

# County of Santa Clara

Office of the Sheriff

55 West Younger Avenue  
San Jose, California 95110-1721  
(408) 808-4900



Laurie Smith  
Sheriff

## MEMORANDUM

To: Undersheriff John Hirokawa

From: Sgt. Alfredo Alanis #1678  
Internal Affairs Unit

Date: October 17, 2014

Subject: Internal Affairs Case IA 13-016  
Review of Officer Involved Shooting

### **Involved Parties:**

**Involved Employees:** Deputy Steven Fernandes #2013

This report is an administrative review, conducted by Internal Affairs, of an officer-involved shooting involving Deputy Steven Fernandes, which occurred on 09/04/13. Six different officers fired at the suspect. Combined, the six officers fired a total of 29 rounds at the suspect. Deputy Fernandes fired one of the 29 rounds. Deputy Fernandes is an employee of the Santa Clara County Sheriff's Office. When the Officer Involved Shooting occurred, Deputy Fernandes was working as part of the DEA task force. The suspect is deceased as a result of the shooting. The autopsy report confirmed that the deceased suspect was shot 29 times and his cause of death was multiple gun shout wounds. The complete case file is contained in a binder in Internal Affairs, filed in the "O.I.S." cabinet.

### **Executive Summary:**

On September 4, 2013, The Santa Clara Police Department's Special Crimes Action Team (SCAT) planned to arrest Juan Ruelas. An undercover detective had already purchased methamphetamine from Juan Ruelas on prior occasions. The undercover officer arranged to make an additional purchase of methamphetamine from Juan Ruelas near a gas station in Sunnyvale. Members from the Drug Enforcement Administration (DEA) taskforce would assist with the operation. Santa Clara County Sheriff's Deputy Steven Fernandes is a member of the DEA task force assigned to assist with the operation.

The undercover officer was wearing a one way radio ("wire") that would permit members of the arrest team to monitor what was being said. Team members were informed that once the undercover officer made the purchase, the undercover officer was going to say the codeword, "tahoe." Once the codeword was heard, the arrest team would know that the purchase occurred and the team could move in to make the arrest of Juan Ruelas.

Prior to the anticipated buy/bust, the undercover officer was notified by a confidential informant that Juan Ruelas had recently moved several firearms from his residence to his truck and that Juan Ruelas had threatened to shoot the confidential informant. This information put the arrest team on high alert.

On September 4, 2013, Juan Ruelas arrived at the Shell gas station in a white truck. The undercover officer called Juan Ruelas and convinced him to drive over to the Hobee's Restaurant parking lot. Juan Ruelas did not get out of his truck, and his demeanor was different from his past contacts with the undercover officer.

The undercover officer met with Juan Ruelas. Juan Ruelas gave the officer a plastic wrapped box, while demanding the money. The undercover officer took the box back to his vehicle and inspected the contents. He believed the contents appeared to be one pound of methamphetamine. The contents were later determined to be methamphetamine. The undercover officer said the codeword out loud and then tried to talk Juan Ruelas to get out of his truck. Juan Ruelas became more agitated and as he demanded the money, he threatened the undercover officer by instructing him, "I got a gun, don't do anything stupid."

Although the undercover officer could not see a gun, he wanted to alert the arrest team that Juan Ruelas may have a gun. In order to alert the team, the undercover officer asked Juan Ruelas, "You got a gun? Dude why did you bring a gun?"

The undercover officer saw Juan Ruelas reach toward his left pocket near the waistband. Based on the threat Juan Ruelas made, in which he claimed to have a gun, coupled with the information the undercover officer had from the confidential informant, the officer believed Juan Ruelas was reaching for a gun.

The undercover officer stepped back from the truck, drew his gun and fired several times at Juan Ruelas' head because he thought Juan Ruelas was going to kill him or someone on the arrest team. It was later determined that the undercover officer fired a total of 8 rounds.

Deputy Fernandes was with a Santa Clara Police Sergeant in a green minivan assigned to the arrest team. When they heard the arrest signal, the sergeant drove in to block the front end of Juan Ruelas' truck. As the sergeant pulled in to block the vehicle, through the, "wire," the sergeant heard the undercover officer ask Juan Ruelas why he brought a gun. Deputy Fernandes heard over the wire, "you have a gun, drop the gun. You brought a gun to this?" As Deputy Fernandes was getting out of the minivan, he heard, "Police, police, police, police" and then four or five shots. Deputy Fernandes believed that the undercover officer was in a gun battle with Juan Ruelas. The gun fire stopped by the time Deputy Fernandes was out of the minivan. Deputy Fernandes saw Juan Ruelas reach downward with his right hand. Deputy Fernandes was

in fear of the undercover officer's life and also in fear for his own life. Deputy Fernandes fired one time at Juan Ruelas' chest because he believed Juan Ruelas was pointing a gun at the undercover officer and was going to kill him. Deputy Fernandes also thought that Juan Ruelas would shoot at him through his truck's windshield. Deputy Fernandes did not wait to see a gun because he knew if he waited to see a gun, he would not be able to react in time to save his life or the life of the undercover officer. Deputy Fernandes did not fire at Juan Ruelas' arm because based upon his own training, he knew that he could potentially miss Juan Ruelas and instead hit an innocent bystander. Deputy Fernandes could not retreat because that would leave the undercover officer's life in jeopardy. Deputy Fernandes did not fire any additional times because he saw an officer near the rear of the truck and was concerned about crossfire. Deputy Fernandes heard another volley of four to five shots.

The shooting was investigated by Sunnvale DPS Detective Phebea Klein. The investigation revealed that 29 total rounds were fired at Juan Ruelas by six officers. Deputy Fernandes fired one round.

Detective Klein also reviewed a text message sent to the undercover officer from the confidential informant. The text message indicated that Juan Ruelas told the informant the location of his firearm. A photo of Juan Ruelas' truck was sent to the undercover officer.

Detective Klein concluded that the statements of the involved officers were consistent with physical evidence. She further concluded that no other force option was feasible at the time of the shooting.

### **Administrative Investigation**

Sergeant Rivera and I responded to the area of the shooting and conducted a walk-through of the scene. Later that evening, Sergeant Rivera compelled a blood sample from Deputy Fernandes, which was submitted to the County Crime Lab for processing. Sergeant Rivera and I monitored Deputy Fernandes' interview on September 5, 2012 at 2200 hours. Deputy Fernandes was interviewed by Sunnyvale Department of Public Safety Investigators, Hank Syu and Phebea Klein. On October 15, 2013, the Crime Lab faxed to Internal Affairs the results of their testing of the samples. The Crime Lab's Report showed 0% of any alcohol or narcotic in any of the samples.

### **Review:**

Beginning the afternoon of occurrence, the Sunnyvale Department of Public Safety investigators conducted what I find to be a thorough and detailed investigation of this shooting.

Nothing in any interview conducted, no physical evidence found at the scene, and no statements from witnesses or officers at the scene, in any way contradict or call into question the official statements made by Deputy Fernandes.

After reviewing the facts of this case, it is my finding that:

While performing his lawful assigned duties, Deputy Fernandes believed suspect Ruelas had already been in a gun battle with an undercover officer in his presence. Deputy Fernandes saw what he believed to be a threatening move by the suspect and was in fear of his own life and the life of the undercover officer. Fearing for the safety of his teammates, Deputy Fernandes lawfully discharged his weapon in their immediate defense.

I find no violation of any departmental policy or procedure by Deputy Fernandes up to and including the use of his firearm in this incident.

The Santa Clara County District Attorney's Office has reviewed this officer involved shooting pursuant to the Officer-Involved Incident Guidelines adopted by the Santa Clara County Police Chief's Association on May 12, 2011. I have reviewed the District Attorney's Office Report which was addressed to Sheriff Laurie Smith, and have maintained a copy of the report in the case binder which is maintained and secured in Internal Affairs. The report is dated September 9, 2014. The District Attorney's Office has determined that Deputy Fernandes and the other involved officers acted in self-defense and defense of others when they fatally shot Juan Ruelas. In conclusion, The District Attorney stated that the conduct of the involved officers was justifiable and no criminal charges will be filed.

End of report.

A. Alanis #1678  
Sergeant Alfredo Alanis #1678