

**Fatal Officer Involved Shooting of Anthony Pacheco
Pomona Police Department**

Corporal Chad Jensen, #30539

J.S.I.D. File #20-0114



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

September 26, 2022

MEMORANDUM

TO: CHIEF MICHAEL ELLIS
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Anthony Pacheco
J.S.I.D. File #20-0114
Pomona P.D. File #20035767
L.A.S.D. File #020-00029-3199-013

DATE: September 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 30, 2020, fatal shooting of Anthony Pacheco by Pomona Police Department (PPD) Corporal Chad Jensen. We have concluded that Corporal Jensen acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting at approximately 8:48 p.m. on March 30, 2020. The District Attorney Response Team was given a briefing regarding the circumstances surrounding the shooting by Los Angeles County Sheriff's Department (LASD) Detective Eduardo Aguirre.

The following analysis is based on investigative reports, audio recordings of interviews, radio communications, crime scene diagrams, photographs, surveillance video, and body worn video submitted to this office by LASD Detectives Eduardo Aguirre and Antonio Guillen.

FACTUAL ANALYSIS

Summary of the Facts

On March 30, 2020, at approximately 7:15 p.m., [REDACTED] was walking on a residential street in Pomona with his 37-year-old brother, Anthony Pacheco, who had a history of mental illness. Pacheco was armed with a sword concealed in his pants. A photograph of the sword is shown below:

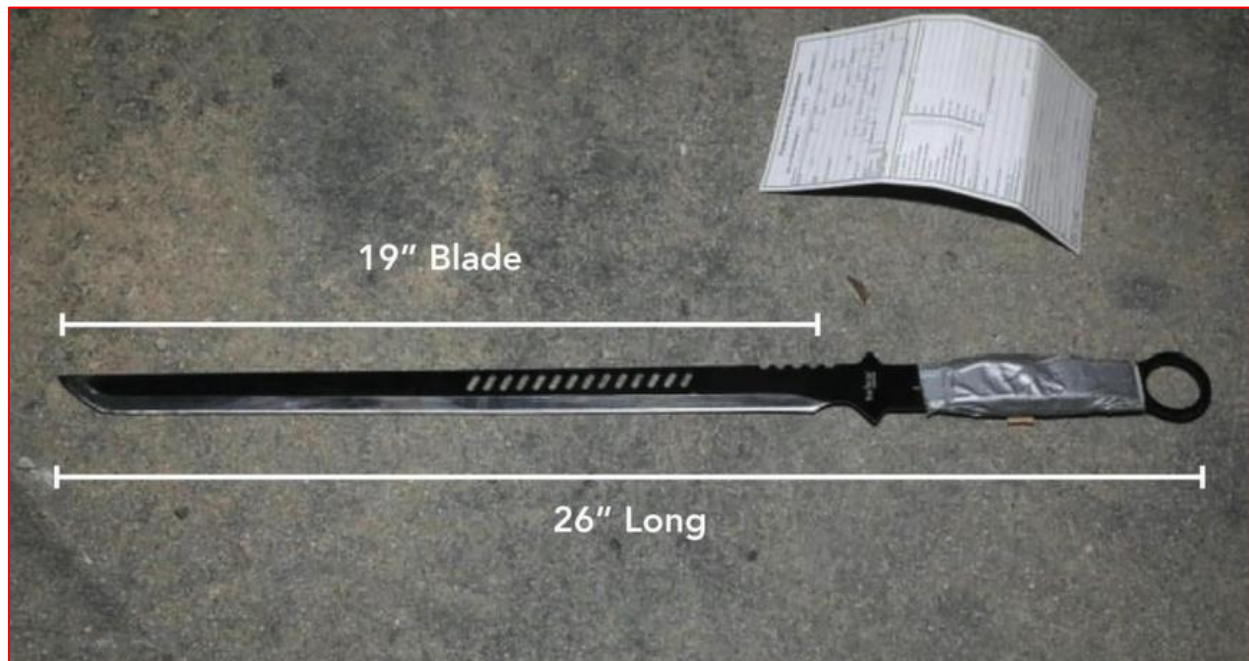


Figure 1- Photo of Pacheco's sword.

██████████ said that Pacheco was walking behind him and, for reasons unknown, Pacheco suddenly slashed him on the back of the head with the sword. A photo of ██████████'s head injury is shown below:



Figure 2- Photo of ██████████'s injury.

██████████. called 9-1-1 and reported that his brother hit him in the back of the head with a sword. Corporal Chad Jensen was on patrol, in uniform, and driving a marked patrol vehicle. He responded to the call. ██████████. spoke with Jensen and directed him to Pacheco's location.

Jensen drove a short distance and saw Pacheco attempt to conceal himself behind a hedge. Jensen stopped his patrol vehicle, exited, drew his service weapon, and ordered Pacheco to stop. Pacheco immediately emerged from the hedge and drew the sword from his pants/waistband area as Jensen continually ordered Pacheco to stop and show his hands. An image taken from Jensen's body camera video showing Pacheco emerging from the hedge and drawing a sword is shown below:



Figure 3- BWV of Pacheco drawing a sword and advancing toward Jensen.

Pacheco stepped off a curb and walked toward Jensen, closing the distance between them, while holding the sword in front of him. Jensen retreated and continued to issue commands for Pacheco to stop. Pacheco did not comply and continued to advance toward Jensen while wielding the sword, as shown in the image from Jensen's body camera below:

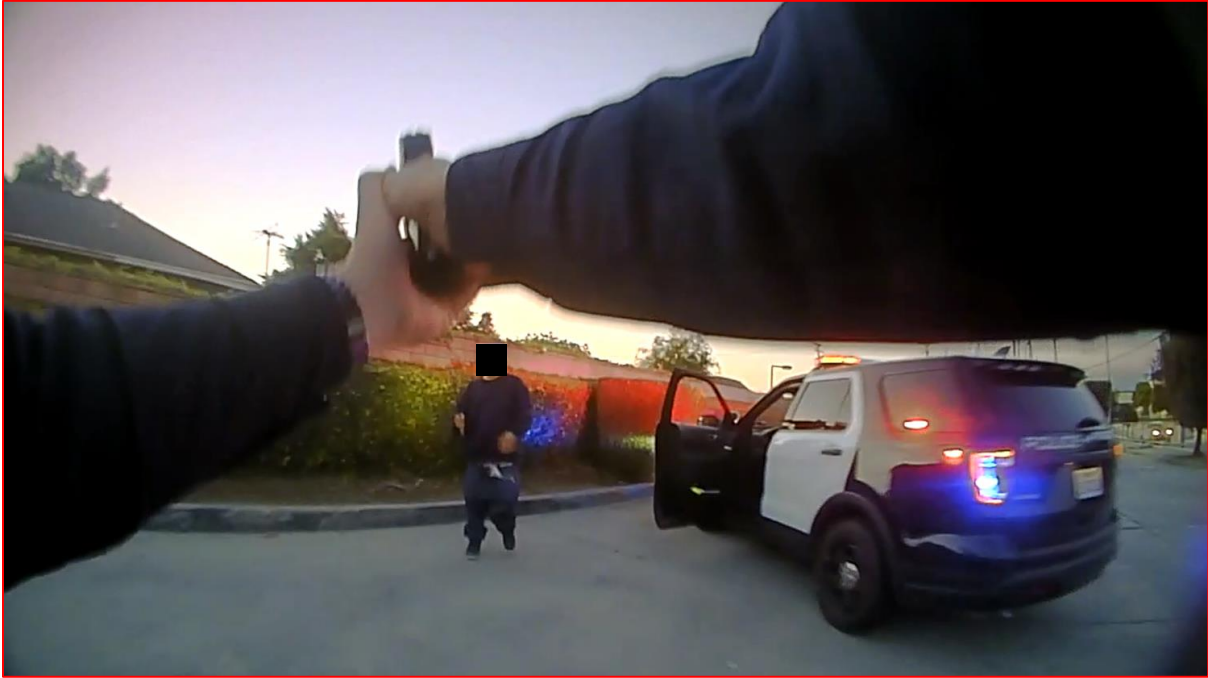


Figure 4- BWV of Pacheco advancing toward Jensen with a sword.

When Pacheco quickened his pace toward Jensen and refused to stop, Jensen fired four rounds at Pacheco, striking him three times.

An image from Jensen's body camera video showing the moment before the shooting, with Pacheco advancing toward Jensen while still wielding the sword is shown below:

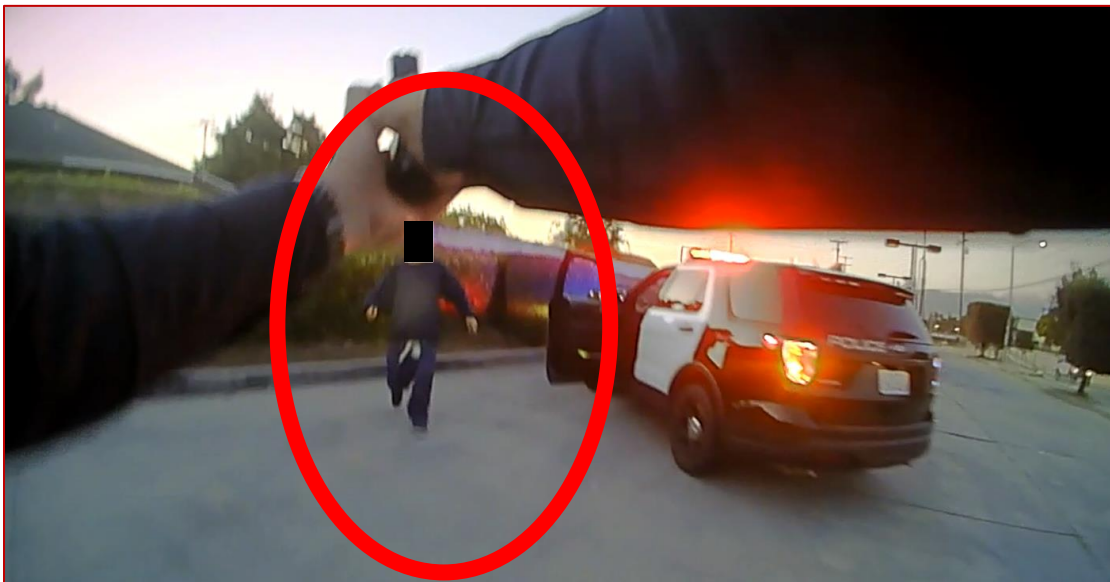


Figure 5- BWV of Pacheco advancing toward Jensen with a sword.

Backup officers arrived and medical assistance was rendered to Pacheco. Paramedics were also summoned and pronounced Pacheco deceased at the scene.

Postmortem Examination

On April 1, 2020, Deputy Medical Examiner Matthew Miller, M.D. performed a postmortem examination of Mr. Pacheco's remains. Dr. Miller concluded that Pacheco sustained gunshot wounds to the head, chest, and abdomen. The gunshot wound to the head was rapidly fatal. A toxicology analysis was performed and determined that Pacheco's blood had the presence of methamphetamine, Olanzapine (prescribed for treatment of schizophrenia), Sertraline (an anti-depressant), and Risperidone (prescribed for treatment of bipolar disorder and schizophrenia).

Corporal Jensen's Statement

On the advice of his attorney, Jensen declined to make a statement to detectives.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

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) and (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 is 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).

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Analysis

The evidence reviewed in this investigation shows that Pacheco, who had the presence of methamphetamine in his bloodstream and had a history of mental illness, inexplicably attacked his brother with a sword, causing a laceration on the back of his head. Corporal Jensen responded to a 9-1-1 call and attempted to detain Pacheco at gunpoint. Pacheco suddenly emerged from hiding in a hedge, drew the sword from his pants, and walked toward Jensen aggressively and while continuing to wield the sword in front of him. Pacheco's attack unfolded rapidly and there was insufficient time for Jensen to de-escalate Pacheco's attack. Jensen repeatedly ordered Pacheco to stop and attempted to distance himself from Pacheco by retreating. Pacheco did not comply and continued to advance on Jensen with the sword. When Pacheco quickened his pace toward Jensen and was closing the distance between them, it was evident that Pacheco was committed to attacking Jensen with the sword. Therefore, notwithstanding the officer's decision to not make a statement, the evidence supports a reasonable belief that the use of deadly force was necessary.

CONCLUSION

Based on a review of the evidence presented, there is compelling evidence, including video, that Pacheco wielded a sword and presented an imminent and deadly threat to Corporal Jensen. Under the circumstances, a reasonable officer in the same situation would believe his use of deadly force was necessary.