



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of Jesse Dominguez on November 19, 2023**

Los Angeles County AB 1506

October 2026

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys.

AB 1506, signed into law on September 30, 2020 and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses will be indexed as follows:

- Witness 1 (W-1), owner of Facebook account that posted incident video.

INTRODUCTION

On Sunday, November 19, 2023, California Highway Patrol (CHP) Officer Lucas Ritter fatally shot Jesse Dominguez after responding to a call for a pedestrian walking in the traffic lanes of the westbound Interstate 105 near the Wilmington Avenue offramp in the City and County of Los Angeles.

DOJ investigated and reviewed the OIS pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 (2019-2020 Reg. Sess.)). This report is the final step in DOJ's review of the fatal OIS of Mr. Dominguez and is limited solely to determining whether criminal charges should be brought against the involved officer. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, we conclude that no criminal charges will be filed because there is insufficient evidence to support the filing of criminal charges against Officer Ritter.

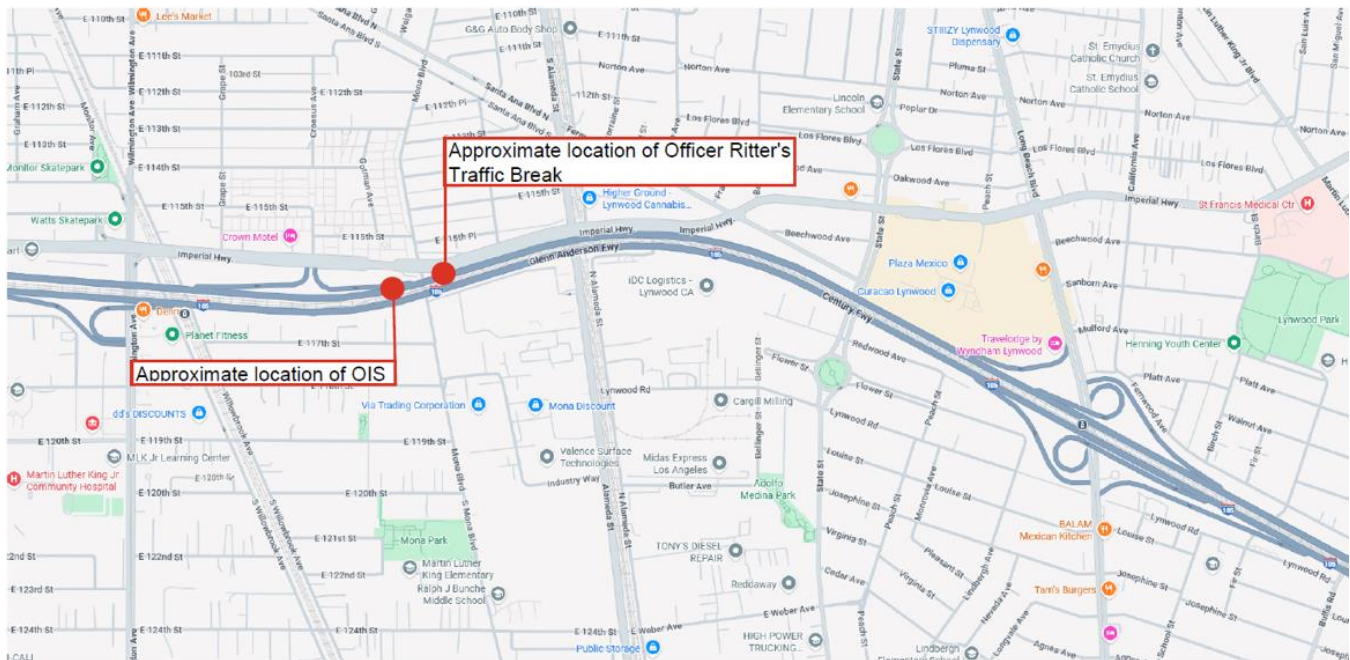
CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT

At approximately 1:43 PM on November 19, 2023, Jesse Dominguez, a 34-year-old resident of the A Step to Freedom Transitional Living Facility at 156 East 104th Street, Los Angeles, CA 90003, contacted the Los Angeles City Fire Department (LAFD) Communications Division. He reported abdominal pain persisting for three days and stated that he was not feeling well. LAFD dispatched an ambulance to his residence.

LAFD arrived at Mr. Dominguez's residence at 1:53 PM. Mr. Dominguez was assessed and transported to Martin Luther King Jr. Community Hospital, arriving at 2:22 PM. Mr. Dominguez declined admission to the hospital and told hospital staff that he did not have a medical complaint but only wanted a ride from his house. Mr. Dominguez left the hospital on foot at approximately 2:22 PM. At 3:14 PM, approximately 52 minutes after Mr. Dominguez left the hospital, the CHP Communications Center received several reports of a pedestrian, later identified as Mr. Dominguez, walking in the westbound traffic lanes of the Interstate 105 freeway near the Wilmington Avenue off-ramp, about a mile from the hospital.

The CHP Incident Detail Report shows that CHP Officer Lucas Ritter was assigned to respond to the call at 3:17 PM. At the time he was assigned, he was on the 105 Freeway, west of Mr. Dominguez's location in a marked CHP patrol car and full CHP uniform. Officer Ritter was not wearing Body Worn Video (BWV).¹ He exited the freeway and reentered traveling eastbound. When he passed Mr. Dominguez's location, he again exited the freeway and reentered going westbound, facing Mr. Dominguez's direction.



Google Maps View of OIS Scene

1 At the time of this OIS, CHP policy did not require officers to be equipped with BWV.

Officer Ritter initiated a traffic break west of the Long Beach Boulevard onramp at 3:26 PM.² Approximately one minute later, Officer Ritter advised dispatch that he saw Mr. Dominguez standing on the right shoulder of the westbound Wilmington Avenue offramp. He turned his police car around to face the stopped motorists and directed them to remain where they were. Officer Ritter turned his vehicle back towards Mr. Dominguez and drove towards him, stopping approximately 20 feet east of Mr. Dominguez.



Photo of Officer Ritter's police car and location of the OIS later in evening

At 3:27:19 PM, Officer Ritter advised CHP Dispatch that he was contacting Mr. Dominguez who was wearing a large backpack on his chest and a satchel on top of the backpack.

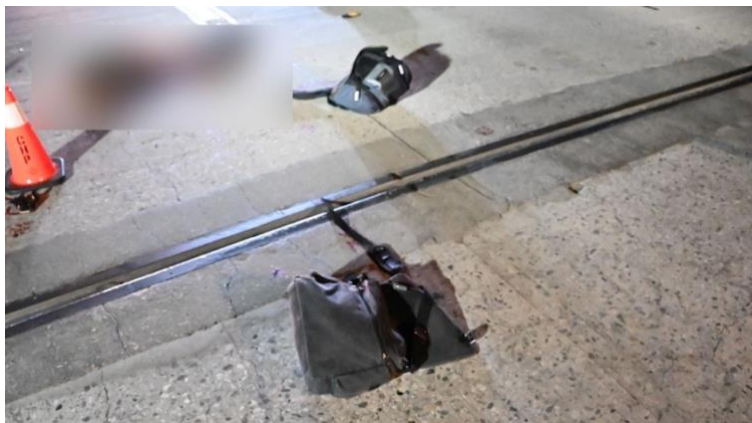


Photo of backpack and satchel worn by Mr. Dominguez

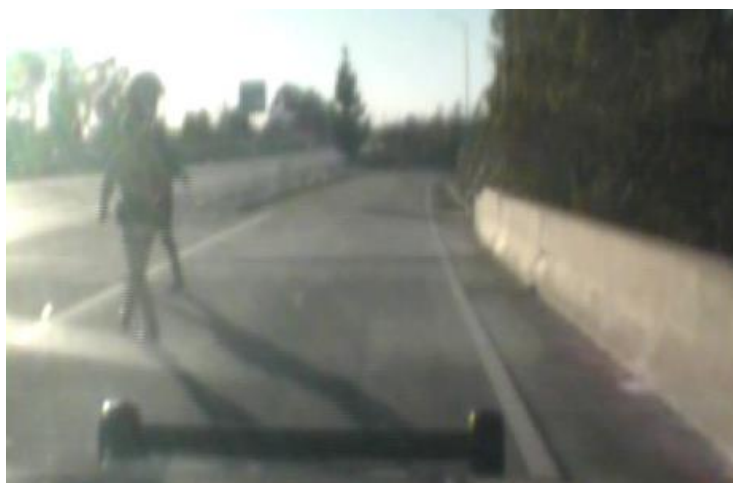
² A traffic break is a deliberate separation in the flow of traffic initiated by highway patrol officers. It is primarily used to manage traffic around hazardous situations, such as accidents, debris on the road, or construction activities. The purpose is to create a safer environment for both drivers and emergency responders by controlling the speed and movement of vehicles approaching a danger.

Before getting out of his police car, Officer Ritter used the PA system to direct Mr. Dominguez to put his bags down. Mr. Dominguez looked towards Officer Ritter but did not comply with the command. Officer Ritter got out of the police car and told Mr. Dominguez to put his bags down and show his hands. Mr. Dominguez briefly put his hands in the air then dropped them and walked away from Officer Ritter, towards the westbound 105 Freeway traffic lanes, where traffic was still flowing.



Still frames from Officer Ritter's in-car video (DICV) showing Officer Ritter's initial contact with Mr. Dominguez³ followed by Mr. Dominguez with hands up as Officer Ritter approaches

To check if Mr. Dominguez was hiding a weapon, Officer Ritter told him to turn around and place his hands on his head. As Mr. Dominguez continued to walk away without complying, Officer Ritter reached out and took hold of his left wrist.



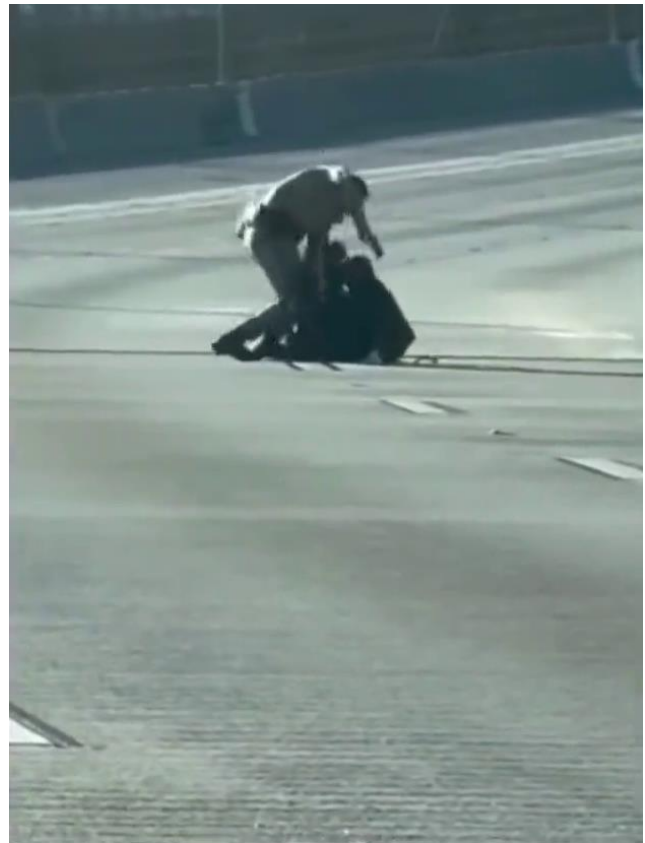
Still frame from Officer Ritter's DICV showing Mr. Dominguez walking away from Officer Ritter

³ This video was processed using forensic enhancement software, AmpedFIVE with the following adjustment applied: Footage was deinterlaced, video levels were adjusted, exposure was corrected and Laplacian sharpening was utilized. The video footage could only be enhanced to a limited extent, and the resulting output represents the highest quality achievable using available enhancement software. Due to the poor quality of the original video, certain details were not clearly captured and could not be clarified through forensic video processing. When visual information is not captured in the original recording, it cannot be recreated or recovered from extremely low-quality, heavily compressed, or blurred footage.

Mr. Dominguez tensed his body and pulled Officer Ritter close, pulling the officer's chest against his side. This caused both men to fall flat to the pavement in the second and third lanes of the freeway, with Officer Ritter face-down on top of Mr. Dominguez. Mr. Dominguez kicked at Officer Ritter and tried to pull away. Officer Ritter attempted to maintain control so that he could handcuff Mr. Dominguez. As the struggle continued, Mr. Dominguez produced a stun gun and discharged it against Officer Ritter's left side.

During his subsequent interview on November 27, 2023, Officer Ritter recalled this moment and indicated that he heard the distinctive clicking sound of a Taser discharge. Officer Ritter told investigators that he knew he was tased and he compared the feeling to that of a "Charlie horse" in his leg. Officer Ritter also told investigators that he was trained on the use and effects of Tasers at the academy. Officer Ritter described his mindset in that moment: "I knew if I'm incapacitated, this person who's actively resisting, assaulting me at this point with a weapon is gonna have full access to me if I'm completely incapacitated. So, in fear of being incapacitated and in fear for my life, I drew my weapon."

Officer Ritter stood up, started to back away, drew his firearm, and aimed it towards Mr. Dominguez. As he did so, he fired seven shots in Mr. Dominguez's direction. At 3:28:10 PM, Officer Ritter advised CHP Dispatch that shots had been fired. Approximately one minute later, Officer Ritter broadcast that Mr. Dominguez was not moving and not responding to commands.



Still frames from unverified Facebook video showing Officer Ritter and Mr. Dominguez on the ground then Officer Ritter aiming his firearm towards Mr. Dominguez while on the ground



Still frame from unverified Facebook video showing Officer Ritter backing away from Mr. Dominguez with his firearm drawn

Officer Ritter remained with his firearm drawn and aimed at Mr. Dominguez until additional CHP units arrived at 3:29:35 PM. Mr. Dominguez was placed in handcuffs and Officer Lucas Ritter, Officer Carlos Manzo, and Sergeant Beau Biter began CPR at 3:32:59 PM. The Los Angeles County Fire Department (LAFD) arrived at the scene at 3:37:36 PM and immediately rendered medical aid. LAFD transported Mr. Dominguez to St. Francis Medical Center at 3:59:55 PM. At 4:10 PM, while at the medical center, Mr. Dominguez was declared dead.

INVESTIGATION

Overview

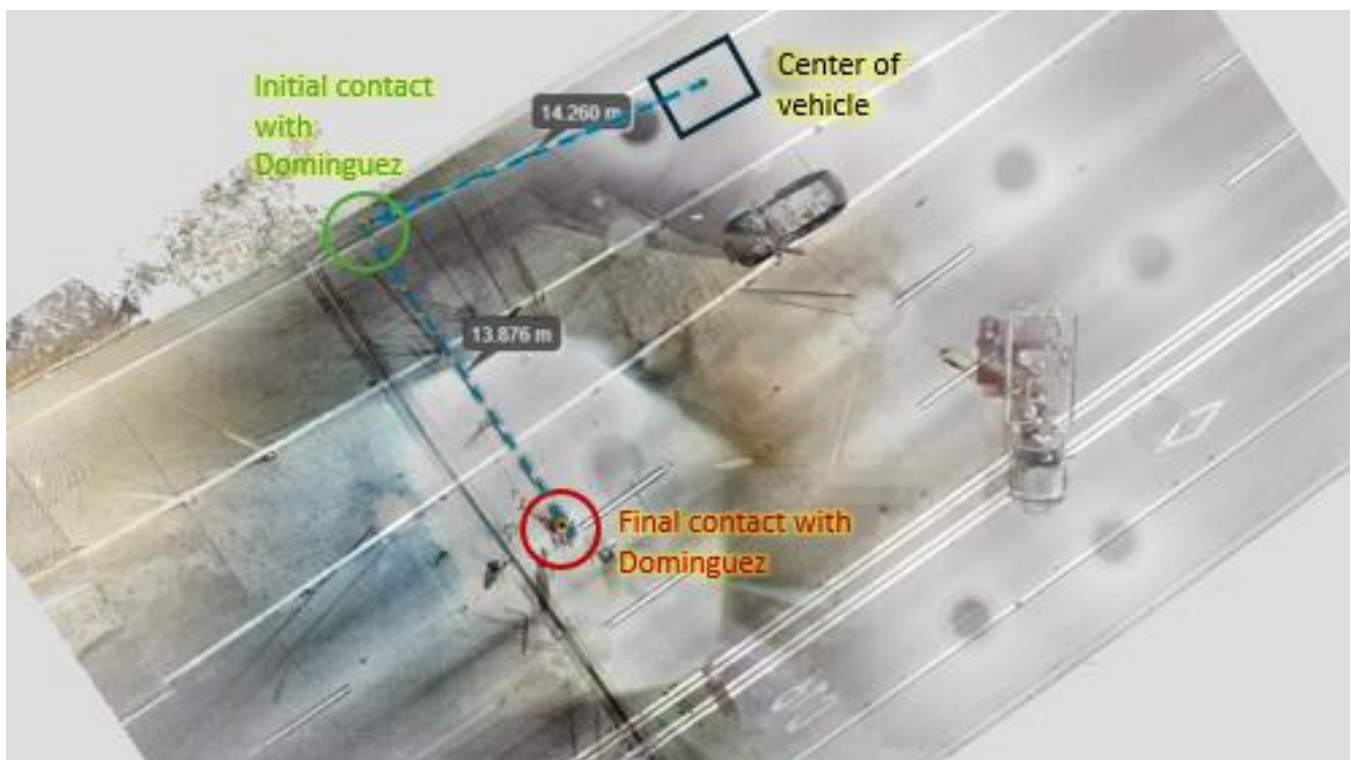
On November 19, 2023, at 4:49 PM, DOJ's Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of an OIS in the City and County of Los Angeles. The incident involved an officer from the CHP and was determined to be a qualifying event within the meaning of Government Code section 12525.3. CaPSIT promptly responded to the incident scene to initiate a criminal investigation on behalf of the DOJ. A Deputy Attorney General also responded. Prior to CaPSIT's arrival, the CHP secured the incident location to preserve evidence.

DOJ's Bureau of Forensic Services (BFS) also responded to the scene to monitor the processing of the scene and the collection of evidence. CaPSIT agents observed the incident scene, reviewed the location of evidence, received a briefing on the incident from the CHP, and were assigned investigative tasks.

Over the course of several months, DOJ conducted an extensive investigation and reviewed comprehensive materials regarding the incident, including physical evidence; 911 audio recordings; dispatch recordings and logs; Digital In-Car Video (DICV); interviews of officers and civilians; BFS reports; the autopsy report; and the forensic toxicology laboratory report.

Incident Scene Description

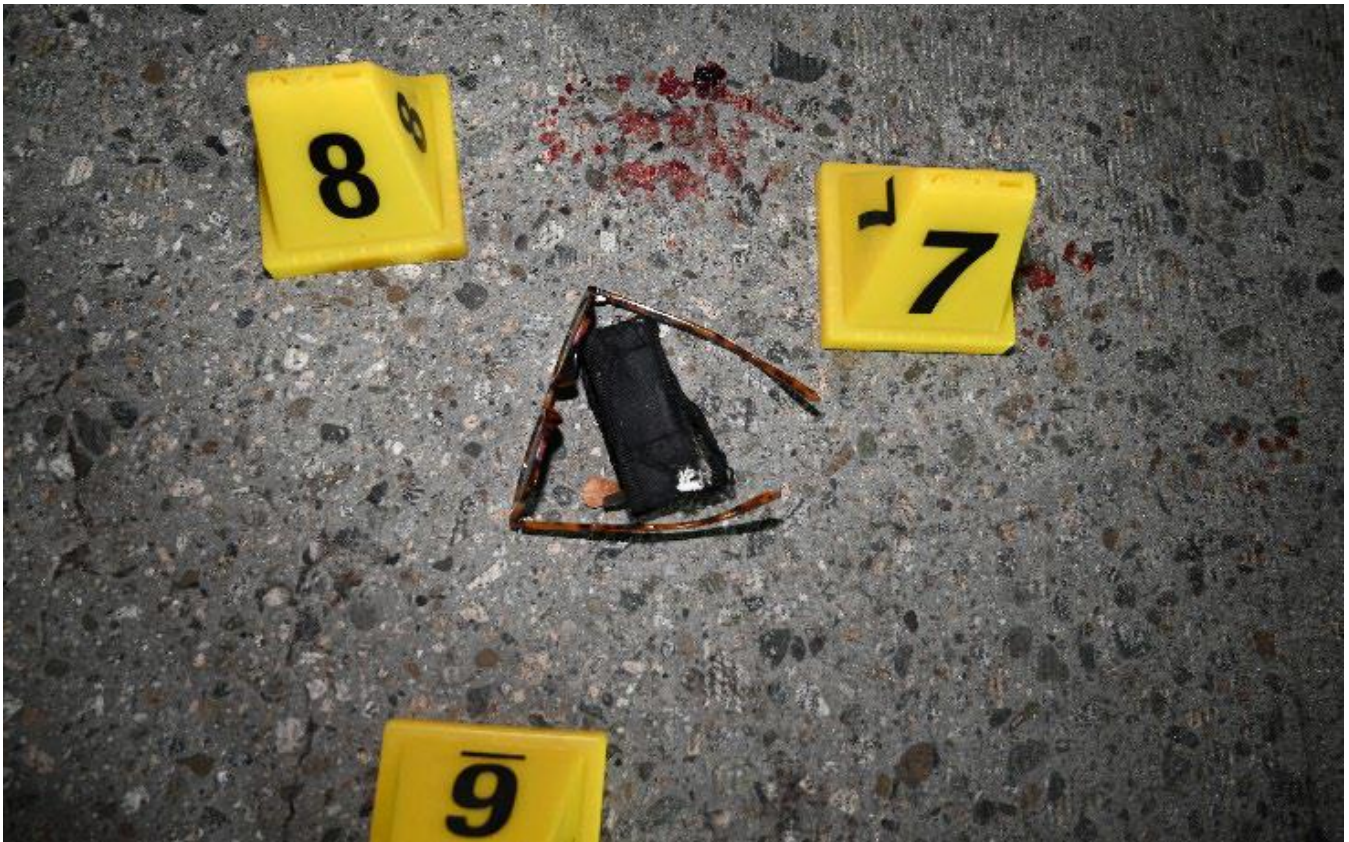
The OIS occurred on the westbound lanes of the 105 Freeway near the Wilmington Avenue offramp in the City and County of Los Angeles. The 105 Freeway is an east-west Interstate Highway with five lanes of traffic in each direction. The lanes of traffic are separated by the tracks of the Los Angeles Metro Rail system. Officer Ritter initiated a traffic break west of Long Beach Boulevard on the 105 Freeway. After successfully initiating the traffic break, Officer Ritter drove westbound and parked his police car approximately 20 feet east of Mr. Dominguez who was standing on the right shoulder of the westbound Wilmington Avenue offramp, approximately 10 feet from the embankment.



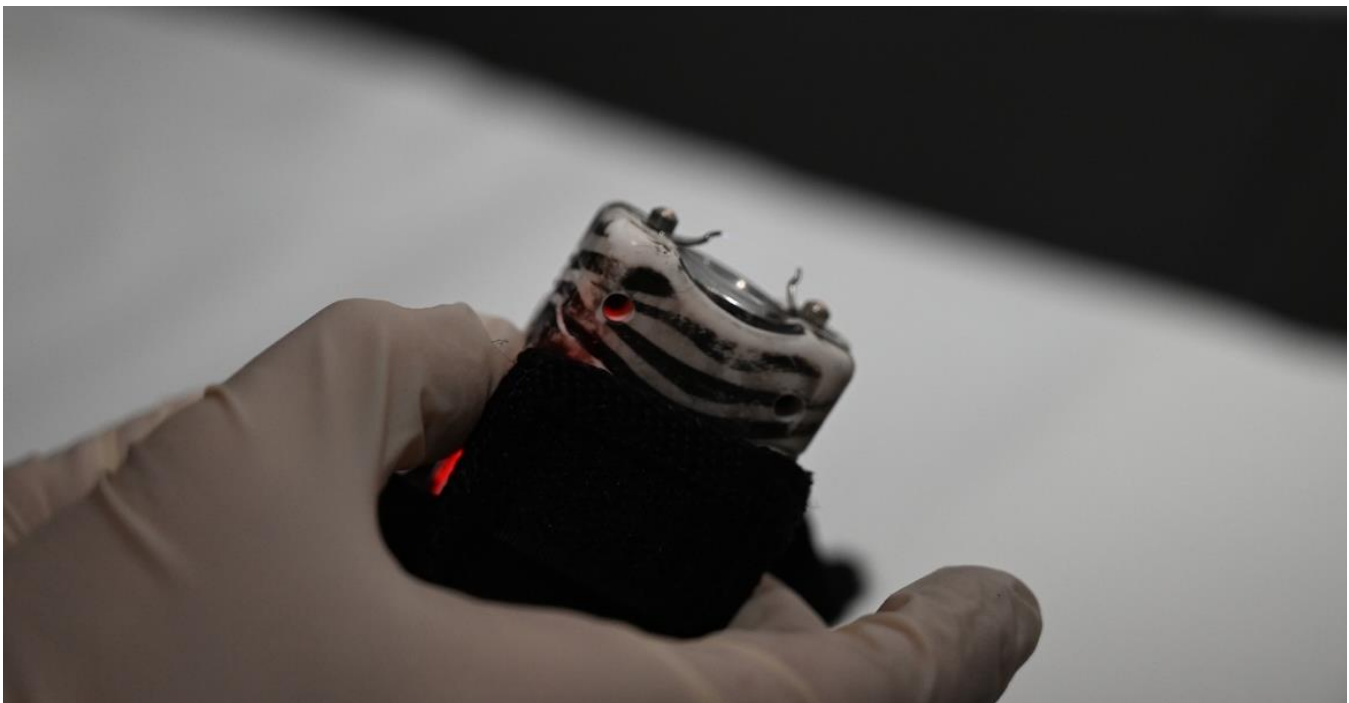
FARO scan of OIS location

Incident Scene Evidence Recovery

BFS was notified of the OIS, and criminalists responded to process the scene. They arrived at the location on November 19, 2023, at approximately 7:15 PM. The criminalists conducted an examination of the OIS scene for ballistic impacts, trajectories, and projectiles. In processing the scene, a total of 10 items were documented, recovered, and booked as evidence. Included in these items was a black and white stun gun in a black case with a visible red light illuminated on the side. The stun gun and case sustained damage to the bottom corner. When the button was pressed on the side of the stun gun, a faint purple arc between the probes was observed.



Photograph of stun gun used by Mr. Dominguez at the OIS location



Photograph of stun gun used by Mr. Dominguez

Officer Processing

At the time of the OIS, Officer Ritter was in full CHP uniform. Officer Ritter carried a Smith & Wesson, M&P, .40 caliber handgun. As configured, the firearm had a 16-round capacity with one round in the chamber and 15 rounds in the magazine. Officer Ritter possessed two additional magazines; each loaded to its capacity of 15 rounds. When examined, the firearm had one live round in the chamber and eight live rounds in the magazine, consistent with seven rounds being fired during the incident. Officer Ritter carried a Taser, but did not carry a backup weapon, pepper spray or a BWV.

As a result of the incident, Officer Ritter sustained cuts on the back upper left area of his left leg.⁴ Officer Ritter also received red marks on his left lower torso from contact with Mr. Dominguez's stun gun.

Video and Audio Recordings

Officer Ritter's police car was equipped with a DICV system that was activated at the time of the incident and provided video and audio recording of his response to the incident location, the scene, and the actions of Mr. Dominguez immediately before the OIS. Officer Ritter's DICV did not capture the struggle prior to the OIS or the OIS.

On November 19, 2023, CaPSIT was notified by CHP of a social media post on www.twitter.com of what appeared to be a video of the OIS incident. The video was posted by the Twitter account "Downtown LA Scanner."

On November 28, 2023, CaPSIT agents located the X account (formerly Twitter) of "Downtown LA Scanner" and observed a video that appeared to depict a portion of the OIS. The video did not capture any events leading up to the OIS. The video was approximately 14 seconds long and appears to show Officer Ritter and Mr. Dominguez struggling on the ground. Officer Ritter subsequently unholsters his firearm, aims it at Mr. Dominguez, and fires several rounds as he backs away. The video did not contain a time stamp or valid metadata and appeared to be a screenshot taken from a different source. The Twitter post also referenced a Facebook account named W-1 as "The original post on FB."

Law enforcement was unable to fully authenticate the video despite multiple attempts to locate the person who recorded it and verify the video's authenticity. However, the video is believed to be legitimate based on its content and other supporting information. Therefore, the video has been included in this report.

CaPSIT agents subsequently located the Facebook account belonging to W-1 and observed a video that appeared to capture a portion the OIS. The video did not depict any events leading up to the OIS. The video was approximately one minute 18 seconds long and appears to show Officer Ritter and Mr. Dominguez struggling on the ground. Officer Ritter subsequently unholsters his firearm, aims it at Mr. Dominguez, and fires several rounds as he backs away. The video did not contain a time stamp or valid metadata and appeared to be a screenshot taken from a different source. The Facebook account

⁴ It is unknown what caused these cuts.

belonging to W-1 did not cite the original posting or identify from where it obtained the video footage. As a result, the source of the video is unknown.⁵

Communications

DOJ obtained and reviewed copies of the 911 calls, radio communications, Computer Aided Dispatch (CAD) logs/records, and message notifications related to the incident. The CAD printouts are consistent with the radio transmissions and provide a timeline of the key events.⁶

Coroner's Investigation

The autopsy of Jesse Dominguez was performed by Richard Ou, M.D. of the Los Angeles County Department of Medical Examiner on November 21, 2023. Mr. Dominguez was a 34-year-old Hispanic male, 6 feet 3 inches tall, weighing 237 pounds. The autopsy report documented seven gunshot wounds sustained by Mr. Dominguez during the incident. The cause of death was determined to be “multiple gunshot wounds,” and the manner of death was ruled as “homicide.”

The toxicology test revealed the presence of Benzodiazepines, Methamphetamine, MDMA (Ecstasy), Chlorpheniramine (antihistamine), Norsertraline and Sertraline (metabolites of the antidepressant Zoloft), Nordiazepam (metabolite of Valium), and Amphetamine in Mr. Dominguez's body.

INTERVIEWS OF OFFICERS

The officer involved in this incident provided a voluntary statement. Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.)

Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) Accordingly, no compelled statements were considered as part of this investigation.

The following statement is a summary of Officer Ritter's interview. Officer interviews consist of the officer's recollection of the incident. These recollections may be inconsistent with the facts ultimately determined by DOJ's independent review of the evidence, including video footage.

5 Law enforcement was unable to authenticate the source of the video—originally posted on Facebook by W-1 and reposted on X by “Downtown LA Scanner”—or verify that it was unaltered, as it lacked timestamps, valid metadata, and any traceable origin. Additionally, the videos did not capture the events leading up to the OIS or the events following the OIS.

6 The CHP Incident Detail Report timestamp indicates that Officer Ritter arrived at Mr. Dominguez's location at 3:35:16 PM, approximately seven minutes after “shots fired” was reported. This delay likely occurred because CHP Dispatch did not update the Incident Detail Report until a later time due to the rapidly evolving nature of an OIS incident.

Officer Ritter

On November 27, 2023, DOJ Special Agents Jon Genens and Alvin Hernandez interviewed Officer Ritter. Also present were Officer Ritter's attorney Steven Welch and Jose Cheak, Officer Ritter's employee representative. The interview was monitored from a separate room by a Deputy Attorney General, and by CHP Sergeants David Porter and Jakob Neumann, and DOJ Special Agent Christopher Santiago. Officer Ritter had been employed by the CHP for one year three months at the time of the OIS.

On November 19, 2023, at approximately 3:28 PM, Officer Ritter was working alone on patrol in South Los Angeles in a marked CHP patrol car and full CHP uniform. He responded to multiple duplicate radio calls reporting a tall male in black clothing, headphones, and a backpack walking and dancing erratically in the westbound lanes of the 105 Freeway near Central Avenue. The pedestrian was later identified as Mr. Dominguez. Given the nature of the call and the threat of danger to both Mr. Dominguez and oncoming traffic, Officer Ritter responded Code 3 to the location.⁷

Officer Ritter exited the eastbound 105 Freeway at Vermont Avenue and reentered on to the eastbound Hoover onramp. He traveled in the HOV lane and the center median to the eastbound Long Beach Boulevard offramp with his lights and sirens on. He exited the eastbound 105 freeway at Long Beach Boulevard and immediately reentered the freeway using the westbound Long Beach Boulevard onramp.

Officer Ritter initiated a traffic break in the westbound lanes of the 105 freeway. He initiated the traffic break because, "[f]or reports of an individual walking in lanes of traffic of the freeway it's best to try to stop cars, obviously, which eliminates one hazard." Officer Ritter ran the traffic break for approximately 30 to 60 seconds which cleared the traffic in front of him. After the traffic cleared Officer Ritter saw Mr. Dominguez on the right shoulder of the westbound Wilmington Avenue offramp, approximately 10 feet from the embankment. He radioed his location to dispatch and issued PA commands to the freeway motorists to remain stopped at the traffic break. He then turned his police car around and drove towards Mr. Dominguez. Two additional CHP units responded to Mr. Dominguez's location; one unit responded from the 405 Freeway in Long Beach and the other responded from the CHP south station in Torrance. These units did not arrive until after the OIS occurred.

Officer Ritter parked his police car approximately 20 feet away from Mr. Dominguez. Mr. Dominguez was wearing a large backpack with a satchel and was bent over, reaching into the satchel. Officer Ritter was concerned because he could not see Mr. Dominguez's hands and because Mr. Dominguez was looking down instead of paying attention to oncoming traffic. Over his police car's PA system, Officer Ritter directed Mr. Dominguez to, "Put the bags down." Mr. Dominguez made eye contact, and Officer Ritter exited his police car. Officer Ritter again directed Mr. Dominguez to put the bags down and to show his hands. Mr. Dominguez briefly raised his hands, then lowered them and walked rightward across the off-ramp toward the unsecured freeway lanes. Officer Ritter told him to "stop" several times, but Mr. Dominguez ignored the commands.

Officer Ritter determined that he needed to detain Mr. Dominguez for safety reasons and ordered Mr. Dominguez to turn around and place his hands on his head. Officer Ritter stated that the purpose of this was to determine whether Mr. Dominguez possessed anything that wasn't initially seen. Officer Ritter approached Mr. Dominguez but he refused to stop and continued walking away from Officer Ritter, towards the traffic lanes. At this point, Officer Ritter determined physical force was necessary to

⁷ Code 3 refers to an emergency response by police using full lights and sirens.

stop Mr. Dominguez. Officer Ritter cited the inherent danger of walking on the freeway, Mr. Dominguez's refusal to comply with his commands, and his inability to see Mr. Dominguez's hands as his bases for using physical force. Officer Ritter believed he had sufficient probable cause to arrest Mr. Dominguez for "148."⁸

Officer Ritter approached Mr. Dominguez and grabbed his outstretched left wrist to physically control him. Mr. Dominguez tensed and pulled Officer Ritter close so that his chest was against Mr. Dominguez's side. This concealed Mr. Dominguez's right hand and caused both to fall flat onto the pavement in freeway lanes 2 and 3. Officer Ritter was face-down atop Mr. Dominguez and indicated that his primary concern was that Mr. Dominguez continued to fight him.

Mr. Dominguez kicked Officer Ritter and tried to pull away. Officer Ritter attempted to maintain control of Mr. Dominguez to place handcuffs on him. As Officer Ritter struggled to gain control of Mr. Dominguez's left hand, he heard the distinctive clicking sound of a Taser discharge. Officer Ritter was Tased; he compared the feeling to that of a "Charlie horse" in his leg.

He told investigators that he was trained on the use and effects of Tasers during his training at the police academy. He described the purpose of the Taser as neuromuscular incapacitation and that a full Taser deployment cycle lasts five seconds. According to Officer Ritter, "[D]uring those ... five seconds, you're completely incapacitated. You cannot move; you cannot have any reactions or any reactivity." Officer Ritter also stated, "I knew if I'm incapacitated, this person who's actively resisting, assaulting me at this point with a weapon is gonna have full access to me if I'm completely incapacitated. So, in fear of being incapacitated and in fear for my life, I drew my weapon."

Fearing for his life, Officer Ritter drew his firearm, aimed it towards Mr. Dominguez and backed away to create space between himself and Mr. Dominguez. Officer Ritter told Investigators that his movement away from Mr. Dominguez with his firearm drawn was consistent with the close-quarters battle (CQB) training he received at the academy. As Officer Ritter backed away, he fired seven shots in Mr. Dominguez's direction. Mr. Dominguez's arms fell limp and Officer Ritter determined that he was no longer an active threat.

Officer Ritter immediately broadcast "shots fired" and advised dispatch that his firearm was still raised and facing west. He advised the additional responding units to respond from the east. Officer Ritter maintained a drawn weapon for cover until sirens approached. Approximately one minute later, Officer Manzo and Sergeant Biter entered the freeway driving against traffic via the Wilmington offramp and established cover for Officer Ritter. The three officers formed an arrest team with Officer Ritter providing lethal coverage. Officer Manzo and Sergeant Biter rolled Mr. Dominguez over and handcuffed him. Mr. Dominguez had no pulse and was not breathing. Officer Manzo started CPR. Officer Ritter retrieved the EMT medic bag from his vehicle, applied a chest seal, and performed three to four cycles of 30 compressions before being relieved by Sergeant Biter.

Officer Ritter remained on scene for approximately 20 to 30 minutes before Officer Isaac Perez transported him to Harbor-UCLA Medical Center in a marked CHP vehicle for further evaluation. Officer

⁸ California Penal Code section 148 makes it a misdemeanor to willfully resist, delay, or obstruct any public officer, peace officer, or emergency medical technician while they are performing their official duties.

Ritter reported pain and visible red marks on his left leg and side but was cleared to return to duty pending investigation.

Officer Manzo

On December 6, 2023, DOJ Special Agents Genens and Daniel Ibarra interviewed Officer Carlos Manzo. Also present was his attorney, Steven Welch. Officer Manzo was not present at the time of the OIS.

On November 19, 2023, Officer Manzo was working on reports in the briefing room of the CHP Office located on Hamilton Avenue in Torrance, California and heard a call of a pedestrian on the westbound 105 Freeway near Central Avenue. Dispatch also broadcast a description of the individual and advised that the individual was wearing headphones. Officer Manzo told investigators that the call was unusual because, "We usually encounter pedestrians walking on the shoulder, not near the center divide where it's near the carpool lanes." The call triggered an alarm for Officer Manzo, and he responded to the location in a marked CHP patrol car.

Officer Manzo heard Officer Ritter broadcast several updates as he drove to the location. Officer Ritter told dispatch that he initiated a traffic break on the westbound 105 Freeway near Long Beach Boulevard. Officer Manzo felt this secured the westbound lanes east of Officer Ritter's location, so he exited the eastbound 105 Freeway at Wilmington Avenue, west of Officer Ritter's location. Officer Manzo believed this would enable him to help if Mr. Dominguez fled. It would also allow Officer Manzo to reenter the 105 Freeway backwards on the westbound Wilmington Avenue offramp if Officer Ritter needed additional assistance.

As Officer Manzo exited the eastbound 105 Freeway at Wilmington Avenue, Officer Ritter broadcast over the radio that he was contacting Mr. Dominguez. Shortly after, Officer Ritter broadcast "shots fired." Officer Manzo turned on his emergency lights and sirens and entered the 105 Freeway traveling eastbound on the westbound Wilmington Avenue offramp. According to Officer Manzo, "When I heard Office Ritter saying that he has ... his weapon orientated to the west ... I just decided myself to take the wrong way on the Wilmington on ramp to be able to get to him in a faster manner." Officer Manzo also saw Sergeant Biter responding behind him.

At the direction of Sergeant Biter, Officer Manzo positioned his patrol car near Officer Ritter to provide cover as the officers detained Mr. Dominguez. Officer Manzo, Officer Ritter, and Sergeant Biter formed an arrest team and approached Mr. Dominguez as he lay on the ground. Officer Manzo approached Mr. Dominguez and placed him in handcuffs. He saw that Mr. Dominguez was bleeding and began life saving measures. Officer Manzo continued to render medical aid until paramedics arrived and took over.

Sergeant Biter

On December 6, 2023, DOJ Special Agents Genens and Ibarra interviewed Officer Sergeant Biter. Also present was his attorney, Steven Welch. Sergeant Biter was not present at the time of the OIS.

On November 19, 2023, Sergeant Biter began his shift at 1:00 PM and conducted a briefing soon after. Sergeant Biter recalled hearing a radio broadcast of "a pedestrian in lanes," on the 105 Freeway between Central and Wilmington. According to Sergeant Biter, "It seemed like it was in lanes or it was against traffic, or it was running through the high occupancy lane." Duplicate calls came in reporting the same incident, so Sergeant Biter responded to the location.

Sergeant Biter was driving on the eastbound 105 Freeway when Officer Ritter broadcast “shots fired.” He made a U-Turn and used a nearby “flyover” to access the westbound Wilmington Avenue offramp. Sergeant Biter drove the wrong way up the offramp to access the 105 Freeway. At this point, Sergeant Biter observed Officer Ritter standing in the lanes of the freeway with his firearm pointed westbound.

Officer Ritter’s patrol car was on the right shoulder of the freeway and traffic was stopped to the east of him. Sergeant Biter and Officer Manzo drove towards Officer Ritter. Sergeant Biter parked his car in the middle of the traffic lanes to prevent motorists from entering the scene. Officer Manzo parked his car near Officer Ritter.

Sergeant Biter, Officer Ritter, and Officer Manzo briefly discussed their next steps. Officer Manzo was tasked with handcuffing Mr. Dominguez, Sergeant Biter was tasked with secondary cover for Officer Manzo, and Officer Ritter provided additional support. The officers approached Mr. Dominguez and Officer Manzo placed him in handcuffs. Once he was handcuffed, Officer Manzo began CPR. Sergeant Biter attempted to locate a medical bag containing a chest seal to stop the bleeding but was unable to find one. Sergeant Biter took over CPR until additional officers arrived and switched to a supervisory role.

INTERVIEWS OF CIVILIAN WITNESSES

Eight civilian witnesses were interviewed by DOJ; however, the witnesses only observed Mr. Dominguez walking in traffic lanes prior to any law enforcement contact. DOJ was unable to locate civilian witnesses who observed the OIS.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder, and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation that would support a conviction of first degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *Hernandez, supra*, 183 Cal.App.4th at p.1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.5th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person

from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moya* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary's attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 *et. seq.* sets forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (*Cf.* Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

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 to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“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 deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in 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, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant’s burden to prove that the force was necessary or reasonable.

(*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Jesse Dominguez. This analysis is based on all the evidence gathered by DOJ in this matter, including witness interviews, law enforcement reports, analyses of firearms and ballistics, physical evidence, the autopsy and toxicology reports, DICV camera footage, other video evidence, photographs, and communication evidence.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Ritter did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence pertaining to the OIS demonstrates that a prosecution could not establish that Officer Ritter was objectively unreasonable in determining that lethal force was necessary to protect himself, or that Officer Ritter did not actually hold this view. Therefore, the evidence is insufficient to support criminal charges beyond a reasonable doubt.

Subjective Belief

The evidence supports that Officer Ritter actually believed in the necessity to defend himself against an imminent threat of death or great bodily injury. In his voluntary interview, Officer Ritter described firing his duty weapon because he heard and felt the distinctive clicking sound of a Taser discharge during the ground struggle. He immediately recognized from his academy training that a Taser could cause “neuromuscular incapacitation” that could last five seconds and leave him defenseless. According to Officer Ritter, “[D]uring those ... five seconds, you’re completely incapacitated. You cannot move; you cannot have any reactions or any reactivity.” He stated, “I knew if I’m incapacitated, this person who’s actively resisting insulting me at this point with a weapon is gonna have full access to me.”

Officer Ritter responded to dispatch reports of a tall male in black clothing with a backpack walking and dancing erratically in the westbound lanes of the 105 Freeway near Central Avenue, while wearing headphones—a situation he understood to pose immediate danger to the pedestrian and oncoming traffic. Upon locating Mr. Dominguez on the right shoulder of the westbound Wilmington Avenue offramp, Officer Ritter observed him bent over, reaching into a satchel on top of a large backpack worn on his chest, with his hands not visible. In his interview, Officer Ritter stated that he was concerned because he could not see Mr. Dominguez’s hands and because Mr. Dominguez was looking down rather than paying attention to the surrounding traffic hazard.

Officer Ritter told investigators that he believed Mr. Dominguez was deliberately refusing to comply with his commands and intentionally created a greater risk to himself and Mr. Dominguez. Mr. Dominguez ignored repeated PA and verbal commands to put the bags down and show his hands, briefly raised his hands only to lower them again, and walked away from Officer Ritter toward the unsecured freeway lanes. When Officer Ritter grabbed Mr. Dominguez’s outstretched left wrist to detain him, Mr. Dominguez tensed and pulled Officer Ritter close—concealing his right hand—which caused both to fall into lanes 2 and 3 of the 105 Freeway, with Officer Ritter face-down atop Mr. Dominguez. Mr. Dominguez then kicked Officer Ritter and tried to pull away as Officer Ritter

attempted to gain control for handcuffing. While on top of Mr. Dominguez, Officer Ritter heard and felt the stun gun discharge, which he described as a distinctive clicking sound and a sensation comparable to a “Charlie horse” in his leg. He believed this indicated Mr. Dominguez was actively attempting to incapacitate him.

Fearing imminent incapacitation and the associated risks outlined in his training, Officer Ritter indicated that he drew his duty weapon, backed away to create separation, and fired seven rounds at close range. As he backed away, he observed Mr. Dominguez’s arms fall limp. When Mr. Dominguez’s arms went limp, Officer Ritter determined that he was no longer an active threat. Officer Ritter did not fire any additional rounds.

Immediately after the shooting, Officer Ritter broadcast “shots fired,” advised the direction his firearm was facing for responding units’ safety, and maintained a drawn weapon in the open lane until backup arrived approximately one minute later. He then provided lethal coverage while other officers handcuffed Mr. Dominguez. Officer Ritter assisted in providing medical aid to Mr. Dominguez until he was relieved. These actions reflect a continued perception of threat until Mr. Dominguez was secured, followed by immediate life-saving efforts consistent with an officer who believed lethal force had been necessary.

The evidence supports that Officer Ritter subjectively believed in the need to defend against an imminent threat of great bodily injury or death. His detailed description of the stun gun’s sound and physical sensation, his articulated fear of incapacitation leading to complete access of his person, the rapid progression from non-compliance to physical resistance in active freeway lanes, and his post-incident conduct all support an actual belief that lethal force was required to avert immediate peril. The DOJ cannot prove beyond a reasonable doubt that Officer Ritter did not subjectively believe in the need to defend.

Objective Reasonableness

Similarly, at trial the DOJ would have to prove beyond a reasonable doubt that under these facts and circumstances the belief in the need to use deadly force to defend against an imminent threat of death or serious bodily injury was objectively unreasonable. This encounter occurred in active freeway lanes after a traffic break, involved a solo officer facing a noncompliant subject who was walking into active traffic lanes, concealing his hands underneath a backpack and satchel, and escalated in seconds to a close-quarters ground struggle in which Mr. Dominguez produced and deployed a stun gun at point-blank range. This posed a threat that the officer would be incapacitated and his handgun used against him or others. A reasonable officer in the same position could perceive these facts as presenting an imminent threat of great bodily injury or death requiring a lethal response.

A reasonable officer in the same situation could have believed that Mr. Dominguez had the present ability and opportunity to immediately cause serious bodily injury or death. Mr. Dominguez was 6’3” tall and weighed 237 pounds. He was able to pull Officer Ritter to the ground and then he produced and discharged a stun gun during the ground struggle while the two men were entangled on the pavement. The discharge occurred at contact distance, where incapacitation would leave the officer helpless in traffic lanes and vulnerable to follow-up attacks, including potential access to the officer’s duty weapon or other belt equipment. No backup was present during the struggle, no effective cover existed, and the freeway environment amplified the risk. The officer’s proximity—mere feet, then body-to-body—meant the threat could not be evaded or mitigated without force.

A reasonable officer in the same situation could reasonably believe that Mr. Dominguez had the apparent intent to immediately cause serious bodily injury. Mr. Dominguez refused multiple PA and direct verbal commands to put his bags down, show his hands, stop, and place his hands on his head; walked toward unsecured traffic lanes despite instructions; tensed and pulled Officer Ritter onto the ground when grabbed; kicked and pulled away during handcuffing attempts; and actively produced and discharged the stun gun while resisting control. These actions spanned approximately 51 seconds from initial contact to shots fired, providing no meaningful interval for further de-escalation beyond the commands already issued and the attempted physical detention. The continued resistance and weapon deployment conveyed an intent to overcome the officer rather than submit, leading to a reasonable conclusion that the threat would persist absent immediate intervention.

In light of the above, DOJ cannot disprove beyond a reasonable doubt that Officer Ritter's belief in the need to use lethal force was objectively reasonable under the circumstances.

CONCLUSION

There is insufficient evidence to support a criminal prosecution of Officer Ritter. As such, no further action will be taken in this matter.



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Policy and Practice Recommendations for the
California Highway Patrol Related to the
Officer-Involved Shooting of Jesse Dominguez on
November 19, 2023**

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

October 2026



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3, subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section conducts a review of the information obtained through the criminal investigation, which may include a review of policies concerning body worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. The Police Practices Section uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. The Police Practices Section’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, on November 19, 2023, at approximately 3:28 p.m., California Highway Patrol (CHP) dispatched Officer Lucas Ritter to multiple calls regarding a pedestrian walking in the High Occupancy Vehicle and number one lanes on the Interstate 105 freeway in Los Angeles. Two other units were still en route after Officer Ritter arrived on scene. Officer Ritter successfully performed a traffic break on the freeway. Once traffic was stopped, Officer Ritter directed the motorists to stop in place until given further instruction. Officer Ritter then drove toward the pedestrian on the freeway shoulder, who was later identified as Jesse Dominguez, stopping his patrol vehicle approximately 20 feet east of Mr. Dominguez.

Officer Ritter observed Mr. Dominguez on the shoulder of the freeway. Mr. Dominguez was wearing a large backpack and a satchel. Officer Ritter used the Public Announcement system in his patrol car to instruct Mr. Dominguez to put his bags down. Mr. Dominguez did not comply. Officer Ritter then exited his patrol vehicle and repeated his order that Mr. Dominguez put his bags on the ground and raise his hands. Mr. Dominguez briefly put his hands up but then lowered them and began walking from the shoulder back onto the freeway lanes. Mr. Dominguez was repeatedly reaching down into his bags, and Officer Ritter could not see his hands.¹

¹ The final interaction between Officer Ritter and Mr. Dominguez, including the shooting, occurred outside the view of the patrol vehicle’s dash camera. A bystander, however, video recorded the shooting on a mobile phone. DOJ was unable to authenticate the source of the mobile phone video or verify that it was unaltered. This mobile phone video is consistent with Officer Ritter’s overall account of the events and provides additional information regarding the specific details of the interaction between Officer Ritter and Mr. Dominguez. At the time of this incident, CHP did not equip all its officers with a body worn camera (BWC). Subsequently, CHP’s updated BWC policy, dated April 29, 2025, provides that “Sworn employees working in an enforcement capacity, to include warrant service, shall be equipped with a BWC for the duration of their shift.”

Then Officer Ritter approached Mr. Dominguez. Officer Ritter reached to grab Mr. Dominguez by the left wrist. Mr. Dominguez pulled away, then pulled Officer Ritter towards his body. Officer Ritter continued to gain control of Mr. Dominguez's arm or hand, and the two fell to the ground in lanes two and three, with Officer Ritter directly on top of Mr. Dominguez. While on the ground, Mr. Dominguez was kicking Officer Ritter. While Officer Ritter was continuing his efforts to control Mr. Dominguez, he heard the sound of electricity similar to a TASER, was shocked, and felt a very brief cramp in his left leg.² Officer Ritter felt Mr. Dominguez tasing him and stated he feared that he would become incapacitated and defenseless. Officer Ritter drew his duty weapon and fired seven shots at Mr. Dominguez as he was stepping away to create distance between them. Officer Ritter fired the first one or two shots while Mr. Dominguez was still in physical contact with Officer Ritter. Officer Ritter fired the remaining rounds as he was stepping away from Mr. Dominguez. Approximately 15 seconds transpired between Officer Ritter first grabbing Mr. Dominguez and firing his duty weapon. Officer Ritter was the only peace officer on scene for the duration of the interaction with Mr. Dominguez. Additional responding officers arrived on scene approximately 90 seconds after Officer Ritter fired his weapon.

Responding CHP officers and Los Angeles County Fire Department personnel rendered aid and transported Mr. Dominguez to a hospital where he was pronounced deceased at approximately 4:10 p.m.

The Police Practices Section evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), and advises California Highway Patrol to review and implement the following two recommendations:

Recommendation One: Provide Additional Training on Operational Safety Tactics

The Police Practices Section recommends that CHP provide additional training on operational safety tactics, including using time, distance, and cover when attempting to restrain or handcuff an individual given the inherent dangers of attempting to detain non-compliant individuals, particularly when an officer is acting alone.

California Penal Code section 13519.10 mandates that use of force policies and training guidelines include de-escalation techniques and other alternatives to force, "including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence" Agencies are encouraged to provide periodic updates on "use of force scenario training, including simulations of low-frequency, high-frequency, high-risk situations and calls for service, shoot-or-don't shoot situations, and real-time force option decision-making." (Pen. Code, § 13519.9, subd. (b)(1); Gov. Code, § 7286, subd. (b)(1).) When officers follow their training by maintaining distance and cover, it can reduce the intensity of the situation, minimize the need to use force, including deadly force, and improve safety

² Ultimately, the stun gun that Mr. Dominguez had could only deliver painful electrical shocks and was incapable of rendering neuromuscular incapacitation, but Officer Ritter did not know that at the time of the shooting. In his interview, Officer Ritter described his concern the stun gun might have been a type of TASER, which is a brand of conducted energy weapons. In probe mode, a TASER fires two barbs into a person's skin to send incapacitating jolts of electricity. If deployed successfully, TASER probes temporarily override the central nervous system, causing neuromuscular incapacitation.

outcomes for subjects and officers. (Police Executive Research Forum, *Integrating Communications, Assessment, and Tactics: A Training Guide for Defusing Critical Incidents* (Oct. 2016), p. 49.)

Based upon the video footage and statements by Officer Ritter, Mr. Dominguez ignored multiple orders to put his bags down and raise his hands. During his interview, Officer Ritter stated that he was concerned that he was not able to see Mr. Dominguez's hands because Mr. Dominguez was repeatedly reaching into his bags. Officer Ritter also believed that Mr. Dominguez was creating a danger to himself and the public by walking back onto the freeway, particularly in light of the unmonitored traffic break. Mr. Dominguez continued to refuse commands. Then, Officer Ritter decided to approach Mr. Dominguez and attempted to grab him by the wrist to restrain him. By doing so, Officer Ritter reduced the space and distance between himself and Mr. Dominguez, without determining whether Mr. Dominguez was armed.

When Mr. Dominguez resisted Officer Ritter's efforts to restrain him, Officer Ritter was left with limited options. A brief physical altercation ensued. While the two were on the ground, Mr. Dominguez produced a stun gun, which he used on Officer Ritter's leg. The stun gun caused pain but did not result in neuromuscular incapacitation. Fearing for his safety and fearing that he might become incapacitated by the stun gun which he believed to be a TASER, Officer Ritter drew his service weapon and fired seven rounds at Mr. Dominguez as he stood up and attempted to create distance between them.

Although, the Police Practices Section acknowledges Officer Ritter was managing a traffic break solo, further training is warranted on operational safety tactics, including using time, distance, and cover given the inherent dangers of attempting to detain noncompliant or defiant individuals.

Recommendation Two: Provide Additional Training on Lethal Force Under Penal Code Section 835a

The Police Practices Section recommends that CHP provide additional training on the legal standard of when deadly force is authorized based upon an imminent threat of death or serious bodily injury, under Penal Code section 835a, subdivision (c)(1)(A).

Under Penal Code section 835a, "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (A) [t]o defend against an imminent threat of death or serious bodily injury to the officer or to another person" or (B) to apprehend a fleeing person under limited circumstances. (Pen. Code, § 835a, subds. (c)(1)(A) & (c)(1)(B).) This recommendation specifically pertains to section 835a, subdivision (c)(1)(A).

California Highway Patrol Manual 70.6, Chapter 1 provides that "[a]n officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person." This policy is consistent with the standard for assessing the reasonableness of a peace officer's use of force under *Graham v. Connor* (1989) 490 U.S. 386, 396, which provides that the use of force is assessed considering "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he

is actively resisting arrest or attempting to evade arrest by flight.” The most important factor in this assessment is whether the suspect posed an immediate threat. (*Mattos v. Agarano* (9th Cir. 2011) 661 F.3d 433, 441.) “If the suspect is on the ground and appears wounded, he may no longer pose a threat; a reasonable officer would reassess the situation rather than continue shooting. This is particularly true when the suspect wields a knife rather than a firearm.” (*Zion v. County of Orange* (9th Cir. 2017) 874 F.3d 1072, 1076 (internal citation omitted).)

In this incident, Officer Ritter was engaged in a close-quarters physical altercation with Mr. Dominguez after Mr. Dominguez disregarded orders to show his hands and resisted Officer Ritter’s attempt to detain him and keep him off the freeway. At the time he drew his weapon, Officer Ritter was responding to the immediate threat presented by Mr. Dominguez using a stun gun on his leg that caused him pain. From the video of the incident, it is apparent that Mr. Dominguez used the stun gun on Officer Ritter in the seconds before Officer Ritter fired his weapon. Officer Ritter also did not know whether the stun gun could cause neuromuscular incapacitation, as he stated in his interview, he thought it was a TASER. At the moment Officer Ritter fired his weapon, Mr. Dominguez was lying on the ground on his back, and Officer Ritter was standing over him. Officer Ritter continued firing even as he took several steps backwards and after his initial rounds struck Mr. Dominguez who remained on his back. Thus, it is not apparent from the available video footage that Officer Ritter continued to face an imminent threat when firing the final shots after he stood up and backed away from Mr. Dominguez.

The Police Practices Section acknowledges that Mr. Dominguez’s use of a stun gun on Officer Ritter required him to assess the risk and decide upon a course of action within just a few seconds. The Police Practices Section recommends that CHP provide additional training to its officers on the circumstances under which the use of deadly force is legally justified, specifically when there is or when there continues to be an imminent threat of death or serious bodily injury.