

## **Mother accuses Danville police of shooting man - San Francisco Chronicle (CA) - November 20, 2018 - page C1**

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The mother of a man shot to death behind the wheel of his car by Danville police has filed a claim against the city that alleges "his only crime was being the wrong skin color in Danville."

Attorney John Burris made that statement in a claim his office filed Friday with the Danville city attorney's office. The claim, which California requires to be filed and denied before a lawsuit can be filed against a government agency, seeks in excess of \$25,000; it was filed on behalf of Jeannie Atienza, the mother of **Laudemer Arboleda**.

Arboleda, 33, of Newark was shot to death Nov. 3 in the affluent East Bay suburb by Danville police officer Andrew Hall, a five-year veteran of the force. Authorities said Hall feared that Arboleda was trying to run him down in an escape attempt.

The shooting has raised questions about the controversial practice of police firing on moving vehicles. Such tactics are banned in many cities, including San Francisco.

Police said they received a call about 11 a.m. of someone acting suspiciously and walking toward several homes with bags in his hands. When officers approached Arboleda, police said, he fled in his silver Honda sedan. He pulled over twice, authorities said, as if to surrender, before driving away. But at Front Street and Diablo Road, Arboleda allegedly veered toward officers approaching his car on foot.

Burris released a statement saying Arboleda had not committed a crime or an infraction, and the attorney said a witness has come forward to contradict the Police Department's account of the incident. Arboleda was trying to drive slowly around a police cruiser and not attempting to strike Hall, Burris said.

Hall "recklessly decided to deprive Mr. Arboleda of his life when he had no information that he had committed any crime," Burris said. "The officer had an option but chose death over life."

Contra Costa County Sheriff David Livingston released a statement slamming Burris for playing the "race card" and called Arboleda "dangerous and reckless."

"This is a tragic case, yet once again John Burris is reaching for his well-worn race card. 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," Livingston said.

Burris said the lack of a ban on shooting at moving cars runs contrary to "recommended police practices" and Department of Justice guidelines.

The claim alleges wrongful death, negligence and negligent hiring and training. It seeks an unspecified amount of money for general damages, including pain, suffering and emotional distress, as well as medical and related expenses.

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