INTERNAL AFFAIRS INVESTIGATION
#19-AR-0002

Sonoma County Sheriff's Office
Internal Investigation Report

INCIDENT TYPE:	DATE OF INCIDENT:	DATE REPORTED:	FILE NUMBER:
Administrative Review—Officer Involved Shooting	07-04-2019	07-04-2019	19-AR-0002

EMPLOYEE:	DIVISION OR ASSIGNMENT:	WORK LOCATION:
Deputy Sheriff Jason Pasero	Patrol	Coast: Bodega Bay Resident Deputy

SUMMARY OF COMPLAINT:

This is an Administrative Review of an officer involved shooting that occurred on July 4, 2019, in Bodega Bay. Six friends rented a residence in Bodega Harbor for the holiday weekend. While there, they ingested a hallucinogenic drug, LSD.

One of the friends, Betai Koffi, after ingesting additional LSD became violent. He superficially stabbed one of his friends with a pencil while physically assaulting the others. Suspect Koffi ended up attempting to leave the residence in his rental vehicle but crashed into the residence. Exiting the vehicle Suspect Koffi left on foot. He then encountered a security guard whom he assaulted and stole his vehicle.

While driving, Suspect Koffi purposely drove at and/or over four individuals who were walking along the roadway. The California Highway Patrol (CHP) and Sonoma County Sheriff's Office dispatched officers to the scene.

Upon arriving the officers learned what transpired. They eventually located the suspect, who was outside of the stolen vehicle which was parked perpendicular to the roadway. When confronted, the suspect reentered the vehicle and drove directly at the officers. Fearing for his life and the lives of others, a deputy fired at the suspect to stop his actions. The suspect collided his stolen vehicle into a marked CHP patrol vehicle. Once stopped, the officers removed Suspect Koffi from the stolen vehicle and provided emergency medical aid.

Suspect Koffi was later transported to Memorial Hospital by a CHP helicopter where it was determined he sustained non-life threatening injuries.

Based on the officer involved shooting, the Sonoma County Employee Involved Fatal Incident Protocol was enacted. The Santa Rosa Police Department and District Attorney's Office were tasked with conducting that investigation. The Violent Crimes Unit was tasked with completing the criminal investigation of Suspect Koffi's assaults on his friends, the security guard, and the pedestrians. The Internal Affairs Unit was tasked with completing this administrative review.

DIVISION ASSIGNED:	DATE ASSIGNED:	DATE COMPLETED:
Internal Affairs Unit	08-13-2019	01-23-2020
INVESTIGATOR:	SUPERVISOR (S) REVIEW:	
Sergeant Larry Doherty	Lieutenant Shawn Murphy	

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VIOLATION (S):	REVIEWER'SINDING:	REVIEWER'S FINDING:	REVIEWER'S FINDING:
ADMINISTRATIVE REVIEW: NO VIOLATIONS NOTED			
	SIGNED and DATED: Captain Darin Dougherty	SIGNED and DATED: Captain Eddie Engram	SIGNED and DATED: ASH Jim Naugle

DISPOSITION:	
SIGNATURE: Sheriff Mark Essick	DATE:

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#19-AR-0002

Background Summary

This is an Administrative Review of an officer involved shooting that occurred on July 4, 2019, in Bodega Bay. Suspect Betai Koffi and his friends, all of whom reside in the Bay Area, rented a residence in Bodega Bay for the 4th of July.

On July 4, 2019, between 1200 and 1300 hours, Suspect Koffi took two (2) "hits" of LSD along with his friends. Between 1500 and 1600 hours, Suspect Koffi began "acting weird," running around the residence, falling down randomly, and talking irrationally according to his friends. As a result, Suspect Koffi's friends [redacted] and [redacted] began to watch him in order to monitor his behavior. Suspect Koffi, while being watched by his friends, managed to take two (2) additional "hits" of LSD before "going sideways."

Suspect Koffi began punching his friends ultimately assaulting four out of the five of them. Suspect Koffi also stabbed one friend in the chest with a pencil, which caused a superficial wound.

Suspect Koffi went outside and entered a blue 2018 Hyundai Elantra GT 4-door (CA license [redacted]). Suspect Koffi tried exiting the driveway but instead crashed into the residence. After the collision, Suspect Koffi left the vehicle and began verbally fighting with his friends before leaving on foot towards Pelican Loop. That was the last time his friends saw Suspect Koffi.

At 2007 hours, California Highway Patrol (CHP) dispatched Officers Sean Laurie and Justin Salaun to a traffic collision in Bodega Bay. The reporting party, Suspect Koffi's friend [redacted], advised CHP that Suspect Koffi was "on drugs," had assaulted his friends, and purposely drove a vehicle into the residence.

Sonoma County Sheriff Dispatch dispatched Deputy Pasero.

Security guard and victim [redacted] was working in Bodega Harbor. [redacted] received a call of a "video intruder" at a [redacted] Pelican Loop from the owner (who was using her 'Ring' application). [redacted] went to that location to determine what was occurring.

Upon arrival, [redacted] parked in the driveway of the residence and exited his security pickup leaving the vehicle idling (keys in the ignition). A short time later, [redacted] was confronted by Suspect Koffi who said, "Fuck you." [redacted] said Suspect Koffi appeared angry and had a cut above his right eye. Suspect Koffi approached [redacted] and pushed him. [redacted] called 9-1-1.

Suspect Koffi then armed himself with a landscape light before walking toward the security vehicle. [redacted] followed and warned Koffi to leave his vehicle alone. [redacted] was standing about five (5) feet from Suspect Koffi when he suddenly assaulted [redacted] by plunging the landscape light into his upper chest. ([redacted] received an abrasion on

his chest.) After being struck, [redacted] fell backward onto the ground. Suspect Koffi then stole the security vehicle and drove north on Pelican Loop.

The CHP officers and Deputy Pasero were advised by their dispatch centers about the assault and vehicle theft.

While driving, Suspect Koffi drove into a couple who were walking on the roadway near 21125 Pelican Loop. As a result of that collision, the female was projected a distance from the roadway and landed in a field unconscious. The male suffered an injury to his arm, as it was located around his girlfriend when Suspect Koffi drove into them.

Suspect Koffi continued driving northbound on Pelican Loop and encountered another couple whom he also attempted to drive over. The couple attempted to jump out of the way but the female was struck which injured her leg. Suspect Koffi continued to drive northbound on Pelican Loop.

Upon arriving in the area of these assaults, CHP Officers Laurie and Salaun, as well as Deputy Pasero, contacted [redacted], who was lying on his back on the driveway. Officer Salaun interviewed [redacted] to determine what occurred. Officer Laurie and Deputy Pasero left to search for Suspect Koffi.

Dispatch then advised there were additional victims (traffic), based on Suspect Koffi having driven at/over those whom are listed above. While driving towards the location provided, Deputy Pasero and CHP Officer Laurie were directed by bystanders in the direction Suspect Koffi had departed.

Deputy Pasero and Officer Laurie then located the stolen vehicle parked diagonally in the roadway near 21019 Pelican Loop. Deputy Pasero, who was driving in front of Officer Laurie, noticed Suspect Koffi standing near the stolen vehicle. Getting out of his marked patrol vehicle, Deputy Pasero made eye contact with Suspect Koffi, who then reentered the stolen vehicle. Once behind the wheel, Suspect Koffi once again made eye contact with Deputy Pasero before he “revved” the engine.

Suspect Koffi then drove intentionally towards Deputy Pasero. Having armed himself with his Department issued handgun, Deputy Pasero fired at Suspect Koffi hoping to stop his assault by shooting through the windshield at Suspect Koffi. The stolen vehicle collided with Officer Laurie’s marked patrol vehicle. According to the officers, the engine was still “revving” and the wheels were “spinning.” Deputy Pasero fired once again at Suspect Koffi as he believed his life was in jeopardy as Suspect Koffi was attempting to break free from the collision and ‘run-over’ Deputy Pasero.





Seeing Suspect Koffi slumped over, Deputy Pasero moved towards the driver's door and removed Suspect Koffi from the stolen vehicle. Once outside, Suspect Koffi was provided with emergency medical aid by the officers. Suspect Koffi was later transported to Memorial Hospital by a CHP helicopter.

Based on the officer involved shooting, the Sonoma County Employee Involved Fatal Incident Protocol was enacted. The Santa Rosa Police Department and District Attorney's Office were tasked with conducting that investigation.

The Violent Crimes Unit was tasked with completing the criminal investigation of Suspect Koffi's assaults on his friends, the security guard, the pedestrians, as well as the officers.

The Internal Affairs Unit was tasked with completing this administrative review.

Involved Parties—Deputies

Deputy Jason Pasero (as of July 4, 2017)



Sex:	Male
Race:	White
DOB:	[redacted] (44 at the time of incident)
Date of Hire:	11/25/2014 (5 years)
	San Bruno PD (13 years)
Collateral Assignments:	Resident deputy (K-3), Canine Handler
Assignment:	Patrol
Post Certificates:	Advanced

Involved Parties—Suspect

Betai Michel Koffi (as of July 4, 2017)



Sex:	Male
Race:	African
DOB:	[redacted] (32 at time of incident)
Address:	[redacted]
POB:	XXXX
Physical:	
Height:	5' 09"
Weight:	165 lbs.
Eyes:	Brown
Hair:	Black

FBI#	None
CII#	None
CDL#	[redacted]

Criminal History:

None

Complaint / Authorities

This investigation began after a deputy from the Sheriff's Office was involved in an 'Officer Involved Shooting' in Bodega Bay. In the beginning of this investigation there were no specific allegations of policy violations or misconduct on behalf of any Sonoma County Sheriff's Office employees therefore there were no specific authorities to address; however, there are policies that govern some of the actions that were taken by the employees. Based on those policies, the actions of the employees will be examined to determine if the policies were followed or if any policy can be improved upon.

The following policy, procedures, or protocols will be reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

Critical Incident Debriefing/Defusing
Major Incident Notifications

Sonoma County Sheriff's Office 'Law Enforcement Division Policy:

300	Use of Force
324	Media Relations
306	Firearms
400	Patrol Functions

Investigation

On August 15, 2019,[1] I was tasked by Lieutenant Shawn Murphy to complete an administrative review of this matter.

The following managers should review this report:

Captain Darin Dougherty
Captain Eddie Engram
Assistant Sheriff Jim Naugle
Sheriff Mark Essick

On December 17, 2019,[2] I received Santa Rosa Police Department's investigative (protocol) report. In reviewing the reports, I was able to determine the following:

The following list shows the individuals who were involved in this matter and by providing their names here, as it will aid the evaluator in reading this report:

Suspect:

Betai Michel **Koffi**

Friends of the suspect who were staying at the Bodega Bay rental:

[redacted]

Victims:

[redacted] (assault/landscape light, Allied Universal Security Services guard)
[redacted] (assault/vehicle, walking with Victim [redacted])
[redacted] (assault/vehicle, walking with Victim [redacted])
[redacted] (assault/vehicle, walking with [redacted])
[redacted] (cousin of Thomas and walking with [redacted])

Witnesses:

[redacted] (lives in San Francisco)
[redacted] (witnessed [redacted] and [redacted] assaults)

[1] An underlined date indicates it is a part of my investigation, Sergeant Larry Doherty.
[2] I was on vacation between December 20, 2019 and January 7, 2020.

Involved Officers:

Deputy Jason **Pasero** (K-3, resident deputy and canine handler)
CHP Officer Sean **Laurie**
CHP Officer Justin **Salaun**

On July 4, 2019, Betai Koffi and his friends rented a residence in Bodega Bay [redacted] Swan Drive) for the 4th of July. All of them resided in the San Francisco Bay Area. Between 1200 and 1300 hours, Koffi took two (2) hits of LSD[3] along with some of his friends.

Between 1500 and 1600 hours, Koffi began "acting weird," running around the residence, falling down randomly, and talking irrationally. As a result, [redacted] and [redacted] began to watch Koffi. Koffi, while being watched, managed to take two (2) additional hits of LSD before "going sideways."

Koffi began punching and stabbing (with a colored pencil) his friends, ultimately assaulting four out of the five of them. Suspect Koffi hit [redacted] so hard she had a hard time breathing. Suspect Koffi also stabbed [redacted] in the chest (with a colored pencil that caused a superficial wound) and punched his face (causing redness to his cheek and a cut on his lip). [redacted], who was also assaulted, had a bruise on the left side of his face.

Suspect Koffi then left the residence and entered a blue 2018 Hyundai Elantra GT 4-door (CA license [redacted]). He tried driving away but crashed into the residence. After the collision, Suspect Koffi got out of the vehicle and began fighting with his friends once again. He left on foot towards Pelican Loop. This was the last time his friends saw Suspect Koffi.

[redacted], Suspect Koffi's friend, contacted the California Highway Patrol (CHP) advising them that Suspect Koffi was on drugs and had just "purposely crashed" his vehicle into their rental before running off towards the beach.

At 2007 hours, CHP dispatched Officers Laurie and Salaun to a traffic collision in Bodega Bay. The reporting party, Suspect Koffi's friend [redacted], advised CHP that Suspect Koffi was "on drugs," had assaulted friends, and purposely drove a vehicle into the residence they rented. Officer Laurie asked his dispatch to request a deputy.

At 2011 hours, the Sonoma County Sheriff's dispatch center dispatched Deputy Pasero.

[3] **Lysergic acid diethylamide** (**LSD**), also known as **acid**, is a hallucinogenic drug. Effects typically include altered thoughts, feelings, and awareness of one's surroundings. Many users see or hear things that do not exist. As found on the internet, https://en.wikipedia.org/wiki/Lysergic_acid_diethylamide. A blood test indicated Suspect Koffi had 2.8 ng/ml of LSD in his body.

At around 2000 hours, security guard—Victim [redacted] was on-duty in the Bodega Harbor when he received a call of a "video intruder" at a 21179 Pelican Loop. [redacted] went to that location to determine what was occurring.

Upon arrival, [redacted] parked in the driveway of the residence and exited his security vehicle, a pick-up. [redacted] left the vehicle idling with the keys in the ignition. He was suddenly confronted by Suspect Koffi who simply said, "Fuck off." [4] [redacted] said Suspect Koffi appeared angry, had a cut above his right eye, and was "soaking wet." [5]

Suspect Koffi approached [redacted] and pushed and spit at him. [redacted] called 9-1-1. Suspect Koffi then armed himself with a landscape light, before walking toward the security vehicle. [redacted] followed and warned Koffi to leave the vehicle alone.

[redacted] was standing about five (5) feet away from Suspect Koffi when he suddenly assaulted [redacted] by plunging the landscape light into the upper left portion of his chest. ([redacted] received an abrasion on his chest.) After being struck, [redacted] fell backwards onto the ground. Suspect Koffi then stole the vehicle and drove north on Pelican Loop. [redacted] was later transported to Kaiser Hospital due to the injuries he received.

This assault was observed by [redacted], who resides at [redacted] Swan Drive. [redacted] saw [redacted] drive to [redacted] Pelican Loop, where he parked and exited his security vehicle. [redacted] was talking to Suspect Koffi, who was partially concealed behind a "bush." Suspect Koffi punched [redacted], who then began talking on his phone. Suspect Koffi then armed himself with a landscape light and assaulted [redacted] before driving off in the security vehicle.

This assault was also observed by [redacted], who resides at [redacted] Pelican Loop. Though she was not home at the time of the assault, she watched a portion of the assault as she was alerted by her 'Ring' doorbell application. [redacted] initially believed Suspect Koffi was a "burglar or trespasser" and told him (using the application) he should leave as she was contacting the association's security company (which she did).

[redacted] saw Suspect Koffi remove a landscape light from her property. He then began to leave with [redacted] following. [redacted] saw Suspect Koffi assault [redacted] causing him to fall to the ground. As he laid on the ground, Suspect Koffi "stabbed" [redacted] with the light. Suspect Koffi then entered the security vehicle and drove away.

Detective Terry White reviewed the recording from the Ring Doorbell application and noted:

FILE: 2019-07-05_4-54-21.mp4:

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[4] SCSO Detective Henshaw's supplemental report, as found in SRPD case 19-0008771, under tab 22, pg. 31 of 89.

[5] Ibid., pg. 32.

This Ring Doorbell camera system captured the north side of the property, facing east, toward Pelican Loop.

Shortly after the video begins, Koffi can be seen appearing on the left side of the screen. Koffi can be seen walking onto the property, while appearing to be wet and only wearing his left shoe. Moments later, Koffi exits the property via the same way he entered.

FILE: 2019-07-05_4-55-42.mp4:

This Ring camera system captured the west side of the property, facing west, toward a bluff and the Pacific Ocean.

Shortly after the video begins, Koffi can be seen walking east on the bluff, toward [redacted] residence at [redacted] Pelican Loop. As Koffi walks on the grassy bluff, he appears to remove his left shoe, before entering onto [redacted] property. Koffi then walks out of camera view.

FILE: 2019-07-05_4-57-46.mp4:

This Ring Doorbell camera system captured the north side of the property, facing east, toward Pelican Loop.

This video segment captures Allied Security guard, (V) [redacted], walking west down the driveway leading to [redacted] Pelican Loop. Moments later, Koffi emerges on the left side of the screen via the north side of the property, barefoot, wet, and carrying something in his left hand.

Moments later, Koffi encounters [redacted] who is in the driveway, before saying, “Fuck you.” Koffi can then be heard saying, “Do whatever you gotta do.” Koffi continues to walk toward the driveway and out of camera view. [redacted] can then be heard saying, “Don’t touch me.” The video concludes.

FILE: RingVideo_20190704_202858.mp4:

This Ring Doorbell camera system captured the north side of the property, facing east, toward Pelican Loop.

The video begins with [redacted] and Koffi out of camera view. However, [redacted] can be heard saying, “This is Bodega Harbor security, I need back-up.” Koffi can then be seen walking northwest into camera view via the driveway, toward Pelican Loop. Moments later, Koffi can be seen ripping a landscape light off of the top of a retaining wall. Koffi walks toward Pelican Loop with the landscape light in his hand with [redacted] following.

[redacted] can be seen and heard reporting that he was with a subject who recently assaulted him, was on private property, and "just pulled out a lamp." After which, Koffi was successful in obtaining the landscape light, before walking toward Pelican Loop near where [redacted] security vehicle was parked.

Koffi clearly walks to the top of the driveway, near Pelican Loop. Koffi and [redacted] become slightly obscured because of low-hanging trees. However, they can still be seen. At the top of the driveway, Koffi is captured assaulting [redacted] with what appears to be an object, before [redacted] falls backward onto the ground. After which, a metal object can be heard striking the ground as if being dropped.

[redacted] can then be heard yelling, "Help!" and "Code-30!" and "Officer down!" Moments later, [redacted] can be heard, "He's taking off in our patrol vehicle." The video concludes.[6]

The CHP officers and Deputy Pasero were advised by their respective dispatch centers about the assault and vehicle theft.

While driving, Suspect Koffi drove into a couple who were walking near 21125 Pelican Loop along the west side of the roadway. As a result of that collision, the female was projected a distance from the roadway and landed in a field unconscious. This was observed by [redacted]. The male received an injury to his arm as he had it placed around his girlfriend when Suspect Koffi drove into them.

[redacted] recalled walking on the west side of the road, opposite traffic, when he heard a vehicle approaching him and [redacted] from behind. Suddenly he heard the vehicle accelerating towards them. [redacted] said they were moving off the roadway when he noticed another couple walking towards them. [redacted] recognized them as [redacted] ([redacted] cousin) and [redacted].

[redacted], who was walking with his right arm around [redacted] as they were attempting to leave the roadway, eventually realized the vehicle was on the wrong side of the roadway for it struck both of them from behind. The vehicle sped away after the collision.

Suspect Koffi continued to drive northbound on Pelican Loop before encountering [redacted] and [redacted], whom he also attempted to drive over. The couple attempted to jump out of the way but [redacted] was struck by the vehicle. Suspect Koffi continued to drive northbound on Pelican Loop.

According to the pedestrians, Victims [redacted] and [redacted] went for a walk along Pelican Loop. They were staying at a rental on that street. [redacted] said she recalled seeing

[6] SRPD Detective White's supplements report, as found in SRPD case 19-0008771, under tab 21, pgs. 78 and 79 of 89. I reviewed the video and concur with SRPD Detective White's assessment of the video details.

another couple walking, on the other side of the road, towards them. [redacted] recalled looking down to zip up her jacket when the next thing she knew she was lying on the ground while people were above her shouting.

[redacted], while walking with [redacted] saw the vehicle accelerate and swerve at [redacted] and [redacted]. The vehicle collided with [redacted]. Suspect Koffi then drove the vehicle at [redacted] and [redacted], as [redacted] could see Suspect Koffi looking directly at them. As they both tried to move further off the roadway the vehicle struck [redacted] leg, injuring her. Suspect Koffi did not stop but continued driving north.

Upon arriving, CHP Officers Laurie and Salaun, as well as Deputy Pasero, contacted [redacted], who was lying on his back on the driveway. CHP Officer Salaun interviewed [redacted] to determine what occurred.

Dispatch then advised the officers there were additional victims (traffic related), based on Suspect Koffi having driven at/over those discussed above. Deputy Pasero and CHP Officer Laurie left 21012 Pelican Loop to locate the victims and suspect. While driving towards the location provided, Deputy Pasero and CHP Officer Laurie were directed by bystanders to where Suspect Koffi had driven off to.

Deputy Pasero located the stolen vehicle parked diagonally on the roadway near 21019 Pelican Loop. Deputy Pasero noticed Suspect Koffi standing next to the stolen vehicle. Getting out of his marked patrol vehicle, Deputy Pasero made eye contact with Suspect Koffi, who then reentered the stolen vehicle. Once behind the steering wheel, Suspect Koffi once again made eye contact with Deputy Pasero before "revving" the engine.

Suspect Koffi then drove intentionally towards Deputy Pasero. Arming himself with his Department issued handgun, Deputy Pasero fired at Suspect Koffi hoping to stop his felonious assault. The stolen vehicle collided with (just arriving) CHP Officer Laurie's marked patrol vehicle. The engine was still "revving" and the wheels were "spinning," so he fired at Suspect Koffi once again to stop his assault.[7]

Seeing Suspect Koffi slumped over in the driver's seat, Deputy Pasero removed Suspect Koffi from the stolen vehicle. Once Deputy Pasero and CHP Officer Laurie secured Suspect Koffi, they began to give him emergency medical aid until relieved by emergency medical personnel.

One of the rounds fired by Deputy Pasero struck the residence at [redacted] Pelican Loop. The residents there, [redacted] were contacted and determined they were not injured. The round struck the wood shingle siding and was imbedded there (and later retrieved).

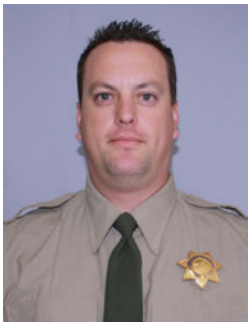
Suspect Koffi was transported to Memorial Hospital by the CHP helicopter.

[7] In total, Deputy Pasero would fire 11 rounds.

Based on the officer involved shooting, the protocol was enacted with the Santa Rosa Police Department and District Attorney's Office conducting that investigation.

In addition, the CHP Multidisciplinary Accident Investigation Team (MAIT) helped to determine what occurred mechanically/electronically with the stolen vehicle while operated by Suspect Koffi. From the pickup's data they were able to determine Suspect Koffi accelerated and turned towards the three pedestrian victims. In regards to the assault on Deputy Pasero, they noted:

> "The data showed Driver Koffi accelerate toward the parked CHP and Sonoma Sheriff's Office vehicles stopped in the roadway on Pelican Loop. It showed a sudden acceleration, as the wheel straightened from a right turn, with 100 percent accelerator pedal application. The right front wheel sensor suddenly stopped as the right front portion of the Toyota struck the right front of the CHP vehicle. Following the impact, the simultaneous 100 percent accelerator pedal and brake application while the vehicle was not moving was consistent with Driver Koffi being incapacitated." [8]



On July 5, 2019, at 1600 hours, Deputy Jason Pasero was interviewed by investigators from the Santa Rosa Police Department and District Attorney's Office due to the protocol having been invoked for the officer involved shooting. Deputy Pasero was represented by his attorney, Jonathan Murphy (Rains, Lucia, and Stern). Deputy Pasero basically stated the following:

Deputy Pasero has worked at the Sheriff's Office for 5 years. Prior to that he worked at the San Bruno Police Department for 13 years. In regards to any specialties, Deputy Pasero advised he is a resident deputy and a canine handler.

On July 4, 2019, Deputy Pasero was dispatched to assist CHP officers, who were dispatched to the South Harbor Complex in Bodega Bay due to a vehicle collision and theft. Upon arriving, Deputy Pasero waited at the "top of the hill on Heron Drive" for the CHP officers to arrive.[9] Deputy Pasero asked Dispatch if the suspect was still being aggressive and they advised he was still trying to assault people. Since CHP was still approximately three minutes away, Deputy Pasero entered the complex without them. Deputy Pasero asked for emergency medical personnel to stage until he could determine what was occurring.

Deputy Pasero arrived where the traffic accident was reported but did not see anyone, a vehicle, or a collision scene. Deputy Pasero eventually saw CHP Officers Laurie and Salaun. Deputy Pasero spoke briefly with Officer Salaun advising him that he was unable to locate the collision scene. Deputy Pasero told the officers they needed to spread out to look for the scene.

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[8] CHP MAIT Team's report, GL-057-19, as found in SRPD case 19-0008771, under tab 59, pg. 13 of 14.
[9] Deputy Pasero's statement, as found in SRPD case 19-0008771, under tab 32, pg. 7 of 23.

Deputy Pasero then drove up Heron Drive and saw some firemen. He spoke with them briefly advising them to wait until they located the collision scene. As he was talking to them, Deputy Pasero heard over the radio that someone was assaulted on Pelican Loop. Deputy Pasero drove in that direction.

Deputy Pasero located the CHP officers with [redacted]. Deputy Pasero said [redacted] was lying face down. Officer Laurie ran over to Deputy Pasero and pointed down the road stating the suspect had just driven down the road in a "white truck." [10] As Deputy Pasero drove, he saw three to four people (approximately 20-30 yards off the roadway) waving their hands at him and screaming. Upon getting closer, Deputy Pasero saw a woman lying face down in the grass who was not moving. Deputy Pasero spoke with a man who said the suspect drove down the street in a white "security guard" truck. Deputy Pasero said he "knew exactly" what that truck looked like, as he had spoken to [redacted] earlier in the day.[11] Deputy Pasero notified Dispatch there was now a second victim.

When Deputy Pasero continued down the roadway he located the vehicle. Deputy Pasero parked his vehicle on the right side of the roadway while the suspect's vehicle was parked perpendicular to him in the roadway. Suspect Koffi was standing outside the vehicle approximately 15 yards away from the driver's door. Deputy Pasero got out of his marked patrol vehicle and attempted to communicate with Suspect Koffi. Deputy Pasero could not recall what he said but recalled Suspect Koffi "got this blank stare, and [Suspect Koffi] like very, like robotic, and he's like, he's like clenching his fists." [12]

Deputy Pasero remembered someone having mentioned that Suspect Koffi may have taken LSD. Based on Suspect Koffi's behavior, actions, and potential altered state; Deputy Pasero suspected Suspect Koffi was "altered" and possibly under the influence "of something."

Deputy Pasero said Suspect Koffi was "blank and unresponsive" to anything Deputy Pasero said. Deputy Pasero said he was concerned that if Suspect Koffi got back into the vehicle, the "rampage of violence" would continue and escalate to a potential pursuit.[13] Deputy Pasero was going through his options when he realized the Taser was not an option because he was too far away from the suspect and he did not have any viable cover. He also knew the CHP officers were "way back there" therefore he was on his own. [14]

Deputy Pasero knew he did not want Suspect Koffi to get back into the vehicle and he recognized he could not close the distance between them therefore he turned towards his vehicle to get his canine out. He then noticed Suspect Koffi had walked back

[10] Ibid., pg. 8.
[11] Ibid., pg. 9.
[12] Ibid.
[13] Ibid., pg. 12.
[14] Ibid., pg. 9.

towards his vehicle. Suspect Koffi just stared at Deputy Pasero, who stated “our eyes are locked.” Deputy Pasero believed Suspect Koffi recognized him as a law enforcement officer. Deputy Pasero realized, based on Suspect Koffi’s having reentered his vehicle, that his canine was no longer an option.[15]

Suspect Koffi kept his eyes on Deputy Pasero as he returned and reentered the stolen vehicle. Suspect Koffi placed the stolen vehicle into drive, turned the vehicle toward Deputy Pasero and just "takes off" (accelerated) towards Deputy Pasero. Suspect Koffi made no attempt to drive around Deputy Pasero, who now believed Suspect Koffi was going “to mow [him] down.” Deputy Pasero said, “I can’t get out of the way. I got nowhere to go.”[16] Deputy Pasero said, “I was afraid that he was gonna kill me.” [17]

Deputy Pasero knew he was running out of options as his life was being threatened so he armed himself with his handgun and shot several times through the windshield in an attempt to stop Suspect Koffi’s actions. When Deputy Pasero finished shooting, he noticed Officer Laurie had pulled up in his marked patrol vehicle besides Deputy Pasero. Deputy Pasero said the front right side of the suspect’s vehicle collided with the front right side of the CHP patrol vehicle. Deputy Pasero could hear the engine of the suspect’s vehicle revving inconsistently and shaking, like someone was pushing on the accelerator.[18]

Deputy Pasero believed if Suspect Koffi managed to free the stolen vehicle from being locked with the CHP vehicle there was nowhere for Deputy Pasero to go and he would be “run over.” For those reasons, Deputy Pasero fired once again at the same location into the windshield. Deputy Pasero believed he shot less rounds during the second volley. After firing, Deputy Pasero did not see any movement inside the suspect’s vehicle. It was at that point that Deputy Pasero finally felt like he had “finally stopped” Suspect Koffi’s life threatening assaults against him.[19]

Deputy Pasero walked around the CHP vehicle and made his way to the driver’s door of the suspect’s vehicle. He saw Suspect Koffi slumped over while seated in the driver seat. Suspect Koffi was bleeding. Deputy Pasero broadcasted over the radio that shots were fired. Deputy Pasero forced the door open, pulled the suspect out, and pulled him a few feet away from the vehicle.

Officer Salaun came to his location and advised he had a medical bag. The CHP officers and Deputy Pasero began to provide emergency medical aid to Suspect Koffi. Deputy Pasero noticed Suspect Koffi had several injuries. As Deputy Pasero tried to handcuff Suspect Koffi he became very rigid and Deputy Pasero struggled to control him. Deputy Pasero said Suspect Koffi’s eyes were open and he was talking to Officer Laurie. Deputy Pasero tried to stop the bleeding by wrapping it and applying pressure.

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[15] Ibid.
[16] Ibid.
[17] Ibid., pg. 22.
[18] Ibid., pgs. 9 and 10.
[19] Ibid., pg. 10.

He remembered the suspect asking the officers to "take your gun and kill me, you know, uh, you know, finish me off, like some, something similar to that...shoot me, take your gun and shoot me." [20]

Suspect Koffi never said anything specifically to Deputy Pasero.

For further information refer to Deputy Pasero's transcribed statement.

On July 5, 2019, at 0230 hours, CHP Officer Sean Laurie was interviewed by investigators from the Santa Rosa Police Department and District Attorney's Office due to the protocol having been invoked for the officer involved shooting. Officer Laurie basically stated the following:

CHP Officers Laurie and Salaun were dispatched to a vehicle being purposely driven into a building in Bodega Bay. CHP Dispatch further advised the officers that the suspect was "terrorizing" people in the community and may be under the influence of alcohol and LSD. Officer Laurie asked Dispatch to request a deputy since the incident would probably be handled by the Sheriff's Office based on the assaults. Officer Laurie attempted to have the deputy meet both officers at the entrance of the residential area so they could respond to the call together.

When the CHP officers arrived they noticed the deputy was not there so they assumed he proceeded into the residential area without them. Upon locating the deputy, they all began to look for the suspect, who was supposed to be in a white pickup.

Officer Laurie met with a person who was walking alongside the roadway and learned they were probably looking for his friend, Suspect Koffi. The male further advised that Suspect Koffi had fought with him earlier. Officer Laurie continued on and located a person "crumpled down on the ground." [21] Officer Salaun stopped to provide medical aid to the victim. Deputy Pasero continued driving on so Officer Laurie followed him.

Officer Laurie located another person, a female, who was "slumped and crumpled down on the ground." [22] Officer Laurie asked for emergency medical personnel for both victims while they continued looking for Suspect Koffi.

Following behind Deputy Pasero, Officer Laurie noticed the white pickup parked almost perpendicular to the roadway directly ahead of them. Deputy Pasero parked on the right side of the roadway. Officer Laurie parked on the left side of the roadway somewhat behind and to the left of Deputy Pasero's marked patrol vehicle. Officer Laurie believed they were about "70 feet" from the pickup.[23]

[20] Ibid., pg. 11.
[21] CHP Officer Laurie's statement, as found in SRPD case 19-0008771, under tab 34, pg. 4 of 22.
[22] Ibid.
[23] Ibid, pg. 5.

Officer Laurie saw a male, who matched the description of the person they were looking for, standing near the front passenger side of the stolen vehicle. Deputy Pasero, who had exited his vehicle, began to tell the male to "stop, stop, and to halt." Suspect Koffi walked "quite rapidly" around the front of the stolen vehicle and got into the driver's seat. He then turned the stolen vehicle towards Officer Laurie and Deputy Pasero and began "accelerating quite rapidly" towards them. Deputy Pasero was yelling "stop, stop, stop." Officer Laurie, who was still seated in his vehicle, repositioned his vehicle in the roadway to stop the pickup from passing them. Officer Laurie felt he needed to "stop" Suspect Koffi based on the "carnage that was back behind" them.[24]

Instead of stopping, which Officer Laurie believed would occur, Suspect Koffi "rammed" the front passenger side of Officer Laurie's vehicle with the front passenger side of the stolen vehicle. Officer Laurie said Suspect Koffi had accelerated to at least 15 to 20 miles per hour. Officer Laurie, who was not looking at Deputy Pasero, knew he was shooting at the suspect who was driving towards them because he could hear the rounds being fired and he could see the effects of those shots on the windshield. Officer Laurie said Deputy Pasero was outside his vehicle when he fired. Officer Laurie could not remember how many shots were fired but said it was more than one.[25] Officer Laurie believed it was "one volley" of shots fired.

Officer Laurie believed the shots appeared to hit the suspect in the head and in the torso. He said it happened so quickly he was unable to draw his own handgun however was reassured for he knew Deputy Pasero's shots were effective. Officer Laurie said he concentrated on getting the vehicle in front of Suspect Koffi and stopping him from driving away.

Officer Laurie described hearing a chirping sound repeatedly after the collision before realizing Suspect Koffi was still turning the steering wheel and accelerating. Officer Laurie broadcasted that shots had been fired over his radio.

Officer Laurie and Deputy Pasero approached Suspect Koffi and eventually removed him from the stolen vehicle. Officer Laurie recalled putting the stolen vehicle in neutral and turning off the ignition. Officer Laurie also recalled handcuffing Suspect Koffi because he was still "fighting" them. Once handcuffed, they gave Suspect Koffi emergency medical aid.[26]

Officer Laurie had an audio recording device, which he activated when they were providing medical aid. Officer Laurie had a conversation with Suspect Koffi, who was very responsive, alert, and aware of everything that happened. Suspect Koffi said he had consumed Xanax and LSD and while he had enjoyed it this time he felt like he was in "prison." Suspect Koffi admitted to taking the vehicle, hitting a structure, hitting a

[24] Ibid.
[25] Ibid.
[26] Ibid., pg. 6.

couple of people, and then the marked patrol vehicles. Suspect Koffi did that because the people and vehicles "were in [his] way." [27]

Suspect Koffi said "…DNR, DNR, don't resuscitate me, just, just shoot me in the head a few more times. Just end it for me. Just shoot me in the head just one more shot." [28]

Officer Laurie emphasized his concern for his and Deputy Pasero's safety as the stolen vehicle was being driven directly at them. Officer Laurie was also concerned for their safety after the initial collision for the pickup's wheels were still "chirping" as it appeared Suspect Koffi was attempting to turn the wheel and run over Deputy Pasero. Officer Laurie also feared for the public's safety if Suspect Koffi managed to get past them as he was obviously using the vehicle to feloniously assault people.

For further information refer to Officer Laurie's transcribed statement.

I am not going to refer to CHP Officer Salaun's statement, as he did not respond to the scene until after Deputy Pasero was next to Suspect Koffi attempting to pull him out of the vehicle.



In reviewing the conversation between Suspect Koffi and Officer Laurie that occurred when the officers were providing emergency medical aid, I learned the following:

(Suspect Koffi was not read his rights per Miranda.)

Suspect Koffi said he took two hits of LSD prior to him "hijacking" the pickup.[29]

Suspect Koffi then drove around the complex and "hit a couple people" whom he "aimed towards them" with his vehicle. He also recalled colliding with "some cop cars." Suspect Koffi said he "needed to get out of there." [30]

Suspect Koffi said; "yo, can you, officer can you please shoot me in the head for a couple more time." [31] In addition he said; "…can you kill me please." [32]

Most of the recorded conversation deals with providing Suspect Koffi with medical attention (emergency personnel).

For further information refer to Suspect Koffi's transcribed statement.

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[27] Ibid., pg. 8.
[28] Ibid., pg. 9.
[29] CHP Officer Laurie and Suspect Koffi Transcribed Statement, as found in SRPD case 19-0008771, under tab 39, pg. 4 of 63.
[30] Ibid., pg. 5.
[31] Ibid., pg. 11.
[32] Ibid., pg. 12.

Sergeant Sean Jones reviewed Deputy Pasero's body worn camera (BWC) and was able to gather the following information:

Deputy Pasero activated his BWC at approximately 2022 hours. The video recorded continuously for 22:04 (mm:ss). The first 30 seconds of the video had no audio due to standard device settings. Sergeant Jones detailed the following significant points in the BWC video below.

00:23-Deputy Pasero exited his patrol vehicle as he encountered the stolen security truck.



Turn to the next page.

(Go to the next page.)

00:30-Deputy Pasero yelled “Stop” at Suspect Koffi as the truck was driven towards him.



00:31-Deputy Pasero drew his service pistol and again yelled “Stop” as the truck accelerated towards him.



00:32-Deputy Pasero fired the first of several rounds from his pistol at Suspect Koffi.

00:36-Deputy Pasero broadcasts “King-3, shots fired, shots fired.”



00:37-Deputy Pasero advanced to the rear of the CHP patrol vehicle.



00:39-The stolen truck's engine can be heard revving as Deputy Pasero fired three additional rounds from the rear of the CHP patrol vehicle.

00:43-Deputy Pasero walked around the driver's side of the CHP patrol vehicle while saying "Stop Sean, she's down."



00:55-Deputy Pasero radios for additional medical units to respond.



01:35-Deputy Pasero told the CHP officer “He’s down dude. He’s still breathing…I shot him multiple times dude.”



02:01-Deputy Pasero pulled Suspect Koffi from the truck.



02:35-A CHP officer asked “Did he have a gun?” Deputy Pasero responds “Huh? No he tried to ram us with the car dude.”

02:48-Deputy Pasero began to handcuff Suspect Koffi and said “He’s still fighting us.”



02:56-Deputy Pasero secured Suspect Koffi in handcuffs and provided medical aid.



Nothing further at this time.

Conclusions and Findings

Based on what I have reviewed of Deputy Jason Pasero's actions on July 4, 2019 and comparing them with the Sonoma County Sheriff Office's Policy and Procedures; I believe Deputy Pasero acted appropriately considering the circumstances he faced.

Federal Case Law, Graham v. Connor, concludes in its findings that "The right to make an arrest carries with it the right to use objectively reasonable force. In determining whether force used by an officer is objectively reasonable, all of the facts and circumstances with which the officer was confronted are considered including:

1. The information available to the officer at the time of the incident;
2. The acts of the suspect;
3. Whether the suspect reasonably appeared to be a threat to the officer or to other persons;
4. The severity of the crime of which the individual was suspected.

California Penal Code Section 835a states:

> "A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

Following the guidelines in the federal case and California law; Deputy Pasero's use of deadly force was reasonable based on Suspect Koffi's actions of using the stolen vehicle he was driving as a deadly weapon.

The following policy, procedures, or protocols were reviewed:

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

Critical Incident Debriefing/Defusing
Major Incident Notifications

Sonoma County Sheriff's Office 'Law Enforcement Division Policy':

300	Use of Force
324	Media Relations
306	Firearms
400	Patrol Functions

Sonoma County Sheriff's Office 'Department-Wide Policy and Procedure':

Critical Incident Defusing/Debriefing

The purpose of this policy is to help members, who have been exposed to incidents that involve traumatic injury or death, a means to minimize potential health problems by discussing and receiving support due to their involvement in a critical incident—in this case an officer involved shooting.

Deputy Pasero did not recall being advised he could speak to a chaplain or a peer support member prior to his protocol interview. He was aware there was a debriefing and attended it.

A review of this policy did not reveal any policy violations since Deputy Pasero was unsure if he was notified about the options prior to his protocol interview however, after the review, I will remind supervisors of this policy requirement.

Findings: No violation noted.

Major Incident Notifications

The purpose of this policy is to ensure that everyone who is required to be notified within the Department about a major incident be advised of such. In this case everyone was notified as required by this policy.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

Use of Force

The purpose of this policy is to set up guidelines by which the use of force is employed by a deputy. Not only are the Department's polices considered, so too are the laws governing their use by state and federal authorities.

Penal Code 835(a) states that any peace officer that has reasonable cause to believe the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such Deputy be deemed the aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

The policy states that:

> “Deputies shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the Deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of "reasonableness" must allow for the fact that Deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation.”

Section 300.3.2 of this policy lists several factors that are used to determine the reasonableness of force that a deputy applies, of which the following are applicable:

a. Immediacy and severity of the threat to deputies and others.
b. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
c. Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies vs. subject(s)).
d. The effects of drugs or alcohol.
e. Subject’s mental state or capacity.
f. Proximity of weapons of dangerous improvised devices.
g. The degree to which the subject has been effectively retained and his/her ability to resist despite being restrained.
h. The availability of other options and their possible effectiveness.
i. Seriousness of the suspected offense or reason for contact with the individual.
j. Training and experience of the Deputy.
k. Potential for injury to deputies, suspects, or others.
l. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
m. The risk and reasonable foreseeable consequences of escape.
n. The apparent need for immediate control of the subject of a prompt resolution of the situation.
o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
p. Prior contacts with the subject or awareness of any propensity for violence.
q. Any other exigent circumstances.

It is recognized that deputies are expected to make split-second decisions and the amount of time a deputy has available to evaluate and respond to changing circumstances may impact his or her decision.

While various degrees of force exist, each deputy is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy. It goes on to state that a deputy may use deadly force to protect him/herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.

This situation clearly showed why Deputy Pasero's actions were reasonable and justified, not only from a policy standpoint, but based on federal and state laws. When Deputy Pasero used his duty weapon, he was in fear for his life and those around him. Suspect Koffi had already used the vehicle he was driving as a deadly weapon, having purposely run over three individuals, and then when he drove directly at Deputy Pasero and Officer Laurie.

While Suspect Koffi's mental state was based on his having consumed LSD (confirmed), his reckless and offensive use of the stolen vehicle as a deadly weapon needed to be stopped, for he showed his lack and disregard for the public's safety. Based on what Suspect Koffi left behind in his path of destruction and the potential of additional victims (who were now outside their residences and/or assisting the earlier victims), Deputy Pasero had no other choice (based on his training and experience) but to stop Suspect Koffi's action, which he did by using the only option he had available—his firearm.

Deputy Pasero had only seconds to form an opinion and he made an appropriate one as he stopped Suspect Koffi's on-going felonious assaults in the Bodega Bay community. Recall Suspect Koffi's recollection as: He drove around the complex and "hit a couple people" whom he "aimed towards" with his vehicle. He also recalled colliding with "some cop cars." He wanted to get past the law enforcement vehicle to escape.

Deputy Pasero's actions were justified and within policy.

Per policy, Lieutenant Andy Cash obtained Deputy Pasero's public safety statement immediately after the incident.

A review of this policy did not reveal any policy violations.

Findings: No violation noted.

Media Relations

The purpose of this policy is to ensure that we, as a Department, provide a fair and consistent release of information regarding the Department's activity to the community. A press release was completed and released on July 5, 2017.

Findings: No violation noted.

Firearms

The purpose of this policy is to ensure that there is an established procedure for the use and reporting of incidents involving the discharge of firearms. It also ensures that a member of this Department who uses a weapon, in this case a handgun, has successfully passed a Department approved qualification course.

In reviewing Deputy Pasero's shooting records, they indicate he qualified with his Department issued handgun on March 21, 2019 (first quarter) and April 18, 2019 (second quarter), as required by this policy.[33]

The policy also describes when a deputy may use a firearm: "To protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury."

Deputy Pasero, provided a verbal account as to what happened to SRPD detectives. Additionally, Deputy Pasero used the weapon that he qualified with. Deputy Pasero believed his life was threatened based on Suspect Koffi's actions, in that, he not only showed a willingness to use the vehicle he was driving as a deadly weapon against four civilians, he used it again against the officers when he accelerated and drove towards them. Suspect Koffi admitted he was going to drive over the officers.

In further review of this policy, under sections 304.2 Reporting and 304.3, it states the involved deputy (who uses his firearms) as well as his supervisor shall write memorandums regarding the use and circumstances respectfully. The only exception is if the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93-1 (commonly known as the 'Employee Involved Fatal Incident Protocol') is invoked, which it was in this matter so they did not need to complete those mentioned memorandums.

In this matter the Employee Involved Fatal Incident Protocol was invoked and investigated by the Santa Rosa Police Department and District Attorney's Office. Sonoma County Sheriff's Office Violent Crimes detectives were tasked with completing the criminal investigation. Internal Affairs investigators completed this administrative review.

A review of this policy did not reveal any policy violations.

[33] As provided to me by the Firearms team.

Findings: No violation noted.

400—Patrol Function

The purpose of this policy is to define the functions of the Patrol Bureau. In regards to this matter Deputy Pasero responded to an assault with a pencil, light post, and vehicle in Bodega Bay. Based on the information gathered, Deputy Pasero realized he was dealing with a subject who had no regard for the public's safety and was using his vehicle as a deadly weapon. The deputies fulfilled the requirement to respond "…to emergency calls for assistance" and to apprehend "criminal offenders." (400.05)

A review of this policy did not reveal any policy violations.

Findings: No violation noted.