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August 26, 2021

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF KRYS BRANDON RUIZ  
ON MARCH 28<sup>TH</sup>, 2021**

The Santa Barbara County District Attorney's Office has completed its review of the Santa Barbara Sheriff's Office ("SBSO") investigation into the homicide of Krys Brandon Ruiz, age 26, occurring on March 28, 2021, in the County of Santa Barbara, California.

The following analysis is based upon investigative reports, coroner's reports, video and audio recordings, photographs, and witness interviews taken during the investigation and submitted to this office by SBSO Detective Ruben Esparza.

The District Attorney finds the shooting was a justifiable homicide under Penal Code sections 196 and 835a.

**FACTUAL HISTORY**

**Summary**

On March 28, 2021, around 8:00 p.m., Lompoc Police Officers received a call about a subject in dark clothing who was armed with a gun near the old Lompoc Theater. The 911 caller described the subject as wearing dark clothing and possibly a mask. The caller indicated the subject was walking in the alleyway between G and H streets near the theater at 100 N. H Street. At the time, Lompoc Police Department had just undergone shift change and the officers were in briefing. Officer Carrillo was dispatched as the primary officer to investigate the call. The rest of the squad, consisting of Sgt. Morgan, Cpl. White, Officer Calderon and Officer Strong also responded, due to the allegation of the subject having a gun. Officer Carrillo was the first to arrive and drove up the alley in his patrol car with Officer Strong behind him. Cpl. White and Officer Calderon responded in their patrol cars to the opposite end of the alley. Sgt. Morgan arrived last and parked his patrol car further down Walnut Avenue from where Cpl. White and Officer Calderon parked.

As Officer Carrillo was coming up the alley, he saw the subject in dark clothing walking up the alley. Officer Carrillo, while still in his patrol car and driving slowly behind the subject, gave repeated commands to him to stop and to show officers his hands. The subject ignored all of Officer Carrillo's repeated commands and continued walking up the alley. The subject then disappeared into the bushes in a vacant lot on the corner of H and Walnut Streets and Officer Carrillo lost sight of him.

Officer Calderon and Cpl. White were at the opposite end of the alley on Walnut and started walking towards the alley facing towards Ocean Avenue to see if they could locate the subject. Officer Calderon saw the subject walking through the bushes and began giving commands to stop and show his hands. The subject did not respond and did not stop. Officer Calderon could see the subject was dressed in dark colors and was wearing a clown mask over his face. The subject emerged from the bushes and ran towards Officer Calderon and Cpl. White in a full sprint with his hands raised. When the subject was about 20-25 feet away, Officer Calderon could see a knife in his hand and he was running straight towards the Officers. Officer Calderon fired his rifle four times when the subject was about 15-20 feet away from him. Cpl. White initially could not see the knife in the subject's hands due to the hands being covered by the sleeves of his jacket. As the subject was sprinting towards them, Cpl. White initially tried to re-holster his weapon and was planning to go "hands on" with the subject. At the last moment, Cpl. White saw the glint of metal in the subject's hand and took his gun back out. Cpl. White fired his gun four times at the subject. The shooting was captured on Lompoc Police Department in-car video.

The subject was hit three times and died immediately due to a perforating gunshot wound to the head. The subject was identified as Krys Brandon Ruiz. A large kitchen knife was found under Mr. Ruiz's body. Mr. Ruiz was wearing a clown mask. On Ruiz's arm, was written "Reach in my pocket." In Ruiz's pocket there was a folded piece of paper in a Ziploc bag which was a suicide note. It was established through investigation that Mr. Ruiz was the 911 caller who reported the subject in the alley with a gun. Lompoc Police Department also had many prior contacts with Mr. Ruiz. Officers responded to many calls dating back to 2017 where Mr. Ruiz had attempted suicide, was suicidal, or was having mental health issues.

### **Initial Reports**

At 8:04 p.m. on March 28, 2021, an anonymous caller called 911 to report a subject walking in the alley by 100 N. H Street holding a gun and possibly wearing a mask. At 8:06 p.m. the call disconnected. After the shooting when Mr. Ruiz was identified, it was determined that this 911 call came from Mr. Ruiz's cellphone. At the time of the shooting, officers were unable to recognize Mr. Ruiz due to the clown mask covering his face, and the fact that he was the 911 caller was unknown to officers at the time.

### **Law Enforcement Response and Officer Involved Shooting**

At 8:08:28 p.m., Officer Carrillo arrived in the alley between H Street and G Street from Ocean Avenue and found the subject walking up the alley towards Walnut Avenue. The subject was walking away from the police car, with Officer Carrillo following behind the subject. The corner lot at H and Walnut Streets is a vacant lot. The portion of the lot that is on Walnut Street is a community garden with plants, bushes, and trees. At the time officers responded, it was completely dark. There is little to no lighting through the alley or in the vacant lot. Officer Carrillo gave repeated commands for the subject to stop and to show his hands. The subject ignored all commands. The subject also did not say anything during the encounter. As the subject approached Walnut Avenue, he ducked into the tall bushes bordering the alley, and Officer Carrillo lost sight of him and did not see the subject again until after the shooting.

Officer Strong was in his patrol call following behind Officer Carrillo. As Officer Carrillo starting giving commands, Officer Strong came up on foot to the side of Officer Carrillo's patrol car. When the subject ducked into the bushes, Officer Strong got back in his patrol car. From his patrol car, he saw the subject running towards Officer Calderon and Cpl. White and then heard the gunshots.

Officer Calderon and Cpl. White approached the alley from the Walnut Avenue side. This is the portion of the vacant lot that has shrubbery, plants, and trees. The vacant lot and alley were dark. Officer Calderon was trying to stay next to the building and his car for cover, due to the 911 caller indicating the subject had a gun. Officer Calderon was armed with his department issued AR-15. Officer Calderon could see the subject moving through the bushes and Officer Calderon started telling the subject to stop and to show his hands. The subject ignored all commands and did not say anything. As the subject drew closer, Officer Calderon could see that he was wearing a full face clown mask. At this point, the subject started running directly at Officer Calderon with his hands raised. When the subject was 20-25 feet away, Officer Calderon saw that he had a large knife in his hand. Officer Calderon kept giving commands but the subject never stopped sprinting right at him with the knife raised. Officer Calderon was in fear for his life and when the subject was about 15-20 feet away, Officer Calderon fired his rifle. Officer Calderon thought his initial shot hit the subject because he saw him flinch but he kept running forward and towards Officer Calderon. Officer Calderon kept shooting until the subject fell and then he stopped shooting. Officer Calderon fired his rifle 4 times.

Cpl. White approached the alley with Officer Calderon on the Walnut Avenue side of the alley. Cpl White tried to light up the shrubbery portion of the vacant lot with his patrol vehicle's spotlight. Due to the density of the bushes, the spotlight was ineffective. Cpl. White shouted commands to the subject, "Lompoc Police, show us your hands, show us your hands." The subject did not respond but did briefly raise his arms in the air, while still in the bushes. When his arms were in the air Cpl. White could not see the subject's hands because his sleeves were pulled down, obscuring his hands. The subject then abruptly put his arms down and started pacing around in the bushes. The subject quickly emerged from the bushes and then began sprinting towards Officer Calderon. As the subject was running towards Officer Calderon, Cpl. White saw the subject moving his hands in a windmill fashion. Cpl. White could still not see the subject's hands to determine whether or not he was armed. Trying to make a split second decision, Cpl. White began to re-holster his gun, hoping he could either kick or hit the subject with his hands to throw him off course from hurting Officer Calderon. As Cpl. White was re-holstering his weapon, he continued to look at the subject and as he got closer, he saw light reflect off a large blade in the subject's right hand. Upon seeing the knife, Cpl. White felt that the subject was going to seriously hurt or kill Officer Calderon because he was already so close and closing the distance so quickly. Based on this, Cpl. White drew his gun again. As he was drawing his gun, he heard Officer Calderon start shooting. Cpl. White shot at the subject until the subject fell. Cpl. White fired 4 times.

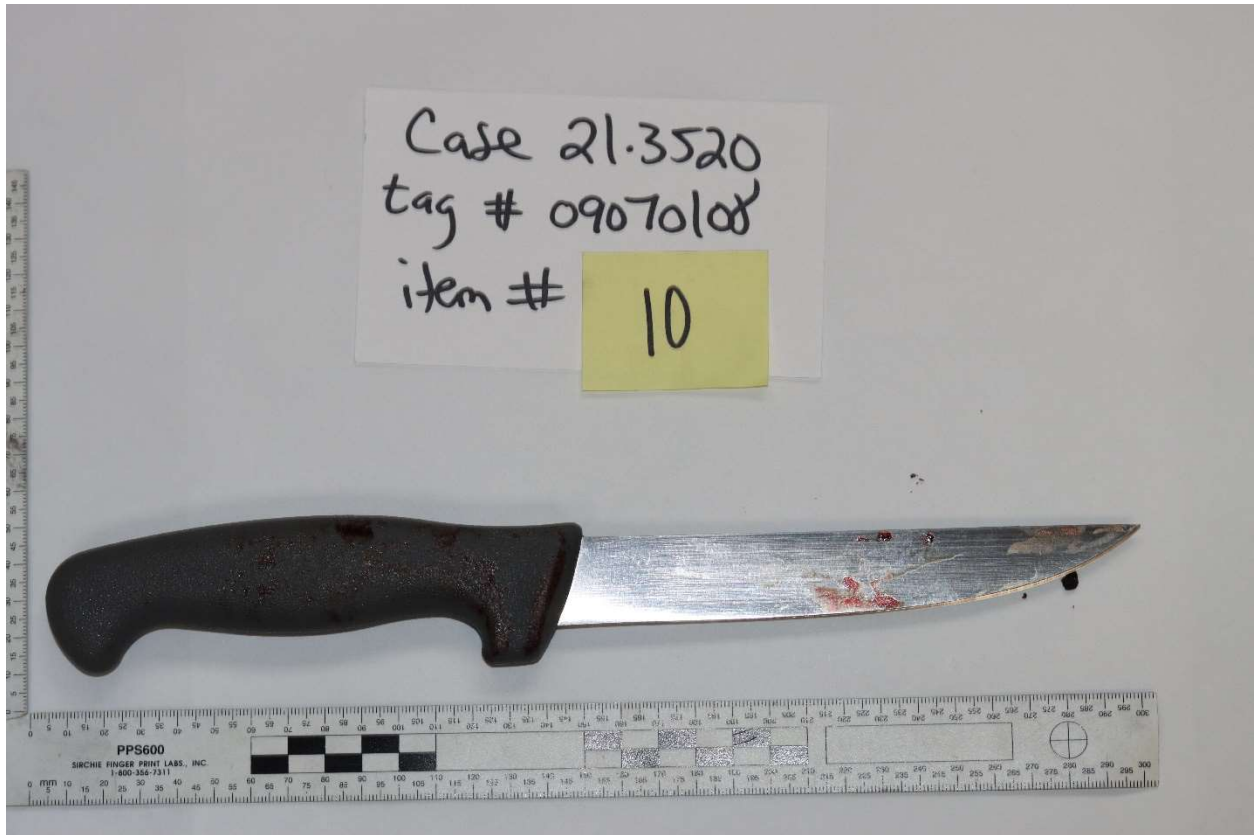
Sgt. Morgan arrived on scene and was parking his car as the shooting happened. He saw the muzzle flashes and heard the gunshots but did not see what happened leading up to the shooting.

Shots were fired at 8:09:38 p.m., one minute and ten seconds after Officer Carrillo first saw the subject. All officers were asked about using less lethal tactics or de-escalation techniques. Cpl. White said he considered using his Taser but due to the subject wearing a baggy jacket, he did not

believe it would be effective. Cpl. White's other less lethal option was the 40mm launcher, but it was in his patrol car and the incident happened too quickly to retrieve it or to use it effectively had it been in his possession. Officer Carrillo, Officer Calderon, and Cpl. White all tried to use verbal commands to get the subject to stop and talk to them, but the subject did not respond to any commands. The subject started running towards Officer Calderon with a knife raised in his hand when the officers had only been on scene for one minute. Due to the threat occurring so quickly and the subject's actions, officers on scene had no time to explore any other de-escalation options.

### **After the Shooting**

After the shooting, Officers located a large kitchen knife under the subject's body. The subject was identified as Krys Brandon Ruiz. Further examination of the body showed that Mr. Ruiz was wearing a full face clown mask. On Mr. Ruiz's arm, was written "Reach in my pocket." In Mr. Ruiz's pocket there was a folded piece of paper in a Ziploc bag. On the outside of the paper was written, "I hope my death makes more sense than my life." The inside of the note identified Mr. Ruiz and his next of kin. It also contained his wishes for who received his assets and his wishes for cremation. Further investigation discovered that Mr. Ruiz was the person who called 911 to report the subject in dark clothing in the alley with a gun. The phone number the 911 call came from matched Mr. Ruiz's cellphone number. Lompoc Police Department was familiar with Mr. Ruiz and many officers had numerous contacts with Mr. Ruiz, including calls for service for welfare checks due to Mr. Ruiz's mental health or Mr. Ruiz attempting suicide or threatening suicide. Lompoc PD generated four reports between 2017 and 2019 where Mr. Ruiz had made suicide attempts or was threatening suicide. The last call for service before March 28<sup>th</sup>, 2021, was made on January 1, 2020 where Mr. Ruiz was threatening to kill himself.



Knife found under Ruiz's Body



Mask worn by Mr. Ruiz (photo has been digitally cleaned to remove blood and body fluids from top and sides of mask)

### **Autopsy**

On March 31, 2021, Dr. Manuel Montez, a forensic pathologist employed by the SBSO, performed a post-mortem examination of Mr. Ruiz and obtained toxicological samples. Dr. Montez opined that the cause of death was perforating gunshot wound to the head. Dr. Montez observed a total of three gunshot wounds: One to Mr. Ruiz's head, one to his right upper arm/back (shoulder area), and one to his right upper arm and back. Dr. Montez also observed five blunt force injuries consisting of abrasions to the scalp, lip, back, and left knee.

Testing of the toxicological samples indicated Ruiz had nothing of toxicological significance in his system. Detective Bibby from SBSO Coroner's Office certified the manner of Ruiz's death as homicide.

## LEGAL ANALYSIS

### Applicable Law

A peace officer is justified in using deadly force upon another when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. *Penal Code section 835a(c)(1)(A) and (B)*.

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is on that, from appearances, must be instantly confronted and addressed. *Penal Code section 835a(e)(2)*.

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. *Penal Code section 835a(4)*.

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. *Penal Code section 835a(2)*.

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force. *Penal Code section 835a(e)(3)*.

### Legal Analysis

On the night of the shooting, LPD responded to the alley between H Street and G Street after a 911 caller reported a subject with a gun was walking in the alley. When officers arrived and found Mr. Ruiz, they gave multiple commands for him to stop and to show his hands. Mr. Ruiz never verbally responded to the officers. Instead, Mr. Ruiz hid in the bushes and quickly emerged running directly at Officer Calderon with a knife raised in his right hand. When Mr. Ruiz charged at Officer Calderon and got within 15-20 feet of him with the knife, Officer Calderon and shortly thereafter, Cpl. White opened fire. The amount of time that passed from Officer Calderon and Cpl. White arriving on scene and Mr. Ruiz charging at them with a knife raised in his hand, was less than one minute. Officer Calderon and Cpl. White reasonably feared that Mr. Ruiz would stab or hurt

Officer Calderon with the knife causing great bodily injury or death. Both Officer Calderon and Cpl. White attempted to de-escalate the situation by commanding Mr. Ruiz to stop and show his hands. Neither Officer Calderon nor Cpl. White had any other available resource or technique to de-escalate the threat of a Mr. Ruiz charging at them with a knife.

After the initial lethal force was used, Officers tried to get medical attention for Mr. Ruiz, but Mr. Ruiz died immediately. Officer Calderon and Cpl. White, who used lethal force that night, reasonably discharged their firearm to stop Mr. Ruiz from inflicting death or great bodily injury on themselves or their fellow officers.

### **CONCLUSION**

When Mr. Ruiz charged at Officer Calderon with his knife raised, after being commanded to stop and show his hands, he created a reasonable fear of death or great bodily injury in the minds of Officer Calderon and Cpl. White. Based on the totality of the circumstances and applying the law as set forth in Penal Code sections 196 and 835a, the officers both acted reasonably in their use of deadly force; therefore, the shooting of Krys Ruiz is a justifiable homicide.