



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: February 5, 2015

TO: Deputy District Attorney Tan Think

FROM: Criminal Investigators A. Robinson #60 and S. Wharton #22

SUBJECT: In-custody death (SPD 15-31854 / SSD 15-28740)

Criminal Investigator A. Robinson

2/4/15 0138 hours, I received a call from the Sacramento Police Department's Dispatch Center requesting that I respond to an in-custody death incident involving their agency. I was advised that Sacramento Police Officers contacted an individual, later identified as Thomas Jesse Ramirez, DOB: 10/17/65, at 19th and H Streets. Ramirez was taken into custody and expired while in police custody. I was advised by the Sacramento Police Department's Dispatch Center to meet at 6th and H Streets where a briefing about the incident would be held.

0200 hours, I contacted Sacramento County District Attorney's Office Supervising Criminal Investigator Lieutenant Troy Woodward and made him aware of the fact that the Sacramento Police Department had requested that the on-call Criminal Investigators of the Sacramento County District Attorney's Office respond to an in-custody death that had occurred at 0017 hours at 19th and H Streets.

0202 hours I contacted Sacramento County District Attorney's Office Criminal Investigator Steve Wharton and advised him that we had been requested by the Sacramento Police Department to respond to an in-custody death which occurred at 0017 hours. I advised Investigator Wharton that a briefing would be held at 6th and H Streets.

0203 hours, I contacted Sacramento County District Attorney's Office Chief Criminal Investigator Jeff Schiele and advised him that we had been requested by The Sacramento Police Department to respond to an in-custody death.

0226 hours, I arrived at 6th and H Streets.

SPD BRIEFING

0308 hours, Sacramento Police Patrol Sergeant McCain #3114 gave a briefing in front of [REDACTED] 6th Street regarding the in-custody death of Thomas Ramirez. The briefing was attended by myself, Investigator Steve Wharton, members of the Sacramento Police Department's Homicide Unit and jail command staff from the Sacramento County Sheriff Department's Main Jail. Sergeant McCain told us that Sacramento Police Officer Grove #506, who was in uniform and driving a

marked squad car, was hailed by a citizen, who told Officer Grove about a suspicious person who was looking into apartment windows and vehicles parked on the street near and around the area of 19th and H Streets. Officer Grove checked the area and encountered Ramirez, who matched the description of the suspicious person that the citizen told Officer Grove about. Officer Grove located Ramirez on 19th Street between H and I Streets. During Officer Grove's contact with Ramirez a physical struggle between them occurred. Sacramento Police Department Sergeant Gigante #3026, who had heard Officer Grove voice over the radio that she was contacting Ramirez, responded to Officer Grove's location and found Officer Grove in a physical struggle with Ramirez. Sargent Gigante went to assist Officer Grove with Ramirez. As Sergeant Gigante and Officer Grove were struggling with Ramirez a civilian security guard helped Sergeant Gigante and Officer Grove by holding Ramirez's legs which allowed Sergeant Gigante and office Grove to handcuff and hobble Ramirez. After which Ramirez was placed into the back seat of Officer Grove's marked squad car and was transported to the Sacramento County Main Jail.

When Officer Grove arrived at the main jail's sally port area, Sacramento Police Officer Cuckovich #903, who had followed Officer Grove in his own marked squad car, contacted Sacramento County Main Jail Deputies asking for assistance to help bring Ramirez into the jail's booking area. The deputies came out to the sally port area to assist in bringing Ramirez into the jail's main booking area. Ramirez was removed from the back seat of Officer Grove's marked police car without incident and shortly thereafter Ramirez's body went completely limp. Deputies immediately started CPR on Ramirez because he had stopped breathing. The Sacramento Fire Department's Engine 3 and Sacramento Fire's Medic 2 were called and arrived on the scene. Efforts were made to revive Ramirez but were unsuccessful so Ramirez was transported to Sutter General Hospital by way of ambulance. Officer Cuckovich accompanied Ramirez in the ambulance to Sutter General Hospital.

0111 hours Ramirez was pronounced dead by Sutter General Hospital's medical staff.

SSD SALLY PORT WALK-THROUGH

0340 hours a walk-through of the sally port area at the Jail was conducted. The walk-through included members of the Sacramento Police Department's Homicide Unit, the Sacramento County Sheriff Department's Homicide Unit and the Jail's Command staff. During the walk-through we were advised that Officer Grove's In-Car-Camera in her squad car had been activated during the transport of Ramirez to the Main Jail. We were also advised that jail personnel had videotaped Ramirez being removed from Officer Grove's squad car and the events that followed. After the walk-through it was decided that the Sacramento Police Department's Homicide Unit would handle the scene at 19th and H Streets along with the interviews of all Police Department personnel involved in this incident. The Sacramento County Sheriff Department's Homicide Unit would handle the scene at the Main Jail and involved deputies would not be interviewed by homicide detectives.

SPD 19th/H STREETS WALK-THROUGH

0440 I and investigator Wharton arrived at 19th and H Streets. We checked in with the scene recording officer J. Meier who recorded the names, badge numbers and times of everyone who enter the scene at 19th and H Streets.

0452 hours I and investigator Wharton participated in a walk-through at 19th Street between H and I Streets. This walk through was attended by Sacramento Police Department's Homicide Unit along with Officer Grove.

SPD INTERVIEWS

0600 hrs. I and Investigator Wharton arrived at the Sacramento Police Department's Hall of Justice located at 5700 Freeport Blvd. to monitor the interviews of the Police personnel involved in this incident.

0645 hours, I left the police department's Hall of Justice to man the front counter at the Sacramento County District Attorney's Office which was my assigned duty for the day. Investigator Wharton remained at the Police Department's Hall of Justice and monitored the interviews.

Criminal Investigator S. Wharton

The following officers were interviewed by Sacramento Police Department homicide unit detectives:

Lieutenant J. Basset #4090
Sergeant M. Gigante #3026
Officer R. Becerra #399,
Officer M. Cuckovich #903
Officer A. Gonzalez #819
Officer M. Bradley #545
Officer A. Grove #506

Multiple officers were interviewed in separate interview rooms simultaneously. I ensured I had the opportunity to view Officer Grove's interview in its entirety.

SSD HANDHELD VIDEO CAMERA FOOTAGE

Prior to Officer Grove's interview, I viewed the handheld video recording they had recorded while inside the sally port. Deputies can be seen removing Ramirez from the patrol car and placing him on the ground in a prone position. Ramirez can be heard yelling intermittently while deputies appear to be removing the hobble from Ramirez' legs. Within moments of Ramirez becoming silent, deputies checked on his welfare and determined he was having a medical emergency. Deputies initiated CPR and requested code-3 medical assistance.

SPD OFFICER GROVE INTERVIEW

I monitored Officer Grove's interview in a remote video monitoring room. I learned Officer Grove had graduated the Sacramento Police Department police academy in June 2014. Officer Grove had just completed her field training program and was working her 3rd solo graveyard patrol officer shift. The following is a summary of Officer Grove's statement.

At approximately 0017 hours, Officer Grove was hailed by a citizen in the area of H and 20th Streets. The citizen reported a suspicious male adult, wearing a white t-shirt, knocking on

resident's doors in the area. The citizen indicated he could still see the subject, and pointed west towards a Hispanic male adult, wearing a white t-shirt, standing in the area of H and 19th Streets.

Grove drove her patrol vehicle towards the subject, later identified as Thomas Jessie Ramirez, who had walked just south of the intersection. As Grove parked her patrol vehicle, Ramirez appeared to intentionally walk out of view of her spotlight and towards the rear of her patrol vehicle.

Grove exited her patrol vehicle and contacted Ramirez. While conducting a search for weapons, Grove asked Ramirez if he was on probation or parole. Ramirez told Grove he was on probation. Sergeant Gigante arrived at the scene as Grove attempted to detain Ramirez in handcuffs. Ramirez pulled away from Grove and a struggle ensued. Grove and Gigante took the subject to the ground where Ramirez continued to resist. A citizen security guard in the area observed the incident and assisted officers by restraining Ramirez' legs.

Once Ramirez was handcuffed, he continued to resist officers so a hobble was applied to his legs. With the assistance of additional officers who arrived at the scene, Ramirez was placed in the backseat of Grove's patrol vehicle. Ramirez remained agitated while Grove transported him to the jail.

After arriving at the jail, Sacramento County Sheriff's deputies removed Ramirez from the patrol vehicle and placed him on the ground in a prone position. Ramirez can intermittently be heard yelling at the deputies while they appear to be removing the hobble. Moments later, Ramirez becomes silent. Deputies check on Ramirez' welfare and determine he was unresponsive. Deputies checked Ramirez' vital signs and determined Ramirez was having a medical emergency. CPR was initiated and code-3 medical assistance was requested.

SSD INTERVIEWS

On 2-5-15 I received a telephone call from Sacramento County Sheriff's Detective B. Meux. Meux advised me they had elected to interview the 3 deputies who were involved in the incident. Meux stated the following deputies would be interviewed at 1400 hours:

- Deputy B. Barnes (14 years law enforcement experience)
- Deputy M. Koehler (3 years law enforcement experience)
- Deputy B. Garcia (2 years law enforcement experience)