

THE INTERVIEW:

EUGENE P. RAMIREZ



Eugene P. Ramirez is a founding partner of the law firm Manning & Kass, Ellrod, Ramirez, Trester LLP, where he leads the governmental entity liability, military and veterans law and school civil liability teams. He is a frequently quoted national expert in police use of body-worn cameras. He serves as Legal Section Chair for the NTOA as well as general counsel for both the California Association of Tactical Officers (CATO) and the United States Police Canine Association. Ramirez is frequently invited to speak to law enforcement agencies across the U.S. on use of force, handling high-profile cases and risk management issues, and is experienced in defending SWAT teams in civil liability cases. He is an instructor on liability issues for the Los Angeles County Sheriff's Department's Basic SWAT School, as well as for CATO and NTOA. We had an opportunity to ask Gene some important questions about what SWAT operators need to know from a legal perspective and the role he has played in shaping law enforcement tactics over the last two decades.

Q: Of all the sub-specialties in the legal profession, how did you become so involved in law enforcement issues?

A: I have always been interested in law enforcement. Prior to law school, I was a reserve police officer in southern California for about five years. While in law school, I thought about joining the FBI, but then I got married and we had our first daughter while I was still in law school, so the FBI dream disappeared. During my last year of law school, I applied for and received a position with the Los Angeles County District Attorney's Office as a prosecutor. I started with the office a month after I took the bar exam and became a deputy district attorney when I passed the California Bar exam in 1988. I loved the job, working with law enforcement and trying cases, and I used my knowledge of law enforcement from my reserve experience as a DDA. I was able to try a variety of cases and, before I knew it, I was handling murder cases 18 months after becoming an attorney.

When my twins were born in late 1989, I knew it was time to leave the office and go into private practice. During my job search, I saw an ad for a police defense attorney. I applied and was hired on the day I interviewed. I left the DA's office on a Friday and started as an associate at a Los Angeles law firm on the following Monday. I immediately started working on law enforcement cases and fell in love with that area of the law. My first case was representing a Los Angeles County Sheriff's Department canine handler, which is how I became involved in canines and then tactical teams.

I started my own firm, along with four of my partners, in 1994. We have since grown to 175 attorneys and I now lead a team of a dozen attorneys who represent law enforcement full time. Many of our attorneys are former law enforcement officers, including two former Secret Service agents.

Q: In your roles with both the NTOA and CATO, how do you feel that you and your team contribute to the law enforcement mission?

A: It is a privilege to work with both NTOA and CATO. I get to see tactical team issues from both the local and national levels. I see our goal as providing legal backup to those tactical officers who need to know what they can legally do in the performance of their duties. By discussing current issues, updating officers on the current case law and being available to respond to questions, I think we provide a unique service. I have even received calls during actual tactical operations seeking advice on various issues.

Q: What is the most rewarding part of those roles for you personally?

A: I enjoy hearing from officers who say the advice I gave proved to be beneficial. For example, I always discuss how officers should avoid certain tattoos. Not all officers agree with me and I respect that. However, a few months ago I was at a party and an officer came up to me. He said he had been in a shooting a few months prior and thought about getting a tattoo to memorialize that event. He then said he attended one of my lectures and decided not to get the tattoo. He said that he appreciated the advice and, as a supervisor, he needed to set an example. An encounter like that makes my day. At the conclusion of a case, whether resolved by a trial or a settlement, if my client says they are happy with how they were represented, win or lose, then I've done my job and that's what I strive for.

Q: What do you see as the most challenging trends coming for law enforcement in the future?

A: I see two challenges facing law enforcement. One is regaining the trust of the community. That trust has fractured somewhere along the line and it is going to be very difficult to mend, but I think it can and should be repaired. The current political environment is very difficult for everyone right now and the unprecedented attacks on law enforcement have certainly changed the paradigm. Communities need to know they can trust their local law enforcement and law enforcement needs to demonstrate that they can be trusted.

The second challenge to overcome is the so-called militarization of law enforcement. The public has to acknowledge that the equipment being used by tactical teams is necessary to provide the level of law enforcement that is now required by the new and constantly evolving threats facing all of us. Law enforcement has to step up the public relations campaign to demonstrate the necessity for the specialized equipment now being used. The incidents in San Bernardino and Orlando have demonstrated the need for specialized equipment to save lives.

Q: How important is it for every officer to be familiar with current civil and criminal case law rulings?

A: I recommend that all law enforcement officers be familiar with at least the important cases that come down from the United States Supreme Court, the Supreme Court of their home state and the federal circuit court that covers their part of the country. There are far too many cases being decided daily to stay up-to-date on all of them. However, everyone needs to be very familiar with *Graham v. Connor*, *Tennessee v. Garner*, *Muehler*

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v. Mena, 544 U.S. 93 (2005), *Plumbhoff v. Rickard* (2014) and *Mullenix v. Luna* (2015), to name just a few. My goal for 2017 is to start a database of important cases with a short summary attached. Officers from across the country will have access to this database to see the latest law enforcement cases that are being decided in courts around the country. Being informed about the current state of the law is important for all officers so they know what they are allowed to do or not to do. Knowing the rules of the game is often more important than playing the game itself. ■

Editor's note: Eugene Ramirez's article "Tactical survival tips: How to defeat the legal attack" will appear in the Winter 2017 issue of *The Tactical Edge*.

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