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MEDIA RELEASE

Contact: Dave Clark

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District Attorney General Dave Clark announces the completion of an investigation into the events surrounding an officer involved shooting in Oak Ridge, Tennessee that occurred on October 8, 2018. The findings of the investigation are contained in a Memorandum to Oak Ridge Chief of Police Robin Smith; which is attached.

It has been the established practice in this Judicial District to withhold substantial comment at the time of events like this until such time as a thorough and independent investigation can be completed. At the conclusion of the investigation we make every effort to address all of the issues and to release the investigative findings publicly. This is part of that effort.

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MEMORANDUM

TO: Police Chief Robin Smith; Oak Ridge Police Department
FROM: Dave Clark
RE: Officer Involved Shooting on October 8, 2018
DATE: February 12, 2019

INTRODUCTION

On October 8, 2018 I was contacted by Oak Ridge Police Department (ORPD) to report an officer involved shooting with injury at the Anderson General Sessions Court II. I responded to the scene and in consultation with Captain Mike Uher at the scene and indirectly with you, we made the determination that it would be appropriate under the circumstances for me to assign the investigation of the shooting to the Tennessee Bureau of Investigation (T.B.I.). The T.B.I. responded to the scene with a number of field agents, including an Assistant Special Agent in Charge (ASAC) as well as the forensic crime scene truck and a team of forensic scientists (the T.B.I. Knoxville Violent Crime Response Team [VCRT]). The case was assigned to T.B.I. Agent Denise Woodby for continued investigation.

Agent Woodby has completed her investigation which notably included additional time for toxicology laboratory testing. I have reviewed her report and have found the investigation to be complete and satisfactorily performed. That investigation together with other information reported to me has formed the basis of this report. What follows are the facts involved in the matter as reported and revealed through officer statements, witness statements, photographs, laboratory testing, video recordings, an autopsy, evaluation of the crime scene and other similar investigative observations, tests, etc. as well as my analysis and conclusions.

FACTS

On October 8, 2018 ORPD developed information that a wanted suspect named Isaiah Ramirez (DOB: 8/20/82) had several outstanding warrants and was at that time located at a private residence at 156 Cumberland View Drive in Oak Ridge where he had been contracted to make some home renovations. The warrants included charges of: Aggravated Burglary, Domestic Assault and Violation of Probation. Ramirez was also on probation for Aggravated Assault. ORPD had been searching for Ramirez for several days. They associated him with a history of fleeing from the police and resisting arrest. Through their search, officers were informed by a witness that Ramirez knew he was wanted and did not want to be arrested because he believed he

would be going to prison. A Sergeant with ORPD and five other ORPD officers along with a Police K-9 organized to go to that address at about 6:30 P.M. and arrest Ramirez. All of the officers were uniformed and driving marked black and white police vehicles. Except for the Sergeant who was uniformed but driving an unmarked police vehicle that was equipped with emergency lights and siren.

When the officers arrived on Cumberland View Drive, some of them unknowingly drove past Ramirez, who was outside a residence and near an open door to a Nissan Frontier pick-up truck with an attached trailer. Officers Gibson and Merritt noticed someone they thought was Ramirez and stopped their vehicles as the leading ORPD vehicles proceeded down Cumberland View Drive. Officers Gibson and Merritt, along with a K-9, approached Ramirez while announcing that they were police officers and ordering him to stop. Instead of complying, Ramirez got in the truck, closed the door and started the engine. Officers Gibson and Merritt deployed their collapsible batons and struck the truck windows. The passenger side window was shattered and the rear window was cracked. Nevertheless, Ramirez drove away. As he did so, Gibson and his K-9 partner jumped out of the way to avoid being struck by Ramirez. Gibson and his K-9 partner and Merritt got back in their vehicles to pursue Ramirez.

The other ORPD officers who initially drove past Ramirez had since stopped their vehicles farther down Cumberland View Drive. They attempted to stop Ramirez by blocking the road as he drove toward them after encountering and fleeing from Officers Gibson and Merritt just up the street. Ramirez drove the truck and trailer over the curb and toward Oak Ridge officer Kyle Scott who was outside his police vehicle in a private yard. Officer Scott drew his pistol. He and other officers verbally ordered Ramirez to stop and Scott pointed his firearm at Ramirez. Ramirez did not stop and narrowly missed striking Officer Scott. Scott did not fire his pistol. He and other officers got back in their vehicles and pursued Ramirez. Officer Scott announced over the police radio that Ramirez had almost struck him with his vehicle.

As Ramirez drove away, Oak Ridge officers pursued in their vehicles using emergency equipment including sirens and flashing blue lights. Officers announced the pursuit via radio to dispatchers. As a result, other Oak Ridge officers responded. Ramirez refused to yield to the police lights and sirens and led pursuing police officers through several residential streets and then onto Emory Valley Road at a high rate of speed. Ramirez ran the red light at Emory Valley Road and Fairbanks.

ORPD Sergeant Jeremy Huddleston was immediately behind Ramirez in the pursuit. Sgt. Huddleston was attempting to pass Ramirez on Emory Valley Road to get in front to try to box in and slow Ramirez's vehicle. As Sgt. Huddleston tried to pass Ramirez, Ramirez swerved his vehicle at Huddleston to apparently try to prevent him from passing. Eventually, Sgt. Huddleston successfully passed Ramirez and tried to slow and eventually stop him. This maneuver occurred as the pursuit was approaching and then passing the parking lot entrance of the Anderson County facility at 728 Emory Valley Road where a number of County offices are located; including the General Sessions Court, Division II. Instead of slowing, Ramirez turned his vehicle to the right and into the parking lot and sped to the far end of the parking lot and circled several parked transit buses and light poles. As Ramirez circled the parking lot, some police vehicles pursued around the buses. Correctly anticipating that Ramirez would double

back through the parking lot, Officer Gibson used his vehicle to attempt to block Ramirez from leaving the parking lot instead of pursuing.

As the Gibson vehicle positioned to block, Ramirez briefly stopped his vehicle. Gibson exited his police vehicle and drew his weapon pointing it at Ramirez. Gibson took a position with his body further blocking Ramirez's stopped vehicle. Ramirez put his vehicle in reverse in an apparent attempt to re-position his vehicle to escape. Gibson verbally ordered Ramirez to stop. After briefly reversing, Ramirez then put the vehicle in drive and started moving forward. As Ramirez put his vehicle in drive, Officer Gibson was positioned in front of the passenger side front bumper of the Ramirez vehicle. Gibson fired his weapon three times through the front windshield of the Ramirez vehicle and Ramirez struck Gibson in the leg with his vehicle causing Gibson to stumble backward.

Also in the parking lot but still in her police vehicle, Officer Selby witnessed Gibson's commands to Ramirez and the firing of shots by Gibson as well as Ramirez pulling toward and striking Officer Gibson. She wasn't sure if Ramirez was going to continue forward and run over Gibson, so she put her vehicle in drive and accelerated toward the Ramirez vehicle to strike it and prevent it from running over Gibson. She struck the Ramirez vehicle with her police vehicle. The Ramirez vehicle went a short distance further striking a transit bus parked in the parking lot where the Ramirez vehicle came to a stop.

Other Oak Ridge officers immediately removed Ramirez from his vehicle and saw that he had apparent gunshot wounds. The officers called by radio for medical assistance and began rendering first aid to Ramirez. ORPD officers continued to render aid until the arrival of other emergency personnel who took over the care of Ramirez. Ramirez was found to have a pulse by medical personnel and he was transported to the hospital by ambulance where he was determined to have died.

Following the incident, a number of other agencies responded to the scene on Emory Valley Road to render assistance of one sort or another. The Oak Ridge Fire Department arrived on scene as part of the effort to provide medical aid to Ramirez and additional ORFD vehicles responded to provide lighting to the scene. The Anderson County Medical Examiner was contacted and responded to the scene along with the District Attorney General and the T.B.I. The Tennessee Highway Patrol (T.H.P.) responded to complete a crash report. The Anderson County EMS and the Anderson County Sheriff's Office also responded to the scene.

Officer Gibson was promptly relieved of his duty weapon and transported to the hospital by ambulance for evaluation of his injuries as the result of being struck by the Ramirez truck. In addition, Officer Gibson submitted to a blood draw. He was treated and released from the hospital that same evening. He suffered knee pain and was diagnosed at the time with a possible torn meniscus. Evaluation of Gibson's blood indicated the presence of no drugs or alcohol.

Evaluation of Gibson's weapon indicated that there were three cartridges missing from a full load of the magazine and the weapon chamber. Gibson and witnesses indicated that three rounds were fired. Three spent bullet cartridges were located at the scene. Three bullet trajectories were accounted for in an evaluation of the evidence. There were three apparent bullet holes in the

front windshield of the Ramirez vehicle. It was separately revealed that Ramirez was struck by two bullets. A third bullet struck and was lodged in the steering wheel. It thus appears conclusive that Gibson fired three times. All of these shots were in very quick succession.

Gibson was represented by counsel through the investigation. He and his counsel were completely cooperative in providing a blood sample and a detailed interview to the T.B.I.

The investigation was augmented by a number of streams of video recording. Video was obtained from a number of police vehicles. In addition, there were two video cameras in operation from the Anderson County facility that showed portions of the parking lot. Ramirez's vehicle had an after-market video recording device but it was not in operation at the time. An evaluation of these video recordings indicate that they are consistent with the officer and independent witness statements and the evidence developed in the investigation.

Police radio traffic was recorded and examined for the time period of this incident. The recorded radio traffic was consistent with the reports from officers and other witnesses.

The investigation further revealed that Ramirez was using a cell phone during the pursuit and at the time of the shooting. The party that Ramirez was talking to was identified and located. This witness indicated that he was speaking to Ramirez during the pursuit and shooting and that he maintained the open phone line after the shooting and could hear officers giving first aid to Ramirez. This witness indicated that Ramirez told him he was fleeing from the police and that it was his plan to abandon his vehicle and run through the woods. Ramirez asked his friend to pick him up after he fled from the police on foot. The friend had been at the Home Depot in Oak Ridge when the pursuit began and he got the phone call from Ramirez. The friend proceeded to the Emory Valley Road area where Ramirez told him that he was fleeing from police.

In addition, a motorist who was travelling on Emory Valley Road saw the events unfold and made a video/audio recording on a cell phone and provided that recording and a statement to the T.B.I. These independent witness accounts and the recording were also consistent with the statements provided by officers.

An autopsy was performed on the body of Isaiah Ramirez at the Regional Forensic Center. The autopsy revealed that Ramirez had been shot twice. One bullet entered the right upper chest and exited through the right back. The other went through the right arm and re-entered the chest. The gunshot wounds were determined to be the cause of death.

A toxicology analysis was performed on Isaiah Ramirez's blood. The lab results indicated the presence of Oxycodone, Alprazolam, Amphetamine and Buprenorphine. On his person, Ramirez was carrying a wallet that contained \$658.00 in U.S. Currency; mostly consisting of 29 \$20 bills. In addition, a black and silver container was located in Ramirez's truck that contained pills. Those pills were submitted to the T.B.I. Crime Laboratory for analysis. The results indicated:

- 3 Clonazepam tablets
- 21 Alprazolam tablets
- 68 Buprenorphine tablets
- 101 Amphetamine tablets

ANALYSIS

This investigation was requested for multiple reasons. First, since the use of force was fatal, the investigation is criminal in nature and is necessary to determine if charges should be placed against anyone stemming from the incident. Second, inasmuch as there was use of lethal force by a police officer, there is a public interest justification for an independent investigation. In this regard, the goal is to transparently evaluate the performance of the officers involved. Third, the investigation results may be used by the Agency as part of an administrative review/internal affairs investigation.

Aside from gathering and publishing the facts, my primary goal for this investigation is in my official capacity and for the purpose of determining whether any criminal charges should be brought. Like any criminal case, an evaluation like this can be complex and requires, among other things, an assessment of a person's intent and actions which must be evaluated in light of the circumstances, timing, environment, the dynamic reaction of others, and often times an assessment or report of the perceptions of the participants at the time.

As one evaluates a police officer's actions for possible criminal charging, officers may make mistakes without necessarily committing a crime. It is tempting with the benefit of cool reflection, leisure review, multiple reviews of video or audio recordings and even the study of legal standards, police procedure and the like to indulge oneself in second guessing officers based upon a perfection standard. But officers seldom have these advantages before evaluating rapidly unfolding events to make life and death decisions in the uncertainty of the moment. The officers' conduct must be evaluated in the context within which it occurred. Perfection in performance and criminal conduct are at opposite ends of the performance spectrum and there are thus many levels of performance in between.

In this instance, there is little question but that Officer Gibson acted intentionally in drawing, aiming and discharging his firearm three times at Isaiah Ramirez. There is also no doubt that the actions of Gibson were the immediate cause of Ramirez's death. The real and foreseeable question in this instance and most instances of officer involved fatal shootings is whether the officer was within his/her legal authority to use lethal force under the totality of the circumstances.

Oak Ridge Police Department General Order 402, Section III expresses these standards and factors regarding use of lethal force and then instructs officers as follows:

“...Use of Force applications are based upon ‘objective reasonableness’ as the standard for application of force, which takes into account the following:

The totality of the circumstances

From the perspective of a reasonable officer

On the scene

At the moment that force was used

Without 20/20 hindsight

In circumstances that are tense, uncertain and rapidly evolving.”

Section V of that same General Order identifies three relevant procedures for the use of lethal force. Officers are instructed that lethal force is permitted to protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm, or to prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur. This Order goes on to provide that, "before using a firearm, police officers shall identify themselves, give an order to halt, and, where feasible, state their intent to shoot."

On the day of this shooting there is little doubt that Ramirez knew that police officers were looking for him or had a warrant for his arrest and had ordered him to stop. Ramirez had defied uniformed officers in marked patrol units who had given him verbal orders and who had also pointed firearms at him. Ramirez attempted to and almost did strike Officer Gibson at their initial encounter when he got in his truck and fled. Ramirez attempted to and almost did strike Officer Kyle Scott when he defied the verbal orders of multiple officers as he encountered a group of other Oak Ridge officers further down Cumberland View Drive. There is no doubt that Ramirez defied the pursuing police vehicles that were displaying emergency lights and sirens which is legally mandated and universally understood as a command to pull over. In addition, Ramirez attempted to side swipe Sgt. Huddleston during the pursuit. From witness tips and the friend he was speaking to on the phone for the purpose of organizing an escape on foot, we know that Ramirez had no intent of allowing himself to be arrested.

As the result of the investigation, we know that Ramirez had committed additional felonies against police officers as they attempted to arrest him and thus would have reason to believe that additional criminal charges would be taken against him. Officer Gibson was also aware of these factors as he encountered Ramirez in the parking lot that evening.

We know now that Ramirez had possession of a large quantity of prescription pills in his truck and denominations and amounts of U.S. currency often associated with the illegal sale of narcotics. He may have had concerns about possible charges for illegal drug possession for sale if he were caught. We also know now that Ramirez had several drugs circulating in his system and his thought process may have been impaired as a result. These last two factors may partially explain Ramirez's conduct on that day, but they were not known to Officer Gibson at the time he made his decision to fire.

Essentially what Gibson knew was that Ramirez had been implicitly warned and ordered to stop or comply in multiple ways and by multiple officers. Gibson knew that Ramirez was willing to use a vehicle (deadly weapon) to assault or endanger officers. Gibson also knew that he was in front of Ramirez's vehicle, that Ramirez was once again refusing lawful commands and that Ramirez was pointing the vehicle at Gibson and putting the car in forward gear and coming at him.

CONCLUSION

Based upon the totality of the circumstances, Officer Nathan Gibson had a reasonable basis to believe at the time that the suspect, Isaiah Ramirez, posed a threat of death or serious bodily injury to him. Gibson met the requirement multiple times of verbally ordering Ramirez to stop.

Thus, Gibson was legally entitled to use lethal force against Isaiah Ramirez. While gunshots were the immediate cause of Ramirez's death, it was Ramirez's own decisions and conduct that were responsible for his death. No criminal charges would be legal or appropriate against Officer Nathan Gibson.