

**Fatal Officer Involved Shooting of Jaime Rodriguez**  
**Long Beach Police Department**

**Officer Daniel Velasquez, #11146, Officer Ismael Martinez, #11301,  
Officer Daniel Constable, #11354, and Officer Tyler Keefe, #11154**

**J.S.I.D. File #22-0227**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**June 2, 2023**

## **MEMORANDUM**

TO: CHIEF WALLY HEBEISH  
Long Beach Police Department  
400 West Broadway  
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Jaime Rodriguez  
J.S.I.D. File #22-0227  
L.B.P.D. File #22-0033510

DATE: June 2, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 9, 2022, fatal shooting of Jaime Rodriguez by Long Beach Police Department (LBPd) Officers Daniel Velasquez, Ismael Martinez, Daniel Constable, and Tyler Keefe. We have concluded the officers acted in lawful self-defense at the time they fired their weapons, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on July 9, 2022, at approximately 2:30 p.m. The District Attorney Response Team (DART) responded to the location, and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, 9-1-1 audio recordings, recorded witness statements, body worn video (BWV), and civilian videos submitted by LBPd Detective Donald Collier, Homicide Detail, Special Investigations Division.

### **INTRODUCTION**

On July 9, 2022, at approximately 11 a.m., a woman called 9-1-1 to report that a man, later identified as Jaime Rodriguez, entered her car, tried to take her keys, then ran away. She did not report seeing a weapon. Minutes later, LBPd received a second 9-1-1 call reporting that Rodriguez was now standing on the roof of a two-story apartment building, waving and pointing a pistol. Numerous officers responded and contained the area. Officers fired and struck Rodriguez with dozens of 40 mm less lethal foam projectiles. He continued pacing the roof, waving the gun, and yelling unintelligibly at the officers below. Four officers fired their weapons after Rodriguez pointed the gun at them. He suffered a gunshot wound to his buttocks, which severed his femoral vein. He fell down face first, but then stood and continued pacing and waving the gun. Officers continued to pelt him with foam projectiles. Eventually, he fell into a sitting position on his buttocks.

He sat holding the gun for several more minutes before laying down on his back and appearing to lose consciousness. Officers and paramedics climbed onto the second story roof and found him nonresponsive with the gun lying near his right hand. Paramedics pronounced him dead at the scene.

## **FACTUAL ANALYSIS**

### Video Evidence

#### *Strip mall*

Footage from a strip mall parking lot shows Rodriguez enter the woman's car as she backs out of a parking space. Rodriguez runs to her passenger door, opens it, and enters. The woman drives away with Rodriguez in the car.



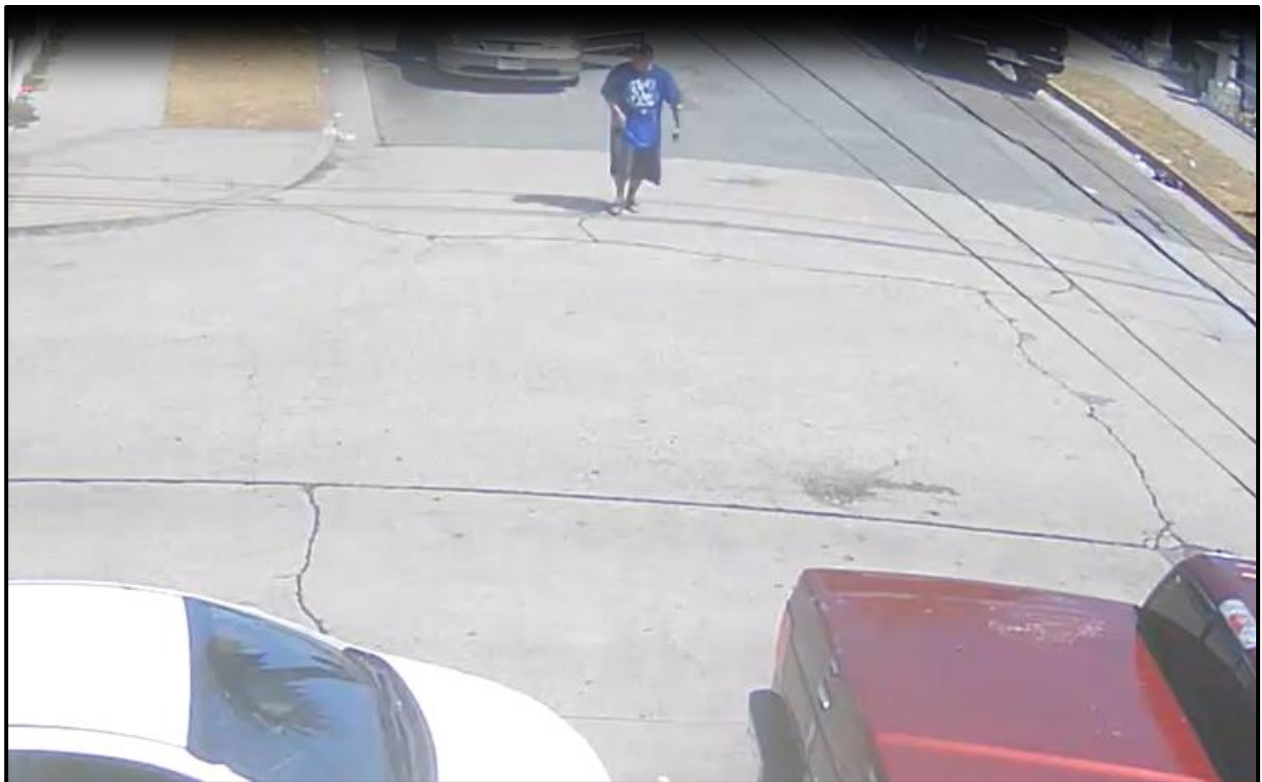
*Figure 1: Surveillance still; Rodriguez (wearing blue) runs toward woman's car.*



*Figure 2: Rodriguez enters woman's car.*

#### *Apartment building*

Several blocks away, near the site of the incident, an apartment building camera captures the woman drive up and stop at a street corner. Rodriguez exits her car and walks across a street out of view. No gun is visible.



*Figure 3: Surveillance still; Rodriguez walks away from woman's car (top of frame).*

## *BWV*

Footage shows Rodriguez standing on top of the apartment roof holding a pistol. Numerous officers take positions behind parked cars north and west of the location. The involved officers cluster behind a parked car on the south side of the street, west of the building. Officers point rifles, pistols, and less lethal foam canons at Rodriguez and shout commands for him to drop his gun. They plead with him to come off the roof. They tell him they are there to help. They warn him several times that they will shoot if he points his gun. Officers fire dozens of 40 mm foam projectiles at Rodriguez. He is seen flinching and pacing. At one point, Rodriguez yells to the officers, "I'm not pointing it." An officer says over the radio, "He's got a gun, and it appears to be jammed right now."

Approximately five minutes before the shooting, Martinez says, "It looks like he's trying to rack it. ... He racked it back, guys! He racked it back."

Approximately three minutes before the shooting, although not caught on camera, Rodriguez appears to briefly point his gun at officers: Martinez suddenly ducks and excitedly yells, "If you point that gun at us again, I'm going to shoot you!" Other officers yell excitedly in the background.

Officers are on scene for at least fifteen minutes before the shooting occurs. Because most of them duck behind cars, pointing weapons, their chest mounted body cameras do not capture Rodriguez's actions at the time of the shooting.

Moments after being shot, footage captures Rodriguez fall face first onto the roof. Rodriguez stands back up, still holding the gun, and officers yell for him to drop the gun. Rodriguez resumes pacing and holding the gun. Officers fire several more 40 mm foam projectiles, eventually causing Rodriguez to fall into a sitting position onto his buttocks.

Moments later, Rodriguez apparently points the gun at himself: officers are heard stating to each other, "He's going to shoot himself," and, "No! No! Don't do it, Jamie." The footage is too distant to see Rodriguez's actions.





*Figure 4: BWV still; Rodriguez standing on roof.*



*Figure 5: Rodriguez holding a gun in right hand.*

*Social media*

Investigators recovered footage of the incident uploaded to social media.



*Figure 6: Social media; Rodriguez holding gun.*



*Figure 7: Rodriguez hunches over after being hit with foam projectile.*

In one video, Rodriguez appears to try to rack or manipulate the slide of the pistol. He paces back and forth swinging the gun. It sounds like he yells, “Help!” two or three times and, “I’m not pointing it!” Foam projectiles intermittently hit him. He raises the gun and swings it through the air in a *c’mon*-like-gesture. Seconds later, he turns suddenly and walks at a deliberate pace westward, toward officers below. He raises and points the gun at them for about one second, then lowers it to his side and begins to turn away from the officers. About one second after he lowers the gun, as he turns his back to the officers and begins to walk away, one gunshot is heard. Rodriguez takes one or two more steps before, a fraction of a second later, several simultaneous shots are heard. Rodriguez falls down face first, out of view.



*Figure 8: Social media; Rodriguez appears to try to rack the pistol slide.*



*Figure 9: Rodriguez gestures with the gun, facing east.*





*Figure 10: Facing west, Rodriguez points gun at officers.*



*Figure 11: Rodriguez turning and walking away as first shot rings out.*



*Figure 12: Rodriguez falls as several rapid shots are heard.*

Despite being shot, Rodriguez stumbles back to his feet while still holding the gun. Officers yell for him to drop the gun and to sit down. Rodriguez stumbles around briefly before he falls to a seated position on his buttocks.

#### *Airship footage*

After the incident, police airship footage shows Rodriguez sitting on the roof, appearing to continue to hold and manipulate the gun. Approximately 25 minutes later, Rodriguez appears to try to stand up. He falls back to a seated position, and, shortly after, lies motionless on his back.



*Figure 13: airship footage; Rodriguez sits down holding gun after being shot.*

### Civilian Witness Statements

On July 9, 2022, at 11:04 a.m., a woman called 9-1-1 and reported that a person she did not know, later identified as Rodriguez, “jumped” in her car and would not get out. He was bleeding and saying that someone was trying to kill him. He tried to take the keys out of her ignition. Eventually, she stated, he exited her car and walked away. She saw no weapons in Rodriguez’s possession when he was in her car.

At 11:10 a.m., a man called 9-1-1 and reported that a person, later identified as Rodriguez, was standing on a building’s roof. The man did not see any weapons but said Rodriguez was “threatening” people. At 11:15 a.m., the man called again and reported that Rodriguez now had a “loaded” gun and was “cocking it.”

Interviewed after the incident (recorded on BWV) the woman added that Rodriguez told her to “drive” because someone was “after him” and punched her repeatedly in the arm. In a separate interview with detectives, she said Rodriguez punched her leg, “to get [her] to drive.” The woman was also present during the shooting and told officers that she saw Rodriguez on the roof holding a gun. She said that despite being hit with several foam rounds, he “still kept that gun in his hand. ... And then he raised that gun. Once he raised that gun, that’s when they [the police] shot him twice.”

Interviewed by officers after the incident, a nearby resident said, “I did see him [Rodriguez] point the gun at the cops. And that’s when the cops, you know, let loose.”

### Officer Statements

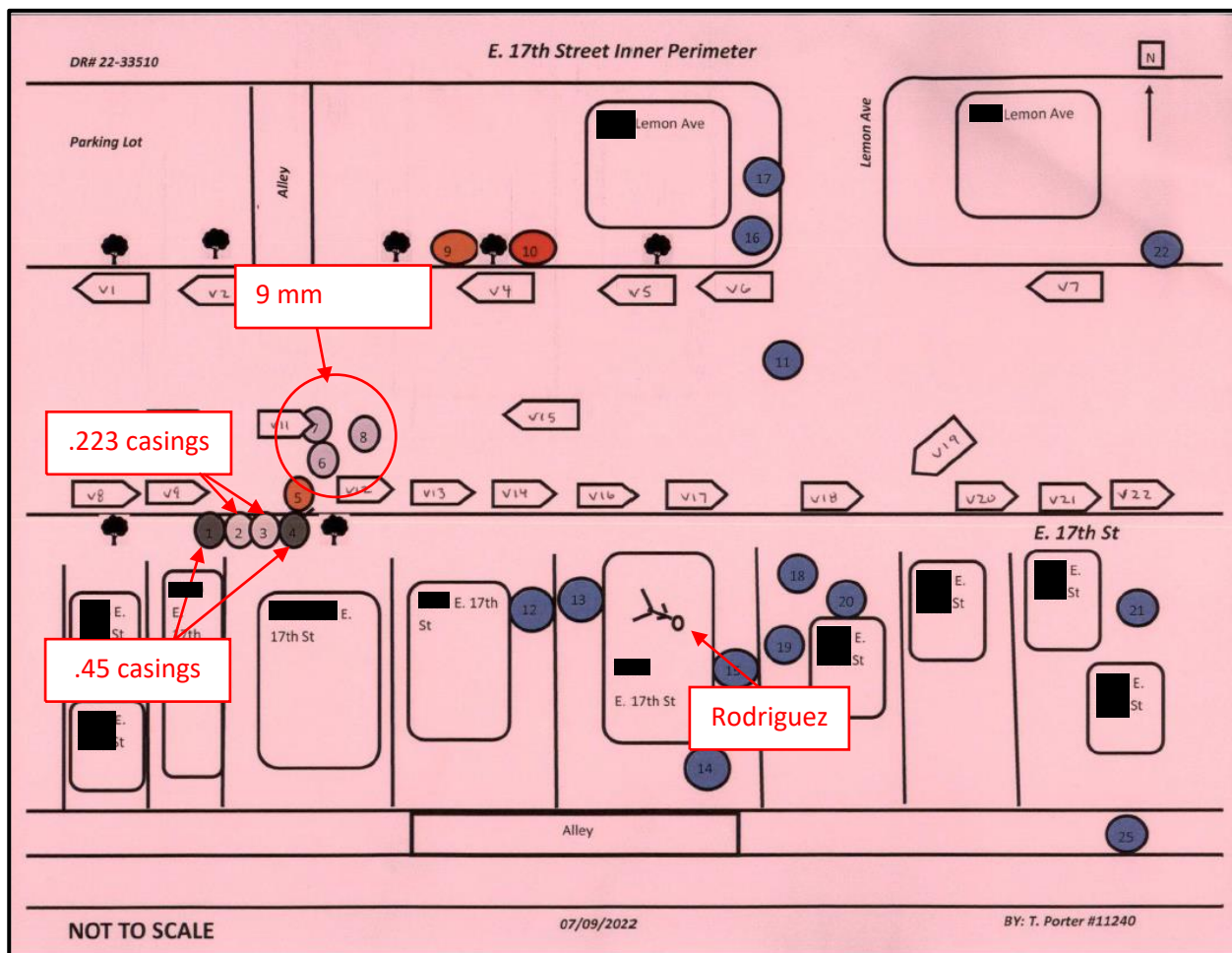
Each involved officer wrote a report summarizing his actions and perceptions during the incident. Velasquez and Martinez’s reports state that they responded to a call in which a man entered a woman’s car, tried to take her keys, then fled the scene. The call updated to indicate the man was on a roof holding a gun. Constable and Keefe’s reports state only that they responded to a report of a person with a gun and do not mention the prior encounter, inside the woman’s car.

Each officer wrote that they observed Rodriguez standing on the roof trying to “rack” the slide of his pistol and noticed that the slide was not in a full rearward position, suggesting the gun was jammed. Constable wrote that he believed Rodriguez was trying to “clear” the jam to render the gun operable. Keefe heard another officer say that Rodriguez had pointed his gun at them. (This is corroborated by Martinez’s BWV.) Apparently referring to the same moment, Martinez wrote that Rodriguez very quickly pointed his gun at the officers but lowered it again before Martinez could fire his weapon. Keefe wrote that it eventually appeared Rodriguez had succeeded in unjamming the pistol. (Martinez yells on BWV that Rodriguez had “racked” the pistol.)

Each officer wrote that he fired his weapon believing it necessary to defend against a deadly threat after Rodriguez pointed the gun at them. Velasquez initially “ducked” when he saw Rodriguez point the gun. He heard a gunshot, re-aimed, and fired his .45 caliber duty pistol because he saw Rodriguez still holding the gun “in [his] direction.” Rodriguez’s torso was turning away from him when he fired, but he still believed Rodriguez posed a threat.

Martinez “recalled” firing one round “at the suspect while he pointed his gun at [him],” but after reviewing his BWV he believed he may have actually fired two to three rounds. Constable wrote that he fired one round, saw Rodriguez “stumble backward,” still pointing the gun, and fired a second round. Keefe wrote that he fired one round.

### Physical Evidence

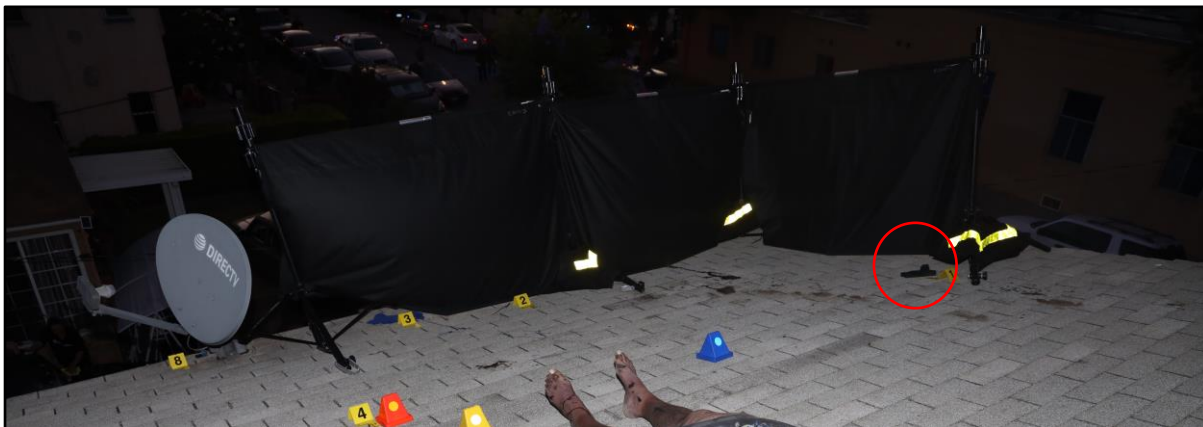


*Figure 14: Scene diagram.*

Investigators recovered a 9 mm pistol on the roof near Rodriguez’s remains, and one ammunition cartridge and casing, inside his front left pocket. The pistol was loaded with five rounds contained in a magazine. Investigators determined that, as recovered, it was inoperable because the slide was “popped upwards” and was missing a slide lock. With minor repairs, the firearm was able to fire normally.

On the streets surrounding the apartment building were two .223 casings, two .45 casings, three 9 mm casings, and numerous 40 mm foam projectiles.





*Figure 15: pistol (circled) recovered near Rodriguez's remains.*



*Figure 16: Close up of pistol.*

### Autopsy

On July 14, 2022, Los Angeles County Deputy Medical Examiner Dr. Michael Harrell performed an autopsy of Rodriguez's remains. Dr. Harrell ascribed the cause of death to one gunshot wound to the pelvis. The bullet entered the right buttocks, traveled back to front and right to left, piercing the right femoral vein. Dr. Harrell recovered bullet fragments from the right hip. Toxicology testing revealed the presence of Marijuana and methamphetamine in the blood.

## THE LAW

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

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

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

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer’s decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

## LEGAL ANALYSIS

Officers responded to a report of a man (Rodriguez) on a roof waiving a gun.<sup>1</sup> They took positions on the street below the second story roof, where they observed Rodriguez pacing back and forth holding a pistol. According to video footage and officer statements, the gun appeared jammed. It looked as though Rodriguez was working to unjam it.

During a roughly fifteen minute standoff, recorded by BWV and bystanders’ cell phones, officers commanded Rodriguez to drop his gun, warned him not to point it, pleaded with him to come off the roof safely, and told him they were there to help. They fired dozens of foam projectiles at him. At one point, according to BWV audio and officer statements, Rodriguez briefly pointed his pistol at Martinez, who held his fire and warned Rodriguez that he would shoot him if he pointed the gun again. After several more minutes, it appeared that Rodriguez had unjammed the gun, officers stated. They feared the gun was operable.

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<sup>1</sup> According to reports, Velasquez and Martinez were aware through dispatch that Rodriguez had, before climbing onto the roof, entered a woman’s car and tried to take her keys. Constable and Keefe’s reports do not mention the incident inside the woman’s car.

A bystander's video, uploaded to social media, shows Rodriguez suddenly face west toward a cluster of officers, raise and point the gun at them for about one second then lower it.

About one second after lowering the gun, as he appears to be turning away from the officers, one shot rings out. Rodriguez continues to turn away from the officers with the gun lowered at his side. He takes one or two steps away. Less than one second after the first shot, several more shots ring out simultaneously, causing Rodriguez to fall face first out of view.

Velasquez stated that when he fired, Rodriguez was turning away from him, but he felt Rodriguez remained a threat because Rodriguez still held the gun "in [his] direction." Martinez stated that he fired as Rodriguez still pointed the gun. Similarly, Constable stated that he fired one round as Rodriguez pointed the gun, saw Rodriguez "stumble backward," and fired a second round because Rodriguez continued to point the gun.

Despite Rodriguez continuing to hold the gun for some 25 minutes after the shooting, the officers used no more lethal force and instead reverted to foam projectiles until Rodriguez lost consciousness.

Considering the totality of the circumstances known to the officers at the time, including those leading up to the incident, it was reasonable for them to believe that deadly force was necessary to defend against an imminent deadly threat when Rodriguez suddenly pointed a gun at them for the second time.

Although it appears from the footage that Rodriguez had lowered the gun and started to turn away from the officers at the time they fired, he still held it in his hand and remained on his feet (with the high ground). Moreover, up to this point, he had ignored the officers' repeated commands to surrender, waived the gun in the air, and pointed it twice prior to the shooting, during the course of an approximately fifteen minute standoff.

Under these circumstances, considering that the officers were forced to make quick judgments about using force, one to two seconds after Rodriguez pointed his gun for the second time, although he had lowered it, the officers were not unreasonable to perceive an ongoing deadly threat at the moment they fired their weapons.

## **CONCLUSION**

For the foregoing reasons, we find that Officers Velasquez, Martinez, Constable, and Keefe acted lawfully in self-defense when they used deadly force against Jaime Rodriguez.