

**Fatal Officer Involved Shooting of
Cristian Alexis Arriola Gomez**

Los Angeles Police Department

Officer Jeffrey Smith, #33504

J.S.I.D. File #22-0281



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 25, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
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 Cristian Alexis Arriola Gomez
J.S.I.D. File #22-0281
L.A.P.D. File #F044-22

DATE: July 25, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 17, 2022, fatal shooting of Cristian Alexis Arriola Gomez by Los Angeles Police Department (LAPD) Officer Jeffrey Smith. We have concluded that Officer Smith acted in lawful self-defense at the time he fired his service weapon, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on August 17, 2022, at 11:02 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LAPD Force Investigation Division Lieutenant David Smith.

The following analysis is based on body worn camera video (BWV), Digital in Car Video System (DICVS), investigative reports, audio recordings and transcripts of witness interviews, crime scene diagrams, autopsy, and toxicology reports submitted to this office by LAPD Force Investigation Division on August 24, 2023. The compelled statement of Officer Smith, if one exists, was not considered in this analysis.

INTRODUCTION

On August 17, 2022, West Valley Patrol Division officers responded to a 9-1-1 call regarding a man armed with a machete and using illegal drugs in an alley behind Sherman Way. LAPD officers responded to the call and saw 24-year-old Cristian Alexis Arriola Gomez (Gomez) armed with a machete. Gomez refused to follow their orders to drop the weapon and fled on his bicycle.

Smith responded to the call for assistance and followed Gomez into an alley. Gomez abruptly jumped off his bicycle and charged at Smith, who was seated in his patrol car. Gomez walked quickly to the driver's side window of the patrol car and raised the machete. Smith fired two rounds from his service weapon at Gomez. Gomez was hit once in the chest by gunfire. Los Angeles Fire Department paramedics transported Gomez to a local hospital, where he was pronounced deceased.

SUMMARY

On August 17, 2022, at approximately 5:00 a.m. a witness saw Gomez in an alley near her home.¹ She saw that Gomez was armed with a machete and smoking from a [glass] pipe. At 7:02 a.m., the witness, who was at work, received a call from her mother telling the witness that Gomez was shaking the back gate to their property. The witness called 9-1-1 to report the incident to the LAPD and asked for an officer to respond to the location.

LAPD dispatch broadcasted a radio call, “Rear alley, suspect male, dark sweater, smoking unknown narcotic from [a] pipe, suspect has machete, has not threatened anyone.” The incident was assigned to Officer Derrick Quals (Quals) and his partner, Officer Jennifer Pastrana (Pastrana). Pastrana drove to the alley on Sherman Way, 43 minutes after dispatch broadcasted the call.

Pastrana and Quals told investigators that they saw Gomez riding with the machete on the handlebars of his bike. As depicted on her BWV, Pastrana ordered Gomez to get off his bike and “leave the knife there.” Gomez jumped off his bike and grabbed the machete in his left hand. He yelled, “I don’t want to talk to you!”



Figure 1: [DICVS] Gomez had the machete (red circle) as he ran towards Quals and Pastrana.

Pastrana told investigators that Gomez was talking incoherently, and she believed that, “[T]he situation could escalate to the point where deadly force was necessary. The suspect walked towards us pretty closely, and he was waving his machete . . . in [a] circular motion at us while yelling.” (Figure 1)

¹ An alley runs parallel to the properties on Sherman Way and allows the property owners access to their garages and backyards from the alley.

Pastrana unholstered her gun as Gomez started walking toward her and her partner. Quals exited the passenger side, stood at the front of the SUV, and calmly told Gomez to, “Drop the machete.” In response to Quals and Pastrana’s request for assistance, Motorcycle Officer Daniil Rulin (Rulin) arrived as Pastrana and Quals moved to the front of their SUV.

As Gomez approached Quals, Quals activated his BWV and shouted, “Hey! Hey! Hey! Don’t come at me with the machete, man!” Quals unholstered his service weapon as Gomez approached him with the machete. Quals brought his gun up from the “low ready” position and pointed it at Gomez. Gomez turned around and walked back to his bicycle. During this time, Pastrana reholstered her service weapon and armed herself with a less lethal bean bag shotgun.

Gomez told the officers he did not want to talk to them and rode away on his bike. Quals and Pastrana followed Gomez in their SUV while Rulin followed on his motorcycle.



Figure 2: Home surveillance video of Gomez as he passed a pedestrian on the sidewalk. Pastrana and Quals followed him as he rode away from the officers.

Pastrana used the SUV’s public address system to tell Gomez to, “Get off the bike and drop the machete!” Quals repeated the command several times. Pastrana told investigators, that Gomez was still acting erratically and yelling incoherently as he swerved back and forth on his bicycle.² (Figure 2)

At 7:49 a.m., Patrol Officer Jeffrey Smith (Smith) responded with lights and sirens to Quals and Pastrana’s request for backup. Smith followed behind the SUV and Rulin’s motorcycle.

² Both Quals and Pastrana believed that Gomez was under the influence of an illegal drug. Pastrana told investigators, “[Gomez] was stumbling, speaking incoherently . . . and was disheveled.

When Gomez approached an elementary school, Pastrana and Quals became concerned for the safety of children and parents walking to school.³ Pastrana tried to divert Gomez away from the pedestrians in the area. Pastrana sped up and quickly stopped the SUV in front of Gomez. Pastrana and Quals opened their doors and were about to exit when Gomez sped up past the officers and turned down the same alley where the incident began.

Smith, who was following Pastrana, drove around Pastrana and followed Gomez into the alley. Smith's DICVS depicted Gomez riding his bicycle down the alley. Smith followed Gomez into the alley and stopped approximately 20 feet away from Gomez. Gomez abruptly jumped off his bike and turned to face Smith while armed with the machete. Gomez quickly advanced to where Smith was seated in his parked patrol car.

Smith's BWV depicted Smith opening the patrol car door and then quickly shutting it when Gomez promptly walked to the front of the car.⁴ Smith was attempting to put the patrol car in reverse when Gomez appeared at the front quarter panel of the patrol car.

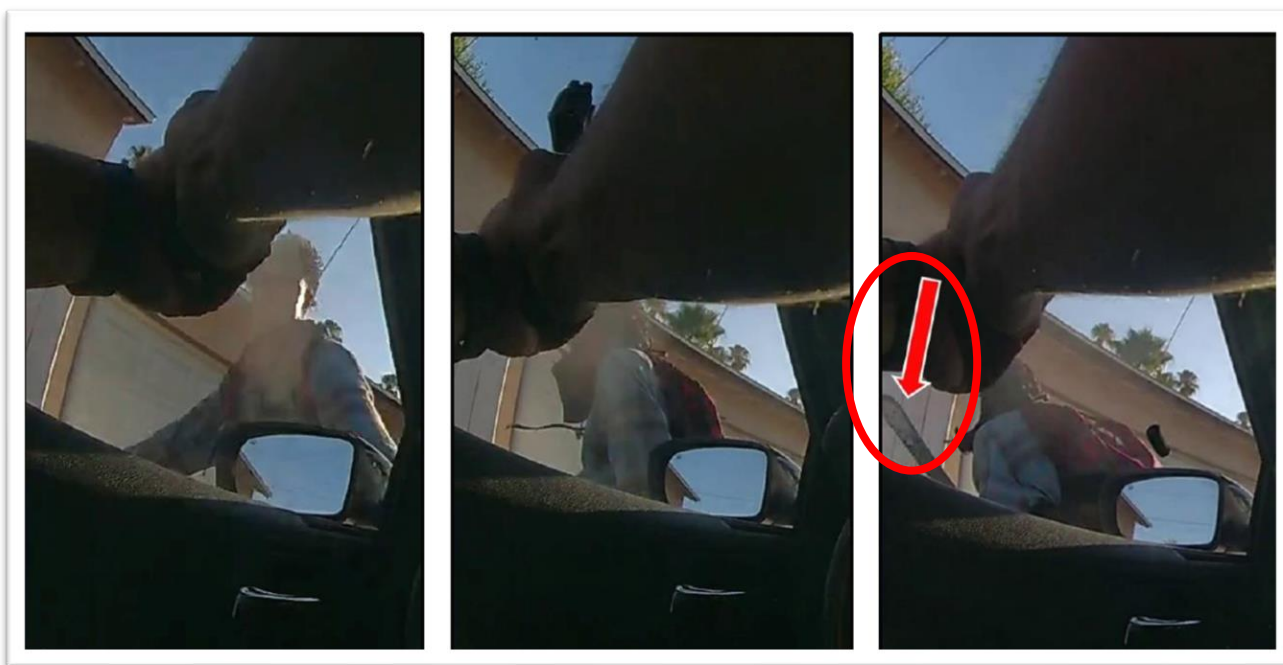


Figure 3: Still images taken from Smith's BWV show that Gomez was next to the patrol car door when Smith fired his service weapon two times, hitting Gomez one time in the chest. The machete is visible in the third photo (red arrow).

The BWV depicted Smith shifting the patrol car into park as Gomez continued moving towards the driver's door. Gomez angrily yelled in Spanish, "What's your problem? I don't want to deal

³ Gomez approached The Valley Waldorf City School on Sherman Way. The school is located across the street from the alley where the officer-involved shooting occurred. The school teaches kindergarten through eighth grade.

⁴ The angle of Smith's body while he was seated in his car prevented his BWV from recording Gomez until Gomez reached the patrol car's driver's side front quarter panel.

with you! I'm not playing!"⁵ Smith's BWV shows that Smith unholstered his service weapon and pointed it at Gomez through the open driver's side window. (*Figure 3*)

When Gomez came within three feet of Smith and raised the machete at an approximately 45-degree angle from his body, Smith fired his service weapon twice at Gomez. Gomez was shot one time in the chest. While still holding the machete, Gomez turned and ran approximately 60 feet away before collapsing into the alley.

Quals, Pastrana, and Rulin arrived as Gomez approached Smith's driver's side door. DICVS from Qualls and Pastrana's SUV shows that they arrived just as Smith shot Gomez.

Smith requested an ambulance while Pastrana handcuffed Gomez. Qualls placed Gomez in a recovery position while they waited for the paramedics. Approximately seven minutes after the shooting, Gomez became unresponsive. Qualls began manual chest compressions (CPR) on Gomez until the paramedics arrived.

The LAFD paramedics arrived and observed that Gomez had a "gunshot wound to the chest." They provided CPR to Gomez and transported him to the Northridge Hospital Medical Center. Dr. Alfred Pascual identified a single gunshot wound between the fourth and fifth intercostal (between the ribcage) space on the left side of his body. Dr. Pascual pronounced Gomez deceased at 8:24 a.m.

*BWV Timeline:*⁶

- 7:49:25 Smith stopped his patrol car in the alley.
- 7:49:26 Smith opened his car door as Gomez ran towards the front of the patrol car.
- 7:49:27 Smith closed his car door and attempted to put the car in reverse.
- 7:49:29 Smith unholstered his service weapon.
- 7:49:30 Using both hands, Smith pointed his service weapon at Gomez.
- 7:49:31 Gomez was yelling and walked up to the driver's side window of the patrol car looking directly at Smith.
- 7:49:31 Smith fired his service weapon the first time.
Smith fired his service weapon the second time (as depicted on Smith's BWV, the machete is visible in Gomez's hand).
- 7:49:32 Gomez turned and ran away from the patrol car.
- 7:49:35 Smith broadcasted "Shots fired. Officer needs help."
- 7:49:36 Gomez ran down the alley with the machete.

⁵ There is no information on whether Smith understood what Gomez was saying. However, the tone of Gomez's voice, as depicted in the BWV, was angry.

⁶ The times were collected from Pastrana's, Qual's, Rulin's, and Smith's BWV.

7:49:39 Gomez collapsed in the alley.
7:51:38 Smith called for the paramedics/rescue ambulance.
7:52:54 LAFD paramedics dispatched.
7:53:04 Smith, Quals, and Pastrana waited in the alley with Gomez.⁷
8:01:17 LAFD paramedics arrived on scene to treat Gomez.

Witnesses Statements

█████
On August 17, 2022, at 6:50 a.m., █████ called 9-1-1 to report that a man with a machete was in the alley at her back gate when she and her father left for work in the morning. █████ saw the man smoking something in a pipe. █████ stated that her mom had just called her and told her that the man was “rattling” their back gate and that her mother was afraid.

█████
█████ husband, █████, was getting ready for work when █████ heard their dog barking early in the morning. █████ told █████, “There is someone outside.” █████ called as he was leaving and told her, “Do not go outside for any reason at all. This man has a machete . . . You already know what to do.” █████ understood that her husband wanted her to call the police if she was in danger.

█████ told the investigators, “As [Gomez] approached mid-door [of her gate to the alley] . . . I saw that he was looking in through the slit . . . [Gomez] was smoking, and all the smoke was going up.” At 6:50 a.m., she took her children to school. When she returned around 10:00 a.m., there were police officers everywhere.”

Forensic Evidence

Coroner’s Report

On February 3, 2023, Los Angeles County Medical Examiner Dr. Dennis Rhee finalized his report on the autopsy of Gomez’s remains. Dr. Rhee identified the bullet trajectory from left to right, front to back, and slightly upward. There was no exit wound, and the bullet was recovered from Gomez’s upper right flank.

Dr. Rhee classified the manner of death as a homicide and attributed Gomez’s death to a [single] “penetrating gunshot wound of the left chest with injury of the heart, liver, and right lung.” The round remained in Gomez’s body after he was shot and was recovered from the soft tissue of the right side of his back.

⁷ While Gomez was on his side in the recovery position, Quals and Smith joked about whether they would be required to use personal time instead of overtime for the shooting incident.

Toxicology Results and Forensic Results

Toxicology results were finalized and approved on January 20, 2023, by Los Angeles County Department of Medical Examiner-Coroner Supervising Criminalist Sarah Buxton de Quintana. The analysis identified the presence of methamphetamine, amphetamine, and marijuana (THC) in Gomez's body.⁸

Evidence recovered

The LAPD Forensic Science Division (FSD) Firearms Analysis Unit (FAU) responded to the incident. Seventy-three items of evidence were processed and booked, including the machete. Gomez's property included a glass pipe and a bindle of white powder that tested positive for the presence of (0.61g) of methamphetamine.

Machete



Figure 6: The machete used by Gomez.

The LAPD Forensic Science Division photographed, collected, and booked the machete into evidence. The machete had a 17 3/4 inch blade and a serrated spine. (*Figure 6*)

LEGAL ANALYSIS

The Law

A peace officer is justified in using deadly force 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 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).

⁸ Femoral blood sample: Methamphetamine 0.70 µg/mL, Amphetamine 0.09 µg/mL, Marijuana 11-nor-Delta-9-Carboxy-THC detected.

Deadly force shall be used “only when necessary, in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“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) and (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).

Analysis

There is sufficient evidence to show that Smith reasonably believed, based on the totality of the circumstances, that deadly force was necessary to defend himself against an imminent threat of death or serious bodily injury.

█████ called 9-1-1 to report that Gomez was in the alley, armed with a machete and smoking something from a pipe. Pastrana told investigators that when she first observed Gomez, he was acting erratic by pacing around and speaking incoherently. Gomez was yelling at the officers and refusing to follow their orders. Pastrana and Qualls believed that Gomez’s erratic behavior was the result of being under the influence. Toxicology results verified the presence of amphetamine and methamphetamine in Gomez’s body at the time of the incident.

When Smith was in the alley with Gomez, Smith did not confront or antagonize Gomez before Gomez jumped off his bike and ran towards Smith. Smith was about to exit his car when Gomez charged towards the patrol car. Smith waited inside the car and did not draw his service weapon until Gomez was near the front of the patrol car.

When Gomez reached the driver’s side door and the open window of the patrol car, he raised the machete at Smith. Gomez told Smith (in Spanish), “. . . I’m not playing!” While it is unclear whether Smith understood the words that Gomez was yelling at him, it was clear that Gomez was angry. Gomez’s tone of voice, his body language, including raising the machete, and his proximity to Smith (three feet away) was justifiably perceived by Smith as an imminent and deadly threat.

CONCLUSION

Based on the totality of the circumstances, it was reasonable for Officer Smith to believe that Gomez was going to attack him with the machete when Gomez approached within three feet of the driver's side of the patrol car, yelling and raising the machete and that the use of deadly force was necessary to defend himself against an imminent threat of death or serious bodily injury.

For the foregoing reasons, we find that Officer Smith acted lawfully in self-defense.