

**Fatal Officer Involved Shooting of Carlos Arias**  
**Los Angeles Police Department**

**Officer Alex Maldonado, #40978**

**J.S.I.D. File #21-0434**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**June 28, 2023**

## **MEMORANDUM**

TO: CAPTAIN RICH GABALDON  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Fatal Officer Involved Shooting of Carlos Arias  
J.S.I.D. File #21-0434  
F.I.D. File #F058-21

DATE: June 28, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 13, 2021, fatal shooting of Carlos Arias by Los Angeles Police Department (LAPD) Officer Alex Maldonado. Based on the totality of the circumstances, we find it was reasonable for Officer Maldonado to believe his use of deadly force was necessary to defend against what he reasonably believed was an imminent threat to another person's life.

The District Attorney's Command Center was notified of the shooting on October 13, 2021, at 7:17 a.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

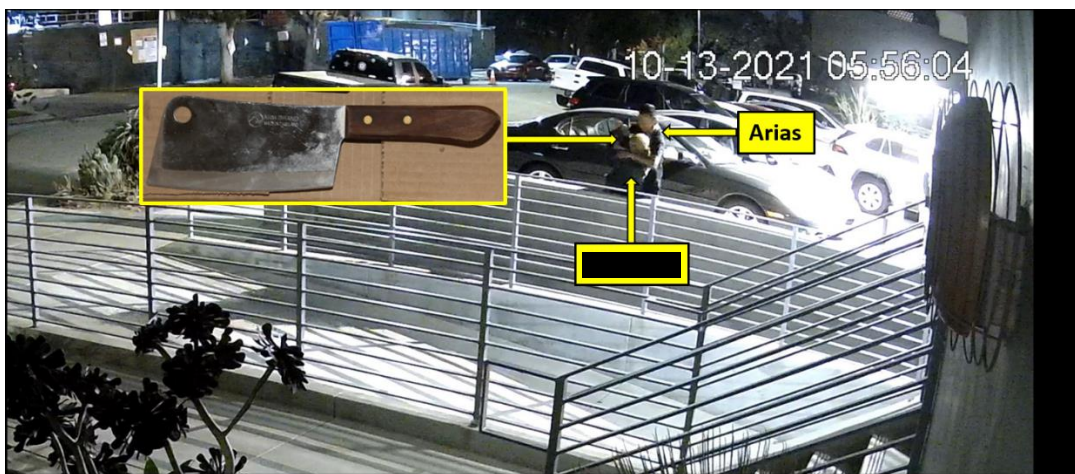
The following analysis is based on investigative reports, 9-1-1 recordings, body worn video camera evidence, photographic evidence, crime scene diagrams, transcripts of interviews, an autopsy report, and witness statements submitted to this office by LAPD Force Investigation Division (FID) Detective Jorge Cruz. Maldonado's compelled statement was not considered as part of this analysis.

### **FACTUAL ANALYSIS**

On October 13, 2021, at approximately 5:40 a.m., [REDACTED] was on the balcony of her apartment in West Los Angeles. [REDACTED] saw her neighbor, [REDACTED], walking toward the street in front of the apartment complex.<sup>1</sup> [REDACTED] observed [REDACTED]'s son, Carlos Arias, walk up behind [REDACTED] with a meat cleaver in his right hand. Arias "grabbed" [REDACTED] by placing his left arm around her neck and yelled, "I'm going to cut you!"

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<sup>1</sup> LAPD Investigators interviewed [REDACTED] on the day of the incident. The interview was recorded.



*Figure 1 – Still image taken from an adjacent apartment building’s surveillance video depicting Arias’ left arm around [REDACTED] while holding a knife in his right hand. The inset is a photograph of Arias’ knife.<sup>2</sup>*

[REDACTED] told Arias, “No, no, no. Don’t cut your mother. Don’t do anything to her; she’s your mother.” Arias yelled back, “Shut up! It’s not with you! Shut up! Go inside!”<sup>3</sup> Arias “took” [REDACTED] down the pathway to their apartment, and [REDACTED] went inside her apartment and called the police.

At 5:51 a.m., LAPD dispatch requested officers respond code-3 and advised, “ADW suspect there now ... Suspect is the neighbor’s son holding a knife and choking his mother.”<sup>4</sup> Approximately twenty seconds later, LAPD communications received a 9-1-1 call from Arias’ brother, [REDACTED]. [REDACTED] told the operator that his mother, [REDACTED], had called him “scared” and that he would like the police to respond to her apartment.<sup>5</sup> [REDACTED] informed the operator that Arias was “schizophrenic” and “off his medication.” At 5:55 p.m., dispatch provided responding officers with a description of Arias and advised them that he had schizophrenia and was yelling, causing a disturbance, and had previously assaulted his mother.

By 5:59 a.m., three patrol units had arrived at the front of the apartment complex. The responding LAPD officers were Billy Do, Velvet Davis, Christian Faulkner, Mussie Zedingle, Deandre Lewis, and Alex Maldonado. Each officer wore a distinctive LAPD uniform and was equipped with a body worn video camera (BWV).<sup>6</sup> [REDACTED] directed the officers toward [REDACTED]’s apartment. As the officers approached the apartment, Faulkner, Davis, Zedingle, Lewis, and Maldonado had their duty weapons drawn. Do held a less lethal 40 mm launcher, and Faulkner had a less lethal beanbag shotgun slung over his shoulder.

<sup>2</sup> The surveillance video’s timestamp was approximately 14 minutes ahead of the actual time.

<sup>3</sup> Arias and [REDACTED] both spoke in Spanish.

<sup>4</sup> “Code-3” is the radio code used to describe a mode of response in which an emergency vehicle’s lights and siren are activated. ADW is the acronym for assault with a deadly weapon.

<sup>5</sup> [REDACTED] was not at the location of the incident.

<sup>6</sup> The officer-involved shooting was captured on BWV.

When they arrived at [REDACTED]'s apartment, Maldonado knocked on the front door and yelled, "Police Department!" After hearing no response, Maldonado knocked on the door a second time and then a third time while again announcing, "Police Department!" After receiving no response, Maldonado asked, "Can you see through the window?"



*Figure 2 – Photograph depicting [REDACTED]'s apartment front door and patio area.*

Faulkner stood on the apartment building's walkway and shined his flashlight through the sliding glass door into the dark apartment. Faulkner informed the other officers that he was able to see into the apartment.<sup>7</sup> Falkner stated, "I got one guy to the left. He's just like—he's kinda like casually, looks like he's talking to the female. And our male, he's just kinda standing in the middle of the living room there, kinda facing her." Zedingle asked if Arias was holding anything, and Faulkner responded, "I can't see if he has anything in his hands from my vantage. He just put his hand up, so one hand is clear." Maldonado asked Faulkner to attempt to communicate with Arias from his position.

As Maldonado knocked on the door again, Faulkner called out, "Carlos! Come outside! It's the LAPD!" Arias responded by yelling, "No!"<sup>8</sup> Again, Faulkner ordered Arias to exit the apartment, and Arias refused by saying, "No!" Maldonado yelled, "We're not going to hurt you. We just want to talk to you." Faulkner added, "You're not in trouble, man!" Arias then shouted, "I will cut her head off!" Faulkner told the other officers, "Ah, shit! Okay, we got to kick that door in, guys. He said—he said." Maldonado interrupted Faulkner by asking him if he could see if Arias had a knife. Faulkner responded that he could not tell if he had a knife, but "He said he's going to cut her. He's said he's going to cut her up." Maldonado yelled to Arias, "Carlos, just come outside. We just want to talk to you, make sure you're okay." Someone inside the

<sup>7</sup> The patio fence and bushes blocked Faulkner's BWV.

<sup>8</sup> Arias' statements can be heard on the officers' BWVs.

apartment said, “Okay” in a normal tone, and Arias yelled, “Fuck you!”<sup>9</sup> Faulkner then informed the other officers that Arias was standing two feet away from [REDACTED], who appeared to be trying to calm him down.

At approximately 6:02 a.m., Zedingle radioed requesting a unit with “entry tools” respond to the location. Faulkner shouted out to Arias, “Hey, Carlos! Look here, man! We’re going to bust the door open if you don’t come in—come outside!” Simultaneously, Maldonado began positioning the other officers, informing them of the order in which they would enter the apartment, and assigning them their respective roles. Maldonado assigned Do to the less lethal 40 mm launcher and said, “If he comes out with a knife, just fucking let him have the forty right away.” Maldonado continued, “And if we have to backpedal at all, we have a ledge right here. We are going to have to fucking shoot him.”<sup>10</sup> Do responded, “Roger.”

As Maldonado planned entry into the apartment with the other officers, Faulkner continued communicating with Arias, telling him they would “kick the door open” if he did not exit the apartment. Arias responded by saying, “No!” and “I will not come outside.” According to Faulkner, he then saw Arias put an “arm bar” around [REDACTED]’s neck.<sup>11</sup> Faulkner told the other officers, “Oh shit. Okay—okay, he has her. Oh shit! Alright, fuck! He has her—he has her in a headlock. He has her in a headlock. He has her in a headlock! He has her in a headlock!” Maldonado instructed Do to kick the door down. Faulkner told investigators he then observed Arias with a “miniature axe” or meat cleaver. Arias was holding the knife over his head, and [REDACTED] appeared to be resisting him from striking her with the knife by grabbing Arias’ wrist. Faulkner told the other officers, “He—he has the knife in his hand! He has the knife in his hands!”

After multiple kicks by Do to the front door, the door opened, and at approximately 6:03 a.m., Maldonado entered the apartment with his duty weapon drawn. Upon entry, Arias had his back to Maldonado and stood over [REDACTED] with a meat cleaver raised above his head. [REDACTED] was lying on the floor with her hands outstretched in a defensive position.

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<sup>9</sup> It is unknown whether [REDACTED] or Arias said “Okay.”

<sup>10</sup> The ledge Maldonado referred to was a step between [REDACTED]’s front door area and the apartment building walkway that the officers would need to navigate if they were to retreat.

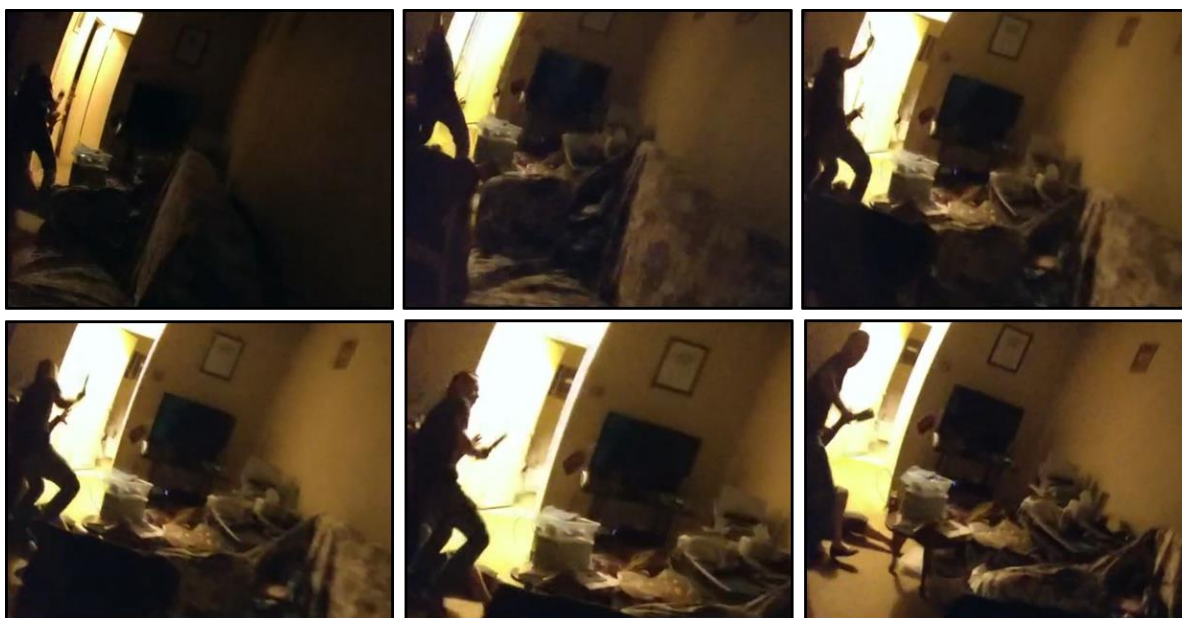
<sup>11</sup> Investigators interviewed Faulkner on October 20, 2021. The interview was recorded.





**Figure 3 – Still image taken from Maldonado’s BWV depicting Arias standing over [REDACTED] with a knife raised above his head. [REDACTED]’s hands appear to be in a defensive position.**

Arias quickly swung the knife in a downward chopping motion toward [REDACTED]. It was later determined Arias did not actually strike [REDACTED] with the knife. As Maldonado entered the room further, Arias raised the knife above his head again, and [REDACTED] yelled, “La puerta!”<sup>12</sup> Arias turned his head toward Maldonado, and Maldonado discharged two rounds in rapid succession from his duty weapon at Arias.<sup>13</sup>



**Figures 4 through 9 – Cropped and enlarged sequential still images taken from Maldonado’s BWV depicting Arias’ actions during the incident. Figure 9 depicts Arias at the time Maldonado discharged his duty weapon.**

<sup>12</sup> La puerta is “the door” in Spanish.

<sup>13</sup> Approximately two seconds elapsed between Maldonado entering the apartment and him discharging his duty weapon. Less than one second elapsed between Arias stopping his downward chopping motion and Maldonado’s discharges. Zedingle was in the apartment’s doorway when Maldonado discharged his service weapon. None of the other officers had entered the apartment.

Arias was struck in the right posterior torso and the right anterior chest near the right areola and immediately dropped the knife and fell to the ground. Maldonado ordered Arias to “roll over!” multiple times, Do radioed that shots had been fired, and Davis and Zedingle guided [REDACTED] into a back bedroom where two other family members were located. When Arias failed to respond to Maldonado’s order to roll over, Maldonado rolled him onto his stomach and stated, “He was stabbing her.” Lewis handcuffed Arias, and Zedingle requested a rescue ambulance respond to the location. Once inside the bedroom with [REDACTED], Davis determined that [REDACTED] had not been injured by Arias.

At approximately 6:04 a.m., Do put on gloves and applied pressure to Arias’ wounds. At approximately 6:11 a.m., Los Angeles City Fire Department paramedics arrived at the apartment and began providing Arias medical aid. Arias was transported to Ronald Reagan UCLA Medical Center, where he was pronounced deceased at 6:53 a.m. by Doctor Daniel Weingrow.

Investigators recovered Arias’ knife from the apartment floor.



*Figure 10 – Photograph of Arias’ knife.*

Two cartridge casings discharged from Maldonado’s duty weapon and headstamped “45 auto Federal” were recovered from the apartment’s living room floor. One fired bullet was recovered from a black bag inside a black hamper in the bathroom.

Deputy Medical Examiner Jacquelyn Morhaim performed an autopsy on October 18, 2021. The cause of death was determined to be gunshot wounds to the torso and right upper extremity. One bullet entrance wound was located at the right posterior torso, approximately 25 inches from the top of the head and two inches right of midline.<sup>14</sup> A second projectile entered and exited the right anterior chest near the right areola. A third graze-type gunshot wound was observed on the dorsal right forearm, possibly caused by the same bullet that entered and exited the right anterior chest.

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<sup>14</sup> The spine is the body’s midline.

LAPD investigators interviewed [REDACTED] on the day of the incident.<sup>15</sup> [REDACTED] stated Arias was diagnosed with schizophrenia in 2012 and prescribed medication. Arias had not taken his medication in years, and the police had been called to the location multiple times in the past. During prior incidents, she or the police would be able to calm Arias down, but today Arias was extremely agitated. Over the years, [REDACTED] had become used to Arias threatening her, and she did not believe he would actually hurt her, and she was not in fear. [REDACTED] stated, “It appears as though he is killing me, but no, it’s only threats.” She told investigators that Arias threatened her because he was sick and needed help.

## **LEGAL ANALYSIS**

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) & (e)(3). The peace officer’s decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

In this case, Maldonado and other officers responded to a call of a schizophrenic man with a knife choking his mother. When the officers arrived, Arias refused to open the apartment door and told the officers that he was going to cut [REDACTED]’s head off. The officers began devising a plan to enter the apartment and potentially use a less-lethal 40 mm launcher. The exigency of their entry increased when Faulkner, who could see into the apartment through a glass door, observed Arias put [REDACTED] in a headlock while holding a large knife in his right hand. Do kicked in the apartment’s front door, and Maldonado quickly went inside with his duty weapon drawn.

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<sup>15</sup> The interview was conducted in Spanish and was recorded.



When Maldonado entered, [REDACTED] was lying on the floor with her hands facing up in a defensive position while Arias appeared to be striking her with a meat cleaver. In hindsight, Maldonado was simulating that act of striking [REDACTED] with the knife but not actually hitting her. However, the reasonableness of an officer's decision is not reviewed with the benefit of hindsight. Arias' threat to cut [REDACTED]'s head off, [REDACTED]'s vulnerable and defensive position on the floor, and Arias' quick downward striking motion with the knife would lead a reasonable police officer to believe that Arias' was inflicting, or was about to inflict, serious bodily injury or death upon [REDACTED]

Prior to entering, the officers attempted to de-escalate the situation by telling Arias that he was not in trouble and they only wanted him to come outside to talk. They also planned for the possible use of less-lethal force. However, given the imminent threat Arias appeared to pose to [REDACTED] upon entry, further de-escalation tactics or the use of non-deadly force was not reasonably feasible. As such, it was reasonable for Maldonado to believe deadly force was necessary to defend against an imminent threat of death or serious bodily injury to [REDACTED]

## **CONCLUSION**

Based on the totality of the circumstances, we find it was reasonable for Officer Alex Maldonado to believe his use of deadly force was necessary to defend against what he reasonably believed was an imminent threat to [REDACTED]'s life.