



Sacramento County District Attorney's Office

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DATE: June 15, 2017

TO: Chief Ronald A. Lawrence
Citrus Heights Police Department
6315 Fountain Square Drive
Citrus Heights, CA 95621

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer Involved Shooting: Case No. CHPD 16-04363
Shooting Officer: Officer Nathan Hutson #39
Person Shot: Jaime Ide (DOB 5/24/1976)

The District Attorney's Office has completed an independent review of the above-referenced officer-involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Jaime Ide. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other items, including: Citrus Heights Police Department report number 16-04363; 9-1-1 recordings; dispatch logs; radio traffic recordings; witness interview recordings; crime scene videos; diagrams; photographs; Sacramento County District Attorney Criminal Investigative and Laboratory of Forensic Services reports; and the Sacramento County Coroner Final Report of Investigation.

FACTUAL SUMMARY

On May 19, 2016, at approximately 3:45 p.m., Dalia Ide was at home with her husband, Jaime Ide.¹ Their two children were at school. Ide started to argue with Dalia and accused her of being unfaithful. She denied the accusations. She went to her room, grabbed her bag and said, "I'm leaving." Ide followed her into her room and told her, "You are not going anywhere. You're about to die now." She tried to calm Ide down so they could talk, but he continued to ask her whether she was "cheating" on him. He said, "Tell me the truth or I'm going to kill you."

¹ Because she shares the same last name as her husband, Dalia Ide will be referred to as "Dalia" throughout this memorandum for ease of reference; no disrespect is intended.

Ide then pushed Dalia onto the bed. He put his knees onto her shoulders, pinned her down, and grabbed her neck. She told him to get off her, but Ide repeated he was going to kill her. She told him to leave her alone and to think about their children. She grabbed his testicles and hit them, but it did not subdue Ide. She continued to try to get Ide off her. Ide then bit Dalia on her right cheek. She was finally able to strike him with her knees so she could escape.

Ide fell to the ground and his wife started to leave the room. Ide grabbed a baseball bat he kept under the bed and started hitting Dalia with it. Ide told her he was going to finish her off right there. Ide struck Dalia with the baseball bat multiple times. He struck her on the back of her head and her back. Dalia was scared and tried to escape the apartment. She was able to open the front door and scream for help. Ide shut the door, grabbed Dalia by her hair, and threw her to the floor.

Ide picked up a piece of carpet, put it over Dalia's head and face, and tried to suffocate her. She was not able to breathe. Eventually, she was able to turn her head and get out from under the carpet. Ide then grabbed a white cloth or sock and put it into her mouth. Ide was still on top of her. She begged him to think of their children and to stop trying to kill her. She kept struggling and hitting Ide with her knees, and she was eventually able to get up and open the door. As she struggled to get away from Ide, he ripped her shirt and shorts nearly off. He told her he was checking for evidence of her infidelity. She screamed for help, but Ide shut the door again.

Dalia was exhausted from the struggle and unable to escape from the apartment. Ide kept telling her she was going to die. She kept trying to calm him down by talking to him. She told him, "If you want me to give you money, I'll give you money. Take the car. Take the money and I won't tell anything to the police." She begged him not to kill her because of their children.

During this incident, 9-1-1 callers reported they could hear a woman screaming and sounds of a physical assault coming from Ide's downstairs apartment at 6005 Birdcage Street. Citrus Heights Police Officer Taylor Rutledge responded to the apartment. Officer Kyle Shoberg was also dispatched to the address to assist.

Upon arrival, Officer Rutledge approached the door and could hear a woman crying. Officer Shoberg knocked loudly on the door and announced himself as "Police." He heard Ide's wife screaming, "Open the door, open the door" and "Please come in, I need help." Officer Shoberg tried to open the door, but it was locked. The door suddenly flew open. Dalia came out of the apartment. She was not wearing a shirt, her bra was stretched, and her pants were partially pulled off. She was crying hysterically and was covered in blood on her head, face, chest, arms, and legs. Due to the amount of blood, Officer Shoberg could not immediately determine her specific injuries. Officer Shoberg grabbed her and escorted her away from the apartment. As he did so, he heard the apartment door slam shut. Officer Shoberg did not see or interact with anyone else during this time.

Officer Emily Lombardo arrived on scene and attended to Dalia, while Officers Rutledge and Shoberg focused on the front door in case Ide tried to exit. Dalia identified the suspect as her husband, and told the officers he beat her and hit her over the head with a baseball bat. Dalia was shaking, having difficulty breathing, and crying uncontrollably. She stated that her children

were not in the apartment and Ide did not have a gun or any other weapons of which she was aware. As Dalia was being escorted to the ambulance, she was in and out of consciousness and had to be carried. She was transported to Mercy San Juan Hospital for treatment.

Additional officers arrived and established a perimeter around the apartment. Crisis Negotiators arrived on scene and attempted to communicate with Ide in an effort to end the situation peacefully. Between 5:25 p.m. and 6:00 p.m., law enforcement had numerous telephone conversations with Ide. During those conversations, he identified himself and admitted to drinking seven beers. Ide was repeatedly told he needed to exit his apartment and to come out with his hands up without any weapon. Ide said he did not want to. The cell reception was not clear, and it was difficult to understand Ide. Despite repeated requests for Ide to exit his apartment, he did not comply.

A few minutes later, Ide opened the front door and stuck his head out. Officers ordered him to exit the apartment with his hands up. Ide remained inside the apartment with his hands completely out of the officer's view. He stared at the officers for a few seconds, then closed and locked the front door.

Over the next two hours, officers communicated with Ide and made announcements in English and Spanish, but he did not exit his apartment. The last phone contact with Ide was at approximately 7:00 p.m.

Approximately one hour later, officers obtained an arrest warrant and made a final and unsuccessful attempt to contact Ide by telephone. As they were preparing to breach the door, officers believed they heard multiple gunshots from inside the apartment. Over the next several minutes, officers believed they heard between 15-20 shots. SWAT officers arrived and took over the scene. Additional attempts were made to contact Ide via cell phone, but he did not answer.

Officer Nathan Hutson responded to the scene and received a brief summary of the situation. He learned officers were attempting to serve the arrest warrant when they heard multiple gun shots from inside the apartment. Officer Hutson became part of their Immediate Reaction ("IR") Team, which was positioned behind a hedge of bushes approximately 10 yards south of Ide's apartment.

Ide walked out the front door of his apartment at approximately 10:00 p.m. He closed the door behind him and held a beer in his left hand. Ide walked directly toward the IR Team. Ide appeared angry and aggressive. In both Spanish and English, officers yelled at him, "Stop, stop, stop." Officers gave multiple commands and were shouting for Ide to get on the ground and show them his hands. Ide did not comply.

As Ide approached the officers, Sergeant Ken Lewis shouted, "Go, go, go." Ide moved from his doorway to within approximately 10 feet of the officers. As the IR Team came around from behind the hedge, they were in a line with Officer Hutson in the front and Officer Ken Spencer and Sergeant Lewis behind him. The group moved towards Ide, who began to back up. Ide threw his beer to the ground. Officer Hutson continued to move toward Ide in what he described

as a fast tactical walk. Ide did not appear to be armed, so officers were going to approach Ide and take him into custody.

Suddenly, Ide reached behind his back with his right hand. Sergeant Lewis, Officer Spencer, and Officer Hutson all feared Ide was reaching for a gun or other weapon. Officer Hutson said several times, "Don't do it, don't do it, man." Ide brought his right hand around from behind his back and Officer Hutson saw he was holding a large kitchen knife. Ide brought the knife around and started swinging. Ide stopped retreating, planted his feet, and made an aggressive step towards the officers. Officer Hutson was approximately four to six feet from Ide when he started swinging the knife. As Ide began to swing the knife, Officer Hutson believed Ide was going to stab him and try to kill him. Accordingly, Officer Hudson fired three shots from his rifle at Ide.

Ide was struck on his left chin, left chest, and right chest. He immediately fell on his stomach. Officers approached and put Ide in handcuffs for officer safety. They moved him to an area just south where medics could reach him more easily. Sacramento Metro Fire responded to the scene and Ide was pronounced deceased.

After the shooting, officers entered Ide's apartment to clear it and check for other victims. A frying pan, which contained remnants of oil, bullet pieces, and one unexpended cartridge, was found on the stove. The stove itself had fresh impact marks from expended cartridges. There were additional bullets and pieces on the floor and stove. Several unexpended rounds were also found. There were also rounds that appeared to have exploded or ruptured through the side of the brass casing. Police officers encountered a strong burnt "gunpowder" type odor inside the apartment. No firearm was found in the apartment.

Investigators interviewed a witness who lived in an apartment directly south of Ide's. The neighbor reported that he heard police trying to communicate with Ide in English and Spanish over a megaphone or speaker. He also stated that the police wanted to resolve their interaction with Ide peacefully and they repeatedly asked him to come out of his apartment with his hands up so they could talk. He said the announcements were very loud. Ide's neighbor also reported there was a period of up to two hours in which the police stopped announcements, waited, and were apparently trying to reach Ide by telephone. His impression was that officers were not getting "anything" by phone.

According to Ide's neighbor, the announcements started again at approximately 6:30 p.m. Officers told Ide to "come out, resolve this peacefully, we don't wanna come in." The police officers set up a light and returned in body armor and helmets. He indicated the officers were in a line southwest of the apartment and stayed there for about an hour and a half. He later heard the officers yelling, "Hands up, hands up," and within a few seconds he heard two pops. The neighbor stated, "They were loud, so I figured it was the officers discharging their weapons. My only guess is that he must have brandished a weapon or something because they (officers) were being so professional in terms of trying to resolve this, get him to come out and do it peacefully." The neighbor did not actually see the interaction between Ide and the officers immediately before the shooting or the shooting itself. From his vantage point, the neighbor saw the officers approach Ide's apartment door and then heard the gunshots.

Dalia Ide was treated at Mercy San Juan Hospital for her injuries. She had an eight centimeter laceration to the back of her head, which required multiple staples. Her right wrist was broken and her back was badly bruised. She had a three-inch raised bruise to the right lower jaw, and jagged tooth marks were visible around the perimeter of the bruise. When Dalia was told about her husband's death, she responded, "I think he wanted that." When Ide told his wife he was going to kill her, Ide said he was going to die also. He said, "I'm tired of living like this. I want to die." Dalia believed Ide knew if he came out of the house with a knife, he would be killed. She reported that Ide had a history of drug abuse and attempted suicide in the past.

The Sacramento County District Attorney's Office Laboratory of Forensic Services analyzed a sample of Ide's blood and confirmed the presence of alprazolam, amphetamine, and methamphetamine at the time of the shooting. No alcohol was detected by the laboratory. The Sacramento County Coroner identified the cause of death as multiple gunshot wounds.

LEGAL ANALYSIS

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a; CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonable necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a.)

In the present matter, the officers had reasonable cause to arrest Ide for multiple serious and violent offenses, including domestic violence, assault with a deadly weapon, criminal threats, and attempted murder of his wife. He beat his wife with a baseball bat, striking her head and body, which caused bleeding, bruising, laceration, and a fracture. He also repeatedly threatened to kill her and told her she was going to die. He tried to suffocate her with a floor mat and cloth or sock in her mouth. When the officers arrived to apprehend him, Ide had a duty to submit himself to their custody. He failed to do so.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470.) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second

judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. (*Graham v. Connor* (1989) 490 U.S. 386.)

In this case, Officer Hutson acted in self-defense and in defense of his fellow officers when he shot Ide. Hutson was aware that Dalia Ide had been badly beaten by her husband and that she was receiving medical care. Ide had been in his apartment for several hours, while he refused to cooperate with law enforcement. Moreover, due to the sounds of repeated gun shots coming from inside the apartment, Officer Hutson believed Ide could be armed with a firearm. When Ide exited his apartment, he walked directly towards Hutson and the other officers in an angry and aggressive manner. As Ide put his right hand in his rear waistband, the officers believed he was retrieving a gun or other weapon. Officer Hutson saw Ide bring a large knife from behind his back, take an aggressive step, and swing it out in front of him. Ide was only approximately six feet away from Officer Hutson, easily within striking distance. Officer Hutson reasonably believed that deadly force was necessary to protect himself and other officers from the immediate threat that Ide posed.

CONCLUSION

Officer Hutson was justified in shooting Ide to defend himself and other officers. Under the circumstances, his conduct was reasonable. Accordingly, we find the shooting to be lawful and will take no further action in this matter.

cc: Officer Nathan Hutson, Badge #39
 Detective Deborah Bayer-Evans, Badge #303
 Kimberly Gin, Sacramento County Coroner's Office