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Report of the Law Enforcement Involved Fatal Incident/Officer-Involved Shooting of Paul Ridgeway by the Contra Costa County Sheriff's Department, on December 5th, 2018

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Privacy Statement

This report includes redactions of the names and other identifying information of witnesses, neighbors, and Mr. Ridgeway's family members. Specific addresses are also not provided in this report. 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 clearly outweighs any public interest in disclosure.

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

- Witness 1 (W-1), the mother of Ridgeway
- Witness 2 (W-2), delivery driver
- Witness 3 (W-3), the girlfriend of Ridgeway
- Witness 4 (W-4), resides in the residence Ridgeway was attempting to enter
- Witness 5 (W-5), friend of Ridgeway
- Location #1, location of the incident

EXECUTIVESUMMARY

On December 5, 2018, at approximately 9:33 a.m. deputies of the Contra Costa County Sheriff's Office (CCCSO) had just cleared from a call on Adelaide Drive in unincorporated Martinez. The deputies dispersed from the location and travelled in different directions. One of the deputies, Matthew Gauthier, travelled northbound in his marked CCCSO patrol car on Adelaide Drive toward Pacheco Boulevard when his attention was directed toward an individual who he recognized standing on the front porch of a residence. The deputy recognized the individual as Paul Ridgeway. The deputy knew that Ridgeway had an outstanding felony warrant for his arrest.

The deputy turned onto Pacheco Boulevard and immediately pulled over to the curb. The deputy exited his patrol car and walked back toward Adelaide Drive where he saw Ridgeway exiting the front yard of the residence. As Ridgeway made it onto the sidewalk, he looked in the direction of the deputy and they are now face to face. The deputy was approximately one (1) foot away from Ridgeway when he saw him reach into his jacket pocket and run. The deputy chased after Ridgeway, catching up to him and grabbing him in a bear hug from behind. The deputy conducted a leg sweep and took Ridgeway to the ground in the middle of Adelaide Drive. They both fall to the ground with the deputy on top of Ridgeway who is now face down on the ground. Ridgeway resisted the deputy and begins to struggle with him. The deputy who didn't know if Ridgeway had a weapon or not, pulled out his firearm and pointed it at Ridgeway's head while he is still on Ridgeway's back. The deputy told Ridgeway to stop fighting with him and that he didn't want to shoot him. Ridgeway continued to resist, so the deputy continued trying to keep Ridgeway on the ground.

The struggle continued and the deputy continued to give Ridgeway verbal commands to stop fighting. At this time, Ridgeway rolled onto his right side and the deputy could see Ridgeway now pointing a handgun approximately 6 inches away from the deputy's face. The deputy attempted to disengage from Ridgeway when Ridgeway fired one round from his handgun at the deputy's face. The bullet grazed past the deputy's face. The deputy pushed off Ridgeway, he got up on his right knee and returned fire from a retention position. The deputy fired at Ridgeway at least two times. The deputy stood up, extended his arm out and pointed his firearm at Ridgeway. The Deputy walked backwards and continued to fire at Ridgeway until he felt Ridgeway was no longer a threat. The deputy was unsure how many rounds he fired at Ridgeway.

Immediately after the shooting, the deputy advised dispatch of the officer involved shooting and requested assistance including an ambulance. The deputy then saw (W-3) who was standing next to a parked vehicle run toward Ridgeway. The deputy told (W-3) to get back and once additional deputies arrived, he directed one of them to contact (W-3). (W-3) was contacted and later interviewed by investigators.

American Medical Response (AMR) unit #64 responds to the scene. The paramedics arrive and see Ridgeway lying face down in a prone position in the middle of Adelaide Drive with blood emitting from underneath his body. The paramedics notice a single “penetrating wound” in the back of Ridgeway’s neck above his spine and Ridgeway was unresponsive. The paramedics checked Ridgeway for a pulse manually and could not locate one. The paramedics then utilized an EKG machine and verified Ridgeway did not have a pulse however it did show Ridgeway to have a heart electrical reading of 35. According to AMR policy, if a person has a heart electrical reading under 40 on the EKG machine and that person’s injury was sustained from a traumatic based incident, they are prohibited from conducting CPR or any other life saving measures. The paramedics pronounced Ridgeway deceased at the scene at 9:44 a.m.

At 9:43 a.m., the Contra Costa County District Attorney’s Office (CCCDAO) was notified of the incident. The CCCDAO sent Deputy District Attorney Barry Grove, Deputy District Attorney Alison Chandler, and a group of seven senior inspectors to investigate the incident.

No officers, residents, or civilian witnesses were physically injured during this incident.

On December 6, 2018, the Contra Costa County Sheriff’s Coroner’s Office conducted an autopsy on Ridgeway’s remains. The forensic pathologist determined the cause of death to be a gunshot wound of the left chest and neck.

The Contra Costa County Sheriff’s Office Coroner’s Inquest was held on October 23rd, 2019. The jury returned a verdict of death caused at the hand of another person other than by accident.

INTRODUCTION

This report is the final step in the CCCDAO investigation of the CCCSO fatal officer-involved shooting of Paul Ridgeway on December 5, 2018, in Martinez, CA.

The CCCDAO and every law enforcement agency in Contra Costa County follow the Law Enforcement Involved Fatal Incident Protocol (“the Protocol”)¹ to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law enforcement. Under the Protocol, the CCCDAO investigates all officer-involved shootings in Contra Costa County for the purpose of making an independent determination of criminal liability. The sole purpose of the District Attorney Investigation is to determine if there is proof beyond a reasonable doubt that an individual involved in the law enforcement involved fatality committed a crime.

Pursuant to the Protocol, immediately after a fatal officer-involved shooting, the involved law enforcement agency is required to notify the appropriate district attorney personnel. Once notified, trained, and experienced members of the District Attorney’s Office respond to the scene and begin the criminal investigation. In addition, criminal investigators from the law enforcement agency involved in the incident and from the jurisdiction where the incident occurred, if different, respond to the scene as well. It is important to note that although these investigations happen simultaneously, each agency conducts its own independent investigation.

As part of the criminal investigation, law enforcement officers and civilians who witnessed the incident may be interviewed, evidence is collected at the scene and may be submitted to the county crime lab for testing and analysis, in addition to any other relevant investigative work necessary to complete the investigation. The Contra Costa County Sheriff’s Crime Lab responds to every incident and is responsible for evidence collection of all shooting incidents.

During the course of the criminal investigation, an officer or deputy has the right to be represented by an attorney. They may voluntarily choose to provide a statement, physical evidence, or other relevant information during the criminal and administrative investigations. Under the law, neither an officer nor civilian can be compelled to give a statement as part of a criminal investigation. However, an officer may be compelled to provide a statement during the law enforcement agency administrative investigation only. (See, Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 et seq.) In accordance with the law, the CCCDAO does not participate in compelled administrative investigation interviews and does not review them as part of the independent criminal investigation. There are very narrow circumstances where an exception to this rule is allowed.

¹ Contra Costa County was one of the first counties in the country to adopt a fatal incident protocol between the District Attorney and the law enforcement agencies within the county. The complete LEIFI Protocol document can be located on the Contra Costa County District Attorney’s Office website.

Independent of the CCCDAO and in accordance with the Protocol, the Coroner's Division of the Contra Costa County Sheriff's Office (CCCSO) conducts a Coroner's Inquest following most deaths that involve law enforcement personnel or law enforcement operations or activities within Contra Costa County.

The Coroner's Inquest is open to the public, conducted by a hearing officer (a private attorney hired by the Coroner's Division), and is held in front of a jury of citizens randomly selected from the Contra Costa County Superior Court jury pool. During the Inquest, the hearing officer questions witnesses, and additional evidence may be presented. After hearing all of the evidence, the role of the jury is to decide whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) at the hands of another person other than by accident (i.e., homicide). The jury's decision has no legal bearing on the civil or criminal investigations or liability of any person(s) involved in the Incident.

*Note- This report contains information, photos, and descriptions of an officer-involved shooting that resulted in the death of a person. The information contained herein is sensitive and the reader of this report may find some of this information to be objectionable.

INVESTIGATION

Overview

On December 5, 2018, at approximately 9:43 a.m. Paul Mulligan, CCCDAO Chief of Inspectors, received a call from Contra Costa County Dispatch stating that an officer-involved shooting had occurred in the unincorporated area of Martinez. Chief Mulligan made the decision to have Deputy District Attorneys (DDA) Barry Grove, Alison Chandler and seven District Attorney Senior Inspectors respond to the scene to conduct the criminal investigation on behalf of the CCCDAO.

When the CCCDAO investigative team arrived at Adelaide Drive, the crime scene was being physically guarded by CCCSO personnel and the entire surrounding area was being marked off with crime scene tape to aid in the preservation of any physical evidence. Our team also observed the location of key items of evidence, paying particular attention to the areas where the shooting had taken place. After CCCDAO investigators reviewed the shooting scene, the CCCSO Forensics Division (Crime Lab) was notified and arrived on scene to document their findings and collect evidence.

After walking through the crime scene and reviewing the associated evidence, the CCCDAO investigative team joined the CCCSO Detectives at the CCCSO Field Operations Bureau. A joint briefing with both agencies was held to give an overview of the incident to ensure everyone with an active role in the investigation had the same information before any further steps were taken in the investigation.

After the briefing, DDA Grove assigned each of the CCCDAO senior inspectors' different investigative tasks. The investigative assignments were as follows:

- Senior Inspector Jeffrey Swatman – Interview the CCCSO deputy who fired his weapon (the actor) at Ridgeway and an independent witness
- Senior Inspector David Ishikawa – Interview neighbors and witnesses
- Senior Inspector Daniel Wedemeyer – Interview of Lt. O'Mary, Deputy Hughes, Detective Chris Ellis, and Detective Jay Melen
- Senior Inspector David Lewellyn – Interview civilian witnesses
- Senior Inspector Fraser Ritchie – Notify Ridgeway's next of kin
- Senior Inspector Darryl Holcombe – Interview civilian witness/locate a video from a business

Each senior inspector was accompanied by a CCCSO detective when performing the assigned investigative tasks.

As the investigation progressed, assigned senior inspectors reported the results of their activity to DDA Grove and the leadership team from CCCSO.

Every CCCSO deputy involved in the incident was interviewed separately and the actor deputy was represented by a personal legal representative after having been sequestered.

Once the scene was processed and all the interviews were completed, the next steps in the investigation were to await the formal autopsy results, the completion of the crime lab testing, and the Coroner's Inquest hearing.

Overall, the CCCDAO investigation of the CCCSO shooting death of Ridgeway was comprehensive, thorough, objective, and independent. In all, five police officers, two paramedics, and 16 civilian witnesses were interviewed; along with one crime scene being processed for evidence (Location #1 and the scene at Adelaide Drive). This report represents hundreds of hours of investigation conducted by the CCCDAO, CCCSO, and the CCCSO Crime Lab.

Evidence Reviewed

- The crime scenes, Location #1 on Adelaide Drive Martinez, CA
- Dispatch records and logs of the incident
- 9-1-1 audio recordings
- California Department of Justice criminal history information involving Ridgeway
- Prior police reports involving Ridgeway
- Interviews of all the officers categorized as actors (1), and witnesses (4)
- Interviews of all civilian witnesses associated with this incident (16)
- Interviews of the responding support personnel from AMR emergency medical personnel (2)
- Autopsy of Ridgeway, by CCC Sheriff's Coroner's Office (Report Number 2019-2663)
- CCC Forensic Services Division Report
- CCCSO Coroner's Inquest findings
- Ridgeway's medical records obtained pursuant to a search warrant

Crime Scene Description

There is one crime scene associated with this incident: (1) Location #1, the zero hundred block of Adelaide Drive Martinez, CA.

The street of Adelaide Drive is a residential location where the shooting occurred. This block long section of Adelaide Drive runs in a north/south direction. Adelaide Drive is a paved two-lane road which connects with Pacheco Boulevard at the north end and Kennedy Way at the south end. Adelaide Drive also connects with Sodaro Drive and dead ends with Mac Murry Court. Adelaide drive is approximately 24 feet wide.

Aerial View of the Crime Scene on Adelaide Drive, Martinez, CA



Crime Scene Evidence Recovery

The evidence at the crime scene located on Adelaide Drive was processed by criminalists from the CCCSO Crime Lab. Evidence recovery, scene documentation, and photographs were conducted by the lab. A Daewoo 9mm pistol was located in Ridgeway's right hand with his right index finger inside the trigger guard. The firearm contained an unfired cartridge in the chamber and a loaded magazine was inserted in the magazine well. The safety was off, and the hammer was down. Inside Ridgeway's left front pants pocket were two additional loaded magazines. One fired "Win 9mm Luger" cartridge case and nine fired "Win 40 S&W" cartridge cases from the street. One fired bullet near Ridgeway and one fired bullet under Ridgeway. DNA swabs¹ and a Gunshot Residue kit were conducted on Ridgeway's hands. The Gunshot Residue kit was submitted to the lab. The lab's conclusion: **Therefore, the finding of characteristic particles indicates that the subject may have discharged a firearm, been in the vicinity of the discharge of a firearm or touched a surface with gunshot residue on it.**

A search of W-3's vehicle revealed Ridgeway's wallet which contained a note, believed to be written by Ridgeway. The note indicated that he was predicting his death and wrote his own obituary as if he was going to take his own life but did not give details on how this would be conducted.

This photo depicts Ridgeway's hand holding the firearm



¹ DNA swab is a process to determine the identity of a person who touched the surface of an object.

Paul Ridgeway – Relevant Prior Incidents Involving Woodland CHP

The below listed information depicts the incident that led to the probable cause of the issuance of an arrest warrant for Ridgeway.

1. CHP case F-003-280-18: On January 04, 2018, at 3:01 p.m. a CHP Officer was travelling southbound on I-505 near County Road 24 when the officer noticed a 2017 Dodge Challenger travelling in excess of 100 mph northbound on I-505. The officer directed his front radar antenna toward the Challenger and received a digital display on his radar of 107 mph. The officer made a U-turn and proceeded after the Challenger. As the officer proceeded after the Challenger, the Challenger exited the highway and the officer lost temporary sight of it. The officer saw the Challenger stopped at a traffic signal at the State Route 16 off -ramp. The officer caught up to the Challenger at westbound State Route 16 at County Road 89. The officer activated his forward red light to initiate a vehicle stop for 22356 (a) CVC (exceeding the posted maximum 70 mph speed limit).

The Challenger started to pull over to the right shoulder, however it made a U-turn and fled eastbound on State Route 16. As the Challenger made the U-turn the officer was able to get a look at the driver. The officer then turned on his full code 3 lights and siren and pursued after the Challenger. The Challenger made several vehicle code violations including failing to stop at a posted stop sign, driving on the wrong side of the roadway, as well as driving in excess of 120 mph on the highway. The officer lost sight of the Challenger again however as he exited onto State Route 128, he saw the Winters Police Department pursuing after the Challenger on Grant Avenue. The officer joined in the pursuit again, but the Challenger escaped, and the pursuit was discontinued.

At 3:21 p.m. the officer was monitoring his police radio when he heard that a Solano CHP officer located the Challenger on Stevenson Bridge at Putah Creek. The Solano CHP officer saw the Challenger enter I-80 westbound at a high rate of speed. The CHP Golden Gate air unit arrived and began monitoring the Challenger from the sky. The Challenger proceeded to the City of Vacaville where it exited the freeway and parked in a shopping center. The air unit saw a white male exit the driver's seat and a female exited the passenger seat. Both individuals walked into a restaurant and sat down. Officers walked into the restaurant and took both individuals into custody without incident.

Factual Summary

On the morning of December 5, 2018, at approximately 9:33 a.m. the CCCSO Dispatch Center received a transmission over the police radio from Deputy Matthew Gauthier that he was just involved in a shooting at Adelaide Drive and Pacheco Boulevard in Martinez. To give the reader a detailed understanding of how the events unfolded, the remainder of this summary will be relayed according to a chronological timeline:

At approximately 9:32 a.m. – CCCSO Deputy Gauthier (1X22) was travelling northbound on Adelaide Drive toward Pacheco Boulevard when he saw an individual who he recognized as Paul Ridgeway standing on the porch of a residence. Deputy Gauthier knew Ridgeway had a felony warrant for his arrest. Deputy Gauthier drove past Ridgeway's location and turned onto Pacheco Boulevard where he pulled to the curb and parked.

Deputy Gauthier exited his patrol car and contacted Ridgeway. The deputy saw Ridgeway reach into his jacket pocket and attempt to run. The deputy caught Ridgeway who resisted, so the deputy conducted a leg sweep and took Ridgeway to the ground. Ridgeway produced a firearm and shot at the deputy. The deputy in defense of his life fired back at Ridgeway who was fatally wounded.

9:33 a.m. - Deputy Gauthier advises dispatch of the shooting, the suspect was Paul Ridgeway, and he gave his location. Additional deputies respond to the incident. Deputies advise dispatch that there is a male on the ground bleeding and no officers are injured. Medical emergency personnel are also requested.

9:34 a.m. – Deputy Gauthier advises dispatch a single “round” was discharged at him.

9:35 a.m. – Deputy Gauthier advises dispatch that no one else is involved in the shooting and there are no outstanding suspects.

9:43 a.m. – CCCSO Captain Brian Vanderlind told dispatch to notify Chief Mulligan (CCDAO) of the incident and the Contra Costa County Law Enforcement Involved Fatal Incident Protocol was invoked.

9:44 a.m. – Ridgeway succumbed to his injuries and he was pronounced by AMR personnel at the scene.

Body-Worn Camera and Video Surveillance from a Business

CCCSO does not have body-worn cameras (BWC) or dash mount cameras in their patrol vehicles. There was video surveillance located at a nearby business. The video surveillance was downloaded and reviewed. The video footage did not capture the actual shooting incident, as it occurred just beyond the view of the surveillance camera. The footage does show where Deputy Gauthier attempted to contact Ridgeway however they were out of the camera's view when the shooting occurred.

Interview of Involved Officer

There was one law enforcement officer, Matthew Gauthier, involved in this incident. That officer used force against Ridgeway and is considered an actor. This report will detail the interviews of the actor, or those who witnessed a key portion of this incident and can help provide a more complete picture of what occurred. The interviews will describe the incident from the perspective of the involved officer. There may be information, statements, or recollections of events that are inaccurate or inconsistent with the facts of this incident as they are currently understood. The information is being listed in the manner in which it was relayed to the investigators during the interviews.

During the course of the criminal investigation, an officer has the right to be represented by an attorney. The officer may choose to provide a statement, physical evidence, and other relevant information. It's important to note that, neither an officer or civilian can be compelled to provide a statement or other relevant information during an internal administrative investigation by the officer's employer. In this investigation, the involved officer provided a voluntary statement to the CCCDAO and CCCSO with their attorney present. The police officer was interviewed separately from others within hours of the incident and after being subject to sequestration.

Deputy Matthew Gauthier

Deputy Matthew Gauthier was interviewed on December 5, 2018 at 2:45 p.m. by Sr. Inspector Jeff Swatman and CCCSO Detective Charlene Jacquez. He was represented by his attorney, Doug Foley, who was present for the interview. DDA Grove and DDA Chandler were also present for the interview.

The following is a summary of the relevant portions of Deputy Gauthier's interview:

Deputy Gauthier has worked for CCCSO for approximately eight years. He is a patrol deputy but has worked in other assignments including the courts division as well as the detention facility. Deputy Gauthier is a defensive tactics and electronic weapons instructor. Deputy Gauthier also did an enlistment of 4 years in the United States Marine Corps.

On December 5, 2018, Deputy Gauthier was working as a patrol deputy. He just cleared a call on Adelaide Drive, and began driving toward Pacheco Boulevard. As he passed a residence on Adelaide Drive, he looked over at the residence and he saw Ridgeway standing in front of the doorway. Deputy Gauthier knew Ridgeway had a warrant for his arrest so he turned away from Ridgeway's direction in hopes that he wouldn't draw too much attention from him.

Deputy Gauthier turned his vehicle onto Pacheco Boulevard and pulled over into the emergency lane. He got out of his vehicle and walked around the corner onto Adelaide Drive. As he was going to advise dispatch that he was conducting a pedestrian stop, Ridgeway exited the chain link fence of the residence and the two were now face to face approximately one foot away from each other. Deputy Gauthier said Ridgeway reached into his jacket and then turned away from him and started to run back up (southbound) Adelaide Drive. Deputy Gauthier said he chased after Ridgeway, catching up to him approximately 10 feet away. Deputy Gauthier said he didn't know if Ridgeway had a weapon, so he jumped on Ridgeway's back in a "bear hug". He conducted a leg sweep and they fell to the ground. Deputy Gauthier said he told Ridgeway to stop resisting and to show his hands. Ridgeway continued to try and break free at which time Deputy Gauthier pulled out his firearm with his right hand and said "Stop moving. I don't want to shoot you. Show me your hands. Stop resisting."

Deputy Gauthier said he continued trying to keep Ridgeway pinned down to the ground. He said he had his chest and left hand on Ridgeway's back. Deputy Gauthier said his handgun was in his right hand and he had it pressed to Ridgeway's head, giving Ridgeway commands to "Stop resisting. Stop fighting. Show me your hands. I don't want to kill you". Ridgeway kept squirming at which time Deputy Gauthier saw a handgun and it was pointed directly at his eye. The handgun was approximately six inches away from Deputy Gauthier's face when Ridgeway fired the gun. Deputy Gauthier said he could feel the velocity of the round essentially "grazing" past his face.

Deputy Gauthier got up on one knee and fired two rounds from his duty handgun, which was in his right hand at waist level. He then walked backwards and punched his firearm out and continued to fire. Deputy Gauthier said he continued to fire until he no longer believed

Ridgeway was a threat.

Deputy Gauthier said he then saw a female standing to his left by a grayish Honda. Deputy Gauthier said the female attempted to run to Ridgeway, but he yelled at the female to get back toward the Honda because Ridgeway still had the firearm.

Deputy Gauthier then broadcasted via his handheld radio "Shots Fired. One X22 shots fired I'm at Adelaide and Pacheco. I'm okay. I need Code 3 AMR". Deputy Gauthier said a cover deputy arrived and he directed them to contact the female. Deputy Gauthier said more deputies arrived and began securing the scene.

Lieutenant Paul O'Mary

Lieutenant Paul O'Mary was interviewed on December 5, 2018 at 12:41 p.m. by Sr. Inspector Dan Wedemeyer and CCCSO Detective Robert Durrer.

The following is a summary of the relevant portions of Deputy Gauthier's interview:

Lieutenant O'Mary is the Muir Station Commander for the CCCSO Field Operations patrol division. He has been in that assignment for almost 7 years. Muir Station encompasses Bay Point, unincorporated Martinez, Pacheco, Clyde, unincorporated Lafayette as well as unincorporated North Concord.

At approximately 9:20 am, Lieutenant O'Mary was at Morello Avenue near the intersection with Pacheco Blvd, when he heard the voice of an unknown female screaming or crying over the police radio. Lieutenant O'Mary said he heard Deputy Gauthier broadcast "Shots Fired" over the radio.

Lieutenant O'Mary then heard Deputy Gauthier request Code 3 ambulance and advised a round had been fired at him. Deputy Gauthier also broadcasted he had returned fire and the suspect was down and bleeding from the head. CCCSO dispatch asked Deputy Gauthier about his location, and he provided Pacheco Blvd and Adelaide Drive. Lieutenant O'Mary said he activated his emergency lights and siren and arrived at the shooting location within 10 – 15 seconds of the initial broadcast.

Lieutenant O'Mary also heard Deputy Gauthier advise the suspect was Paul Ridgeway. Senior Inspector Wedemeyer asked Lieutenant O'Mary if he knew of Paul Ridgeway. Lieutenant O'Mary said he did, stating:

Within the past few weeks, the swing shift team approached him and asked if they could conduct an operation on an individual who was wanted for evading the police at that individual's residence. As part of the operation, the name Paul Ridgeway was mentioned as an associate. Additional information was provided to Lieutenant O'Mary about Ridgeway. The information was that Ridgeway was possibly involved with a murder or attempt murder and was known to carry

weapons.

Lieutenant O'Mary said because of the threat that Ridgeway posed, he denied the operation and was going to brief the CCCSO SWAT commander as is required by policy. In the days following the proposed operation, he learned that the Martinez Police had arrested the wanted individual. Lieutenant O'Mary said he was then made aware of Ridgeway having a warrant and knew his deputies were actively looking for him.

Lieutenant O'Mary then said he arrived at the shooting location and saw Deputies Gauthier and Hughes holding Ridgeway at gunpoint. Ridgeway was held at gunpoint for approximately 10 minutes until he was pronounced by AMR personnel. Lieutenant O'Mary said Ridgeway was lying face down in the street. Lieutenant O'Mary said his attention was drawn to a female sitting on the ground near a Honda Accord screaming "He's dead, he's dead."

Lieutenant O'Mary said Ridgeway was not moving and he saw blood coming from the area of his head. Lieutenant O'Mary said he instructed Deputy Hughes to handcuff and secure the female because he did not know the nature of her involvement in the incident, while they waited for AMR to arrive.

Lieutenant O'Mary said while holding Ridgeway at gunpoint he asked Deputy Gauthier what happened. Deputy Gauthier told him he attempted to make contact with Ridgeway regarding his warrant, an altercation ensued, and Ridgeway fired a round at his head. Deputy Gauthier also told Lieutenant O'Mary he returned fire and Ridgeway still had the firearm under his body. Lieutenant O'Mary said he noticed Ridgeway had a wound to the back of his head near the base of his skull. He also noticed Ridgeway had a loaded 9mm pistol magazine in his left front pants pocket. Lieutenant O'Mary said after making the visual assessment of Ridgeway's injuries, he did not believe Ridgeway was alive.

Lieutenant O'Mary said when AMR arrived, he briefed them about Ridgeway still possessing the firearm and that he did not appear to be alive. Lieutenant O'Mary said the deputies approached Ridgeway with AMR and they attached an EKG to him without moving him. Lieutenant O'Mary said there was no sign of life. Lieutenant O'Mary said he advised CCCSO Captain Vanderlind of the incident and the LEIFI protocol was invoked.

Deputy Brian Hughes

Deputy Brian Hughes was interviewed on December 5, 2018 at 1:53 p.m. by Sr. Inspector Dan Wedemeyer and CCCSO Detective Robert Durrer. He was represented by his attorney, Doug Foley, who was present for the interview.

The following is a summary of the relevant portions of Deputy Hughes's interview:

Deputy Hughes has worked for the Contra Costa County Sheriff's Office for approximately two years. Prior to that he worked for the Fremont Police Department for approximately one year. He is a patrol deputy but has previously worked in the detention facility. Deputy Hughes also did an

enlistment of 20 years in the United States Coast Guard.

Deputy Hughes said he cleared a call on Adelaide Drive with Deputy Gauthier, and he travelled southbound on Adelaide and Deputy Gauthier travelled northbound. Deputy Hughes said he drove right onto Kennedy Way and then right onto De Normandie Way when he heard some yelling and then “shots fired.” Deputy Hughes said he did not immediately recognize the voice, so he listened for further details, at which time he learned it was Deputy Gauthier who had broadcasted “shots fired” over the radio. Deputy Hughes said he activated his emergency equipment and arrived at the shooting location within five seconds of the broadcast.

Deputy Hughes said as he arrived at the area, he did not see Deputy Gauthier right away and two individuals who were in the area told him where Deputy Gauthier was located. Deputy Hughes said he then saw Deputy Gauthier holding Ridgeway at gun point who was lying face down in the street. Deputy Hughes said he pulled out his firearm and ran to Deputy Gauthier’s location to cover him. Deputy Hughes said he noticed a large amount of blood near Ridgeway. Deputy Hughes said he saw a female standing near a Honda Accord. Deputy Hughes said Deputy Gauthier ordered her to the ground, and she dropped to her knees.

Deputy Hughes said Lieutenant O’Mary arrived followed by additional personnel. Deputy Hughes said he then detained the female and secured her in his patrol car. Deputy Hughes said AMR arrived and pronounced Ridgeway deceased. Deputy Hughes said he then provided scene security as well as began a crime scene log until he was relieved and was told to respond to the Field Operations Bureau where he was to be sequestered.

Detective Jay Melen

Detective Jay Melen was interviewed on December 5, 2018 at 1:31 p.m. by Sr. Inspector Dan Wedemeyer and CCCSO Detective Robert Durrer.

The following is a summary of the relevant portions of Deputy Hughes’s interview:

Detective Melen has worked for the Contra Costa County Sheriff’s Office for approximately ten years. He is a detective assigned to the General Investigations Unit.

Detective Melen said at approximately 9:30 a.m. he was driving southbound on Pacheco Boulevard with Detective Ellis when he heard a female scream over the police radio. Detective Melen said he then heard Deputy Gauthier say, “shots fired”. Detective Melen turned on his emergency equipment and responded to the scene. Detective Melen said when they arrived, he saw Deputy Gauthier over Ridgeway. Detective Melen said he pulled out his firearm and covered down on Ridgeway. Detective Melen said he didn’t see any movement from Ridgeway. Deputy Melen said he heard Deputy Gauthier request code 3 medical over the radio for Ridgeway as there were no life saving measures performed until medical arrived. Deputy Melen said when medical arrived, they placed Ridgeway on a monitor. Detective Melen said he helped to secure the scene and did not see what else medical did. Deputy Melen said he was then told to respond to the Field Operations Bureau to be sequestered.

Detective Christopher Ellis

Detective Christopher Ellis was interviewed on December 5, 2018 at 2:46 p.m. by Sr. Inspector Dan Wedemeyer and CCCSO Detective Robert Durrer.

The following is a summary of the relevant portions of Deputy Hughes's interview:

Detective Ellis has worked for the Contra Costa County Sheriff's Office for approximately thirteen and a half years. He is a detective assigned to the Investigations Division.

Detective Ellis said he and Detective Melen were together when he heard over the radio that shots had been fired. Detective Ellis also heard a female crying over the radio. Detective Ellis said that they were only two signal lights away from the incident when they responded. Detective Ellis when they arrived, he saw Deputies Gauthier and Hughes had their guns drawn and an individual was laying in the street with blood coming from his head. Detective Ellis said there was also a female on scene, crying standing next to a car.

Detective Ellis said he was concerned with a residence that has been associated with a lot of criminal history and he wasn't sure how many people were involved so he was kind of focused on the residence but keeping everyone in his peripheral. Detective Ellis said they had Ridgeway locked down and he didn't see any movement from him.

Detective Ellis said Lieutenant O'Mary was on scene and coordinated the incident. Detective Ellis said AMR arrived and checked Ridgeway's status and said he was deceased. Detective Ellis said Ridgeway's hands were underneath him and he didn't see any weapons. Detective Ellis said he and Detective Melen eventually drove back to the Field Operations Bureau to be interviewed by investigators.

Interviews of Civilian Witnesses

W-1 resided out of the state, so she was interviewed by Sr. Inspector Ritchie, CCCSO Detectives Young and Jacquez on a conference phone call at 4:20 p.m. on December 5, 2018. W-1 said she heard from one of Ridgeway's friends that he had been shot and killed in Martinez, and that Ridgeway had a gun. The investigators confirmed what W-1 already knew and W-1 said the following,

"I know that some people think their son walks on water, I am not that mom. I know my son. I know that one of his friends said why couldn't the cop have shot him in the leg. Well excuse me our son had a gun. I'm not an idiot, so what's the cop going to do. Stand there and get shot. No. it is what it is."

W-1 said that she last saw Ridgeway when she moved from Contra Costa County in August 2017. W-1 said she last spoke to him on the telephone about a week ago. W-1 said she didn't get along with Ridgeway as she didn't like his lifestyle and he didn't like that she moved out of state. W-1 said she was aware that Ridgeway was a drug user. W-1 said Ridgeway authored three books with the most recent being published about 3 months ago. W-1 said the most recent book was "basically a suicide note".

W-1 was aware that Ridgeway had an outstanding warrant from Yolo County, and that he missed a sentencing date where he was expected to be sentence to six years in prison. W-1 said she told Ridgeway that six years wasn't that long, and he told W-1 that he wasn't going back to jail.

W-1 said about 3 months prior, Ridgeway phoned his girlfriend and said he was going to kill himself. W-1 said the girlfriend found him and called for an ambulance. W-1 said Ridgeway was placed on a psychiatric hold by the police.

W-2 was interviewed by Sr. Inspector Ishikawa and CCCSO Detective Jackson on December 5, 2018 at 1:10 p.m. W-2 was a delivery driver and was making a delivery at a business in the area of Pacheco Boulevard and Adelaide Drive. W-2 said he was just completing his delivery when he heard what sounded like "a pop and it wasn't fireworks." W-2 said he walked toward the direction of the sound and saw an officer shoot a guy 3-4 times. W-2 said a lady in a gray car got out of the car and began to scream. W-2 said he returned to the business, told the workers there a person had been shot and because he was behind in his deliveries he left. W-2 said he was going to report the incident to the Martinez Police Department at a later time.

W-3 was interviewed by Sr. Inspector Lewellyn, CCCSO Detectives McGinnis and Hernandez on December 5, 2018 at 1:00 p.m.

W-3 said she drove to Location #1 to meet Ridgeway. W-3 said when she pulled up, she saw Ridgeway standing on the front porch. W-3 said she saw the deputy drive by her and turn the corner. W-3 said Ridgeway started to walk towards her when the deputy got out of his car and ran up to Ridgeway and just shot him. W-3 said she knew Ridgeway had a gun on his person however he wasn't going to shoot anyone. W-3 said Ridgeway got the firearm to protect her

because she had been the victim of an assault.

W-3 said she was sitting in the gray car (which was parked in front of Location #1) at the time of the incident. W-3 said when the shooting happened, she got out of the vehicle and tried to tell the deputy to stop shooting. W-3 said Ridgeway knew he was wanted out of Yolo County for a high-speed chase they were involved in for which he had missed the court date. W-3 said Ridgeway had just got back into town as he had been in San Francisco because of the warrant.

W-3 said she did not see Ridgeway with the firearm this morning, but she knew he had it on him because she saw Ridgeway shoot back at the cops. W-3 said Ridgeway was laying on the ground after he was shot twice. W-3 said that's when Ridgeway shot back. W-3 said Ridgeway only shot at the deputy once because he was "dead" after that.

The investigator then asked W-3 some clarifying questions.

W-3 said she saw Ridgeway running toward her and the car. W-3 said she saw the deputy as he was turning the corner. W-3 said Ridgeway looked at her and ran towards her. W-3 said the cop ran after Ridgeway, tackled him, and got up and shot him. W-3 said she heard four shots. W-3 said she heard two shots and then Ridgeway raised his arm. W-3 said she did not think Ridgeway even shot his gun. W-3 said she didn't know for sure if Ridgeway shot the cop or not, but knew he had a gun. W-3 said Ridgeway wouldn't shoot the cop but might if the cop shot at him. W-3 said the cop shot him twice. W-3 said she didn't think Ridgeway had time to shoot more than once because the cop shot him again.

W-3 said she saw the cop tackle Ridgeway, but the cop didn't go down to the ground. W-3 said he threw Ridgeway to the ground, stepped back and shot him. W-3 demonstrated how the deputy took Ridgeway to the ground. W-3 said Ridgeway went to the ground, the cop stepped back and shot him. W-3 said she saw Ridgeway raise his arm from the ground and she didn't know if Ridgeway actually shot the gun or not. W-3 said the cop shot Ridgeway again and he didn't move after that.

W-4 was interviewed by Sr. Inspector Lewellyn, CCCSO Detectives McGinnis and Hernandez on December 5, 2018 at 4:00 p.m. W-4 said she woke up around 9:30 a.m. hearing yelling outside of her residence. W-4 said she heard screaming from "guys" and then by "girls". W-4 said she looked outside and saw the deputy, Ridgeway on the ground and his girlfriend standing on the side. W-4 said she got in her truck and left the residence.

W-5 was interviewed by Sr. Inspector Swatman and CCCSO Detective Jacquez on December 7, 2018 at 8:23 a.m. W-5 said the reason he was coming forward and came to the Sheriff's Department was he felt awful for the officer that "was forced to do an ugly part of his job". W-5 said he is a friend of Ridgeway's and this incident was part of a plan. W-5 said if the cops ran up on Ridgeway, he was going to do suicide by gunfire. W-5 said Ridgeway was looking at prison time and he didn't want to go back to prison.

W-5 said Ridgeway tried to kill himself once this year and was hospitalized as a result. W-5 said

Ridgeway knew he had made a lifetime of bad decisions, but he had turned over a new leaf by publishing children's books. W-5 said Ridgeway was very serious about his desires to follow through with committing suicide. W-5 said Ridgeway spent the last three months getting his affairs in order and telling everyone that he is of sound mind to do this because he couldn't bear the thought of going back to prison.

W-5 said the very last book Ridgeway authored was basically a "big suicide note" W-5 said the manuscript had recently been published and W-5 provided a copy for the investigators. W-5 continued by saying he had been friends with Ridgeway for a few years. W-5 said Ridgeway had expressed suicidal ideations to his mother, sister, and other friends but he had no intentions of burdening them with going out like this (suicide by cop). W-5 said Ridgeway made it clear that as a last resort, he would do suicide by cop. W-5 quoted Ridgeway saying, "if it had to be, it had to be".

The review of Ridgeway's book that W-5 spoke about was titled "The hole I never should have dug". The book also had "A story of life's lessons learned the hard way and my answer to them. By Paul Ridgeway. At the very bottom of the page, it says "Suicide Awareness/Self Help". The book is copyrighted 2018. The following are some highlights that Ridgeway talks about in the book.

"I overdose on a shit load of drugs less than a week ago. I have a warrant for my arrest and bounty hunters looking for me. I don't talk to my family, and all my friends think I'm either crazy or are pissed off at me. My only comfort is the nine-millimeter in my pocket".

Ridgeway then continued about his life story, how he used methamphetamine at a young age. When he became 18, he got out on his own carrying firearms, using, and selling drugs and doing crime to support his drug habits. Ridgeway also references the highspeed chase in Yolo County. Ridgeway talked about contemplating suicide in Prison by saying, "I just drilled it into my head that if I lost in trial, when they sent me to San Quentin, the first night I'd hang myself before I started seeing who all was there and getting into my comfort zone".

Ridgeway also talked about driving his car to Port Costa and sitting in a chair at the water's edge. Ridgeway then talks about how he took an obscene amount of really powerful pills and squirted heroin up both nostrils. Next thing he knew his girlfriend and "homeboy" arrive.

It should also be noted that a check of the area was conducted for other witnesses. There were several witnesses who were located who heard shots but did not witness the actual shooting.

Autopsy

Ridgeway was pronounced dead on December 5, 2018 at 9:44 a.m. by AMR paramedic Derek Kuntz at the scene on Adelaide Drive in Martinez.

Dr. Arnold Josselson, (Forensic Pathologist) performed an autopsy on December 6, 2018, at the CCC Sheriff's Coroner's Office. In summary, the autopsy findings are as follows:

There are a total of eight gunshot wounds to the body. Only gunshot wounds #1 and #2 were fatal. There was no soot or stippling about any of the entry defects on the skin, making all seven gunshot wounds of distant or indeterminate range. All of the bullets were large caliber, full metal jacketed bullets. The gunshot wounds are numbered without regard to sequence of occurrence. Numbering of the gunshot wounds is purely for descriptive purposes.

- There were multiple penetrating and perforating gunshot wounds to the torso and extremities. Dr. Josselson was not able to determine the sequencing of the gunshot wounds.
 - Gunshot Wound #1 – is a fatal gunshot wound of the left chest. The gunshot entrance is located on the upper left back 24 cm below the top of the head and 2.5 cm to the left of the posterior midline. The path of the gunshot is from the right to left, back to front and down. A projectile was recovered and given to the attending criminalists.
 - Gunshot Wound #2 – is a fatal gunshot wound to the back of the neck. The gunshot entrance is located in the upper right back 21 cm below the top of the head and 5 cm to the right of the posterior midline. The direction of the injury is right to left, back to front and slightly down.
 - Gunshot Wound #3 – is a gunshot wound to the back of the neck. The gunshot entrance is located on the posterior right occipital scalp 18 cm below the top of the head and 2.5 cm to the right of the posterior midline. The direction of the injury is right to left, back to front and slightly down.
 - Gunshot Wound #4 – is a gunshot wound to the right side of the neck. The gunshot entrance is on the lateral upper right neck 22 cm below the top of the head and 13 cm to the right of the anterior midline. The direction of the injury is back to front and slightly up.
 - Gunshot Wound #5 – is a gunshot wound to the right thigh. The gunshot entrance is located on the posterolateral upper right thigh 85 cm above the sole of the foot. The direction of the injury is back to front and up.
 - Gunshot Wound #6 – is a gunshot wound to the upper right arm. The gunshot entrance is located on the posterolateral upper right arm 15 cm below the top of the shoulder. The direction of the injury is from the right to left and down. A projectile was recovered and given to the attending criminalists.
 - Gunshot Wound #7 – is a gunshot wound to the right back. The gunshot entrance is located to the superior upper right back 13.5 cm to the right of

the midline. The direction of the injury is down and slightly left to right. A projectile was recovered and given to the attending criminalists.

- Gunshot Wound #8 – is a graze wound to the back. The gunshot wound is located on the right lower back. It is linear and mostly vertically oriented. It starts 49 cm below the top of the shoulder and travels upwards and slightly to the right. The other end of the wound is 30 cm below the top of the shoulder and its direction cannot be determined.

- Non-gunshot injuries.

- On the medial right ankle is a 3 cm abrasion. The right ankle is also dislocated. There is a deep oblique linear abrasion on the right side of the forehead just above the eyebrow which measures 2 cm. in the midline of the lower forehead is a 1 cm abrasion. On the posterior base of the right of the right thumb is a stellate shaped 1 cm laceration. On the postero-medial right wrist is a rounded 2 cm abrasion. On the posterior right hand at the base of the second finger are three abrasions ranging in size from 1 mm up to 1 cm.
- Toxicology – The blood toxicology was submitted for alcohol analysis and drugs of abuse. Heart blood and urine were retained. Cassette drug screen test was performed on the urine during autopsy. The test was positive for the presence of methamphetamines, amphetamines, and benzodiazepines.

CAUSE OF DEATH: Gunshot wound of left chest and gunshot wound of the neck.

FINDINGS

- It was known to the involved Deputy that Ridgeway had an active felony warrant out of Yolo County Superior Court for charges of 2800.2 of the California Vehicle Code, Felony Evading a Police Officer.
- Ridgeway was spotted by the involved Deputy in the area of Location # 1, standing on the porch of a residence.
- The involved Deputy who was in full uniform, driving a marked police vehicle recognized Ridgeway, and knowing he had an outstanding arrest warrant contacted Ridgeway to affect an arrest.
- Ridgeway saw the Deputy, and to avoid being arrested attempts to flee on foot.
- Ridgeway was pursued by the Deputy on foot and within several feet was able to catch up to Ridgeway and a struggle ensued.
- The Deputy took Ridgeway to the ground, Ridgeway resisted and failed to comply with the Deputy's commands.
- Ridgeway armed with a loaded firearm was able to roll his body to his right side and fired one round off at the Deputy's head during the ensuing struggle.
- The Deputy fearing for his life, got up on one knee, and returned fire from a retention position striking Ridgeway.
- The Deputy still fearing Ridgeway was a threat, was able to get up on both of his feet and fire multiple rounds at Ridgeway until he felt the threat was eliminated.
- W-3's statement to investigators was the Deputy had fired at Ridgeway first. W-3's statement was inaccurate and not supported by an objective review of the evidence.
- Paramedics pronounced Ridgeway deceased at the scene on December 5, 2018 at 9:44 a.m.
- The Contra Costa County Sheriff's Office Coroner's Inquest was held on October 23, 2019. The jury returned a verdict of death caused at the hand of another person other than by accident.

APPLICABLE LEGAL STANDARDS

The sole question to be decided by the CCCDAO is whether Contra Costa County Deputy Sheriff Gauthier violated any criminal laws. Whether an officer is criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

The applicable California Penal Code Sections are as follows:

Section 187: Murder is the unlawful killing of a human being or fetus with malice aforethought.

Section 188: Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a human being. It is implied when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life, and the act was deliberately done with knowledge of the danger to and with conscious disregard for human life.

Section 192: Manslaughter is the unlawful killing of a human being without malice.

Section 196: Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either –

1. In obedience to any judgement of a competent Court; or
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or
3. When necessarily committed when retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting arrest.

Section 197: Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends or endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Section 199: The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Any killing of a human being at the hands of another is a homicide. A homicide may be criminal or justifiable depending upon the circumstances. It is justifiable if done while resisting a violent felony or in self-defense or in defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he or she actually and reasonably believed that he or she or another was in imminent danger of great bodily injury or death. (See *People v. Williams* (1977) 75 Cal. App. 3rd 731.) In protecting oneself or another, a person may use all force which he or she believes reasonably necessary, and which would appear to a reasonable person, in similar circumstances, to be necessary to prevent the injury, which appears imminent. (See California Criminal Jury Instruction [CALCRIM] 505.) In order to justify killing another person in self-defense or in the defense of another, actual danger of death or great bodily injury is not necessary. (CALCRIM 505.)

Pursuant to CALCRIM 505:

A homicide is justifiable and not unlawful when committed by a person who:

1. Reasonably believed he or she or someone else was in imminent danger of being killed or suffering great bodily injury,
2. Reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
3. Used no more force than was reasonably necessary to defend against that danger.

Pursuant to CALCRIM 507:

A homicide by a peace officer is justifiable and not unlawful when:

1. The killing was committed while overcoming actual resistance to some legal process or while performing any other legal duty
2. The killing was necessary to accomplish one of those legal purposes; and
3. The officer had probable cause to believe that someone posed a threat of death or serious bodily harm, either to the officer or to others.

Probable cause exists to believe that someone poses a threat of death or serious bodily harm when facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or serious bodily harm to another. (CALCRIM 507.)

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. (CALCRIM 505 and 507.) It is not a criminal defendant's burden to prove that force was necessary or reasonable. The People 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. Absent direct evidence that an officer did not actually or reasonably believe in the need for force, circumstantial evidence must be used. If two reasonable conclusions can be drawn from circumstantial evidence, however, and one of those reasonable conclusions points to innocence, jurors are instructed that they must accept the one that points to innocence. (CALCRIM 224.)

The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "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 . . . the calculus of reasonableness must embody allowance for the fact that police 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. Conner* (1989) 490 US 386, 396-397.

If the killing was not justifiable as outlined above, or excusable as in an accidental killing, only then would it be criminal. Moreover, if an act is committed by reason of a mistake of fact which disproves any criminal intent, it is not a crime. Therefore, a person is not guilty of a crime if he or she commits an act under an actual belief in the existence of certain facts and circumstances which, if true, would make the act lawful. (*See* CALCRIM 3406.)

In the present case, the forensic pathologist determined the cause of death for Ridgeway was multiple gunshot wounds.

There was a total of eight gunshot wounds to the body of Paul Ridgeway. Two gunshot wounds were fatal. There is no soot or stippling about any of the entry defects on the skin making all wounds of distant or indeterminate range.

To establish criminal liability, the evidence must show beyond a reasonable doubt that Contra Costa County Sheriff Deputy Gauthier killed Paul Ridgeway and that he did not reasonably believe that he or another person was in imminent danger of great bodily injury or death.

LEGAL ANALYSIS AND CONCLUSION

The CCCDAO conducted a thorough and independent investigation and review of the facts and circumstances that lead to the death of Paul Ridgeway. The Contra Costa County Sheriff's department does not use body-worn cameras or dash mount cameras in their patrol vehicles. Therefore, no body-worn camera footage or dash mount camera footage was viewed or used in this investigation.

The evidence shows that Contra Costa County Sheriff Deputy Matthew Gauthier acted in what he actually and reasonably believed to be self-defense and defense of others. The examined evidence does not support the contention that the shooting of Ridgeway was criminal.

On November 5, 2018, at approximately 9:19 a.m., Sheriff Deputy Gauthier and Sheriff Deputy Hughes were dispatched to an outside assist (Death Notification) at 39 Adelaide Dr. Martinez. At approximately 9:31 a.m., Sheriff Deputy Gauthier and Sheriff Deputy Hughes cleared the death notification. After the two deputies cleared the death notification, Deputy Hughes drove north on Adelaide Drive and Deputy Gauthier drove south on Adelaide Dr. As Deputy Gauthier approached the intersection of Adelaide Dr. and Pacheco Blvd., he glanced to his right and saw Paul Ridgeway standing in front of the door on the first house on the east side of Adelaide Dr. at the intersection of Adelaide Dr. and Pacheco Blvd. This location was Location #1, Martinez.

Paul Ridgeway had an outstanding warrant for his arrest out of Yolo County (Warrant #180000107, dated September 5, 2018). Deputy Gauthier was familiar with the outstanding warrant. Deputy Gauthier was also familiar with Paul Ridgeway; in that the deputy had interactions with Paul Ridgeway in the county jail over the years that he worked in the jail. The two had never had a negative interaction in the past. Deputy Gauthier knew that Paul Ridgeway affiliated with the Family, Associated, Irish, Mafia gang (FAIM). Deputy Gauthier had gained this knowledge from the time he spent in classifications in the Contra Costa County jail.

Three months prior to this incident, Paul Ridgeway's attorney from Yolo County requested a welfare check be done on his client due to his failure to attend a sentencing in Yolo County. The attorney gave law enforcement information that Paul Ridgeway lived somewhere in Pacheco, Martinez. When Deputy Gauthier attempted to conduct a welfare check on September 5, 2018, at 4212 Valley Road in Martinez, Paul Ridgeway could not be found.

Immediately after the death notification and at or about 9:31 a.m., Deputy Gauthier observed Paul Ridgeway standing at the threshold between the front porch and the front door of Location #1, the two made eye contact. Deputy Gauthier then looked away so as not to draw attention and drove his patrol car around the corner onto Pacheco Blvd. Deputy Gauthier then parked his fully marked patrol vehicle and exited. He began walking back toward Adelaide and made a left onto Adelaide from Pacheco Blvd. As Deputy Gauthier turned the corner, he observed Paul Ridgeway exit the chain linked fence of Location #1. The two were facing each other when Paul Ridgeway immediately reached into his jacket and then turned and attempted to run southbound on Adelaide away from Deputy Gauthier. In an attempt to stop Paul Ridgeway, Deputy Gauthier jumped on his back, grabbed him in a bear hug, and used a leg sweep to take him to the ground.

Both fell to the ground and Paul Ridgeway struggled. Deputy Gauthier ordered Paul Ridgeway to stop resisting as he continued to thrash about and break free. Deputy Gauthier produced his firearm and placed it next to Paul Ridgeway's head and stated, "Stop moving. I do not want to shoot you. Show me your hands. Stop resisting."

At this point, Deputy Gauthier has his chest on Paul Ridgeway, one hand on him, and his gun out. Paul Ridgeway was face down on the ground in an east/west direction. Deputy Gauthier was on top of Paul Ridgeway in a north/south direction. At this point, Paul Ridgeway was able to roll onto his right shoulder and produce a firearm with his right hand and point it within 6 inches of Deputy Gauthier's face at a 45-degree angle. Paul Ridgeway fired his gun at Deputy Gauthier's face missing his intended target. Deputy Gauthier stated that he "felt the velocity of the round essentially just grazing pass my face." Deputy Gauthier continued to give commands to Paul Ridgeway to stop resisting and stop fighting. Deputy Gauthier, who is now on one knee, returns fire while in a retention position striking Paul Ridgeway. Deputy Gauthier continues to fire his gun until he was approximately 10-15 feet away and he felt that Paul Ridgeway was no longer a threat. Eight rounds were fired from Deputy Gauthier's gun. Paul Ridgeway died as a result of being hit by the gunfire.

At approximately 9:33 a.m. Deputy Gauthier broadcasted, "Shots fired, One X22 shots fired. I'm at Adelaide and Pacheco. I'm okay, I need Code 3."

Crime lab criminalists arrived and processed the scene. Paul Ridgeway was found deceased. His body was face down on the asphalt and his body was perpendicular to the roadway. His head was facing west, and his feet were facing east. There was a large pool of blood coming from his head.

When Paul Ridgeway was rolled over on his right side by lab personnel, a pistol was observed in his right hand and his right index finger was inside the trigger guard. The pistol was a Daewoo 9mm and had an unfired cartridge in the chamber and a loaded magazine inserted in the magazine well. The safety was off, and the hammer was down. The crime lab also collected one fired "WIN 9mm Lugar" cartridge case from the scene. The one fired LUGER shell casing was tested and determined to have been fired from the Daewoo pistol in Paul Ridgeway's hand.

Crime lab personal collected nine fired "WIN 40 S&W cartridge cases and two fired bullets from the scene. Deputy Gauthier's duty firearm was a Sig Saur model P229 40 S&W caliber pistol.

A female associate of Paul Ridgeway was nearby at the time of the shooting. W-3 it was determined that she arrived at the location with Paul Ridgeway. After the shooting took place, this female ran towards Paul Ridgeway and was told to stand back and not approach.

Witness-3

W-3 was initially transported to the Field Operations Bureau and then to the Contra Costa County Regional Center and was the only eyewitness to the shooting. W-3 was the girlfriend of Paul Ridgeway and was either in the driver's side of the vehicle or standing outside (she cannot recall which) of the vehicle located at the scene of the shooting. She had previously been involved in the

incident in Yolo County where Paul Ridgeway evaded the police which led to the arrest warrant being issued.

Initially, a brief statement was taken from W-3 at the Field Operations Bureau. She then became non-responsive and needed medical attention. She was then transported to the Contra Costa County Regional Center via ambulance for a medical evaluation. She was interviewed at the Regional Center. W-3 acknowledged that Paul Ridgeway had a warrant for his arrest for skipping bail out of Yolo County. She stated that "The cop shot Ridgeway first. I seen he (deputy) shot him (Ridgeway) first, but I know he (Ridgeway) had a gun on him. I know that. I, I seen, I seen him (Ridgeway) shoot back, but he (Deputy) shot, he shot Paul first, twice, first and then....I don't actually know if Paul even shot at him (the deputy), but I think I saw that but I'm not sure....If someone hits you, you're going to hit him back, right? That's what I think his (Ridgeway) reaction was. He (Ridgeway) got shot twice and he got scared. But I don't even know if that's what happened cause I'm not sure if he (Ridgeway) shot, shot his gun, but it's just, it's just kind of what it looked like. But I'm not even sure if that's what happened...I'll be honest that's what I'd do if I was in that situation."

Upon further questioning she stated that prior to the shooting she drove to the area without Paul Ridgeway to meet him at the location. She initially stated that she was seated in the front seat of the car but then changed her story to say she was standing outside of the car but then said she did not remember where she was when she observed the deputy sheriff turn the corner and then observed Paul Ridgeway walk towards her. She stated that the deputy tackled Paul and got up and shot him. She then stated that "the cop did not go down to the ground...he threw Paul to the ground, stepped back and shot him." She stated that she did not know whether Paul had shot at the deputy or even if Paul had a gun in his hand. W-3 was adamant that she did not arrive at the scene with Paul Ridgeway prior to the shooting. She stated that Paul Ridgeway called her and asked her to meet him at the location where the event occurred. W-3 stated that she is a recovering heroin addict and uses methamphetamine. She last used methamphetamine three days prior to the incident.

A video recovered by Sr. Inspector Lewellyn from across the street depicts Adelaide Drive and a vehicle stop. The driver is seen exiting the car and approaching Location #1. The video depicts a sheriff's vehicle drive by and out of view. Two people are then seen running across Adelaide Dr. and out of view. A person is then seen exiting the vehicle on the passenger side. The video appears to contradict the events as W-3 recalled them; in that, Paul Ridgeway and W-3 arrived in the same vehicle and that Paul Ridgeway was driving.

Given the statements of Officer Gauthier and the location of the evidence at the scene, it is improbable that Officer Gauthier fired his weapon prior to Paul Ridgeway firing his weapon. Therefore, the statement of W-3 is not credible. This is based on:

- 1) The location of Paul Ridgeway's body at the scene.
- 2) The position of Paul Ridgeway's body at the scene.
- 3) The fact that the Paul Ridgeway was found to have a firearm (Daewoo pistol model DP51, 9x19mm caliber) in his hand and his finger on the trigger inside the trigger guard.

- 4) The fact that there was one expended cartridge casing "WIN 9mm LUGER" matching the gun in Paul Ridgeway's hand near Paul Ridgeway's body.
- 5) The positive GSR test on samples lifted from both of Paul Ridgeway's left and right hands.
- 6) The location of the injuries on Paul Ridgeway's body.

The following factors were also taken into consideration in arriving at this conclusion:

- The relationship of W-3 to Paul Ridgeway
- The conflicting statements given by W-3
- The criminal history of Paul Ridgeway including the pending case in Yolo county that carried a possible prison sentence
- The book authored by Paul Ridgeway titled "The Hole I Should Have Never Dug"
- The two notes located in Paul Ridgeway's wallet
 - ✓ Apparent suicide note written to W-3
 - ✓ Self-written obituary note

In light of the evidence at the scene and the statements of Deputy Gauthier, to say that it would be unreasonable for Deputy Gauthier to believe that Paul Ridgeway would have caused him fear to suffer imminent great bodily injury or death, is untenable given these facts and totality of the circumstances.

Deputy Gauthier actually and reasonably believed that he was in imminent danger of great bodily injury or death. Lawfully, Deputy Gauthier could use all the force he believed was reasonably necessary to prevent any imminent harm as long as a reasonable person, in similar circumstances, would have believed the same. In light of the totality of the circumstances here, with Paul Ridgeway armed with a handgun and having a warrant out for his arrest; as well as him reaching into his waistband area, turning and running when being approached by Deputy Gauthier, being bear-hugged by Deputy Gauthier and falling onto the ground; then, while being restrained by Deputy Gauthier while on his stomach, Paul Ridgeway pulling out a firearm and discharging a round at Deputy Gauthier's head, a reasonable person, under the same circumstances, would have believed lethal force was necessary to prevent imminent injury. The law does not require there be actual danger or great bodily injury in order to justify killing another person in self-defense or in the defense of others Here there is no other belief that Deputy Gauthier could have had other than his life was in imminent danger and lethal force was necessary to protect himself.

Accordingly, in applying the applicable law and the California District Attorney's Uniform Crime Charging Standards to the present case, there is insufficient evidence to support a criminal prosecution against Deputy Gauthier. As such, no further action will be taken in this case.

