

**Fatal Officer Involved Shooting of  
Marquintan Sandlin and Kisha Michael  
Inglewood Police Department**

**Officer Richard Parcella, #992**

**Officer Andrew Cohen, #979**

**Officer Sean Reidy, #987**

**Officer Michael Jaen, #975**

**Officer Jason Cantrell, #993**

**J.S.I.D. File #16-0074**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**March 31, 2022**

## MEMORANDUM

TO: CHIEF MARK FRONTEROTTA  
Inglewood Police Department  
1 Manchester Boulevard  
Inglewood, California 90301

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

SUBJECT: Fatal Officer Involved Shooting of Marquintan Sandlin and Kisha Michael  
J.S.I.D. File #16-0074  
I.P.D. File #2016-13333

DATE: March 31, 2022

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the February 21, 2016, fatal shooting of Marquintan Sandlin and Kisha Michael by Inglewood Police Department (IPD) Officers Jason Cantrell, Sean Reidy, Andrew Cohen, Michael Jaen, and Richard Parcella. We have concluded that there is insufficient evidence to prove beyond a reasonable doubt that the officers' use of deadly force was unlawful.

The District Attorney's Command Center was notified of this shooting on February 21, 2016, at approximately 5:49 a.m. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shootings and a walk-through of the scene by IPD Captain Mark Fried.

The following analysis is based in part on investigative reports, recorded interviews, 9-1-1 calls, radio and dispatch communications, crime scene diagrams and sketches, photographic evidence, witness statements, firearms analysis reports, autopsy reports and voluntary statements of the involved officers submitted to this office by IPD Detective Jack Aranda.<sup>1</sup>

The investigation received by this office from IPD was incomplete. In order to determine whether any of the officers bore criminal liability for their actions, this office sought and obtained: IPD personnel files for the involved personnel; additional firearms and forensic analysis from criminalists employed by the Los Angeles County Sheriff's Department (LASD); review and correction of errors in one of the coroner's reports by supervising medical examiners; review of photographic evidence by investigators from the Los Angeles County District Attorney's Office (LADA) Bureau of Investigation (BOI) in an effort to locate physical evidence

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<sup>1</sup> IPD detectives canvassed the area for eyewitnesses and security camera video from nearby businesses. The only non-officer witnesses they located heard but did not witness the officer-involved-shootings. None of the surveillance video obtained from nearby businesses captured the officer-involved-shootings. At the time of this incident, there were no city-installed security cameras at the location. None of the involved officers were equipped with body worn video. None of the police vehicles were equipped with dashboard cameras.

depicted in the photographs that was not recovered at the scene; additional examination by LASD criminalists of the involved vehicle and decedents' clothing for ballistics evidence; and three scene reconstructions with surface and drone photography, videography, and LIDAR scanning to develop 3-D CAD modeling and automation of positions and trajectories.

The trajectories and sequence of events described in this memorandum rely on the audio recordings, physical evidence, photographs and expert opinions rendered by criminalists as well as the statements of officers present during the incident.

Upon completion of these investigative steps and a thorough review of all available evidence, we have determined that there is insufficient evidence to prove beyond a reasonable doubt that the use of force was not done in lawful self-defense and the defense of others.

## **FACTUAL ANALYSIS**

### **Introduction**

On February 21, 2016, just after 3:00 a.m., Eduardo C. called 9-1-1 and reported a Chevy Malibu was stopped in traffic lanes near the intersection of Manchester and Inglewood Boulevards with two people sleeping or unconscious in the front seats. Eduardo C. stated the female passenger, later identified as Kisha Michael, had a gun in her lap. IPD Officers Richard Parcella and Sean Reidy responded to the location and approached the Malibu. The Malibu's doors were locked with the windows up, and the officers observed a handgun on Michael's lap. Due to the position of the gun, they could see that a magazine was inserted, indicating the weapon was loaded.

Additional units arrived at the location and placed their vehicles both in front of and behind the Malibu to prevent the driver, later identified as Marquintan Sandlin, from fleeing should he regain consciousness. Additional units were also deployed behind the Malibu in a high-risk stop formation.

A Los Angeles Police Department (LAPD) helicopter provided air support and additional illumination. Officers attempted to rouse the couple for over forty minutes using spotlights, illuminated light bars, sirens, an air horn and by nudging the car's back bumper with a police vehicle parked to its rear. All attempts proved unsuccessful.

IPD sergeants requested a Bearcat armored vehicle to provide a working public address (PA) system, additional lighting, and tactical elevation. Officers were assigned roles to either give chase should the driver attempt to flee in the vehicle or as lethal cover.<sup>2</sup> Those officers assigned as lethal cover took positions behind the open doors of the patrol vehicles arrayed to the rear of the Malibu, behind a concrete bench near the Malibu, and in the turret of the Bearcat. Sergeant Cesar Jurado made announcements over the PA in an effort to wake Sandlin and Michael. Jurado announced IPD's presence and instructed, "Driver, do not move. Roll the windows of the vehicle down." After several minutes, Sandlin appeared to wake up and began moving his head and lowering the rear windows of the Malibu.

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<sup>2</sup> "Lethal cover" refers to officers being strategically positioned and armed to respond to a deadly threat.

Contrary to instructions, Sandlin drove the Malibu forward, striking the patrol vehicle in front of him. Sandlin then reversed, striking the Bearcat behind him. Sandlin drove forward again before coming to a stop.<sup>3</sup> Multiple officers stated Sandlin leaned to his right and reached towards Michael's lap, where they had observed the gun. In response, Officer Parcella, who was positioned in a parking lot to the rear of the Malibu on the passenger side, fired two shotgun rounds, hitting Sandlin on the left and right sides of his head as well as his right arm.

Several seconds after Parcella fired his weapon, the front passenger door of the Malibu opened. Multiple officers ordered Michael not to reach for the gun. Seeing movement, several officers yelled that Michael was reaching for the weapon. Parcella fired another two rounds. His partner, Officer Reidy, positioned behind the bench, discharged his rifle. Officer Cohen, positioned in the Bearcat, also fired, as did Officers Michael Jaen and Cantrell from the patrol vehicles flanking the Bearcat. Michael was struck by rounds from Parcella, Reidy, and Cohen in the head, right arm, torso, and legs. The gun in her lap was also struck by a round.

The firearm was retrieved from the vehicle and paramedics rendered aid to Sandlin and Michael. Michael's injuries were rapidly fatal, and she was pronounced dead at the scene. Sandlin expired shortly after being transported to UCLA Hospital.

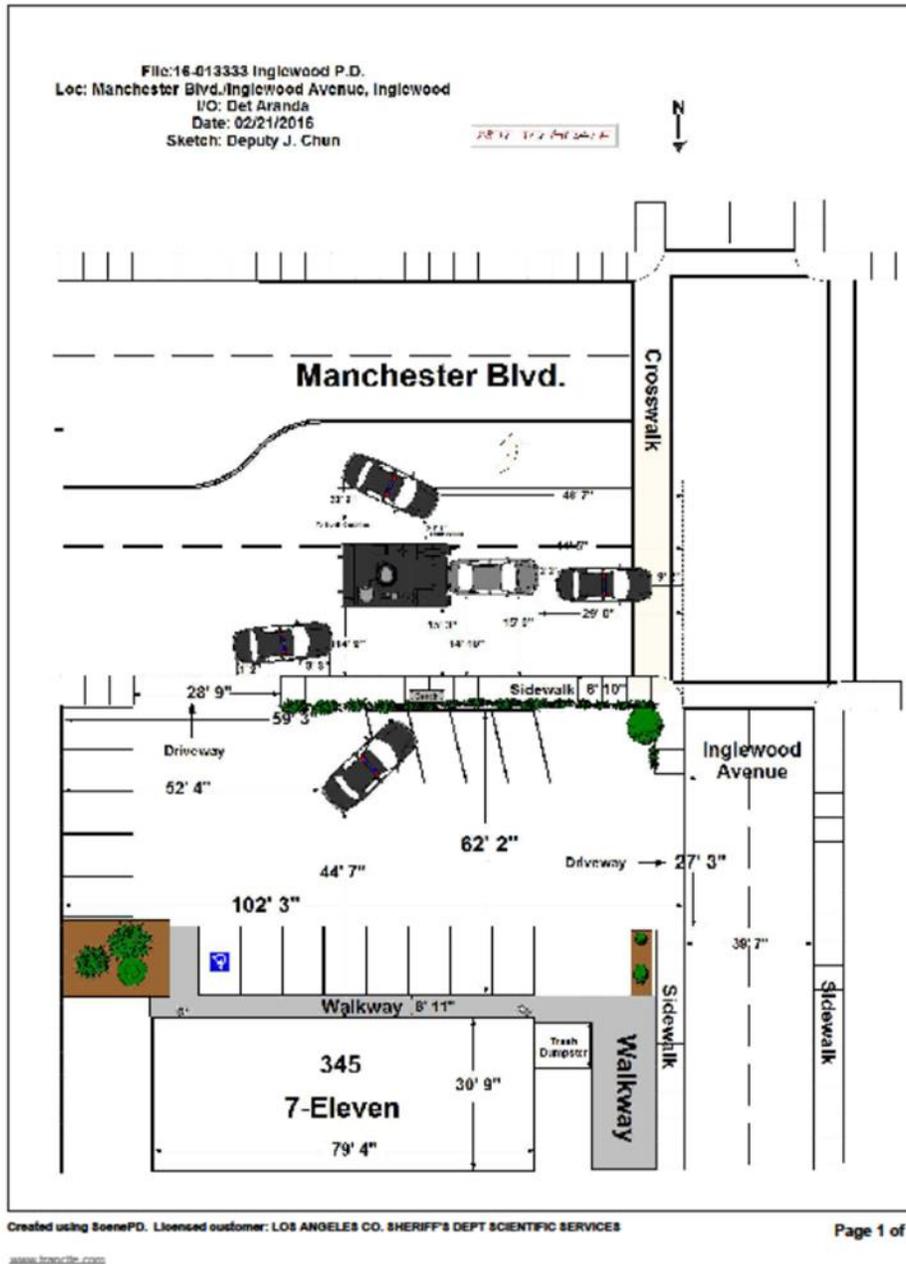
### **Location of Occurrence**

Manchester Boulevard is an east-west commercial street in the City of Inglewood. A 7-Eleven convenience store, set back behind a small parking lot bordered by a low hedge, is located at the northeast corner of the intersection of Inglewood Avenue and Manchester Boulevard. The 7-Eleven is open 24 hours and sheds light from its windows, parking lot lighting standard, and illuminated sign. A streetlight on the northeast corner also illuminates the intersection. On the sidewalk in front of the hedge, just east of the crosswalk, are a bus bench and trash can, both formed of concrete.

Across from the 7-Eleven, on the south side of Manchester Boulevard, is a Carl's Jr. restaurant. It is also open 24 hours but provides less light than the 7-Eleven. Additional businesses on the north and south corners on the west side of Inglewood Avenue also provide some ambient lighting. The night in question was clear, with a full moon.

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<sup>3</sup> Sandlin's vehicle rolled back again at some point during the incident, resulting in the rear of the Malibu ultimately resting in contact with the Bearcat.



### IPD Dispatch and Radio Calls

On February 21, 2016, at 3:09:43 a.m., Eduardo C. called 9-1-1 to say he saw a person in a car who was not moving. Despite a language barrier, he was able to communicate to IPD dispatch that the car was a grey Chevrolet Malibu and that it was stopped near Eucalyptus Avenue and Manchester Boulevard. He called back one minute later to say that he looked in the window and “the lady in the side has one gun... on the leg.”

In subsequent radio and dispatch traffic, Reidy and Parcella can be heard updating dispatch with the correct location of Inglewood Avenue and Manchester Boulevard, and confirming there was a gun in the car. Sergeant Cilia Islas acknowledged the call stating she was en route less than a minute behind Reidy and Parcella. Within minutes on the scene, the first unit broadcast that a male and a female were unconscious in the car with a gun. Islas radioed the license plate and was advised Sandlin was the registered owner. Islas confirmed over the recorded line that there was a gun in the vehicle and requested additional units. Responses came from units including Steve Jaen and Cohen, and Michael Jaen and Cantrell.<sup>4</sup> A few minutes later Jurado provided a description of the two occupants, noting the location of the gun in Michael's lap and the fact that the doors of the vehicle were locked.

Dispatch recordings occurring between 3:20 a.m. and 4:00 a.m. document:

- Requests for traffic control of the surrounding area;
- A request for an LAPD airship, which was acknowledged and granted;
- The sounds of sirens and a report that despite repeated use of lights and sirens, the occupants were not waking;
- An inquiry to airship personnel asking whether they had a siren or PA system louder than the resources in use on the ground and a negative response from the airship;
- A report that a second attempt to wake the car occupants with lights and sirens was unsuccessful;
- A request for Hawthorne Police Department (HPD) to bring a Bearcat to the scene.

At approximately 4:00 a.m., Jurado radioed instructions for Parcella and Islas to move two patrol vehicles to create space to position the Bearcat directly behind the Malibu. He requested Reidy notify him when the Bearcat was a foot away from the rear bumper of the Malibu.

Between 4:03 and 4:05 a.m., Islas reported that announcements were being made and the occupants were non-responsive. Between 4:07 and 4:09 a.m. she radioed:

- The driver was now alert;
- The vehicle was going in reverse and the driver was not complying;<sup>5</sup>
- "Shots fired. Officer-involved shooting";
- "Units hold your positions";<sup>6</sup>
- "Additional shots have been fired. Officer-involved shooting;"
- The driver was "still moving";

At 4:07:46 a.m., the first 9-1-1 call of a citizen reporting hearing shots fired in the area was received. No callers reported having witnessed the shooting.

Between 4:10 a.m. and 4:12 a.m., multiple officers broadcast seeing movement in the Malibu, followed by reports of no additional movement. Jurado asked Reidy what he could see, and Reidy replied the passenger door was open and Michael's hands were near, but not on, the gun.

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<sup>4</sup> Since two officers with the same last name were involved in this incident, they will be referred to by their full names, for clarity.

<sup>5</sup> Jurado interjected here and warned units to be ready for a pursuit in case Sandlin got the car out from between the police vehicles.

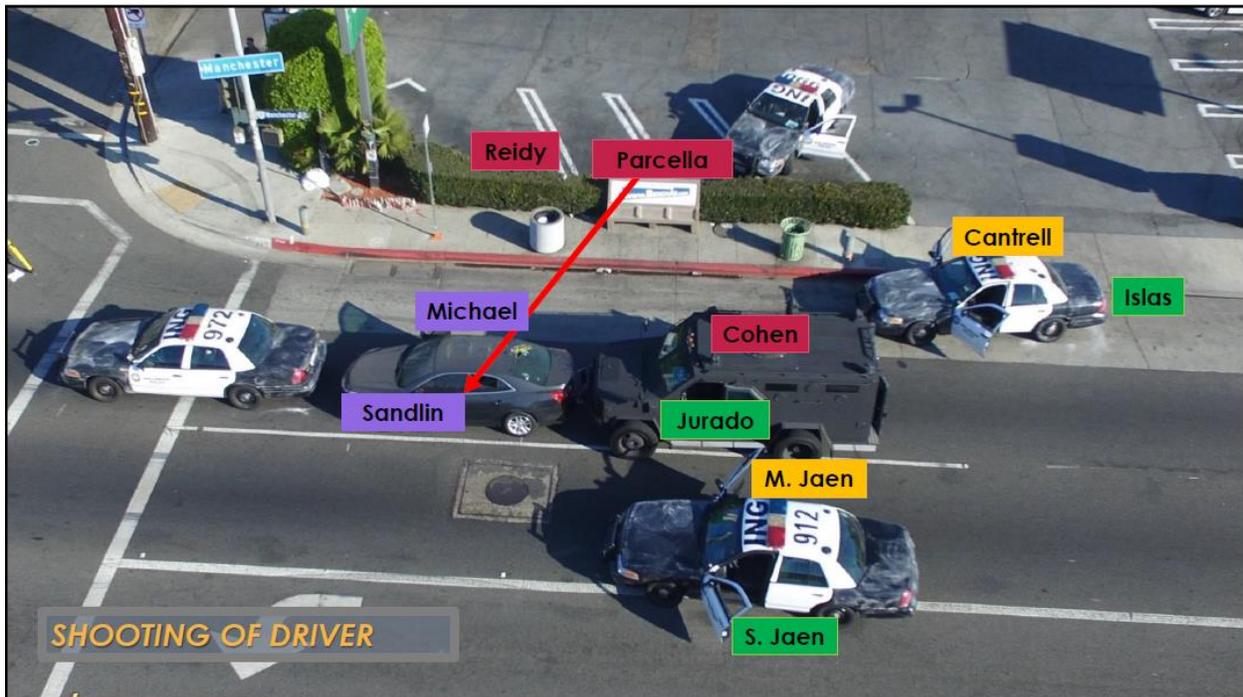
<sup>6</sup> This was a cancellation by Islas of a call from dispatch for all units to respond.

Jurado directed Parcella and Cohen to come with him and they removed the gun from Michael's lap.

At 4:12 a.m., announcements on the radio document Sandlin being moved from the car and medical personnel treating both Sandlin and Michael.

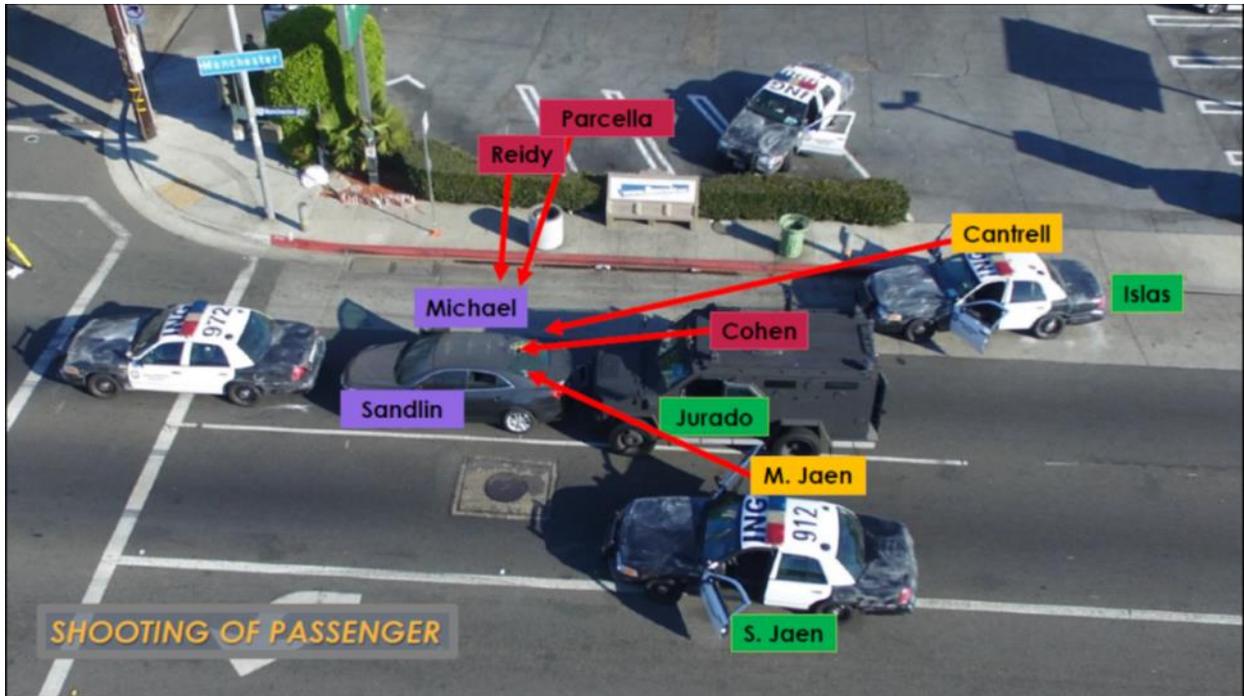
### **Locations of Vehicles and Involved Individuals During Incident**

A walk through of the crime scene to document the officers' locations during the incident was not conducted with the involved or witnessing officers. The locations of the Malibu, the patrol vehicles, and the Bearcat were documented and measured prior to their removal from the scene.<sup>7</sup> The relative positions of the officers, vehicles and firearms during the incident were determined using photographs of the location and vehicles taken shortly after the incident; radio and dispatch communications; measurements taken at the location; analyzed evidence collected from the scene and autopsies; and statements by the involved and witnessing officers. These locations are documented in the photographs below.<sup>8</sup>



<sup>7</sup> Supervising Criminalist Manuel Munoz examined, diagramed and photographed the scene and the interior and exterior of the Chevrolet Malibu; inserted trajectory rods through bullet holes in the vehicle; searched for and collected all accessible fired bullets, buckshot pellets, shotgun slugs, ejected cases, and shotgun cartridges and wads; collected and examined all firearms used at or recovered from the scene; and reviewed the autopsy reports.

<sup>8</sup> Based on contemporaneous radio transmissions, Sandlin's car was likely between 12 to 26 inches away from the bumper of the Bearcat prior to Sandlin waking up, but came to rest against the bumper of the Bearcat.



Officers were armed with the following department-issued service weapons during this incident: Parcella and Michael Jaen—Remington 870, pump action shotguns; Reidy and Cohen—Colt AR15 semiautomatic rifles; Cantrell and Steven Jaen—Glock, semiautomatic pistols.

The weapon recovered from the Malibu was determined to be a Smith & Wesson model 908, 9mm Luger caliber, semiautomatic pistol. Fresh bloodstains were observed on the weapon as well as apparent ballistic damage to both sides of the grip.<sup>9</sup> Due to the damage, the magazine had to be forcefully extracted. When extracted, the magazine was loaded with seven 9mm Luger caliber bullets.

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<sup>9</sup> Subsequent DNA testing of swabs taken from the bloodstains determined the DNA profile of the major contributor to the samples was consistent with Michael's profile, with a random match probability of one out of  $1.2 \times 10^{30}$ .



*Firearm retrieved from the Malibu*

The initial 9-1-1 call, radio communications, autopsy report, damage to the gun, bloodstain location and DNA testing are all consistent with the gun having been between Michael's legs at the time the officers fired their weapons.

### **Witness statements describing events prior to the OIS**

Involved officers and supervising personnel described their observations in voluntary interviews. When IPD Detective Jack Aranda first reported to the station to locate these witnesses, he discovered Islas sitting outside a closed door and the involved officers all sequestered together in a single room, with no other monitor.<sup>10</sup> Aranda advised Islas that protocol required each officer be sequestered separately. Islas opened the door, had the officers exit, and walked them down a hallway. Aranda left the location and returned later to interview witnesses. Only Islas and Jurado were interviewed on February 21, 2016.<sup>11</sup> Attorney Stephen Welch represented both Islas and Jurado and was present for both interviews.

Aranda interviewed Steven Jaen on February 26, 2016. His attorney, Andrew Dawson, was present for the interview. Dawson was also present for the interviews of all the other involved officers, which were conducted by IPD Detectives De La Torre and Salmon on the same date.

A review of the personnel files of these officers disclosed that Parcella and Cantrell had been working for IPD for just over a year at the time of the incident. The other officers had worked for IPD for between two and four years. All the involved officers were dressed in standard IPD patrol uniforms and arrived at the location in marked black-and-white patrol vehicles.

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<sup>10</sup> Islas and the officers were not asked how long they were in the room.

<sup>11</sup> The other officers were sequestered by Islas, per Aranda's instructions.

## **Initial observations of IPD responders<sup>12</sup>**

At approximately 3:10 a.m. on February 21, 2016, Parcella and his partner, Reidy, received information over the radio and via their mobile data transmitter (MDT) regarding two people, possibly unconscious, in a vehicle located at Manchester Boulevard and Eucalyptus Avenue. Parcella drove westbound on Manchester Boulevard to that location. The officers did not see the vehicle there. Further west, at the intersection of Inglewood Boulevard, they found a Chevy Malibu facing westbound in the number two lane, stopped at a green light. Parcella stopped their patrol vehicle to the rear of the Malibu. Reidy saw the brake lights on the Malibu were illuminated and observed 12 to 15 people gathered on the street corner near the vehicle.<sup>13</sup> As the officers exited their car, an individual approached Reidy and said there was a person inside the Malibu. This individual believed the person in the car was dead, and warned the officers that “she had a gun.”<sup>14</sup>

Islas followed the first unit to the location and parked her patrol car behind the Malibu to Parcella’s right, “like a high-risk stop.” As Islas exited her vehicle, she radioed the license plate of the Malibu for dispatch to run the registration.

Parcella and Reidy approached the Malibu, illuminating it with their vehicle’s spotlight and a flashlight. They could see into the vehicle even though the windows to the Malibu were up and tinted. The trunk and all the vehicle doors were locked. They could see Sandlin in the driver’s seat and Michael next to him in the front passenger seat. Both appeared to be breathing but did not respond as officers knocked on the windows and shined their flashlights on them.

As Islas approached, Parcella and Reidy saw a handgun between Michael’s legs pointing westbound. Parcella believed the gun was a semiautomatic handgun. Because the grip was facing up, Reidy could see a magazine was inserted into the well of the firearm.

The officers advised Islas about the gun. Islas broadcast over the radio that Michael had a gun in her lap. Islas believed the occupants were intoxicated and had passed out while driving. Islas told the officers to stop knocking on the windows, then repositioned her vehicle to the front of the Malibu “in case they try and flee.”

Islas returned to the officers with her ballistic shield, which all three used for cover as Islas radioed for additional units. Parcella knocked a few more times on the window of the Malibu but there was no response from either occupant. Parcella kept his attention on the occupants of the Malibu while he and Reidy ordered the group of people near the 7-Eleven parking lot to get back.

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<sup>12</sup> IPD personnel were on scene for over 40 minutes before Sandlin and Michael awoke. Initial observations by each witness were substantially similar with small variations. These observations are summarized here with individual variations or inconsistencies noted where applicable.

<sup>13</sup> Parcella described these individuals as screaming, “We saw the gun! We saw the gun!” from the sidewalk in front of the 7-Eleven. Once Parcella confirmed the presence of a gun, he and Reidy told the crowd to “stay the f back” while “fixating” on the occupants of the car.

<sup>14</sup> Investigators did not identify or interview this individual or any of the individuals Reidy described as congregating near the vehicle. No further information about these individuals was provided in the interview.

Cohen and his partner, Steven Jaen, heard the initial call and updates referring to a gun in the car. They responded to Islas' request for backup. Steven Jaen parked their patrol car to the left of the vehicle parked directly behind the Malibu. Steven Jaen left their patrol car's headlights, light bar, and spotlights illuminated. A fire engine and paramedics were deployed nearby to render aid to Sandlin and Michael if necessary once officers rendered the scene safe.

After observing the vehicle, its occupants and the weapon, Steven Jaen and Cohen spoke with Islas, Parcella and Reidy to form a plan to retrieve the gun. The use of a beanbag shotgun was discussed, but dismissed by Islas who indicated, "No, I don't want to instigate a shooting." Fearing Michael might react to a loud pop by firing her gun, Islas "slowed things down," leaving some cars set up like a high-risk stop, and having officers begin to clear the area and establishing a perimeter.

Jurado arrived, was briefed and assumed command of the scene. Jurado did not believe removing the gun while Sandlin and Michael slept was a viable option since the doors were locked and the windows were up. Jurado repositioned the officers further from the Malibu to avoid their proximity causing Michael to suddenly awaken and reach for the gun.

After the officers repositioned their respective patrol vehicles, Reidy removed an AR-15 rifle from his vehicle. After five to 15 minutes, Reidy changed his location, and positioned himself in the 7-Eleven parking lot behind a bus bench. He was "directly perpendicular to" or at "the 3 o'clock position" from the Malibu. From that location, Reidy could see Sandlin and Michael still appeared to be sleeping.<sup>15</sup> He activated the weapon light on his rifle which helped illuminate the vehicle.

Cohen went to the trunk of his patrol vehicle and retrieved his ballistic helmet and ballistic vest which he put on before returning to his position.

Cantrell and his partner, Michael Jaen, arrived at the location and were briefed on the situation. Michael Jaen noted the Malibu was in drive and the engine was running. Michael Jaen could see the gun and described Michael as slouched toward the passenger door with her hands off to her side. He was unsure if her hands were positioned on her legs or down to her side. Sandlin was sitting more upright with his hands down and appeared to be sleeping.

Jurado discussed different options with the officers, including potential use of a bean bag shotgun, breaking the car window and the use of a pepper ball.<sup>16</sup> None of these options were deemed viable due to concerns that any such actions could result in Michael or Sandlin firing the gun.

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<sup>15</sup> During his interview, De la Torre showed Reidy a photo depicting both the Malibu and the bus bench taken after the OIS. Reidy said, "the vehicle is further back" in this photo than it was when he first took up his position in the 7-Eleven parking lot. This statement is consistent with witness statements that Sandlin moved the Malibu just prior to the OIS and it subsequently came to rest against the bumper of the Bearcat.

<sup>16</sup> A "pepper ball" is a less-than-lethal projectile filled with pepper spray and launched from a device similar to a pistol. It is designed to create a 12-foot cloud of an irritant that affects the eyes, nose and throat.

Jurado conferred with his Watch Commander, Lieutenant Greg Held, telephonically. Afterward, Jurado advised Islas they were going to take cover and try to wake up the occupants.

After assigning each officer a position with cover, Jurado told Parcella (who was in the driver's seat of the patrol car immediately behind the Malibu), to inch his patrol car closer to the Malibu and use the lights and sirens to try to wake the occupants. Parcella did so, but it had no effect on Sandlin and Michael.

An LAPD airship with a spotlight arrived and began circling overhead. The occupants of the car did not respond to the additional lights and noise. Jurado requested the Bearcat respond to the location. Jurado again spoke to Held. They discussed having SWAT deploy but no SWAT unit ever arrived.

Jurado instructed Parcella to use his patrol car's crash bumper to slightly nudge the Malibu and attempt to wake the occupants. Parcella did so three to five times. Despite using lights, sirens, and an air horn while rocking the Malibu slightly, no movement was observed inside the Malibu.

Islas heard Jurado radio the airship to ask if they had any louder mechanism that could possibly wake the occupants. The airship responded they had "the same tools you have."<sup>17</sup>

HPD officers arrived with the Bearcat at approximately 4:00 a.m. Jurado ordered Parcella and Islas to reposition two of the patrol cars to make space for the Bearcat to be parked directly behind the Malibu. Jurado assigned Cohen to take the turret of the Bearcat while Jurado took a position in the driver's seat of the Bearcat. Cohen opened, rotated, and locked the turret hatch to the rear so that he could look out towards the back of the Malibu. Jurado moved the Bearcat into position directly behind the Malibu and Cohen turned on the Bearcat's spotlights.

Parcella moved his patrol vehicle to the 7-Eleven parking lot and parked it facing south, with its lights angled toward the Malibu. Parcella exited his vehicle with his Remington shotgun and took a position of cover behind the hedge and the bus bench along with his partner, Reidy, who was west of him. As Parcella approached the bus bench, he chambered a buckshot round. He kept the shotgun slung and at low ready. Parcella believed, "The plan was being formulated on what's going to happen and we were just kind of waiting... until someone told me what's happening next," so he covered the Malibu "in case the occupants w[o]ke up."

## **Witness Statements**

### **Officer Richard Parcella**

After Parcella positioned himself at the bus bench, he saw Sandlin begin to move his head to the left and right. Parcella also saw Sandlin's hands move in front of his face and said, "I see him moving." Other officers echoed his words, and Jurado issued multiple commands to Sandlin from inside the Bearcat. Jurado said, "Driver, do not move! Roll the windows of the vehicle

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<sup>17</sup> LAPD Tactical Flight Officer Mark Burdine was interviewed by Aranda and corroborated this request and response. He also confirmed that through binoculars and with the spotlight from the airship directed at the Malibu, he could see a male driver and female passenger slumped in the front seats.

down.”<sup>18</sup> The rear windows rolled down, which gave Parcella a clear view into the vehicle.<sup>19</sup> Michael had not moved. Jurado announced, “We know there is a gun in the car. Do not reach for that gun!” Parcella was also issuing commands “as loud as I could,” such as, “Do not move! Keep your hands where we can see them!”

The Malibu moved forward and bumped the patrol vehicle in front of it, reversed and collided with the Bearcat, then moved forward again. Parcella repositioned himself as the vehicle moved to maintain his view through the open rear passenger side window. Parcella continued yelling, “Do not move!” and “Keep your hands where we can see them!” Parcella could see Sandlin had his hands in front of him as he scanned left and right. Parcella was shining the light mounted on his shotgun at Sandlin and perceived Sandlin turning to look in Parcella’s direction.<sup>20</sup> Parcella believed Sandlin heard him because he turned in Parcella’s direction as Parcella yelled, “Keep your fucking hands where I can see them... Do not move!” Sandlin moved his head around a little to the left as he moved his arms from out in front of him and “dropped them.” Parcella interpreted the movement to mean that Sandlin “was not complying with any commands that I was giving. In my mind he was assessing what move to make... My mind was on high alert because he had continuously refused our commands and the next thing I saw was him move his upper torso towards the center console and I saw his arm go down, across the console, towards the crotch of the female.” Parcella yelled, “He’s moving!” or “He’s going for it!” Parcella believed that Sandlin was reaching for the gun. Parcella yelled, “Don’t move!” but Sandlin continued his movement. Parcella fired one round of buckshot at Sandlin. As Parcella took a tactical pause, he could see “the shoulder of his right arm” and it seemed Sandlin “was still going for that gun.” In response, Parcella fired a second round. Parcella fired each of the rounds because he was scared for himself and for his partners, perceiving the movement towards the gun in Michael’s lap as a threat to them. Upon taking a second tactical pause, Parcella saw that Sandlin had stopped moving toward the gun and felt the threat had been “neutralized, for now.” Sandlin had fallen to his right, towards Michael.

Parcella was unable to see Michael while discharging two rounds at Sandlin because his view of her was blocked by the passenger seat. Parcella and Jurado each issued multiple commands to Michael to show her hands. Parcella told investigators, “I think [Jurado] even said ‘Please, please do not go for that gun’ over the PA.” Parcella was screaming, “Don’t move!” and “Keep your hands in the air!” After a few seconds, the passenger door opened all the way.

Parcella believed Michael must have opened the door. This action allowed Parcella to see the interior of the vehicle.<sup>21</sup> Parcella called out, “Door is open! Passenger door is open.” Parcella and Reidy confirmed they could both see Michael. Parcella continued to issue commands for her to keep her hands up and not to move. Michael’s hands were out in front of her, not in her lap. Parcella believed Michael heard him because her head moved in his direction. Parcella was also

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<sup>18</sup> Parcella told investigators he heard Jurado tell Sandlin to roll down the windows. Jurado’s statement was unclear regarding whether or not his announcement included rolling down the windows.

<sup>19</sup> Parcella could see the rear passenger window roll down and believed the rear driver’s side window went down as well.

<sup>20</sup> Parcella did not see the front of Sandlin’s face because he did not turn “all the way around.”

<sup>21</sup> Parcella described seeing the interior of the vehicle and Michael after the front passenger door swung open whereas previously, she was partially obscured by both the door and her seat. This change in view is consistent with the car rolling backwards after Parcella fired on Sandlin.

“trying to give a play by play to the other officers,” because he believed he had the best view of Michael.

Parcella saw Michael’s hands drop to her lap towards the gun and yelled out, “Her hands are dropping! Her hands are dropping! Her hands are in her lap!” before firing his shotgun at Michael. Michael continued moving her hand “toward her crotch,” so he fired again. Parcella believed other officers, including Reidy, fired at the same time. Parcella asked Reidy to give him cover while he reloaded, placing four slugs from the side saddle in the magazine and one in the chamber. Once his gun was reloaded, he saw that Michael was no longer moving and did not fire again.

### **Officer Cohen**

Cohen estimated that the front of the Bearcat was initially positioned approximately six feet behind the Malibu. From his position inside the turret he had “a clear view of the driver, the passenger, the center console, the shifter, in terms of the gear selector. And I can even see towards the—at the front dash and inside the rear passenger compartment.” He could “see the top of the driver’s head, his face is out to the side... I saw parts of his face,” although he could not recall to which side his face was turned as he lay sleeping. He could not see Sandlin’s hands initially. Cohen could see the back of Michael’s “left arm, and her upper body, shoulders, and head.” Cohen was unable to see Michael’s hands.

Jurado began making announcements over the PA system, essentially asking the occupants of the vehicle to “just try and wake up.” Jurado turned on the Bearcat’s lights and sirens and then turned them off. Shortly after that, Cohen started hearing the officers to his right announce, “Hey, we got movement! We got movement!” Cohen was able to see movement by both Sandlin and Michael. Focusing on Sandlin, Cohen saw him turning and looking around. Cohen could not see the windows from his location but heard “one of the officers say that the back windows are going down.” Cohen saw Sandlin’s right hand go towards the gear selector, located in front of the center console. Cohen perceived, “It was as though he let his foot off the brake.” The Malibu collided with the patrol vehicle parked directly in front of it. Cohen saw that Sandlin “still has his hand on the shifter,” and observed “him move it forward, and then I see the rear—the rear—the car goes in reverse. I see the rear lights—reverse lights go on,” as Sandlin backed up and rammed into the Bearcat.

Jurado responded to this movement by making announcements over the PA system in a tone Cohen had “never heard... come out of him at all. He was almost pleading and begging for the occupants inside this car to, ‘Stop the car. Please stop the car. Put the car in park. Please stop. We know that there’s a gun in the car. Please put the car in park. Please put your hands up.’ Just anything—he was just begging for them to just stop and show us their hands.”

Cohen was focused on Sandlin while the car was moving and did not see what, if anything, Michael was doing. He felt “threatened by both of them” since the gun was in Michael’s lap and readily available to both her and Sandlin. Cohen focused his attention on Sandlin because he was moving with his hand on the shifter near the gun.

The Malibu moved forward again, pulling away from the Bearcat, before it stopped moving.

Cohen saw “both the man and the woman raise their upper bodies,” almost as if their hands were raised.<sup>22</sup> Sandlin took his hand off the gear shift. Cohen scanned his attention back and forth between both occupants, knowing that Michael had a gun and that Sandlin could also be armed with a weapon that was not visible when officers initially looked into the car. Cohen focused on Sandlin because his movements at that point were more distinct and he “had to trust that the officers that were over on the right side are paying attention to the female.”

Cohen saw Sandlin distinctly “make a big movement to look to his left, but then he looks towards his right.” Knowing the officers had said he had rolled down the back windows, Cohen believed Sandlin was scanning to determine the positions of the officers. Jurado was issuing commands over the PA and Cohen heard other officers issuing orders as well. He recognized Parcella’s voice coming from the right where Reidy and Parcella were positioned. Sandlin appeared to “just [take] a deep breath” as his shoulders and arms went up and seemed poised “like he was gonna be like, ‘Alright, this is it.’” Cohen felt Sandlin had ascertained the positions of the officers and sensed that “something was going to happen with him.” Next, Cohen saw Sandlin’s “arms go down. And then his right hand goes past the center console where the shifter is and then goes right over to the female’s lap where I saw that the gun was located. At this time, I didn’t fire.<sup>23</sup> I know an officer to the right of me, positioned to the right of me, said, ‘He’s got the gun!’ and then I know-- I believe I heard two shots.” Cohen believed Sandlin was struck by gunfire because Cohen “saw the driver forcefully move over to the driver’s side of the vehicle” and then return to slouch partially onto the center console. At this point, Sandlin’s right hand was visible to Cohen because “it wasn’t lying flat.” Cohen was not sure if Sandlin’s hand was propped up by the center console or something else. Sandlin was clearly significantly impacted by the shots but seemed to be breathing and moving slightly.

After Parcella fired his weapon, Cohen noted that Sandlin was still breathing. He then observed, “The passenger door just flew open, like real fast.” Cohen could hear the officers to his right saying, “Door’s open! Door’s open! Let me see your hands!... Show me your hands! Get your hands away from the gun!” It sounded like Parcella was telling Michael to keep her hands up. Cohen then heard Parcella say, “Don’t go for the gun!” just as “her upper body and her arms kind of came back down.” Cohen heard more voices saying, “Do not go for the gun!”

Cohen focused for a moment on Sandlin, who he considered to still be a potential threat, and saw his right hand that had been “kind of up” suddenly “go over once more, lean over into her lap.” At the same time, Michael lowered her arms and hands “down to where I could tell where the gun was at, from what I saw, and then hearing the picture being painted to me by the officers on the right-hand side, I felt that either or both were going for the gun and I was in fear.”

Cohen could see that Michael’s arms and upper body dropped fairly quickly at the same time as Sandlin’s right hand reached toward the area of her lower body. The officers were narrating that

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<sup>22</sup> When asked to clarify, Cohen stated that their arms were raised but he lost “sight of the hands.” This description is consistent with Sandlin and Michael raising their arms far enough that the roofline of the car blocked Cohen’s view from their wrists up.

<sup>23</sup> Cohen was not asked why he did not fire immediately in response to this lethal threat.

Michael's hands were moving down toward the gun, and she was not complying with their commands to keep her hands up.<sup>24</sup>

Based on what he saw and heard, Cohen was in fear for the officers to his right as both Michael and Sandlin had "a clear line of sight" through the open door. Cohen was concerned that if they could "get the shot off," Sandlin or Michael could injure or kill one of the officers. Cohen "made [his] decision to stop the threats" and fired eight to ten rounds from his assault rifle into the vehicle. Because he knew Sandlin's head was close to Michael's shoulder and torso, he considered them a single target.

### **Officer Sean Reidy**

Reidy's account of the PA announcements and Sandlin awakening, moving and driving the Malibu back and forth was substantially similar to Cohen and Parcella's descriptions.

Reidy indicated he "could see the general area where [Sandlin's] hands were moving, and saw the driver as he manipulated the windows, the gear shift, and the steering wheel." Reidy did not perceive a threat by Sandlin at that time. Reidy was not focused on what, if anything, Michael was doing during this time.

After Sandlin stopped the car, he looked around, and in Parcella's direction. Reidy could see through the open rear passenger window that Sandlin's hands were up around his shoulder level. Sandlin mouthed, "Shit!" Reidy believed Sandlin realized the police were surrounding him. Reidy heard Jurado continuing to announce on the PA, "Show us your hands! Stop moving!" Sandlin started to bend over towards Michael and quickly reached with both hands towards her lap, "as if to reach for the firearm." Reidy heard Parcella fire his shotgun once or twice. Reidy perceived Sandlin's actions as a threat, but did not fire his weapon because Michael was in his line of fire. After the gunshots, Sandlin slumped toward Michael and stopped moving.<sup>25</sup>

After Parcella fired two rounds, there was a silence of one to two seconds. Then Reidy saw Michael's door open completely. Once the door was open, Reidy, who was behind the cement trashcan kneeling behind the hedge in the 7-Eleven parking lot, could see clearly and directly into the Malibu. Reidy and Parcella yelled, "Keep your hands up! Let me see your hands! Don't move! Don't move! Keep your hands up!" Initially, Michael's hands were "around shoulder line, breast level" and she was "looking around her surroundings." Reidy focused on Michael because she was moving and was a threat. She kept her hands outstretched at shoulder level for "a couple of seconds," while the officers continued to order her to, "Keep your hands up, all the way up! Put your hands up higher!" After a couple of seconds, Michael

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<sup>24</sup> As explained elsewhere, it appears that the Malibu rolled back into the Bearcat after the first rounds incapacitated Sandlin. Cohen still had a view between the seats, in the airspace over the center console and up around the seatbacks and headrests. It also appeared in reconstructions, that the view from the turret included shadows thrown back from the front seats onto the rear deck behind the back seats. Therefore, Cohen could have seen Michael's hands if she lowered them down until they disappeared somewhere below her shoulder level.

<sup>25</sup> Reidy could see the top of Sandlin's body from the upper chest but could not see his hands or face. Reidy could see Michael's upper shoulders and her head, which was facing slightly west.

quickly dropped her right hand into her lap, “trying to go for the firearm.”<sup>26</sup> Reidy, believing “she was going to go grab the firearm,” fired his AR-15 approximately seven times. Reidy heard other officers discharge their firearms at the same time. After firing in a rapid volley, Reidy stopped, assessed the situation, and saw that Michael was no longer moving.

### **Officer Jason Cantrell**

After moving a patrol car away at Jurado’s request, Cantrell posted himself at the open driver’s side door of a patrol car parked behind the rear passenger side of the Bearcat. Cantrell’s account of the PA announcements and Sandlin awakening, moving and driving the Malibu back and forth was substantially similar to Cohen and Parcella’s descriptions.<sup>27</sup> Cantrell believed Sandlin was thinking, “Oh shit. What’s going on?” and “How am I going to get out of here?” as he began to move. Cantrell believed Sandlin was getting aggravated.<sup>28</sup> Cantrell saw Sandlin turn his head towards his location.

Cantrell was focused on Sandlin and was not aware of what, if anything, Michael was doing. When Sandlin “wasn’t moving the vehicle, he was, you know, he still had his hands up almost like pumping his fists.” Cantrell saw Sandlin’s body go to the right, and saw his hands drop. “From my vantage point, I believe that he was going for the gun that was in the passenger’s lap. Either he was able to get his hands on it or within inches away. That’s when I heard a shot come from the right from one of my partners that were on the right side.” After the gunshot, Cantrell saw Sandlin’s “body went kind of limp.”

Cantrell held his fire because “I didn’t feel that there was a threat after that, after the initial shot, so I continued holding my position behind the door.” Sandlin’s body was “laid over towards the passenger side,” so Cantrell could see the top of his left shoulder and a “little bit of his body kind of between the seats.”

Cantrell noticed Michael was awake and “moving around.” He saw the passenger door open and heard Parcella and Reidy yelling, “Keep your hands where I can see them! Don’t reach for anything!”

As Michael opened the door, Cantrell saw Michael’s hands were up at chest level, and then saw one arm between the door and the B pillar of the Malibu.<sup>29</sup> Michael dropped her right hand “going towards the weapon to arm herself.” Believing “she was arming herself with the weapon,” Cantrell fired his service weapon at her as another officer yelled, “She’s going for the gun!” Cantrell fired because he perceived Michael’s movement as a threat since Michael could

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<sup>26</sup> Reidy said as soon as Michael’s hand dropped, “I stopped talking and started to open fire.”

<sup>27</sup> One difference was that Cantrell believed Jurado used the Bearcat to bump the back of Malibu.

<sup>28</sup> Cantrell could see this sequence “clearly through the back window.” He was not asked to clarify whether he was looking through the rear window of the Malibu, or through the rear passenger side window.

<sup>29</sup> Cantrell said he could see Michael through the open doorway and “somewhat” through the back window. It is unclear whether he is referring to both the open passenger window and the rear window of the car. He later said that Sandlin had rolled the window down most of the way and it seemed the prior gunfire shot the window out completely. He also clarified that he did not see Michael with both hands up, but rather, could see her right arm and her left shoulder and left hand, but not her left forearm.

fire her gun at him, other officers or members of the public.<sup>30</sup> Other officers also fired, and Cantrell saw “glass breaking and debris flying.” Cantrell believed he fired six rounds, and stopped firing when he could see Michael’s arm go limp and believed “the threat was eliminated.”

### **Officer Michael Jaen**

Michael Jaen was positioned behind the open passenger side door of a patrol vehicle parked on the driver’s side of the Bearcat. Michael Jaen was armed with a shotgun which was loaded with two slug shots. From this location, he could see through the driver’s side front and rear windows into the Malibu. Michael Jaen was able to see Sandlin and “a slight outline of the passenger through the rear window.”<sup>31</sup> Michael Jaen used his vehicle’s spotlight to illuminate the area.

Michael Jaen’s account of the PA announcements and Sandlin awakening, looking around at each officer’s position, moving and driving the Malibu back and forth was substantially similar to Cohen and Parcella’s.<sup>32</sup> Sandlin “had his hands up with a clenched fist... He shook his hand and his head, as if he was mad or angry.” Michael Jaen explained that he could see Sandlin “reach for the shifter. I could see his hands on the wheel and then when he reversed, pulled forward and commands were made to, for him to keep his hands up, I could see both of his hands up... And I don’t know exactly or approximately how long after, from stopping after reversing and pulling forward and stopping again, he turned to his right and quickly reached towards the female’s lap where the firearm was... it was very quick and deliberate. With his right arm, he dropped his right arm as if it were reaching towards her lap directly and leaned his upper body over.”

Michael Jaen did not fire his shotgun at this time, but heard other officers fire their weapons when Sandlin reached toward Michael’s lap. He held his fire because other officers fired before he could, and he saw Sandlin was hit. Michael Jaen saw that shots struck Sandlin in the face. Sandlin, he explained, “dropped. He had one arm extended. Dropped down, kind of slumped over the center console with his face pulled in a little bit. He didn’t completely go over the center console. He was just kind of on the center console.” It appeared Sandlin was moving his left arm, but Michael Jaen was not concerned about this movement.

Michael Jaen saw Michael still had her hands up, or at least her left arm up. Reidy and Parcella, located on the passenger side of the Malibu, were ordering Michael, “Keep your hands where we can see them!” and “Don’t get out of the car!” The passenger door opened as the officers yelled, “Keep your hands up!” Michael Jaen heard officers yell, “She’s dropping her hands! She’s going for the gun!” and saw Michael’s left arm drop quickly toward her lap. “Perceiving that as a threat to the officers directly to her right,” he “fired one shot towards her seat in the back of the

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<sup>30</sup>Cantrell was not asked to explain whether any members of the public were in view from his position. Other officers stated that members of the public were previously removed from the perimeter.

<sup>31</sup> Michael Jaen indicated he could see Michael’s head next to the head rest, as she was leaning towards the window. When asked to be more specific, he said he could see the back side of “just her hair.” While Sandlin began to drive the Malibu back and forth, Michael Jaen noticed Michael’s left hand raise to head level, bent at the elbow.

<sup>32</sup> Michael Jaen said he stood up on the inside frame of the patrol vehicle’s door, which gave him an elevated view. From this position, he had a “better view” of the “center, between two—both of the seats,” Michael’s arm and side of her head, and a “good view” of Sandlin’s hands and “general upper body.”

vehicle.” The slug went through the rear window of the vehicle at a downward angle towards the passenger seat. Michael Jaen was not sure if his round struck Michael, and heard other officers also firing their weapons. When asked what was going through his mind when he fired, Michael Jaen responded, “She’s going for the gun.” He was concerned because there were “two officers that are with the door—passenger door open, directly in her line of sight if she exits the vehicle.”

### **Officer Steven Jaen**

Steven Jaen was positioned behind the driver’s side door of the patrol car parked next to the driver’s side of the Bearcat. Steven Jaen was armed with his department-issued AR-15 rifle. From his position, Steven Jaen was able to see Sandlin’s left hand quickly go up and then down before the Malibu drove forward. Steven Jaen thought Sandlin was also turning the steering wheel to the left, “as if he was going to maneuver around the police vehicle in front and take off.”

Steven Jaen heard orders “about don’t go for the gun,” and then a first “volley of gunfire, for lack of better words,” coming from the area on the passenger side of the Malibu. At that point, the Malibu was not moving, and Steven Jaen only had a view of the back of Sandlin’s head. Steven Jaen thought he heard three to four gunshots and “the driver went down toward the center console of the car and [he] lost sight of him at that point.” At first, Steven Jaen did not know whether Sandlin went down because he was hit by gunfire or because he was ducking to avoid gunfire.

After Sandlin was shot, Steven Jaen still could not see Michael. He then “heard a lot more orders being yelled out from the right side,” indicating the passenger door was open. The officers were ordering Michael not to go for the gun. He then heard a second volley of approximately 20 gunshots.

### **Sergeant Cilia Islas**

After the Bearcat arrived, Jurado asked Islas to reposition two of the patrol cars to make space for the Bearcat to park directly behind the Malibu “for a better shield.” Parcella moved his patrol vehicle and Islas moved a second patrol vehicle. The Bearcat parked a foot or two behind the Malibu “to prevent it from going mobile.” Islas felt there was a gap in coverage and brought the second patrol vehicle back, parking it behind the passenger’s side rear bumper of the Bearcat. Cantrell used the open passenger side door of this patrol vehicle for cover. Islas observed, “Parcella was by the bus bench and Reidy was next to him.” Parcella’s patrol vehicle was parked in the 7-Eleven parking lot with the spotlights illuminating the passenger side of the Malibu.

Once the Bearcat was in place, Islas moved to the rear bumper of the patrol car and Cantrell stayed at the passenger door. She believed that, “Reidy, Parcella, and Cohen were assigned as the shooters” by Jurado. Jurado started activating the siren and then got on the PA. The occupants did not wake up. Five to ten minutes later, Jurado repeated the process, again yielding no results.

Islas heard Reidy yell, “There’s movement! There’s movement!” By standing on her tiptoes, Islas was barely able to see over the patrol unit and saw the driver “kind of moving around.” Within seconds, she saw the rear windows roll down. When the passenger side window rolled down, Islas could see Sandlin clearly. Islas did not keep her eyes on him, focusing instead on the entire scene. Jurado resumed announcements to the vehicle and Islas was “trying to put this out on the radio.” Islas heard gunshots “within a couple of minutes” of the windows rolling down.

As soon as the gunfire ceased, she radioed, “Shots fired. Officer-involved shooting.” She checked to see if any officers were injured and saw that all the officers to her right were unharmed. She could not see the Jaens to her left because the Bearcat blocked her view.

Everyone held their positions. Islas heard additional commands such as, “Don’t move! Let me see your hands.... We know you have a gun. Don’t reach for the weapon!” She heard “everybody” screaming, “Let me see your hands!” Some time went by and then she heard more gunfire.<sup>33</sup> The gunfire was “more intense” and she dropped down to one knee.<sup>34</sup> Once the gunfire ceased, she again updated communications. She checked the three officers in her line of sight, then stepped back to see both Jaens were uninjured as well.

Jurado told Reidy, “Give me an update.” Reidy said that the passenger was not moving, and the driver was breathing but not moving. Jurado exited the Bearcat and told Islas, “We’re going to go in there and bring them out, so we can render medical aid.” Islas handed him the shield and the officers put on gloves.

Steven Jaen and two HPD officers who were at the location removed Sandlin from the car and searched him for weapons with negative results. Los Angeles County Fire personnel assisted Sandlin and he was transported to UCLA Medical Center. Islas recalled that Michael Jaen and Jurado were part of the team that went to the passenger side. Islas saw an officer who approached the Malibu place a gun on the ground. One of the HPD officers was about to pick it up, but Islas waved him off. She put on gloves and picked up the firearm.<sup>35</sup> Islas intended to render the firearm safe but saw that it had been damaged by gunfire, so she left it intact and assigned IPD Officer Nicholas Bobbs to watch the gun.

Islas permitted paramedics to remove Michael from the car. They began to treat her on the street immediately next to the passenger door, but Michael was pronounced dead at the scene.

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<sup>33</sup> Islas added that at some point after the initial gunfire, the passenger-side door opened. She was not asked to clarify when that occurred relative to the commands she was hearing.

<sup>34</sup> The only non-law enforcement witnesses found within earshot of this incident generally corroborate Islas’ description of a shorter initial volley and then a more intense sequence of gunshots. None of them saw the officers’ actions. Burdine was the only eyewitness to the incident not employed by IPD. His observations through binoculars from the LAPD airship, as reported to Aranda, corroborate that Islas announced that shots were fired. He then observed glass breaking out of the back window of the Malibu, followed by a second announcement that shots were fired.

<sup>35</sup> Officer Jonathon Skovold of HPD reported to Aranda that an IPD officer extracted the gun from the car and handed it to him and that he handed the gun to a female sergeant. Skovold’s partner, HPD Officer Pedro Nambo told Aranda that “a female sergeant” instructed him to assist in removing Sandlin from the Malibu for medical treatment. He searched Sandlin for weapons prior to paramedics treating him at the scene. He was not asked whether Sandlin was seat-belted into the driver’s seat; nor was he asked to describe Sandlin’s position before he removed him from the car.

Islas left with the officers involved in the shooting to take them back to the station.<sup>36</sup>

### **Sergeant Cesar Jurado**

Jurado placed Cohen, inside the Bearcat's turret for an elevated view into the Malibu through the back window. With Cohen's assistance, Jurado directed the two Bearcat spotlights onto the Malibu. Jurado could see the lights' reflection on the window and silhouettes of the headrests inside the car but not the rest of the interior.

Jurado was concerned about the potential for a vehicle pursuit. The Jaens were positioned alongside a patrol vehicle to Jurado's left, able to engage in a pursuit if Sandlin tried to get away. Reidy was by the bus bench with the best view of the passenger side of the car.<sup>37</sup> Cohen was designated lethal cover in the turret of the Bearcat.<sup>38</sup>

Jurado made announcements over the Bearcat's PA, letting the occupants know IPD was on-scene and telling them, "Put your hands in the air. Let me see your hands." Despite several repetitions over several minutes, there was no response. Then Jurado heard officers saying, "He's moving! He's moving!" Jurado assumed the officers were referring to Sandlin. He could make out the silhouette of Sandlin's head turning or moving left to right. Suddenly, Jurado saw the Malibu moving forward, then reversing.

Jurado radioed for the Jaens to be ready for a pursuit, then ordered Sandlin to put the car in park over the Bearcat's PA. He saw the Malibu's brake lights go off and the Malibu stopped moving. Jurado gave commands to Sandlin and Michael to show their hands. Jurado heard officers saying, "No hands. We can't see hands." Jurado also used the PA to broadcast, "We saw the gun. Do not reach for the gun in the car."

Jurado could not see what happened next. He heard a volley of gunshots and then somebody broadcast, "Shots fired. Officer-involved shooting." After Parcella fired, Jurado heard a voice say, "The driver is still moving," and heard another volley of gunfire.<sup>39</sup> Jurado advised dispatch, "There's been shots fired. It's an OIS."

When Jurado heard "No more movement in the car," he exited the Bearcat. He saw the open passenger door. Jurado formed a team of officers to clear the gun from the Malibu and joined them with a ballistic shield. Parcella removed the gun from between Michael's legs. Paramedics treated Michael, who was later pronounced dead at the scene. Jurado saw Parcella put Michael's gun on the trunk of Jurado's car. The frame of the gun was damaged, so he did not clear the gun. Bobbs was assigned to stay with the gun. Eventually Jurado took possession of the weapon and locked it in his trunk.

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<sup>36</sup> Islas was not asked in this recorded interview about the process of getting the officers to the station or Aranda's admonition to her after she had improperly sequestered the officers.

<sup>37</sup> From Jurado's interview it appears he was unaware that Parcella had taken position next to Reidy.

<sup>38</sup> The Bearcat windows are made of ballistic glass and do not roll down, so Jurado communicated with other officers via radio.

<sup>39</sup> Jurado also heard multiple voices saying, "Let me see your hands!" but did not know who was speaking.

## **Sandlin Autopsy**

On February 25, 2016, Deputy Medical Examiner Ajay Panchal, M.D., performed a post-mortem examination of Sandlin's body. Dr. Panchal observed five gunshot wounds and associated injuries, and ascribed the cause of death as a shotgun wound to the head.

The following is the path and direction of each wound. The gunshot wounds are arbitrarily numbered for identification and do not indicate the sequence in which they were sustained:

- Shotgun wound #1 to the left side of the head, with a left to right, back to front, and downward direction. Dr. Panchal deemed that this wound was fatal.
- Shotgun wound #2 to the right side of the head, with a front to back direction.
- Two graze wounds associated with shotgun wound #2 on the upper right torso, on the top of the trapezius.
- Shotgun wound #3 to the right forearm, with an upwards direction.
- Penetrating gunshot wound #4 to the right torso, with a right to left, back to front, downward direction, containing a projectile consistent with a .223 caliber round.
- Perforating gunshot wound #5 to the right leg, with a right to left and downward direction.

Associated injuries also noted and photographed included:

- A small, superficial, circular abrasion of the skin over the left scapula.
- A "round abrasion" with a right to left direction across the front of the right thigh, just above the knee.

Panchal recovered shotgun pellets and bullet fragments consistent with .223 rounds from Sandlin's body.

A toxicology analysis revealed Sandlin had the presence of at least 0.127 Gram Percent (g%) alcohol in his system at the time of his death.<sup>40</sup>

Dr. Panchal met with Aranda and personnel from this office in September 2017. Dr. Panchal opined that the fatal wound to the left side of Sandlin's head rendered Sandlin incapable of volitional movement within two minutes after being struck. He also stated that pellets from a single shotgun discharge caused the through-and-through wounds of Sandlin's right forearm, grazed his right shoulder, and struck the right side of his face. The gunshot wounds in Sandlin's torso and through his leg were consistent with .223 rounds.

Dr. Panchal met with Aranda, members of this office and Senior Criminalist Munoz of LASD Scientific Services on November 20, 2017, to discuss options for determining the trajectories of the various gunshot wounds. Dr. Panchal explained the limitations of medical evidence and suggested generating 3-D scans of the scene and vehicles involved and using photos of the decedents including trajectory rods in a CAD program.

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<sup>40</sup> Alcohol measures in a deceased individual can vary depending from where in the body the sample is collected, due to a variety of factors. In Sandlin's case, the alcohol results ranged from 0.127 g% to 0.183 g%. Gram Percent measures are not the same as Blood Alcohol Concentration (BAC) measures.

Dr. Panchal met with personnel from this office again on October 15, 2018, after further examination of the Malibu was conducted. After reviewing photos of the abrasion on Sandlin's left, upper back, Dr. Panchal opined the wound appears to have been caused by the impact of a shotgun pellet, finding the wound's shape and dimension consistent with pellets recovered during the autopsy.

### **Michael Autopsy**

On February 24, 2016, Deputy Medical Examiner Keng-Chi Su, M.D., performed a post-mortem examination of Michael's body. Dr. Su observed 13 gunshot wounds, and ascribed the cause of death as multiple shotgun wounds.

This office questioned Dr. Su's determination of direction, entry, and exit for four of these wounds because they were inconsistent with the damage to the Malibu.<sup>41</sup> Personnel from this office met with Dr. Christopher Rogers, M.D., Supervising Medical Examiner, on January 31, 2019. Upon request, he reviewed the Coroners' photographs and X-ray imaging, and compared them to the diagrams and reports in this case. He then rendered his independent opinion, revising the determination of path and direction of those wounds. The following is the path and direction of each wound. The gunshot wounds are arbitrarily numbered for identification and do not indicate the sequence in which they were sustained. The descriptions for wounds #1, 5, 9, and 12, include Dr. Rogers' determinations of path and direction, without further comment, along with the original descriptions by Dr. Su for the other wounds:

- Gunshot wound #1 to the head, traveling with a back to front direction. Dr. Su deemed that this wound was fatal.
- Gunshot wound #2 to the neck, with a back to front and downward direction.
- Gunshot wound #3 to the back entering at left scapula, with a back to front and downward direction.
- Shotgun wound #4 to the right back, with back to front, right to left and slightly downward direction.
- Shotgun wound #5 to the posterior right shoulder, with a back to front direction.
- Gunshot wound #6 is a pair entry/exit through the right breast with an upward direction.
- Gunshot wound #7 to the abdomen has a path across the skin and soft tissue from right to left.
- Gunshot wound #8 to the right lateral lower quadrant of the abdomen, traveling right to left.
- Gunshot wound #9 is a large, irregular wound to the right forearm of indeterminate direction.
- Shotgun wound #10 passing through the right upper arm, with a right to left direction.
- Gunshot wound #11 to the left arm with entry at the top of the shoulder and a downward direction.
- Gunshot wound #12 through the right thigh with a right to left direction.
- Gunshot wound #13 to the right thigh with a right to left and slightly downward direction.

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<sup>41</sup> Specifically, the physical damage to the Malibu was inconsistent with opinions about the paths of travel for wounds #1, 5, 9, and 12 listed in the original autopsy report.

According to the reviewing medical examiner, the gunshot wounds to Michael's legs were consistent with .223 ammunition. Criminalist Munoz also concluded the damage to the gun recovered from the vehicle was consistent with .223 ammunition.

Dr. Rogers' corrections show the physical evidence from the autopsy is consistent with the involved officers' statements regarding their positions and observations during the officer-involved shooting (OIS).

At Dr. Rogers' request, prior to issuing a written report of his opinions, members of this office met with him and the Coroner for Los Angeles County, Dr. Jonathan Lucas, M.D., on June 19, 2019. Dr. Lucas reviewed Dr. Rogers' findings and concurred with them. When asked whether the injury to Michael's right forearm was consistent with impacts from shotgun pellets, he opined it was more consistent with damage from a high-velocity rifle using .223 caliber ammunition. He believed a single such round likely caused the injuries to Michael's arm and abdomen.

Dr. Rogers indicated no medium caliber bullets consistent with 9mm rounds were recovered from either decedent.

A toxicology analysis revealed Michael had at least 0.185 g% alcohol and the presence of marijuana and methamphetamine in her system at the time of her death.<sup>42</sup>

### **Ballistics and Other Evidence Recovered from the Malibu**

Criminalist Munoz examined the Malibu at the scene on the morning after the incident, again on March 2, 2016 at Bryant's Towing Yard, and a third time on October 23, 2018, with personnel from this office and from the Biology Section of LASD Scientific Services.<sup>43</sup> For ease of comprehension, all of Criminalist Munoz's observations will be listed in order of spatial context and relevance to the final analysis rather than chronologically by date of discovery.

On March 2, 2016, Scott Purcell, Forensic Identification Specialist II, LASD, took photographs of the Malibu. The following items were recovered during the search of the Malibu conducted on the same day

- A plastic shot-glass-shaped container from the center console of the vehicle, found to be half-full of an alcoholic beverage.
- An iPhone and a man's grey dress shirt from the passenger seat.
- A 1.5-liter jug labeled "Carlo Rossi Sangria" containing a small amount of liquid from the Malibu's trunk.

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<sup>42</sup> In Michael's case, the alcohol results ranged from 0.185 g% up to 0.226 g%. The presumptive testing in this case was positive for methamphetamine and does not definitively exclude MDMA or ecstasy in a decedent's blood when it gives a positive result on this measure.

<sup>43</sup> The second examination was pursuant to a search warrant obtained by IPD Detective Geoffrey Meeks to permit inventorying, seizing, and forensically examining items obtained from the Malibu, which was kept in a covered and secured building at Bryant's Towing in Inglewood. The third examination was to answer questions that had arisen in the review of this case by this office. At that time, a few additional projectile impacts were found and additional checks for blood evidence were performed.

- A turquoise-colored purse containing credit cards in Michael's name and approximately one gram of marijuana from the Malibu's trunk.

The shot glass and jug were processed for possible latent fingerprints with negative results.

Also, during the 2016 examinations, the following evidence relevant to determining points of view and trajectories was noted:

The rear passenger and driver's side windows are slightly tinted and were rolled down to their limits, leaving a few inches of glass exposed above the bottom sill.

The following observations are consistent with Parcella firing his shotgun through the rear passenger window:

- At least one bullet/projectile hole across the top of the rear passenger side window, towards the middle of the window, with the projectiles travelling right to left. The window tinting held the exposed portion of the window together despite the damage to the glass.
- Four "spherical impacts" to the interior, driver's B pillar which penetrated the adjacent driver's seatbelt webbing, travelling right to left.
- One fired shotgun wad was recovered from the dashboard, near the steering wheel.
- One fired shotgun wad was recovered from the rear window deck.
- Fired pellets recovered from the driver's seat, the floorboard under the driver's seat, the rear left passenger floorboard, and the center console area.

There was no bullet hole damage to the driver's seat backrest and headrest. Although there was significant bullet hole penetration of the back of the passenger's seat, there was no blood detected on the back of the seat. Nor was there any blood detected around the pellet impacts to the inside of the driver's side B pillar and perforated seatbelt webbing. However, there were blood stains on the front and left side of the passenger seat rest and on the seat itself. Samples of blood taken from the lower left side and front of the passenger seat rest and the center console were tested and determined to match Sandlin's DNA profile.

During the October 23, 2018 examination of the Malibu, Criminalist Munoz noted impacts on the driver's B pillar consistent with shot gun pellet strikes. He concluded that that Sandlin probably was not wearing his seatbelt at the time of the OIS, due to the position of the penetration of the seatbelt webbing. Supervising Criminalist Christina Gonzalez of LASD Scientific Services, Biology Section, noted the lack of blood spatter and stated that it was not likely that Sandlin had his right arm extended behind the front passenger seat at the time of the OIS.

Photographs taken immediately after the incident appear to show the gear shift in the reverse position. Most of the witnesses who described the movement of the Malibu prior to the first OIS said that it moved forward and back more than once, with the last movement being forward. Some witnesses saw Sandlin's right hand go to the shifter before he leaned to the right and his hand travelled over the console in the direction of Michael's lap. This evidence supports the inference that when Sandlin was hit by Parcella's buckshot, his foot lifted off the brake and the Malibu reversed into the Bearcat a second time. Therefore, the evidence suggests the Malibu

was more than a foot away from the Bearcat when Cohen observed Sandlin's movements between the headrests and over the console. Additionally, Parcella had an adequate aperture between the headrests for the trajectory of buckshot to inflict the injuries to Sandlin's head if Sandlin had been leaning to his right, over the Malibu's console.

In addition to the items and impacts described above, the following evidence was observed:

The following observations are consistent with Parcella firing a second volley of two shotgun rounds through the open passenger door:

- One bullet/projectile hole through the top of the rear passenger side window, close to the B-pillar.
- At least three bullet/projectile holes to the passenger side B pillar and back edge of the front door frame with one fired shotgun wad lodged in the front door frame.
- Four "spherical impacts" to the interior driver's side door, under the steering wheel column.
- Fired pellets recovered from the interior of the front passenger seat backrest and the rear left passenger floorboard.

The following observations are consistent with Reidy firing his rifle through the open passenger door:

- One bullet hole in the rear right passenger door by the B pillar which penetrated the door and the interior door jam, traveling slightly rear to front and right to left.
- One bullet hole in the front right passenger interior door jamb which penetrated the interior door jam, traveling slightly rear to front, right to left, and slightly downward.
- One bullet hole in the seat of the front passenger seat; the bullet perforated the seat, traveling slightly rear to front, right to left and slightly downward.
- Two fired bullets recovered from the front passenger seat.

The following observations are consistent with Cohen firing his rifle from the turret:

- At least three bullet holes in the rear window near the roofline and towards the right side; the bullets perforated the rear window, traveling rear to front.
- Six bullet holes in the roof area above the rear window which perforated the roof area, traveling rear to front, left to right, and downward, continuing into the vehicle.
- Eight bullet holes to the back of the front passenger headrest which perforated the headrest, traveling rear to front, left to right, and downward.
- Seven bullet holes to the back of the front passenger seat backrest which perforated the backrest, traveling rear to front, left to right, and downward.
- Numerous fired bullet fragments recovered from the interior of the front passenger seat backrest.

The following observations are consistent with rounds from Cantrell's 9mm handgun striking the Malibu:

- Six bullet holes in the rear right quarter panel and the rear right passenger door; two of the bullets passed through the wheel well and one lodged in the right rear tire; three penetrated the door and could not be recovered; one entered the interior of the vehicle; all were traveling from rear to front, right to left, and slightly downward.

The following observations are consistent with a slug from Michael Jaen's shotgun striking the Malibu:

- One bullet/projectile hole in the rear window on the driver's side; the projectile perforated the rear window, traveling rear to front and left to right. An amorphous large lead fragment was collected from inside the front passenger seat back. A fired shotgun fibrous wadding was collected from the floorboard adjacent to the front passenger seat.

The lack of any firearms damage to the front passenger door, is consistent with the passenger door having been opened prior to the second OIS.

### **Observations from a Re-examination of Clothing**

Investigator Charles Garcia from the LADA BOI retrieved Sandlin's clothing on October 25, 2018 from the IPD Property Section and examined it. The back of Sandlin's shirt had numerous defects consistent with bullet and glass impacts, including holes through both layers of the right side of the collar and through the upper right shoulder of the shirt.

Additionally, there was a small hole in the shirt's left, upper back area, which appeared to correspond to the small, circular impact over Sandlin's left scapula. This pattern is consistent with Sandlin leaning forward (away from the seat rest) at the time he was struck by gunfire, particularly when considered in connection with the injuries noted in the autopsy report and the locations of bullet impacts inside the Malibu.

The ballistics evidence confirms that Sandlin exposed both the left and right sides of his face to Parcella's line of fire, that Sandlin's torso and head were between the two front seats and over the console during the discharge of both shots, and that his right arm and shoulder were positioned within the line of fire, as the right side of Sandlin's collar and shoulder of his shirt showed bullet damage while the back of his seat did not.

### **Ballistics and Other Evidence Recovered from the Scene around the Malibu**

On February 21, 2016, LASD Scientific Services personnel responded to the station and took pictures of the involved officers and their firearms. The photographs and firearms were provided to Criminalist Munoz who examined the weapons and conducted ammunition counts. LASD Scientific Services personnel also responded to the scene, took measurements and generated an evidence legend and scene sketch, including the location of evidence items subsequently collected from the scene.

LASD Scientific Services personnel took photos of the scene on the morning after the incident, including photos of all involved vehicles and, with the assistance of the Coroner's Investigator, Michael's body. They also marked and photographed firearms-related evidence found at the scene with Criminalist Munoz's assistance. Criminalist Munoz took custody of 32 firearms-related evidence items inventoried at the scene, including the Smith and Wesson, 908, 9mm

Luger semiautomatic pistol with bloodstains and apparent gunshot damage.<sup>44</sup> All of the 32 evidence items collected by LASD Scientific Services from the scene on the morning after the incident, except for two of the red shotshells found in and near the bush in front of the 7-Eleven, correspond to the shots fired at Michael.

LASD criminalists did not collect additional fired .223 Remington caliber cartridge cases from within the 7-Eleven parking lot. These cartridge cases would correspond to Reidy's location at the time he fired his weapon. Personnel from this office reviewed the photos taken of the scene by LASD Scientific Services personnel and determined some of these unrecovered casings were visible on the pavement of the parking lot.

### **Lighting conditions**

LASD criminalists and photographers processed the scene on the morning of February 21, 2016. It was full daylight before they photographed the scene. The Malibu's rear windows (rolled down at the time of the OIS) and back window were tinted. Spider-webbing and deposited debris caused by bullet impacts obscured visibility through the windows. Additionally, the lighting conditions at the time the photographs were taken do not reflect the perspective of the officers at the time of the incident when light sources such as streetlights, headlights, spotlights, gun lights, and the helicopter's spotlight were utilized.

On February 25, 2018, this office, IPD and LASD conducted a physical reconstruction of the scene in an attempt to rectify deficiencies in the original processing of the scene. This reconstruction permitted photographing the relative positions of the vehicles and the points of view available to the officers from their positions.<sup>45</sup> A video expert used drone photography for CAD processing to generate animated views of potential positions of the decedents in the car relative to trajectories and injuries received. Daylight conditions allowed for the CAD processing but prevented accurate recording of visibility of the interior of the vehicle from the stated vantage points of the officers.

On September 26, 2018, personnel from this office, with the assistance of IPD, attempted to reconstruct and photograph the scene under nighttime conditions. The accuracy of the reconstruction was impaired by several factors. The reconstruction was conducted in a city tow yard on a cloudy night which did not allow for the recreation of ambient lighting and atmospheric conditions. Additionally, some of the lighting equipment on the patrol vehicles utilized, and the lack of gun lights from the officer's positions, did not duplicate the conditions present at the time of the incident.

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<sup>44</sup> The items Criminalist Munoz collected included: six fired 9mm Luger cartridge cases from the driveway and sidewalk in front of the 7-Eleven; 14 fired .223 Remington caliber cartridge cases from the street in front of the 7-Eleven; four red fired 12 gauge 00 buck shotshell cases from on and just under the hedge in front of the 7-Eleven; one fired shotgun wad lodged in the front edge of the rear passenger door of the Malibu; one fired shotgun wad from the street in front of the 7-Eleven, north of the Malibu; one fired 12 gauge shotshell from on top of Sandlin's clothing in the middle of Manchester Boulevard; and six bullets, two bullet fragments, and two fired shotgun pellets from around and under the Malibu.

<sup>45</sup> A Malibu of the same year as Sandlin's with similar tinting was used because the damage to the original vehicle left the window glass in a precarious state.

This office decided to more closely duplicate the actual lighting conditions present during the incident and attempt to photograph the resulting visibility. In the late night on January 21 to early morning on January 22, 2019 personnel from this office, aided by a photographer from LASD Scientific Services, and supported by personnel and equipment from IPD and HPD, performed a nighttime reconstruction for the purposes of documenting the visibility of the interior of the Malibu from the vantage points of the officers involved.<sup>46</sup>

The reconstructions confirmed Parcella had an oblique angle of view passing between the driver's headrest and passenger's headrest, down to their shoulder level; the airspace above the Malibu's console; the top portion of the steering wheel; and through the passenger side front window, across the dashboard, toward right edge of the windshield. The angle of view was wider if the Malibu was at least a foot west of the bumper of the Bearcat. Therefore, these reconstructions support Parcella's statements that he was able to see Sandlin moving his head, shoulders, arms, and torso. Similarly, it was determined that Cohen's description of his view through the back window of the Malibu, over the console to the dashboard when the Malibu was in front of the Bearcat, was consistent with the reconstructions.

As described above, a number of reconstructions of the scene were performed to approximate lighting conditions and visibility of officers during the incident as closely as possible. These reconstructions confirmed the accuracy of the officers' statements regarding their ability to see various movements within the interior of the Malibu.

Upon completion of the nighttime reconstruction, it became apparent that the officers' statements about their view of the interior of the Malibu and its occupants were generally accurate and none of the involved officers' statements were inconsistent with the physical evidence.

### **DNA Evidence**

Samples taken from the grip of the Smith and Wesson semiautomatic handgun recovered from Michael were compared to DNA profiles for Sandlin and Michael. The DNA profile from this sample was a mixture consistent with at least two contributors. The profile of the major contributor was consistent with Michael. Sandlin could not be excluded as a minor contributor to this profile due to the complexity of the mixture. The random match probability for the major contributor is one out of  $1.2 \times 10^{30}$ . Michael's profile was also consistent with the major contributor to the profile obtained from samples of the magazine of the gun.

Additional DNA testing was requested by this office, resulting in LASD Scientific Services Biology Section concluding the following in a report dated April 17, 2019: Samples were taken from bloodstains on the center console and front and side of the passenger seat backrest and compared to DNA profiles for Sandlin and Michael. Sandlin was included and Michael was excluded in the sample from the center console with a likelihood ratio of the profile deriving from Sandlin being  $4 \times 10^{30}$  times more likely than from a random contributor. Sandlin was included and Michael was excluded from the passenger seat samples with a likelihood ratio of at least  $2 \times 10^{25}$ .

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<sup>46</sup>The reconstructions did not include an airship with spotlight. To do so, even in the 2019 nighttime reconstruction, would introduce many variables because of the motion of the airship.

## **Biomechanical Evidence**

This office sought expert scene reconstruction and animation, using LIDAR, drone photography, and 3-D CAD technology in an effort to determine the physical positions of Sandlin and Michael at the time of the shootings. CAD technology permits the construction of multiple alternatives to be accepted or rejected, based on known characteristics, such as presence or absence of bullet strikes, angles and path of travel, blood spatter, debris, or void patterns. The hope was that visualizations of body positions and trajectories based on physical and photographic evidence could definitively prove or disprove the truth of the officers' statements.

The video expert based his reconstruction on LIDAR scans of the scene and the involved vehicles, including a physical reconstruction of the vehicle positions at the conclusion of the incident. LASD and Coroner's Office photography of the decedents and vehicles showing trajectory rods were forwarded to the expert for digitization and inclusion in the analysis. From these data points, the expert extrapolated the officer positions based on angles of view, weapon characteristics, and shot counts.

The digital work could not definitively determine the sequence of events and motion. The evidence from the photographs, measurements and extrapolations was sufficient to find that the physical scene was consistent with the officers' statements as to what they could see prior to discharging their weapons. It is virtually certain that Sandlin was in motion with his upper body over the console and between the two front seats when Parcella fired his weapon.

Photographic evidence taken from the scene, reconstructions performed at the scene under various lighting conditions, 3-D CAD scans and video composites created from all these items do not provide credible evidence to dispute the statements given by the involved officers. The physical evidence is consistent with the following findings:

- The involved officers were positioned consistent with their statements, with the ability to see the portions of the interior of the Malibu that they described observing during the incident;
- Sandlin lowered the back windows of the Malibu before the OIS;
- Sandlin drove the Malibu forward before the OIS;
- Sandlin had leaned forward and to his right, reaching his right arm over the center console towards Michael, while looking over his left shoulder at the moment Parcella's shotgun round struck the left side of his head;
- Sandlin had turned his head to his right, and raised his right arm, when his right forearm, shoulder, and the right side of his head were struck by another shotgun discharge;
- A pellet that flew past the right side of Sandlin's face struck the driver's side B pillar and ricocheted, causing the spherical abrasion on Sandlin's left scapula;
- Sandlin slumped over the center console after being struck, with his right forearm leaning upright against the left side of the front passenger seat before gravity brought his forearm down over the console;
- Sandlin's foot left the brake pedal after getting shot, causing the Malibu to roll back into the Bearcat's bumper.

Based upon the physical evidence and subsequent analysis it is also likely:

- Sandlin's hands were not above his head, on the steering wheel, dashboard or window when he was shot;
- Sandlin was not looking over his right shoulder and putting his right hand behind the headrest of the passenger seat when he was shot;
- Sandlin was not unbuckling his seatbelt when he was shot.

Photographic evidence taken from the scene, reconstructions performed at the scene under various lighting conditions, 3-D CAD scans, and video composites created from all these items show the physical evidence is consistent with the following:

- Michael sat up and extended her hand to open the front passenger door;
- Michael's right forearm was positioned over her lap to the level of her lower abdomen when a round from Reidy's rifle struck her right forearm and stomach before entering the right side of Sandlin's torso;
- The Smith and Wesson handgun was between Michael's legs, within arm's reach of Sandlin, during the incident.

Based on the physical evidence and subsequent analysis:

- Michael was not raising her hands over her head, nor putting them on the dashboard, nor showing them through the open door of the Malibu when she was shot.

### **Firearms and Ballistic Evidence**

The officers' firearms were examined by the LASD Scientific Services Firearms Identification Section and compared to the ballistics evidence recovered at the scene. Based upon the cartridge capacity for the weapons examined, the number of cartridges recovered from the scene and bullets recovered from the Malibu and during the autopsies, the physical evidence is consistent with the stated number of shots fired by each officer with two exceptions. Cohen stated he thought he fired up to ten rounds in rapid succession but the damage to the vehicle and weapons examination conducted after the event indicates he fired up to 18 rounds. Reidy estimated he fired seven rounds but the weapons examination conducted after the event indicates he fired nine rounds.<sup>47</sup>

In addition to the weapons described above, LASD Firearms experts examined the gun retrieved from Michael's lap. They noted it to be a 9mm Luger Smith & Wesson 908 with an eight-round capacity magazine. It contained seven live rounds, including one in the chamber, and had apparent gunshot damage to the frame.

The physical evidence is consistent with statements that Parcella fired two rounds at Sandlin in fear that Sandlin was reaching for the gun in Michael's lap. Parcella's statement that his first two shots were directed at Sandlin is corroborated by the contemporaneous radio broadcasts which show the first shots fired were announced immediately after the announcement that Sandlin was moving and not complying.

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<sup>47</sup> The round count was confirmed by the photographic examination of the expended cartridges visible in the 7-Eleven parking lot.

The physical evidence is also consistent with statements that after Michael opened the passenger door, Parcella fired two rounds at the same time that other officers fired at Michael. The buckshot array which struck the edge and interior of the passenger side door frame did not cause any impacts to the exterior of the passenger door. Rather, the rest of the pellets passed through the interior of the vehicle and impacted the interior of the driver's side door. Therefore, the passenger side door had to have been opened when Parcella fired at Michael. Additionally, no .223 rounds fired by Reidy struck the outside of the passenger side door. Instead, one of the rounds passed into the right side of Sandlin's torso, traveling downward, consistent with Sandlin's torso already leaning over the console toward the passenger side at the time Reidy fired.

Witnesses corroborate IPD officers' description of two initial shots from Parcella striking Sandlin and additional shots from Parcella and other officers striking Michael. Burdine, in the airship, recounted that after the announcement of the first round of gunfire, he grabbed his binoculars. He then saw the glass of the rear window break prior to the announcement of the second round of gunfire. Civilian witnesses confirmed hearing two separate volleys.

### **Firearms and other pertinent history**

The Smith and Wesson handgun recovered from Michael's lap was registered to an individual residing in Arizona. This office requested follow-up investigation by IPD detectives. Despite repeated attempts to contact the registered owner by phone, through his realtor, and by visiting the home, law enforcement was unable to contact him. The gun was not reported as stolen and detectives were unable to determine how it came to be in the possession of either Michael or Sandlin.

Neither Michael nor Sandlin could lawfully possess a firearm.

This office obtained and reviewed the personnel files for the involved officers and sergeants. The records do not contain any history of prior conduct that would raise questions about their credibility or judgment related to a perceived need to use deadly force.

### **Additional investigation during 2021 into 2022**

In early 2021, all of the evidence set out above was reviewed again at the highest levels of this office, including personnel who had not previously been exposed to the results of the investigation. After the presentation, JSID undertook additional investigative steps. JSID attorneys reviewed documents contained in the civil case filed by the families of Sandlin and Michael and in the City of Inglewood's response to those filings. These documents contained compelled statements of the officers and therefore were not considered in the final analysis of this case.

BOI investigators determined there were two additional civilian witnesses who entered the 7-Eleven market after the incident who had not been interviewed previously by IPD, BOI, or independent videographers, and who stated that they were in the area at the time of the incident. Audible on a channel of surveillance video obtained from the 7-Eleven, one witness states he

was in an upstairs apartment when he heard the helicopter circling; later he awoke to the sound of numerous shots fired and looked outside. He told the other witness that there was a woman in the car. The other witness stated he was in a car in a nearby alley and noticed the Malibu was stopped near the intersection. He believed Sandlin was asleep or unconscious. He was unaware that Michael was in the car, nor that she was reported to have a gun. He could see several police cars and the Bearcat and described overhearing the announcements from the PA system. He did not describe his view of the scene at the moment he heard shots fired. BOI investigators have sought to identify these witnesses in order to interview them by returning to the 7-Eleven multiple times, pursuing information contained within the store's point-of-sale system, and enhancing still images from the video to try to identify them using facial recognition software. None of these efforts have succeeded to-date.

Additional possible avenues of investigation involving searches of various potential sources of digital data are not viable due to the passage of time.<sup>48</sup>

## LEGAL ANALYSIS

The issue addressed by this memorandum is whether the officers' use of deadly force was reasonable under the applicable standards for criminal liability. This memorandum does not address whether the actions of the officers and their supervisors violated IPD policies and procedures or amounted to negligence under civil law standards.<sup>49</sup> A thorough review of the law and the evidence in this matter leads to the conclusion that there is insufficient evidence to prove that the officers' decisions to use deadly force were unreasonable.

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<sup>48</sup> Such data may or may not have existed closer in time to the incident, and if it did, may or may not have been deemed reliable, relevant, or admissible in court.

<sup>49</sup> This office is aware that the officers who discharged their weapons during this incident have had their employment terminated and that Jurado was demoted and Islas had her employment status restored after further administrative hearings. Further, the City of Inglewood reportedly settled a civil case brought by family members of Sandlin and Michael. The standard of proof for each of these actions, as well as the factors relevant to such determinations, differ from those employed in an analysis of whether criminal charges can be proven beyond a reasonable doubt. Under California civil negligence law at the time of this incident, the reasonableness of a peace officer's conduct was determined in light of the totality of the circumstances, which included an officer's conduct preceding the use of deadly force. Hayes v. County of Los Angeles (2013) 57 Cal.4th 622. However, "[t]he Fourth Amendment's reasonableness standard is not the same as the standard of reasonable care under tort law, and negligent acts do not incur constitutional liability." *Id.* at 639 (citing Billington v. Smith (2002) 292 F.3d 1177, overruled by County of Los Angeles, California et al. v. Mendez et al. 581 U.S. \_\_ (2017)). Thus, Hayes does not control in a criminal analysis, and faulty tactics or lack of reasonable suspicion are not properly considered when determining the reasonableness of a belief in the need to use force in self-defense and/or the defense of others by a police officer at the time of this incident. The United States Supreme Court disavowed the use of any analysis other than the reasonableness analysis proscribed by the Fourth Amendment in County of Los Angeles, California et al. v. Mendez et al., *supra*, stating, "The proper framework is set out in Graham." As of January 1, 2020, legislative changes have made the totality of the circumstances relevant to the criminal inquiry, however, those changes do not apply to this incident because it occurred prior to the new law's enactment.

### *Applicable legal standards*

California law permits any person to use deadly force in self-defense or in the defense of others if that person actually and reasonably believes that he or others are in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; *See also* 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. 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; *See* Plumhoff v. Rickard (2014) 134 S.Ct. 2012, 2022 (if a shooting is justified, officers need not stop shooting until the threat has ended).

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507. Actual danger is not necessary to justify the use of deadly force in self-defense; if the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 3470.

When assessing the reasonableness of the use of deadly force, a jury must “consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with a similar knowledge would have believed.” CALCRIM No. 505. “Although the belief in the need to defend must be objectively reasonable, a jury must consider what ‘would appear to be necessary to a reasonable person in a similar situation and with similar knowledge.’” People v. Humphrey, *supra*, 13 Cal.4th at 1082-83. This enables a jury who is assessing the conduct of a law enforcement officer “to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation – but this is not the same as following a special ‘reasonable police officer’ standard.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others.... CALCRIM No. 507, Penal Code section 196.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” *Id.* at 1146; *quoting* People v. Bond

(1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance 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, 396-397.

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." Munoz v. City of Union City (2004) 120 Cal.App.4<sup>th</sup> 1077, 1102. "Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v. Collins (1961) 189 Cal.App.2d 575, 589.

The fact that two officers perceive the same event but only one fires does not make that officer's decision to fire unreasonable. The law does not require that officers wait until an armed individual draws his or her gun and aims it at them before acting in self-defense or defense of others. See Cruz v. City of Anaheim (2014) 765 F.3d 1076, and Amons v. Tindall 2021 U.S.App. LEXIS 20960; \_\_\_ Fed. Appx. \_\_.

Before a jury can rely on circumstantial evidence to find a person guilty, the jury must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the accused person is guilty. "If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence." CALCRIM No. 224.

#### *Application of legal standards to the evidence*

The evidence presented in this matter shows the officers were responding to a call of two individuals asleep in a car in the roadway with a handgun and in need of assistance. Upon arrival, officers observed that Sandlin and Michael were unconscious, and there was a loaded firearm within the reach of both occupants. Having responded to the scene, officers were not able to simply walk away and permit a possible medical emergency and traffic hazard to continue unabated.

Based on their observations of the interior of the Malibu and its occupants, IPD officers had probable cause to believe that Sandlin and Michael were in violation of Penal Code section 25850(a), carrying a loaded firearm in a vehicle, and Sandlin was in violation of Vehicle Code section 23152, driving while intoxicated. The easy accessibility of the loaded gun and the impairment of the occupants presented a tactical challenge to the officers to retrieve the weapon without risking death or great bodily injury to themselves or the vehicle's occupants, as well as to effectuate an arrest and possibly render medical aid. The officers were required to detain

Sandlin and Michael to avoid possible harm from them driving while intoxicated or using the weapon on others. Options such as breaking the window or using less than lethal force were determined to increase the risk of the officers being shot. The officers attempted to awaken the parties and have them voluntarily surrender the weapon. Once Sandlin and Michael awoke, their lack of compliance with commands and their movements consistent with reaching for the gun caused the officers to believe the use of deadly force in defense of themselves or others was necessary.

The physical evidence as well as forensic and digital analysis set forth in this memorandum are consistent with the material statements of the officers, making these statements regarding the sequence of events and their perceptions credible.

Parcella saw the gun in Michael's lap when he arrived at the location, saw that a magazine was inserted into the well, and correctly believed that the firearm was loaded. Just prior to firing his duty weapon, Parcella was behind the bus bench, fewer than 30 feet from the loaded gun. Although Sandlin partially complied with Jurado's instruction to roll down the windows by rolling down the rear windows, Sandlin disobeyed Jurado's commands not to move. Parcella believed that Sandlin looked at him and observed his location. Parcella was issuing commands and believed Sandlin heard them because Sandlin turned and looked in his direction when Parcella yelled, "Keep your fucking hands where I can see them... Do not move!" Sandlin kept looking around, moved his hands, drove the Malibu forward and back, and then moved his head a little to the left as his arms went from out in front of him and dropped lower. When Parcella saw Sandlin move his upper torso towards the center console leaning toward Michael with his right arm crossing the console, Parcella believed Sandlin was reaching for the gun. Under the circumstances, the gun was a lethal threat to himself and other officers. In fear, Parcella fired his shotgun once as Sandlin leaned and reached to the right in the direction of the gun. Parcella fired a second round when he perceived that "[Sandlin] was still going for that gun."

Cohen, situated in the turret, saw Sandlin reach across the console and extend his right arm towards Michael's lap immediately before shots were fired. Both Cohen's statement and the physical evidence are consistent with Sandlin's head, torso, and shoulders leaning into the space over the console, between the two front seats when Parcella fired, corroborating Parcella's statements that Sandlin was moving towards the gun at the time of the OIS.

No other witness statements or physical evidence contradict the perceptions which gave rise to Parcella's fear, nor do they contradict the reasonableness of his use of force under the circumstances. As such, it cannot be proven beyond a reasonable doubt that Parcella's decision to use deadly force was unreasonable.

Similarly, once Michael opened the passenger door, other officers said they heard both Reidy and Parcella yell that the passenger door was open and that they were able to see into the Malibu. Both Reidy and Parcella ordered Michael to keep her hands up and not to move, to show her hands, and not to reach for the gun. Reidy and Parcella both indicated they fired their weapons as they saw Michael drop her hands towards her lap because they were afraid she would grab the gun and shoot them. Other officers saw her hand movements and/or heard Reidy and Parcella say her hands were dropping and also fired their weapons in fear of imminent deadly harm to Reidy and Parcella due to their proximity to Michael and the loaded gun in her lap. The physical

evidence does not contradict the officers' statements. The gunshot wounds to Michael's arm and abdomen are consistent with her hand being close to her lap at the moment she was shot. The gunshot damage to the 9mm handgun and the wounds to Michael's legs are consistent with the gun resting between her legs at that time. The fact that multiple officers fired their weapons makes it difficult to disprove the reasonableness of each officer's belief in the need for deadly force.

Given the amount of activity occurring in a short amount of time, the stress of an event of this nature and the fact that the physical evidence does not contradict the officers' descriptions of the decedents' actions immediately prior to firing their weapons, any minor discrepancies between the witnesses' statements are insufficient to disprove the truthfulness of their stated observations. The available physical evidence corroborates both the officers' ability to see the decedents' movements and the movements themselves. Rather than contradicting the officers, the physical evidence largely corroborates their statements.

Lastly, there is no dispute that Michael possessed a loaded handgun within arm's reach of Sandlin. The officers correctly believed this gun posed a lethal threat. This belief, which cannot be disproven by any of the available evidence, supports the conclusion that Parcella actually and honestly believed he was in imminent danger of death or great bodily injury at the time he fired his weapon at Sandlin. The facts and evidence further support the conclusion that Parcella, Reidy, Cohen, Cantrell, and Michael Jaen reasonably believed Parcella and Reidy were in imminent danger of death or great bodily injury when they fired their weapons. This honest and reasonable belief precludes criminal liability.

## **CONCLUSION**

Based on the foregoing, we find that Officers Jason Cantrell, Sean Reidy, Andrew Cohen, Michael Jaen, and Richard Parcella had an honest belief in the need for self-defense and defense of others when they used deadly force against Marquintan Sandlin and Kisha Michael. We further find that there is insufficient evidence to prove beyond a reasonable doubt that the officers' decision to use deadly force was not objectively reasonable.