

**Non-Fatal Officer Involved Shooting of Jermaine Petit  
Los Angeles Police Department**

**Sergeant Brett Hayhoe, #35586  
Officer Daryl Glover, #42064**

**J.S.I.D. File #22-0236**



**GEORGE GASCÓN**  
**District Attorney**  
**Justice System Integrity Division**  
**April 8, 2024**

**MEMORANDUM**

TO: CAPTAIN OMAR BAZULTO  
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Force Investigation Division  
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Jermaine Petit  
J.S.I.D. File #22-0236  
L.A.P.D. File #F037-22

DATE: April 8, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 18, 2022, non-fatal shooting of Jermaine Petit by Los Angeles Police Department (LAPD) Officers Brett Hayhoe and Daryl Glover.

We have concluded that the officers fired their service weapons, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend themselves and others against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on July 18, 2022, at 8:22 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LAPD Detective Ty Lee.

The following analysis is based on the 9-1-1 recordings, radio calls, body worn camera video (BWV), investigative reports, audio recordings and transcripts of witness interviews, crime scene diagrams and photographs, and medical records submitted to this office by LAPD Force Investigation Division (FID) Detectives Michael Arteaga and Timothy Grabe on June 30, 2023. Hayhoe and Glover's compelled statements were not reviewed.

**FACTUAL ANALYSIS**

**9-1-1 Calls, Radio Traffic, and LAPD's Response**

On July 18, 2022, at approximately 7:20 p.m., a 9-1-1 caller reported that a transient man, later identified as Jermaine Petit, threatened him with a black handgun. LAPD broadcast the call to patrol officers as follows:

*"Southwest units. ADW suspect there now. [REDACTED] Edgemoor Drive. Suspect is a male black, dreadlocks...green long-sleeved shirt, and black pants. Threatened P/R with a black semiautomatic handgun."*

A second 9-1-1 caller reported that Petit was lighting trash on fire, had a gun in his hand, and was walking toward a school. LAPD broadcast that call to patrol officers as follows:

*“Southwest units...additional on your ADW suspect...There is an additional P/R calling...advised the suspect is walking toward Audubon School. Unknown if there is a handgun but he is carrying a stick and is lighting trash on fire...”*

Uniformed responding LAPD officers, including Sergeant Brett Hayhoe and Officer Daryl Glover, located Petit walking away from them down a public street.

### **The Attempted Detention and Request for Backup**

At 7:33 p.m., Hayhoe and Glover and other officers positioned their marked patrol vehicles behind Petit and ordered him to stop and take his hands out of his pockets. Petit did not comply, made furtive movements with his hands, and continued to walk away with his hands concealed from the officers who were tracking him from behind.

Petit continued to walk toward Audubon Middle School and Gifted Magnet Center, a school located in the Leimert Park area of Los Angeles. Officers drew their service weapons, and Hayhoe requested backup, an air unit, and a supervisor to respond to the scene.

Glover then drove his patrol car past Petit to cut him off and detain him. According to Glover’s BWV, Petit had a black object in his right hand. Glover yelled at Petit, “Get on the fucking wall! What’s that in your hand?” Petit pointed the black object at Glover, who yelled, “What’s that in your fucking hand?” Petit responded with unintelligible words, increased his pace, and continued to walk away. Glover and his partner continued to track Petit and conversed about whether the object in Petit’s hand was a gun. A still photo from BWV showing Petit pointing a black object at Glover is shown below:



*Figure 1- Still Photo of BWV Showing Petit Pointing a Black Object at Glover.*

## The Shooting

According to BWV, Hayhoe drove past Glover and his partner in another attempt to cut in front of Petit and detain him. Hayhoe positioned his patrol car abreast of Petit, drew his service weapon, and pointed it at Petit through the open passenger side window of the patrol car. Petit continued to jog away from the officers, with the black object in his hand, and in the direction of Audubon School.

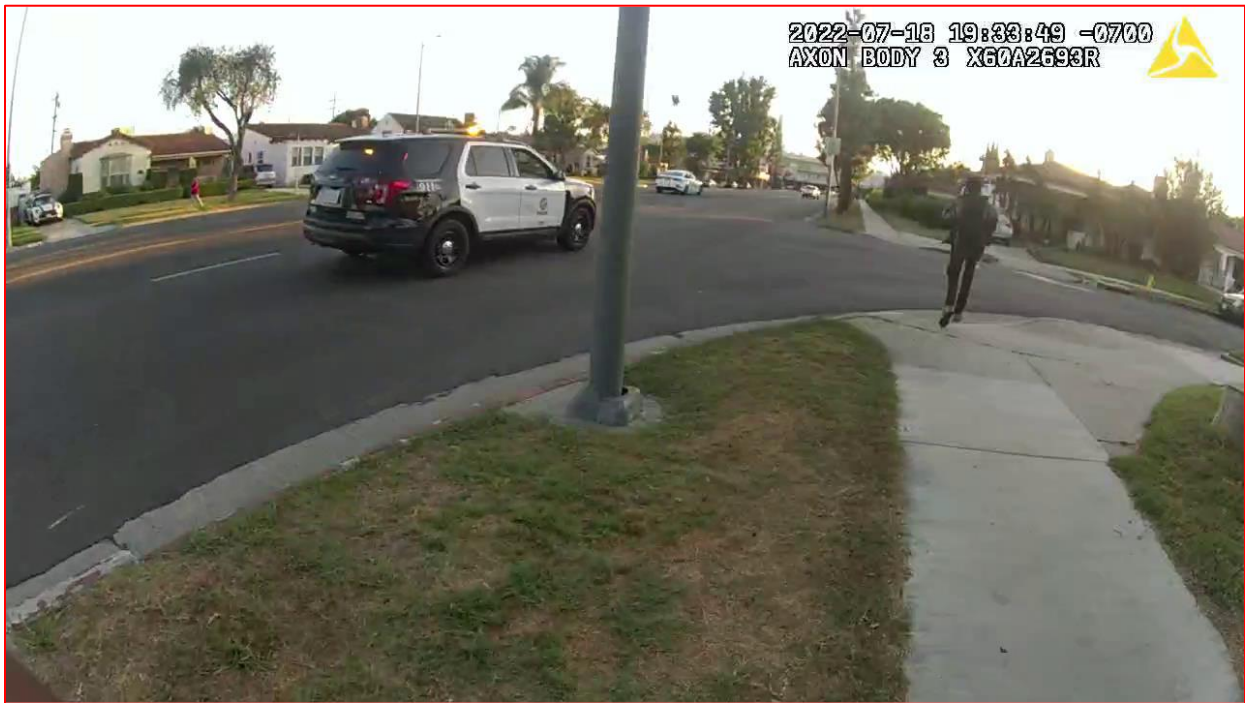
Petit then stopped and turned toward Hayhoe, who was holding Petit at gunpoint through the open passenger window of the patrol car. Petit still had the object in this right hand and had his hands positioned near his midsection. An officer yelled at Petit, “Hey! Drop it!” A still photograph of BWV showing Petit facing Hayhoe, with a black object in his right hand, is shown below:



*Figure 2-Still Photo of BWV Showing Petit Facing Hayhoe While Holding a Black Object in His Hand.*

Three seconds later, and in a rapidly unfolding sequence of events, Petit jogged away with the black object in his right hand and looked at Hayhoe, who then fired two rounds at Petit from a seated position inside his patrol car. A still photograph of BWV when Hayhoe fired two rounds at Petit is shown below:





*Figure 3- Still Photo of BWV Showing Petit Walking Away from Hayhoe While Holding a Black Object in His Hand.*

Approximately one second later, Glover fired one round at Petit. That moment is shown in the still photograph of BWV below:



*Figure 4- Still Photo of BWV Showing Petit Falling Down as Glover Fired a Round at Him.*

A forensic audio examination of audio of the shooting established that the three rounds were fired within 1.41 seconds of each other.

### **The Arrest and Petit's Simulated Handgun**

Petit was struck in the face and fell to the ground. According to BWV, Hayhoe yelled, "I got the gun right here! Petit was also moving his arm so officers yelled, "Stop reaching for it!" Hayhoe ordered Glover and his partner to take cover as another officer obtained a beanbag shotgun. Hayhoe yelled, "Guys! I can't see the gun! Guys! I can't! I can't!" Do you guys have a visual on the gun?" Another officer obtained a ballistic shield to approach Petit. Using that shield, an arrest team approached Petit, handcuffed him, and summoned medical assistance. At that point the black object was next to Petit. An officer kicked it out of Petit's reach. It was later identified as a black metal automobile door lock latch actuator shaped like a handgun. It is shown below in a still photo from BWV:



*Figure 5-Still Photo of BWV of the Black Object Petit Held in His Hand When Shot at by Hayhoe and Glover.*

## **Injuries and Firearms Evidence**

Hayhoe was armed with a .45 caliber semiautomatic service weapon. Two .45 caliber discharged cartridge casings discharged from his weapon were in his patrol car, consistent with him firing two rounds.

Glover was armed with a 9mm semiautomatic service weapon. One discharged 9mm cartridge casing from his gun was recovered at the scene consistent with him firing one round.

Petit was shot in the left jaw and once in the left shoulder. A projectile recovered from Petit's jaw matched Hayhoe's service weapon. Bullet fragments from Petit's left shoulder had insufficient information to determine conclusively whether that injury was caused by Hayhoe or Glover's service weapon.

## **LEGAL ANALYSIS**

### **The Law**

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

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

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

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

## **Analysis**

Two 9-1-1 callers reported that Petit had a handgun, and one of the callers reported that Petit had threatened him with it. When the officers arrived, they saw Petit holding an object that appeared to be a gun and wielding it in a threatening manner, which was consistent with the information the officers received from the 9-1-1 callers. Under the circumstances, it was reasonable for the officers to believe that Petit was indeed in possession of an actual firearm and presented a deadly threat.

Despite numerous orders from the officers to stop and drop the object, Petit, who was behaving erratically and had been lighting objects on fire, did not comply and pointed the object at Glover and other officers.

Moments later, in rapidly unfolding circumstances, Petit, while holding the object in a shooting manner, making furtive gestures with his hands, moving with purpose toward a school, and failing to comply with orders to stop and drop the object, turned toward pursuing officers. Hayhoe fired two rounds at Petit, and less than two seconds later Glover fired a single round, injuring Petit.

Hayhoe announced at that point that he could not see the gun, so officers approached Petit with a ballistic shield, indicating that officers reasonably believed, even after the shooting, that Petit was armed with a handgun.

Based on the totality of the circumstances, the evidence demonstrates that Officers Hayhoe and Glover could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to an officer or other persons.

## **CONCLUSION**

For the foregoing reasons, we find that Officer Hayhoe and Officer Glover's use of deadly force was reasonable under the circumstances.