

**Officer Involved Shooting of Aaron Lorta
Los Angeles Police Department**

Officer Ricardo Verduzco, #32995

Officer Sergio Arreola, #40617

Officer Jorge Talledo, #38657

J.S.I.D. File#15-0088



JACKIE LACEY

District Attorney

Justice System Integrity Division

September 1, 2016

MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ
 Los Angeles Police Department
 Force Investigation Division
 100 W. First Street, Suite 431
 Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of Aaron Lorta
 J.S.I.D. File #15-0088
 L.A.P.D. File #F011-15

DATE: September 1, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 9, 2015, non-fatal shooting of Aaron Lorta by Los Angeles Police Department (LAPD) Officers Ricardo Verduzco, Sergio Arreola, and Jorge Talledo. It is our conclusion that Officers Verduzco, Arreola, and Talledo acted in lawful self-defense and defense of others at the time they fired their weapons, and used lawful force in arresting Lorta, a violent fleeing felon.

The District Attorney's Command Center was notified of the shooting on February 9, 2015 at approximately 7:10 p.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports, photographic evidence, news footage videos and witness statements taken during the investigation by the Los Angeles Police Department, Force Investigation Division and submitted to this office by Detectives Tim Brausam and Robert Castaneda.¹ The officers' departmentally compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On February 9, 2015, Aaron Lorta led officers on a 34 minute dangerous vehicle pursuit that went through multiple cities. During the pursuit, Lorta traveled at very high rates of speed in residential streets and on the freeway, drove on the wrong side of the road multiple times, caused seven separate traffic collisions, carjacked one victim at gunpoint, and attempted to carjack two additional

¹ A compilation of media footage of the pursuit in this case was obtained from local television channels, KCBS, KTLA, KNBC, and KABC. The media footage depicted the pursuit from Alameda Street in the downtown area, the carjacking, the officer-involved shooting (OIS), and Lorta being taken into custody. At the time of the incident, Hollenbeck officers were not equipped with body worn video cameras, and although Digital In-Car Video Service (DICVS) had been installed in Hollenbeck Division's vehicle fleet, the system had not been activated at the time of the incident.

victims at gunpoint before being stopped by police ultimately resulting in a non-fatal officer-involved shooting wherein Lorta was shot four times.

On February 9, 2015 at approximately 5:15 p.m., Hollenbeck Patrol Division Officers Anthony Lanza and Oscar Gamboa were on patrol, in a marked patrol car, when their attention was drawn to a gray Toyota Corolla parked in front of 429 North Mott Street with a male Hispanic sporting a large tattoo on the back of his head seated in the driver's seat.² Through their training and experience patrolling the Hollenbeck area, the officers had knowledge that Toyota vehicles are frequently stolen in the area and they attempted to view the license plate number.

Lorta looked in the officers' direction and accelerated his vehicle southbound on Mott Street, then turned into a Jack-in-the-Box parking lot located on the corner of Mott Street and Cesar E. Chavez Avenue. Lorta exited the Jack-in-the-Box parking lot and turned east on Cesar E. Chavez Avenue. The officers continued to follow Lorta, eastbound on Cesar E. Chavez Avenue, then southbound onto Saratoga Street in an attempt to obtain a license plate number. Lorta accelerated to 40 miles per hour in a residential area, and failed to stop for a posted stop sign at Michigan Avenue. When Lorta continued southbound in the northbound lane, the officers formed the opinion that Lorta was driving erratically to evade them because the vehicle was possibly stolen.³

Gamboa broadcast to Communications Division (CD) that they were at Saratoga Street and New Jersey Street in pursuit of a possible Code-37 vehicle, and Lanza activated the emergency lights and siren.⁴ As Lorta turned west onto 1st Street, the officers followed in pursuit. Gamboa requested back-up, a supervisor, and an airship. Hollenbeck Patrol Division Sergeant Tomas Melendez responded to the request for a supervisor and positioned himself on 1st Street and Cummings Street as the pursuit approached. As Lorta continued driving westbound on 1st Street, he exceeded the speed limit and failed to stop for red lights and posted stop signs.⁵ Lorta collided with two or three vehicles at North Hewitt Street but continued traveling westbound.⁶

As the pursuit turned southbound on Alameda Street, Officers Jorge Talledo and Eduardo Ojeda became the secondary unit in pursuit.⁷ The pursuit proceeded eastbound on 6th Street from Alameda Street, then southbound on Mateo Street. Melendez authorized the air unit to track Lorta, and advised the ground units to discontinue their pursuit and follow Lorta from a distance.⁸ Lorta continued driving southbound on Mateo Street, westbound on Olympic Street, then southbound on Alameda Street. Traffic Officer John Wilson, who was assigned to the intersection of 1st Street and Alameda Street, had to step out of the intersection to avoid Lorta's oncoming vehicle.

² This male was subsequently identified as Aaron Lorta who was 29 years old at the time, 200 pounds, and six feet, two inches tall.

³ Lorta was driving a gray, four door 2003 Toyota Camry registered to his mother, Ana E. Lorta.

⁴ Code-37 is a department code for a stolen vehicle.

⁵ Lanza and Gamboa estimated that Lorta reached top speeds of 70-80 miles per hour during the pursuit.

⁶ No reported Traffic Collision Reports were located in this area. However, Lanza, Gamboa, and Tactical Flight Officer (TFO) Daniel Putnam observed the collision on 1st Street and Hewitt Street.

⁷ The officers were in a marked black and white patrol vehicle equipped with a forward facing red light and siren.

⁸ During "tracking" mode, Melendez and the other units backed off of Lorta to the point where they were no longer able to observe his vehicle and relied on the air unit's broadcasts for Lorta's location. The pursuing units kept a distance of about 100 yards from Lorta during tracking but their lights and sirens were still activated. Tracking mode was initiated in an effort to have Lorta slow down his vehicle as the manner and speed in which he was driving was posing a significant risk to the public.

The air unit noted that Lorta was traveling on the wrong side of the street and maneuvering in and out of traffic. At Alameda Street and 38th Street, Melendez was cut-off by a semi-truck and was no longer involved in following Lorta's vehicle. Talledo and Ojeda became the primary unit, following Lorta from a distance, with Melendez behind them. Lorta continued driving southbound on Alameda Street and then eastbound on Slauson Avenue.⁹ On Slauson Avenue, Lorta encountered heavy traffic and drove on the center median. Lorta turned southbound on Pacific Boulevard and was involved in a traffic collision with a black pickup truck at Randolph Street. Lorta continued driving eastbound on Randolph Street, then southbound on Templeton Street where he was involved in a second collision as he approached Florence Avenue. Lorta continued driving on and off the center median, eastbound on Florence Avenue, southbound on State Street, eastbound on Broadway Street, southbound on California Avenue, eastbound on Liberty Boulevard, southbound on Otis Street, eastbound in the alley north of Tweedy Boulevard and southbound Bowman Avenue to eastbound Imperial Highway.¹⁰

Lorta drove on the wrong side of the road and, as he passed Lynwood High School, Lorta collided with the center median at Atlantic Boulevard. Lorta approached Garfield Avenue driving on the wrong side of the road and collided with two vehicles. Lorta exited his disabled vehicle and ran toward a white vehicle stopped in traffic on Imperial Highway. Lorta attempted to open the driver's door, but the driver drove away westbound on Imperial Highway.¹¹

Lorta then approached Elizabeth Yarahuan who was stopped for traffic in her vehicle on Imperial Highway near Garfield Avenue. From the air unit, TFO Putnam observed Lorta exit his disabled vehicle and remove an indiscernible object from his waistband. As Talledo, Ojeda, and Melendez arrived at the intersection of Imperial Highway and Garfield Avenue, they observed Lorta run toward Yarahuan's vehicle with an apparent handgun in his right hand. Ojeda and Talledo commanded Lorta to stop and drop the gun as he approached Yarahuan's vehicle, but Lorta continued towards Yarahuan. Lorta pointed what appeared to be a handgun at Yarahuan and ordered her out of her vehicle.¹² In fear for her life, Yarahuan exited her vehicle and ran.

Lorta entered Yarahuan's vehicle and drove through a parking lot toward Garfield Avenue as Talledo, Ojeda, and Melendez re-entered their vehicles.¹³ After Lorta took Yarahuan's vehicle from her apparently at gunpoint, TFO Putnam recommended that Melendez cease tracking, resume the pursuit, and requested Communications Division (CD) to verify whether Yarahuan's vehicle contained a passenger. Hollenbeck Patrol Division Sergeant David Gomez had been monitoring the tracking of Lorta, and followed behind Lorta from a distance. As Lorta exited the parking lot, Gomez briefly followed Lorta until a two person unit was able to relieve him. Melendez notified CD that Lorta was armed with a handgun, that tracking mode would be discontinued, and to resume the pursuit.¹⁴

⁹ At 25th Street, Alameda Street is divided by railroad tracks that run down the middle of the street. Lorta continued southbound in the northbound lanes of Alameda Street.

¹⁰ Lorta was involved in a third collision at the intersection of Tweedy Boulevard and McNeerney Avenue.

¹¹ The victim of the attempted carjack was not identified.

¹² Lorta was armed with a black air soft pistol, ATP Auto with a removable magazine, which was recovered from the scene. A subsequent inspection revealed that a piece of orange plastic was inside the muzzle of the pistol, indicating that the orange tip installed on the muzzle by the manufacturer had been removed.

¹³ Yarahuan's vehicle was a 2010 Volkswagen sedan.

¹⁴ The pursuit was resumed because tracking had failed to deter Lorta in any way, it was now verified he was armed with a weapon, possibly had a hostage in the car, and his manner and speed of driving posed a growing and significant threat to public safety.

As Lorta entered the westbound 105 freeway from Garfield Avenue, Talledo and Ojeda became the primary unit of the pursuit, but shortly thereafter they requested a unit with an overhead light bar to take over. As Lorta transitioned to the north 710 freeway, Melendez requested two additional units to respond and join the pursuit due to the fact that the pursuit was now outside the City of Los Angeles, Lorta was armed with a firearm, and it had not yet been established whether Yarahuan had a passenger in her vehicle.¹⁵ Ojeda observed Lorta brandish a handgun as they drove northbound on the 710 freeway.

As the pursuit approached Imperial Highway, Officers Jesse Griego, Moses Trejo, Sergio Arreola, and Ricardo Verduzco became the primary and secondary units respectively. As the pursuit continued northbound on the 710 freeway at Firestone Boulevard, Officers Kenneth O'Steen and Razzi Uddin joined the pursuit and Officers Christopher Gonzalez and Robert Ramirez joined the pursuit shortly thereafter.¹⁶ Lorta transitioned to the eastbound 60 freeway where he encountered heavy traffic and negotiated around vehicles to the Atlantic Boulevard off-ramp. Griego and Trejo were blocked by traffic as they followed Lorta off the Atlantic Boulevard off-ramp. Lorta then re-entered the 60 freeway eastbound at Atlantic Boulevard, with Arreola and Verduzco becoming the primary unit. Lorta continued to encounter heavy traffic and used the emergency lane to negotiate around vehicles to exit at the Findlay Avenue off-ramp. Lorta continued eastbound on Via Campo Street, toward Garfield Avenue. Traffic was stopped in all three eastbound lanes on Via Campo Street, west of the Garfield Avenue intersection.¹⁷ Lorta attempted to squeeze between the number two and three lanes; however, he became involved in a traffic collision when his vehicle became wedged between two other vehicles.

The pursuing units were also blocked by traffic in the eastbound lanes of Via Campo Street. At this time, many of the officers began exiting their vehicles, just west of Lorta's collision site, with the intent of limiting Lorta's access to additional carjacking victims.

Lorta ran eastbound in the street toward a brown Lexus Sport Utility (SUV), driven by Jun Kun Park who was stopped in the number two lane in traffic. Jun's wife, Kwan Kun Park, was seated in the front passenger seat. Lorta opened Park's driver's door, pointed his gun at J. Park and ordered him to, "Go, go, go." With traffic at a standstill, Lorta abandoned his attempt to take J. Park's vehicle and continued on foot running eastbound on Via Campo Street toward another SUV. With the gun still in his hand, Lorta approached a second SUV that was in the number one lane and attempted to open the driver's door. When the driver of the SUV sped off toward the number two lane, Lorta appeared to stumble in the number two lane with a gun in his hand.¹⁸ Ojeda gave

¹⁵ CD was still in the process of ascertaining whether a passenger was in the vehicle. It was not until several minutes later, at 5:45 p.m., that Los Angeles County Sheriff's Department (LASD) Deputy Evan Wagner broadcast over Hollenbeck frequency that he was with Yarahuan and had confirmed that no one else was in her vehicle when Lorta took it.

¹⁶ There were now five units in pursuit of Lorta in addition to Melendez as incident commander.

¹⁷ This portion of Via Campo Street consists only of eastbound lanes, there are no westbound lanes.

¹⁸ Ojeda and Ramirez recalled Lorta turning counter-clockwise as the driver of the SUV accelerated eastbound away from Lorta, while all the officers present recalled that Lorta turned in a clockwise direction toward them. Ojeda described Lorta turning to his left, holding the gun in one of his hands at a 45 degree angle, but being unable to tell at that time whether Lorta was pointing the gun at any of the officers. Ramirez also described Lorta as turning to his left and turning in the direction of the officers with a gun in his hands. Uddin described Lorta as reaching for his waistband and turning to the right with the gun in his right hand immediately prior to shots being fired. O'Steen noted, "It appeared [Lorta] had a gun in his hand and he was turning towards the officers." The aerial media footage provided by KTLA depicts the best view of the shooting from the air and it appears to show Lorta running forward, away from the officers, when he is shot. It is possible that the video footage shot from the air, several hundred feet above the ground, may not accurately depict the observations made by the pursuing officers directly behind Lorta on

commands to Lorta to drop the gun and get to the ground and heard other officers giving similar commands. However, Lorta continued to run at which point Talledo, Arreola, and Verduzco fired their weapons at Lorta.¹⁹ When Lorta fell to the ground, Ojeda observed a handgun fall to the ground within arm's reach of Lorta. Ojeda quickly kicked the gun toward the south curb away from Lorta.

As Lorta was lying face down on the ground, O'Steen placed his knee on Lorta's upper back to hold him down while he was handcuffed. O'Steen then removed Lorta's left arm from underneath his body and Uddin and Gonzalez completed the handcuffing of Lorta. Because Lorta continued to struggle and kick his legs at the officers, Trejo used his body weight to hold Lorta's legs, while Griego secured Lorta's legs with a Hobble Restraint Device.

A rescue ambulance was immediately called to the scene but took approximately 10 minutes to arrive at the scene due to heavy traffic surrounding the area. Lorta was eventually transported to Los Angeles County (LAC), University of Southern California Medical Center (USCMC) where he was treated for four gunshot wounds.²⁰ Lorta also sustained a bruise on the right side of his face and a swollen lip which he stated was a result of getting his "ass kicked."²¹

Lorta was interviewed at LAC USCMC on February 10, 2015 by Detective Jose Chavez. Lorta stated that the police officers started chasing him, so he took off and tried to get away. Lorta stated he "got scared" because he was on parole for robbery and had contraband, a "BB gun", in the car. Lorta stated he did not want to get caught with the gun because it looked like a "real" .40 caliber Glock. Lorta added "I didn't want to be bothered. I didn't want to be pulled over. I just didn't want to do time period." Lorta blamed vehicles for getting in his way. Lorta also admitted that he was under the influence of methamphetamine during the incident.²² Lorta recalled being shot 4-5 times, and claimed he was shot while on the ground.²³ Lorta admitted to associating with the "Tiny Winos" gang with a moniker of "Mono."

Lorta was discharged from the hospital on February 19, 2015 into the custody of LASD. As a result of this incident, Lorta was charged with one count of carjacking, one count of felony evading, and three counts of attempted carjacking in case number BA433624. Lorta pled no contest to felony evading, a violation of Vehicle Code section 2800.2, and carjacking, a violation of Penal Code section 215(a), and was sentenced to 16 years state prison on March 17, 2016.

the ground. Similarly, the footage does not clearly show the gun in Lorta's hand, although later aerial footage clearly depicts the gun on the ground by the curb.

¹⁹ Talledo was armed with his department issued .40 caliber, Glock, Model 22 semiautomatic pistol. Fifteen rounds were in the magazine and one round was in the chamber of the pistol. The FID investigation revealed that Talledo fired one round during the OIS. Arreola was armed with his Department issued .9 millimeter, Glock, Model 17 semiautomatic pistol. The FID investigation revealed that Arreola fired 12 rounds during the OIS. Verduzco was armed with his department issued .40 caliber, Glock, Model 22 semiautomatic pistol. The FID investigation revealed that Verduzco fired four rounds during the OIS.

²⁰ Lorta sustained gunshot wounds to the mid left back, the left buttocks, and two through and through gunshot wounds to the right thigh.

²¹ Lorta did not specify who assaulted him and media aerial footage depicted officers using only bodyweight while taking Lorta into custody.

²² Lorta's blood was drawn at the hospital and a toxicology examination showed a positive result for methamphetamine.

²³ The media footage that captured the OIS did not depict any muzzle flashes from the officers' firearms. It does not appear from the media footage that Lorta was shot while on the ground as he claimed, and percipient witnesses stated in their respective interviews that officers ceased firing once Lorta fell to the ground.

Statement of Elizabeth Yarahuan

Yarahuan was stopped in her vehicle on Imperial Street headed west past the Garfield intersection when she observed that Lorta “smashed” into vehicles. Yarahuan saw Lorta run out of his car towards a white vehicle. When the white vehicle took off, Lorta began running towards her as he was taking a gun out from his waistband. When he got to her car window, Lorta pointed a black gun at her and ordered her to get out of the car as he was also trying to open her car door. In fear for her life, Yarahuan unbuckled her seat belt and ran out of the car. As Yarahuan was exiting her car, Lorta pushed her on the back trying to get her out.

Statement of Loretta Cervantes

Cervantes had exited the 60 freeway on Findlay Avenue and was driving on Via Campo Street when she looked in her rearview mirror and observed sirens and Lorta’s vehicle coming behind her. As Lorta tried to maneuver its way between Cervantes’ vehicle and the middle lane, Lorta’s car impacted her car getting wedged between her car and the middle car. Lorta parked his car, swung his door open, and started running east. As Lorta was running, Cervantes observed Lorta had a black semiautomatic gun in his left hand.²⁴ Lorta got about four car lengths past Cervantes’ car when she observed about ten police officers running east behind Lorta. The officers were coming up from different directions but they were all running towards Lorta’s direction. The officers were saying things to Lorta but Cervantes could not make out what the officers were saying. Cervantes then saw and heard the officers shooting and Lorta fell on the floor.²⁵ When the shots were fired, Lorta was still trying to run. The officers then reached Lorta and turned him over onto his back. Cervantes’ vision was then obstructed by all the officers surrounding Lorta at that time.

Statement of Francisco Avalos

About four minutes after he had exited the 60 freeway, Avalos heard a “big bomb” that sounded like a traffic accident. Avalos looked over his left hand side and observed Lorta exit a car right next to Avalos. Lorta ran east past Avalos’ car with a black gun in his left hand. Avalos became fearful of what Lorta might do. After unsuccessfully trying to open the door to an SUV that was parked in front of Avalos’ car, Lorta took off running. Police officers ran towards Lorta following him. Avalos then heard about five to seven, possibly more, shots fired but was not able to see what was going on due to the cars in front of him.

Statement of Jun Kun Park

Park was stopped in his Lexus with his wife, Kwan Jo Park, seated in the passenger’s seat when he heard a crash behind him. Suddenly, Lorta opened Park’s driver’s side door, pointed a black gun at Park’s left shoulder, and ordered him to “Go, go, go.”²⁶ This placed Park in fear for his safety.²⁷

²⁴ Initially, Cervantes expressed slight hesitancy about her observation of the gun in Lorta’s hand. Cervantes stated “I initially felt that I saw a gun in his left hand but I mean, as time is going on it’s like I can’t be sure if that’s what I saw...” However, when asked to give her best recollection on this issue, Cervantes added “If I – if I hold onto my – my first image of when I – when it all happened I said I saw him with a gun in his left hand.” She described the gun as black and semiautomatic.

²⁵ Cervantes estimated there were 10 to 15 shots.

²⁶ Park described the gun being similar to a .45 caliber handgun.

²⁷ Park’s wife, Kwan Jo Park, also became very scared upon seeing Lorta point a gun at her husband and experienced difficulty breathing as a result of the incident. K. Park was transported by ambulance following the incident for medical treatment.

About eight or ten police officers ran immediately towards Lorta and when Lorta saw that he could not get in Park's car because the officers were fast approaching, Lorta ran forward in front of Park's car. After Lorta ran forward, the signal light changed and the cars in front of Park proceeded forward. Park then saw about eight officers begin to shoot at Lorta as they were running after him, and Lorta fell to the ground.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code §835a. California law permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470, 477-484; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; *Tennessee v. Garner* (1985) 105 S.Ct. 1694. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Ceballos*, supra, 12 Cal.3d at 479. Carjacking is an inherently dangerous and heinous felony. *People v. Antoine* (1996) 48 Cal.App.4th 489, 495-496. Carjacking is a particularly serious crime that victimizes persons in vulnerable settings and, because of the nature of the taking, raises a serious potential for harm to the victim, the perpetrator and the public at large. *Id.*

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code §197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; see also, CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM NO. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death. *Scott v. Harris* (2007) 550 U.S. 372; *Plumhoff v. Rickard* (2014) 134 S.Ct. 2012, 2021. Further, if officers are justified in firing at a suspect in order to end a severe threat to public safety, they need not stop shooting until the threat has ended. *Plumhoff* at 2022.

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers 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. Connor* (1989) 490 U.S. 386, 396-398.

The evidence examined in this investigation shows that Lorta drove in wanton disregard for public safety when he deliberately evaded officers in his car for fear of going back to prison. Lorta consciously and deliberately endangered the lives of innocent motorists and pedestrians when he engaged officers in a high speed pursuit that, miraculously, only resulted in serious injury to Lorta

and no other innocent persons. Because he was in possession of an air soft pistol, which looked identical to a .40 caliber Glock gun (by Lorta's own admission), Lorta, a parolee, decided to flee from officers for fear of getting arrested and sent back to prison. Lorta then engaged officers in a high speed vehicle chase that spanned 34 minutes and traveled through several cities. Along the way, Lorta drove his car at speeds reaching 70 to 80 miles per hour, drove at an excessive speed on residential streets, disregarded traffic signals and posted stop signs, drove on opposing lanes of traffic, and caused six separate traffic collisions.

The evidence examined further shows that the officers in this case, concerned by the threat Lorta posed to the public by his manner of driving, at one point temporarily ceased the pursuit and were simply tracking Lorta, following Lorta at a distance, in an attempt to have him slow down. Nonetheless, Lorta's was undeterred. When he subsequently struck a vehicle so violently that his own car was disabled, Lorta escalated his criminal behavior by carjacking an innocent motorist, Yarahuan, at gunpoint. After that, Lorta resumed his reckless and dangerous evasion in Yarahuan's car. When he finally collided into two motorists and became wedged between their cars, Lorta fled from the car, with his gun in hand, and attempted to carjack two other motorists at gunpoint before finally being stopped by police gunfire. Neither the officers in pursuit of Lorta, nor the public at large, had any reason to believe that Lorta's gun was anything but a real gun.

The use of deadly force in this case was lawfully justified on several grounds. By the time the officers drew their weapons at Via Campo Street, Lorta had committed two felonies, felony evading and, a violent felony, a carjacking at gunpoint, wherein he had put innocent lives at great risk of death or serious bodily injury. Hence, Officers Talledo, Arreola, and Verduzco were justified in using deadly force to apprehend Lorta as he had committed an armed carjacking, a forcible and violent felony which threatened death or serious bodily injury. Just as in *Plumhoff*, under the circumstances at the moment when the shots were fired – with Lorta attempting to carjack another motorist immediately prior to being shot, a reasonable police officer would conclude that Lorta was intent on resuming his flight and that, if he was allowed to do so, he would once again pose a deadly threat for others on the road.²⁸ Furthermore, at the time Officers Talledo, Arreola, and Verduzco fired their service weapons at Lorta, Lorta was armed with what appeared to be a real gun and placed the officers in immediate fear of being shot by Lorta. The evidence is clear that Lorta not only posed an immediate threat to the officers, but posed an ongoing threat to the public.

CONCLUSION

We conclude that Officers Ricardo Verduzco, Sergio Arreola, and Jorge Talledo were placed in reasonable fear of imminent danger of death or great bodily injury and acted lawfully in self-defense and defense of others when they discharged their service weapons. They were also justified in their use of deadly force in order to stop a violent fleeing felon. We are therefore closing our file and will take no further action in this matter.

²⁸ *Plumhoff* at 2022.