

## **FAMILY PLANS TO FILE LAWSUIT AGAINST CITY OVER - Mercury News, The (San Jose, CA) - November 20, 2018 - page 8B**

November 20, 2018 | Mercury News, The (San Jose, CA) | Joseph Geha, [jgeha@bayareanewsgroup.com](mailto:jgeha@bayareanewsgroup.com) | Page 8B

Lawyers for the family of a man fatally shot by police in Danville earlier this month said Monday they plan to file a wrongful death lawsuit against the city.

Civil rights attorney John Burris said at a news conference that Contra Costa County sheriff's Deputy Andrew Hall was reckless and negligent when he shot into a moving car on Nov. 3, fatally wounding 33-year-old **Laudemer Arboleda** of Newark.

"The officer was easily in a position of safety if he wanted to be. He chose to shoot into that car, when he could have easily avoided any type of incident with the car," Burris said, adding that officers involved in the incident chose "death over life."

Police said officers responded to a citizen's call about a "suspicious person" just after 11 a.m. Nov. 3 near Cottage Place and Laurel Drive. The caller said a man got out of a car, walked toward several homes with bags in his hands, then returned to his car and circled the neighborhood.

When officers arrived and found the person, later identified as Arboleda, he refused orders to stop and drove away, police said in a statement.

During an ensuing car pursuit, Arboleda pulled over twice as if preparing to stop, then drove away as officers got out of their patrol vehicles, police said.

Near Front Street and Diablo Road, police said Arboleda accelerated his car toward an officer. Fearing he was about to be hit, Hall fired his gun several times at the vehicle, according to police. Arboleda was struck and taken soon after to San Ramon Regional Medical Center, where he was pronounced dead.

Burris said the officers were overzealous when they tried to box in Arboleda's vehicle with theirs, and that Hall could have simply moved out of the car's way instead of shooting into it.

"(Arboleda) was on Front Street driving slow, he tries to make the turn, the police officers' cars jump in front of him like a roadblock, like this was a massive murder case they were seeking," he said at the news conference, held after Arboleda's funeral in Fremont with family members present.

"We have a witness who said that the car was moving slowly and that he was trying to move away, and that there didn't appear to be any reason why the police would shoot into the car," Burris said.

Burris showed copies of photos of Arboleda's car, with seven bullet holes in the windshield on the

passenger side. Burris said the pattern of holes indicate Hall was in a position to easily move out of the path.

"Creating a dangerous situation when the person hadn't done anything dangerous," Burris said. "That is poor policing, poor tactics, negligence and reckless conduct on the part of those officers."

Burris said Arboleda had been staying with his mother in Fremont and may have been headed to the Danville neighborhood to seek new housing.

In the past year or so, Arboleda had been dealing with some mental health struggles, though that does not appear to have been a factor in the shooting, Burris said.

"He wasn't harassing anyone, he wasn't knocking on doors where people were disturbed. He was just a man, a Filipino man, a brown-complected man, a colored man, in a neighborhood that's predominantly white," Burris said.

"And that's why this rush to judgment, this rush to use deadly force is so appalling, when you didn't have any underlying information of any crime that had been committed," Burris said.

The Contra Costa County Sheriff's Office, which contracts with Danville to staff the city's police department, is pushing back, saying Arboleda put officers in danger.

"This is a tragic case, yet once again John Burris is reaching for his well-worn race card," Sheriff David Livingston said in an emailed statement Monday.

"This is not about race. This is about a dangerous and reckless person trying to run down and murder a police officer. Once all investigations are completed, we look forward to sharing the full details with the public," he said.

Burris also said a lawyer for Hall has been allowed to see video from police car dashcams and body-worn cameras showing the incident, but requests by Arboleda's family to see the same videos have been denied.

"There's no reason, in the interest of transparency of fairness, for the police officer's lawyer to see the video and get his description, and the family not able to see the same video," he said.

At the news conference, members of Arboleda's family spoke briefly to the media.

"We love Laudemer," said Jessica Leong, Arboleda's niece. "Despite his struggles with mental illness, he was a kind and generous man." She asked anyone with more information about the incident to contact them.

This case is being investigated by the Danville Police Department, Contra Costa County Office of the Sheriff, and Alameda County District Attorney's Office authorities said.

Contact Joseph Geha at 408-707-1292.