

**Fatal Officer Involved Shooting of Marco Vazquez, Jr. and
Non-Fatal Officer Involved Shooting of Christopher Vazquez**

Los Angeles County Sheriff's Department

**Sergeant Vincent Cisneros #519470
Deputy Patricia Miramontes #509018
Deputy Gregory Nickell #537987**

J.S.I.D. File #19-0424



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 10, 2022

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
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Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Marco Vazquez Jr.
Non-Fatal Officer Involved Shooting of Christopher Vazquez
J.S.I.D. File #19-0424
L.A.S.D. File #019-07153-1578-015

DATE: November 10, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 6, 2019, fatal shooting of Marco Vazquez, Jr. and non-fatal shooting of Christopher Vazquez by Los Angeles County Sheriff's Department (LASD) Sergeant Vincent Cisneros, and Deputies Patricia Miramontes and Gregory Nickell. We have concluded that there is insufficient evidence to prove they did not act in lawful self-defense at the time they fired their weapons.

The deputies were involved in a shooting that killed Marco Vazquez Jr. When they fired at Marco, they accidentally struck Christopher.

The District Attorney's Command Center was notified of this shooting on October 7, 2019, at approximately 2:28 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Derrick Alfred.

The following analysis is based on reports, recorded interviews, video recordings, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis. The deputies were not equipped with body worn video cameras.

SUMMARY

On October 6, 2019, LASD deputies stationed at the Pico Rivera Sheriff's Station responded to two separate domestic disturbance calls at the home of Marco Vazquez, Jr. (Vazquez). All of the responding deputies were in clearly marked black and white vehicles and wore LASD uniforms. The first call was placed at 8:10 p.m. The last of the deputies left the scene at 10:29 p.m. A second call for service at the same house went out at 10:33 p.m. The second caller indicated Vazquez was suicidal, experiencing hallucinations, and under the influence of

methamphetamine. When the deputies responded to the second call, Vazquez was armed with a kitchen knife and a deputy involved shooting occurred. Christopher Vazquez was standing behind Marco Vazquez, in the background as the deputies fired in Marco's direction. The deputies' gunfire inadvertently grazed Christopher's foot.

FACTUAL ANALYSIS

Witness Statements¹

Deputy Gregory Nickell

Nickell was assigned to a patrol vehicle as a single man unit on the day of the incident. At 8:10 p.m., he responded to a call regarding a domestic disturbance at a residence on Rexall Avenue in Whitter. The caller, a neighbor, said the disturbing party, later identified as Vazquez, lived at the home.

As he drove to the location, Nickell coordinated assisting units and discussed less lethal force options with other responding deputies. Prior to the deputies' arrival, the call was updated with the information that Vazquez was armed with a machete. The dispatcher did not say whether Vazquez had threatened or attacked anyone with the weapon. Based on the information that Vazquez was armed, Nickell activated his lights and siren. The call was updated again to say that Vazquez was no longer armed and that the family had taken the machete and hid it under the couch cushions.

As the deputies arrived, they gathered outside the house. A woman who Nickell could not identify, but who stated she was related to Vazquez, approached the deputies and told them Vazquez was having a schizophrenic episode. She reported that Vazquez had a history of drug use and she believed he was under the influence of methamphetamine at the time. She went on to say that there were six people in the house with Vazquez but there were no weapons inside.

The deputies illuminated the home and called residents out one by one. Everyone left the home except Vazquez, who refused to step outside. Family members called Vazquez and spoke to him over the phone. They were unable to coax Vazquez out of the house. The family gave the phone to Deputy Kenneth Felix, who reassured Vazquez the deputies were there to help. The deputies called the Mental Health Evaluation Team (MET) for assistance.

When the MET arrived, Clinician Jamie Ore spoke to Vazquez over the phone. Ore told Nickell and the other deputies that Vazquez did not say anything about harming anyone, including himself. He was only concerned about his daughters' safety. The deputies remained on scene for approximately two hours. During that time, Vazquez exited his house for short periods and reentered it. Nickell noticed Vazquez had no visible injuries. Nickell was not aware that Vazquez had committed any crimes. Nickell understood the MET clinician determined Vazquez did not meet criteria for an involuntary psychiatric hold pursuant to Welfare and Institutions Code section 5150. The deputies determined there was nothing more they could do to help.

¹ All interviews were recorded.

Nickell said the deputies explained to the family that the deputies were leaving the scene. Once the family indicated they felt safe around Vazquez and did not protest the deputies' withdrawal, the deputies left.

Approximately 20 to 30 minutes later the station received another call for service at the same house. On this occasion, the dispatcher informed the responding deputies that Vazquez was suicidal, possessed a machete, and wanted to be shot by the police.

By the time Nickell returned to the area, the call was updated to say that Vazquez was inside the home. The deputies on scene began to coordinate their response. Deputy Ramirez drove to the residence and illuminated it with his spotlight. Sergeant Cisneros walked towards the driveway with Nickell following him. Nickell was armed with a stun bag shotgun. Four to five adults Nickell recognized from the earlier call approached the deputies on foot from the direction of Vazquez's residence. Nickell said they had a "panicked" look on their faces. They told the deputies that Vazquez did not have the machete, but they were unaware if he had any other weapons in his possession.

Suddenly, Nickell heard women's voices yelling in panic and a voice he recognized as Vazquez's shouted, "Fuck you bitch! Look what you've done to me. I'm going to get you!" Nickell and Cisneros ran northbound towards the residence. The woman and Vazquez continued yelling as the deputies ran, but Nickell could not understand what they were saying.

When Nickell and Cisneros arrived at the end of the driveway, Nickell saw Vazquez holding a large kitchen knife and slashing at a woman who was three to four feet away from Vazquez. The woman was holding her hands up in a defensive manner as she tried to back away from Vazquez. Nickell believed Vazquez was trying to slash or kill the woman. Nickell recognized the woman from his earlier visit but could not remember her relationship to Vazquez. Other people were near the woman, but Vazquez seemed focused on the woman.

Cisneros told Vazquez to drop the knife three times as the woman continued to back away from Vazquez. Vazquez turned to his right, facing Cisneros. As Vazquez turned, the woman and the other people near him fled across the driveway to safety.

Nickell described Vazquez's expression as "the most intense face" he had ever seen in his life and Vazquez had "pure rage" in his eyes. Vazquez charged at Cisneros with the knife in his right hand with the blade pointed up. Nickell was certain Vazquez would stab Cisneros and himself. In fear for his life and for that of Cisneros, Nickell drew his duty weapon and shot four to six rounds at Vazquez. As Nickell fired his duty weapon, he heard the other deputies fire gunshots. Vazquez fell to the ground face down.

Nickell estimated Vazquez was 17 to 18 feet away when he started charging at Cisneros and himself, and seven to eight feet away when Nickell fired. Nickell kept his duty weapon trained on Vazquez after Vazquez fell to the ground because Vazquez was still holding the knife. Nickell gave commands to Vazquez to drop the knife and push it away. Vazquez was unresponsive to Nickell's commands and the knife stayed under his body.

Family members began to gather around Vazquez. The deputies moved them away from Vazquez so that they could provide medical aid. Three deputies rendered CPR until Los Angeles Fire Department (LAFD) personnel arrived and assumed medical assistance.

At some point Nickell noticed that the knife was on the side of the driveway, away from Vazquez's body, but he did not know how it got there.



Figure 1. This photograph depicts the scene in the driveway when LASD investigators arrived.



Figure 2. This photograph shows two knives recovered on the side of Vazquez's driveway following the incident.



Figure 3. This photograph shows the spread of spent cartridge cases following the deputy involved shooting. All of the cases that investigators recovered are shown with their respective evidence markers except evidence item #8, a .45 caliber cartridge case, which was found on the sidewalk near the front passenger wheel of the black car on the right side of the image.

Nickell was armed with a Smith & Wesson 9mm pistol. A round count conducted in the hours after the shooting indicated he fired five shots.

Deputy Patricia Miramontes

Miramontes also responded to the initial call for service at Vazquez's home. When she arrived, she called the residents out of the home one by one. Each of the residents left the house except for Vazquez. Among the residents at the scene were Vazquez's wife and children.

Vazquez owned a big rig tractor that was parked across the street. There was a woman inside the tractor and Vazquez's family members became very agitated when they saw her. Miramontes learned the woman inside the tractor was named [REDACTED], and she was Vazquez's girlfriend. Miramontes discovered that [REDACTED] had a warrant for her arrest, so Miramontes arrested her.

When she returned to Pico Rivera Sheriff's Station, Miramontes booked [REDACTED] into the jail. Before Miramontes could finish booking [REDACTED], there was a second call for service at Vazquez's home. Miramontes responded. As Miramontes arrived at house the second time, the call was updated with the information that Vazquez was outside the home, armed with a knife. She met with other responding deputies at an intersection a few houses south of Vazquez's home and they developed a strategy for approaching Vazquez. Once everyone had his or her assignment, the deputies approached the house on foot. Miramontes could hear deputies telling the residents to leave the location and family members began to run from the house towards the deputies.

Miramontes heard someone screaming for help. Based on the urgency of the tone, Miramontes believed the person screaming was in life-threatening danger and she began to run towards the sound with other deputies. She stopped at the south end of the driveway; Cisneros was next to her; and Nickell was on Cisneros' other side. Vazquez was scuffling with members of his family, then turned to look at the deputies. Miramontes saw that he had a knife in his hand. The knife was a large kitchen knife with a white handle and an eight to ten-inch blade. Vazquez yelled, "You did this bitch!" and Cisneros shouted, "Drop the knife! Drop the knife!" Vazquez ran towards the deputies with the knife raised and the blade pointed towards Miramontes as he ran. Vazquez looked "evil." Miramontes saw "rage in his eyes" and had no doubt that Vazquez intended to kill her and her partners. He was directly in front of her with the knife when she fired her duty weapon at him multiple times, striking him. Miramontes believed Vazquez was five to seven feet away when she shot. Miramontes was aware that other deputies fired their weapons simultaneously with her.

Vazquez fell face forward and family members rushed to him. Three to four family members were on top of the suspect. Miramontes wanted to help Vazquez, so she told a woman who she believed was Vazquez's daughter to get up so Vazquez could be medically treated. Once the family members were pulled away from Vazquez, Deputy Stephenson began to perform CPR on Vazquez.

Miramontes was armed with a 9mm Berretta handgun. A round count conducted at Pico Rivera Station following the incident indicated Miramontes fired three rounds. Physical evidence

recovered at the scene and the round count were consistent with Miramontes discharging three rounds.

Deputy Richard Ramirez

Ramirez was in full uniform driving a marked black and white police vehicle when he responded to both calls for service at Vazquez's house. When interviewed by investigators, his account of the events was substantially similar to the narratives provided above. He added that when the deputies were dispatched to the Vazquez home the second time, the operator informed the deputies that Vazquez was armed with a knife and wanted the police to kill him.

Ramirez was the first deputy to arrive on the scene in response to the second call. He parked at the intersection a few houses south of the location and saw several family members "huddled up" and standing south of the home. Ramirez instructed the family members to walk away from the house to the corner, which they did.

Nickell and Cisneros arrived at the scene and the deputies devised a plan to approach the house. Cisneros instructed Ramirez to drive north of the residence to prevent Vazquez from escaping in that direction as the other deputies approached from the south. As Ramirez drove past Vazquez's house, he saw Vazquez fighting with someone in the threshold of the front door. It appeared Vazquez threw a punch at someone. Other people were nearby, but because Ramirez was driving, he did not take in all the details.

Ramirez got out of his car and saw Vazquez in the driveway close to the house holding a knife with an eight-inch blade in his left hand. Cisneros, Nickel, and Miramontes were standing at the other end of the driveway, near the street, approximately 12 to 15 feet away from Vazquez.

Vazquez turned to face the deputies and Cisneros ordered him to drop the knife. Vazquez charged at the deputies, holding the knife at waist level. Ramirez believed Vazquez intended to stab Cisneros. All three discharged their duty weapons at him. Vazquez fell to the ground and family members rushed to him, laying on top of him and crying. The family members were moved away from Vazquez. Ramirez handcuffed Vazquez as Vazquez laid on the ground. Ramirez rolled Vazquez over and saw that there were two knives underneath him. Someone kicked the knives away from Vazquez. After confirming Vazquez was no longer a threat, Ramirez removed the handcuffs and began rendering medical aid until paramedics arrived.

Sergeant Vincent Cisneros

Cisneros was working as the field sergeant wearing full uniform driving a marked black and white police vehicle when he responded to both calls for service at Vazquez's house.

When he responded to the first call, Cisneros was present when Miramontes ordered the family members out of the house. The deputies interviewed the family members. Members of the family told the deputies that Vazquez is schizophrenic and had not been taking his medication. Although he possessed a knife, Vazquez had not threatened anyone with it. He only had the knife in the event someone wanted to hurt his family. Vazquez had ingested methamphetamine

which his girlfriend had provided to him, and she was in his truck, which was parked across the street from the house.

The deputies requested the assistance of a MET, which arrived after 20 to 30 minutes. The MET personnel included a sheriff's deputy and a clinician, who both spoke to Vazquez. Vazquez repeatedly stepped out of the house, shouted at the deputies, then went back inside. Deputy Felix and Vazquez's Aunt [REDACTED] also spoke to Vazquez over the phone. They both tried to get Vazquez to come outside, but he refused.

Deputies contacted Vazquez girlfriend, [REDACTED], in the truck. When [REDACTED] got out of the truck, the family rushed at her to attack her. The deputies protected [REDACTED] and detained her without further incident.

Vazquez repeatedly exited and re-entered the house, remaining outside for only a short time and always staying a good distance away from the deputies. At one point, Vazquez spoke to Parga and Cisneros. Vazquez was holding a bottle of whiskey but did not appear drunk. He also did not appear to be armed. Cisneros did not believe Vazquez presented a threat to himself or anyone else at that time.

Cisneros spoke to the MET members who said Vazquez did not meet the criteria for a 5150 hold. The MET members said they were unable to adequately evaluate Vazquez because he refused to stay outside long enough for them to complete an evaluation.

Cisneros determined that due to the fact Vazquez had not committed a crime and did not meet the criteria for a 5150 hold, there was nothing more the deputies could do to ameliorate the situation. Cisneros spoke to Vazquez's wife [REDACTED] and his Aunt [REDACTED]. He explained the deputies could not detain Vazquez for committing a crime nor did he meet the criteria for a 5150 hold. The family said they were not afraid of Vazquez and they intended to go into the house to get a few belongings and then leave the home and stay elsewhere for the night.

After briefing the Watch Commander on the situation, Cisneros decided law enforcement should leave the location. Cisneros and other deputies waited several minutes to ensure the family was safe to go inside the house. When the deputies saw the family entered the house without incident they left.

Cisneros returned to the station. A short time later a second call to the same location was dispatched. The dispatch communicated that the call was of an attempted suicide and the caller was Vazquez's father. Additionally, information was relayed indicating Vazquez was armed with a machete and wanted police to shoot him.

Cisneros responded to the second call. He arrived with Miramontes, Nickell, and Ramirez who all parked at the intersection south of the home. The four deputies began formulating a plan to address the situation when Cisneros saw family members rushing out of the home looking frightened. Cisneros then heard a male voice screaming as if he was seriously hurt, followed by several other people screaming. Cisneros believed that people were either being hurt or were extremely scared.

Nickell, Cisneros, and Miramontes (in that order) approached on the house on foot as multiple people continued screaming. When the deputies reached the end of the driveway, they saw Vazquez at the far end of the driveway, close to the garage. Vazquez was approximately 20 feet away from Cisneros. Vazquez was holding a knife and slashing at a woman who was backing away from him.

Cisneros shouted, "Drop the knife!" twice. Vazquez turned towards Cisneros and the woman fled from him towards the front door. Vazquez immediately advanced towards the deputies with a fast-paced walk. Vazquez held knife in his right hand with the blade pointing up. Cisneros said Vazquez's expression was one of rage and his body language was "intense, focused, and determined." Cisneros had no doubt Vazquez intended to kill him. Due to the fact Vazquez presented an imminent deadly threat, Cisneros concluded less lethal force was not an option. Cisneros fired four shots at Vazquez. Cisneros discharged his duty weapon when Vazquez was 12 to 13 feet away from him. Cisneros could not tell if the bullets he fired struck Vazquez, but saw Vazquez fall to the ground on his stomach.

Vazquez's family screamed and jumped on Vazquez. Cisneros told the family to get away from Vazquez so medical treatment could be administered, but they failed to comply, so the deputies had to physically remove them from Vazquez. The deputies handcuffed Vazquez, rolled him onto his side, and located the knife beneath him. Cisneros kicked the knife away from Vazquez's body. The handcuffs were removed from Vazquez's wrists and the deputies began to administer CPR until LAFD paramedics arrived and assumed medical care for Vazquez.

Cisneros was armed with a .45 caliber semiautomatic handgun. A round count conducted after the incident indicated that there was space in his magazine for four more cartridges. The overall evidence supports the conclusion that Cisneros fired two to four rounds.

Deputy Angelica Vega

Vega was in uniform and responded to the initial call for service in a marked patrol car with Deputy Frank Parga. When they arrived, Vega and Parga joined the deputies at the scene as they developed a plan to approach the house. Vega was assigned to stay with the family, keep them safe, and prevent them from interfering with the other deputies. Vega spoke to Vazquez's mother, ██████ one of Vazquez's daughters; and ██████, his wife. They said Vazquez's behavior was consistent with the way he normally acted when he was using methamphetamine. All of the women said they did not feel threatened by Vazquez's behavior.

██████ told Vega that Vazquez's girlfriend ██████ was inside his truck, which was parked across the street from the house. She said ██████ provided Vazquez with methamphetamine. ██████ said she called the police herself and told them Vazquez had a machete. She was afraid of Vazquez.

Vega remained at the scene as Vazquez exited and reentered the house while the deputies tried to convince Vazquez to come out so the MET could evaluate him. After two hours, the family said they were not afraid of Vazquez and wanted to go back inside the house. Once the deputies

concluded Vazquez had not committed any crimes, was not a danger to himself or anyone else, and refused to leave the house to be evaluated, the deputies left.

Vega responded to the second call for service at the Vazquez residence, but did not arrive until after the deputy involved shooting occurred. When she arrived, she had a conversation with [REDACTED] who said Vazquez was having an affair and using drugs. She told Vega that nobody in the family ever said they were afraid of Vazquez.

Deputy Michael Stephenson

Stephenson was on patrol on the day of the incident and responded to both calls for service at the Vazquez residence. While Stephenson was en route to the scene, he was directed to take a position behind the house for containment. As he arrived at his position behind the house, he heard six to seven gunshots.

Stephenson left his vehicle and ran towards the sound of the gunfire to provide assistance. He arrived to see Vazquez lying face down on the ground. When deputies rolled Vazquez over, Stephenson saw a large kitchen knife in Vazquez's right hand and a pocket-knife attached to his belt. At some point the knives were separated from Vazquez and Stephenson helped provide CPR.

Deputy Frank Parga

Parga was in full uniform and responded to the first call with Vega. When he arrived at the Vazquez home, he was assigned to the arrest team. As the deputies attempted to coax Vazquez out of the house, Parga spoke to Vazquez about Parga's service in the Marines and how much Vazquez loved being a trucker.

Vazquez seemed agitated but Parga did not think Vazquez would hurt himself or others. Vazquez seemed coherent and was able to carry on a conversation.

Parga responded to the second call for service but did not arrive until after the officer involved shooting occurred.

Deputy Brandon Walker

On the day of the incident, Walker was assigned to the MET. Walker's usual practice was to obtain mental health information as he responded to the scene. In this instance, Walker was unable to obtain mental health information for Vazquez and Vazquez had no prior history with the Department of Mental Health.

When he arrived at Vazquez's residence, he and fellow MET team member Jamie Ore spoke to Vazquez's family members, especially [REDACTED] and one of his daughters. They described Vazquez's extensive history of drug use and multiple mental breakdowns. Vazquez's relatives said Vazquez believed "shadow people" lived in the shed in the back yard and that there were people around the house trying to harm his family.

Walker spoke to Vazquez over the phone and convinced Vazquez to come outside. When Vazquez saw the deputies, he refused to come to edge of the driveway. Vazquez spoke to another deputy on the phone for approximately 20 minutes until Vazquez went back into the house.

The MET was unable to determine whether Vazquez was a danger to himself because Vazquez did not remain outside the house long enough for a clinician to perform an examination. Eventually, the watch commander gave the sergeant at the scene approval to disengage and Walker was told the deputies would be leaving. Due to safety concerns, the MET cannot work with a subject without deputies present.

Vazquez's wife [REDACTED] did not believe Vazquez presented a danger to her. Vazquez did not have a knife or machete and Vazquez never indicated he would harm himself or others

Kendall Sandler

Sandler is a Mental Health Clinical Supervisor. She responded to the first call at Vazquez's home and saw Vazquez in the driveway speaking to three deputies. Eventually, the deputies told Vazquez's family they were going to leave because Vazquez had not committed a crime. The family became upset and asked the deputies what they should do because they had been dealing with Vazquez for two weeks. The deputies asked the family if they were willing to leave the location for the night to avoid a confrontation with Vazquez. The family members said they needed their keys and belongings from inside the house. Leticia told one of Vazquez's daughters to go inside the home to get their belongings because Vazquez was not mad at his daughter.

One of the deputies video-recorded himself telling family members that if they entered the home they would be doing so of their own volition. Sandler believed the family was unhappy the deputies were leaving but did not know what the deputies could do to help.

The MET personnel are willing to stay and help if they have law enforcement support and security. She was not aware of threats Vazquez made to anyone or any behavior that would have made him a candidate for a 5150 hold.

Jamie Ore

Ore was a clinician assigned to the MET and responded to the call for service with Walker. She was provided the information that a barricaded man with a machete was breaking windows. She did not receive any mental health history for Vazquez.

There were many deputies at the scene when Ore arrived. Ore spoke to [REDACTED], who said Vazquez was paranoid and was under the influence of methamphetamine. Vazquez believed his ex-girlfriend's family was intent on harming his current family and he was in possession of a machete because he was "going to take care of them." [REDACTED] told Ore that Vazquez had recently been hospitalized on a 5150 hold after the family called law enforcement for assistance.

Ore spoke to Vazquez over the telephone. During the conversation she tried to gain his trust and convince him to exit the house. She began to fill out the paperwork for a 5150 commitment, but in order to effectuate a 5150 hold, the evaluating clinician is required to conduct a face-to-face assessment of the subject.

Ore collected Vazquez's medical information from [REDACTED]. Per [REDACTED] Vazquez was diagnosed with paranoid schizophrenia in 2012. He stopped taking medications in 2015 and was "a little paranoid" when he was not under the influence of methamphetamine. For the preceding three weeks, Vazquez carried a machete and kept it under the bed. Vazquez experienced hallucinations of shadow people that had been more pronounced during the preceding three weeks.

Ore was at the scene for approximately an hour. She saw a deputy recording a conversation with the wife before they decided that they would leave the scene.

[REDACTED]

Investigators interviewed Vazquez's mother, [REDACTED], at approximately 3:25 a.m. on October 7, 2019. Vazquez was diagnosed in 2012 with paranoid schizophrenia during a prison incarceration. He had a prescription for anti-psychotic medication, but he refused to take his medication properly. Approximately two months prior to the incident he started using methamphetamine, which aggravated his psychotic episodes. Vazquez became verbally hostile when he was under the influence of methamphetamine but was not physically violent. During psychotic episodes, Vazquez believed people were harming his family.

She said that the night before, Vazquez was experiencing a severe psychotic episode and was under the influence of alcohol and methamphetamine. She saw him drinking whiskey from a bottle in the driveway. On the day of the incident, he was experiencing a psychotic episode. He searched the house with a machete to ensure that nobody was there to harm the family. When [REDACTED] told Vazquez that his visions were not real, he became agitated. [REDACTED] advised her daughter-in-law and grandchildren it was not safe for them to come home.

Vazquez left the home but returned a short time later with the machete. Vazquez's father, [REDACTED], locked the front door and refused to let Vazquez into the house with the machete. After arguing with his father through the closed screen door, Vazquez used the machete to smash a stained-glass window beside the side of the door.

Vazquez called 9-1-1 and reported that people were in his house trying to harm his family. At that point, [REDACTED] called 9-1-1 herself. She told the operator that Vazquez was experiencing a psychotic episode, possessed a machete, and was trying to get into the house to protect his family.

[REDACTED] eventually let Vazquez into the house to get him to stop breaking the window. When Vazquez entered the house, he put the machete under a couch cushion and sat down on it. When Vazquez got up to use the bathroom, [REDACTED] hid the machete behind the couch. [REDACTED] then called 9-1-1 to let law enforcement know that Vazquez was no longer armed.

The deputies arrived followed by the MET. The MET attempted to negotiate with Vazquez, but he would not leave the house. Finally, the deputies and MET concluded that Vazquez had not committed a crime and did not meet the criteria for a 5150 hold. They left. Before they departed, the deputies asked the family to collect some belongings from the house and spend the night somewhere else until Vazquez settled down. ██████ did not realize the deputies thought that she and her husband ██████ should leave the house along with everyone else.

After the deputies left, Vazquez tried to persuade ██████ and ██████ to leave, but they did not. ██████ tried to calm Vazquez down. Vazquez was suicidal and on the day of the incident, he had spoken of different methods of committing suicide. Vazquez became more suicidal, so twenty minutes after they left, Vazquez's daughter ██████ called both the MET and Pico Rivera Sheriff's Department for help.

As the family waited for law enforcement to respond, ██████ cleaned up the broken glass on the front porch. Vazquez went out to the porch and argued loudly with his father and his brother, Christopher, as ██████ tried to get the men to stop yelling at one another.

██████ was standing in the middle of the driveway when the deputies ran towards the front of the residence with their weapons drawn. Vazquez began walking from the front porch, through the driveway and towards the street. Vazquez said something, but ██████ could not remember what it was. The deputies yelled, "Put your hands in the air!" Vazquez drew a kitchen knife from his waistband on the right side of his back. ██████ was within three feet of Vazquez when he drew the knife. Vazquez spun to face the deputies, holding the knife out in front of him in his right hand. He began moving towards the deputies. ██████ believed he began stumbling because he was intoxicated.

██████ saw two deputies in the middle of the street and heard eight to ten gunshots. Vazquez fell face down onto the edge of the driveway and ██████ threw herself on top of him to keep him from being shot again.

██████ said Vazquez took out the knife as the deputies approached because he "was on a suicidal mission."

██████.

██████ was Vazquez's wife. She and Vazquez had been experiencing marital issues because for the past few months, he had been letting his girlfriend live in his tractor which was parked in front of the family residence. On the day of the incident, he had ingested methamphetamine and alcohol and his behavior was erratic.

██████ had been contemplating divorcing Vazquez. On the morning of the incident, Vazquez told ██████ he was "going to take care of it." When ██████ asked him what he meant, Vazquez said he was going to "go out with a bang today," after "one last big high." He said he was responsible for what he perceived as a threat to his family's safety and if he was no longer around, the family would be safe.

██████████ was in the living room when Vazquez began breaking the stained-glass window with the machete. After Vazquez called the sheriffs, she remained near the residence until the deputies left.

After the deputies left, the family was outside the house preparing to leave the location for the night. Vazquez was on the front porch drinking a beer and playing music. Vazquez's father, ██████████, and Christopher began to argue with Vazquez about his behavior. Vazquez's and ██████████'s daughter ██████████ grew concerned and called the MET and the sheriff's station and asked them to return. ██████████ reported that Vazquez was suicidal. While ██████████ was speaking on the phone, Vazquez was asking her to call the police. Just before the deputies arrived the second time, Vazquez said to ██████████, "I am too handsome to do anything to myself, so I am going to have them do something to me."

██████████, her daughters ██████████ and ██████████, ██████████'s boyfriend ██████████, and Vazquez's Aunt ██████████, were standing in the middle of the street when the deputies arrived for the second time. The deputies asked the family to stay back from the home and began to approach the residence. ██████████ yelled to Vazquez that the deputies had arrived, and he said, "Great! Bring it!" ██████████ and the family moved farther away to the corner of Waddell Street.

As the deputies approached the home, ██████████ heard Vazquez yell, "Here I am! Come at me motherfuckers!" She did not see the shooting but heard seven gunshots, a pause, and then three more gunshots. She ran to the driveway and saw Vazquez lying in the driveway with gunshot wounds.

██████████.

██████████ is Vazquez's 22-year-old daughter. She arrived at the Vazquez home after the deputies left following the first call for service.

After the deputies left, Vazquez told everyone he wanted them to leave the house. ██████████ did not want to leave because Vazquez told her he wanted to inject himself with narcotics and overdose. ██████████ told ██████████ that Vazquez said if he could not bring himself to overdose, he would get deputies to kill him. ██████████ called the MET and asked them to return to the house because Vazquez was making suicidal threats. The MET directed her to contact LASD. She called LASD and reported that Vazquez was suicidal and intended to either overdose on narcotics or have the deputies kill him.

██████████ was south of the residence's driveway, standing in the street when deputies arrived. As the deputies approached the house, she heard Vazquez yell, "Motherfuckers! Let's go!" From where she was standing, she could not see Vazquez, nor could she tell whether Vazquez was holding anything in his hands. She saw two deputies fire their duty weapons as they stood in the street. She heard a series of gunshots followed by two to three more.

██████████.

██████████ is Vazquez's 20-year-old daughter. When the deputies arrived in response to the first call for service, she was inside the home taking care of her infant sister. Vazquez was a paranoid schizophrenic and ingesting methamphetamine aggravated his hallucinations. He had been sober for three years until he began using methamphetamine in August. He had been talking about committing suicide for several months before this incident.

After the sheriffs left, ██████████ planned to leave the house, but Vazquez became agitated and made suicidal threats. He told everyone to leave so he could overdose.

██████████ was on the street with several of her family members when the deputies returned. She was approximately a car length south of the driveway of her house. As the deputies approached the house, her Aunt ██████████ held her head turned away from the house. She therefore did not see the shooting, but moments before she heard the gunfire, she heard Vazquez scream, "Come at me motherfuckers!" She estimated that she heard seven to ten gunshots.

██████████

██████████ is ██████████'s boyfriend. He arrived at the Vazquez residence after deputies left following the first call for service.

When the shooting occurred, ██████████ was standing in the street near the house. ██████████ said Vazquez was standing in the middle of the driveway. ██████████ did not see anything in Vazquez's hands as he stood in the driveway facing the deputies and nothing obstructed his view of Vazquez's hands.

As the deputies approached the driveway, Vazquez said, "Come at me," and then ██████████ heard six gunshots, a pause and then two to three more gunshots. He did not hear the deputies give any commands prior to the shooting.

██████████

██████████ is Vazquez's father. Police were initially called to his house because Vazquez was breaking a window. Vazquez was not acting aggressively towards the family members. When the deputies arrived, the family exited the house and the deputies were able to calm Vazquez.

Deputies discovered a woman ██████████ did not know in Vazquez's truck. They arrested her. Before they left, the deputies suggested it would be best for the family to leave home.

When the deputies left, ██████████ went in the house. Vazquez was speaking about an imaginary person in the home who was trying to harm his family. Vazquez searched for the imaginary person but could not find anyone. ██████████ told Vazquez to go outside to get air. Vazquez went outside and wanted to play music. ██████████ told him to go to bed. ██████████ and Vazquez argued. ██████████ and Christopher came out to the front porch.

When the deputies arrived the second time, ██████ had gathered her children and was walking out to the street. ██████ was on the front porch. Vazquez was standing near the Jeep parked in the driveway. ██████ was standing behind Vazquez to his left and Christopher was standing behind Vazquez to his right. Suddenly, ██████ heard the deputies say, “Stop!” and shortly afterwards they said, “Move!” Vazquez appeared surprised by deputies’ presence.

Vazquez took a few steps toward the street as he reached to his lower back with his right hand and removed a kitchen knife. Vazquez raised the knife and when it was even with his shoulder, Marco heard six to eight gunshots. Vazquez fell to ground. Marco heard three more shots. The deputies were approximately ten feet away from Vazquez when they fired. Marco did not hear Vazquez say anything before he was shot. Vazquez was not threatening anyone with the knife when the deputies arrived.

Christopher Vazquez

Christopher is Vazquez’s brother. He was at home throughout the incident. He told investigators that Vazquez was having a psychotic episode. Vazquez believed an imaginary person was inside the home and wanted to harm the family. The deputies came, but they determined there was nothing they could do to help.

After the deputies left, Vazquez told his family he wanted them to leave. Christopher and his parents refused to leave. They began arguing with Vazquez. Vazquez threatened to hurt himself and said he wanted the police to shoot him. Someone in the home called the MET. Christopher and his parents unsuccessfully attempted to calm Vazquez.

Immediately before the deputies arrived, ██████ was cleaning the broken glass off the front porch. ██████ and Christopher were arguing with Vazquez. When the deputies arrived, Vazquez and ██████ were standing in the driveway next to the Jeep. Christopher was covering a birdcage, which was in the driveway close to the house. ██████ had her back to the Jeep and Vazquez was facing her. The deputies had their weapons drawn and were standing at the end of the driveway.

Suddenly, Vazquez reached to his right side and armed himself with a knife. Vazquez turned slightly to the right—towards the deputies—while holding the knife pointed up. Almost simultaneously the deputies fired seven to eight shots at Vazquez. There was a short pause and then the deputies fired two to three more times. Vazquez fell face first to the ground. Christopher suffered a graze wound on his foot and he too fell to the ground. Leticia jumped on Vazquez in an attempt to protect him.



Figure 4. This photograph depicts the graze wound on Christopher's foot.

Christopher did not hear the deputies say anything before they fired their weapons. Vazquez did not wave or point the knife at anyone. Vazquez would not have hurt the family,

Christopher said Vazquez is a recovering addict who has had mental issues for ten years. Vazquez had been drug-free for three years but relapsed a few months ago. Vazquez told Christopher that he was tired of his life and wanted to end it. Vazquez believed his ex-girlfriend's family members wanted to harm Vazquez's family and Vazquez wanted to protect them.

██████████.

██████████ was Vazquez's aunt and lived a short walk from the Vazquez's home. She said Vazquez had been using methamphetamine in the past three weeks. Recently he was arrested and hospitalized for 72 hours. Since his release, he began experiencing psychotic episodes. On the day of this incident, Vazquez called ██████████ to talk to her about people who wanted to harm his family. ██████████ was concerned and decided to go to Vazquez's house.

As she walked up to the house, she heard glass breaking. When she got to the porch, she saw that the window near the front door was broken. Inside, Vazquez was acting bizarrely and carrying a machete. Vazquez told ██████████ that people were inside the home and wanted to harm his family. She told him nobody was in the house. She later was told he had been drinking whiskey and was under influence of methamphetamine.

A short time later, the deputies arrived and spent approximately an hour trying to convince Vazquez to go outside. Finally, they explained to the Vazquez family that it was not safe for them to stay at the home and they left.

Vazquez wanted the rest of the family to leave the house. ██████ called law enforcement to tell them that Vazquez was suicidal. ██████ was on the front porch cleaning up broken glass. ██████ and Vazquez were arguing. ██████ and Christopher joined in the argument. ██████ left the house with ██████, ██████, ██████i, and ██████. Vazquez hugged Christina as she left. Vazquez was not armed.

As ██████ and the rest of the family walked down the driveway, two sheriff's vehicles arrived. Another deputy was "creeping" on foot towards the driveway armed with a shotgun. A deputy directed ██████ and the others to the northwest corner of the driveway. She heard Vazquez say something and then she heard shots fired immediately afterwards. ██████ did not see the shooting. The deputies never commanded Vazquez to drop a weapon or put up his hands.

Physical Evidence

Spent Cartridge Cases

Investigators recovered a total of ten spent cartridge cases at the end of the driveway, and in the street and gutter immediately adjacent to the driveway. Of the ten cartridge cases, eight were "9mm Luger FC" cartridge cases and two were "Winchester .45 auto" cartridge cases.

Alcohol Containers

Two alcohol containers were recovered from the planter on the south side of the driveway—one 375-milliliter "Seagrams 7" whiskey bottle was partially empty and a 12-ounce bottle of beer was empty.

Knives

Two knives were also recovered on the south side of the driveway. A black folding knife with a blade approximately three inches long was partially opened. A kitchen knife with a blade that was approximately eight inches long was recovered nearby.

Deputies recovered a black machete with a 12-inch blade behind the couch in the living room.

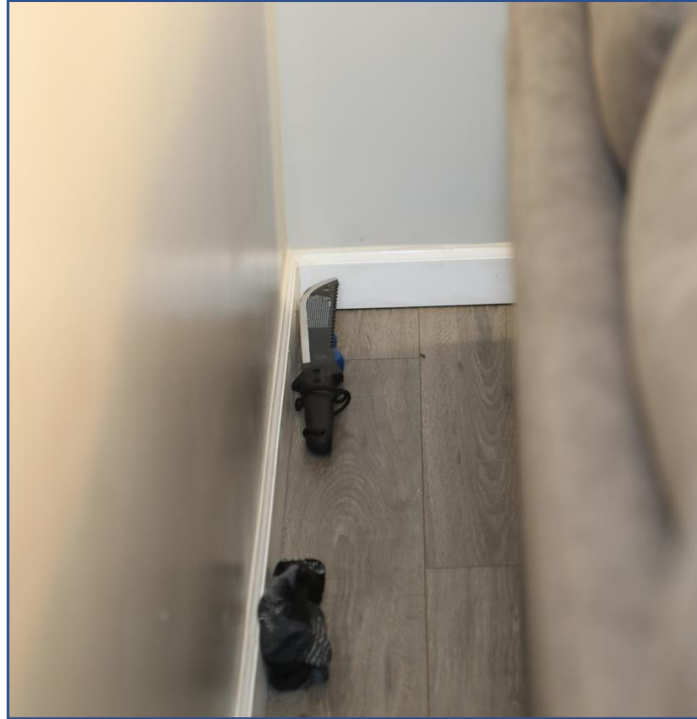


Figure 5. This photograph shows the machete that deputies recovered behind the couch in the living room.

Videos

████████ provided investigators with a video she obtained from social media which she believed came from a house directly across the street from the Vazquez’s residence. The video showed an awning covering what appears to be a backyard patio. It does not show any of the events of the incident. The audio portion of the recording, however, may be consistent with the incident. The audio recording captures multiple gunshots followed by a slight pause and two more gunshots and more unintelligible screaming. There are fewer than two seconds of sound recorded prior to the gunfire. The audio recording prior to the gunfire includes a female voice screaming unintelligibly. The audio does not confirm or disprove any witness’ account of events prior to the shooting—there are no commands issued by deputies; and there is no confrontational statement by Vazquez. It is not apparent that the recording would have captured those statements if they were uttered. Investigators canvassed the area around the Vazquez home but could not locate an awning or a yard consistent with the video and therefore were unable to obtain more of the recording.

Prior to his departure after the first call for service, Cisneros recorded an interview with ██████████ and ██████████. In the video recording, Cisneros said to each woman that Vazquez had not committed any crime and each of them agreed with Cisneros. Cisneros explained to ██████████ that if she felt as if Vazquez were a danger to himself or the family, the deputies would detain him. He confirmed with ██████████ and ██████████ that they intended to return to the house and retrieve belongings so they could stay elsewhere for the evening. Each woman told Cisneros that she felt safe going into the home with Vazquez.

Autopsy

On October 9, 2019, Deputy Medical Examiner Doctor Zuhha Ashraf performed an autopsy on Vazquez's body. Dr. Ashraf determined the cause of death was due to multiple gunshot wounds. Vazquez suffered eleven gunshot wounds. The entrance wounds for the gunshots were: right front scalp, right shoulder, right upper chest, mid lower chest, left abdomen, left upper back, right lower chest, right upper thigh, and right upper arm. There were also two graze wounds to Vazquez's left thigh and a possible graze wound to his scrotum.

A forensic analysis of Vazquez's blood detected the presence of methamphetamine. Vazquez's chest blood had a blood alcohol content (BAC) of 0.116%; his femoral blood had a BAC of 0.039%; and his vitreous BAC of 0.046%.

LEGAL ANALYSIS

In evaluating whether a police officer's use of force was reasonable, 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 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.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger the person perceived need not to have actually existed. *Id.*

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Marco Vasquez Fatal Officer-Involved Shooting

In this case, Vazquez was acting erratically. He was under the influence of methamphetamine, experiencing paranoid hallucinations, and suicidal. He had expressed a desire to force the deputies to kill him. There was a machete in Vazquez's house and he possessed it immediately prior to the deputies' arrival. When ██████ called LASD for assistance the second time, she reported that Vazquez wanted the deputies to kill him. The deputies were aware of all of these

facts prior to their arrival when they responded to the second call. The deputies were therefore aware they were entering a situation that was dangerous for themselves and others. These facts are undisputed.

Each of the deputies who witnessed the deputy involved shooting were consistent in their description of events prior to the shooting. Each of the deputies reported that as they approached the house, they heard shrieks of pain or fear and ran towards the driveway. When they reached the driveway, Vazquez was wielding a knife and slashing at a woman—[REDACTED]—who was retreating from him. Cisneros repeatedly told Vazquez to drop the knife. Each of the deputies was struck by the rage in Cisneros' expression as he turned towards them. Vazquez ran towards the deputies with the knife extended. Each of the deputies stated he or she believed that if he or she did not employ deadly force, Vazquez would kill him or her. A kitchen knife with an eight-inch blade was recovered at the scene, which is consistent with the deputies' account of events. Under the scenario described by each of the deputies, each of the deputies acted in lawful self-defense or defense of others when they fired their weapons to end the deadly threat each believed Vazquez posed.

Members of the Vazquez family contradicted several aspects of the deputies' description of events. None of the family members reported hearing panicked screaming prior to the shooting. Several family members reported Vazquez making a confrontational exclamation, such as, "Come at me!" which none of the deputies mentioned. None of the family members said Vazquez slashed at [REDACTED] prior to the shooting or even had a knife in his hands when the deputies arrived at the end of the driveway. None of the family members heard any deputy telling Vazquez to drop the knife prior to firing. [REDACTED], [REDACTED], and Christopher all said Vazquez did not arm himself with a knife until after the deputies arrived.

No definitive proof exists that would demonstrate which version of events is the most correct. The fact that two knives were found in close proximity to Vazquez after the officer involved shooting tends to corroborate the deputies' statements that he was armed with a deadly weapon. Given the available evidence, it is impossible to disprove the deputies were in honest and reasonable fear for their lives or the lives of their fellow deputies.

Christopher Vazquez Non-Fatal Officer-Involved Shooting

If a defendant commits an act accidentally—without the intent required for a particular crime—he or she cannot be found guilty of that crime. CALCRIM 3404. However, if someone commits an assault with a deadly weapon, that person may be criminally liable even without the intent to use force against that person or without the knowledge that harm might occur to another when he or she committed the assaultive act. *People v. Williams* (2001) 26 Cal.4th 779, 790.

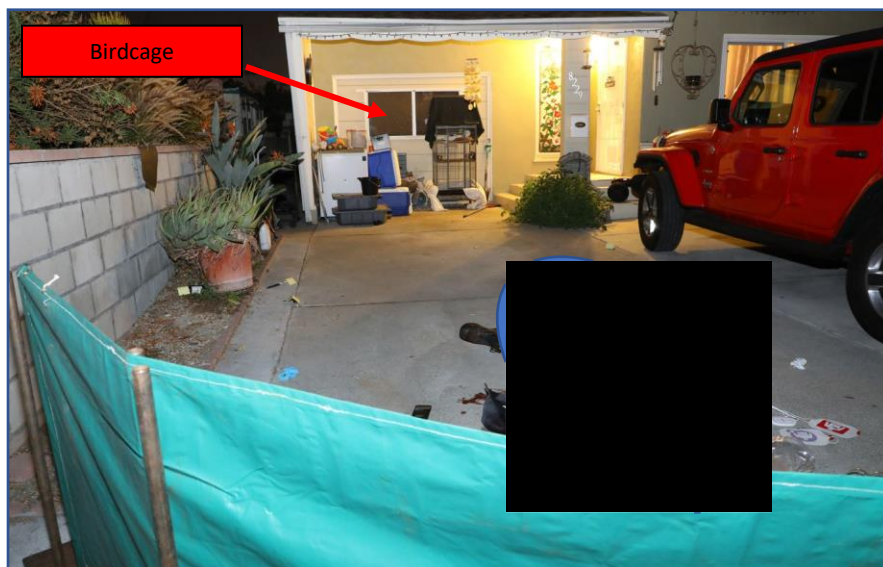


Figure 6. This figure shows the relationship between the location of the body after the paramedics left the scene and the birdcage where Christopher was standing when the officer involved shooting occurred.

There is no evidence that the deputies intended to shoot Christopher. The evidence indicates that Christopher suffered the graze wound to his foot because he was in the driveway behind Vasquez when the police fired at Vasquez and that Christopher was struck accidentally. The deputies fired their weapons from the end of the driveway towards the house; in other words, they generally fired from an east to west direction. Christopher reported that he was putting the cover on the birdcage at the end of the driveway near the house when the officer involved shooting occurred in the driveway. Therefore, Christopher would have been in the background, directly behind Vasquez when the deputies fired their duty weapons. Each of the deputies said he or she fired at Vasquez, not Christopher.

Even though the deputies shot Christopher accidentally, they could still be liable for committing an assault with a deadly weapon if they willfully did an act that “by its nature would directly and probably would result in the application of force to someone.” CALCRIM 875. The law of self-defense shields the deputies against criminal liability for assault with a deadly weapon. If the deputies acted in reasonable self-defense when they fired at Vasquez and accidentally struck Christopher, they cannot be convicted of assault against Christopher. Because it is impossible to disprove the deputies fired in self-defense, they should not be charged with assault with a deadly weapon against Christopher.

CONCLUSION

We find that there is insufficient evidence to disprove that Sergeant Vincent Cisneros, and Deputies Patricia Miramontes and Gregory Nickell acted lawfully in self-defense when they used deadly force against Marco Vasquez, Jr. and accidentally struck Christopher Vasquez.