A (ERSEC ENT PAST	DED E TO GUN. TOON TRA	TO AS  A W  OF A  FFIC	SIST NAS RIVER FROM	FILE TO	LMO	RE TO ND ING	DEA WHE	HO PO ST.	IZE VALUE IN SSSIBLY THE AN ON I	, 10 4
		REFE HAD WITE PREVE ST.	RESPON RESPON RENC A ( ERSEC ENT PAST PECT	DED E TO 2 UN. TOON TRA WAS	TO AS  A W  OF H  FFIC  E SHOP	SIST NAS RIVER FROM	FILED ST.	LMO LMO LMO LMO LD A MOV	RE TO ND ING R	DEA WHE	HO PO ST.	IZE VALUE IN SSSIBLY THE AN ON I	, 10 4
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		REFE HAD WITE PREVE ST. SUSI DET LOUG	RESPONDERENCE  A (  ERSEC  ENT  PAST  PAST  APPROX  APPROX  BA	TRA WAS OF	TO AS  A W  TO F  FFIC  E SHOP  THE	SIST NAS RIVER PING ORIGI	FILED ST.	MOV.	RE TO ND ING CAU	DENTI BERLANDE	HO PO TO TO ST. ORTH VEN	IZE VALUE  IN  SSSIBLY  THE  ANY  REE  CEN	76
		REFE HAD WITE PREVA ST. SUSI DET LOUG I	RESPONDERENCE  RESPONDERENCE  A (  ERSEC  PAST  PAST  PAST  APPROX  DID	DED E TO SUN. TON TRA TH WAS OF MATE NGS	TO AS  A W  TO F F  FFIC  E SHOP  THE	SIST NAS RIVER PING ORIGI	FILED ST.	MOV.	RE TO ND ING CAU	DENTI BERLANDE	HO PO TO TO ST. ORTH VEN	IZE VALUE  IN  SSSIBLY  THE  ANY  REE  CEN	76
		REFE HAD WITE PREVE ST. SUSI DET LOUG I MORE	RESPONDERENCE A (CERSEC) PAST PAST PAST APPROX DID AFT	TRA THE WAS OF	TO AS  A W  TO F F  FFIC  E SHOP  THE	SIST NAS RIVER FROM OPING ORIGI	TO ST.	MOV.	RE TO ND ING OF	DEA WHE	HO PO TO TO ST. ORTH ERE T	IZE VALUE  IN  SSSIBLY  ANY  HE  ANY  REE  NYTH	7 7 2

# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 3

CRIN.RPT

	Property of the Co.				per	Carlo Commence of	Company of the Company	Name and Address of the Owner, or other Designation of the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner	Manager and the last of the la	er i dagar gere i Secondo de estados
1 CONNECTING REPORT NUMBERS					12	R.D.	3 BEAT	4 RB NI	UMBER	
1—					4	5030	6801	99-	67780	
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☐ CASE CLEARED ☐					GAN	G	D FID	FRIYA	BUSE	
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7 CODE SECTION / DESCRIPTION (INCIDENT)		8 CLASS.	9	CODE	SECTION	/ DESCR	RIPTION (	Reclassify	To)	10 CLASS.
DESIGNED LIVER SHOP SHOP IN		☐ Misd.	1							☐ Misd.
OFFICER INVOLUED SHOOTING		☐ Fel.	+							☐ Fel.
11 CODE SECTION / DESCRIPTION (INCIDENT)		12 CLASS.	13	CODE	SECTION	/ DESCR	RIPTION (	Reclassify 1	To)	14 CLASS.
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15 OCCURRED MO. DAY YR. TIM	Œ	16 DOW	+	0000	RRED	MO	DAY	YR.	TIME	18 DOW
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09 07 99		TUE	1							1
19 LOCATION OF OFFENSE / INCIDENT ADDRES	SS		CITY				STATE		ZIP	
VON'S SMOOPING CENTER/63										
20 CODE: V-VICTIM W-WITNESS	R-REP	ORTING PART	Y	F-F	INDER		-OWNER		P - PARTY	
CODE   22 NAME (Last, First, Middle, Gen.) / FIRM NAME	AKA	/ Moniker	RAC	E SEX	25 HT	28 WI	27 HAII	R 28 EYE	S 29 DOB	30AGE
21			23	24	i	1	. 1			_
A JAIZAMILLO, JOE 31 RESIDENCE ADDRESS / ( Same as Box#)			H	M	510"	215	1320	GUN	<b>,</b>	
31 RESIDENCE ADDRESS / ( Same as Box# )		CITY			STATE		ZIP		RESIDENCE PHO	ONE
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33 BUSINESS / SCHOOL NAME ADDRESS / ( San	ne as Box	¥)	C	YTI		STATE	ZIP	34	<b>BUSINESS PHOP</b>	NE
								11	)	
35 OCCUPATION ( STUDENT)	36 D/	NYS OFF	37 \	<b>WORK</b>	HRS	38 IN	TERPRETER	39	OPERATOR'S LIC	C. NO. / STATE
			1			1				
40 VEH. LIC. NO. / STATE 41 VEH. COLOR / YEAR	. / 344	VE / N	ODEL	,	BODY STY	7 T	OTHER C	UADACTED	USTICS / VIN NO.	
40 VEH. LIC. NO. / STATE   41 VEH. COLOR / TEAP	7 196	INE / W	ODEL	,	וכ ועטם	1	2 OTHER C	HARAC I EN	da 1637 VIN NO.	
						1				
CODE 44 NAME (Last, First, Middle, Gen.) / FIRM NAME	AKA	/ Moniker	RAC	E SEX	47 HT	48 W	49 HAII	R 50 EYE	S 51 DOB	52 AGE
43			45	48						
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53 RESIDENCE ADDRESS / (   Same as Box#)		CITY			STATE		ZIP	54	RESIDENCE PHO	ONE
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55 BUSINESS / SCHOOL NAME ADDRESS / ( San	ne as Box	<b>*</b> )	С	·πΥ		STATE	ZIP	56	BUSINESS PHO	NE
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CT COCUMATION (CI CTUDENT)	Se DA	YS OFF	1 50 W	VORK H	De	Ten Br	TERPRETER		OPERATOR'S LIC	C NO /STATE
57 OCCUPATION ( STUDENT)	56 DA	15 OFF	Da A	WORK I	iro	90 114	ERPRETER	, ,	OPENATOR'S LI	G. NO. / SIAIE
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62 VEH. LIC. NO. / STATE 63 VEH. COLOR / YEAR	/ MA	KE / M	ODEL	1	BODY STY	LE 6	4 OTHER C	HARACTER	USTICS / VIN NO.	
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65 ARSON 68 BURGLARY	68 <u>7</u>	HEFT			70 <u>FOR</u>	CE / WE	APON		72 SPECIAL IN	
☐ Single Fam. Resd. ☐ Residential		uto Parts			□ No F	orce		1	(Copy to Agenc	
☐ Inhabited ☐ Vehicle	O 6	Bicycle			□ No W	leapon			□ Domestic Vi	iolence
☐ Uninhabited ☐ Commercial		rom Bldg.			☐ Verba	al Only			☐ Sex Crime	
☐ Storage ☐ Other		oin Machine			☐ Atten	-		1	☐ Child Abuse	□ PSSA
□ Industrial	ПЕ	rom Person			☐ Grea	-		1	☐ Gang Relate	ed
☐ Commercial		rom Vehicle			☐ Firea		,,		☐ Hate Crime	
Other Structure 67 ROBBERY		Purse Snatch			☐ Knife			1	☐ Agricultural	
☐ Public Place ☐ Bank		Shoplift				s/Fists/i	Feet	- 1	☐ Probation	☐ Parole
☐ Vehicle ☐ Chain Store		Other			☐ Other			ı	☐ Other	
☐ Unlawful Fire ☐ Commercial					_ 0010					
	-							L		
	69 VA	UE / DOLLA	R LO	SS	71 DOM	ESTIC 1	/IOI ENCE	/SEY/H	IATE CRIMES	
☐ Injury Occurred ☐ Highway ☐ Residence	_								to: Victim	7 P-1 □ P-2
	\$	HE / DAMAS	EIG						n of D.V., Sex or	
□ Other	VAL	UE / DAMAG	E LO	<u> </u>					from the public.	
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73 DATE AND TIME REPORTED 74 DATE / TIME OF RE	FOR	A.	10	JOPPE	A N	J. DIVI	/			1
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STREET, SQUARE, SQUARE, SQUARE,	-	The second second second second second	en.) / FIRM NAMI	The second second	AKA / Moniker	7	ACE SEX	м НТ	ss WT	m HAIR	# EYE	S as DOB	-	₩ AGE
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00 RESIDENC	E ADDF	ŒSS / (🛭 Same	as Box) C	TY.	STAT	E	ZIP				91 F	ESIDENCE	PHONE	ezie.
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92 BUSINESS	S/SCH	DOL NAME	ADDRESS / (	☐ Same	as Box)	CITY		STATI	. Z	•	93 BI	JSINESS P	HONE	
94 OCCUPAT	ION (I	STUDENT)		- 11	95 DAYS OFF	96 WOI	RKHRS	97 ENT	ERPRETER	ı	68 C	PERATOR	S LIC. NO.	/STATE
99 VEHICLE	LIC. NO	/STATE	100 VEH. COLOR	/ YE	AR / MAKE /	MODE	L/ 800	STYLE	101 OT	IER CHAR	ACTER	STICS / VI	NO.	
102 DOME	STIC	VIOLENCE	(PC 13700, 1	3730)	• 00	MPLET	E#70 &	71 ON I	RONT P	AGE		TO AND	STATE OF	
☐ Part	ies invo ient wa <u>f</u> nama	olved are descri is verbal only, <u>n</u> tive required) <u>o</u>	C .	PC an	Contraction of the Contraction o				D SPC	ATIONSHIP DUSES TING/ ENG HABITANT RENTS OF	AGED S	D FORM	ER SPOUS ER DATIN ER COHAL ATIONSHI	G BITANT
Invo	olved policy [	arty. ] A misdemear	nor arrest was m			PC)	osiled by	,		PRIOR RE		ES?_ BY ABUSER	₹7 □ Yes	□ No
PERSONAL PROPERTY.	COLUMN TO SERVICE	FORMATION	NAME AND ADDRESS OF THE PARTY O	TOLEN	D LOST	(Se			Recovered	-	-	-		Report)
		☐ Road ☐ Hybr ☐ BMX ☐ Cruit	100	110 MAK	E/MODEL		FRAME S	112 WHZ		EARS 113	114 SER	BAL NUMBER	•	
ns LICENSE	10. / CIT	,	116 ADDITION	M. EQUIP	MENT OR IDENTIFY	ING CHAR	ACTERISTIC	,			117 VAL	UE		
NAR	CHARLE	(use for	mat below.) Ente	f descrip r total va	tion below (setablis lue/dollar loss on \$	hing elem OP. All s	uspect Infon	nation on	Suspect Re	port for dela port	was of co	ime List str	olen / lost p	roparty
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120 121 CODE ITEM		123 ITEM NAME	124 BRAND / MA MANUFACTU		126 MODEL / NAV OR NUMBE		126 MIS DES	C. CRIPTION		127 IDENT	IFICATION IN NUMBER 1		128 VALU	Æ
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	5	0	7 ITEM	8 BRAND/MAKE	MODEL NAME	10 MISC.		IDENTIFICAT		12 VALUE
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# CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 4

CRIN.RPT

A CONTROL DEPOSE		and the same of th		Name and Address of the Owner,
1 CONNECTING REPORT	NUMBERS		2 R.D. 3 BEAT 4 RB NUMBER	
			16030 6801 99-67780	
CRIME	INCIDENT	SUPPLEMENTA	L 6 DOMESTIC CHILD ABUSE HATE	of the witness of
		OOFFEENERIA		
☐ CASE CLEAREI	U		GANG ELDERLY ABUSE	
7 CODE SECTION / DESCR	IPTION (INCIDENT)	& CLASS.	9 CODE SECTION / DESCRIPTION (   Reclassify To) 10 CL	
OFFICE TANK	ved shooting	☐ Misd.		Misd.
11 CODE SECTION / DESCR	IPTION (INCIDENT)	12 CLASS.	13 CODE SECTION / DESCRIPTION (☐ Reclassify To) 14 CL	Fel.
I CODE GEORGIA DEGOR	iii Tioli (iitoldelit)	☐ Misd.		Misd.
		☐ Fel.		Fel.
15 OCCURRED MO.	DAY YR. TIME	16 DOW	17 OCCURRED MO. DAY YR. TIME 18 DI	ow
1 110111 9	7   79   030	O TUES	10	
19 LOCATION OF OFFENSE			ITY STATE ZIP	
126 1/2000	A ET FILME	ACCA.	F 93015	
20 CODE: V-VICTIM		-REPORTING PARTY		in a second
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CODE   22 NAME (Last, Firs	st, Middle, Gen.) / FIRM NAME	AKA / Moniker	RACE SEX 25 HT 28 WT 27 HAIR 28 EYES 29 DOB	30 AGE
141 JADAMI	ILLO DOSE L	Jil	HM 5'10 215 BN GN	
31 RESIDENCE ADDRESS /		СПҮ	STATE ZIP 32 RESIDENCE PHONE	
	~	MARIO	CAUF -	
33 BUSINESS / SCHOOL NA	ME ADDRESS / (   Same a		CITY STATE ZIP 34 BUSINESS PHONE	
33 BUSINESS / SCHOOL RA	ME ADDRESS / (1) Same a	as box #)	CITY STATE ZIP 34 BUSINESS PHONE	
			( )	
35 OCCUPATION ( STUDI	ENT)	38 DAYS OFF	37 WORK HRS 38 INTERPRETER 38 OPERATOR'S LIC. NO. / S	STATE
NONS			1224	CA
40 VEH. LIC. NO. / STATE	41 VEH. COLOR / YEAR /	MAKE / MC	DEL / BODY STYLE 42 OTHER CHARACTERISTICS / VIN NO.	1/4
40 VEN, CLOTHOTTONIA	Tan 55251( )   124( )	111000 / 1110	Jan John Committee of the Committee of t	
A STATE OF THE PROPERTY OF THE PARTY OF THE				· Programme
CODE 44 NAME (Last, First,	Middle, Gen.) / FIRM NAME	AKA / Moniker	RACE SEX 47 HT 48 WT 49 HAIR 50 EYES 51 DOB	52 AGE
	_			
53 RESIDENCE ADDRESS /	( □Same as Box#)	CITY	STATE ZIP 54 RESIDENCE PHONE	
SE BUOINESS (SCHOOL NA	ME ADDRESS / (□ Same a	- Paud	CITY STATE ZIP 56 BUSINESS PHONE	
55 BUSINESS / SCHOOL NA	ADDRESS / (   Same a	SS BOX #	CITY STATE ZIP 56 BUSINESS PHONE	
57 OCCUPATION ( STUDE	ENT)	58 DAYS OFF	59-WORK HRS 80 INTERPRETER 81 OPERATOR'S LIC. NO. /	STATE
62 VEH. LIC. NO. / STATE	63 VEH. COLOR / YEAR /	MAKE / MO	DEL / BODY STYLE 64 OTHER CHARACTERISTICS / VIN NO.	
	A PUDOLADY	on TUEST	TO EORCE (MEADON)	27
65 ARSON  ☐ Single Fam. Resd.	66 <u>BURGLARY</u> ☐ Residential	es <u>THEFT</u> □ Auto Parts	70 FORCE / WEAPON 72 SPECIAL INTERES  □ No Force (Copy to Agency/Unit)	51
☐ Inhabited	Vehicle	☐ Bicycle	□ No Weapon □ Domestic Violence	
☐ Uninhabited	☐ Commercial	☐ From Bldg.	☐ Verbal Only ☐ Sex Crime	
☐ Storage	□ Other	Coin Machine	☐ Attempt Only ☐ Child Abuse ☐ PS	SSA
☐ Industrial		☐ From Person	☐ Great Bodily Injury ☐ Gang Related	
☐ Commercial		☐ From Vehicle	Firearm	
☐ Other Structure	67 ROBBERY	<ul><li>☐ Purse Snatch</li><li>☐ Shoplift</li></ul>	☐ Knife ☐ Agricultural ☐ Probation ☐ Pa	mle
☐ Public Place ☐ Vehicle	☐ Bank ☐ Chain Store	☐ Other	Other Dother	010
Unlawful Fire	☐ Commercial	_ Out	5 000	
☐ Forest	☐ Gas Station			
☐ Injury Occurred	☐ Highway	69 <u>VALUE / DOLLAF</u>	TOWNED TO VIOLETION TOURT THATE OF THE STATE	
Other	☐ Residence	\$	□ D.V. and/or S. A. Pamphlet given to: □ Victim □ P-1	
	☐ Other	VALUE / DAMAGE		
		\$	requests their name be <u>withheld</u> from the public.   YES	
73_DATE AND TIME REPORT	TED 74 DATE / TIME OF REPO	ORT TEAREPO	RTING OFFICER / ID NO./ DIM/ UNIT 76 APPROVED BY / ID NO.	THE RESERVE AND SHAPE
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9-7-99 030	X19-1-41 6	030 KL	Cameno 11/08/ 104mge 0792	5/

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79	ESIDENCE ADDRESS / (	2000年	295361	SWEST STATE	S. 75 (T. 75)	STATE OF STREET	4500							
PE	51 NA	MELL	est, First, Mid	dle, Gen.	) / FIRM NA	ME	AKA / Moniker	RA(	CE SEX M	HT as V	/T   so HAIR	sr EYES as DOE		ao AG
90 RES	IDENCE	ADDE	RESS / (D)	Same as I	Вох	CITY	STAT	E	ZIP			91 RESIDEN	CE PHONE	
12 BUS	SINESS	/ SCH	OOL NAME	A	DDRESS /	( D Same	as Box)	СПУ		STATE	ZIP	99 BUSINESS	PHONE	
H OC	CUPATI	ON (	STUDENT			/	95 DAYS OFF	96 WORK	HRS 1	7 INTERPRE	TER	98 OPERATO	R'S LIC. NO.	/STAT
o VEH	RICLE L	IC. NO	./STATE	100	VEH. COL	OR / YE	AR / MAKE /	MODEL.	BODY ST	YLE 101	OTHER CHW	PACTERISTICS / V	/IN NO.	
03 <u>LF</u>	Partie Incid	OED T	O A CALL III olved are do as verbal or	VVOLVIM escribed ily, no e	G A DOMES in 13700	B) PC an	ENT:			zisted.	RELATIONSH SPOUSES DATING/ ENG COHABITAN	SAGED   FOR	MER SPOUS MER DATING MER COHAE	BITANT
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on CI B	loys 🗆	ATB	□ Road □	Hybrid	COLOR		_	(Safe	FRAME SIZE	wheel size	-	Property		Report
_		_	The second second	Cruiser		IONAL EQUIP	PMENT OR IDENTIFY	ING CHARAC	TERISTICS			117 VALUE		
5P LP	- STOLEN - LOST PR	PROPER OPERTY	123 ITEM			B - JEWELRY C - CLOTHING MAKE	125 MODEL / NA	E-OFF F- BLEG		G-FIR H-HOX ENT I-CON	SUMMBLE GOODS 127 IDEN	J-LIVESTOCK K-MISCELLANS TIFICATION / AL NUMBER	128 VALU	E
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NA	1 1		REPORT VEI	NTURA COUNTY S	HERIFF'S DEPAI	RTMENT 1 R.I	D. 2 BEAT 3 RB NUI	MBER
Pag	<u>. 5</u>	of_	Continuation	on AGENCY ID	ENTIFIER CA05600	00	30 66UI 99-	67780
4	5 ITEN	gTY.	7 ITEM NAME	8 BRAND / MAKE MANUFACTURER	9 MODEL NAME OR NUMBER	10 MISC. DESCRIPTION	11 IDENTIFICATION / V SERIAL NUMBER	12 VALUE
	Coni	Supp Gang necti	ng Report Nu	Case Closed stic Hate mbers: 99-67780	Child Abu	se Eld	lerly Abuse ☐ (Reclass	ify To:)
	INVO SHO	OTIN	D IG 1 Na	me: JARAMILLO,		Police Denartn	nent when Cadet	told
	trouble to the trouble trouble the turner was go but no but he was but he	ersation le, he saying town he say a Market Research Last a Market Last a Ma	that I would take on between told me that it would take on between told me that it needed help, and o use the phone on grand and to kill himself or thought	the caller in the call in the caller in the caller in the caller in the caller in the	g about the subject dentified himself at call tape-recorded this home about 00 f he could use his to know him.  "The subject the house to scope it escription of the subject thirty five in what I'm tr	as and the follows and the follows and the follows and the follows are phone.  Said he over the phone are he would meet an left.  Out to do a burn bject that came or fortyhe diving to say was	telephone # wing is a synopsis of morning saying he w said he let the subject the call and he was leave them at Vonsb said he never called the relary or something. The to his house.	rooting  The  Take
	was s and w said h aroun	copin vent to the thousand d her	the guy get killed id he didn't want ag out his house to said, " I co the kitchen and tught about it and id he had never see and that he wa	the desired the toget involved and to break in.  The build of sworn that I is a got a knifeand put the couldn't understate the guy before it is in a lot of trouble at the phone but he tolephone.	e subject was not the only reason he saw a gun on him. But it in my sweats and why he let the he his life. It is and he needed to that he did and to	killed. I asked a called in was land the want a subject into his said the subject is the phone	is house in the first p at told him," that he u and he told him the if he over heard led his brotherand	of flipped lace. use to live at he d the
13 D	TE/TIME	of REF	9 2030	4 REPORTING OFFICE	RIDAOIDIVIUNIT	A COS	15 APPROVED BY / ID NO	NARRCOMP.RPT

REV 8/97

NAF	RA"			VENTUR.	A COUNTY S	HERIFF'S DEPAI	RTMENT	1∕R.D.	2 BEAT,	3 RB NUMBE	R
Page	4	of ¥		ontinuation		ENTIFIER CA05600		603	0/6691	99-1	07780
4 CODE		OTY.	7 ITEM NAME	MA	ND/MAKE NUFACTURER	9 MODEL NAME OR NUMBER	10 MISC. DESCRIPTI	ON	SERIAL NUMB	ER	12 VALUE
				,		ving and that then pocket." I asked			•		id, "
]	No,	didn	't see it bu	t I heard son	nething in his p	ocketwhen h	e sat down	it sour	nded like h	e had som	ething
		in hi vearin	s pocket	so he figure	ed it was a gur	n." I asked .I was asleeplil	if he rem	embere	d the cloth	ning the su house "	bject
·	vas v	Vealin				leaving he told hi					oing
						e told the subject				nded, " no said h	
1	s no Iidn'i	otner want	way out	ne was say vith the guv i	nng ne was ge because his da	tting blamed for s ughter was home	and he thou	e alan ught the	e subject p		
1	gun.		said that	t he didn't ac	tually see the	gun. I asked Para	mo if what	he saw	was some	thing in hi	S
			or somethi			ut when he sat do nave been a knife,					
				I went into	the kitchen an	d got a knife."					
			ked l	how long	did the subjec	t stay in his house	the inform	aid it v	vas about	three min	ites ble
1	ecau and th	ise ne nat we	e needed to	ig the subject opersonally	t ne nad to lea interview him.	ve. I told asked, '	did he ha	ve a she	ootout wit	the cops	." I
1	old		he had	and	responded, "he	e's a crazy fucker.	" I told Pe	ramo tl	he subject	was involv	ed in
1	n ind	ident	at the Vo	ns center.	asked if	he had gotten kill cause I don't wan	ed and 1 to t to be no d	id him i lamn ra	that he had itIll ge	int. et my ass k	said icked
(	out h	ere."	I explaine	ed to	that we just v	wanted the inform	ation that h	ne had.	as	ked me if	the
	ubje e a 1		s from Fill	more.	kept asking	if he had to go to	courta	nd repe	ated that l	ne didn't w	ant to
		I to				al subjects and the				somethin	g so
,	ve co	ould i	find out w	hat went on	and that he alo	ne was not going	to solve th	is case.	t this time	said, " I ju	
			to go to c plead guilt	ourtwill t	ney subpoena aid after the su	me." I told ubject left he lister	ned for gun	shots b	ut didn't b	ear any. I	told
	Ü	tha	at we need	ed to sit dov	vn and go over	what he told me	. sa	ud, " I'1	l tell you a	again what	I told
	ou b	ut I d	on't want	to go to cou	irt."	continued," if the us an obligation.	y tell me I l	nave to	go to cou	rt and 1 do to talk to 1	nt go ne I
	ion't	want	no cops at	t my house	you call me.	' I told th	ne officers	who int	erview hir	n will not t	oe .
			police unif	orm. I also		e could arrange for long as no cops c			viewed at	the police	
	statio	n.	refus	ed to give m	e his address.	said, " I d	lon't want t	o get in	volved	if they wa	nt to
1	alk t	o me	have them	call meI	will also give y	ou my pager					

13 DATE / TIME OF REPORT

14 DEPORTING OFFICER / ID NO JOT / UNIT

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5 6 ITEM QTY	7 ITEM NAME	8 BRAND / MAKE MANUFACTURER	9 MODEL NAME OR NUMBER	10 MISC. DESCRIPTION	11 IDENTIFICATION / SERIAL NUMBER	12 VALU
X	Suppleme	ntal Case Closed	d		25	
Ga	ng 🗌 D	omestic Hate	Child Abu	use 🗌 Elde	erly Abuse	
Conne	ecting Repo	ort Numbers:				
Code	Section / D	escription: Officer In	volved Shootin	ng		
Code:	S Nam	e: Jaramillo, Joe				
On 9-7	7-99, at app	roximately 0530 hours	I received a c	all from Captai	n R. Thompson. ti	he on-
		nander. Captain Thor			-00 00000000000000000000000000000000000	
		ter located at Highway				
		he suspect was down			io. Thompson so	
Торона		no ouepool nuo uonn	, 110 01110010 111,	Juli 1001		
I drove	to the "Bol	den" shopping center	located at Hw	v. 126 and "A"	Street in Fillmore.	I arrived
		proximately 0630 hour				
	•	with yellow crime scen				
		marked patrol cars be				
outer p	perimeter fro	om the parking lot entr	ance on "A" St	reet, located a	t the Southwest co	orner of
the lot	The suspe	ct had been transporte	ed out of the so	cene prior to m	y arrival.	
I met v	vith other Ma	ajor Crime Detectives	at the scene a	nd attended a	briefing given by	Sergeant
B. Lars	sen. Larsen	was the patrol serges	ant on duty, an	d the initial sce	ene supervisor. C	aptain K
Fadler	, Major Crim	nes Supervisor, directe	ed Sergeant T.	Lorenzen to b	e the case agent t	for this
event.						
Upon	completion of	of the briefing, I assist	ed in a walk th	rough of the so	ene for the purpo	se of
locatin	g evidence	of the shooting. I loca	ted what appe	ared to be thre	e shotgun pellet s	strikes on
the cer	ment base o	f a light pole on the E	ast perimeter o	of the scene. C	On the blacktop su	rface of

09/08/99 / 3:39 PM

W. Gentry / 1682 / SS MC

REV 8/97

Page 2 of 2 oc

□ Continuation

AGENCY IDENTIFIER CA0560000

6030 BEAT

3 RB NUMBER 3B 99-67780

CODE TEM QTY. NAME

8 BRAND / MAKE MANUFACTURER OR NUMBER

10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

two flattened shotgun pellets. I pointed out the strike marks and the flattened pellets to Detective Thompson, Sgt. Lorenzen and to Evidence Technician Detective Thompson and I were then directed to respond to the Fillmore Police Station to interview the deputies involved in the shooting. Upon arrival at the Fillmore Station, I found that the involved deputies were in conference with their attorneys. After conferring with their attorneys, Deputy M. Macias, and Deputy M. Petit agreed to talk to us about what happened. Each deputy was taken back to the scene where they were interviewed and a walk-through of the scene was done. The deputies were taken to the scene and interviewed one at a time. Sgt. Lorenzen requested that he be present during the interview and scene walk through as the case agent. For that reason, I did not interview or walk through the crime scene with either officer. Detective Thompson and Sgt. Lorenzen conducted the interviews and the attorneys for the deputies were present with the deputies during the process. I maintained a position at the perimeter while the interviews and walk through were being done. I followed Detective Thompson's car between trips to and from the scene and the Fillmore station.

At the conclusion of the interviews by Detective Thompson and Sgt. Lorenzen, I cleared the scene and returned to the Major Crimes office.

13 DATE/TIME OF REPORT

09/08/99 / 3:39 PM

14 REPORTING OFFICER / ID NO / DIV / UNIT

W. Gentry / 1682 / SS MC

15 APPROVED BY / ID NO

MARROW HET

REV M97

# **CRIME / INCIDENT REPORT**

## VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of 2

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## CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

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CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT 78 RB NUMBER (CONTINUED) AGENCY IDENTIFIER CA0560000 Page 2 of 4 -67780 79 ADDITIONAL NAME (Complete Front Page First) CODE 81 NAME (Last, First, Middle, Gen.) / FIRM NAME AKA / Moniker RACE SEX 84 HT 85 WT 86 HAIR 87 EYES 88 DOB 89 AGE RESIDENCE ADDRESS \ D Same as Box 91 RESIDENCE PHONE ) CITY STATE ZIP 92 BUSINESS / SCHOOL NAME ANDRESS / ( D Same as Box 93 BUSINESS PHONE CITY STATE ZIP 94 OCCUPATION ( STUDENT) 95 DAYS OFF 96 WORK HRS 97 INTERPRETER 98 OPERATOR'S LIC. NO. / STATE 99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / **BODY STYLE** 101 OTHER CHARACTERISTICS / VIN NO. 102 DOMESTIC VIOLENCE (PC 13700, 13730) \* COMPLETE #70 & 71 ON FRONT PAGE 103 I RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT: 104 RELATIONSHIP OF PARTIES ☐ Parties involved are described in 13700 (B) PC and □ SPOUSES ☐ FORMER SPOUSES □ DATING/ ENGAGED ☐ FORMER DATING Incident was verbal only, no evidence of crime, physical violence or traumatic condition existed □ COHABITANTS □ FORMER COHABITANT (brief narrative required) or PARENTS OF CHILD FROM RELATIONSHIP A misdemeanor ( PC) occurred and no prosecution was desired by any involved party. # OF PRIOR RESPONSES? □ A felony □ A misdemeanor arrest was made for ( ALCOHOL/DRUG USE BY ABUSER? ☐ Yes ☐ No □ LOST 105 BICYCLE INFORMATION 107 □ STOLEN (Safekeeping, Found, Recovered, Evidence, use Property / Evidence Report) WHEEL SIZE GEARS 113 COLOR 110 MAKE / MODEL FRAME SIZE 114 SERIAL NUMBER 108 ☐ Boys ☐ ATB ☐ Road ☐ Hybrid ☐ Girls ☐ Juv. ☐ BMX ☐ Cruiser 115 LICENSE NO. / CITY 118 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS 117 VALUE If crime report, include brief description below (establishing elements of crime.) Use Narrative Report for details of crime. List stolen / lost property (use format below.) Enter total value/dollar loss on #89. All suspect information on Suspect Report. NARRATIVE PROPERTY CODES PROPERTY CLASSIFICATION CODES S G - FIREARMS H - HOUSEHOLD GOODS I - CONSUMABLE GOODS A - CURRENCY / NOTES B - JEWELRY / PRECIOUS METALS C - CLOTHING / FURS D - VEHICLE J - LIVESTOCK K - MISCELLANEOUS E - OFFICE EQUIPMENT F- ELECTRONIC EQUIPMENT SP - STOLEN PROPERTY LP - LOST PROPERTY 123 ITEM 126 MISC 127 IDENTIFICATION / 128 VALUE 121 122 124 BRAND / MAKE 125 MODEL / NAME ITEM QTY. NAME MANUFACTURER OR NUMBER DESCRIPTION **SERIAL NUMBER** CODE NARRATIVE

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**★** Continuation

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## NARRATIVE

ON 9-7-99 AT APPROXIMATELY 0345 HOURS, I RECEIVED A CALL FROM SHERIFF'S COMMUNICATIONS CENTER, SERGEANT HOELKER, WHILE ON OFF-DUTY STATUS. I WAS REQUESTED TO RESPOND TO FILLMORE IN REFERENCE TO AN ARMED SUSPECT THAT WAS INVOLVED IN A "STAND-OFF" WITH DEPUTIES. THE SHERIFF'S SPECIAL WEAPONS AND TACTICS, LESS THAN LETHAL TEAM WAS ALSO IN ROUTE. I WAS AUTHORIZED TO RESPOND CODE THREE FROM MY RESIDENCE.

I ARRIVED TO THE CARL'S JR. RESTAURANT ON HIGHWAY 126 IN FILLMORE AND CONTACTED SERGEANTS DE LOS SANTOS AND HOWE, OF THE SPECIAL WEAPONS AND TACTICS TEAM. THE LESS THAN LETHAL TEAM WAS ON SCENE. WE WERE INITIALLY BRIEFED BY DEPUTY HENDREN WHO SHOWED US A HAND-DRAWN MAP OF THE AREA, WHICH IDENTIFIED WHERE PATROL DEPUTIES WERE SET UP AND WHERE THE SUSEPCT WAS LOCATED. HENDREN DESCRIBED THE SUSPECT AS A HISPANIC MALE, APPROXIMATELY FIVE FEET NINE INCHES TALL, WEIGHING ONE-HUNDRED AND EIGHTY TO ONE-HUNDRED AND NINETY POUNDS, WEARING A LIGHT COLORED SHIRT, BLUE OR BLACK PANTS AND HAD A DARK COLORED JACKET OVER ONE OF HIS SHOULDERS. ONE OF HIS HANDS REMAINED IN HIS POCKET, WHICH WAS BELIEVED TO BE HOLDING A GUN.

THE SUSPECT'S PAROLE OFFICER WAS ALSO ON SCENE. PAROLE OFFICER ROMANOWSKY GAVE US BACKGROUND INFORMATION ON THE SUSPECT, JARAMILLO. HE WAS WANTED BY PAROLE FOR A SEXUAL ASSAULT ON A FEMALE AND A PAROLE VIOLATION. HE ADDED THAT OXNARD POLICE DEPARTMENT WAS INVESTIGATING HIM AS A SUSPECT IN A HOMICIDE INVOLVING THE MEXICAN MOFIA. HE HAD BEEN RELEASED FROM PRISON IN MAY OF EITHER 1997 OR 1998. (ROMANOWSKY COULD NOT REMEMBER THE EXACT DATE.)

SERGEANT DE LOS SANTOS BRIEFED US ON THE TACTICS TO BE UTILIZED DURING THE OPERATION. DEPUTY VOLPE WAS ASSIGNED AS MY COVER OFFICER. OUR RESPONSIBILITY WAS TO POSITION OURSELVES ON THE EAST SIDE OF THE PARKING LOT EAST OF WHERE THE SUSPECT WAS STANDING. OUR TASK WAS TO DEPLOY MY CANINE, BAR (PRONOUNCED "BEAR") IF THE SUSPECT ATTEMPTED TO FLEE IN AN EASTBOUND DIRECTION.

I WAS WEARING GREEN MILITARY STYLE PANTS AND A GREEN MILITARY STYLE LONG SLEEVE SHIRT. THERE WAS A SHERIFF'S PATCH, IN SUBDUED GREEN, SEWN ONTO EACH SHOULDER. I HAD A BLACK COVERED BALLISTIC VEST WITH A YELLOW EMBROIDERED SHERIFF'S STAR ON MY UPPER LEFT CHEST AND YELLOW EMBROIDERED "SHERIFF" AND "H.D.ORR" IN ONE INCH HIGH LETTERS OVER MY RIGHT CHEST. ON THE BACK OF THE VEST, THERE WAS YELLOW EMBROIDERED "SHERIFF" IN THREE INCH LETTERS IN THE UPPER, SHOULDER BLADE AREA. THE VEST HAD A MAGAZINE POUCH THAT CARRIED TWO MAGAZINES WITH SEVEN .45 CALIBER ROUNDS IN EACH MAGAZINE. I WAS ALSO WEARING A BLACK BALLISTIC HELMET. THERE WAS A PATCH ON THE FRONT OF THE HELMET WHICH READ, "SHERIFF" IN TWO-INCH HIGH YELLOW EMBROIDERED LETTERS. THE BACK OF THE HELMET READ, "K-9" IN TWO-INCH HIGH YELLOW EMBROIDERED LETTERS. I WORE A SAM BROWN

9-7-99 / 0900

DRR # 2291 /ECPS K9

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1 R.D. 2 BEAT 3 RB NUMBER 99-67780 AGENCY IDENTIFIER CA0560000 6030 68 BRAND / MAKE 9 MODEL NAME 10 MISC. 7 ITEM 11 IDENTIFICATION / 12 VALUE ITEM QTY DESCRIPTION CODE NAME MANUFACTURER OR NUMBER SERIAL NUMBER

> UTILITY BELT CONSISTING OF A SIG SAUER .45 CALIBER PISTOL. A COLD STEEL KNIFE. ONE PAIR OF HANDCUFFS, STINGER FLASHLIGHT AND ONE MAGAZINE POUCH CARRYING TWO MAGAZINES WITH SEVEN ROUNDS OF .45 CALIBER AMMUNITION IN EACH MAGAZINE.

> DEPUTY VOLPE AND I DROVE MY CANINE UNIT TO THE EAST SIDE OF THE SHOPPING CENTER ON THE CORNER OF HIGHWAY 126 AND CENTRAL AVENUE. WE PARKED UTILIZING A BUILDING FOR COVER. WE WALKED SOUTH AROUND THE SOUTHEAST CORNER OF THE BUILDING AND UTILIZED A BLOCK WALL, WHICH SURROUNDED A DUMPSTER, FOR COVER, I HAD MY CANINE BAR, IN A DOWN POSITION NEXT TO ME. WE HAD TO USE BINOCULARS, WHICH I RETRIEVED FROM MY UNIT, TO LOCATE AND IDENTIFY JARAMILLO. HE WAS APPROXIMATELY ONE HUNDRED YARDS WEST OF OUR LOCATION. JARAMILLO WAS LOOKING IN A NORTHERN DIRECTION. SOMEONE WHO WAS APPARENTLY TALKING TO HIM DIRECTED HIS ATTENTION TO THE NORTH. I COULD HEAR FAINT YELLING COMING FROM JARAMILLO'S LOCATION. DEPUTY VOLPE AND I OBSERVED A GOLD SEDAN IN THE PARKING LOT, APPROXIMATELY TWENTY-FIVE YARDS TO OUR SOUTHWEST. WE DECIDED TO MOVE CLOSER TO OBTAIN A BETTER VISUAL ON JARAMILLO.

> OF TRUNK PORTION THE VEHICLE UTILIZED THE WE CONCEALMENT. AFTER APPROXIMATLEY FIFTEEN SECONDS. I OBSERVED JARAMILLO DOUBLE OVER AND FALL TO THE GROUND. HE WAS ON THE GROUND FOR APPROXIMATELY TWO OR THREE SECONDS, BUT THEN GOT UP AND BEGAN TO MOVE SOUTH, DEPUTY VOLPE AND I MOVED UP TO A GREEN SEDAN APPROXIMATELY TEN-YARDS TO THE WEST. JARAMILLO FELL AGAIN. I DID NOT HEAR ANY ROUND BEING FIRED. I OBSERVED AND HEARD A LIGHT/SOUND DEVERSIONARY DEVICE DEPLOY TO THE SOUTH OF JARAMILLO. A SECOND LIGHT/SOUND DEVERSIONARY DEVICE WAS DEPLOYED JUST TO THE EAST OF JARAMILLO. MY CANINE BAR BEGAN TO BARK AGRESSIVELY AS HE FOCUSED ON JARAMILLO. I COULD NOT SEE JARAMILLO'S HANDS AS HIS BACK WAS TURNED TOWARDS US. HE FELL AGAIN TO THE GROUND NEXT TO A CURB.

> THE LESS THAN LETHAL TEAM MOVED IN TOWARDS JARAMILLO. ALONG WITH DEPUTY VOLPE AND I, WITH BAR. JARAMILLO CONTINUED TO REFUSE TO SHOW HIS HANDS. HE WAS PHYSICALLY RESTRAINED AND HANDCUFFED. FIRE DEPARTMENT AND PARAMEDIC PERSONNEL WERE CALLED IN FOR JARAMILLO'S INJURIES. THEY RESPONDED AND ATTENDED TO JARAMILLO.

13 DATE / TIME OF REPORT 0900

REV 8/97

14 REPORTING OFFICER / ID NO / DIV / UNIT

H.ORR # 22359 ECPS K9 15 APPROVED BY / ID NO

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NOTIFICATION AND ACTIONS

ON 9-7-99, AT 0530 HRS., I RECEIVED A PHONE CALL AT HOME FROM SGT.
HOELKER AT SHERIFF'S COMMUNICATION. SGT. HOELKER TOLD ME THERE HAD
BEEN AN OFFICER INVOLVED SHOOTING IN THE CITY OF FILLMORE IN THE 700 BLOCK
OF VENTURA STREET AT THE NEW SHOPPING CENTER. SGT. HOELKER TOLD ME THE
SUSPECT WAS "DOWN" AND NO OFFICERS WERE INJURED.

I DRESSED AND DROVE TO THE SHERIFF'S STATION IN VENTURA TO PICK UP MY BRIEFCASE AND MY WORK VEHICLE. FROM VENTURA I DROVE DIRECTLY TO THE SCENE AT VENTURA AND "A" STREET IN FILLMORE, ARRIVING AT 0626 HRS. B.I. CRIME SCENE TECH JOY SELF ARRIVED AT THE SAME TIME. THE SCENE WAS PRIMARILY CENTERED ON THE NORTHWEST PARKING LOT OF THE VON'S SHOPPING CENTER. CRIME SCENE TAPE WAS IN PLACE SURROUNDING THIS ENTIRE AREA WITH MARKED PATROL VEHICLES AT THE ENTRANCES TO THE SHOPPING CENTER. THIS AREA IS IN THE CENTER OF THE CITY WITH MAJOR EAST WEST TRAFFIC ON VENTURA STREET (SR126). AT THE TIME OF MY ARRIVAL, TRAFFIC WAS BEGINNING TO INCREASE AS IT WAS NOW DAYLIGHT. THE SHOPPING CENTER PARKING LOT IS ILLUMINATED WITH FREE STANDING LIGHT POLES LOCATED THROUGHOUT TO THE PARKING LOT. THE LIGHT POLES HAVE A 3 FOOT DIAMETER CONCRETE BASE WITH 4 LIGHTS ON EACH POLE. AT THE TIME OF MY ARRIVAL ONLY ONE OF THESE LIGHTS ON EACH POLE

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9-8-99 1800

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DAN THOMPSON #1032 SS/MC

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WAS ON. PATROL SERGEANT LARSEN TOLD ME THE OTHER LIGHTS HAD GONE OFF ABOUT 20 MINUTES PRIOR TO MY ARRIVAL. REFER TO DET. RIVERA'S REPORT FOR A DETAILED DESCRIPTION OF THE SCENE. NUMEROUS UNIFORMED PATROL DEPUTIES WERE PRESENT AROUND THE PERIMETER OF THE CRIME SCENE. ALSO PRESENT WAS COMMANDER DEAN, CAPTAIN L. WARREN, FILLMORE STATION SGT. ZERMENO. DEPUTY BEAUVAIS WAS ACTING AS SCRIBE FOR THE CRIME SCENE LOG.

SHORTLY AFTER MY ARRIVAL, PATROL SGT. LARSEN, WHO IS ASSIGNED TO THE FILLMORE STATION, BEGAN TO BRIEF ME ON THE INCIDENT. I ASKED THAT HE DELAY THE BRIEFING UNTIL THE REST OF THE DETECTIVES ARRIVED.

AT 0655 HRS., SGT. LARSEN BRIEFED DETECTIVES REGARDING THE INCIDENT. HE TOLD US THE CLERK AT ULTRAMAR GAS STATION, LOCATED ON VENTURA STREET AT THE EAST END OF TOWN, HAD CALLED THE SHERIFF'S DEPARTMENT AROUND 3:00 TO 3:30 A.M. THE CLERK REPORTED A MALE HAD WALKED INTO THE STATION AND TOLD THE CLERK HE WAS WANTED BY THE POLICE. THE MAN SAID HE WANTED TO TALK TO HIS PAROLE OFFICER AND TO DEPUTY MAX PENA. HE ALSO SAID HE HAD A GUN ALTHOUGH THE CLERK SAW NO WEAPON. THE MAN SAID HE WAS GOING TO VON'S. HE THEN LEFT THE GAS STATION. DEPUTIES RESPONDED TO THE ULTRAMAR AND VON'S BUT WERE UNABLE TO LOCATE THE MALE SUBJECT.

NEAR THIS SAME TIME PERIOD THE CLERK AT THE CHEVRON STATION,
LOCATED AT VENTURA AND "A" ST. CALLED THE SHERIFF'S DEPARTMENT TO REPORT
A MAN WITH A GUN WAS AT HIS STATION TELLING HIM THAT HE WAS SUPPOSED TO
MEET DEPUTIES AT VON'S. THE MAN ALSO TOLD THE CLERK HE WANTED TO DIE.
THE CLERK TOLD HIM NOT TO SHOOT HIMSELF NEAR THE GAS STATION AS THE GAS
PUMPS COULD EXPLODE. THE MAN SAID HE WAS WANTED BY THE POLICE FOR A
RAPE AND THE POLICE WOULD SHOOT HIM.

SGT. LARSEN SAID DEPUTIES RESPONDED TO THE CHEVRON STATION AND FOUND THE SUSPECT LEAVING THE AREA ON FOOT. THE DEPUTIES DREW THEIR WEAPONS AND ORDER THE SUSPECT TO HALT. THE SUSPECT CONTINUED WALKING EAST BOUND, CROSSED "A" STREET TO THE NORTH WEST CORNER OF VON'S PARKING LOT. THE SUSPECT WAS KNOWN TO THE DEPUTIES AS JOE JARAMILLO.

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DEPUTIES HAD RECEIVED A WANTED FLYER FROM OXNARD POLICE INFORMING THEM OF THE \$100,000 WARRANT CHARGING JARAMILLO WITH A SEXUAL ASSAULT.

SGT. LARSEN SAID THE SUSPECT HAD HIS RIGHT HAND AND ARM WRAPPED WITH A DARK COLORED WINDBREAKER. THE SUSPECT KEPT HIS RIGHT HAND NEAR HIS RIGHT FRONT BELT AREA THE ENTIRE TIME, AS IF HOLDING AND CONCEALING A HANDGUN. THE SUSPECT TOLD DEPUTIES HE HAD A GUN. THE SUSPECT DEMANDED TO SPEAK WITH DEPUTY MAX PENA AND HIS PAROLE OFFICER ROMANOWSKY. THESE TWO MEN WERE SUMMONED BY SHERIFF'S COMMUNICATION, AS DEPUTIES ATTEMPTED TO CONVINCE THE SUSPECT TO SHOW HIS RIGHT HAND.

DEPUTY PENA ARRIVED AT THE SCENE AND SPOKE WITH THE SUSPECT. THE SUSPECT REFUSED TO COOPERATE AND SHOW HIS CONCEALED HAND.

AT APPROXIMATELY 0400 HRS., ROMANOWSKY AND THE "LESS THAN LETHAL"
TEAM COMPRISED OF MEMBERS OF THE SWAT TEAM ARRIVED AT THE STAGING AREA
AT CARL'S JR. RESTAURANT (1 BLOCK WEST OF THE INCIDENT). AT APPROXIMATELY
0455 HRS. ROMANOWSKY AND THE LESS THAN LETHAL TEAM WERE DEPLOYED.
ROMANOWSKY JOINED MAX PENA IN ATTEMPTING TO TALK TO THE SUSPECT. THE
SUSPECT DID NOT COMPLY WITH THEIR REQUESTS THAT HE SURRENDER.

AT 0510 HRS., SR. DEPUTY NORRIS FIRED A 37 MM BATON ROUND AT THE SUSPECT. THE ROUND HIT THE SUSPECT AND SENT HIM TO THE GROUND. THE ARREST TEAM INCLUDING SR. DEPUTY MACIAS BEGAN TO APPROACH THE SUSPECT FROM THE SOUTH END OF THE PARKING LOT. THE SUSPECT GOT UP AND BEGAN MOVING TOWARD THE ARREST TEAM. AS THE SUSPECT MOVED TOWARD THE ARREST TEAM HE RAISED HIS COVERED RIGHT HAND IN AN AIMING TYPE MOVEMENT TOWARD THE ARREST TEAM. AT THIS POINT MACIAS FIRED 2 ROUNDS FROM HIS MP-5 (9MM). AT ABOUT THIS SAME TIME, DEPUTY PETIT, WHO WAS STATIONED TO THE WEST OF THE SUSPECT, NEAR A STUCCO TRASH RECEPTACLE AREA, FIRED 1 ROUND FROM HIS DUTY SHOTGUN. THE SUSPECT WENT TO THE GROUND. NEAR THIS SAME TIME PERIOD, FLASH BANGS WERE DEPLOYED. SR. DEPUTY NORRIS CONTINUED TO SHOOT BATON ROUNDS AT THE SUSPECT AS THE SUSPECT CONTINUED TO MOVE AND REFUSE TO OBEY COMMANDS. A TOTAL OF 6 LESS THAN LETHAL BATON

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ROUNDS WERE FIRED AT THE SUSPECT. THE SUSPECT WAS HANDCUFFED AND TAKEN INTO CUSTODY. NO HANDGUN WAS FOUND ON THE SUSPECT. HE WAS TRANSPORTED TO SANTA PAULA HOSPITAL. WITH GUNSHOT WOUNDS TO HIS LOWER TORSO. WE WERE TOLD A SHOTGUN PELLET HAD BEEN LOCATED IN THE SUSPECT'S CLOTHING AT THE HOSPITAL.

AT THIS POINT I SEARCHED THE AREA EAST OF THE SHOOTING SCENE IN AN ATTEMPT TO LOCATE ANY SHOTGUN PELLETS WHICH MAY HAVE LANDED IN THE PARKING LOT. THIS AREA WAS OPEN TO THE PUBLIC AND I WANTED TO SEARCH THE AREA PRIOR TO THE ARRIVAL OF ADDITIONAL CARS.

DET. GENTRY JOINED ME IN THIS SEARCH. DET. GENTRY LOCATED AN AREA ON THE WEST SIDE OFA CONCRETE BASE OF A LIGHT POLE WHICH APPEARED TO HAVE PELLET STRIKES. TWO FLATTENED PIECES OF LEAD WERE LOCATED A FEW FEET WEST OF THIS CONCRETE BASE. THIS PARTICULAR LIGHT POLE WAS WITHIN THE CRIME SCENE TAPED AREA, APPROXIMATELY 30 FEET EAST OF WHERE THE SUSPECT'S CLOTHING WAS NOW LYING.

5 OF THE LESS THAN LETHAL BATON ROUNDS WERE LOCATED WITHIN THE CRIME SCENE. SR. DEPUTY NORRIS TOLD ME HE HAD FIRED 6 OF THESE ROUNDS. HE SUGGESTED THAT THE MISSING ROUND MIGHT HAVE BEEN CAUGHT IN THE SUSPECT'S CLOTHING. THE DARK COLORED WINDBREAKER, WHICH HAD BEEN WRAPPED/DRAPED OVER THE SUSPECT'S RIGHT ARM WAS NOW NEAR A CURB IN THE PARKING LOT. WITHOUT MOVING THE WINDBREAKER, I PUSHED DOWN ON THE MATERIAL AND IN DOING SO FELT A HARD OBJECT THE APPROXIMATE SIZE AND SHAPE WAS SIMILAR TO THE SIZE OF A BATON ROUND.

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L WAS FEEDING HIS HORSES AND WOULD BE AVAILABLE FOR INTERVIEW AT 0900 HRS.

I WAS DETAILED, ALONG WITH DEPUTY GENTRY, TO INTERVIEW THE TWO DEPUTIES WHO HAD FIRED THEIR FIREARMS AT THE SUSPECT. BOTH DEPUTIES, MACIAS AND PETIT, WERE CURRENTLY AT THE FILLMORE SHERIFF'S SUBSTATION. I LEFT THE SCENE AT 0839 HRS. AND DROVE TO THE FILLMORE SHERIFF'S SUBSTATION, ARRIVING THERE AT 0845 HRS.

AT THE STATION I SPOKE WITH STATION CAPTAIN L. WARREN. CAPTAIN WARREN TOLD ME THE SUSPECT WAS JUST OUT OF PRISON AND WAS WANTED BY PAROLE, WAS A SUSPECT IN A RAPE OR SEXUAL ASSAULT AND A POSSIBLE SUSPECT IN A HOMICIDE. CAPTAIN WARREN GAVE ME A COPY OF A WANTED POSTER/FLYER WHICH HAD BEEN POSTED AT THE STATION FOR SUSPECT JOE JARAMILLO. ACCORDING TO THE FLYER, DET. BRUCE REED FROM OXNARD POLICE DEPARTMENT, WAS THE INVESTIGATOR IN CHARGE OF THE CASE. THE CAPTAIN ALSO PROVIDED ME WITH THE WARRANT INFORMATION ON THE SEXUAL ASSUAL, CDL WITH PHOTO AND REGISTRATION INFORMATION ON THE SUSPECT'S VEHICLE.

AT THE STATION I MET WITH DEPUTY SHERIFF'S ASSOCIATION
REPRESENTATIVES GLENN KITZMANN, DONNA CLONTZ AND RICK SHIMMEL. FROM
THEM I LEARNED DEPUTY MACIAS AND PETIT WERE CURRENTLY CONFERRING WITH
PORAC ATTORNEY KEN YUWILER. I ALSO SPOKE WITH SHERIFF'S PERSONNEL
COMMANDER HARWELL. COMMANDER HARWELL TOLD ME THE TWO DEPUTIES
INVOLVED IN THE SHOOTING WOULD BE TAKEN TO VCMC FOR A BLOOD DRAW. WE
AGREED THIS WOULD BE COORDINATED BETWEEN INTERVIEWS.

AFTER DEPUTIES MACIAS AND PETIT MET WITH ATTORNEY YUWILER, I HAD THE TWO DEPUTIES PHOTOGRAPHED WEARING THE UNIFORMS THEY WERE WEARING AT THE TIME OF THE SHOOTING.

ATTORNEY YUWILER ADVISED ME BOTH DEPUTIES AGREED TO GIVE A STATEMENT. DEPUTY PETIT, WHO WAS BEGINNING TO FATIGUE, HAD ASKED THAT HE BE ALLOWED TO GIVE HIS STATEMENT AT THE SCENE. I SUGGESTED WE INCORPORATE THE INTERVIEW WITH A WALK-THRU AT THE SCENE.

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AT 1130 HRS. I DROVE DEPUTY PETIT AND ATTY YUWILER TO THE SCENE. THE SCENE WAS STILL INTACT (EVIDENCE AND THE B.I. MARKERS IN PLACE). REFER TO A SEPARATE REPORT FOR DETAILS OF THE INTERVIEW.

FOLLOWING THIS WALK THRU / INTERVIEW, I DROVE DEPUTY PETIT AND ATTY YUWILER BACK TO THE FILLMORE SUBSTATION. DEPUTY MACIAS WAS NOW AT THE SUB STATION, AFTER HAVING PROVIDED A BLOOD SAMPLE FOR SHERIFF'S PERSONNEL.

SHERIFF'S PERSONNEL THEN TOOK DEPUTY PETIT TO VCMC FOR A BLOOD DRAW. AT 1300 HRS., I DROVE DEPUTY MACIAS AND ATTY YUWILER TO THE SCENE. AGAIN THE INTERVIEW OF MACIAS WAS INCORPORATED WITH THE WALK THRU. REFER TO A SEPARATE REPORT FOR DETAILS.

FOLLOWING THE INTERVIEW OF MACIAS, I REMAINED AT THE SCENE. AS THE EVIDENCE WAS NOW BEING COLLECTED, IT WAS DISCOVERED THAT THE HARD OBJECT I HAD FELT IN THE SUSPECT'S WINDBREAKER WAS IN FACT A BUTCHER KNIFE HANDLE. BECAUSE OF THIS I AGAIN SEARCHED FOR THE 6<sup>TH</sup> LESS THAN LETHAL BATON ROUND. THIS ROUND WAS NOT LOCATED.

I LEFT THE SCENE AT 1408 HRS., AND DROVE TO THE SHERIFF'S STATION IN VENTURA, ARRIVING THERE AT 1455 HRS.

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9-8-99 1800

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## CRIME / INCIDENT REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

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1 CONNECTING REPORT	NUMBERS	_= 11121			- 1	RD. 3	BEAT	4 RB NUR	(BER - 6778	80	
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79 ADDITIONAL NAME (Complete Front Page First)	
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90 RESIDENCE ADDRESS / (□ Same as Box) CITY STATE ZIP	91 RESIDENCE PHONE
92 BUSINESS / SCHOOL NAME ADDRESS / ( □ Same as Box) CITY STATE ZIP	33 BUSINESS PHONE
94 OCCUPATION (☐ STUDENT) 95 DAYS OFF 96 WORK HRS 97 INTERPRETER	98 OPERATOR'S LIC. NO. / STATE
99 VEHICLE LIC. NO. / STATE 100 VEH. COLOR / YEAR / MAKE / MODEL / BODY STYLE 101 OTHER CHAI	RACTERISTICS / VIN NO.
102 DOMESTIC VIOLENCE. ( PC 13700, 13730) *COMPLETE #70 & 71 ON FRONT PAGE	
103 I RESPONDED TO A CALL INVOLVING A DOMESTIC INCIDENT:	
□ Parties involved are described in 13700 (B) PC <u>and</u> □ SPOUSES □ Incident was verbal only, <u>no</u> evidence of crime, physical violence or traumatic condition existed. □ DATING/EN	
(brief narrative required) or PARENTS O	TS
A misdemeanor (PC) occurred <u>and</u> no prosecution was desired by any involved party.	
☐ A felony ☐ A misdemeand arrest was made for (PC) ALCOHOL/DR	JG USE BY ABUSER?
106 BICYCLE INFORMATION 107 STOLEN LOST (Safekeeping, Found, Recovered, Evident Property of the Property of th	ce,use Property / Evidence Report)
108 ☐ Boys ☐ ATB ☐ Road ☐ Hybrid ☐ COLOR ☐ 110 MAKE / MODEL. ☐ FRAME SIZE ☐ WHEEL SIZE ☐ GEARS ☐ 113 ☐ GIrls ☐ GIrls ☐ GIRLS ☐ BMX ☐ Cruiser ☐ GEARS ☐ 113 ☐ GEARS ☐ 113 ☐ GEARS ☐ 113 ☐ GEARS ☐ GEARS ☐ 113 ☐ GEAR	114 SERIAL NUMBER
115 LICENSE NO. / CITY 116 ADDITIONAL EQUIPMENT OR IDENTIFYING CHARACTERISTICS	117 VALUE
If crime report, include brief description below (establishing elements of crime.) Use Narrative Report for de (use format below.) Enter total value/dollar loss on #99. All suspect information on Suspect Report.	I tails of crime List stolen / lost property
PROPERTY CLASSIFICATION CODES  A - CURRENCY / NOTES  B - JEWELRY / PRECIOUS METALS  D - VEHICLE  G - FIREARMS  E - OPFICE EQUIPMENT  H - HOUSEHOLD GOODS	J-LIVESTOCK K-MISCELLANEOUS
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SEE TYPED NARRATIVE FOR DETAILS.	

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1 R.D. 2 BEAT

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### SOURCE OF ACTIVITY:

On 9-10-99, I was contacted by Sgt. Lorenzen. He asked me if I could write a report clarifying a couple of issues reference the position I responded to, which deputies I talked to and what I said to them on the morning of 9-7-99.

## OBSERVATIONS / ACTIONS:

In my original report I wrote that I had taken a position near the north west corner of the utility box and drew this in a diagram. The names of two deputies at this location were also unknown to me when I wrote my original report. On 9-10-99, I talked to Sgt. Lorenzen and he told me that the names of those two deputies were Marty Pettit and Dennis Stephens.

When I first arrived at the utility box Deputies Pettit, Stephens and Hendren were standing near the south east corner of the utility box. I went to that corner of the utility box and took a kneeling position where I could see the suspect. Deputy Pettit moved behind me while Deputies Stephens and Hendren moved to the west side of the utility box. There was no conversation between Deputy Pettit and I.

After being in that position for about one minute, I assessed the scene and felt that a better position would be at the north west corner of the utility box. I told Deputy Pettit that I was changing my position and moved to the north west corner. Deputy Stephens was at this corner when I arrived. He moved to the side so I could take that position. Deputy Hendren was now standing to the right of me and I am not sure where Deputy Stephens went.

I again assessed the scene from this position. I saw that there was a Deputy near a patrol

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unit stopping west bound traffic on Ventura Street. This Deputy was in danger of being in a crossfire if it became necessary for me to fire my weapon. I asked Deputy Hendren if he could have this deputy move so the focus of my attention would not be away from the suspect. Deputy Hendren completed this task. A short time later the first 37mm less than lethal round was fired.

I had no other conversation with these three deputies.

Refer to my original report for further details.

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Code Se	ction / Desc	ription OFFI	CER INVOLVE	D SHOOT	NG		
Code: A	-1 Name:	JARAMILLO, JO	SEPH				
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there was talking to up from t	er Capt. Keith a man with a him. I told hi he Watch Con	9/7/99 at approximate Parks, requesting a gun at 704 Venture im I would contact to a mander I put out at in Fillmore. I drove	a less than lethal a Street. He tol- the team and we an All Call page	team in the d me officer would be in for the Tea	city of F s were a route. I m to res	illmore. He ready on see mmediately u pond to a sta	told me the ene and we upon hanging aging area
	orris, Deputie	cias was already on s Wright, Volpe, Or	r with Canine, ar	nd Nickles ar	rived sho	rtly there aft	
them of t suspect w was a war	as located. H	le told us that Sgt. and that he said he ha he had requested to	d a gun, but no o	scene commone had seen	ander. H	e told us that id the subjec	us where that the subje

The plan was for Deputy Volpe and Deputy Orr to drive to the east end of the parking lot. Their assignment was to insure that the subject could not escape if he ran eastbound. Deputy Nickles with an SL6 and Sr. Deputy Macias with an MP5 as Nickles cover officer were to position themselves south of the subject. Their assignment was to act as the arrest team. Deputy Wright armed with an AR15 was to position himself west of the subject. His assignment was to insure that the subject did not leave the parking lot by going west. Sr. Deputy Norris carrying an SL6 with Sr. Deputy Schierman carrying an MP5 as Norris's cover officer accompanied me, also carrying an MP5, to the north west corner of the parking lot. Norris's assignment was to use the SL6 when appropriate. When we moved into the area all of the

13 DATE / TIME OF REPORT

09-08-99/1100hrs

14 REPORTING OFFICER / ID NO / DIV / UNIT

J. W. Howe/1105/Spec Srvs.

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1 R.D. 2 BEAT 3 RB NUMBER Page 2 of 3 □ Continuation AGENCY IDENTIFIER CA0560000 6030 99-67780 6B017 ITEM BRAND / MAKE 9 MODEL NAME IDENTIFICATION / пем от NAME MANUFACTURER DESCRIPTION OR NUMBER SERIAL NUMBER

Less than Lethal Team members were to relieve patrol deputies who were currently at those locations. Prior to moving to our assignments I admonished my team about "sympathetic shooting".

Deputies' Orr and Volpe drove to their location. Deputies' Nickles, Wright and Macias walked to their assigned location. Deputies Norris, Shierman and I accompanied by Parole Officer Romanowsky also walked to our location. To avoid detection by the Jaramillo, Deputies Norris, Shierman, Parole Officer Romanowsky and I walked north across Hwy 126, through the parking lot of the Supermarket, behind a Texaco Station and then back across Hwy 126.

We arrived at our assignment at approximately 0445 hrs. We relieved the deputies on scene. One of those deputies was Max Pina who was speaking with Jaramillo upon our arrival. As we took up our positions Romanowsky began conversing with Jaramillo. Jaramillo recognized Romanowsky as his parole officer. Romanowsky urged him to surrender. While Romanowsky was talking to Jaramillo I saw Nickles, Macias and Wright come into the parking lot from the south and move to their positions. Nickles and Macias took cover behind a patrol car, which was parked, in the south side of the parking lot. Deputy Wright moved to the west and out of my view.

As Romanowsky was talking with Jaramillo I obtained a sight picture on the subject and asked Norris if he had a good sight picture. He told me he did. Jaramillo was standing facing in a northwesterly direction so that we could see his face clearly. He had a lightweight windbreaker draped over his right shoulder and arm. We could not see his right hand and when he lit a cigarette he used his left hand to hold the cigarette and brought it down to his right hand which remained obscured by the windbreaker.

I told Schierman to advise the team that we were going to be taking action when appropriate. Sr. Deputy Shierman made a radio announcement that the less than lethal team had control and would be using less than lethal devices which may give off a loud noise. After Schierman made this announcement I heard Sgt. De Los Santos request a patrol roll call to insure that all officers on scene had heard the announcement. Because I was focused on the subject I did not monitor patrol response to this roll call. While this activity was occurring Jaramillo was turning from side to side so that we did not always have a full frontal view of his person.

I told Norris to take the shot when he felt it was appropriate. He was to my immediate left. At approximately 0455 hrs Norris pulled the trigger on the SL6 and the cylinder rotated and there was an audible click. Norris said that's one click. Immediately thereafter he fired and the projectile struck Jaramillo in their right abdominal area. Jaramillo immediately went to the ground screaming in obvious pain. I saw Macias and Nickles leave cover and begin to approach Jaramillo. Jaramillo began to get up off the ground and Norris fired another less than lethal baton round at him. It appeared that the baton struck him in the right side of his body. He went down again and immediately rose to feet and began moving toward Nickles and Macias. His right hand was still concealed by the jacket. As he moved toward them he began to raise his right hand in their direction. When he did this I heard the distinct sound of two 9mm shots being fired. Shortly thereafter I heard and saw light sound diversionary devices being deployed. I also heard a third report, which I initially thought, might have been an AR15 being fired. Schierman and I

13 DATE / TIME OF REPORT

09-08-99/1100hrs

14 REPORTING OFFICER / ID NO / DIV / UNIT

J. W. Howe/1105/Spec Srvs. 9

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**REV 8/97** 

1 R.D. 3 RB NUMBER of 3 □ Continuation AGENCY IDENTIFIER CA0560000 99-67780 6B017 ITEM 9 MODEL NAME 8 BRAND / MAKE 10 MISC. 11 IDENTIFICATION / CODE ITEM OR NUMBER DESCRIPTION QT NAME MANUFACTURER SERIAL NUMBER

moved to our right and through a break in a chain link fence and began to approach the subject on foot. Norris climbed over the chain-linked fence and also began to approach the subject. I shouted for everyone to cease-fire as we approached the subject. As this was occurring the subject was again rising to his feet. Norris continued to fire his SL6, striking Jaramillo several times. At one point Jaramillo was lying on his back with his feet up in a fetal type position. He had his right hand still covered and brought it under his chin as though to shoot himself in the head. At that point Norris fired one round striking him in the buttocks area. Jaramillo took his hand away from his chin and waved it around at the approaching deputies. I was convinced at this point that he did not have a gun in his hand and told the deputies to "take him" indicating that I wanted them to go hands on and take him into custody. Deputies' Schierman, Wright and Macias did this. Jaramillo was subdued and handcuffed even as he continued to struggle.

I could see a large laceration on his right forearm elbow area and there appeared to be blood in the area of his right hip. I called for emergency services and firemen responded to the scene. I radioed that we had an officer involved shooting and requested investigators. I asked who had fired their weapons and Sr. Deputy Macias told me he had fired his MP5 twice. He said that he had been in the semi automatic mode. I asked if anyone else had fired and was told that Deputy Petit, a patrol officer had fired a shotgun. As firemen and ambulance personnel arrived on scene I told them that they were at a crime scene and to be careful with their movements. I also told Sgt. Larson to get crime scene perimeter tape around the area. He insured that this was done. Jaramillo was treated at the scene. During this treatment I saw two distinct entry wounds to his right lower hip area. I could not tell the caliber of the weapon that these projectiles came from. After the initial treatment Jaramillo was transported by ambulance to Santa Paula Hospital. I instructed Sr. Deputy Macias to go to the Fillmore Station to await debriefing by investigators. Deputy Clancy who had recently arrived on scene transported Macias to Fillmore PD. I also directed that Deputy Petit be transported to Fillmore PD for debriefing. As this was occurring Capt. L. Warren and Sgt. De Los Santos arrived. I briefed them on what had occurred and they told me that investigators were in route. I told the rest of my team to respond back to Carl's Junior for debriefing. A short time later I joined them at Carl's Jr. We spoke briefly about the incident and waited for investigators to arrive.

13 DATE / TIME OF REPORT

09-08-99/1100hrs

14 REPORTING OFFICER / ID NO / DIV / UNIT

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**REV 8/97** 

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OFFICERS I TH SAW THAT TAPED OF BLACK AN LOCATION AT A DETECTIV FADLER T SGT STATION, DISPATCH AND TOLD CLERK TH THE SUBJ ACTUALLY AND TELL IS APPROX AFT ULTRAMA	SPOND. HE WERE INJU EN DROVE THE NORT F WITH YEL D WHITE PA IS BLOCKIN APPROX. 06 ES WHO HA HAT I WOUL LARSEN B LOCATED A I CENTER A I THE CLERI AT HE WAN ECT TOLD TO X. 4-5 BLOC ER THE CLE R AND THE	URED. TO FILLMO THWEST CO LOW SHER ATROL UNIT IG VEHICUL S55 HRS. SG AD ARRIVED LD BE THE O BEGAN BY T AT THE EAS AND REPOR K THAT HE ITED TO TA THE CLERK THE SUBJE T HE WAS O EKS FROM T ERK CALLE VONS CEN	RE AND AFTERNER OF THE THAT HE HE COING TO THE SHE	RRIVED A THE VOI ME SCEN VERAL O EDESTR N BRIEFE ME INCID NT. S THAT A TOWN, A SUBJE TED BY PUTY MA HAD A G TOLD THE THE VON MAR. ERIFF'S I WERE UI	AT APPRONS SHOPE IE TAPE. TO DEFFICERS IAN TRAFFED MYSEL ENT. I WA A CLERK A HAD CALL ECT HAD N THE POLIC X PINA AN UN, BUT TO IE SUBJECT IS SHOPE DEPT., UN NABLE TO	OX. 06 PING ( THER FIC. F ANI S ALS AT TH LED O WALK CE. H ND HI THE C OT TO PING (  IT RE	30 HRS., CENTER E WERE TRATEG D SEVER SO ADVIS E ULTRA OUR SHEI ED INTO S PAROL CENTER. CENTER.	WHERE HAD BEI SEVERA IC  CAL OTHI SED BY C  MAR GA RIFF'S HIS STA TOLD TH LE OFFIC D NOT HE POLIC THIS AR	ER CAPT S TION E ER. CEREA
FILLMORE FOR WARI	NOW BEEN STATION V RANTS AND ORTLY AFTE	VERE AWAR A PAROLE R THIS, A C	RE OF JARA WANT. CLERK AT 1	AMILLO	AND HAD	BEEN	LOOKIN	IG FOR I	RA
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AS THE MAN WALKED OUT OF THE CHEVRON STATION, HE WAS MET BY DEPUTIES WITH THEIR GUNS DRAWN. ACCORDING TO THE WITNESS, THE SUBJECT KEPT WALKING AND CROSSED THE STREET (A STREET). THE CLERK ADDED THAT HE HEARD THE SUBJECT TELL THE DEPUTIES, "I HAVE A GUN". HE FURTHER DESCRIBED THE SUBJECT AS HAVING HAD A JACKET OVER HIS RIGHT SHOULDER, AND HIS HAND INSIDE THE JACKET.

ADDITIONAL INFORMATION IN REFERENCE TO WHAT THE ATTENDANT AT THE CHEVRON SAID WAS GIVEN TO US. HE ADDED THAT THE SUBJECT TOLD HIM THAT HE WAS WANTED FOR AN ATTEMPT RAPE AND WARRANTS. THE CLERK ALSO SAID THAT HE WAS TOLD BY THE SUBJECT THAT "I'M GOING TO KILL MYSELF TONIGHT.... I HAVE A GUN... THE COPS WILL WANT TO KILL ME BECAUSE I'M WANTED FOR RAPE".

SGT. LARSEN ALSO TOLD US THAT AS OFFICERS RESPONDED, THEY CONFRONTED THE SUBJECT AND ORDERED HIM TO SHOW HIS HANDS. THE SUBJECT CONTINUED TO THE GRASS AREA WHERE HE STOPPED. DURING THE TIME THAT DEPUTIES HAD MADE CONTACT WITH THE SUBJECT, HE KEPT HIS RIGHT HAND INSIDE THE JACKET AND WOULD NOT REVEAL WHAT HE HAD WHEN ORDERED BY DEPUTIES TO REMOVE HIS HAND.

AS DEPUTIES SPOKE TO THE SUBJECT, HE SAID THAT HE WANTED TO SPEAK TO DEP. MAX PINA AND HIS PAROLE OFFICER. PINA WAS CONTACTED AT HOME AND RESPONDED TO THE AREA. THE SUBJECT'S PAROLE OFFICER, BORIS ROMANOWSKY WAS ALSO CONTACTED, AND HE TOO RESPONDED.

A SHORT TIME LATER, DEP. PINA ARRIVED AND BEGAN TO TALK TO JARAMILLO WHOM HE HAS KNOW FOR A NUMBER OF YEARS. PINA ATTEMPTED TO GET JARAMILLO TO COOPERATE, BUT HE WOULD NOT COMPLY.

AT APPROX. 0400 HRS., THE LESS THAN LETHAL" TEAM MEMBERS AND P.O. ROMANOWSKY MET AND BRIEFED AT THE CARL'S JR. WHICH IS ABOUT ONE BLOCK WEST OF WHERE DEPUTIES WERE CONFRONTING JARAMILLO. AFTER THE BRIEFING, THE LESS THAN LETHAL TEAM DEPLOYED ALONG WITH ROMANOWSKY AND ARRIVED ON SCENE AT APPROX. 0455 HRS.

ROMANOWSKY ATTEMPTED TO GET JARAMILLO TO COMPLY, BUT AGAIN JARAMILLO WOULD NOT GIVE UP.

SGT. HOWE THEN ADDED THAT HE HEARD AGAIN FROM THE SUSPECT THAT HE HAD A GUN. A SHORT TIME AFTER THIS, SR. DEP. NORRIS FIRED ONE ROUND FROM HIS "SL6" 37 MM BATON GUN. THE ROUND STRUCK JARAMILLO IN THE ABDOMEN AREA, AND HE WENT TO THE GROUND. THE SUSPECT THEN GOT UP, AT WHICH TIME, NORRIS FIRED ANOTHER ROUND AT JARAMILLO WHICH STRUCK HIM AGAIN ON HIS RIGHT SIDE.

THE SUSPECT THEN STARTED TOWARD THE ARREST TEAM (MACIAS & NICHOLS) WHO WERE MOVING IN. HOWE SAID HE HEARD TWO 9MM ROUND GO OFF AND THE SUBJECT WENT TO THE GROUND AGAIN. WHILE JARAMILLO WAS ON THE GROUND, HE WAS SHOT AGAIN BY NORRIS WITH THE "SL6" SEVERAL MORE TIMES (ONCE IN THE BUTT, AND ONCE SOMEWHERE ON HIS BODY).

9/20/99

LORENZEN / 0797 J SS /MAJ CRIMES

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HOWE MENTIONED THAT WHILE JARAMILLO WAS ON THE GROUND, STILL FLAILING AROUND, HE PUT THE RIGHT HAND UP TO HIS CHIN AS IF TO SHOOT HIMSELF. JARAMILLO WAS THEN HANDCUFFED BY ONE OF THE OFFICERS, AND WAS TRANSPORTED TO THE HOSPITAL IN SANTA PAULA.

DURING OUR BRIEFING, WE WERE ALSO TOLD THAT DEPUTY PETTIT HAD DISCHARGED HIS DUTY SHOTGUN, WHICH STRUCK THE SUSPECT IN THE RIGHT THIGH AREA.

SINCE BEING DETAILED AS THE CASE AGENT, I THEN MADE ASSIGNMENTS TO DETECTIVES THOMPSON AND GENTRY TO CONTACT AND INTERVIEW THE OFFICERS WHO HAD FIRED THEIR WEAPONS.

DET. SAGELY AND MYSELF THEN DID "WALK THRU" WITH THE OFFICERS THAT WERE ON SCENE. AT 0825 HRS. WE DID THE FIRST WALK THROUGH WITH SGT. HOWE AND SST SELF. THE SECOND WALK THROUGH WITH SR. DEP. NORRIS STARTED AT 0900 HRS. THIS TIME WE WERE ACCOMPANIED BY SGT. ERICKSON WHO WORKS FOR INTERNAL AFFAIRS. THIS WALK THROUGH WAS COMPLETED, AND AT APPROX. 0932 HRS., WE CONDUCTED THE THIRD WALK THROUGH WITH DEP. NICKELS. THIS WALK THROUGH INCLUDED DDA JAMES ELLISON.

THE FINAL WALK THROUGH BEGAN AT 0948 HRS. WITH DEP. STEPHENS AND CONCLUDED APPROX. FIFTEEN MINUTES LATER.

AT 1027 HRS., OUR HELICOPTER ARRIVED FOR AERIAL PHOTOGRAPHS, AND SST. COMPLETED THIS TASK AT APPROX. 1045 HRS. WHILE THE HELICOPTER WAS TAKING THE AERIAL PHOTOS, I WAS CONTACTED BY VICTOR GURROLA WHO TOLD ME THAT HE WAS THE OWNER OF THE BLACK MUSTANG THAT WAS PARKED INSIDE THE CRIME SCENE TAPE. HE TOLD ME THAT HE HAD JUST GOTTEN OFF WORK FROM THE NIGHT CREW AT VONS AND WANTED TO LEAVE. I ASKED THAT HE WAIT UNTIL WE HAD PHOTOGRAPHED THE AREA AS IT WAS AT THE TIME OF THE SHOOTING. AFTER SST FARRELL HAD COMPLETED HIS PHOTOS, I RELEASED THE CAR TO GURROLA AFTER FIRST CHECKING IT FOR EVIDENCE.

AT 1120 HRS, DET THOMPSON, DEP. PETTIT, AND PORAC ATTORNEY YUWEILER ARRIVED BACK AT THE SCENE. THE SCENE WAS INTACT WITH THE CRIME SCENE TAPE STILL UP AND EVIDENCE MARKERS IN PLACE. DET. THOMPSON AND MYSELF THEN DID A WALK THRU WITH PETTIT AND YUWEILER. REFER TO SEPARATE REPORT FOR DETAILS. THE WALK THRU WAS CONCLUDED AT 1207 HRS.

AT 1305 HRS., DET. THOMPSON AND MYSELF, DID A WALK THRU WITH SR. DEP. MACIAS AND ATTORNEYS YUWEILER AND SHIMMEL. THIS CONCLUDED AT 1329 HRS., AFTER WHICH MACIAS WAS TRANSPORTED BACK TO THE FILLMORE STATION AND HE EVENTUALLY WAS ALLOWED TO LEAVE.

I REMAINED AT THE SCENE WHILE THE B.I. TECHS BEGAN TO COLLECT THE EVIDENCE THAT HAD BEEN MARKED. AT ONE POINT, I WAS CALLED OVER TO WHERE DET. THOMPSON WAS LOOKING OVER THE DARK COLORED JACKET THAT JARAMILLO HAD OVER HIS RIGHT ARM DURING HIS CONFRONTATION WITH THE OFFICERS. AT THIS TIME A 10" BUTCHER KNIFE WAS POINTED OUT TO ME WHICH HAD BEEN

13 DATE/TIME OF REPORT 9/20/99 14 REPORTING OFFICER / ID NO / DIV / UNIT T. LORENZEN / 0797 / SS /MA, J CRIMES 15 ARPROVED/BY / ED NO

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NARRATIVE REPORT VENTURA COUNTY SHERIFF'S DEPARTMENT								1 R.D.		2 BEAT	T 3 RB NUMBER		_		
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SECRETED INSIDE THE RIGHT SLEEVE OF JARAMILLO'S JACKET. IT WAS NUMBERED BY B.I. AND WAS COLLECTED.

AT 1910 HRS., I ACCOMPANIED DET. PALMERIE AND REED TO SANTA PAULA HOSPITAL WHERE WE CONTACTED JARAMILLO. DETECTIVES REED AND PALMERIE WANTED TO TALK TO JARAMILLO IN REFERENCE TO THE ATTEMPTED RAPE AND A MURDER IN THEIR CITY.

I SECURED AT 1947 HRS.

THE FOLLOWING MORNING, I MET WITH B.I. TECHS A AND AT APPROX. 0500 HRS. WHERE THEY VIDEO TAPED THE SCENE TO CAPTURE THE LIGHTING CONDITIONS. I ALSO ASKED THEM TO FILM FROM THE VANTAGE POINT WHERE WITNESS (CHEVRON GAS STATION) WATCHED THE EVENTS UNFOLD. THIS TAPE WAS LATER GIVEN TO ME.

REFER TO ADDITIONAL REPORTS FOR FURTHER DETAILS.

13 DATE/TIME OF REPORT 9/20/99 14 REPORTING OFFICER / ID NO / DIV / UNIT LORENZEN / 0797 / SS / MAJ CRIMES 15 APPROVED BY

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09/24/99/ 3:27 PM

14 REPORTING OFFICER / ID NO / DIV / UNIT

Sgt. C.L. Wade / 2049 / MC / Homicide-

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## **CRIME / INCIDENT REPORT**

# VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of <u>3</u>

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**Continuation** 

AGENCY IDENTIFIER CA0560000

BRAND / MAKE MANUFACTURER MODEL NAME OR NUMBER

11 IDENTIFICATION SERIAL NUMBER

On 9-7-99, 0300-0330 hours, I was called out for a subject that was being held at gun point by some deputies at the Von's Shopping Center. I was advised that the subject being held by the deputies was a Joe Jaramillo. I was also told that Jaramillo wanted me to respond to the scene. I attempted to talk Jaramillo into giving himself up. Jaramillo refused several times. At one point while Deputies Jason Hendren, Jeff Wiggins and I were behind a utility box. Deputy Bob Arnold was positioned behind a dumpster close by.

Sometime during the incident Jaramillo told us that a woman had called him up to her apartment, and then had led him into her bedroom. Once inside of the bedroom the woman raised her top exposing her breasts. The woman then told Jaramillo that she wanted to have sex with him. Jaramillo further told us that the woman had told him not to tell his mother. Jaramillo also told us that he could not do that so he started to leave the apartment. As Jaramillo was leaving the apartment the woman apparently kicked his buttocks, He then says that he pushed the woman away and left.

13 DATE/TIME OF REPORT

7-99

# CRIME / INCIDENT REPORT

#### VENTURA COUNTY SHERIFF'S DEPARTMENT AGENCY IDENTIFIER CA0560000

Page 1 of <u>3</u>

1 CONNECTING REPORT	NUMBERS		ı			2	R.D.   3	BEAT	4 RB	NUMBER	
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				S "MIKE" MACIA Y, VENTURA. LI	•				TRIAL	

SR. DEPUTY MACIAS WORKS IN THE PRETRIAL DETENTION FACILITY AS A FLOOR SUPERVISOR. HE HAS A CO LATERAL ASSIGNMENT AS A MEMBER OF THE SPECIAL WEAPONS AND TACTICS (SWAT) TEAM. THE LESS THAN LETHAL TEAM IS COMPRISED OF SWAT TEAM MEMBERS. RADIO CALL SIGNS ARE NOT USED IN THIS CAPACITY; RATHER LAST NAMES ARE USED. SR. DEPUTY MACIAS WAS DRESSED IN HIS SWAT UNIFORM FOR THIS INCIDENT. THIS UNIFORM CONSISTED OF OLIVE DRAB UTILITY SHIRT AND PANTS. SUBDUED GREEN SHERIFF PATCHES ARE ON EACH SHOULDER OF THE SHIRT. A BULLET RESISTANT TACTICAL VEST WAS ABOUT THE CHEST. A YELLOW SHERIFF'S STAR IS ON THE LEFT CHEST. THE WORD "SHERIFF" IS IN YELLOW PRINT ACROSS THE RIGHT CHEST AND ACROSS THE BACK OF THE VEST. A BALISTIC HELMET IS ON THE HEAD WITH "SHERIFF" PRINTED IN YELLOW ON PATCHES WHICH ARE ACROSS THE FRONT AND THE BACK OF THE HELMET. A BLACK "NOMEX" BALACLAVA IS WORN OVER THE HEAD AND COVERS THE NECK AND MOUTH, LEAVING THE EYES AND NOSE EXPOSED.

ON 9-7-99, AT 1303 HRS. , MYSELF, ALONG WITH SGT. T. LORENZEN INTERVIEWED SR. DEPUTY MACIAS AS HE WALKED US THROUGH THE SHOOTING

13 DATE / TIME OF REPORT

9-12-99 1900

14 REPORTING OFFICER / ID NO / DIV / UNIT

DAN THOMPSON #1032 SS/MC

15 APPROVED BY / ID NO

NADDCO ID DD

Page 2\_ of 6

□ Continuation

AGENCY IDENTIFIER CA0560000

1 R.D. 6030 2 BEAT 3 RB NUMBER 6B 99-6

99-67780

CODE ITEM OTY.

7 ITEM NAME 8 BRAND/MAKE MANUFACTURER MODEL NAME
 OR NUMBER

DESCRIPTION

11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

SCENE. SR. DEPUTY MACIAS WAS ACCOMPANIED BY HIS PORAC ATTORNEY, KEN YUWILER AND DEPUTY SHERIFF'S ASSOCIATION MANAGER RICK SHIMMEL. ALSO PRESENT FOR STILL PHOTOGRAPHY WAS B.I. CRIME SCENE TECHNICIAN JOY SELF.

I TAPE-RECORDED THIS INTERVIEW AS DID ATTORNEY YUWILER.

SR. DEPUTY MACIAS TOLD ME HE RECEIVED A PAGE AT 0333 HRS. FROM SGT. WILL HOWE. (VOICE MAIL MESSAGE). THE PAGE NOTIFIED HIM A LESS THAN LETHAL TEAM WAS NEEDED IN FILLMORE ON A "MAN WITH A GUN", POSSIBLY WANTING TO COMMIT SUICIDE. THE STAGING AREA WAS "CARL'S JR." RESTAURANT.

DEPUTY MACIAS, WHO LIVES IN EAST VENTURA, PACKED HIS SWAT BAG, GOT DRESSED AND DROVE TO FILLMORE. HE WAS THE FIRST SWAT OFFICER ON SCENE. APPROXIMATELY 15 MINUTES LATER THE REMAINDER OF THE LESS THAN LETHAL TEAM ARRIVED AT THE STAGING AREA.

THE SUSPECT'S PAROLE OFFICER (ROMANOWSKY) GAVE SGT. HOWE A
BRIEFING ON THE SUSPECT. SGT. HOWE IN TURN BRIEFED THE TEAM. SGT. HOWE
TOLD THEM THE SUSPECT HAD COMMITTED A PRIOR SEXUAL ASSAULT. THE
SUSPECT HAD SAID HE HAD A GUN AND SAID HE WAS GOING TO SHOOT IT IN THE AIR,
OR IN THE AIR AT AN OFFICER, IN AN ATTEMPT TO FORCE OFFICERS TO KILL HIM.
DEPUTY HENDREN THEN DREW A DIAGRAM OF THE AREA AND SUGGESTED
LOCATIONS FOR THE LESS THAN LETHAL TEAM. DEPUTY HENDREN ALSO TOLD THEM
THE SUSPECT HAD HIS RIGHT HAND COVERED AND THAT IS WHERE THE GUN MAY
BE.

SGT. HOWE THEN MADE ASSIGNMENTS. MACIAS WAS TOLD TO DEPLOY WITH DEPUTY WRIGHT AND NICKELS. DEPUTY NICKELS WAS TO BE ARMED WITH THE SL-6 (NON LETHAL WEAPON) AND MACIAS WAS TO ACT AS HIS COVER OFFICER. THE TWO OF THEM WERE TO TAKE UP A POSITION AT SGT. LARSEN'S CAR (SOUTH END OF THE PARKING LOT) THEIR ASSIGNMENT WAS TO ACT AS AN ARREST/RESCUE TEAM. IN THE EVENT THE SUSPECT RAN SOUTH, DEPUTY NICKELS WAS TO TAKE A LESS THAN LETHAL SHOT.

MACIAS, NICKELS AND WRIGHT MADE THEIR WAS TO THE SHOPPING CENTER
VIA THE NEIGHBORHOOD TO THE WEST OF THE SHOPPING CENTER. BY GOING

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9-12-99 1900

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THROUGH BACKYARDS, AND CLIMBING FENCES, THEY ENDED UP AT THE SOUTHWEST SIDE OF THE SHOPPING CENTER. DEPUTY WRIGHT WAS DROPPED OFF AT THE WEST SIDE OF THE PARKING LOT WITH AN AR-15 AS HE WAS TO COVER THE INCIDENT AND WOULD HAVE THE ABILITY TO TAKE "THE LONG SHOT".

ARRIVING AT SGT. LARSEN'S VEHICLE, MACIAS COULD SEE THE SUSPECT STANDING NEAR A SODA BOTTLE (BOTTLE IS ON THE CURB BORDERING THE GRASS AND THE PARKING LOT IN THE NORTHWEST END OF THE LOT). THE JACKET WAS DRAPED OVER THE SUSPECT'S HAND. THE SUSPECT WAS WALKING AROUND, TALKING TO SWAT OFFICERS NORRIS, SCHIERMAN AND HOWE AS THEY WERE BEHIND THE COVER OF TWO ELECTRICAL BOXES. AT ONE POINT THE SUSPECT HAD HIS HANDS DOWN BY HIS WAIST. THE SUSPECT HAD A CIGARETTE IN HIS MOUTH AND WAS TRYING TO LIGHT A MATCH WITH HIS HANDS DOWN BY HIS WAIST. THE SUSPECT HAD DIFFICULTY DOING THIS AS HIS COVERED HAND REMAINED UNEXPOSED. BECAUSE OF THIS, MACIAS BELIEVED THE SUSPECT STILL HAD THE GUN IN THE COVERED HAND. MACIAS SAID THE SUSPECT DID ALL OF THE MANIPULATION OF THE CIGARETTE WITH HIS LEFT HAND. MACIAS NEVER SAW THE SUSPECT'S RIGHT HAND AS IT WAS ALWAYS COVERED WITH THE JACKET. SOMETHING HAPPENED OR WAS SAID CAUSING THE SUSPECT TO THROW DOWN HIS CIGARETTE.

MACIAS HEARD SR. DEPUTY SCHIERMAN BROADCAST A WARNING ON THE RADIO ADVISING EVERYONE THAT FLASH/BANGS MAY BE DEPLOYED AND THAT A LESS THAN LETHAL GUN MAY BE DISCHARGED. AFTER THIS BROADCAST, MACIAS TOLD DEPUTY NICKELS HE BELIEVED THEY WERE ABOUT TO SHOOT THE SUSPECT WITH THE SL-6. MACIAS ASKED NICKELS IF HE WAS READY. NICKELS RESPONDED THAT HE WAS. SR. DEPUTY SCHIERMAN TRANSMITTED ON HIS RADIO TELLING MACIAS "MIKE, YOU'RE ARREST/ RESCUE". MACIAS ACKNOWLEDGED THE TRANSMISSION.

MACIAS THEN HEARD THE "POP" FROM THE SL-6 BEING FIRED. MACIAS SAW
THE SUSPECT GET HIT BY THE NON LETHAL ROUND WHICH CAUSED HIM TO FALL
STRAIGHT BACK. MACIAS YELLED TO NICKELS "LET'S GO, LET'S GO". THE TWO OF

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THEM RAN AROUND THE FRONT OF SGT. LARSEN'S PATROL CAR (VEHICLE FACING WEST). THEY BEGAN RUNNING TOWARD THE DOWNED SUSPECT WITH MACIAS YELLING TO THE SUSPECT, "LET ME SEE YOUR HANDS, LET ME SEE YOUR HANDS". AS THEY RAN TOWARD THE SUSPECT, THE SUSPECT GOT UP AND STARTED RUNNING TOWARD THEM. DEPUTY NICKELS THREW A FLASH/BANG TOWARD THE SUSPECT WHO WAS NOW APPROXIMATELY TWO PARKING STALLS NORTH OF THE ISLAND. THE FLASH/BANG DID NOT SEEM TO SLOW THE SUSPECT'S MOVEMENT TOWARD MACIAS. AND NICKELS. THE SUSPECT CONTINUED TOWARD THEM AND THEN THE SUSPECT STOPPED AND LOOKED AT MACIAS AND NICKELS. THE SUSPECT ASSUMED AN ISOSCELES SHOOTING STANCE WHILE BRINGING THE "GUN" UP WITH BOTH HANDS. DEPUTY MACIAS DEMONSTRATED THIS BY STANDING WITH HIS FEET SHOULDER WIDTH APART, SLIGHTLY BENT AND THE KNEES. THE RIGHT ARM AND HAND ARE EXTENDED IN FRONT AT SHOULDER HEIGHT WITH THE LEFT HAND CUPPING UNDER THE RIGHT HAND NEAR THE PINKY FINGER. AS THE SUSPECT ASSUMED THIS SHOOTING STANCE, MACIAS, WHO HAD HIS MP-5 SELECTOR IN THE SEMI-AUTOMATIC POSITION AND SHOULDERED AT THE "LOW READY" POSITION, ELEVATED THE MUZZLE AND IMMEDIATELY FIRED ONE ROUND AT THE SUSPECT. MACIAS BELIEVED THE SUSPECT WAS ABOUT TO SHOOT EITHER HE, OR NICKELS. MACIAS EMPHASIZED THAT HIS SOLE RESPONSIBILITY IS TO PROTECT NICKELS, WHO WAS NOT ARMED WITH A LETHAL WEAPON. MACIAS SAID HE (MACIAS) WAS AT A "PRETTY GOOD TROT" AS HE FIRED HIS SHOULDERED WEAPON. HE BELIEVES HE WAS NEAR THE AREA BETWEEN THE TWO ISLANDS AT THE TIME. IN THIS AREA THE WORD "STOP" IS PAINTED IN LARGE LETTERS. MACIAS SAID HE WAS NEAR THIS "STOP" SIGN AREA. AFTER FIRING THE WEAPON, MACIAS SAW THE SUSPECT HAD CONTINUED MOVING TOWARD MACIAS. THE SUSPECT HAD ALSO REACATED TO THE SHOT AND HAD SPUN AROUND. MACIAS WAS UNSURE HOW THIS WAS ACCOMPLISHED BUT THE SUSPECT'S "WEAPON" WAS STILL POINTED AT MACIAS AS THE SUSPECT WAS EITHER DOWN OR GOING DOWN TO THE GROUND. MACIAS SAID HE (MACIAS) HAD NOW ALMOST REACHED THE NORTHERN MOST ISLAND. AT THAT POINT MACIAS FIRED ANOTHER ROUND AT THE SUSPECT. MACIAS STOPPED AND "ASSESSED", NOW

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SEEING THE SUSPECT WAS DOWN AND ON HIS BACK. MACIAS AGAIN YELLED TO THE SUSPECT, "LET ME SEE YOUR HANDS, SHOW ME YOUR HANDS". THE SUSPECT WAS SPINNING ON HIS BACK, WITH HIS HANDS STILL IN THE SHOOTING POSITION. THE JACKET STILL COVERED THE RIGHT HAND AND MACIAS STILL COULD NOT SEE A GUN. THE SUSPECT WAS YELLING "JUST KILL ME, JUST KILL ME". BY THAT TIME, NORRIS, SCHIERMAN AND HOWE AND COME FROM THE ELECTRICAL BOXES. MACIAS AGAIN PREPARED TO FIRE. IT WAS THEN THAT NORRIS SHOT THE SUSPECT WITH ONE OR TWO NON LETHAL ROUNDS. THE SUSPECT REACTED TO THE NON LETHAL ROUNDS AND IN DOING SO CAUSED THE JACKET TO MOVE WHICH ALLOWED MACIAS TO DETERMINE THE SUSPECT DID NOT HAVE A GUN, ALTHOUGH HE STILL COULDN'T SEE THE SUSPECT'S HAND. AT THIS POINT THE SWAT TEAM HAS MOVED IN ON THE SUSPECT. SCHIERMAN WAS NOW IN THE PARKING LOT. EAST OF THE SUSPECT. MACIAS WAS ON THE GRASS, WEST OF THE SUSPECT. BECAUSE OF CROSSFIRE CONCERNS AND THE CLOSE PROXIMITY OF THE SWAT PERSONNEL TO THE SUSPECT, MACIAS SAFED HIS WEAPON AND SLUNG HIS WEAPON SO THAT HIS HANDS WOULD BE FREE. NORRIS HAD NOW GRABBED THE SUSPECT'S JACKET OFF OF HIS HAND. NORRIS THEN YELLED TO THE OTHERS "HE DOESN'T HAVE A GUN, HE DOESN'T HAVE A GUN". MACIAS AND SCHIERMAN THEN CLOSED IN AND SPUN THE SUSPECT TO HIS STOMACH AND HANDCUFFED HIM. THE SUSPECT RESISTED THIS BY KICKING AT THEM.

MACIAS DID NOT KNOW WHERE NICKELS WAS WHEN THE SHOOTING OCCURRED. BUT IN THEIR TRAINING, NICKELS WOULD ALWAYS BE TO HIS LEFT.

MACIAS SAID BECAUSE NICKEL'S WAS CARRYING THE LESS THAN LETHAL WEAPON, IT WAS MACIAS' RESPONSIBILITY TO PROTECT HIM.

MACIAS SAID HE NEVER SAW ANY PATROL PERSONNEL ENGAGE THE SUSPECT.

AT THIS POINT IN THE INTERVIEW I HAD DEPUTY MACIAS POSITON DET. RIVERA IN THE APPROXIMATE LOCATION OF THE SUSPECT AT THE TIME MACIAS FIRED HIS FIRST SHOT. MACIAS POSITIONED DET. RIVERA IN THE SECOND PARKING SPACE NORTH OF THE ISLAND. I THEN HAD MACIAS POINT OUT HIS (MACIAS') LOCATION AT

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THE TIME OF THE FIRST SHOT. MACIAS BELIEVED HE WAS NEAR THE "O" IN THE STOP SIGN PAINTED ON THE PARKING LOT. MACIAS BELIEVED HE WAS JUST SOUTH OF THE SOUTH ISLAND CURB WHEN HE FIRED THE SECOND SHOT. I STOOD IN THESE LOCATIONS AS DET. RIVERA STOOD WHERE THE SUSPECT WAS AT THE TIME MACIAS FIRED. SST SELF TOOK PHOTOGRAPHS OF THESE POSITIONS AND FROM MACIAS' PERSPECTIVE. ADDITIONAL PHOTOGRAPHS WERE TAKEN FROM THE AREA WHERE DEPUTY PETIT INDICATED HE HAD BEEN LOCATED WHEN HE FIRED HIS SHOTGUN.

I KNEW THE CLERK/WITNESS AT THE CHEVRON STATION HAD INDICATED DURING AN INTERVIEW THAT THEY TOO HAD WITNESSED THE SUSPECT RUNNING AT THE DEPUTIES WITH HIS RIGHT HAND EXTENDED. WHILE MAINTAINING OUR POSITIONS, I HAD SST. SELF PHOTOGRAPH OUR LOCATION FROM THE PERSPECTIVE OF THE CLERK INSIDE THE CHEVRON STATION.

MACIAS COULD NOT GIVE ME AN EXACT TIME PERIOD BETWEEN HIS TWO FIRED ROUNDS. HE ESITMATED THE TIME TO BE ABOUT ONE SECOND. HE SAID IT WAS THE TIME IT TOOK HIM TO GO FROM THE "STOP" SIGN AREA TO JUST BEFORE THE ISLAND AT A MODERATE TO FAST JOG.

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OFFICER INVO	DLVED SHOOTING						
Code: A	Name: JARAMIL	LO, JOSE					
DEPUTY MAR	TY PETTIT, ID #3100,	WEST COUNTY	POLICE S	SERVIC	ES. SA	NTA CL	ARA

AT THE TIME OF THE INCIDENT, DEPUTY PETTIT WAS IN FULL UNIFORM
CONSISTING OF THE STANDARD SHORTSLEEVE TAN SHIRT AND GREEN PANTS. HIS
BADGE WAS DISPLAYED ON THE LEFT CHEST OF HIS SHIRT. THE STANDARD
UNIFORM SHERIFF PATCHES WERE ON EACH SHOULDER. A "SAM BROWN" GUN BELT
WAS ABOUT THE WAIST. DEPUTY PETTIT WEARS CORRECTIVE LENSES AND HAD
THESE EYEGLASSES ON AT THE TIME OF THE INCIDENT.

ON 9-7-99, AT 1135 HRS., MYSELF, ALONG WITH SGT. T. LORENZEN
INTERVIEWED DEPUTY PETTIT AS HE WALKED US THROUGH THE SHOOTING SCENE.
DEPUTY PETTIT WAS ACCOMPANIED BY HIS "PORAC" ATTORNEY, KEN YUWILER.
ALSO PRESENT FOR STILL PHOTOGRAPHY WAS B.I. CRIME SCENE TECHNICIAN IAN
FARRELL.

I TAPE-RECORDED THIS INTERVIEW AS DID ATTORNEY YUWILER.

DEPUTY PETTIT TOLD ME HE AND HIS PARTNER, DEPUTY BROOKER, WERE WORKING A COUNTY AREA PATROL CAR, CALL SIGN 3B12. PETTIT SAID THE FIRST HE KNEW OF THE SITUATION WAS WHEN DEPUTY ARNOLD BROADCAST ON HIS RADIO THAT HE WAS ON HIS WAY TO VON'S ON A "MAN WITH A GUN" CALL AND REQUESTED A BACK UP. AT THE TIME, PETTIT SAID HE AND HIS PARTNER, BROOKER, WERE IN

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NORTH FILLMORE IN THE AREA OF 4TH AND BLAINE. THEY HAD LEFT THEIR VEHICLE AND HAD GONE INTO THE AREA ON FOOT. AFTER HEARING THIS TRANSMISSION. PETTIT WAS DROPPED OFF TO GET THEIR PATROL CAR AS BROOKER WENT AHEAD WITH FILLMORE CITY CAR 6B11, DRIVEN BY DEPUTY HENDREN. ARNOLD HAD RADIOED THAT HE WAS AT THE VON'S AND WAS UNABLE TO LOCATE THE SUSPECT. HEARING THIS, PETTIT THOUGHT THE SUSPECT MAY HAVE GONE BACK TO ULTRA MAR GAS STATION. PETTIT DROVE TO THE ULTRA MAR AND CONTACTED THE CLERK, H HAD WRITTEN DOWN WHAT THE SUBJECT HAD TOLD HIM. HE GAVE THAT NOTE TO PETTIT. (PETTIT GAVE ME THAT NOTE PRIOR TO THE WALK THRU) THE SUBJECT HAD TOLD HE HE NEEDED HIM TO CALL THE POLICE FOR HIM. HE SAID HE NEEDED TO TALK TO MAX PINA AND PAROLE OFFICER ROMANOWSKY. HE ALSO TOLD HE HAD A GUN. HE SAID IF THE OFFICERS "DO SOMETHING FOOLISH OR GET OUT OF HAND, I CAN GET CRAZY". PETTIT INTERPRETED THIS AS AN IMPLIED THREAT. PETTIT SAID THE CLERK TOLD HIM HE NEVER SAW THE GUN BUT THE SUSPECT TOLD HIM HE HAD A GUN. THE CLERK DID NOT KNOW IF THE SUSPECT LEFT THE AREA ON FOOT OR IF HE HAD A CAR. PETTIT

DEPUTY PETTIT SAID THE DEPUTIES ASSIGNED TO THE FILLMORE AREA WERE ALL OUT LOOKING FOR THE SUSPECT WHEN SHERIFF'S COMMUNICATIONS BROADCAST THAT THE SUSPECT WAS NOW AT THE CHEVRON STATION ("A" ST./VENTURA ST). PETTIT DROVE WEST BOUND ON VENTURA STREET (SR126) AND UPON ARRIVING AT THE STATION SAW THAT ONE OR TWO PATROL UNITS HAD ARRIVED AT THE FRONT. PETTIT HEARD DEPUTY STEPHENS BROADCAST THAT HE WAS AT THE REAR OF THE CHEVRON STATION. AS DEPUTY PETTIT DROVE SOUTH BOUND ON "A" STREET HE COULD SEE DEPUTY STEPHENS AT THE SLUMP STONE WALL SOUTH OF THE STATION.

SAID HE LEFT THE ULTRA MAR, AND ADVISED SHERIFF'S COMMUNICATIONS OF THE

IMPLIED THREAT ALONG WITH A BRIEF DESCRIPTION OF THE SUSPECT.

PETTIT SAID SGT. LARSEN AND ONE OR TWO OTHER OFFICERS HAD NOW APPROACHED THE SUSPECT IN FRONT OF THE CHEVRON STATION, GIVING THE SUSPECT COMMANDS TO PUT HIS HANDS UP. PETTIT SAID THE SUSPECT WAS NOT

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COMPLYING. THE SUSPECT CONTINUED TO WALK EAST BOUND, INCREASING HIS PACE. PETTIT STOPPED HIS PATROL CAR IN THE MIDDLE OF "A" STREET NEAR THE "A" STREET DRIVEWAY TO THE CHEVRON STATION. THE SUSPECT WALKED IN FRONT OF PETTIT'S UNIT WITH SGT. LARSEN AND STEPHENS FOLLOWING THE SUSPECT ON FOOT. THE DEPUTIES WERE TRYING TO CLOSE IN ON THE SUSPECT BUT THE SUSPECT HAD A BLUE WINDBREAKER/JACKET OVER HIS SHOULDER WITH HIS RIGHT HAND COMPLETELY HIDDEN UNDERNEATH THE JACKET. THE SUSPECT WAS YELLING AT THE DEPUTIES "NO, I DON'T WANT TO TALK TO YOU, I WANT PINA". AFTER THE SUSPECT AND THE DEPUTIES HAD PASSED BY PETTIT, PETTIT DROVE FORWARD AND PARKED JUST PAST THE SOUTHEAST CORNER OF THE SHOPPING CENTER. PETTIT GOT OUT OF HIS UNIT WITH HIS DUTY SHOTGUN. PETTIT SAID HE IMMEDIATELY CHAMBERED A ROUND INTO THE SHOTGUN. HE BELIEVES THIS ACTION CAUSED THE SUSPECT TO TURN AND LOOK IN HIS DIRECTION. PETTIT SAID HE FIRST POSITIONED HIMSELF TO THE NORTH OF THE TRASH ENCLOSURE IN THE SOUTH WEST CORNER OF THE PARKING LOT. BECAUSE OF OTHER DEPUTIES POSTIONS AND THE FEAR OF CROSS FIRE, PETTIT SAID HE MOVED TO THE SOUTHEAST CORNER OF THE TRASH ENCLOSURE AREA (STUCCO ENCLOSURE WITH 6 FOOT HIGH WALLS WHERE HE JOINED DEPUTY STEPHENS WHO WAS ALREADY THERE. PETTIT SAID HE AND STEPHENS STAYED AT THE SOUTH EAST CORNER OF THAT TRASH ENCLOSURE NEAR A POLE (3 FOOT HIGH POLE LOCATED IN THE SOUTHEAST CORNER OF THE ENCLOSURE) FOR THE DURATION OF THE INCIDENT. PETTIT SAID HE BELIEVED HE WAS AT THAT LOCATION FOR APPROXIMATELY 1 1/2 HOURS. DURING THAT TIME, THE SUSPECT IS YELLING THAT HE WANTED "PINA" AND HIS "PAROLE OFFICER". DEPUTIES WERE YELLING AT THE SUSPECT TO SHOW HIS HANDS. THE SUSPECT RESPONDED "NO, I'VE GOT MY GUN, IF I TAKE MY HANDS AWAY YOU'LL RUSH ME. I'M NOT GOING TO DO THAT." PETTIT EMPHASIZED THE SUSPECT'S RIGHT HAND CONTINUALLY REMAINED AT HIS RIGHT WAIST AREA. PETTIT SAID THE SUSPECT WAS EITHER HOLDING A GUN OR SIMULATING HE WAS HOLDING A GUN THE ENTIRE TIME. A COUPLE OF TIMES PETTIT SAW DEPUTY PINA CARRY PAPERS OUT TO THE SUSPECT. WHEN DOING SO, THE SUSPECT WAS ORDERED TO TURN AROUND AND

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FACE AWAY. THE SUSPECT WOULD COMPLY WITH THIS AND WOULD TURN AND FACE IN A SOUTHEAST DIRECTION. AS PINA MOVED TO DELIVER THE PAPERS. PETTIT MOVED SOUTH AND EAST TO KEEP PINA OUT OF THE LINE OF FIRE. WHEN PINA MOVED BACK TO AN AREA OF SAFETY, PETTIT WOULD RETURN TO THE SOUTH EAST CORNER OF THE TRASH ENCLOSURE. PETTIT SAID HE USED THE SOLID WALL TO THE NORTH OF THE SUSPECT, AS A BACKDROP, SO THAT WHEN THE SUSPECT MOVED OFF THE CURB ONTO THE PARKING LOT, THE TOP OF THE SUSPECT'S HEAD WAS PARALLEL WITH THE TOP OF THE WALL. APPROXIMATLEY 4 OR 5 OTHER TIMES PETTIT SAW THE SUSPECT MOVE FROM THE CURB BORDERING THE GRASS TO ONTO THE GRASS OR ONE FOOT UP ON THE CURB. AS DEPUTY ARNOLD ENGAGED HIM IN CONVERSATION, THE SUSPECT WOULD GO FROM CALM TO AGITATED. PETTIT SAID HE COULDN'T UNDERSTAND WHAT WAS BEING SAID, BUT BY THE SUSPECT'S ACTION, AT ONE POINT THROWING A MATCH DOWN AS IF ANGRY, PETTIT BELIEVED THE SUSPECT WAS GETTING IMPATIENT. SEVERAL (APPROXIMATELY 15) TIMES THE SUSPECT VENTURED EAST IN THE LOT APPROXIMATELY TO THE END OF THE PAINTED PARKING STRIPES. AT THAT LOCATION THE SUSPECT WOULD STAND AND LOOK AROUND. PETTIT LATER TOLD ME OFF TAPE THAT HE RECALLS THE SUSPECT RAISING HIS LEFT HAND AND USING HIS INDEX FINGER TO COUNT THE OFFICERS IN THE AREA.

PETTIT SAID ABOUT 10-15 MINUTETS AFTER DEPUTIES WERE ON SCENE, SGT. LARSEN RADIOED TO STEPHENS AND PETTIT. SGT. LARSEN TOLD THEM "IF HE GOES, YOU GUYS HAVE THE ANGLE". PETTIT INTERPRETED THIS AS MEANING THEY HAD THE SHOT. PETTIT RADIOED BACK TO LARSEN, ASKING HIM "BY HE GOES, DO YOU MEAN IF HE RUNS OR IF HE POINTS". LARSEN RADIOED BACK "IF HE POINTS". PETTIT TOLD ME "SO THAT, IN MY MIND, THAT'S MY KEY, THAT IF I HAVE TO TAKE A SHOT, IT'S WHEN HE POINTS". PETTIT ADDED "SO THE WHOLE HOUR AND A HALF, THAT'S WHAT'S IN MY MIND. AND I'M WATCHING THAT RIGHT HAND AS CLOSE AS I CAN. I CAN'T ALWAYS SEE, BUT I CAN SEE AT LEAST IT'S NOT UP WHEN HE'S FACING THOSE GUYS".

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PETTIT SAID SWAT ARRIVED AND BEGAN THEIR APPROACH TO THE AREA.

THEY SAW THEY WERE TOO EXPOSED SO THEY WENT AROUND THROUGH THE

NEIGHBORHOOD AND JUMPED THE WALL FROM THE HOUSING TRACT WEST OF THE

SHOPPING CENTER. TWO OR THREE OFFICERS WERE DEPLOYED AT SGT. LARSEN'S

LOCATION BEHIND HIS UNIT, WHICH WAS PARKED, AT THE SOUTH END OF THE

PARKING LOT. PETTIT SAID HE WAS TOLD THERE WAS A NON LETHAL WEAPON AT

THAT LOCATION. ONE SWAT MEMBER CAME TO PETTIT'S LOCATION AND GOT BEHIND

PETTIT. PETTIT SAID THAT SWAT OFFICER HAD AN AR-15 WITH A SCOPE (ACTUALLY

A MOUNTED FLASH LIGHT). A COUPLE OF OTHER SWAT OFFICERS WERE DEPLOYED

WITH A NON LETHAL WEAPON BEHIND THE UTILITY BOXES AT THE NORTH SIDE OF

THE PERIMETER (BEHIND THE USA GAS STATION).

PETTIT SAID THE SWAT MEMBER WHO WAS DEPLOYED NEAR HIM TOLD HIM "THIS IS WHAT THEY'RE GOING TO DO, THEY'RE GOING TO SHOOT A NON LETHAL AND TURN THE DOG ON HIM". AFTER BEING TOLD THIS, PETTIT HEARD A RADIO TRANSMISSION "WHEN YOU HEAR THE ROUND GO OFF FROM THE NON LETHAL. DON'T LET IT STARTLE YOU, AND FIRE, WE'RE DEPLOYING A NON LETHAL". FOLLOWING THIS TRANSMISSION, EVERYONE ON SCENE RADIOED TO ACKNOWLEDGE THEY HAD HEARD THE TRANSMISSION. SHORTLY AFTER THIS THE FIRST NON LETHAL ROUND WAS FIRED. PETTIT SAID THE SUSPECT WAS ON THE LAWN AT THE TIME THE FIRST ROUND WAS FIRED. PETTIT DID NOT KNOW WHERE THE ROUND CAME FROM, SAW NO MUZZLE FLASH, BUT BELIEVED IT WAS FIRED FROM CLOSE PROXIMITY TO THE SUSPECT. THE SUSPECT REACTED TO THE SHOT AND EITHER FELL TO THE GROUND OR STUMBLED. PETTIT WASN'T SURE BUT BELIEVED A SECOND NON LETHAL ROUND WAS THEN FIRED. THE SUSPECT TURNED AND BEGAN MOVING TOWARD SGT. LARSEN. THE SUSPECT WAS MOVING QUICKLY, NOT A DEAD RUN BUT "A REAL FAST STUMBLE". THE SWAT OFFICERS WERE YELLING AT THE SUSPECT TO "PUT HIS HANDS UP, STOP, DON'T MOVE". AT THAT TIME PETTIT SAID HE HEARD MORE NON LETHALS GOING OFF. AS THE SUSPECT CONTINUED SOUTH, PETTIT SAID HE AND THE SWAT OFFICER WITH HIM, MOVED OUT AWAY FROM THE ENCLOSURE WALL, MOVING AS THE SUSPECT MOVED, TO KEEP A GOOD LINE OF

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DAN THOMPSON #1032 SS/MC

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FIRE. PETTIT HAD HIS WEAPON SHOULDERED AND WAS TRACKING THE SUSPECT AS HE CONTINUED TO MOVE IN A SOUTHERLY DIRECTION. PETTIT SAID HE EXPECTED THE SUSPECT TO GO DOWN AT ANY TIME. PETTIT BELIEVED HE (PETTIT) HAD NOW MOVED AT LEAST TO THE SECOND LINED PARKING SPACE TO THE EAST OF THE ENCLOSURE. THE SUSPECT WAS NOW MOVING QUICKER AND JUST BEFORE HE REACHED THE RAISED CURB SURROUNDING A SMALL GRASS ISLAND. THE SUSPECT WAS LEANING FORWARD AND THE RIGHT HAND. WHICH UNTIL NOW HAD NEVER MOVED, CAME UP AND STRAIGHT OUT. THE JACKET WAS STILL COVERING THE RIGHT HAND AND PETTIT COULD NOT SEE WHAT WAS IN THE HAND. THE HAND WAS EXTENDED IN FRONT OF THE SUSPECT TO THE POINT PETTIT COULD SEE "DAYLIGHT" UNDER THE SUSPECT'S RIGHT ARM. PETTIT SAID THERE WERE STREET LIGHTS AND VEHICLES EAST OF THE SUSPECT AND PERHAPS THOSE LIGHT COLORS ARE WHAT HE SAW AS THE SUSPECT RAISED HIS RIGHT ARM AND HAND. PETTIT SAID AT THAT POINT HE BELIEVED THE SUSPECT WAS AIMING AT THE OFFICERS (SOUTH OF THE SUSPECT). PETTIT DEMONSTRATED THIS BY RAISING HIS RIGHT HAND IN FRONT OF HIM AT SHOULDER HEIGHT. PETTIT ESTIMATED THE SUSPECT HAD MAINTAINED THIS SHOOTING POSTURE FOR LESS THAN ONE SECOND BEFORE PETTIT FIRED ONE ROUND FROM HIS SHOTGUN. PETTIT SAID AFTER FIRING, HE SAW THE SUSPECT GO DOWN AND AWAY (EAST) AND KNEW HE HAD BEEN HIT. PETTIT BELIEVED THE SUSPECT WAS AT THAT POINT WITHIN A COUPLE OF FEET OF THE CURB WHERE THE CLOTHING NOW LAY.

THE SWAT OFFICERS WERE NOW MOVING IN ON THE SUSPECT AS THE SUSPECT STARTED TO GET UP. THE SWAT OFFICERS TOLD HIM TO STAY DOWN AND PUT HIS HANDS OUT. THE SUSPECT YELLED BACK "NO, NO". THE SWAT MEMBERS CONTINUED TO SHOOT NON LETHAL ROUNDS AT THE SUSPECT. THEY FINALLY ENCIRLCED THE SUSPECT AND ONE OF THEM PUSHED HIS SHOULDER WITH THEIR FOOT FORCING HIM FACE DOWN. THIS ALLOWED THEM TO GET ON TOP OF HIM.

PETTIT SAID HE BELIEVES THE SWAT MEMBERS BEHIND SGT. LARSEN'S UNIT WERE COMING OUT FROM BEHIND THAT UNIT AS THE SUSPECT WAS MOVING TOWARD THEM. THE SWAT MEMBER WHO WAS WITH PETTIT ALSO MOVED TOWARD

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AGENCY IDENTIFIER CA0560000

1 R.D. 2 BEAT 6030 6B

3 RB NUMBER 99-67780

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7 ITEM NAME 8 BRAND / MAKE MANUFACTURER 9 MODEL NAME OR NUMBER 10 MISC. DESCRIPTION 11 IDENTIFICATION / SERIAL NUMBER 12 VALUE

THE SUSPECT. PETTIT SAID HIS SENSE WAS THAT EVERYONE WAS MOVING TOWARD THE SUSPECT. PETTIT SAID HE HEARD GUNFIRE POSSIBLY BEFORE AND AFTER HE FIRED. HE SAID THESE REPORTS MAY HAVE BEEN NON LETHAL ROUNDS.

AT THIS POINT IN THE WALK THRU I HAD DEPUTY PETTIT POSITION DET.
RIVERA NEAR THE AREA WHERE THE SUSPECT WAS WHEN PETTIT FIRED HIS
SHOTGUN. I THEN HAD DEPUTY PETTIT POINT OUT HIS APPROXIMATE LOCATION
WHEN HE FIRED THE SHOTGUN. SST. FARREL STOOD AT THAT LOCATION AND
PHOTOGRAPHED DET. RIVERA. I THEN STOOD AT THAT LOCATION. SST. FARREL
THEN PHOTOGRAPHED OUR POSITIONS.

I ASKED DEPUTY PETTIT WHERE DEPUTY STEPHENS WAS DURING THE SHOOTING. PETTIT SAID STEPHENS WAS CLOSE TO HIM BUT DIDN'T KNOW HIS EXACT LOCATION. AFTER THE SUSPECT WENT DOWN, HE NOTICED STEPHENS WAS BEHIND HIM AND TO HIS LEFT. AS THE SUSPECT STARTED TO SIT UP AND STRUGGLED TO GET HIS HAND OUT, PETTIT REALIZED HE HADN'T EJECTED THE EMPTY SHELL CASING OR CHARGED THE SHOTGUN. HE DID SO AT THAT TIME, BELIEVING HE MAY HAVE TO SHOOT AGAIN. STEPHENS THEN YELLED TO PETTIT "MARTY, LET THEM HANDLE IT, LET THEM HANDLE IT".

PETTIT SAID DURING THE STAND OFF, BETWEEN 6-12 TIMES, HE HEARD THE SUSPECT TELL DEPUTIES HE HAD A GUN. PETTIT ALSO RECALLED THAT AS THE SUSPECT MOVED ABOUT AND PETTIT CHANGED HIS POSITION TO KEEP THE SUSPECT IN A GOOD LINE OF FIRE THE SUSPECT WOULD YELL AT HIM "GO AHEAD AND SHOOT ME. YOU CAN SHOOT ME". PETTIT SAID HE WOULD RESPOND, "NO, I JUST WANT YOU TO PUT YOUR HANDS WHERE I CAN SEE THEM. PUT THEM ON TOP OF YOUR HEAD". THE SUSPECT WOULD ANSWER, "NO, I'VE GOT A GUN, IF I MOVE MY HANDS YOU'LL RUSH ME". PETTIT SAID HE REALIZED HE WAS TOO FAR AWAY TO COMMUNICATE WITH THE SUSPECT AND SO QUIT TRYING TO.

PETTIT SAID THE PARKING LOT WAS FAIRLY EMPTY AT THE TIME OF THE SHOOTING. HE ESTIMATED THERE WERE 10-12 CARS SCATTERED THROUGH OUT THE LOT.

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