July 28, 2017

MEDIA ADVISORY

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FOR IMMEDIATE RELEASE
Approved by

Officer:
Kern County Sheriff’s Office Deputy Gabriel Romo

Investigating Agency:
Kern County Sheriff’s Office

Facts:
At 10:35 p.m., on December 11, 2016, the Kern County Sheriff’s Office Communications Center received a call from Stan Severi, Sr. requesting assistance with a runaway juvenile. Deputy Gabriel Romo was dispatched to Mr. Severi’s home for a missing person call. The home is in an isolated area of Tehachapi. Deputy Romo was accompanied by a 16-year-old civilian explorer.

Deputy Romo described arriving at the home and speaking with Mr. Severi. Mr. Severi told Deputy Romo that his son left the house 45 minutes earlier and had previously run away. He also reported that “it is not safe for him to come home” because his son stole his debit card and hid the keys to the truck.

Mr. Severi told Deputy Romo that his son was with his mother, Myranda Severi. Mr. Severi said that he decided to kick his son out of the home and he wanted his son arrested. When asked how his wife would feel about that, Mr. Severi said, “[S]he has no say.” Mr. Severi was upset that Deputy Romo would not agree to take Mr. Severi’s son to Juvenile Hall. Deputy Romo explained that he could not do so unless his son committed a crime.
While Deputy Romo was speaking with Mr. Severi, the KCSO Communications Center received a call from Myranda Severi. Mrs. Severi called dispatch asking to speak to the deputy handling her husband’s runaway call in order to give “our side of the story.” She explained that she had their son, and that “we are afraid to return home.” She also stated she was worried that their nine-year-old daughter was still in the home and her husband would not let her get the daughter. She said her husband is doing and saying everything he can in order to get his way. She gave her location to dispatch, but added that she did not want her husband to know her location.

After Deputy Romo finished talking with Mr. Severi, Deputy Romo called Mrs Severi. Mrs. Severi told him that her son is not out of control, her husband is. She said her husband kicked their son out of the house for not cleaning the dishes well enough. A smudge on a cup led to an “end of the world” reaction by her husband. “My husband told him to get out, and so he did.” She told Deputy Romo that she and her son were afraid of Mr. Severi.

She said her husband is “very controlling in every aspect that you can ever imagine.” She repeated that she was afraid of him and expressed a concern about her daughter who was still at the residence with her husband. During the conversation with Deputy Romo she claimed that her husband had called her cell phone 34 times. Deputy Romo explained that without a court order he could not make her husband give her their daughter for the night. He said she would have to work that out with her husband. Mrs. Severi said she would try.

Mrs. Severi called the communications center a second time. She called requesting that Deputy Romo re-contact her. Mrs. Severi told Deputy Romo that her husband had agreed to allow her to pick up her daughter. Mrs. Severi said that her husband’s calls to her now totaled 76. Deputy Romo said Mrs. Severi asked him to accompany her to the family home, which he agreed to do.

Once at the home, Deputy Romo described turning on his flashing amber lights so that other deputies could see his location in the remote area if they were to respond. Deputy Romo knocked on the door of the residence while Mrs. Severi and the explorer remained standing near a parked vehicle.

Mr. Severi answered the door and asked Deputy Romo what he was doing there. Deputy Romo explained to Mr. Severi that he was there to keep the peace while Mrs. Severi picked up their daughter. Mr. Severi did not appear to understand what was going on and he stated that he did not know anything about his daughter. Deputy Romo said he asked Mr. Severi to stay where he was while he spoke to Mrs. Severi to clarify what was going on. Deputy Romo told Mr. Severi that he thought it was best that the Severis not see each other that night and wait until the next day for things to cool off. However, Mr. Severi followed Deputy Romo as he started to walk towards Mrs. Severi’s location. Deputy Romo said he put his arm up to stop Mr. Severi from going towards Mrs. Severi and he asked Mr. Severi to let him talk with Mrs. Severi. Mr. Severi responded by saying, “No, I’m gonna go talk to her.”

Deputy Romo told Mr. Severi to relax but Mr. Severi pushed Deputy Romo’s hand away and started to walk towards Mrs. Severi. Deputy Romo said he told Mr. Severi to “come here” and he tried to grab Mr. Severi’s wrist, but Mr. Severi pulled his hand away. Deputy Romo again reached for Mr. Severi’s wrist and handcuffed one wrist. Mr. Severi asked if he was under arrest and Deputy Romo said he told Mr. Severi that he was only being detained. Deputy Romo said Mr. Severi told him, “No you’re not,” and then spun
his body around so the two were facing in opposite directions. Deputy Romo said he thought Mr. Severi was going to punch him until Mr. Severi made a sudden move with his right hand towards his waist area. Due to the positioning of their bodies, Deputy Romo could not see whether Mr. Severi was armed.

Deputy Romo stated that he thought Mr. Severi was reaching for a gun. He pushed Mr. Severi away to create distance between the two, withdrew his handgun and fired once at Mr. Severi’s abdomen. Deputy Romo said that after he fired, Mr. Severi’s hand came up from his waistband and he could see he didn’t have a gun in his hand. He did not fire his gun again. Mr. Severi was shot one time in the lower left abdomen which fractured three ribs and resulted in the removal of Mr. Severi’s spleen.

Additional investigation uncovered relevant posts on Mrs. Severi’s Facebook on December 13, 2016, two days after the shooting. Mrs. Severi wrote, “Stan started walking towards the driveway where I was and the officer grabbed his arm. Stan pulled it back to the side of his hip and the officer pulled his gun and shot Stan.” She also wrote, “…the only way Stan fought back is by pulling his arm back to his hip.”

The 16-year-old explorer said he was not looking at Deputy Romo at the time of the shooting. He said this was his first ride along as an explorer. He said he was standing with Mrs. Severi while Deputy Romo was speaking with Mr. Severi. He said he saw Mr. Severi trying to push past Deputy Romo to get to his wife and he heard Deputy Romo telling him not to go towards his wife. He said he heard Deputy Romo tell Mr. Severi to put his hands behind his back and Mr. Severi responded, “You’re not going to arrest me.” Deputy Romo responded by saying, “You are not being arrested, you are being detained.” The explorer said he thought he heard handcuffs being used by Deputy Romo.

The explorer said Mrs. Severi called out to her husband that the deputy was just there to keep the peace and Mr. Severi should not do anything he would regret. The explorer said his attention was directed towards Mrs. Severi at that point and that they were looking at each other when he heard a single gunshot.

**Analysis and Conclusion:**

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. *(Tennessee v. Garner (1985) 471 U.S. 1; Graham v. Connor (1989) 490 U.S. 386; Kortum v. Alkire (1977) 69 Cal.App. 3d 325; California Penal Code section 835a; CALCRIM 2670.)* Police may use some degree of physical coercion or threat thereof to accomplish an arrest. The force used must be objectively reasonable, considering such issues as the severity of the crime, whether the suspect posed an immediate threat to police or others, and whether the suspect actively resisted arrest or attempted flight. *(Graham v. Connor (1989) 490 U.S. 386.)*

In Foster v. City of Fresno, *(US District Court, E.D. 2005)* 392 F. Supp.2d 1140, a Fresno police officer shot and killed a robbery suspect who he reasonably believed was armed with a weapon. Just prior to the shooting, the suspect was fumbling and reaching for his waistband. After the shooting, it was discovered the suspect was unarmed and the gun was located in a vehicle he had abandoned. The US District Court concluded “a reasonable officer in (the shooting officer’s) position would have believed that Foster posed an immediate threat of serious harm” immediately prior to the shooting. As such, the application of deadly
force was objectively reasonable. (*Foster* at 1157-1158.)

In addressing the issue of whether Deputy Romo’s actions were objectively reasonable, we look at the totality of the facts and circumstances immediately known to the deputy when he pulled the trigger. When Deputy Romo initially spoke with Mr. Severi, Mr. Severi was upset over the conduct of his son and he appeared to be angry. When Mrs. Severi contacted the sheriff’s office she said she and her son were afraid to go home. When Mrs. Severi wanted to return to the home, Deputy Romo was called to keep the peace. Although Deputy Romo explained to Mr. Severi that he was there to keep the peace while Mrs. Severi picked up their daughter, Mr. Severi became upset and insisted on talking with his wife.

Deputy Romo instructed Mr. Severi not to approach his wife but Mr. Severi ignored the deputy’s commands and walked towards his wife. Deputy Romo tried to physically stop Mr. Severi from approaching his wife, but Mr. Severi knocked Deputy Romo’s hand away and continued walking towards his wife. Deputy Romo tried grabbing Mr. Severi’s wrist but he pulled his arm away. Deputy Romo again grabbed at Mr. Severi’s wrist and when he did take hold of the wrist he attempted to detain Mr. Severi by handcuffing him. Mr. Severi broke out of Deputy Romo’s grasp and took a sideways stance towards Deputy Romo. Deputy Romo thought he was going to be punched until Mr. Severi moved his hand towards his waist. Deputy Romo believed he was reaching for a firearm concealed in his waistband. Mrs. Severi confirmed Deputy Romo’s observations in a Facebook posting two days later. Mrs. Severi described Mr. Severi’s hand moving to his waist.

In addressing the issue of whether Deputy Romo's actions were objectively reasonable, we look at the totality of the facts and circumstances immediately known to the deputy when he pulled the trigger. Deputy Romo did not know if Mr. Severi was armed prior to his contact with him that evening. Deputy Romo believed Mr. Severi was going to use a firearm because he saw him take a stance consistent, in his experience and training, with a shooting stance. Additionally, he saw Mr. Severi make a movement with his hand as if he were reaching towards his waistband for a gun. Deputy Romo removed his service weapon and fired one shot. When Deputy Romo saw Mr. Severi lift both hands and saw he did not have a weapon, he did not fire again and immediately called for medical aid.

Deputy Romo responded to what he believed was an immediate threat to his safety and well-being. As such, the facts and the law indicate Deputy Romo's actions were objectively reasonable and therefore justified.