

**Fatal Officer Involved Shooting of Kerry Bounsom
Long Beach Police Department**

Officer Maxwell Schroeder, #10933

J.S.I.D. File #20-0051



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 15, 2021

MEMORANDUM

TO: CHIEF ROBERT LUNA
Long Beach Police Department
400 W. Broadway Avenue
Long Beach, California 90802

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

SUBJECT: Fatal Officer Involved Shooting of Kerry Bounsom
J.S.I.D. File #20-0051
L.B.P.D. File #20-9220

DATE: July 15, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 16, 2020, fatal shooting of Kerry Bounsom by Long Beach Police Department (LBPB) Officer Maxwell Schroeder. It is our conclusion that the officer acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting on February 17, 2020, at 12:15 a.m. The District Attorney Response Team responded and was given a briefing, walk-through of the scene and reviewed body worn video (BWV) that captured the officer involved shooting.

The following analysis is based on police reports, BWV, surveillance video, witness interviews, crime scene photographs, the autopsy report, dispatch recordings and forensic analysis reports submitted to this office by Detectives Eric Thai and Oscar Valenzuela, LBPB, Homicide Detail, Special Investigations Division. Officer Schroeder provided a voluntary written statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On February 16, 2020, at approximately 10:00 p.m., uniformed LBPB Officers Maxwell Schroeder and Sokhoeun Kim were southbound on Martin Luther King Jr. (MLK) Avenue from East 20th Street in a black, dual-purpose police vehicle. The vehicle was equipped with a solid forward-facing red light and siren and a solid red light and strobing blue light mounted between the roof and rear-view mirror. The officers passed a bicyclist, later identified as Kerry Bounsom, riding northbound on the west sidewalk of MLK Avenue. The bicycle did not have a functioning white light in violation of California Vehicle Code section 21201(d)(1).

Schroeder made a U-turn at East 19th Street and drove northbound to contact Bounsom for the traffic violation.¹ Bounsom changed direction and was now traveling south on the west sidewalk. Schroeder believed that Bounsom had identified them as police officers and was attempting to avoid being detained. Schroeder made a U-turn at East 20th Street and again headed south on MLK Avenue. Bounsom was no longer in view. As Schroeder turned around on East 19th Street, the headlights illuminated 941 East 19th Street. The officers observed Bounsom running north through the driveway on the west side of the property and jump over a fence leading to the rear of the property. Kim exited and pursued Bounsom on foot while Schroeder turned north onto MLK Avenue in the southbound lanes.

Schroeder observed Bounsom jump over the fence that separates the east side of 941 East 19th Street from the west sidewalk of MLK Avenue. Schroeder yelled, “Police!” and ordered Bounsom to stop and get on the ground. Bounsom ignored Schroeder and a foot pursuit ensued.



Map of the area.

¹ The north and southbound lanes of MLK Avenue are separated by a raised concrete median. There is no break in the median between East 19th Street and East 20th Street.

Schroeder chased Bounsom northbound MLK Avenue then crossed the center median to the east sidewalk. Bounsom turned right onto East Rhea Street and ran eastbound on the south sidewalk. Schroeder heard Bounsom yell something similar to, "Let me go!" while pulling at his left front waistband and jacket pocket area. Bounsom removed a gray, square-shaped object with his left hand and raised it over his head stating, "I'm gonna hit you," and "Fuck you." Schroeder could not identify the object in Bounsom's hand, but thought it could be a Taser or other weapon he intended to use to escape.

Bounsom picked the object from the ground with his right hand after dropping it, then stood and faced Schroeder. Schroeder drew his Taser and ordered Bounsom to the ground. Schroeder deployed his Taser from a distance of ten feet, but it was ineffective. Bounsom continued running east on the sidewalk and removed another object from his front waistband with his right hand. Bounsom looked over his right shoulder and Schroeder observed Bounsom raising a firearm in his right hand.

Schroeder dropped the Taser and drew his service weapon. At the same, Bounsom fired one round at Schroeder from a distance of ten feet. In fear for his life, Schroeder fired two rounds at Bounsom. Bounsom remained standing with the gun pointed at Schroeder. Schroeder fired two to three more rounds. Bounsom turned and ran eastbound for a short distance before falling to his knees with the gun still in his right hand. It appeared to Schroeder that Bounsom was manipulating the gun with his left hand.

Schroeder took cover behind a nearby palm tree and ordered Bounsom to get on the ground and put out his hands. Bounsom replied, "Fuck you," and began to stand while turning toward Schroeder with the gun still in his right hand. In fear that Bounsom was about to shoot at him again, Schroeder fired another round. Bounsom fell to his back and the firearm fell from his right hand within reach. Schroeder held Bounsom at gunpoint until Kim and other officers arrived to his location and took Bounsom into custody.²

Kim remained on East 19th Street while Schroeder went to MLK Avenue. Kim heard Schroeder yell, "Hey! Stop!" multiple times and ran to MLK Avenue. Schroeder and Bounsom were not visible. Kim heard four to five gunshots as he crossed the center divider. Kim ran to East Rhea Street and observed Schroeder standing behind a tree on the south sidewalk holding Bounsom at gunpoint. Bounsom was lying on his back along the edge of the sidewalk. A small, silver handgun lay on the ground, one to two feet from Bounsom's right hand.

² An examination of Schroeder's service weapon determined that he fired a total of six rounds.



Still from Kim's BWV showing the position of the firearm next to Bounsom before he was taken into custody.

Officers performed cardiopulmonary resuscitation on Bounsom after he was taken into custody. Personnel from the Long Beach Fire Department arrived to the scene and transported Bounsom to St. Mary Medical Center. Bounsom was pronounced deceased at 10:51 p.m.

Officer Schroeder's Body Worn Video

Schroeder can be heard ordering Bounsom to stop and get on the ground several times as he runs to the east side of MLK Avenue. Schroeder turns onto East Rhea Street and the BWV captures the sound of something hitting the ground. Schroeder again orders Bounsom to stop and get on the ground while illuminating him with a flashlight. Bounsom stops and turns toward Schroeder. A dark object is visible on the ground in front of him.



Bounsom facing Schroeder with the dark object on ground.

The BWV captures the sound of a second object hitting the ground and rolling when Schroeder transitions to a Taser. Schroeder yells, "Get on the fucking ground!" Bounsom runs toward Schroeder, holding something black in his right hand above his head. Two objects are visible on the ground between Bounsom and Schroeder.



Bounsom advancing toward Schroeder with his arm raised and two objects on the ground between them.

Schroeder again orders Bounsom to the ground. Bounsom lowers his right hand and places the black object into his left hand. Bounsom leans toward the ground where a silver handgun is now visible in close proximity to Schroeder's flashlight. Bounsom retrieves the handgun and continues running eastbound. Schroeder simultaneously deploys his Taser.³ Bounsom grunts in pain, but does not stop. Schroeder follows Bounsom.



Bounsom leans down to pick up the silver handgun. Schroeder's flashlight lies nearby.⁴

Bounsom yells, "Fuck you!" and screams unintelligibly as he turns and faces Schroeder. A gunshot is heard followed immediately by the sound of a ricochet. The BWV then captures the sound of the Taser dropping to the ground as Schroeder raises his service weapon and fires five consecutive rounds at Bounsom.

Bounsom falls to his right side on the ground and yells, "Fuck you!" Bounsom is facing Schroeder and the gun is visible in his right hand. Schroeder takes cover behind a tree, points his service weapon at Bounsom and orders him to show his hands multiple times. Bounsom ignores Schroeder and begins to stand, yelling, "Fuck you, man!" Schroeder orders Bounsom to the ground. Bounsom replies, "I'm gonna kill you, motherfucker!" Schroeder fires one round from his service weapon.

Bounsom falls to the ground and rolls to his back. The gun is briefly visible in Bounsom's right hand as it falls to his right side, out of view. The BWV captures the sound of the gun striking the concrete.

³ It is clear from Schroeder's written statement that he was unaware that Bounsom had dropped a gun then subsequently retrieved it from the ground.

⁴ The flashlight was the second object heard on Schroeder's BWV hitting the ground and rolling.



Bounsom rising to his knee with the gun partially visible in his right hand.

Statement of Sally C.

Sally C. was driving home when she observed two individuals running across MLK Avenue onto East Rhea Street at a distance in front of her vehicle. Initially, she thought they were teenagers having fun. However, when she turned onto East Rhea Street, she realized the person to the rear was a police officer and he was in a foot pursuit.

Sally C.'s front windows were down and she heard Schroeder yell, "Stop!" before firing his Taser at Bounsom. The Taser did not appear to have an effect on Bounsom. Sally C. became fearful and stopped her vehicle in the middle of the street.⁵ Schroeder ordered Bounsom to put something down. Bounsom turned to his right toward Schroeder and yelled, "Fuck you!" holding what appeared to be a gun in his right hand. Bounsom extended his right hand toward Schroeder and fired approximately three to four rounds. Schroeder immediately produced his service weapon and fired three to four rounds in response. Sally C. observed smoke and muzzle flash coming from both weapons.

Bounsom fell to the ground and Schroeder ordered him to put his weapon down. Bounsom did not comply and fired another five to six rounds at the officer. Schroeder simultaneously returned fire. At that time, Sally C. drove past the scene and saw Bounsom lying on the ground.

⁵ Surveillance video from a nearby residence captured Sally C.'s vehicle driving onto East Rhea Street then coming to a stop.

Ballistic Evidence

Three bullet strikes were located within the crime scene. A bullet strike was located on the passenger side of a car parked on the south curb of East Rhea Street. Based upon the BWV and evidence recovered at the scene, the vehicle was behind Schroeder during all of the gunfire, consistent with it being caused when Bounsom fired his weapon. A second bullet strike was located on the iron gate in front of 1020 East Rhea Street. Bounsom was in close proximity to the gate when he shot at Schroeder and when Schroeder returned fire. The sound of a ricochet can be heard on Schroeder's BWV immediately after Bounsom fired his weapon, however, it is unknown what was being struck at that time. Finally, a bullet fired from Schroeder's weapon was recovered from a tree located east of the shooting.

Firearm Evidence

Bounsom's weapon was a Colt MK IV Series 80, Government Model, .380 caliber semiautomatic firearm. The magazine was loaded with five rounds and it had a damaged, discharged cartridge case stuck in the chamber. The discharged casing would prevent the weapon from firing if the trigger was pulled.



Bounsom's firearm with the discharged casing stuck in the chamber.

Autopsy Report

Los Angeles County Deputy Medical Examiner Joseph Vallone, M.D., performed a postmortem examination of Bounsom on February 21, 2020. Bounsom's death was ascribed to multiple gunshot wounds. Bounsom sustained gunshot wounds to the left arm and chest. Based on the trajectory of both wounds, it is possible that a single bullet entered Bounsom's left arm, traveled from left to right and entered his left chest, causing both wounds.

THE LAW

A peace officer is justified in using deadly force upon another when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another; 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) and (B).

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 on that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. Penal Code section 835a(a)(4).

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Penal Code section 835a(a)(2).

"Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force. Penal Code section 835a(e)(3).

CONCLUSION

The evidence in this case shows that Schroeder and Kim attempted to detain Bounsom for riding a bicycle at night without a light. Bounsom ignored multiple orders from Schroeder to stop and get to the ground during the ensuing foot pursuit. Instead, Bounsom shot at Schroeder from a distance of ten feet. In fear for his life, Schroeder returned fire. Bounsom fell to the ground, but maintained possession of the firearm. Bounsom ignored commands to show his hands and attempted to stand and turn toward Schroeder with the gun. Fearing that Bounsom intended to shoot at him again, and unaware that Bounsom's gun had malfunctioned, Schroeder fired an additional round at Bounsom, ending the threat.

Based on the evidence reviewed in this case, including an independent civilian witness, body worn video and ballistic evidence, Bounsom attempted to kill Schroeder in an attempt to escape apprehension, presenting an imminent deadly threat to the officer. Under the totality of the circumstances, it was reasonable for Schroeder to respond with deadly force in self-defense.