

MEMO

Police Department

DATE: July 20, 2018
TO: SERGEANT TRINIDAD LOMELI
FROM: DETECTIVE KARLA BELER
RE: SUMMARY: 664/187PC ON POLICE OFFICER

CASE NUMBER: P18135608
DATE OF INCIDENT: Wednesday – July 20, 2018
TIME OF INCIDENT: 1946 HOURS
LOCATION: Arlington Avenue/Streeter Avenue
INVOLVED OFFICER: Officer Jarrod O'Farrell
OFFICER'S INJURIES: None

SUSPECT: Levario, Arthur Cornejo Jr. -Deceased
Hispanic male adult, DOB: 5/31/1973
5'10", 183 pounds, brown hair, brown eyes



SUSPECT'S INJURIES: Multiple small wounds on the back of the head (predominately the left side), a large wound on the left side of his neck (at the base of the skull, just below the left ear.) Multiple small wounds on the back side of left shoulder, a postmortem wound on the top of his left shoulder and multiple postmortem wounds on the left side of his upper torso

WITNESS OFFICERS: Officer Aaron Hernandez/ Riverside Police Department
Officer Brittany Reimer/ Riverside Police Department
10540 Magnolia Ave. Riverside, CA 92505

VICTIM OFFICERS: Sgt. M. Mouat /Hemet Police Department
Detective A. Paez / Hemet Police Department
450 E. Latham Avenue, Hemet, CA 92543
Sgt. S. Morovich/ Riverside County Sheriff's Department
Deputy D. Thomas/ Riverside County Sheriff's Department
137 N. Perris Blvd., Perris, CA 92570

VICTIMS' INJURIES: None

RIVERSIDE POLICE DEPT
Public Records
JPEDROZA 5/16/2020 12:32 PM
Unauthorized Release Prohibited

SUMMARY

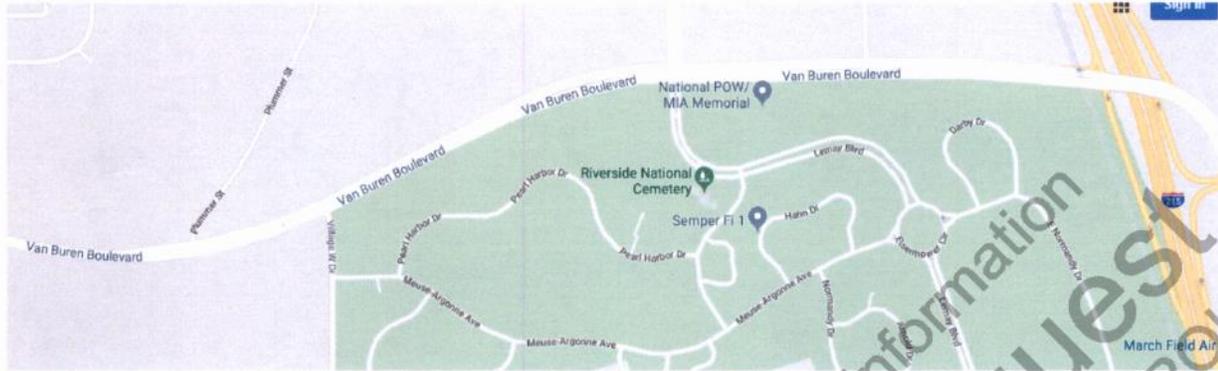
On July 20, 2018, Detective Paez and Sergeant Mouat with the Hemet Police Department's Crime Suppression Team responded to the area of [REDACTED] Hemet, CA to conduct follow-up on a 246 PC (*Discharge of firearm at an inhabited dwelling*) report number 18-6879 from July 13, 2018. The suspect vehicle was described as silver Chrysler Sebring bearing the license plate 7JPW282.

Detective Paez and Sergeant Mouat saw the vehicle to the front of [REDACTED]. They saw the front passenger exit the vehicle and quickly go inside the house. The officers approached the vehicle and asked to speak to the driver/sole occupant. The suspect immediately placed the car in reverse and fled. The officers pursued the suspect vehicle in their unmarked police unit which was equipped with take down lights. At the intersection of Florida Ave. /N. California Ave., in the city of Hemet, the suspect fired 2-3 shots at the officers. The officers broadcast on the police radio shots were fired at them and they continued to pursue the vehicle.



A Riverside Sheriff's Department's K-9 unit joined the pursuit as it left surface streets and entered onto the north 215 freeway at Nuevo Rd. (*Murietta*) CHP was also notified of the pursuit. The suspect exited the 215 freeway at Van Buren Blvd. and shot at Riverside Sheriff's Department Deputy Thomas

and Sergeant Morovich. Riverside Police Department's air unit was requested and began monitoring the pursuit at Van Buren Blvd. /Trautwein Rd. (Riverside.) K-9 Officer Feimer also joined the pursuit at



Van Buren Blvd. /Trautwein Rd. Riverside Police Sgt. Elliott joined the pursuit at Van Buren Blvd. /Washington Ave. The suspect sped in excess of 100 miles per hour and drove into oncoming traffic at several points during the pursuit. Officers blocked traffic at numerous intersections and attempted to get into a position to place spike strips to stop the suspect. They were unable to get into a safe position to place spike strips due to the speed and erratic actions of the suspect. (Once in the city of Riverside, the pursuit covered the distance of approximately 18 miles and lasted approximately 15 minutes.)

Prior to the termination of the pursuit, the suspect exited a residential neighborhood and traveled west on Arlington Ave. As he approached Streeter Ave, the suspect traveled west in the east bound lanes into oncoming traffic. Officer O'Farrell was traveling north on California Ave, and turned into the lane that merges onto east bound Arlington Ave. He stopped his vehicle south of Arlington Ave. The suspect veered his vehicle left as if he intended to drive south onto California Ave, toward Officer O'Farrell's unit.





Officer O'Farrell fired his first shot through the police unit's windshield at the suspect vehicle as it approached. The suspect ducked down and swerved his vehicle to the right toward east bound traffic on Arlington Ave. Air-1 broadcasted the suspect was headed into oncoming traffic and would likely collide into stopped vehicles. Officer O'Farrell started to exit his police unit; he shot a second time at the suspect as the suspect vehicle continued toward vehicles stopped in traffic lanes on Arlington Ave. This shot most likely struck the driver's side upper seat cushion, just below the headrest and struck the interior windshield on the passenger side. The suspect vehicle collided into stopped civilian vehicles. The suspect did not put the vehicle into park or turn the vehicle off.

Officer O'Farrell, Officer Hernandez and Officer Reimer approached the suspect and used a nearby stopped vehicle to gain a position of advantage. They repeatedly commanded the suspect to show them his hands. The suspect initially complied. He briefly showed both his hands to the officers and then quickly turned toward the passenger seat concealing both of his hands.

Knowing the suspect had a gun and had no regard for public safety or the safety of law enforcement; Officer O'Farrell shot a third time. The bullet entered the suspect's head behind his left ear. Officer Hernandez prepared to shoot when he saw the suspect turn toward the passenger seat but saw and heard Officer O'Farrell's shot and restrained from shooting. Officer Reimer could not see the suspect from her vantage point and did not shoot. Additional officers responded and heard Officer O'Farrell's last shot, but no other shots were fired and no other officers saw Officer O'Farrell shoot. Commands were repeatedly given to the suspect but he did not respond.

Stimulation techniques were initiated. The METRO Team utilized the Armored Rescue Vehicle and approached the suspect vehicle. (A .40 caliber semi-automatic handgun was seen on the front passenger seat of the suspect vehicle.) A less lethal bean bag round was deployed twice and the suspect did not respond. Officer Feimer's K-9 "Rocco" was deployed. The suspect did not react to Rocco's contact. A Riverside Fire Department Medic approached and pronounced the suspect deceased at 20:59 hours. The Metro Team rendered the suspect vehicle safe by placing the transmission into park and shutting off the ignition.

TIMELINE

- 19:30 Hemet Police Department's Crime Suppression Unit (*Sgt. Mouat and Det. Paez*) responded to [REDACTED] Hemet, to conduct follow-up on a reported 246 PC from 7/13/18.
- 19:32 Hemet P.D. CSU officers observed the suspect vehicle driving to the residence.
- 19:34 Hemet P.D. CSU attempted to make contact with the driver and a pursuit was initiated.
- 19:37 The suspect fired 2-3 shots at pursuing Hemet P.D. officers. (*Sgt. Mouat and Det. Paez*)
- 19:40 A Riverside Sheriff's Office K-9 unit joined the pursuit as it left surface streets and entered 215-N freeway and Nuevo Rd. in Menifee.
- 19:41:57 California Highway Patrol dispatched a unit to assist in the pursuit when it was west bound Florida Ave./Four Seasons Blvd.
- 19:50 The suspect exited Van Buren and fired at pursuing officers (RSO Sgt. Morovich and Deputy D. Thomas) – CHP and RSO requested Riverside Police Department take over the pursuit
- 19:50:13 A CHP officer advised their dispatcher he was in the pursuit with four units behind him. The officer stated the suspect lost control of his vehicle but was able to recover. He also advised the suspect was driving into oncoming traffic.
- 19:51:57 CHP dispatch received a 911 call from a citizen reference a 23152 CVC driver in a Chrysler Sebring at west bound Van Buren Blvd. /215-N freeway.
- 19:52 Riverside P.D. Air1 (*Officer Ratkovich/Officer Dillon*) and a K9 unit (*Officer Feimer/Rocco*) joined the pursuit at Van Buren Blvd./Trautwein Rd.
- 19:55 Riverside P.D. Sgt. Elliott and RPD units took over the pursuit at Van Buren Blvd. /Washington Ave.
- 20:09 The suspect exited a residential neighborhood and traveled west bound in the east bound lanes of Arlington Ave. toward oncoming traffic.
- 20:09:42 First shot was fired by Officer O'Farrell.
- 20:09:47 Second shot was fired by Officer O'Farrell.
- 20:10:02 Third shot was fired by Officer O'Farrell.
- 20:31 The armored vehicle arrived on scene.
- 20:45 Stimulation techniques were initiated.
- 20:53 SWAT personnel approached the suspect.
- 20:59 Suspect pronounced deceased by RFD Medic.

VICTIMS' STATEMENTS

Detective Paez, Hemet Police Department

Hemet Police Detective Paez said they were near the 200 block of N. California in the city of Hemet, in pursuit of the suspect vehicle when he saw the driver's hand come up and angle toward them. He heard 1-2 gunshots and saw debris fly away from the suspect's vehicle. He did not see a gun in the suspect's hand but believed from the sound and sight of the debris; the suspect shot at them. As they approached the westbound 74 Highway (*also referred to as Florida Ave.*), Detective Paez believed the suspect shot at them again. The suspect drove onto the northbound 215 freeway and threw several unknown items from the vehicle. The suspect drove on the shoulder of the road and sped in excess of 100 mph. He exited onto Van Buren Blvd. from the 215 freeway and Det. Paez heard over the radio the suspect shot at additional officers. He did not hear or see the shots because they were too far behind the suspect. Riverside Police Department officers took over the pursuit and he and Sgt. Mouat trailed it to the termination point.

On 7/20/18, Detective Paez wore a black T-shirt, blue jeans, and a black raid vest with a cloth Hemet Police Department badge and "Police" marked on it. He drove a black unmarked Crown Victoria with a light bar and a solid facing red light. He had the suspect's vehicle information including the license plate number and the make and model from the 246 PC reported on 7/13/18. The vehicle he saw on 7/20/18 in the drive-way at [REDACTED] matched the description. He walked up to the driver's side door and made eye contact with the driver through the window. He waved at the driver and told him he needed to talk to him. Det. Paez said the suspect could clearly see he was a police officer and did not comply. The suspect fled in his vehicle and he and Sgt. Mouat pursued in their police unit.

Sergeant Mouat, Hemet Police Department

Hemet Police Sergeant Mouat said he was the supervisor for the Crime Suppression Unit (CSU). He and his partner officer (Detective Paez) were checking the area, when Detective Paez saw a vehicle matching the description of the suspect vehicle in a past 246 PC report. They followed the car to a driveway located at [REDACTED] and then exited their car to do an occupied vehicle check. The passenger of the car exited but the driver put the car in reverse and took off. He and Detective Paez ran back to their car and pursued the fleeing vehicle.

They were the primary unit and another Hemet Police Department unit was the secondary unit in the pursuit. When they turned southbound on California Ave. from Devonshire Avenue, the suspect shot at them. He heard the shots and saw the muzzle flash. He also saw glass from the back window of the suspect vehicle coming at them. Based on the muzzle flash and the glass particles he saw coming from the back of the suspect's car, he concluded the suspect pointed a gun over the driver's seat and back to the right. He heard 2-3 shots. The suspect threw unknown items from the vehicle. The suspect drove west and then northbound on the 215 freeway. He drove in and out of traffic and reached speeds in excess of 100-120mph.

Sgt. Mouat switched to Riverside Sheriff's Office radio because Hemet Police Department's radio was out of range. The suspect exited the freeway at Van Buren Blvd. He saw a Riverside Sheriff's Office unit parked on the on ramp. He heard over the radio the suspect was shooting at officers again. He did not hear or see the shots. They continued over the Van Buren Blvd. overpass and a CHP unit was to the front of them. The CHP unit quickly pulled over and they were again the primary unit. The pursuit continued into the city of Riverside. Riverside Police Department switched radio channels and he could no longer monitor the pursuit. He and Detective Paez dropped out of the pursuit but trailed it once Riverside Police Department was confirmed to be the handling agency and confirmed there were a sufficient number of units. When they reached the termination point of the pursuit, the officer involved shooting already occurred.

On 7/20/18, he was wearing blue jeans, a black T-shirt, and a black ballistic vest with a cloth Hemet Police Department badge and "Police" clearly marked on it. He and Detective Paez were in a black unmarked Crown Victoria equipped with take down lights. He saw no bullet marks or strike marks on their police unit when he inspected it for damage.

Sergeant Morovich, Riverside Sheriff's Office

Riverside Sheriff's Office Sergeant Morovich said he was wearing a Sheriff's uniform and was driving a silver unmarked patrol vehicle. He was advised Hemet Police Department was in pursuit of a vehicle heading toward their jurisdiction and the suspect shot at Hemet police officers. He and Deputy Ray (K9 unit) responded "Code 3" toward Highway 74 in the city of Menifee. He heard Deputy Ray notify

dispatch when he saw Hemet officers in pursuit of a Chrysler convertible westbound on Highway 74 near 3rd Street. Sgt. Morovich shut down traffic on eastbound Highway 74 near the northbound 215 freeway intersection.

The Chrysler (suspect vehicle) passed Trumble Road and he heard 2-3 gunshots. He saw the driver pointing what appeared to be a handgun in his direction. He was not struck and his vehicle was not struck by the gunfire. The suspect entered the northbound 215 freeway and exited Van Buren Blvd. He saw RSO Deputy Thomas was parked at the off-ramp and broadcast on the radio the suspect had fired at deputies.

Near the entrance of Ben Clark Training Center, the suspect lost control of his vehicle. He recovered and continued westbound on Van Buren Blvd. Riverside Police Department units joined the pursuit. Hemet Police Department remained primary and Riverside Sheriff's Office units dropped out of the pursuit.

Deputy Thomas, Riverside Sheriff's Office

Deputy Thomas positioned his marked unit at Van Buren Blvd. and the 215 freeway in a southeast position. The pursuit exited the 215 freeway onto Van Buren Blvd. At the top of the off ramp, the suspect shot toward his unit. The suspect shot 5-6 shots and traveled westbound on Van Buren Blvd. Deputy Thomas joined the pursuit and was initially the fifth unit. The suspect was traveling at speeds of 90 mph and lost control of his vehicle on Van Buren Blvd. at Plummer Road. The suspect regained control of his vehicle and continued west on Van Buren Blvd. Deputy Thomas took the fourth position at Sgt. Morovich's direction. Riverside Police Department units took over the pursuit and Deputy Thomas withdrew from it near Van Buren Blvd. /Ranch Rd.

RIVERSIDE POLICE DEPARTMENT'S PURSUING OFFICERS' STATEMENTS

Air Unit (Air 1)/ Officer Ratkovich and Officer Dillion

At 1954 hours, Air 1 joined the pursuit at west bound Van Buren Blvd. near Washington St. A FLIR video was acquired by Air 1. Officer Ratkovich broadcast the pursuit on the RSO-Perris channel and updated RPD units as they began to respond. The air unit officers stated the suspect had no regard for public safety; ran numerous stop signs, ran red traffic signals and recklessly drove on the wrong side of the road several times. Oncoming traffic was forced to make evasive movements to avoid collisions. As the suspect drove westbound on Arlington Ave. in the eastbound lanes and approached California Ave.; it appeared as if the suspect was going to ram into the stopped traffic with his car. The suspect hit a black SUV and came to a stop. Officer Ratkovich heard on the police radio an officer involved shooting occurred. He could see the suspect slumped over inside the vehicle.

K-9 Officer Kevin Feimer

Officer Feimer joined the pursuit at Van Buren Blvd. /Trautwein Rd. at approximately 1953 hours. He was the fourth vehicle in the pursuit. The suspect drove at a high rate of speed reaching 110 mph and at times drove on the wrong side of the road. Riverside Sheriff's Office's K-9 unit was the third vehicle in the pursuit and pulled out of the pursuit once Officer Feimer joined. Officer Feimer became the third unit pursuing the suspect vehicle. Two Hemet Police Department units were ahead of him. As the vehicle pursuit approached Monroe Ave., the Hemet Police Department units pulled out of the pursuit. Officer Feimer was the second unit in the pursuit and Sgt. Elliott was the primary unit.

The suspect approached Streeter Ave. on Arlington Ave. and was driving on the wrong side of the road into oncoming traffic. The suspect vehicle stopped and Air 1 advised the driver's door was

opening. Officer Feimer started to get his Police Service Dog out of the car to prepare for the possibility of the suspect fleeing on foot. Officer Feimer heard a gunshot from the area where the suspect vehicle was stopped. He could not see who shot due to the other vehicles in the area.

METRO team officers arrived with the armored rescue vehicle and less lethal ammunitions were deployed. The suspect did not react. Officer Feimer's dog "Rocco" was utilized to make contact with the suspect. Rocco entered the open driver's side door of the suspect's vehicle. Rocco contacted the suspect and there was no reaction. SWAT officers approached the suspect.

Sergeant Peter Elliott

On 7/20/18, Sgt. Elliott's assignment was Watch C patrol supervisor. He drove marked unit #3823. He heard police Dispatch broadcast the information about a suspect who shot at Hemet Police Department officers. He asked Dispatch to keep him advised if the pursuit neared Riverside. He heard units tell Dispatch they were moving toward the 215 freeway and Alessandro Ave.

The suspect vehicle was described as a Chrysler Sebring convertible. The pursuing units requested Air 1's assistance. He heard the pursuit was westbound Van Buren Blvd. and coming into the city of Riverside. He was aware other agencies might have radio communication problems in Riverside. His goal was to intercept the pursuit and possibly take it over. It was safer for allied agencies and the public if Riverside Police Department used marked vehicles and maintained good communication within the city of Riverside.

The information broadcast was the suspect was driving recklessly. He drove on the wrong side of the road and drove at high rates of speed. The suspect appeared to have no regard for the public's or anyone's safety. Sgt. Elliott said it was of great concern to him because the suspect could potentially use his vehicle as a weapon. It was between 19:30 and 20:00 hours and there were people on the road. The suspect was shooting at officers and had no regard for civilians. Sgt. Elliott also considered the possibilities if the suspect crashed his car and tried to commandeer another vehicle or tried to kill someone and take their car.

He intercepted the pursuit at Van Buren Blvd. / Washington Ave. and initially followed in the back. The suspect was driving over 100 mph. Air 1 relayed the pursuit as it developed. This was beneficial because the officers on the surface streets were traveling at high rates of speed and communication regarding changing locations and conditions was difficult to do safely while attempting to transmit information. The suspect "blew" through stop signs and nearly crashed.

The suspect traveled north on Adams Ave. to California Ave. He drove around in the neighborhood north of Arlington Ave. He eventually drove westbound on Arlington Ave. There was a lot of traffic and the suspect drove westbound into the eastbound lanes. Sgt. Elliott saw as the suspect approached Streeter Ave. there was a wall of cars stopped at the light. The cars moved forward which boxed in the suspect. He heard Air 1 say the suspect was going to start ramming cars. Sgt. Elliott drove west in the eastbound lanes of traffic following the suspect. He knew the suspect vehicle was trapped and the suspect could possibly jump out of the car. He heard Air 1 say the suspect's door was open.

Based on his training and experience, Sgt. Elliot believed it was likely the suspect would exit the vehicle to fight, run or do something violent. He considered the possibility of a car-jacking or a hostage situation occurring. Because the car was stopped, Sgt. Elliott thought the suspect was going to do something desperate.

Sgt. Elliott stopped his unit approximately 20 feet behind the suspect's car. He initially thought of hitting the suspect's vehicle and pinning him inside but he saw civilians were in the next vehicle. He saw the suspect moving around but could not see what he was doing. He heard officers giving commands for the suspect to show his hands.

Sgt. Elliott exited the car and was processing what to do next, when he heard a gunshot. He knew it didn't come from the suspect's car. It came from his left. He could see Officer O'Farrell, Officer Hernandez and Officer Reimer to his left and he knew it was a .223 round by the sound. He saw Officer Reimer and Officer O'Farrell had rifles. He heard one shot and saw no movement in the suspect vehicle afterward.

He told other police officers at the scene to stay back. He pulled Officer O'Farrell, Officer Hernandez and Officer Reimer away from the task of covering the suspect and replaced them with other officers. He asked Officer O'Farrell if he shot and Officer O'Farrell told him he shot 2-3 times. Officer O'Farrell told him he shot one round through the windshield and two rounds on the move. He also told Sgt. Elliott what direction he shot. Sgt. Elliott summoned medical aid for the suspect approximately one minute after the shot. Dispatch also requested medical aid.

Civilians appeared scared and terrified. Officers assisted in evacuating them out of their vehicles. People grabbed their kids and ran for their lives. He considered the suspect was wounded and wanted to "go out with a bang" by luring in officers. He did not want the suspect to have another opportunity to shoot at police or civilians. He requested assistance from the METRO team.

Sgt. Elliott did not shoot any rounds and his weapon was charted.

Sgt. Elliott stated the pursuit was dangerous but he could not "Code 22" the pursuit because the suspect presented such a high risk to public safety.

PRIMARY WITNESS OFFICERS' STATEMENTS

Officer Aaron Hernandez

Riverside Police Officer Hernandez witnessed the suspect traveling at a high rate of speed and knew from radio traffic he shot at officers. From the suspect's behavior, Officer Hernandez ascertained it was unlikely the suspect was going to comply with police and would likely continue to be violent with police. Officer Hernandez was concerned for the public because of the suspect's erratic driving and lack of regard for the safety of other drivers. The suspect was actively shooting from a moving vehicle and was not identifying a target before he shot. The suspect was high risk because he could hit anyone.

Officer Hernandez wanted to be in the area where the suspect might crash or where the pursuit might terminate in order to be a part of the arrest team. Air 1 was calling the pursuit and said the suspect was driving west bound in east bound lanes of traffic on Arlington Ave. Officer Hernandez was driving northbound on California Ave. and noticed Officer O'Farrell was driving to the front of him. Officer Reimer was Officer Hernandez' partner and was the front passenger of his vehicle. Officer Hernandez followed Officer O'Farrell to the intersection and into the turn pocket from California Ave. to east bound Arlington Ave. He saw Officer O'Farrell park his marked unit in the turn pocket.

Officer Hernandez saw the suspect vehicle traveling west in the eastbound lanes on Arlington Ave. He noticed the driver was traveling at a high rate of speed and driving directly toward Officer O'Farrell's

unit. The suspect appeared to brake but continued forward. Officer Hernandez saw and heard one shot from Officer O'Farrell's unit. He saw smoke from the windshield and saw the suspect vehicle veer right and continue into oncoming traffic. There was a large group of cars trying to pass through the intersection.

Officer Hernandez saw Officer O'Farrell exit his unit and fire a second shot, "On that car," (suspect vehicle.) Officer Hernandez exited his unit and drew his duty weapon. He ran to Officer O'Farrell to create an arrest team to advance on the suspect who was stopped to the front of the large group of stationary vehicles. He and Officer O'Farrell placed themselves behind an uninvolved car. The car was between the suspect and the officers. They were just behind the rear passenger door. He, Officer Reimer and Officer O'Farrell gave commands for the suspect to show them his hands. Officer O'Farrell had his rifle pointed at the suspect and Officer Hernandez had his handgun pointed at the suspect.

The suspect's vehicle was wedged between a black SUV and other cars. Numerous people were exiting their cars and trying to get out of the way. They were frightened and crying.

The suspect had the driver's side door open. He stuck both of his hands out of the vehicle. The suspect looked back at them and smirked. Officer Hernandez said it was as if the suspect was either baiting them in or was checking their position in order to return fire. The suspect immediately turned to his right and put his hands inside the vehicle. The suspect turned his head toward the passenger seat. Officer Hernandez was obtaining his site picture when he heard Officer O'Farrell shoot his rifle. He saw the bullet make contact on the left side of the suspect's head and saw blood spatter. The suspect slumped over and Officer Hernandez saw no additional movement.

Officer Hernandez did not fire his weapon and his weapon was charted. Officer Hernandez wore a body worn camera and activated it. The unit he was driving did not have a COBAN camera.

Officer Brittany Reimer

Officer Reimer was assigned to the West PAC Team and was riding with partner Officer Hernandez. She and her team heard the pursuit on the police radio. The suspect was driving erratically, speeding in excess of 100 mph, running red lights/stop signs and driving on the wrong side of the road. She also knew the suspect shot at Hemet Police Department officers. She believed the suspect to be very dangerous and believed he posed a serious danger to the community and officers. She heard over the radio he was traveling westbound on Arlington Ave. into east bound lanes. He was a huge danger because he was driving straight into a traffic jam. She said the plan was to stop the suspect from hurting anyone. She knew he was armed and shot at officers. She and Officer Hernandez didn't want him to shoot at anyone else.

She described the suspect vehicle as a newer silver Chrysler convertible. She saw the suspect driving westbound toward eastbound traffic. As they approached on northbound California Ave., she saw Officer O'Farrell's marked Crown Victoria in the right turn pocket near Del Taco. They stopped behind his unit. She saw Officer O'Farrell get out of his car and heard a shot. She could not remember if it was before or after he got out of the car. She saw Officer O'Farrell running. She and Officer Hernandez exited their unit and met up with Officer O'Farrell near the suspect's vehicle. She was to the left of Officer O'Farrell. She could see multiple cars in front of her and they took cover behind a Toyota Camry.

Officer Reimer brought her rifle up to see where the suspect was located. She heard commands being given for the suspect to show his hands. As she was bringing up her rifle, she heard a shot. Someone

said the suspect was down. She could see occupants from surrounding vehicles trying to get away. She did not see the suspect. She held her position to see if the suspect was going to pop back up. She heard two shots total and believed Officer O'Farrell shot because he was standing next to her and the shots came from him.

Officer Reimer did not fire her weapon. She was not wearing a body worn camera because she ran out of the police station quickly and left it in the office. She was the passenger in Officer Hernandez's police unit. Her weapons were charted.

CIVILIAN WITNESS STATEMENTS

██████████ saw the suspect vehicle approaching oncoming traffic on Arlington Ave. and tried to get out of the way. He saw the suspect's face and said he appeared confused as if he didn't know where to go. He saw a police vehicle on the eastbound "short-cut road" from California Ave. He saw a muzzle flash from the police car. He did not see the suspect with a gun and did not see anyone from the suspect vehicle fire a gun. He ducked down under his dashboard and heard additional shots. He heard 3-4 gun shots total.

██████████ said she saw vehicles moving out of the way of the suspect's vehicle. A male put his arm outside of the suspect vehicle's window and shot a gun. She described the suspect as having a bald head and a hairy arm. She described the gun as black and believed it was a semi-automatic gun. She said he pointed the gun behind him and fired backward. He shot three times "towards the cops." She saw and smelled smoke in the air. As the suspect came closer to their car, she ducked down. Police officers surrounded the suspect's car and helped her and her grandmother from their car to safety.

██████████ said she was the front passenger of a Toyota Camry. They were traveling eastbound on Arlington Ave. She heard and saw a lot of police cars passing them and saw some coming toward them as well. She saw a silver car with a black top coming toward them. She saw the driver was a Hispanic male with a moustache.

Two officers ran up to their vehicle and they were blocked in. She heard gun shots from the suspect vehicle and then heard three gunshots from the police. She heard the police yelling "put your hands up." She said it all happened within a matter of seconds and she remembered some of the events happening at the same time.

██████████ said she was terrified and sank down in her seat as far as possible. She thought the suspect was going to get out of his car and try to get into their car and carjack them. She told her friend to get down and to lock the doors. She said two or three officers ran up to their car and knelt down by the engine. They had their guns drawn. She heard them yelling "Don't move." She then heard an officer yell at them to "Get out." She opened the passenger door and ran out of the vehicle toward Del Taco. She said she thought she was going to die.

Additional witness statements were documented but they did not see any shooting. See supplemental reports for details.

Several employees from Del Taco stated they heard a car crash and then heard 3-4 gunshots. They did not see who shot.

INVOLVED OFFICER'S STATEMENT

Officer Jared O'Farrell

Officer O'Farrell said on Friday 7/20/18, he was in the area of University/Iowa when he heard the RPD Channel 1 dispatcher broadcast Hemet police officers were in pursuit of a suspect who shot at them. They were at the 215 freeway north bound at Nuevo Rd. He knew the area and knew the pursuit was coming toward Riverside. He was also aware there was a delay between what was happening and Dispatch getting the information broadcast. He used his hand held radio and went to a frequency he could hear the other agencies on. He wanted to get current updates on the suspect's actions for officer safety reasons.

He heard Air 1 was moving toward the pursuit and the pursuit exited the 215 freeway onto westbound Van Buren Blvd. Deputies from Riverside Sheriff's Department broadcast the suspect shot at law enforcement again. His goal was to get to Victoria Ave. and try to make his way toward the area of the pursuit to assist the involved officers.

He heard Sgt. Elliott ask over the radio if there were units in position to take over the pursuit and to do so because the pursuit was now in Riverside Police Department's jurisdiction. Officer O'Farrell activated his lights and sirens and went "Code 3" down Canyon Crest Drive to Alessandro Blvd. He took Arlington Ave. to Victoria Ave. During this time, he heard the suspect was driving on the wrong side of the road and driving in excess of 100 mph.

Based on the situation and knowing the suspect was actively shooting at police; he knew at some point, when it ended, it could be potentially bad for anyone involved including civilians and police officers. When he got to the area of Victoria Ave. /Mary St., he stopped and took his rifle from the trunk of his unit to be prepared if it was needed. He continued to the area of Victoria Ave. /Van Buren Blvd. Radio communication was switched to RPD channel 1 and the pursuit went into the area of Cleveland Ave., Jackson St. and Dufferin Ave.

It sounded like the pursuit was coming back toward the Van Buren Blvd. /Indiana Ave. area. He and other officers positioned themselves near the intersection. He said he did not want to cross paths with the suspect when he was actively shooting at the police. He saw civilians exercising in the vicinity and directed them to get away from the area to avoid the danger of them coming in contact with an armed and actively shooting suspect.

The suspect went in another direction. Officer O'Farrell believed the suspect traveled to Harrison St. instead. He and other officers crossed Van Buren continuing Code 3. He said he was not actively in the pursuit because there were a lot of officers already involved. He was trying to stay in the area of where the pursuit was going to end. The information broadcast indicated the suspect was still driving extremely fast and was driving over 100 mph at some points through the residential neighborhoods.

The suspect drove from Harrison St. and turned east onto Indiana Ave. Officer O'Farrell turned north on Van Buren Blvd. He believed it was broadcast the suspect turned north on either Monroe St. or Adams St. He went east on Magnolia Ave. and north on Monroe St. to California Ave. He heard Air-1 broadcast the suspect had gone to the area of Sierra St. and Arch Way. He continued to listen to the radio to see where the suspect might go next. He continued to drive on California Ave. toward Arlington Ave.

As he approached Arlington Ave., he heard Air-1 broadcast the suspect vehicle was traveling west in the eastbound lanes of Arlington Ave. from Madison St. He knew there to be a raised center median and the suspect was driving against traffic head-on toward cars. He noticed there were a lot of civilians out and the intersections were packed with people.

He described the intersection as having a cut out from north bound California Ave. to east bound Arlington Ave. He further described it as almost a "mini frontage road." He pulled into the area. He heard the broadcast and knew if the suspect was coming west on Arlington Ave. from Madison St.; they were both at the same location at the same time. He stopped the police unit and shut his overhead lights off because he knew the suspect was shooting at police and he did not want to make himself more of a target by drawing more attention to the police unit. He realized the suspect was coming right at him. He looked to his left for the cars traveling eastbound on Arlington Ave. and noticed they were all stopped and appeared to be "piled up." He thought the drivers may have noticed someone was driving right at them and stopped.

He saw the suspect's car. It was a silver Chrysler Sebring. He could see the suspect coming toward him just as Air 1 described (*west bound in the eastbound lanes*). He estimated the suspect's speed to be 50-60 mph and the suspect had nowhere to go. Officer O'Farrell's vehicle was positioned so it blocked traffic from traveling north on California Ave. to eastbound Arlington Ave.

Officer O'Farrell knew the suspect had already been firing at police officers throughout the pursuit. He could see the silhouette of the suspect's head. He was very worried about sitting there by himself at the intersection. He was worried the suspect was going to start shooting at him. He had his rifle in the passenger seat and pulled it up. The suspect came up to about 20 yards in front of him. Officer O'Farrell thought of the many civilians with nowhere to go. He thought about the suspect already shooting at police officers and the potential he would shoot at police again. He thought the suspect could also shoot at civilians. The civilians did not know what was going on and were not moving out of the way. He shot one round from his rifle through the windshield of his unit (*Unit #3135*) at the suspect.

The suspect ducked down in the car after the first round was shot. Officer O'Farrell was not sure if he hit the suspect but assumed the suspect knew he had been shot at by this reaction. The suspect swerved back toward the right and slowed down. At the time Officer O'Farrell shot, he estimated the suspect to be driving around 30 mph. After the shot, the suspect slowed to about 20 mph as he approached the stopped vehicles. He could see the suspect's head and his shoulder but could not see his hands. It looked like the suspect was trying to duck down and hide. Officer O'Farrell was worried about the people stopped in their vehicles because the suspect was cornered. He feared the suspect would shoot at him or take a hostage because he had nowhere to go.

Officer O'Farrell turned in his driver's seat of his police unit and propped the driver's side door open. He shot another round, aiming at the suspect's upper shoulder and head area because this area was all he could see of the suspect's body. The suspect's vehicle kept moving forward and Officer O'Farrell lost sight of him. There was a vehicle now between them.

Officer O'Farrell exited his car and came up to the front of the vehicle that was "blocking" or was between him and the suspect. He could see the suspect clearly. The suspect driver's side door was open and Officer O'Farrell had a view of the suspect's back. The suspect was doing something with his hands but Officer O'Farrell couldn't see what he was doing. He could not see the suspect's hands but

the suspect was moving around and still seated in the driver's seat. Officer O'Farrell tried to position himself to get a better view of what the suspect was doing with his hands or to see what he had in his hands. He gave the suspect commands to show his hands.

Officer O'Farrell was on the passenger side of the civilian's car. He had a good view of the suspect but he still could not see his hands. Officer O'Farrell continued to give commands for the suspect to show his hands. At one point, the suspect did show both of his hands. Officer O'Farrell could see them clearly through the open car door. He told the suspect to show his hands and to keep them there. The suspect looked right at Officer O'Farrell and said something like, "Okay, okay, I get it." The suspect showed his hands briefly (2-3 seconds) and then quickly turned toward his passenger seat.

Officer O'Farrell could no longer see the suspect's hands after he turned. It appeared as if the suspect was going to the area of the front passenger seat. Officer O'Farrell knew the suspect already shot at police and was armed. He knew the suspect was door to door with an occupied SUV and other civilians were present. Officer O'Farrell was worried the suspect reached for a gun and if he started shooting it would be him, his partners or a civilian possibly killed. Officer O'Farrell also considered the possibility of a hostage being taken by the suspect. Because the suspect reached into the passenger seat, Officer O'Farrell feared he was reaching for a gun and he shot one more round.

The round hit the suspect in the back of the head behind his left ear. He saw blood come out of the suspect's head and the suspect slumped down into the passenger side of the vehicle. An officer next to him broadcast on the radio saying shots were fired. Officer O'Farrell held his position on the car. He knew he hit the suspect and knew the suspect went down. He did not know if the suspect was completely incapacitated. He did not want to leave his position and approach the car because he knew the suspect was armed. He also considered the possibility of someone else being in the vehicle. He only saw the suspect but it was unknown if someone else was possibly in the vehicle.

There were two girls in the front seat of the car he was up against. The girls inside it were crying hysterically and were on the floor board trying to hide. Officer O'Farrell moved his position to just in front of the front passenger side of the car and the girls were taken out of the car by Officer Hernandez and another officer.

Officer O'Farrell held his position on the suspect until Sgt. Elliott pulled him away. He then stayed off to the side with another officer.

Officer O'Farrell told us his rifle was a Colt Commando 556 rifle. He typically loaded it with 28 rounds in the 30 round magazine which was standard practice for the SWAT team. He said his rifle was loaded with 28 rounds that day and he fired 3 shots. He was not injured during the incident.

He said the suspect looked like a lighter skinned Hispanic male with a bald head. He could not see him clearly in detail and was more concerned about what the suspect's hands were doing. He said he knew the suspect vehicle was a Chrysler Sebring.

Officer O'Farrell had his handgun with him but he did not fire it. He chose his rifle because it had better accuracy. Given the situation and the amount of people around, he knew from his training he would be more accurate with his rifle. He did not know how the situation was going to end. He did not know if he would be in close range of the suspect or if he would need his rifle for a longer distance.

He felt he had a clear background before he shot. He said because of the angle he had, he could see the Sears parking lot behind the suspect. There was nothing between the suspect and what was beyond the suspect which could be potentially hit. He said he didn't know if the first shot hit the suspect or the suspect vehicle at the time. He just knew the suspect reacted to the first shot because he scooted down into his seat and swerved.

Officer O'Farrell could not tell if he hit the suspect or the suspect's vehicle with the second round. He said he was still inside his unit when he shot the second round and the driver's side door of his unit was open. He believed Officer Hernandez was to his right and Officer Reimer was to his left as they approached the Toyota Camry. He wanted to get some kind of cover between him and the suspect in the event the suspect started shooting at him or his partner officers. He used the Camry for cover. He didn't want to be out in the open with nothing to get behind. He said the civilians inside the car were sitting down on the floor board. They were both crying hysterically.

Officer O'Farrell did not know who requested medical aid for the suspect but he knew medical aid was requested and responded to the scene.

WEAPONS CHARTING

Officer O'Farrell was the only officer who fired his weapon. He fired at the suspect using his Colt Commando rifle. His rifle was charted, along with his handgun.

Colt Commando Rifle

Serial number – A0441951

Caliber - .223

Aim point Site

Flashlight attached to the stock

Nylon sling

(1) Round in chamber

(1) 30 round capacity magazine in the rifle with 24 live .223 caliber rounds in the magazine

Officer O'Farrell stated he originally loaded the 30 round capacity magazine with 28 live rounds. He did not have any extra magazines on his person. Based on the charting of his weapons and his statement; Officer O'Farrell fired 3 rounds.

Springfield Operator 1911

Serial number – NM490100

Caliber – .45 automatic

TLR-1 attached

(1) Round in the chamber

(1) 8 round capacity magazine in the handgun with 8 live 45 auto rounds in the magazine

Officer O'Farrell carried 4 extra handgun magazines on his person. Each magazine had a capacity of 8 rounds and each magazine was fully loaded with 8 rounds.

The following witness officers were also charted:

Sergeant Pete Elliott

Officer Brittany Reimer

Officer Anthony Watkins
Officer William McGuigan

There was no evidence any other officers shot and all live rounds were accounted for in the charting process. The officers were charted because they were present and because body worn camera and unit camera footage were not immediately available for review.

SCENE/ EVIDENCE

The FARO 3D Laser Scanner (Model S-350) was used to document the scene along with photographs and recorded video from body worn cameras and unit cameras. Forensic Specialists videotaped and photographed the scene.

The scene was located in eastbound lanes of traffic on Arlington Ave., east of Streeter Ave. It also included a lane of traffic for motorists turning eastbound onto Arlington Ave. from California Ave. This lane of traffic ran in a northeast direction, and was directly north of the Del Taco located at 5290 Arlington Ave.

Three expended cartridge cases were found in the following locations: the asphalt north of unit #3135, the front passenger floorboard of unit #3135; the driver side roof of a Toyota Camry (CA plate 6RHX237).

There was a single outgoing gunshot to the front windshield of unit #3135.

Blood was located on the front driver's side bumper of a Toyota Camry (CA plate 6RHX237) and possible blood on the asphalt below the same vehicle on the driver's side. This blood was determined to be the suspect's blood and was most likely transferred by the K-9 after the dog contacted the suspect.

Keys with an attached remote control key were located on the driver's side roof of the suspect's vehicle (CA license plate: 7JPW282). The keys were placed there by Metro Officer H. Park.

Officer Reimer's rifle was charted at the scene. It was secured in the trunk of unit #3823 (*Sgt. Elliott's unit*).

Officer Reimer's rifle

Smith & Wesson, Model M&P-15, 5.56 caliber, Serial # SU21910

The 30 round capacity magazine in her weapon was loaded with 29 live rounds and one live round was in the chamber. A total of 30 rounds were charted.

SUSPECT IDENTIFICATION AND SCENE

The deceased driver of the suspect vehicle was identified as **Arthur Levario**. He was in the driver's seat slumped over to the right. There was a black semi-automatic handgun on the front passenger seat next to his right arm. Deputy Coroners Devore and Bengston conducted a preliminary death investigation of the suspect. The preliminary investigation indicated injuries consistent with gunshot wound(s) to Arthur Levario's head and neck most likely caused his death.

He was clothed in a gray T-shirt, blue denim shorts with a black belt, red/white/blue/black plaid boxers and blue Sketcher tennis shoes and white socks. The Coroners collected items from Levario's pockets

including gloves and an unfolded folding knife. His CDL was also collected. Deputy Coroner Devore performed a GSR test on Levario's hands and collected fingernail clippings. Levario's body was transported to the Riverside County Sheriff Coroner's Office.

A .40 caliber, HI-Point semi-auto pistol, Model JCP, Serial #7183128 was located on the front passenger seat of the suspect's vehicle. It had a "double-feed" malfunction and had blood on it. The chamber contained a WIN 40 S&W fired cartridge case and a WIN 40 S&W live round. The magazine in the weapon was loaded with 5 live rounds (WIN 40 S&W). The weapon was rendered safe and booked into evidence. It was processed for fingerprints and submitted to DOJ for analysis.

The gun was purchased in 2013 in the state of Arizona and was not reported stolen. Attempts were made to contact the owner but he did not respond.

The suspect vehicle was towed to Magnolia Station for further processing. The suspect vehicle was silver 2012 Chrysler Sebring with a black convertible top (CA license plate: 7JPW282). The vehicle was registered to Arthur Levario or Lucia Mansuetti at 2098 Calle Diablo, Hemet, CA 92545. There was traffic collision damage on the front driver's side fender with possible black paint transfer on the same quarter panel. There was possible white paint transfer on the headlight glass. There was minor damage to the front bumper near the license plate and damage to the front spoiler. There was black transfer paint on the passenger side front wheel rim and side-view mirror and a scrape down the passenger side front fender area. The front door windows were intact. The rear passenger windows were both shattered and there was glass on the back seat and floorboard. The rear window was intact. There was a possible projectile strike to the lower front windshield area next to the driver's side "A" pillar. The projectile did not penetrate the windshield. It is unknown if this was caused by an incoming or outgoing projectile. There was a possible graze on the outside of the convertible roof which tore the fabric above the driver's seat area. There was no corresponding dent in the frame underneath the tear. There were three penetrating strikes to the front windshield in the front passenger seat area. These strikes appeared to project outward, from the interior of the vehicle out. Two were next to each other near the middle of the windshield. The other was smaller and located lower and nearer to the passenger side "A" pillar. Based on the intersecting fractures, the third strike occurred after the first two and may have been caused by a fragment. The driver's side rear window was shattered but debris on top of the interior door panel, along with corresponding fragment holes in the driver's side head rest, and damage to the front passenger interior door panel suggested a projectile likely penetrated the driver's side rear window and fragmented. These fragments traveled through the driver's side headrest and struck the interior of the passenger door. An expended .40 caliber casing stamped with SW 40 WIN was found on the rear passenger side floor board. A .40 caliber casing stamped with SW 40 WIN was found under the spare tire in the trunk.

Less lethal wadding was found on the driver's side floorboard and on the front passenger seat. A less lethal beanbag was located on the front passenger side floorboard. The vehicle was searched for latent fingerprints and photographed.

The Event Data Recorder was collected from the vehicle but no information was obtained.

VIDEO

Air-1 captured the pursuit when Riverside Police Department units took it over and captured its termination on video. Audio and video were captured on Officer O'Farrell's body camera and police car COBAN video. Audio and video were captured on Officer McGuigan's body camera and COBAN video.

Officer Hernandez's body camera captured audio and video. Sgt. Elliott's body camera and unit COBAN video were obtained and K-9 Officer Feimer's COBAN and body camera videos were obtained. DVD/USB recordings of the video were made for each of the above officers.

Note: Body camera and unit COBAN video from additional responding officers throughout the pursuit were retained in the COBAN system.

AUTOPSY

Dr. Rodriguez conducted the external examination of Arthur Levario. He had multiple small wounds on the back of the head (*predominately on the left side*), a large wound on the left side of his neck (*at the base his skull, just below and behind the left ear*), multiple small wounds on the back side of the left shoulder, a postmortem wound on the top of his left shoulder, and multiple postmortem wounds on the left side of his upper torso.

Dr. Rodriguez conducted the internal examination. She was unable to determine the entrance/exit wounds due to the number of wounds caused from bullet and glass fragments. She indicated Arthur Levario's skull was fractured in multiple places and his spinal cord was severed; these injuries appeared to be related to the large wound on the left side of his neck.

A blood sample, buccal swab, clothing, photographs and bullet fragments were collected at the autopsy.

On 2/27/19, a Coroner's Review was conducted on behalf of Riverside County Sheriff-Coroner Chad Bianco. After the facts were presented, Sheriff-Coroner Bianco certified the cause, manner and mode of death.

The COD (Cause of Death) was listed as: Gunshot wound of left neck

The manner of death was classified as: Homicide

The mode of death has been determined to be: Shot by law enforcement during a pursuit

BIOTOX

Comprehensive drug panel for Arthur Levario: Amphetamines were detected; methamphetamines and amphetamine, pseudoephedrine/ephedrine was detected, and phenylpropanolamine was detected

DEPARTMENT OF JUSTICE (DOJ)

Officer O'Farrell's rifle was sent to the Department of Justice (DOJ) Crime lab in Riverside along with the magazine which was loaded in the rifle and the twenty-five rounds left in the chamber and magazine as well as evidence collected at the scene to include three expended casings. (Evidence items: REM001, REM002, CM01, CM02, CM03)

Criminalist Aaron Marshall examined submitted items. The physical evidence examination report indicated the Colt Commando rifle functioned as designed during the examination and test firing. The test fired cartridge cases (Item O1TF) and the three expended cartridge cases (CM01, CM02, CM03) were retained at the laboratory pending further examination.

The .40 caliber, HI-Point semi-auto pistol, Model JCP, Serial #7183128 along with the magazine and ammunition found next to Arthur Levario were submitted to DOJ for analysis (Evidence Items: CM07, CM07-A, CM07-B, SM014, SM015)

Criminalist Aaron Marshall examined the submitted items. The physical evidence examination report indicated the HI-Point, Model JCP, semi-automatic pistol (Item CM07), serial number X7183128, chambered for 40 S&W functioned as designed during examination and test firing. The submitted magazine (Item CM07-B) and three laboratory 40 S&W cartridges were used to test fire the pistol.

GUN SHOT RESIDUE COLLECTED FROM ARTHUR LEVARIO

The gunshot residue sample collected from Arthur Levario was submitted to the Los Angeles County Coroner's Office for analysis. Particles consistent with gunshot residue were located on the right and left hands of Arthur Levario. The finding of characteristic particles indicates the subject may have discharged a firearm, been in the vicinity of the discharge of a firearm, or touched a specific surface with gunshot residue on it.

SUSPECT ARTHUR LEVARIO'S CRIMINAL HISTORY

Arthur Levario had an extensive criminal history. He had contacts for exhibiting a firearm, resisting a police officer and assault with a deadly weapon. In 1994, he was arrested for murder and was convicted of voluntary manslaughter. While in custody, he had contacts and convictions for battery, resisting law enforcement, possession of a weapon in prison and gassing. He was released in June, 2018 and was not on parole or probation at the time of his death.

ADDITIONAL INFORMATION

Hemet Police Department Corporal Hall interviewed Amado Basquez at 2098 Calle Diablo Ave., Hemet, CA on 7/20/18, at 0132 hours during the execution of a search warrant of the residence. Basquez said he observed Arthur Levario manipulating a black semi-automatic handgun within the residence approximately one week prior. A round was stuck in the chamber of the handgun and he assisted Levario with removing the round from it.

There is no police unit video from Riverside Police Department unit #3550. The vehicle seen to the front of Officer O'Farrell's unit as he approached Arlington Ave. from Streeter Ave.

Loud music was heard from the suspect vehicle on various recordings during the felony stop.

Adam Rudolph with the Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives traced the firearm located inside Arthur Levario's vehicle. It was owned by Nathaniel James Moya with an address in Payson, AZ. He purchased it on 2/22/13 from RIM Country Guns located in Payson, AZ. It was not reported stolen.