



November 16, 2022

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF RUDY ANGEL
DELGADILLO ON FEBRUARY 23, 2022**

The Santa Barbara County District Attorney's Office has completed its review of the Santa Barbara Sheriff's Office ("SBSO") investigation into the non-fatal shooting of Rudy Angel Delgadillo, age 24, occurring on February 23, 2022, in the County of Santa Barbara, California.

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

The District Attorney finds the shooting by Deputies Ross VanTassel and Yeshella Jimenez was a justified use of force – pursuant to Penal Code section 835a, and they bear no state criminal liability.

FACTUAL HISTORY

Summary

On February 23, 2022, at approximately 1:30 pm, SBSO deputies responded to an unincorporated area of Lompoc after receiving reports of a reckless driver who had collided with parked vehicles and a fence and fled the scene. Deputies VanTassel and Jimenez encountered the suspect, later identified as Rudy Delgadillo, near 699 Mercury Avenue.

Deputy VanTassel was the first to encounter Delgadillo. Van Tassel saw Delgadillo running towards a neighborhood clubhouse at 699 Mercury Avenue. Deputy VanTassel parked his patrol car at the entrance to the clubhouse. When Deputy VanTassel got out of his patrol car, Delgadillo was approximately 91 feet away. Deputy VanTassel gave Delgadillo verbal commands to raise his hands and get on his knees. Deputy Jimenez arrived within a matter of seconds. Delgadillo ignored the commands, lifted his jacket and reached into his waistband. Fearing Delgadillo had a firearm concealed in his waistband and that he was going to shoot at them, Deputies VanTassel and Jimenez shot at Delgadillo.

Delgadillo was hit once in the shoulder and was released from the hospital within two days. A test of Delgadillo's blood shortly after the shooting was positive for amphetamines.

Law Enforcement Notification and Response

On February 23, 2022, at approximately 1:30 pm, SBSO began receiving calls from the California Highway Patrol and civilians about a reckless driver who crashed into parked cars, drove his car off the road, crashed into the rear fence of a residence, and then ran on foot through a Lompoc neighborhood around Celestial Way. SBSO deputies VanTassel¹, Jimenez², Shane Moore, and Lieutenant Jeffrey Greene responded to the neighborhood in separate patrol cars and began driving around attempting to locate the suspect. The description of the suspect was that he was a young man, with a goatee, wearing black clothing.

When Deputy VanTassel arrived to the area, he spoke to witnesses who described seeing the truck driving recklessly. As he was attempting to locate the suspect, Deputy VanTassel heard Lt. Greene broadcast on the radio that he saw the suspect, on foot, by the flagpole. Deputy VanTassel drove toward the flagpole to try to locate the suspect.

As Deputy VanTassel turned his car toward the flagpole, he saw a male, matching the suspect's description approximately 75-100 feet away from him. The suspect, later identified as Rudy Delgadillo, was wearing a dark baggy sweater and dark baggy pants. When Deputy VanTassel made eye contact with Delgadillo, Delgadillo was running. Delgadillo abruptly stopped, pulled up his pants, and then resumed walking. Deputy VanTassel continued driving parallel to Delgadillo in the direction Delgadillo was walking. As Delgadillo walked around the side of the neighborhood clubhouse, Deputy VanTassel lost sight of him. Deputy VanTassel drove around to where he last saw Delgadillo walking around the side of the clubhouse. Deputy VanTassel said this initial contact "just didn't feel right." He said that when Delgadillo pulled up his pants it made him feel that that "he [Delgadillo] is getting ready to run or he's getting ready to fight."

Deputy VanTassel pulled into the driveway entrance to the clubhouse and saw Delgadillo down by the trash enclosure. Deputy VanTassel estimated Delgadillo was about 50-75 feet away from him (forensics determined the actual distance was 91 feet, see shooting scene diagram *supra*). Deputy VanTassel was on the top of a hill looking down at Delgadillo with a direct line of sight. When Deputy VanTassel saw Delgadillo, he said Delgadillo stopped and was just looking back and forth. Delgadillo's demeanor and actions gave Deputy VanTassel a bad feeling, "Just a gut instinct that something wasn't right. Just - my heart didn't feel right. It just didn't feel ... like, something - something with him was wrong. He - it didn't feel normal. It didn't feel like someone who, like, I was going to have a - a normal interaction with it. Or even just an interaction where he doesn't want to listen or doesn't want to go to jail or anything like that. Like, it's just different, like, it just - I don't even know how to explain - like, the - just something weird in my heart didn't feel okay."

¹ At the time of the shooting, Deputy VanTassel was a new deputy. He had passed field training been working on his own for just over three and a half months.

² At the time of the shooting, Deputy Jimenez had been a Sheriff's Deputy for just over a year.

Officer-Involved Shooting by Deputy VanTassel

At 1:54 pm, Deputy VanTassel got out of his patrol car with his weapon drawn but pointed down.³ The shooting happened within one minute of Deputy VanTassel exiting his patrol car.

The day was sunny and clear and Deputy VanTassel had an unobstructed view of Delgadillo. Seconds later, Deputy Jimenez arrived in her patrol car. She stopped to the left of the driveway near some trees and shrubbery. Deputy Jimenez saw Deputy VanTassel with his gun out, so she got out of her patrol car and drew her gun as well. Deputy Jimenez could not see Delgadillo from her vantage point when she got out of her car, but she pointed her gun in the direction that Deputy VanTassel was pointing his gun. Deputy Jimenez slowly moved into the shrubbery to where she could see Delgadillo from the waist up.

Deputy VanTassel began giving commands to Delgadillo to get on his knees but Delgadillo did not respond or obey the commands. Deputy VanTassel told Delgadillo 8-10 times to get on his knees. At 1:55 pm, Deputy VanTassel broadcast on the radio that he had “one at gunpoint.” Also at 1:55, in an attempt to gain Delgadillo’s compliance, Deputy VanTassel told him they will send a canine and he will get bit, but Delgadillo continued standing and refused to comply with commands. Deputy Jimenez can be heard on the audio recording saying “K9’s on its way.”

Deputy VanTassel said that despite these efforts, he could not deescalate the situation because Delgadillo would not interact with him. Delgadillo was not saying anything or complying with the commands. Deputy VanTassel said as he was giving commands and Delgadillo was ignoring him, he began to hear sirens. When the sirens began, Deputy VanTassel said Delgadillo looked towards where Deputy Jimenez was and back towards where Deputy VanTassel was standing. Deputy VanTassel said Delgadillo then lifted up his jacket and began digging in his waistband. Deputy VanTassel said he saw Delgadillo’s hands come up and that he was in a “shooting stance” that Deputy VanTassel described as, “Legs spread apart wider than his shoulders, knees bent, and his - both arms were pointed directly out like this towards me like how we're trained to shoot.” When Deputy VanTassel saw Delgadillo’s hands come up from his waistband, he feared for his life and the life of Deputy Jimenez, so he began shooting. At 1:55:28, Deputy VanTassel fired eight shots in the direction of Delgadillo. He then broadcast, “shots fired” over the radio.

After the initial volley of shots, Deputy VanTassel looked at Delgadillo and said he was digging into his waistband again. Deputy VanTassel felt that Delgadillo was reaching into his waistband to produce a second weapon so he fired two more shots. When asked why he shot the second time, Deputy VanTassel said it was because Delgadillo would not stop reaching into the his waistband and he feared Delgadillo was going to kill him. When asked why he believed that, Deputy VanTassel stated, “Just everything that happened. He just didn't - something was wrong. Something was wrong with - I'd never had an interaction with anybody like that before. But the

³ Both Deputies VanTassel and Jimenez were driving marked patrol cars with in-car recording systems. Deputy Jimenez’s in-car system captured video of Deputy VanTassel’s actions, but did not record any audio. Deputy VanTassel’s in-car systems captured audio from the incident, but the camera was pointed at an empty parking lot and did not capture Delgadillo’s or the deputies’ actions.

way he looked at - it just through me and I just thought he was going to kill me for sure. After he dug his hand in his waistband I just thought for sure he was going to kill me.”

At 1:55:40 the suspect can be heard on the audio, saying “Fuck you” followed by Deputy VanTassel broadcasting over the radio that the subject was reaching for his waistband

At 1:56 other deputies arrived on-scene.

Officer-Involved Shooting by Deputy Jimenez

Deputy Jimenez also spoke to some civilians about where the suspect might have gone and she heard Lt. Greene indicate that he had seen the suspect. Deputy Jimenez then drove towards where Deputy VanTassel was already stopped at the top of the entrance to the clubhouse driveway. Deputy Jimenez pulled up and saw Deputy VanTassel get out of his car and immediately point his gun at Delgadillo. Deputy Jimenez also got out of her car and pointed her gun towards Delgadillo, even though she could not initially see him. Deputy Jimenez joined Deputy VanTassel in giving commands to Delgadillo, such as “Show me your hands;” “Put your hands up;” and “Get on your knees.”

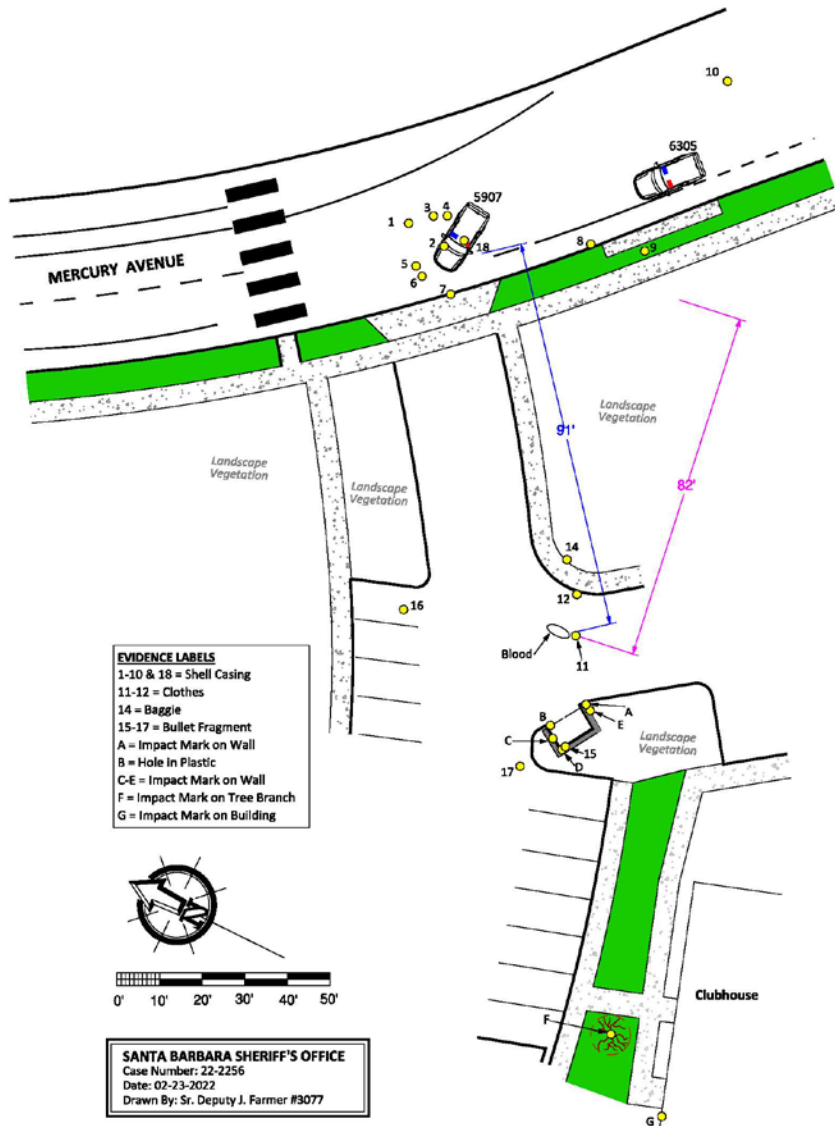
Because of Deputy Jimenez’s position and the trees and bushes in front of her, she was only able to see the upper portion of Delgadillo’s body. Deputy Jimenez said Delgadillo refused to show them his hands and just kept walking back and forth. Deputy Jimenez described Delgadillo’s hands in his front waistband as though he were holding onto something. She said, “...in my mind, it’s, like, he’s holding onto his gun and he’s just gonna pull it out any minute now. It just – that the way he was looking towards my partner and myself.” Suddenly, she saw Delgadillo turn towards Deputy VanTassel, then his shoulder rose up, and she heard gunshots. Based on Delgadillo’s movements, she immediately believed he was shooting at Deputy VanTassel and that he was going to begin to shoot at her, so she fired one shot at Delgadillo and looked for cover.⁴

Deputy Jimenez went around the back of her patrol car. By the time she got around her patrol car and could see again, Delgadillo was already on the ground. Even during an interview days later, Deputy Jimenez believed Delgadillo had a gun. When asked why, she stated, “His body language, the way he was just looking and holding something. Or what-whatever he was doing with his hands near his waistband I-I immediately thought this guy has a gun.” Deputy Jimenez’s vantage point did not allow her to see his hands because of the trees and the shrubbery, she just saw him walking back and forth parallel to the location of Deputy VanTassel and herself and then she saw his shoulder rise and his arm come up towards his chest area. When that happened, she heard shots being fired and fired back once because she believed Delgadillo was shooting at her or her partner.

⁴ What she did not know at the time was that the suspect was unarmed and the shots she heard were the shots being fired by Deputy VanTassel. Deputy Jimenez fired one shot at the suspect.

Shooting Scene

The below is a scaled diagram of the shooting scene prepared by SBSO Deputy Jeffrey Farmer. Vehicle #5907 was Deputy VanTassel's patrol vehicle and depicts his approximate location. Vehicle #6305 was Deputy Jimenez's patrol vehicle and depicts her approximate location.



After the Shooting

After the shooting, multiple other deputies arrived and planned an approach to arrest Delgadillo. Delgadillo was lying on his back and deputies were trying to get him to roll on to his stomach in order to put him at a disadvantage. Delgadillo was not cooperative with deputies' commands to roll over and show his hands. He was swearing at the deputies. It was unclear if he was refusing to roll over due to his injury or due to noncompliance. The deputies created an approach plan where they would employ non-lethal options, such as use of the bean bag gun. They successfully

approached Delgadillo with no additional use of force. Delgadillo was handcuffed and deputies located a bullet wound to Delgadillo's shoulder. Deputies provided medical aid while waiting for paramedics to respond. Delgadillo's communication was unclear and at times incoherent and he was behaving as though he was under the influence of a central nervous system stimulant.

American Medical Response arrived and took over Delgadillo's care. They transported him to the hospital. Delgadillo remained uncooperative and incoherent during transportation and even at the hospital. Due to Delgadillo's behavior, deputies accompanied the medics for their safety. Delgadillo was rambling and at times incoherent, saying he was not a pedophile and asking the deputies to "straighten things out." At the hospital, Delgadillo asked the deputies, "Hey, can you guys shoot me real quick?" and "Can you shoot me real fast?" Deputies told him they were there to help him. Later, deputies were asked to assist in turning Delgadillo over, so they adjusted his handcuffs. When they did that, Delgadillo attempted to grab at one of the deputy's duty belt. Delgadillo was treated by hospital staff and administered medication that made him calm down. A blood test conducted by the hospital showed that Delgadillo's blood was positive for amphetamines. On February 24, 2022, deputies attempted to interview Delgadillo about the shooting. After Miranda warnings were given, Delgadillo stated that he had been having some personal problems and that he just wanted to tell them that he had been having some personal problems. After that statement, Delgadillo said he did not want to speak further. Delgadillo was successfully treated at the hospital and released on February 25, 2022.

LEGAL ANALYSIS

Applicable Law

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

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

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the

circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. *Penal Code section 835a(4)*.

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

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

Application of Law

On February 23, 2022, Deputies VanTassel and Jimenez were searching for a hit-and-run suspect who had fled from the scene of a car crash. Deputy VanTassel was the first to encounter the suspect, Delgadillo. Delgadillo initially ran away from the scene of the collisions with parked cars and a residential fence. When Deputy VanTassel located and contacted Delgadillo in a parking lot overlooking a field below, Delgadillo refused to comply with any of the commands to show his hands or get on his knees. Both Deputies VanTassel and Jimenez shouted commands to Delgadillo, all of which he ignored. Both deputies described Delgadillo lifting his jacket, reaching his hand into his waistband and raising his arm while taking a “shooting stance.” When Deputy VanTassel saw Delgadillo do this, he fired his weapon in response. When Deputy Jimenez saw Delgadillo reach into his waistband and lift his arm, she also heard gun shots which she believed were fired by Delgadillo at her and Deputy VanTassel. Deputy Jimenez fired once in response to the perceived threat, then immediately took cover behind her patrol car. Deputy VanTassel remained in position and saw Delgadillo again reach into his waistband. In response to Delgadillo’s actions, Deputy VanTassel fired again.

Under these circumstances, Delgadillo’s actions caused Deputies VanTassel and Jimenez to reasonably believe that he was reaching for a firearm and was going to kill or seriously injure one or both of them. Deputies VanTassel and Jimenez reasonably believed that deadly force was necessary to respond to the threat Delgadillo posed to them. Thus, the deputies’ use of force in firing at Delgadillo was a reasonable use of deadly force.

CONCLUSION

In reviewing the evidence and considering the circumstances, the actions taken by Deputies VanTassel and Jimenez were reasonable based on the facts known and perceived by them at the time of the shooting. Deputies VanTassel and Jimenez reasonably believed Delgadillo posed an imminent threat and intended to cause them serious bodily injury or death. Delgadillo, in response to numerous commands to show his hands and to get on his knees, instead lifted his jacket, reached into his waistband, and lifted his arm while in a shooting stance. Any reasonable law enforcement

officer would perceive these actions as an immediate and lethal threat posed by Delgadillo. Therefore, Deputies VanTassel and Jimenez bear no state criminal liability for their actions.